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PROMOTING TOLERANCE AND INCLUSIVENESS

IN INDONESIAN
PLURALISTIC SOCIETY

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Dr. Y. Budi Sarwo, SH., MH
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PROMOTING TOLERANCE AND INCLUSIVENESS IN INDONESIAN PLURALISTIC SOCIETY

Editor(s):

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EDITORIAL NOTES

This book is accomplished and compiled by several lecturers from various schools at Soegijapranata Catholic University, Semarang, Indonesia. It is presented to enrich the academic and contemporary literature and discourse based on students' and society's need to understand the issues of tolerance and inclusiveness in a pluralistic society. As a pluralistic nation, the Indonesian community needs references regarding tolerance and inclusive behavior and the awareness to appreciate diversity as a blessing that must continuously be nurtured to avoid violence and social conflicts.

Various social conflicts have arisen in Indonesian history caused by 'identity issues' such as ethnic, religious, racial, and inter-group diversity, social status, wealth, and gender discrimination. Discrimination and intolerance practices based on those issues and others, such as limited access for women, children, disabled groups, and people living with HIV/AIDS, are still increasingly occurring, and the list continues to grow..

As a civilized country, discrimination and intolerance in Indonesia must be abolished, and respect for human rights needs to be continuously nurtured and implemented in Indonesia. With a conducive social climate and fair and equitable access to natural, economic and political resources for all groups of people in Indonesia, we believe that our nation will be more respected and dignified globally.

No one deserves to be marginalized or forgotten in our country. Instead, any Indonesian should enjoy our nation's natural and cultural richness. Regardless of one identity, all groups of people should participate fully in economic, social, political, and cultural life. One way to

achieve this is to develop and build a climate of peace to replace violence, intolerance, and discrimination practices that can divide and destroy our nation.

This book consists of **9 (nine) chapters** and is written in 2 (two) different languages, namely Indonesian and English. Along with these two books, **an online board game called 'Karma Gameboard'** is also designed. Therefore, students can play virtually related to all the issues raised in the book **as an alternative teaching-learning process**. In addition, along with the two books and the board games, 2 (two) books containing questions bank are also developed in both Indonesian and English Languages. The question bank books include questions put for playing this Karma Game. To play the game, every player has to roll the dice, drop into the specific 'compound or issue area,' and answer the tolerance and inclusiveness issues questions. The compound consists of 8 (eight) different issues such as religious issues, ethnicity issues, gender issues, social status issues, etc. Each answer has its karma. For example, suppose the answer is considered the most appropriate; the player will get positive karma (+2). On the other hand, if the answer is deemed to be wrong and does not reflect a positive attitude of tolerance and inclusiveness, the player will get karma (0) or negative karma (-2). The game-winner will be the player who receives the most positive karma

The contents of this book are as follows: **Chapter 1** is an introduction written by the Editorial Team and aims to guide the reader on all the issues raised in the book. This chapter describes the notion of tolerance, inclusiveness, and understanding of a pluralistic society and invites readers to respond wisely to the diversity that exists in Indonesia. **Chapter 2** is a chapter that discusses discriminatory practices and intolerance related to social

status in society. **Chapter 3** raises the issue of freedom of religion and belief in Indonesia. The issue of freedom of religion and belief is susceptible in Indonesia, and the author presents the principles of human rights law to explain the problems. **Chapter 4** contains gender issues in everyday life due to the existing culture of patriarchy. **Chapter 5** discusses anti-bullying behavior that often afflicts students due to their lack of understanding of the meaning of bullying and bullying behavior. Students are often trapped in negative bullying behavior without knowing and realizing it. **Chapter 6** addresses the issue of equality and the principle of non-discrimination based on race. Some literature says that racial differences are not natural but designed politically to deal with different races i.e., Caucasian, Asian, Hispanic, White-Black, and others. The issue is also essential in Indonesia, as discrimination and intolerance still exist in society, especially toward Chinese people. **Chapter 7** raises the issue of developing tolerant practices and an inclusive attitude towards the diversity of different ethnic groups in Indonesia. **Chapter 8** is written to pay more tolerant behavior to community groups who are often stigmatized or 'negatively labeled' by Indonesian society, namely LGBT. Mostly they are rejected and even criticized due to religious reasons. The last chapter is **Chapter 9**, which contains an invitation to understand and develop tolerant and inclusive behavior towards disadvantaged groups of people, namely people living with HIV/AIDS and the disabled.

Some of the work to complete the whole program remains and must be completed accordingly. Soon, for the additional result, the team still needs to publish the activity in national/international journals and national/international conferences to introduce the 'Karma Gameboard' and share the new findings with a broader academic community. Finally, the team still has the task of registering all the work to obtain intellectual property rights (copyright).

Last but not least, the team hopes that this work could be used broadly as a meaningful alternative teaching-learning process to deepen and promote the understanding of tolerance and inclusiveness for students, lecturers, and a broader community.

Editorial Team,

Dr. Marcella E. Simandjuntak, SH., CN., M.Hum
R. Setiawan Aji Nugroho, ST., M.CompIT., PhD
Yonathan Purbo Santosa, S.Kom., M.Sc.
Dr. Y. Budi Sarwo, SH., MH
Dr. A. Joko Purwoko, SH., M.Hum

FOREWORD
SOEGIJAPRANATA CATHOLIC UNIVERSITY RECTOR

"Diversity is a God's gift." It is a simple-brief formulation but has a deep-profound meaning –put forward by our national Hero, first archbishop and also Soegijapranata Catholic University Patron, Mgr. Alb. Soegijapranata. The word "diversity" according to Mgr. Alb. Soegijapranata, indicates an acknowledgment of the fundamental identity of the Indonesian nation which is pluralism. This acknowledgment is the basis for the next attitude represented by the word "grace." Therefore, diversity has to be interpreted very positively as an abundant blessing received from our loving God-given for our nation. Not the other way around as a difficulty. The meaning becomes very important because it will determine how individuals in society will behave, act and build relationships by living together as human fellows.

As a pluralistic nation, apprehensivelly and recently, Indonesia still has significant challenges managing diversity. Discriminations and exclusive attitudes in ethnicity, group, religion, race, political choice, and gender still exist in our daily life. Even arranging a burial of a family member is still widely debated in Indonesia. Some religious groups express the refusal to earth-up their passed away family in the same area with those coming from different religion.

Written by Soegijapranata Catholic University (SCU) lecturers, this book brings fresh air in the middle of this current uncomfortable situation. As an academic discourse, this book offers Indonesian the opportunity to

build a peaceful life together in a case of diversity. Indeed, diversity should be considered a social capital for the sake of this nation. A dignified nation is a nation where diverse people can live together peacefully and harmoniously. Mahatma Gandhi once said that our ability to reach unity in diversity would be the beauty and test of our civilization.

At this precious moment, I would also like to express my gratitude to United Board for Christian Higher Education in Asia or UBCHEA's President and Staffs for their valuable contribution in providing opportunities for the SCU team to finish the project. I truly believe that UB's assistance in this enlightening project will significantly benefit our student teaching-learning process and eventually educate Indonesian broader community on the value of tolerance and inclusiveness.

This book is truly one of the actualizations of the spirit of Soegijapranata Catholic University, "Talenta pro-Patria et Humanitate", the genuine dedication of SCU lecturers for Indonesia and humanity. Enjoy your reading.

Rector,

Dr. Ferdinandus Hindiarto, S.Psi., M.Si

EDITOR & CONTRIBUTOR

Marcella E. Simandjuntak is a permanent lecturer at the Faculty of Law and Communication of Soegijapranata Catholic University

R. Setiawan Aji Nugroho is a permanent lecturer at the Faculty of Computer Science of Soegijapranata Catholic University

Yonathan Purbo Santosa is a permanent lecturer at the Faculty of Computer Science of Soegijapranata Catholic University

Yohanes Budi Sarwo is a permanent lecturer at the Faculty of Law and Communication of Soegijapranata Catholic University

A. Joko Purwoko is a permanent lecturer at the Faculty of Law and Communication of Soegijapranata Catholic University

Eviana Budiartanti Sutanto is a permanent lecturer at the Faculty of Medicine of Soegijapranata Catholic University

Cynthia Tjitradinata is a permanent lecturer at the Faculty of Medicine of Soegijapranata Catholic University

Benny Danang Setianto is a permanent lecturer at the Faculty of Law and Communication; and Master Program of Environmental and Urban Studies of Soegijapranata Catholic University

Gregorius Yoga Panji Asmara is a permanent lecturer at the Faculty of Medicine of Soegijapranata Catholic University

Angelika Riyandari is a permanent lecturer at the Faculty of Language and Arts of Soegijapranata Catholic University

Heny Hartono is a permanent lecturer at the Faculty of Language and Arts of Soegijapranata Catholic University

CVR. Abimanyu S. is a permanent lecturer at the Faculty of Psychology of Soegijapranata Catholic University

Rika Saraswati is a permanent lecturer at the Faculty of Law and Communication of Soegijapranata Catholic University

Adrianus Bintang Hanto Nugroho is a permanent lecturer at the Communication Department, Faculty of Law and Communication of Soegijapranata Catholic University

Andhika Nanda Perdhana is a visiting lecturer teaching General Education at Soegijapranata Catholic University

Donny Danardono is a permanent lecturer at the Faculty of Law and Communication; and Master Program of Environmental and Urban Studies of Soegijapranata Catholic University

M. Suharsono is a permanent lecturer at the Faculty of Psychology of Soegijapranata Catholic University

Hironimus Leong is a permanent lecturer at the Faculty of Computer Science of Soegijapranata Catholic University

St. Hardiyarso is a permanent lecturer at the Communication Department, Faculty of Law and Communication of Soegijapranata Catholic University

Perigrinus Hermin Sebong is a permanent lecturer at the Faculty of Medicine of Soegijapranata Catholic University

Henrita Ernestia Simandjuntak is a permanent lecturer at the Faculty of Medicine of Soegijapranata Catholic University

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CHAPTER 1

TOLERANCE AND INCLUSIVENESS
IN PLURALISTIC SOCIETY: AN INTRODUCTION

By:
Marcella Elwina Simandjuntak, R. Setiawan Aji Nugroho, Yonathan Purbo Santosa, Y. Budi Sarwo, A. Joko Purwoko[1]

A. INTRODUCTION

What is the meaning of tolerance and inclusiveness? Why is it important to discuss the meaning of tolerance and inclusiveness? Furthermore, what is the meaning of a phrase that is often heard in our daily lives, namely "plural society"? This paper is a brief introduction to the meaning of tolerance and inclusiveness as the foundation for peaceful coexistence in a pluralistic society.

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[1] Marcella Elwina Simandjuntak, Y. Budi Sarwo dan A. Joko Purwoko are permanent lecturers from the Faculty of Law and Communication, Soegijapranata Catholic University (SCU), e-mail: marcella@unika.ac.id; budisarwo@unika.ac.id, joko.purwoko@unika.ac.id; Yonathan Purbo Santosa dan R. Setiawan Aji Nugroho are from Faculty of Computer Science of SCU; yonathansantosa@unika.ac.id; nugroho@unika.ac.id

A pluralistic society is a society in a certain area consisting of or formed from diverse individuals and groups, who interact with one another. A person's existence in a pluralistic society can occur because of birth or migration.

A person can live in a pluralistic society if he or she is born in a community different from his or her original community. Take for example 'Ucok', a Batak boy born in Surabaya, which is mainly inhabited by Javanese people. The existence of a person in a pluralistic society can also occur due to displacement or migration. Migration is the movement of people from one place to another with the aim of settling, either temporarily or permanently. Migration can take place from one village or city to another village or city, from one island to another island, and even from one country or to another country. Such is the case of a family from Central Java who have migrated to Lampung, settle, blend and eventually intermarry with the local people.

Pluralism can occur both on a small scale as well as on a large scale. Pluralism can occur in a classroom, school, neighborhood, village, city, island, or even a country. In a school, for example, we can meet schoolmates from different ethnic groups (Batak, Javanese, Chinese, etc.), different skin colors (black, brown, olive, etc.), different religions (Islam, Christian, Hinduism, Buddhist, etc.), different social classes (poor and wealthy), and even those having different kinds of disabilities. How should we deal with these differences? Is it right to only associate with those who come from the same group or should we also associate, recognize and

work with those who come from different communities or groups?

This article will try to discuss the meaning of a pluralistic society, the meaning of tolerance and inclusiveness and the importance of developing a tolerant and inclusive attitude in a pluralistic society as a foundation for peaceful coexistence.

B. DISCUSSION

1. Plural Society

A pluralistic society is a society consisting of various groups or communities, each having different backgrounds such as religion, ethnicity, race, and language that are living together in a certain area. The concept or idea of pluralism has become an important part in various social and political sciences discussions. Terms such as pluralism, multi-culturalism, multicultural society, etc. have even become an important part of the glossary of the world of education (Grishaeva, 2012: 916). The term 'identity' or 'identity construction' or 'politics of identity' is also widely discussed in studies of plural societies (Liliweri, 2018: 122).

Rosado (1997) defines a plural society or what he calls multiculturalism as "a system of beliefs and behaviors that recognizes and respects the presence of all diverse groups in an organization or society, acknowledges and values their socio-cultural differences, and encourages and enables their continued contribution within an inclusive cultural context which empowers all within the organization or society" (Rosado, 1997: 2). He underlined several important terms or phrases, namely

beliefs and behaviors, recognize and respects, acknowledges and values encourages and enables empowers which can be described as follows (Rosado, 1997: 2-4):

a. The first important terms or phrases are 'beliefs' and 'behaviors'. Beliefs and behaviors has become created order in our society and shaped the world as we live today;

b. The second and third terms are 'recognizes' and 'respects'. Recognition is an acknowledgment that we live in a diverse society and therefore the following word that must be understood is 'respect'. Respecting differences is an attitude where even though someone is different from us or our group, he or she is treated with respect, courtesy, and love in order to maintain the integrity, dignity, and social values of the person. Acknowledging and respecting are two different things, because acknowledging a person or a group does not necessarily respect the differences of that person or group;

c. The next important vocabulary is 'acknowledges' and 'values'. Living in a pluralistic society also means acknowledging the different cultural expressions and contributions of different groups. Some good cultural practices from other groups, can be used for the development of society as a whole. Rosado said that usually the cultural contribution of the minority community—which is different from the majority (dominant) group—is only recognized if it has economic value, for

example traditional dances for tourism purposes or traditional cuisine for culinary purposes (Rosado, 1997: 3). For example, 'Saman Dance' from Aceh or 'Janger Dance' from Bali, 'Rendang' a very delicious cuisine from Padang or 'Gethuk Goreng' from Purwokerto. Due to their exotic nature and taste and commercial value, these dances or cuisines are widely used for tourism promotion purposes. According to Rosado (1997), 'acknowledgments' and 'values' (appreciating) of diversity should make us respect the differences offered by other people or groups, not only for economic interests and not necessarily rejecting or belittling opinions, values, their beliefs, simply because they are different from what the majority group considers true, essential and valuable;

d. Another important term is 'encourages' and 'enables' which means to encourage activate and enable everyone from different community groups to participate and contribute fully in society. It often happens that people who come from different backgrounds from the majority are despondent because their ideas are deride. In fact, we never know where the next good idea or brilliant idea will come from. The idea may come from someone who dropped out of school, someone who is blind, a lesbian, or a simple person from a small village. A person's self-esteem, character, value and dignity are largely shaped by the support received from others. It is very important to self-reflect or group-reflects by setting

aside all negative prejudices towards different people or groups. In this sense, the word 'enables' according to Rosado (1997) is very important, because behind it there i the concept of or empowerment—a process that enables people to criticize self or group bias or prejudices—so that ultimately they can maximize their full potential (including those who are different) for a greater positive purpose.

In Indonesia, pluralism is usually described as the diversity of ethnic groups, religions, races, i.e. Batak-Javanese, Muslim-Christian, Chinese-Local People, etc. In the United States and other western countries, ethnicity or race issues are mostly dominated by differences in skin color such as Black-African-American, White, American Indian, Hispanic-Latino, and Asian etc. Differences in skin color, ethnicity, and race are permanent identities that are carried naturally from birth to death. Some identities may change such as language, religion, and gender. It can happen that someone who was born in another country then forgets his (mother) language. It can also happen that someone changes religion or belief due to the influence of the surrounding environment or changes sex by undergoing genital surgery. However, changing someone's skin color or ethnicity will probably be difficult or impossible. In history, these differences are often not realized by society, so that everywhere in the world, whether on a small, medium, or large scale, we often see friction, misunderstanding, conflict, rift, division, and conflict, even war, because of ethnicity, race, and religion.

In the last 20-30 years, the development of transportation modes (land, sea or air) has also made it easier for a person or group to move or migrate from one place to another, whether to work, to be on a holiday, to visit family or friends, or even to settle down permanently. The destination can be very far from the place or country of origin. For the middle and upper classes, traveling abroad has even become a necessity or a lifestyle. It is in these ways that a plural society is formed. In this global era, living in a pluralistic society is a necessity. Because of this plurality, even though they live in the same area or geographical space, every person, community and group will have different ideas, understandings and views on a particular value, attitude and behavior. With the movement of people from one place to another, from one region to another, even from one country to another, it is almost impossible to find a place where only one group or community of the same type lives, whether in terms of ethnicity, religion, race or ethnicity and language. Therefore, living in a pluralistic society is a challenge faced by the global community wherever they are.

Living in a pluralistic society, especially for minority groups—, is certainly not easy. Being a minority group can bring several consequences, such as political, socio-cultural, and economical exclusion, including limited access to resources. If this continues, it will create social jealousy and henceforth, it is possible that there will be violent open conflict or even war. To avoid violence, conflict or war, putting aside any negative prejudice against different people or groups is a must.

2. Tolerance or Inclusivity?

Throughout history, discrimination, injustice, systemic violence, oppression, and even war have occurred. This creates a very deep trauma for individuals and groups of people who have to deal with it. Not only in special conditions such as open conflict or war, discrimination, injustice, and systemic violence are also experienced by many minorities. With a being small in number, they generally do not have the power to change their circumstances. Social and political conditions are often not in favor of minorities which at the end will result in groups that harbor anger and frustration which in the end can lead to an open conflict.

In 2004, the importance of tolerance was expressed by Kofi Annan, while he was still serving as Secretary General of the United Nations. Regarding the currently interconnected world (globalization process), Kofi Annan stated that "Tolerance, inter-cultural dialogue and respect for diversity are more essential than ever in a world where people are becoming more and more closely interconnected" (Hjerm et.al, 2020: 898). According to UNESCO Director General Audrey Azoulay (UNESCO 1996), "Tolerance is an act of humanity, which we must nurture and enact each in our own lives every day, to rejoice in the diversity that makes us strong and the values that bring us together" (Hjerm et.al, 2020: 898) . The importance of tolerance in human life even prompted the United Nations General Assembly (1996) to set every November 16 as the commemoration of the International Day for Tolerance (International Day for Tolerance).

In the literature, there is no agreement from scholars about the meaning of tolerance. Some scholars associate the term tolerance with a necessary precondition for democracy to develop. Some other experts even question some negative things that arise related to tolerance, for example when the attitudes, values, behavior or activities carried out by others that we think are wrong, but we still, like it or not, have to accept and tolerate them. As a result, a new term, namely the concept of inclusiveness, also has been developed together with the term or concept of tolerance.

In his article 'Intergroup Toleration and Its Implications for Culturally Diverse Societies', Maykel Verkuyten et al. (Verkuyten et.al, 2019: 5) says that: in recent decades, tolerance has been proposed as a necessary response to the global rise in cultural and religious diversity. Tolerance is widely embraced in community, national, and international policies, in relation to many types of differences between people and groups. However, in both public and academic discourse, the notion of tolerance appears to have various meanings, which limits our ability to create, evaluate, and implement effective policies. To discuss various policy implications of toleration, we first have to consider the concept of toleration and its difference from prejudice. Furthermore, Verkuyten et al. (2019) points out the importance of perspective taking, talking about intergroup tolerance, looking at the asymmetry of tolerance and the limits of tolerance when discussing tolerance. What then is the difference between tolerance and prejudice?

In general, state or international community policies/initiatives regarding the need for tolerance are related to the need to eliminate prejudices, fear of 'strangers' or 'people outside the group' or 'different people' (xenophobia), discrimination based on religion, color skin, race, ethnicity, and origin of a person (racism), persecution against gay and lesbians (homophobia) and hate crimes.

Therefore, in the Declaration of Principles on Tolerance Article 1.1., tolerance is stated as: "...respect, acceptance and appreciation of the rich diversity of our world's cultures, our forms of expression and ways of being human. It is fostered by knowledge, openness, communication, and freedom of thought, conscience and belief. Tolerance is harmony in difference. In Indonesia, we call it **'Bhinneka Tunggal Ika,'** which means unity in diversity. It is not only a moral duty; it is also a political and legal requirement. Tolerance, the virtue that makes peace possible, contributes to the replacement of the culture of war by a culture of peace".

In several social-psychological studies or literature, tolerance is often equated with openness, being well disposed toward cultural others, or having a generalized positive attitude toward others (them). On the other hand, in the philosophical and political literature that follows the classical notion of tolerance, tolerance is expressed as an attitude forbearance and putting up with something that one disapproves of or is negative about. In this case, being tolerant is a positive response to diversity, while intolerance is equated with dogmatism, closed-mindedness, and prejudice (Verkuyten and Kollar,

2021: 174). Thus, tolerance entails acceptance despite disagreements. The criticism of such an approach is that this condition does not change attitudes and beliefs about differences, but only means trying to accept or refrain from rejecting attitudes, behaviors, values and beliefs of other groups (Verkuyten et.al, 2019: 8).

From these insights, inclusiveness then replaced the idea of tolerance, which some scholars have criticized because of its negative attitudes. Tolerance is only considered as passive acceptance and there still is some prejudice, bias, and dogmatism in it, which Verkuyten termed the 'us-them' distinction (Verkuyten and Kollar, 2021:173).

Although in the past few decades the world has made much progress in reducing poverty, this is not felt equally by everyone. In its report on the 2016 World Social Situation, the Department of Economics and Social Affairs, the United Nations Secretariat General (UN, Department of Economic and Social Affairs, 2016) stated the importance of an inclusive attitude, and the report is entitled Leaving No One Behind: the Imperative of Inclusive Development was published. The background of the publication of this report is the global agenda which believes that development will only be sustainable if it is inclusive). In the report it is written: ...The emphasis on sustainability, equity and inclusion reminds us that pursuing development grounded in social justice will be fundamental to achieving a socially, economically and environmentally sustainable future... Underpinning the renewed focus on inclusion and social justice is the realization that the benefits of social and economic

progress have not been equitably shared. Inequalities pervade not only the economic, but also the social and environmental pillars of development. Differences in religion, ethnicity, age, gender, sexual orientation, disability and economic and migrant status are used to exclude and marginalize.

Although there is no agreement on the meaning of the word inclusive, talks about an inclusive attitude are usually juxtaposed with the opposite, namely an exclusive attitude. The lack or absence of a person's participation in society is one of the characteristics of social exclusion. In general, social-exclusion is described as a situation where individuals cannot participate fully in economic, social, political and cultural life (UN, Department of Economic and Social Affairs, 2016: 18). Popay (Popay, 2008: 7) describes an exclusive attitude as: exclusion consists of dynamic, multi-dimensional processes driven by unequal power relationships interacting across four main dimensions economic, political, social, and cultural— and at different levels including individual, household, group, community, country and global levels.

From the above understanding, Popay et al. describes social-exclusion as a multi-dimensional process caused by unequal relations in the economic, political, social and cultural sectors at various levels starting from the individual, household, group, community, country and even global scale. Furthermore, according to him, this condition can be described in a continuum which is characterized by unequal access to resources. Thus, an exclusive attitude is described as a condition of minimal participation, namely when opinions are not heard and

participation, rights and dignity are not properly respected.

The word social-exclusion itself was first coined by René Lenoir, former French Secretary of State for Social Action (1974) to describe the situation of a vulnerable group in France, which consists of physically and mentally disabled people, people who have suicidal tendencies, elderly people, abused children, narcotics and drug addicts, delinquent children, single parents, problematic families, sex workers, and other marginalized communities. At that time, this group was considered a problem and was never included in decision making and policy making (UN, Department of Economic and Social Affairs, 2016: 18). This situation makes this group live in poverty, marginalized and forgotten. This awareness of social-inclusion or inclusiveness then developed, where everyone must be invited to participate actively in every decision and policy making process and not let anyone to be marginalized and forgotten, respecting them and their human rights. In line with this, Popay said that in order to meet the basic needs of mankind, a condition or policy and/or a social system (or at least an attitude) must be created that is participatory and cohesive, respects diversity, ensures peace and human rights and maintains a good environment.

C. CLOSING

With the development of technology in the current information age, communication between individuals and society has become very important. Things that happen in one place can be known in a matter of seconds

elsewhere. The Internet and social media makes it easy for events in faraway places, from social frictions to open social conflicts arising from intolerance, to be known.

Sometimes, events that happen to or occur in a certain group can trigger the anger of the same identity group in another place regardless of the distance and the lack of information. In many cases, information from the internet or social media of events in one place can trigger new conflicts in other places, especially if they involve identity issues (ethnicity, religion, race or inter-group) which are indeed sensitive issues. Instead of creating a conducive atmosphere, this issue is often used by certain groups to make things worse.

Therefore, as individuals, national citizens and citizens of the world, we must be smart and wise in sorting out information so as not to get caught up in new conflicts that have nothing to do with us. Even if we feel related, it is only because of the 'shared identity' sentiment that we have with that group. Disagreeing with the attitude of other groups who are intolerant because of the sentiment of similarity in identity does not mean we have to respond with the same attitude. Sitting down and discussing the matter with a cool head, condemning the act and asking the authorities to act decisively against the practice of intolerance that has occurred is a more appropriate attitude, rather than retaliating with the same attitude. If we take a retaliatory attitude, then what is the difference between us and them?

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CHAPTER 2

AVOIDING DISCRIMINATION AND INTOLERANCE RELATED TO SOCIAL STATUS DIFFERENCES

By:

Eviana Budiartanti Sutanto and Cynthia Tjitradinata[2]

A. INTRODUCTION

Discrimination and intolerance practices still frequently happen in society and one of the reasons is because of a person's low position or social status. Someone is unable to choose what kind of family to be born into but almost everyone wants to be part of a family having a high social status, wealthy or socially established family. Besides, everyone also wants to live in a good environment providing good education and perfect health services and even is able to choose the best doctor and treatment when getting sick.

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[2] Eviana Budiartanti Sutanto and Cynthia Tjitradinata are lecturers of the Faculty of Medicine, Soegijapranata Catholic University, eviana@unika.ac.id, cynthia@unika.ac.id

However, what is about the reality? In 2018 the World Bank stated that around 9.2% of the world's population or about 689 million people lived in extreme poverty with an income of less than US$ 1.90 per day. Four out of five people living below the poverty line lived in rural areas. Half of the poor were children and women represented the majority of the poor in most parts of the world. Around 70 percent of the world's poor aged 15 years and over did not go to school or only completed their elementary education. At the global level more than 40 percent of the poor live in the midst of fragility, conflict and violence. Around 132 million of the poor lived in areas having high flood risk (World Bank, 2021).

What about is Indonesia? In 2021 the percentage of the number of poor people, according to Central Bureau of Statistics (BPS), was around 10.14 percent or around 27.54 million people. Viewed from poverty disparities perspective, more poor people lived in rural area than in urban areas. The poor population of the urban areas was 7.89 percent whereas in the rural areas was 13.10 percent (merdeka.com).

Before discussing social status and how to avoid discriminatory and intolerant attitudes regarding social status differences, two American public figures occupying high social status and the way they behave in leading their companies will be presented.

From 1945 to 1980, Henry Ford II - grandson of Henry Ford, founder of the Ford Motor Company - built Ford to be the second largest industrial company in the world amidst the turbulent economic situation because of World War II. Ford II was a highly successful leader. He

achieved success and was credited by reviving the Ford business legend during a turmoil and crisis period. However, he was known for his reputation as a leader having bad temper and often insulted and punished his employees. He was described as a dictator who like to terrorize, bigoted, and hypocritical. When Ford II was challenged or questioned by his subordinates he would remind them who dared to oppose him by saying: "My name is on this building" (Cheng, 2013: 103-125). This means that every decision he made could not be disputed because he was the owner and ruler of the company.

Meanwhile, a contrasting example of leadership model can be found in the personality of Warren Buffett, chairman and CEO of Berkshire Hathaway who was ranked the world's richest person in 2008 and the third richest person in 2011. Buffett was highly regarded as a leader and exemplifies verily different leadership from Ford II. In general he was considered as one of the skilled and successful investors and was called a "wise man" because he always wisely answered every question or problem. He controlled the company's decision-making processes in a subtle way and always showed trust and respect to his executives and subordinates so that he was known as the "oracle of Omaha" or a very wise god (Cheng, 2013: 103-125) .

The story about Ford II and Buffet above is a story of two successful people occupying high social status. Beside having very different traits or characters the way they lead and behave was also different from each other. One realizing that he had power and high status and these made him lead the company like a dictator while

the other led in a refined and elegant manner and full of respect for others, including his subordinates.

Human life cannot be separated from its environment and the attributes attached to it, including social status. Simply a social status is a condition of status that is relatively owned by members of a certain class that is compared to members of other social classes. Usually a person categorized into a certain social status class is based on the his or her similarity to the class. A person's social status will generally affect the person's behavior in society.

Broadly speaking social status stratification varies and it is based on three factors, namely wealth (economic assets), power (ability to influence others) and prestige (acknowledgement received) (Brand & Mesoudi, 2019: 1-13). However, there are other opinions categorizing social status by relating to demographic variables such as income, occupation and education. In fact, these three factors are interrelated so that they can be used together (Harvey & Bourhis, 2011: 21-38).

As human life and civilization develop social status has factually caused social inequality or social layers within society. There are then some binary contradictions showing the different social status, for example 'the poor' versus 'the rich', 'the rulers versus the people', 'the smart versus the brainless', 'the educated versus the uneducated', etc. Such a social gap remain happening evenly in many countries all over the world and it is always to be a hot social issue.

There are 3 (three) interesting aspects that can be studied when discussing social status in existing in a community life, namely wealth, power and prestige. The three aspects will be discussed in the next section of this paper.

B. DISCUSSION

The study of 'status' is part of the social strata or social stratification studies. Social status is about a person's place in society in general meaning, his or her prestige, as well as a number of rights and obligations (Firmiana, Rahmawati & Imawati, 2014: 282-293). Status does not only mean a summation of a person's positions in different groups but it affects his or her positions in different social groups because it includes rights, obligations and privileges. Someone at any time has a different position that depends on the place and time. For example, a man has a school principal status at work but he is a father at home and an ordinary citizen in his neighborhood where he lives and as a treasurer of PGRI organization. Social status will put a person in an upper, middle or lower position in society (Firmiana, Rahmawati & Imawati, 2014: 282-293).

There are different indicators in viewing a social status and it depends on what is considered valuable by the community. If education is considered valuable, those having high education will be put in high position or social status and *vice versa*. If people value work, matters of job or jobless, type of work and position, the job will be indicators of the person's status. If material is considered

valuable, they having a lot of material will occupy the top layer of social status and vice versa (Firmiana, Rahmawati & Imawati, 2014: 282-293).

Social status will also make someone choose the work to be done (as a labor or a white collar employee), choose the environment to live in (apartment, single-house, rent, buy), choose the malls to enter and the brand of goods to purchase. Based on social status parents will carefully choose the type of school that their children will enter (Liu, 2011: 2). Social status affects the type of food consumed, the activities carried out, choosing a doctor or referral hospital when they are sick, and even choosing a place of worship. Social status in short shapes a person's thoughts, feelings and actions (Piff, 2012: 1)

Social inequality can be caused by social status. Social inequality is a condition that arises in society (or a group of people) where there is inequality or unequal access to resources. Justice and/or equity are issues that often arises as a result of the social inequalities. They having strong financial resources generally will get benefits in almost every aspect of life (Xiaotong & Keith, 2017 and Ombanda, 2018: 474-494).

Usually the inequality issue is closely related to the issues of justice, information disclosure, and equal distribution of opportunity, and access from a process of change called development (Xiaotong & Keith, 2017, Ombanda, 2018: 474-494). Secimils Cihan mentions that problems of job opportunities and equity can occur in an organization. Justice, for example, relates to how to treat

workers equally without being influenced by social status background. However, unfair management in organizations, including power and nepotism, still often occur and affect someone in making fair decisions (Secimils & Uysal, 2016: 65- 76).

In the context of employment the worldwide economic crisis (also in Indonesia) has further reduced job opportunities for millions of candidates who meet the labor requirements. Educated unemployment continues to grow. Many job seekers fight each other for every job opportunity so that a workplace is often to be a breeding ground for nepotism (Ombanda, 2018: 474-494). Competitiveness pressure and the problem of poor corporate governance performance sometimes encourage companies to be less selective in getting workers. Social inequality can also breed discrimination and intolerance practices.

Power is defined as a level of individual control over his or her own group and other groups that are considered not dominant. Discrimination between dominant and non-dominant groups can be seen from unequal social behavior in society. There is a strong psychological relationship between wealth and power. The community groups having strong financial power tend to have power for gaining other power (Harvey & Bourhis, 2011: 21-38, Secimils & Uysal, 2016: 65-76, Ombanda, 2018: 474-494).

Several elements related to social status that often influence and foster intolerant practices include:

1. Wealth

Someone's wealth can be assessed by adding up all the assets, including the property owned. The way of calculating wealth generally varies according to geographic location, education, race as well as gender. Income is often seen as the source of wealth or prosperity meanwhile wealth and income are two substantially different measures of economic prosperity. Although there may be a close relationship between income and wealth the relationship cannot be described as a causal relationship (Brand & Mesoudi, 2019 and Cheng, 2013).

Wealth is measured by the value of all valuable assets owned by an individual, community, company, or even a country. It is determined by measuring the total market value of all physical assets and intangible assets owned after being deducted by all debts. People, organizations and countries are said to be rich when they are able to accumulate a lot of valuable resources or goods (Harvey & Bourhis, 2011: 21-38, Xiaotong & Keith, 2017).

Although individuals possibly have different behaviors related to wealth as illustrated by Ford II and Buffet above, Piff (2012) in his psychological researches (both field and laboratory) reveals some interesting findings as described below.

Rich people (upper-class) tend to more violate traffic than those who are poor (lower-class); rich people are also more likely to make unethical decision-making tendencies; in their mindset rich people have the potential to take more valued goods from others

compared with the poor; rich people are more likely to cheat in a game to increase their chances of winning; they also tend to be more endorse more unethical behavior at work than poor people. Some of these tendencies are driven, in part, by their greedy attitude (Piff, 2012: 16).

The above study certainly cannot be generalized in all places (based on geographic location, race and gender) because the conditions are different from one place to another. However, it is interesting because people occupying low social status generally have the same thought because of their perceptions and life experiences. Life tightness and difficulties of access they experienced throughout their lives would make them record and remember deeply such experiences. Most likely, those who are classified as rich rarely record their surroundings as being done by those who are poor. The illustrations of Ford II and Buffet above will possibly able to answer this.

The Piff's study unfortunately did not explain the origins of the rich people, whether they were 'new rich people' (in Indonesia often called Orang Kaya Baru/OKB) or those who had enjoyed wealthy status for a long time (inherited) because the results of the study would possibly be different.

In order not to generalize the results of his study, Piff said that there were many examples where the poor (lower class-individuals) showed the same tendency including violent behavior. Furthermore, he stated that the relationship between social status and unethicality was not categorical or essential because it could occur in

every society of various social statuses. The pursuit of self-interests, according to him, was to be more dominant motive for the elites and the desire to increase wealth and better status could lead to wrong or unethical actions (Piff, 2012: 19).

2. Power

Power is judged on the basis of one's ability to make others do their will, whether they like it or not. Power can also be assessed from the ability of a person or institution to control their environment, including the behavior of other people or institutions. In general there are 2 types of power, namely **legitimate power** that is the power voluntarily granted by others to someone and it is called **authority;** and **illegitimate power** tha tis the power taken by force or threats of violence and it is called **coercion** (Roberts et.al, 2019: 1-11).

The study of power in a society is often named **politics**. Power can be seen as evil or injustice but the exercise of power is accepted by humans as social beings. The use of power does not always necessarily involve coercion (force or threat of violence). Power can be seen as a form of action that is sometimes detrimental to humans but power can also be useful as something that encourages positive action although only in a limited scope. Power having reciprocal relationship with behavior can be observed in everyday life (Blader & Chen, 2011: 1-18).

In everyday life power can be manipulated and used to control people or groups, to gain illegal profits, and even to obtain privileges that would not be possible for

those without power. Before coming to power people often carry out 'image politics' but after coming to power their attitudes tend to change even until 180 degrees. Generally, people who 'have' or 'is' in power will try to maintain or even expand their power. Therefore, it is very important to be careful in seeing and studying the behavior of the person in power so that we do not get caught up in his manipulative game.

3. Prestige

Prestige refers to the reputation or self-esteem associated with one's position in society. Individuals can gain prestige by their own efforts, known as achieved status, or they are placed in a stratification system based on the position they inherit, known as ascribed status. In the past prestige was usually associated with one's family name (ascribed status) but for most people in developed countries prestige is now generally associated with the job and efforts (achieved status). In general, occupations or professions such as doctors and lawyers tend to be perceived as having higher prestige than bartenders and janitors. Individual prestige is closely related to social class strata. The higher an individual's prestige (judged by work, profession and sometimes even associated with family name), the higher their social class (Brand & Mesoudi, 2019: 1-13, Cheng et.al, 2013: 103-125).

Prestige is often associated with two other indicators of social class, namely wealth and power. An official, for example, is usually wealthy and enjoys many conveniences and takes pride in exercising power. However, in some cases, someone's social status can't

be measured with this indicator. A vegetable seller in the market, for example, he may not be as prestigious as a teacher but he has a higher income than the teacher (Rosenthal & Ross, 2015: 1047-1120, Roberts et.al, 2019: 1-11).

Prestige is a strong element in people's lives, including in Indonesia. On the one hand, choosing a particular job or attending a particular school can affect a person's level of prestige while such opportunities are not equally available to everyone. One's choice can, at least to some extent, increase or decrease his or her prestige. On the other hand, certain prestige elements are fixed for children born to prominent families such as surname, place of birth, and parental occupation. This is part of the prestige that cannot be changed and can lead to social stratification (Brand & Mesoudi, 2019: 1-13, Rosenthal & Ross, 2015: 1047-1120).

Although in reality wealth, power and prestige play a major role in people's lives there are certain principles that cannot be reduced which are equally applied to all human beings and groups of people, regardless of differences in race, skin color, sex, language, religion, political opinion or other, national or social origin, property, birth or other status. These principles are contained in the Universal Declaration of Human Rights (UDHR) and in the constitution, namely the 1945 Constitution of the Republic of Indonesia (UUD RI 1945). The State has legal instruments that can serve as guidelines to protect everyone against discriminatory practices including intolerant practices carried out by the

State, community groups or individuals based on differences in race, skin color, gender, religion, birth, and someone's social status. The instrument is Act umber 39 of 1999 concerning Human Rights.

In reality, however, discrimination and intolerance practices still very frequently happen in society, including those based on social status, wealth or power possessed by the doers. It is our duty as intellectuals to ensure that these kinds of practices will not happen anymore and we have to keep reminding the Government about its duties, namely to respect, to protect and to fulfill the human rights of the citizens, without exception.

C. CLOSING

Wealth, power, and prestige are categories of social status found in people's lives. The social status often has an impact on social inequality. In practice, this condition can lead to discrimination and intolerance practices.

Although wealth, power and prestige can be a person's social identity in the midst of his or her social environment this cannot be used as a tool or strategy to oppress, ignore and exclude others. The story about Ford II and Buffet above can illustrate that someone with a high social status does not need to be arrogant. Respect will be obtained by someone automatically if he or she respects or appreciates others and because of his or her humbleness beside good and commendable characters. We should respect other people regardless of race, skin color, gender, religion, birth, including the social status

because not everyone is lucky to be born in an established or prosperous family.

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CHAPTER 3

FREEDOM OF RELIGION AND BELIEF

By:
Benny D. Setianto & Gregorius Yoga Panji Asmara[3]

A. INTRODUCTION

Human rights have become a new morality for global society. This can be seen in the agreement of countries in declaring human rights as universal values on December 10, 1948. Obtaining a mandate from the United Nations General Assembly (UNGA), there were 18 people who were tasked with constructing a series of rights inherent in humans. Chaired by Eleanor Roosevelt, widow of Franklin D. Roosevelt, this committee is made up of people from different backgrounds. There is Rene Cassin from France who became the basic pioneer of the

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[3] Benny D. Setianto is a permanent Lecturer at Faculty of Law and Communication & Master Program of Environmental and Urban Studies of SCU, benny@unika.ac.id; Gregorius Yoga Panji Asmara is a Lecturer at Faculty of Medicine of SCU, gego@unika.ac.id

Declaration. Charles Malik from Lebanon is also listed as an active member. Not to mention Peng Chung Chang from China who was entrusted with being the vice chairman to accompany Eleanor.

Finally, with General Assembly Resolution number 217 A (III) which was attended by 50 members of the United Nations at the moment, a universal statement of 30 articles was issued which lists the rights that humans have because of their human nature.

As a declaration, in the context of international law, it is still interpreted as a moral statement and is not legally mandatory. However, that does not mean the declaration does not have legal elements. As a new moral which was later recognized and practiced in many UN member countries, a series of human rights protections can be categorized as International Customary Law.

In its development, countries then try to further detail these rights into an international agreement that has more binding power. Human rights are shifting more and more legalistic than just a moral statement. Although, of course placing human rights as mere legal rights also reduces the function of the right itself as a moral guide for laws that have not adapted to those rights.

One of the human rights stated in the Articles of the Universal Declaration of Human Rights is Freedom of Religion and Belief. This right is enshrined in Article 18 of the Universal Declaration of Human Rights.

B. DISCUSSION

1. International Provision

As already mentioned, the recognition of the right to freedom of religion and belief is explicitly stated in Article 18 of the Universal Declaration of Human Rights (UDHR). It reads in full as follows (https://www.un.org/en --etc):

> "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

It is clearly stated in the article how everyone has the freedom to have a religion according to their thoughts and conscience. With this firm sentence, it is the obligation of all parties to respect, protect and promote these rights.

As a moral protection, what is contained in Article 18 of the UDHR finally has a legally binding force after countries agreed to construct an International Covenant on Civil and Political Rights (ICCPR) 17 years after the UDHR was declared.

Using the same article number, this international agreement (ICCPR) states in more detail that (https://www.ohchr.org/ --etc):

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

In the provisions of Article 18 of the ICCPR, it appears that the Freedom of Religion and Belief also offers protection from coercion and also creates a responsibility for the state to provide guarantees for it.

Even though Indonesia was not directly involved during the Universal Declaration of Human Rights, since 2005 Indonesia has ratified the International Convention on Civil and Political Rights, which in fact precisely assigns responsibility to the state and binds it legally.

The development of Freedom of Religion and Belief does not only end at Article 18 of the ICCPR, but is more detailed in the Declaration which specifically desires to eliminate all forms of intolerant and discriminatory actions that are based on Religion and Belief.

Through UN General Assembly Resolution 36 (LV), declared on November 25, 1981, which prohibited all forms of intolerance and discrimination based on religion

and belief. This declaration regulates in more detail what rights are protected.

This Declaration affirms that taking into account the spirit that all human beings are equal, therefore all forms of discriminatory actions on any basis must be outlawed, including differences in religion and belief.

It was further emphasized that freedom of religion and belief is included in the category of basic rights to support life therefore it does not include rights that can be reduced.

Although it only consists of 8 (eight) articles, this declaration mentions a list of human rights that guarantee freedom of religion and belief and implement policies that prevent intolerant and discriminatory actions of it. These rights include (https://www.ohchr.org/ --etc):

1. Freedom of thought, conscience and religion;
2. Freedom to embrace, change, reject a religion and belief;
3. Free not to be forced to embrace, change, or reject a religion or belief;
4. Freedom to manifest one's religion and beliefs;
5. Freedom to worship;
6. Freedom to have a place of worship;
7. Freedom to use religious symbols and beliefs;
8. Freedom to observe religious holidays and beliefs as holidays;
9. Freedom to appoint leaders of one's own religion and belief;
10. Freedom to teach and propagate one's religion and beliefs;

11. Freedom for parents to teach morality based on their religion and beliefs;
12. Freedom to register one's religion and belief in state administrative affairs;
13. Freedom to establish relationships and communicate with fellow believers both nationally and internationally;
14. Freedom to get donations and take action to provide assistance in the name of humanity;
15. Freedom to write, think or express according to one's religion and beliefs.

In particular, this declaration assigns the duty to the state to:
1. Taking effective measures and policies to ensure the realization of the rights and freedoms protected by this declaration;
2. Issuing laws and regulations that prevent discriminatory and intolerant behavior on the basis of religion and belief;
3. Making arrangements so that the resources owned by the state can fulfill the rights and freedoms mandated by this declaration.

2. Liability Reduction

As stated in Article paragraph (1) of the ICCPR, actions to discriminate on the basis of religion and belief include those that should not be carried out even in an emergency. Unfortunately, in Law No. 12 of 2005, the word "religion" that appeared in the original ICCPR text was not translated (read: omitted), for whatever reason.

Here is the difference between the original text and the official translation in Law No. 12 of 2005:

> In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, **religion** or social origin (https://www.ohchr.org/en/ --etc).

> Compare with the official translation in Law No. 12 of 2005:

> *Dalam keadaan darurat yang mengancam kehidupan negara dan keberadaannya yang telah diumumkan secara resmi, Negara-negara Pihak pada Kovenan ini dapat mengambil langkah- langkah yang mengurangi kewajiban-kewajiban mereka berdasarkan Kovenan ini, sejauh yang benar-benar dibutuhkan dalam situasi tersebut, asalkan langkah termaksud tidak bertentangan dengan kewajiban-kewajiban mereka lainnya yang diatur oleh hukum internasional dan tidak mengandung diskriminasi yang semata-mata berdasarkan ras, warna kulit, jenis kelamin, bahasa atau asal-usul sosial* (https://www.dpr.go.id/ --etc)*.*

It would be a shame if this was intentional. However, it also shows the inaccuracy of our country if this is not intentional, because later in paragraph (2) it will also be stated which rights in the article cannot be deducted from the obligation to protect them. One of

them is Article 18 which provides freedom of religion and belief. Verse 2 reads:

> Reduction of obligations under Articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and **18** is not at all justified by this provision. (bolded in the number 18 by the author for emphasis).

3. Restrictions

Although there should be no devaluation in the obligation to respect and protect freedom of religion and belief, several international provisions provide opportunities for restrictions on the manifestation of these freedoms with various considerations.

Article 18 paragraph (3) of the ICCPR states "Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals, or the fundamental rights and freedoms. of others" or "*Kebebasan untuk mengejawantahkan agama atau kepercayaan seseorang hanya dapat dibatasi oleh ketentuan berdasarkan hukum, dan apabila diperlukan untuk melindungi keamanan, ketertiban, kesehatan dan atau moral masyarakat, atau hak-hak dan kebebasan mendasar orang lain.*"

As well in the Declaration which prohibits intolerant and discriminatory actions based on religion and belief. Article 7 states "The rights and freedoms set forth in the present Declaration shall be accorded in national legislation in such a manner that everyone shall be able to avail himself of such rights and freedoms in practice"

This means that even though freedom of religion and belief is a right that cannot be reduced by the state's

obligation to protect it, the state also has the right to regulate how these freedoms can be realized. Of course, state regulation is carried out precisely to ensure that everyone can implement their freedom of religion and belief accurately.

4. State Constitutional Responsibilities

Indonesia strictly states the state's responsibility for the protection of human rights into its constitution. This is clearly stated in Article 28 I paragraph (4) of the 1945 Constitution which explicitly states that the protection, promotion, enforcement and fulfilment of human rights are the responsibility of the state, especially the government. Therefore, in this case the protection for freedom of religion and belief as human rights has also received constitutional protection and gives the state responsibility for its enforcement.

Likewise, in the provisions of the legislation governing human rights, especially in Law No. 39 of 1999 concerning Human Rights, it specifically states that the Indonesian state will fulfill all international obligations under the international agreements it follows. This can be seen in Article 71 of Law 39/1999:

> "*Pemerintah wajib dan bertanggung jawab menghormati, melindungi, menegakkan, dan memajukan hak asasi manusia yang diatur dalam undang- undang ini, peraturan perundang-undangan lain, dan hukum internasional tentang hak asasi manusia yang diterima oleh negara Republik Indonesia*" or "The government is obliged and responsible for respecting, protecting, upholding, and promoting human rights as regulated in this

law, other laws and regulations, and international law on human rights accepted by the Republic of Indonesia".

5. Margin of Appreciation

One of the things that often appear in the discourse of human rights, especially in its enforcement is how to find a balance between the interests of individuals/groups and the public interest.

Countries in Europe introduce what is called the "Margin of Appreciation". In the Handyside vs United Kingdom case on 7 December 1976, the European Court of Human Rights (ECHR) ruled that "In upholding human rights, the state must be given the freedom to consider individual interests in order to protect human rights and the public interest" (Handyside v United Kingdom Judgement of 7 December 1976, Series A No. 24 (1979-80) 1 EHRR 737, para. 50).

There are two principles introduced for this Margin of Appreciation, namely the Subsidiarity (Subsidiary) Principle and the Proportionality Principle. The principle of subsidiarity asserts that European courts do not have the authority to examine the competence of national courts but that European courts can give an appreciation (assessment) to what national courts do. In other words, European human rights courts are only worthy of giving appreciation to the state's efforts in maintaining human rights.

The second principle is proportionality. When the state makes a policy that can be interpreted as a violation of human rights, therefore it must be carried out in

accordance to the relevance and proportion. The restriction must ensure in such a way that the policy is only temporary with a limited scope.

In such a context, how the state makes policies for the protection, respect, enforcement and development of human rights cannot be judged immediately as a violation or not, but rather by giving appreciation therefore to encourage the state to do more in the future.

6. Examples of Cases in Indonesia for Freedom of Religion and Belief

In general, there are several forms of potential violations of freedom of religion and belief that are actually carried out by the government. The first is a discriminatory policies. For example in Article 40 paragraph 2, 3 Government Ordinance No. 36 of 2021 concerning wages which reads:

> "*Ketentuan sebagaimana dimaksud pada ayat (1) tidak berlaku dan Pengusaha wajib membayar Upah jika: c. Pekerja/Buruh tidak masuk bekerja karena: **3. mengkhitankan anaknya; 4. membaptiskan anaknya;**"* or "The provisions as referred to in paragraph (1) do not apply and the Employer is obliged to pay wages if: c. Workers/Labourers do not come to work because: 3. circumcising their children; 4. baptizing their children".

The article specifically describes *"mengkhitankan anak dan membaptiskan anak"* or circumcising children and baptizing children as two cases in the category of absence. Without accommodating other religious traditions/beliefs, those regulations are discriminatory.

Secondly, the substance of the regulation is abstract and has multiple interpretations. In the Elucidation of Article 34 point 6 paragraph (4) of Law no. 11 of 2020 it is stated:

> "*Yang dimaksud dengan "tidak mengganggu ketertiban umum" antara lain adalah kegiatan budi daya ternak dilakukan dengan memerhatikan kaidah agama dan/atau kepercayaan...*" or what is meant by "not disturbing public order" is, among other things, livestock farming activities carried out by taking into account religious and/or belief rules. There is no further explanation of what is meant by religious rules and/or beliefs. For example, if you have complied with environmental regulations and protections, is establishing a pig farm in a location where the majorities are Muslim is a violation of public order?

Thirdly, the article is discriminatory because there is a policy behind it. For example in Article 111 number 2 of Law no. 11 of 2020 "*(3) Yang dikecualikan dari objek pajak adalah: a. 1. bantuan atau sumbangan,... atau sumbangan keagamaan yang sifatnya wajib bagi pemeluk agama yang diakui di Indonesia*". The phrase "*agama yang diakui*" or translated into "recognized religion" is discriminatory because it privileges some religions.

These are some examples that even since the regulations have limited freedom of religion and belief. The actions taken by the community and the state have not been added yet.

Destruction of houses of worship, forced dispersal of ritual activities by religious people of other religions, destruction of houses inhabited by religious people of other religion, destruction of religious symbols in graves and a series of other events that even lead to the loss of life of other people which have different religions or beliefs. The omission by the state if it is the majority group that has done that shows that as the holder of the obligation to protect freedom of religion and belief, the state has been negligent.

C. CLOSING

As the right which has been there in humans to do their human nature, therefore freedom of religion and belief is a non-derogable right. However, in its implementation it may be postponed for the behalf of the wider society. Of course, this does not mean that minority interests can be easily defeated on behalf of minority people. In this point precisely, the role of government is needed and should not be ignored.

Learning to understand other people's beliefs becomes the main requirement so that freedom of religion and belief can be upheld. By understanding, it is hoped that a sense of tolerance for different beliefs or beliefs can emerge. However, without the willingness and openness to understand, the sense of self-righteousness will strengthen and encourage intolerance in relationships.

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CHAPTER 4

GENDER ISSUES IN DAILY LIFE

By:
Angelika Riyandari and Heny Hartono[4]

A. INTRODUCTION

Gender issues are issues related to women and men in everyday life, such as how they interact, differences in access and use of resources, daily activities and how they respond to changes, interventions and policies (Sara Aquirre, 2014). The word gender itself means the characteristics, norms, behaviors, and roles attached to women, men, girls and boys as a result of social construction (WHO, 2021). Gender is different from sex which refers to the differences in the biological and physiological characteristics of women and men. As a social construction, the notion of gender differs from one place to another and from one period to another. Gender

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[4] Angelika Riyandari and Heny Hartono is a Senior Lecturer at Faculty of Language and Arts of SCU, a.riyandari@unika.ac.id, heny@unika.ac.id

produces inequalities related to social, economic, and political inequalities.

Gender inequality is a situation when women and men are not treated equally. These treatment differences arise when people only see biological, or psychological differences. Some different treatments can be accepted empirically, but these different treatments often occur because of social constructions that are influenced by cultural norms that apply to a society. Various studies show that different treatment based on gender occurs in many fields such as education, health, employment, and politics. This inequality causes various problems, especially for women, such as low literacy rates, lack of access to training and health services, limited mobility, and lack of access to decision-making.

Because gender inequality causes various problems, gender equality becomes important. Gender equality is not only part of basic human rights, but is the basis of a peaceful, prosperous and sustainable world. Gender equality is a situation where women and men have equal access to resources and opportunities in the economy and in decision making; and respecting differences in behavior and equal aspirations and needs regardless of gender. According to the UNICEF document, gender equality occurs when women and men, and girls and boys, enjoy the same rights, the same resources, opportunities and protection (UNICEF, 2021). However, it should be noted that being equal does not mean that girls and boys, nor girls and boys should receive exactly the same treatment.

In general, achieving gender equality requires the elimination of bad practices that harm women and girls, including sex trafficking, femicide, sexual violence, unequal wage, and other discriminative practices. According to UNFPA, compared to men, more women are poor and illiterate (UNFPA, 2021). Women also do not have equal access to property ownership, bank credit, training and employment. This inequality stems from stereotypes that label women as caregivers and housewives. Compared to men, women are also less active in politics. More women become the victims of domestic violence.

Nowadays, equality between men and women is getting better. More girls are going to school, more girls are no longer forced to marry young, women are starting to take on the role of representatives in parliament and more and more women are becoming leaders. However, although there have been changes, gender equality still faces many challenges. To help understand gender issues that exist in society, this chapter will discuss three issues related to gender, namely gender stereotypes related to gender role stereotypes, gender role division and gender based violence.

B. DISCUSSION

1. Gender Stereotypes

a. Gender role stereotypes

Gender stereotypes are generalizations or pre-conceptions of the characteristics that women and men have or should have (OHCHR, 2014). Gender stereotypes also make generalizations or pre-conceptions of the roles

played by women and men, including about how women and men are expected to behave, speak, dress, and present themselves. Generalizations or pre-conceptions of the characteristics and roles of women and men allow people to simplify what they see and to judge others (Hentschel, 2019: 1-19). This simple assessment of self and about others can be bad if the assessment is wrong (Heilman, 2012: 113-135).

Gender stereotypes are experienced and learned from an early age by children (Martin & Dinella, 2001). When a baby is born, parents and other adults already distinguish the color of the clothes that are given to baby girls and baby boys. The color pink is usually associated with a baby girl, while the color blue is associated with a baby boy. This color distinction is made by many people regardless of the fact that all colors can be used by everyone; regardless of their gender. At a young age, the clothes given to girls and boys are also different. Even though as adults, many women wore trousers, but many girls wore skirts in their daily lives. Meanwhile, the boys wore a lot of shorts. In addition, girls and boys are also introduced to different toys and activities. Girls are given dolls and kitchen utensils for their toys so that girls play as being a mother, while boys are given toy cars and toy guns so that boys race or play war.

Not only the color of clothes, toys and activities, words and expressions used by parents in responding to the behavior of girls and boys also contain gender stereotypes. For example, the words of praise "Oh, your clothes are beautiful" for girls and the words "Come on, don't cry. You're a boy." These words indicate different

expectations for girls and boys; a girl must be "beautiful" and a boy must be "strong". The two examples above clearly show the existence of gender stereotypes. Girls are seen from their physical appearance while boys are seen from their behavior. Supposedly, girls and boys should be treated equally. Girls should not only be seen from their outward appearance, in this case their outward beauty, like boys should not only be seen as a strong figure and should not cry; Boys can also express their sadness through crying.

Habituation that distinguishes gender continues until the child enters school. At school, girls and boys are associated with different behaviors, different sports and different skills. Girls were associated with more passive behavior, less demanding sports and non-technical skills. In contrast, boys were associated with more active behavior, sports that demanded physical ability and technical skills.

Over time, children learn to recognize and believe in norms related to gender in society. Pressure from the surrounding community to comply with the norms in society causes female and male adolescents to be more obedient to unequal gender treatment (Ruble & Martin, 1998: 933-1016). As gender stereotypes are experienced and learned from childhood to adolescence, they become part of the adolescents' gender identity (Wood & Eagly, 2015: 461-473). When these gender stereotypes have become part of a person's gender identity, they will persist for a long time. At the end, as children mature, these entrenched gender stereotypes will affect the way they behave and the way they perceive and judge others.

In general, based on gender stereotypes, men are considered to be more active than women; Men are leaders and controllers, while women are followers and maintainers (Eagly & Carli, 2007). Gender stereotypes of women and men in behavior are often categorized simply into feminine and masculine (Kachel, Steffens & Neidlich, 2016: 1-19). The table below contains examples of the differences between feminine and masculine.

Table 4.1 Examples of Feminine and Masculine Characteristics

Feminine	Masculine
not aggressive	aggressive
dependent	independent
emotional	not emotional
subjective	objective
passive	active
not competitive	competitive
hard to make a decision	easy to make decision
pay attention to physical appearance	not paying attention to physical appearance
weak	strong
intuitive	logical
irrational	rational

Various gender stereotypes about women exist in society, ranging from stereotypes that are very demeaning to women such as the assumption that women are irrational creatures so that women cannot become leaders, to light gender stereotypes such as the assumption that women are not supposed to initiate

expressing their love to men because women should be a passive party in starting a relationship.

Another example of this mild gender stereotype relates to physical appearance. Women are expected to always look beautiful and attractive according to their "feminine" characteristics. Because there is an expectation that women will look beautiful and attractive, they then wear clothes that highlight their feminine characteristics and try to have a body that is in accordance with the "beauty standards" that apply in society. Women who cannot meet these beauty standards often have low self-esteem (Choi & Choi, 2016: 249-259) and try various ways to achieve these standards, such as going on a strict diet or even undergoing plastic surgery. Women are often trapped in the beauty myth that as a woman she must meet the beauty standards that apply in society and suffer from it. In fact, womanhood is not determined by the attractiveness of the body shape.

In addition, women's physical beauty is often associated with a sexy body as is often shown in the media (Bhandari, 2016). Media such as advertisements, television shows, films, music videos and the internet often turn women into sexual objects (Szymanski, Moffitt, Carr, 2011: 6-38). Women are often depicted wearing revealing or tight-fitting clothes; challenging poses; and serves as an accessory. Women are used as accessories to sell an advertised product because there is an assumption that anything sexual can easily attract buyers or sex sales. In fact, when women are used as decorations to sell goods, the women are actually

experiencing sexual exploitation. In summary, gender stereotypes against women have a bad impact if they limit women in developing themselves, developing careers, making choices in their lives and causing women to become victims of sexual objectification or violence.

Just like women, there are various gender stereotypes associated with men. Mild gender stereotypes, for example, are the assumption that men are physically and psychologically strong, so they must be firm and able to lead. Gender stereotypes can have a negative impact on men. Masculine characteristics attached to men can encourage them to carry out risky activities such as smoking, consuming alcoholic beverages, engaging in risky sexual activities and committing violence.

b. Stereotypes of the Division of Labor between Women and Men

Gender stereotypes associated with character and physical appearance affect the division of labor between women and men. The division of labor based on gender is usually divided into two parts. The first part is work in public spaces, while the second part is work in private spaces (Wood & Eagly, 2012: 55-123). Work in public spaces is work that is done outside the home and earns money. On the other hand, jobs in private spaces are jobs that are done in the home and do not make money. Examples of domestic work are cleaning the house, washing, cooking, and caring for children. Work in public spaces is mostly done by men, while work in private

spaces is mostly done by women. The division of labor arises as a result of gender stereotypes.

Stereotypes of women, for example, as weak, non-aggressive, and intuitive people give rise to the notion that women are more suited to work in domestic spaces; in the space associated with the household. In the family, the division of labor often places women, especially mothers, on domestic tasks such as washing, cooking, or taking care of children. In committees, both at school and in organizations outside of school, women are placed in stereotypical positions such as secretaries or treasurers because of the assumption that women are neater and more thorough than men. Women are almost never, for example, placed in the equipment section because they are considered physically weak. In fact, the equipment section plays more of a role in organizing the human resources, not carrying out the work of lifting the equipment themselves. Even if women then get the opportunity to work in public spaces to earn a living, women are considered more suitable for fields related to services and fields related to people (Lippa, Preston & Penner, 2014) such as being a secretary, receptionist, or being a school teacher (Nunner-Winkler, 2001). Jobs that are considered suitable for women are jobs that tend to offer limited opportunities for promotion, are not prestigious, and have low wages.

Meanwhile, the stereotype of men, for example, as being strong, competitive, and easy to make decisions causes men to be considered more suitable for jobs that require physical strength such as being a mechanic (Lippa, Preston & Penner, 2014), jobs outside the home that

require competition with others, or jobs that require leadership skills. Therefore, the top positions in economics, politics, and science are dominated by men (Nunner-Winkler, 2001). In the family, the division of labor traditionally places men as the head of the household, the breadwinner in the family, so that men are avoided from household work. In fact, in today's era when not only men but also women are the breadwinners outside the home, sharing household work is important to create equality. In short, in the family, women and men must support each other. Although it is stereotyped that men are expected to be the breadwinners of the family and women to be the managers of the household, when men cannot be the breadwinners of the family, women can take over the role. Likewise, when women cannot do household chores, men can replace these roles. Gender stereotypes about men as breadwinners and women as housekeepers must be abolished.

Women working in fields that are traditionally considered men's jobs, such as engineering, often experience difficulties due to gender stereotypes. If women do not succeed in doing a good job in a field that is usually a male dominated field, women will be considered incompetent (Dean, 2006). On the other hand, women who are successful in what men usually do are often seen as cold and egotistical (Dean, 2006). In work, women experience more challenges than men because many women must be able to balance the workload outside the home and the burden at home for the family. In the family, women play an important role because women are considered more capable of taking care of the

family as wives and mothers (Leung & Ng, 2015). In relation to public work, gender stereotypes cause women who are successful in public work to be often regarded as "failed mothers" (Chrisler, 2013: 264-267).

2. Gender Based Violence

Gender-based violence is an act of violence directed against a person due to gender inequality, abuse of power, and gender-differentiating norms (UNHCR, 2021). The use of the word "gender based" is important to emphasize that this type of violence is rooted in the inequalities of power between women and men (EIEGE, 2014). The Istanbul Convention states that gender-based violence includes, "physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life (Council of Europe, 2011)."

This violence can affect both women and men, although most victims are women and girls (EIEGE, 2014). Meanwhile, as is widely known, the perpetrators of violence are mostly men. In many places, men have more power and roles than women and girls in resource ownership, decision-making, and even over their bodies. Some communities have laws that allow men to use violence as a way to enforce discipline and control over women and girls. Gender-based violence can affect everyone regardless of geographic location, economic background, social status, and religion. This violence can occur in public spaces such as roads, markets, workplaces, and can occur in private spaces such as at

home. This gender-based violence has a lifelong impact on victims of violence and even death.

There are many kinds of gender-based violence. This violence can be in the form of domestic violence from partners, both physically and psychologically, sexual violence, and economic violence. Gender-based violence can also occur in schools or universities. For example, a male lecturer hugs and kisses a student on the grounds that the lecturer considers the student his child. The student in question does not dare to refuse even though she feels uncomfortable for fear that her studies would be hampered. The example above can be categorized as sexual harassment. The harassment occurred because of the unequal power relations between male lecturers and female students. Gender-based violence can also occur in the office, such as male employees hugging and touching female employees while at work. Although the act of hugging and touching was done casually, it is considered a sexual harassment. Female employees who receive this kind of treatment should be able to report to their superiors. This gender-based violence can also take a form of sexual harassment that occurs on the street such as when women or girls become the victims of wolf-whistling or when their bodies are groped. Additionally, gender-based violence is associated with traditions in certain communities.

> …early marriages in certain US communities, rape in South Africa and other countries around the world, trafficking of persons in India, sexual violence in the Democratic Republic of Congo, femicide in Guatemala, female genital mutilation in

Nigeria, so-called honor killings in Iraq or Pakistan (Ott, 2021).

Gender-based violence has a negative impact on victims. Victims of sexual violence, who experience pregnancy and have to have an abortion, are exposed to sexually transmitted diseases, serious physical injuries, and HIV. They distance themselves from those around them, experience depression, experience anxiety, suffer from trauma (post-traumatic stress disorder / PTSD), and suicidal. Many rape victims blame themselves, are ostracized by their families and communities for violating social norms, or are even forced to marry the rapists. Most victims of gender-based violence do not report the violence they experience because of the bad stigma about victims of sexual violence. An example of stigma about victims of sexual violence is that the rape victim is a woman who is flirtatious and likes to dress sexy so that rape is assumed to have started from the woman's coquettishness. Even though rape is a criminal act and the victim of rape certainly does not want it to happen no matter what clothes she wears. In addition, victims or witnesses often do not report sexual violence they experience because they do not know where to report. For example, when someone sees a husband beating his wife, he does not know where to report it. In some countries such as in America, providing responsive emergency services to crack down on the beatings. Unfortunately, in Indonesia the emergency services have not been responsive so that incidents such as beatings cannot be handled immediately.

C. CLOSING

In conclusion, gender issues are still an important issue to be studied and discussed. Gender inequality created by differences between women and men must continue to be eliminated so that gender equality can occur. In this chapter, the gender issues discussed are gender stereotypes and gender based violence. The discussion on gender stereotypes is divided into two, namely the stereotype of the roles of women and men and the stereotype of the division of labor between women and men. In the discussion of gender issues above, it is clear that gender inequality still exists in our society. Many community members do not really understand about gender equality, and many do not know how to behave and behave so as not to create gender inequality. Although it is not easy to change the understanding, attitudes and behaviors related to the differences between women and men because they have been ingrained, active efforts to eliminate gender stereotypes and gender-based violence will create gender equality.

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CHAPTER 5

UNDERSTANDING AND DEVELOPING
ANTI-BULLYING BEHAVIOR

By:
CVR. Abimanyu and Rika Saraswati[5]

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A. INTRODUCTION

Bullying is an intentional aggressive action or behavior that appears or occurs at a certain time due to an imbalance of power between two individuals, two groups, or a group against someone in which one party has more power to intimidate or weaken the other and which is done repeatedly. According to Denny et al (Denny et.al., 2014: 3-28), bullying can be physical, psychological, but can also be in other, more subtle forms such as social exclusion (ostracism), name calling (degrading) and gossip. Furthermore, Denny et al. say that bullying is an act that is consciously, desired and

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[5] CVR. Abimanyu is lecturer at the Faculty of Psychology of SCU, cvr_abimanyu@unika.ac.id, Rika Saraswati is lecturer at Law School, Faculty of Law and Communicationof SCU, Semarang, rikasaraswati@unika.ac.id

intentionally carried out and the action includes verbal, physical or relational things that provide pleasure for the perpetrator resulting in hurt/pain/sadness of other child (Denny et.al., 2014: 3-28).

Bullying can be found in almost all countries and its impact is clearly detrimental to the victim. In many cases, bullying occurs when the victim is a weak party or shows qualities that psychologically and physically make them the target for bullying, lack of support, isolation and fear. Bullying has an influence on the mental health and psychosocial life of the victim, including: anxiety, decreased academic achievement, lack of self-confidence, and even suicidal tendencies (Wójcik & Flak, 2021: 132-154).

Bullying is one of the three sins (besides intolerance and sexual harassment/violence) in educational institutions and systems that the Ministry of Education, Culture, Research and Technology wants to eliminate because bullying hinders overall character building (Makdori, 2021, Liputan6. com) of Indonesians based on the values of Pancasila.

If not forbidden or prevented, bullying in its various types and forms can hinder the formation of the character of the nation's children because bullying contains elements of violence, intimidation and demeans the dignity of a person or victim. If bullying is not prohibited or prevented, it will give rise to the view that bullying is a natural thing to do so that it causes the victim to be increasingly unprotected, the perpetrator is also not aware of his or her wrong behavior, and people who

know or witness bullying are increasingly less aware and less willing to prevent bullying and help the victims.

Efforts to prevent bullying in schools have been carried out by the Ministry of Education and Culture through the Regulation of the Minister of Education and Culture Number 82 of 2015 concerning Prevention and Overcoming of Violence in Education Units, but legal efforts do not seem to be sufficient as the only tool to prevent bullying in schools. reduce the occurrence of bullying or bullying in educational institutions. Another thing that can be done is by instilling knowledge and understanding of the values of equality, justice, the ability to accept and respect differences, and the ability to respect human rights through various activities, both formal and informal.

The inculcation of these values is very important because the various types of bullying: physical, verbal, relational, sexual (which can be done face-to-face or through electronic media) has a damaging impact on the victims. Therefore, in the following subsection, the values that should be instilled in all students will be discussed so that they have the knowledge, understanding and awareness to cultivate attitudes and behavior based on inclusiveness, tolerance, mutual respect for differences of opinion and differences that occur due to natural factors and identity differences.

B. DISCUSSION

Some types of bullying can be learned and avoided by understanding the following definitions:

1. Verbal Bullying

Verbal bullying according to Brank et.al. (Brank, Hoetger & Hazen, 2012: 213-230) is behavior directed at someone by offending, calling names that are not liked, making demeaning jokes, gossiping and threatening. This bullying can be done individually or by a group against someone or against another group.

Verbal bullying is done, for example, by calling their friends 'rabbit teeth', 'fat', 'frizzy', 'cungkring' because of their friends' physical appearance. Bullies often say that the act is just for joking or joking, or because the victim deserves to be called that (Saraswati & Hadiyono, 2015: 1-15). However, it must be remembered that these actions have caused sadness, irritation and discomfort for the person who is called by this nickname. Therefore, out of respect for his friends, it is better to call him by his friend's real name, not because of his physical appearance. Why should you call by your real name? This is because they already have names that have been given by their parents and each name has a meaning. Calling a name based on physical appearance means demeaning someone and only looking at/judging someone because their physical appearance is not their intelligence/skills/advantages, and also not respecting the name given by their parents.

Sometimes people who are around the place where the bullying takes place actually participate in or follow the behavior of the bully. These people can be said to be followers, so it can be said that their behavior is just as bad as the bullies. According to Menesini and Salmivalli, (Menesini & Salmivalli, 2017: 240-253), bullies will feel happy if their behavior is followed by their friends and the

presence of these followers gives them the 'strength' and 'legitimacy' to carry out further bullying. It is possible that there spectators who laugh because they find it funny and think it is acceptable to bully the physical appearance of one being bullied. When they laugh, they can actually be said to be passive bullies. This behavior is clearly inappropriate. The reason is because by laughing they become a follower of the bullies. Being a follower is as bad as being a bully because it does not stop bullying and can even exacerbate bullying behavior so that the victim becomes even more powerless. These attitudes and behaviors show indifference to the person being bullied (Levy & Gumpel, 2017: 339-353).

What should be doner is to reprimand the bully and encourage friends who are being bullied to dare to say no or object to being called names. By encouraging friends who are being bullied will give them confidence so that they do not feel alone. Giving encouragement shows one cares for friends who are experiencing difficulties/difficulty so that they do not become depressed. It has been shown that depression amongst adolescent girls occurred two times greater than amongst adolescent boys. This is due to gender differences related to self-image, especially body image. Women are more sensitive about the self-image of their bodies than men. Women are more likely to reflect on and magnify their depression and reinforce that mood, while men tend to distract themselves from their mood (Marela, Wahab, & Marchira, 2017: 43-48).

In addition to unpleasant or demeaning name calling, verbal bullying is also done by making jokes

related to ethnicity. Bullying based on ethnicity happens all over the world (Menesini and Salmivalli, 2017: 240-253), including Indonesia. Since Indonesia is a country consisting of various ethnicities, this kind of bullying should be stopped and the bullier should be told to protect the feelings of others by respecting differences, otherwise it will cause hatred and hostility in the future. Appreciating differences is a value that must be held by anyone, considering that the Indonesian nation and state is made up of various people from various ethnicities. Verbal bullying using ethnicity as a material for jokes, will create hatred not only between individuals, but even between ethnic groups which threatens the unity and integrity of the Republic of Indonesia.

If verbal bullying based on the ethnicity of a person or a certain is just ignored this has the potential of creating create hatred which will not only affect the individual victim but also the other identity of the victim, i.e, his or her ethnicity, which is also shared by other people in their group or class. Those who hear or see such verbal bullying and and do nothing do not care about the suffering of the victim, about maintaining harmony and about tolerance between ethnic groups.

Verbal bullying can also take the form of intimidation. From elementary to middle school, verbal bullying often occurs in the form of extortion through intimidation. An example of this occurred in Purworejo against a female student vs. a male student. Eventually this female student refused to give any money. As a result, the male student became angry and ended up by physically bullying her, kicking and hitting the female

student. Some male students participated and some even recorded the incident. The video made by the bully's friends went viral (Rachmawati, 2020, Kompas.com). The incident occur at a junior high school , but it does not mean that it could not happen in universities. Therefore, if we are in that situation, we should take a stand and take action by asking the bully to stop his behavior or immediately report it to the lecturers or the authorities.

When bullying occurs there are always several people present at the scene, those who are followers, passive spectators and defenders. They are in the circle of bullying (Levy & Gumpel, 2017, pp. 339-353) if the they act as if they don't know, or just let the event happen or even enjoy it (for example by recording and making it viral), then the circle of bullying will never be broken and as a result bullying will continue to happen and will cause more people yo become victims. This attitude is certainly contrary to the purpose of education which is to build character in accordance with the values of Pancasila by instilling human values and respect for diversity and difference.

2. Relational Bullying

Relational bullying according to Chudnovskaya in her dissertation (Chudnovskaya, 2017: 1-40) is behavior that aims to damage one's social relationships, for example by spreading rumors, avoiding or ignoring someone, and social exclusion. Therefore, if there is a student group asking to stay away from someone because of the rumors circulating which have unclear sources or unclear facts, then the step that should be

taken is to ask the cause or reason to stay away from the victim. By knowing the reasons for this, we can provide solutions to problems that might trigger the desire to stay away from or avoid someone. Thus we can take the attitude to keep inviting the person concerned to be involved in every activity or committee. This is a good attitude and step to maintain friendship and brotherhood. Attitudes and steps that only follow the opinions of friends and stay away from them or do not want to interfere with various reasons should be avoided because this does not solve the existing problem but only delays solving the problem which can actually harm the bullying victim.

One of the consequences of continuous relational bullying is that it makes the victim close him or herself and stay away from his or her friends. If one sees and knows of such a situations and conditions, what needs to be done is to invite the person concerned to do activities together so as not to be isolated. In addition, the person concerned needs to be consulted with a psychologist to restore his or her confidence. This is important because various research results (Chester et al., 2017: 865-872) show that there is a very close relationship between victims of relational bullying and mental health problems later in life, for example: they often experience low self-esteem which results in frequent closure and low academic achievement, as well as suicidal tendencies. If we are not able to give assistants then we can hand it this to the the faculty head or student counseling unit. If we ignore the victims, then this shows our ignorance and

indifference to the suffering of our friends/relatives who are victims of bullying.

Relational bullying can also happen to someone who has achievements or is active in various activities, both in class and outside of class. However, his or her intelligence and activeness can actually cause him or her to be bullied in society and also on social media by some of his or her friends. This is because these friends are envious or jealous over the achievements of others. This kind of relational bullying certainly cannot be tolerated because it shows attitudes and behaviors that do not appreciate other people's achievements and the inability to compete fairly.

On the basis of these considerations, we need to remind the perpetrators of bullying to always be friendly with other people instead of being jealous of the achievements and activities of other people. This is a way to shape the character of the nation's children so that they will appreciate other people's hard work towards reaching their achievements. If we allow the bully to continue, it indirectly shows that our mindset and behavior is as bad as the bully's because we don't appreciate the hard work of others. Envy and jealousy that are manifested through relational bullying will later on lead to a wide scale unfair behavior in all aspects of life and in all socio-cultural relations between individuals, between and amongst between groups. Facing such relational bullying the attitude and behavior that must be taken is to continue to provide support to the victims, encourage them to continue their activities and choose good friends. By choosing good friends, it will reduce the

chances of becoming victims of more bullying (Brank, Hoetger & Hazen, 2012: 213-230).

Relational bullying can also be triggered by two people who previously had an intimate relationship, such as people who were lovers or were dating, but then broke up. If one of the person did not want the relationship to end he or she might spread stories or send and distribute sexually harassing pictures about his or her ex-partner in their *whatsapp* group. One needs to be careful in dealing with such a situation because one or both of them are one's friends, so it would be better if an appeal was conveyed in the *whatsapp* group not to continue and to forward messages that vilify and sexually harass someone because such actions will destroy friendship in the future, even though they are no longer in a relationship as lovers.

Bullies need to be reminded not to continue or forward messages that vilify someone and sexually harass someone through social media, because perpetrators would face criminal charges according Law Number 11/2008 concerning Information and Electronic Transactions, which has been updated through Law Number 19/2016 and may be subject to imprisonment if proven guilty. Therefore, it is not recommended to participate in disseminating the message to many people (using solidarity with bullying perpetrators because they are member of the same group) through social media because they can be subject to legal sanctions. An example is the provisions of Article 27 paragraph (1) jo. Article 45 paragraph (1) of the ITE Law which states that: "Everyone who knowingly and without rights distributes and/or transmits and/or makes accessible Electronic

Information and/or Electronic Documents containing materials that violates decency, shall be punished with imprisonment for a maximum of 6 (six) years and/or a maximum fine of one billion rupiah. Article 27 paragraph (3) jo. Article 45 paragraph (3) of the ITE Law state that: "Everyone who knowingly and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents containing insults and/or defamation, shall be punished with imprisonment a maximum of 4 (four) years and/or a maximum fine of seven hundred and fifty million rupiah".

3. Physical Bullying

Another form of bullying is physical bullying. Physical bullying is characterized by acts of physical aggression such as hitting, punching, or pushing (Brank, Hoetger & Hazen, 2012: 213-230). Bullying can occur in schools or educational environments, partly because of the negative school environment. School environment is a system where members interact with each other and can influence attitudes, beliefs, values, motivations, and behavior of members. The more negative the school environment, the higher the tendency for bullying behavior to occur (Putri, Nauli & Novayelinda, 2015).

The belief that a senior student is allowed and can beat a junior student under the pretext to make the junior student to understand the importance of seniority can result in physical bullying. This needs to be avoided because even though it seems well-founded, its implementation can result in bullying and serious impacts on health.

Physical bullying can also occur because someone has a lower IQ, especially nonverbal IQ. IQ scores are reflected in a person's ability to complete a task, so people who have lower IQ scores usually need more time to finish a task or have no better quality than people who have a high IQ. This explains why someone who has a lower IQ scores will do the task no better than his or her friend, and then is prone to bullying. Brank et al stated that IQ scores are indeed a factor in bullying in schools (Brank, Hoetger & Hazen, 2012: 213-230).

Bullying also seems to be related to gender. Boys were found to use physical bullying more often than girls. Physical bullying in men is due to masculine male characteristics such as rational, assertive, arrogant, competitive, domineering, calculating, and aggressive (Putri, Nauli & Novayelinda, 2015). Such gender constructs are prone to make teenage boys interpret that they deserve and are obliged to carry out physical violence, even to women. This should be watched out for, because women and men are equal, though they are different.

Adolescents need support and social acceptance from their group. During this period peer support is very important, In fact, teenagers have a higher need for peer social support than their parents. However, unhealthy peer relationships can lead to bullying behavior (Hong & Espelage, 2012). Usman (2013) states that students who practice bullying can be caused by pressure to be accepted in their group. Tarsisi (2012) argues that good adolescent relationships can be obtained by encouraging give and take behavior to suppress aggression.

4. Sexual Bullying

Sexual bullying is rather new and not too often heard by the public. Sexual bullying is a concept that emerged because of bullying and deviant dating behavior that often occurs in late adolescence and early adulthood. Sexual bullying is conceptually almost the same as sexual violence. Koeslulat, Keraf and Benu (2021) assert that sexual bullying is all forms of physical and non-physical intimidation that occur continuously by attacking aspects of a person's sexuality or gender.

Damayanti, Kurniawati and Situmorang (Damayanti, Kurniawati and Situmorang, 2019: 55-66) emphasize that sexual bullying does not only happen to women, but also to men. Koeslulat, Keraf and Benu (2021) found that the dimensions of sexual bullying include verbal, physical, social, and cyber bullying. Men were more often involved in verbal, physical, and social bullying, while there was no significant difference in cyber bullying between men and women. Damayanti et al. (Damayanti, Kurniawati and Situmorang, 2019: 55-66) also stated that there are various forms of sexual bullying, for example making fun of homosexuals, making fun of someone's sexual organs, using sexual terms to undermine people's reputations, spreading rumors about the victim's sex life, and pressure someone to act in a sexual way.

Touching other people's body parts without their permission is a form of sexual harassment. If it is done continuously, it can be referred to as bullying. Calling someone using sexual terms, or whistling with sexual intentions even though there is no direct physical contact, can still be categorized as sexual harassment or sexual

bullying. This is either because of their own volition or the invitation of others, is still an act of bullying and is not a commendable thing. People may be tempted to prove who they are through extreme activities, including sexual harassment or bullying. It is important for us to understand the differences between one another in order to understand the background of a person choosing a way of proving himself, but one should not be allowed to take the law into his own hands over what he judges to be wrong.

Technology has also brought bullying to the cyber world. A person can receive constant threats due to the exciting photos that other people have of him or her. This is also recognized as sexual bullying in cyberspace. A perpetrator usually does this to get something from the victim. On the other hand, the victim feels pressured due to being constantly blackmailed, but also helpless because he or she is worried that her secrets will be exposed. Consultation with a psychologist and lawyer is a way that can be taken, since this incident is a difficult situation for the victim.

C. CLOSING

Early adulthood is a developmental stage in life following adolescence. In this stage, individuals are required to be able to explore and try many things so that they can find out what right lifestyle suits them. This is not an easy phase, Santrock (2010) states that some young adults can experience mental fatigue, hopelessness, sadness, and even depression. Individuals in early adulthood can also engage in several deviant

behaviors such as alcohol abuse, violence, and including bullying (Koeslulat, Keraf, Benu, 2021).

Bullying committed by adults can occur in school or educational settings, the work environment, politics, sports, social media, and also in the home environment. Koeslulat, Keraf, Benu (2021) continue that this happens because a person in the early adult phase feels strong and feels in control of things, some even derive satisfaction, if he or she can hurt and cause his or her victim to suffer, especially if their victims cannot fight back or seek help. The bullying takes several forms, including physical, verbal, relational, and sexual bullying both face-to-face and through electronic media.

It is very important to stop bullying through awareness of its forms and also the awareness of existing behavioral options to avoid someone becoming a victim or perpetrator. In this case, the cultivation of very important values is carried out so that through awareness and understanding, awareness can arise to cultivate positive attitudes and behaviors based on inclusiveness, tolerance, mutual respect for differences of opinion. This is also expected to give birth to a mindset that can view differences as natural and natural.

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CHAPTER 6

UNDERSTANDING RACIAL ISSUES BASED ON EQUALITY AND NON-DISCRIMINATION PRINCIPLES

By:
Adrianus Bintang Hanto Nugroho and Andhika Nanda Perdhana[6]

A. INTRODUCTION

Since its establishment the Republic of Indonesia has actually committed to protect all citizens from various discriminatory actions as written in Article 28 of the 1945 Constitution. However, in reality we often encounter discriminatory actions against racial and ethnic minority groups. During the New Order era we even found structured discrimination by the State against the Chinese minority.

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[6] Adrianus Bintang Hanto Nugroho is a lecturer at the Faculty of Law and Communication and a teaching staff in the General Education Unit of Soegijapranata Catholic University (SCU), bintang@unika.ac.id, Andhika Nanda Perdhana is a part-time teaching staff of the General Education Unit of SCU, nandaperdhana@unika.ac.id

One of the legal instruments that could be considered as legitimating of this condition was the issuance of Presidential Instruction *(Inpres)* Nr.14/1967 on Chinese Religion, Beliefs and Customs and Circular Nr.06/Preskab/6/67. As a result, for years afterward, Chinese people experienced discriminatory treatment from public as the result of legitimated discrimination conducted by the State. Fortunately, discrimination by the State was abolished during the reign of President Abdurrahman Wahid through the issuance of Presidential Decree Nr. 6 of 2000 concerning the Revocation of Presidential Instruction Nr. 14 of 1967.

Other discriminatory treatment was also experienced by the Papuan students studying at Java island which manifested in the difficulty of finding place to live due to the negative prejudices against them. The BBC and CNN of Indonesia have reported this happening in several news stories that could be downloaded from the internet.

Discrimination against race does not only occur in Indonesia but it also occurs in other parts of the world. America, for example, a country that verily favors democracy, still carry out discriminatory actions against black people communities and those coming from Asia.

Racial discrimination is a negative act that is against national and even international laws. Starting from the legacy of slavery happening at European countries and the United States in the 18th and 19th centuries racial discrimination then became a common social practice in various parts of the world. The awareness of equal dignity and equal rights began to emerge after the era of World

War II which was marked by the emergence of the Universal Declaration of Human Rights and its various derivative covenants and conventions.

The minority groups in race and ethnicity do essentially have the rights to be treated equally to the others. Protection and respect for their human rights are absolutely necessary. Articles 1 and 2 of the Universal Declaration of Human Rights (UDHR) state that every human being is born free, and has the same dignity as one another. In addition, the rights that humans are born with are also equal between one to another and cannot be discriminated based on race, religion, ethnicity, and nationality.

Important documents that also serve as guidelines for the implementation of human rights to prevent discrimination are international legal instruments such as the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICEAFRD).

The ICCPR was ratified by the Government of the Republic of Indonesia and adopted into a national law through Act Number 12 of 2005 on Ratification of the International Covenant on Civil and Political Rights. Meanwhile, ICEAFRD was ratified in 1999 and its principles were adopted into Act Number 29/1999 on the Ratification of the International Convention on the Elimination of All Forms of Racial Discrimination 1965.

The various international legal instruments mentioned above that have been ratified by the Government of Indonesia aim to show that any form of

discriminatory action against individuals or groups of individuals of racial or ethnic minorities is not justified. Individuals and groups of individuals from minority groups have equal rights with the others.

B. DISCUSSION

1. Race and Ethnicity Understanding

There is a difference in understanding between race and ethnicity that needs to be understood. In a layman's view, especially at first glance, race is about skin color and some other differences that are visible from a person's outward appearance. A biological race theory that supports this view classifies racial categories as, for example, Caucasoid, Negroid, and Mongoloid. It is based on externally visible traits such as skin color, hair color and texture, eye color and eye creases, facial features including nose shape, head and body shape and size, and including body skeleton (Chen and Brackett, 2011: 1).

In his writing on National Geographic, Erin Blakemore (Blakemore, 2019) states that race and ethnicity are two concepts related to human ancestors. Race is defined as 'a category of human beings who have certain distinctive physical characteristics'. The term ethnicity is more broadly defined as 'a large group of people classified according to the same race, national, and ethnic, religious, linguistic or cultural origin or background'. Furthermore, Blakemore (Blakemore, 2019) states that:

> "Neither race nor ethnicity is detectable in the human genome. Humans do have genetic variations, some of which were once associated

with ancestry from different parts of the world. But those variations cannot be tracked to distinct biological categories. Genetic tests cannot be used to verify or determine race or ethnicity, though the tests themselves are associated with an increased belief in racial differences. ...Race and ethnicity are often regarded as the same, but the social and biological sciences consider the distinct concepts. In general, people can adopt or deny ethnic affiliations more readily than racial ones, though different ethnicities have been folded into racial categories during different periods of history".

Another definition of race that is almost similar to the definition given by Blakemore can be found in the writings of Diego Junior da Silva Santos *et al* (Santos *et.al*, 2010: 121-124). He states that the term race has various definitions that are commonly used to describe a group of people who have certain morphological characteristics. In his opinion, this term is not a scientific, meaning race will only have meaning if humans are completely homogeneous and pure-blooded or 'thoroughbred' as can be found in some animal species. These homogeneous and pure-blooded conditions are never found in a human society (Santos et.al, 2010: 121-124). Furthermore, it is stated ...there is widespread agreement among anthropologists and human geneticists that, from a biological standpoint, human races do not exist.

From the statement of Santos *et.al.*, there is no biologically human differences based on race. Lopez (1994) says that racial differences are born because they are constructed by society. In other words, the term race appears as a result of social construction (Chen and

Brackett, 2011: 2). This is reinforced by Blakemore (2019) saying that humans share more than 99 percent of their genetic material with each other and variations occur more in individuals than in ethnic groups. However, in reality, the term race was eventually politicized or used as a political term to describe situations in which human beings were divided or forced to join a group based on certain characteristics or traits.

Even in the United States of America (USA), a country that is considered as the pioneer of democracy, politics or politicization based on race or ethnicity remain occurring. Blackmore (2019) states that in the United States people still distinguish the concepts of race and ethnicity so that the terms White (White), Black or African American, Asian, American Indian, Native Alaska, Native Hawaiian and other Pacific Islanders still frequently appear. They also distinguish two types of ethnicity, namely Hispanic or Latino and non-Hispanic or Latino. According to Blackmore (2019) such demographic data will in turn influence the public policy and the civil rights laws. The legacy of the race and ethnicity construction (or politicization) can be seen in almost every US' policy, from housing to health, which in turn can shape racial and ethnic prejudice. Furthermore, this racial and ethnic prejudice will possibly create discrimination and affect the distribution of wealth, power, and opportunity, as well as create various social stratifications (Blakemore, 2019).

In Indonesia primordial issues such as race and ethnicity often arise, especially in special occasions. Th issues will be getting hotter when there are democracy events such as general elections, both at the national and

regional levels. Beside race and/or ethnicity issues, other issues such as religions, 'native son', 'indigenous vs not-indigenous' always appear to decorate social media and other media during the events.

Regarding the identity politicization in elections Frenki says (Frenki, 2021: 30) that the politicization of identity is generally considered an effective tool by candidates to gain supports from certain communities, especially from religious community and ethnic majority groups. To Frenki the practice of identity politicizing tends to appear in the political years, be it at the level of regional head elections and even presidential elections. The problem of the identity politicizing practices deserves attention because they potentially lead to impacts that are contrary to the goals of democracy. The practices will possibly lead to societal split, political instability and even nation disintegration. It takes a high awareness of the candidates who are involved in political contestation during the elections in order to prioritize the unity and integrity of the nation rather than temporary political interests.

Therefore, the public (including the students) should be very careful in sorting out news and information from social media or other mass media. Instead of electing a leader based on primordial identities such as race, ethnicity or religion, one should wisely elect a leader who has a good track-record, integrity and history in leadership, so that he or she does not get caught up in the issue of racial discrimination or religious discrimination.

2. International Provisions as a Basis for Protection against Discrimination

In the context of human rights, the equality and non-discrimination principles are the basic foundations that are very important for protecting and respecting the rights. Article 1 of the UDHR states that: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood".

The article confirms the moral position that all people are equal and have the same dignity and rights. Article 2 of the UDHR further contains the basis for the principles of non-discrimination: "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty".

These two articles provide a clear statement that according to human rights perspective everyone must be treated equally and free from discriminatory treatment.

The two articles of the UDHR are further strengthened by the International Covenant on Civil and Political Rights (ICCPR) Articles 26 and 27. Article 26 of the ICCPR states that: "All persons are equal before the law and are entitled without any discrimination to the equal

protection of the law. In this respect, **the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".**

Article 27 of the ICCPR emphasizes the rights that cannot be denied in relation with ethnicity, religion and language belonging to minority groups. The full content of this article is as follows: **"In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right**, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language".

The contents of articles 26 and 27 of the ICCPR indicate that every individual has the same position and is entitled to legal protection without any discrimination and distinction, including those related to race, ethnicity, and national origin. In addition, the State has an obligation to guarantee the rights of minority groups to enjoy their culture, have their religious practices and speak their own languages.

The guarantee of the equality and racial non-discrimination principles that has been written in the ICCPR document above is further strengthened by the International Convention on the Elimination of All Forms of Racial Discrimination (ICEAFRD), especially Article 5 which contains the fulfillment of individual rights without race, color, ethnicity, and nationality distinctions. The full

article says: "In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate **racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin**, to equality before the law, notably in the enjoyment of the following rights... etc".

Furthermore, Article 6 of ICEAFRD encourages the ratifying countries to guarantee legal protection for everyone against any act of racial discrimination that violate human rights under within his/her jurisdiction, including the right to adequate or satisfactory compensation decided by the court for all forms of losses suffered as a result of the discrimination.

In addition to the legal protection aspect, Article 7 of ICEAFRD encourages the ratifying countries to actively promote tolerance and combat negative prejudices that will result in racial discrimination. The full Article 7 of ICEAFRD states: "States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promote understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention".

Based on the various international legal instruments above we can see that equality, equality

before the law, and non-discrimination principles have become international norms. Many countries have ratified the international legal instruments and have adopted them into their national laws.

3. State Responsibilities

It was explained that the Government of Indonesia has ratified several international legal instruments such as ICCPR and ICEAFRD and adopted them into national laws through Act Number 12 of 2005 concerning Ratification of the International Covenant on Civil and Political Rights and Act Number 29 of 1999 concerning Ratification of the International Convention on the Elimination of All Forms of Racial Discrimination 1965.

Based on the two Acts the government legally recognizes the equality and non-discrimination principles of the citizens regardless of race and ethnicity backgrounds. As the consequences of the Acts the government has an obligation and responsibility to respect and protect all minority groups, including racial and ethnic minorities, within its jurisdiction without exception.

In addition to the two Acts described above, the Government of Indonesia also has another law enforcement instrument that guarantee equality for racial minority groups, namely Act Number 39 of 1999 on Human Rights. Article 3 of the Act states that:

(1) Everyone is born free with same and equal human dignity and is endowed with a pure mind and heart to live in society, nation and state in the spirit of brotherhood.

(2) Everyone has the rights to recognition, guarantee, protection and fair legal treatment as well as legal certainty and equal treatment before the law.

(3) Everyone has the right to the protection of human rights and basic human freedoms, without discrimination.

Article 3 of Act Number 39 of 1999 clearly states that everyone has equal dignity and is entitled to recognition, protection and fair legal treatment without discrimination. According to the Act the Government of Indonesia has an obligation to protect, promote, uphold, and fulfill the human rights of its citizens without exception.

D. CLOSING

Racial discrimination is a negative act that is against both national and international laws. Awareness of equal dignity and equal rights emerged after the era of World War II which was marked by the formulation of the Universal Declaration of Human Rights and its various derivative covenants and conventions.

In the New Order era (1967-1998) the State appeared as an active actor in conducting racial discrimination, especially against Chinese people through the issuance of the Presidential Instruction Nr. 14/1967 on Chinese Religion, Beliefs and Customs followed by the Circular Nr. 06/Preskab/6/ 67. The discrimination by the State was then abolished during the reign of President Abdurrahman Wahid through the issuance of Presidential Decree Number 6 of 2000 on the Revocation of Presidential Instruction Number 14 of 1967. Thankfully,

since then the Chinese minority group could perform their culture and customs openly.

Indonesia has had legal instruments that require the State to have obligation and responsibility to act equally to all its citizens, including the minority groups, without any distinction and discrimination. However, discriminatory treatment still occurs sporadically in many places. Therefore, as the current generation and as members of society, we have to realize and actualize this country's equality and non-discrimination principles in our daily life.

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CHAPTER 7

DEVELOPING TOLERANCE AND INCLUSIVENESS OF DIFFERENT ETHNIC GROUPS IN INDONESIA

By:

Hironimus Leong & Stevanus Hardiyarso[7]

A. INTRODUCTION

Indonesia is a diverse country consisting of various cultures, religions, and customs. A vast country, Indonesia has five large islands, namely Sumatra, Java, Kalimantan, Sulawesi and Papua. In addition there are approximately 17,000 small islands. As a large country Indonesia also has a large population of 276,361,783 (2021).

Given that situation it is not surprising Indonesia faces many challenges in managing ethnic relations. According to Badan Pusat Statistik (Central Statistics Agency) data, Indonesia has 1,340 ethnic groups in 2010.

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[7] Hironimus Leong is a permanent lecturer at School of Informatics Engineering, Faculty of Computer Science of SCU, marlon.leong@unika.ac.id; Stevanus Hardiyarso is a permanent lecturer at School of Communication, Faculty of Law and Communication of SCU, hadiyarso@unika.ac.id.

The Javanese are the largest ethnic group, accounting for 41% of the total population. Following are the Sundanese, Bataknese, Madurese and Betawi. These five ethnic groups are the largest in terms of population in Indonesia (Naim & Saputra, 2011: 9).

With a large population, vast territory, abundant natural and cultural wealth, Indonesia should have the potential to be more advanced than other countries. However, Indonesia faces serious problems regarding ethnic relations.

In a report by the Research and Development Agency of the Ministry of Defense (November 2010), it was reported that the conflicts that occurred in Indonesia were horizontal conflicts based on religious and ethnic issues as well as welfare inequality. Wherever they happen, conflicts based on religious and ethnic issues are very easy to become violent and attract the involvement of trans-regional actors, thus are very difficult to resolve. This is because conflicts based on religious and ethnic issues tend to transcend geographical boundaries, are not easy to negotiate and are irrational (Hendrajaya, 2010: ii).

In the same report, it is stated that the causes of conflict in border areas, can be seen as vertical conflicts, including: (1) Imbalance development, (2) exploitation of natural resources, (3) violence against the people, (4) Strong ethnicity to the local community, (5) remoteness from the center of government, (6) erroneous or forced modernization, (7) unequal distribution of the economic or political position, and (8) wrong perception of the central government towards local communities (Hendrajaya, 2010: ii).

There are many problems in ethnic relations in Indonesia that lead to conflict. According to Davi Bloomfield and Ben Reilly, there are two elements that trigger conflict. The first is the element of identity: the mobilization of people in communal identity groups based on race, religion, culture and language. The second is the element of distribution: a way in which economic, social and political resources in a society are shared. These two elements have influenced the emergence of various ethnic conflicts in Indonesia, from such cases as the Poso, Ambon, Papua and Sampit cases, as well as conflicts between indigenous versus non-indigenous (especially Chinese descendants) groups.

In a multicultural Indonesian society, this kind of conflict cannot be avoided. Instead its existence must be acknowledged. The government and all citizens need to manage conflict into positive things for social change in which multicultural values are agreed upon, namely respect between ethnic groups/community groups with different cultures, and provide the widest space for each groups to express their culture without causing any violence, conflict and hostility.

This paper raises the theme of tolerance/inclusivism amongst ethnic groups in Indonesia as an important part of education for students in understanding diversity as a social force to realize the solidarity of a cultured nation. This has also become the National Long-Term Development Plan 2005-2025 which mandates the strengthening of the nation's culture which is reflected in the improvement of civilization, dignity and worth of

Indonesian people and strengthening the identity and character of the nation.

B. DISCUSSION

1. Definition of Ethnicity

Ethnic groups are groups of people who classify themselves and each other based on common lineages by referring to certain characteristics, such as culture, language, religion or beliefs and behavior. Koentjaraningrat describes ethnicity as a social group or a human life unit having an interaction system, a system of norms that regulates this interaction, continuity and a sense of identity that unites all its members and has its own leadership system within the group (Koentjaraningrat, 1992: 180).

Another opinion was conveyed by Tumin (Hidayah, 1997: xix-xxvii) who stated that an ethnic group is a social group within a larger social and cultural system. This social group bases their grouping themselves on a special social status received due to innate ethnic characteristics that are thought to exist.

Parsudi Suparlan (Suparlan, 1986: 96-104) has another view of ethnicity, namely a special category or social group, namely ascriptive, namely social groups that are taken for granted. Ethnic groups exist and are known because of their interaction with other ethnic groups and through this interaction there is an acknowledgment of their existence and different characteristics. Among the characteristics of ethnic groups as social groups, the most important thing that distinguishes ethnic groups and

other social groups is their descriptive characteristics that appear and persist in interactions that result in recognition, or mutual recognition and acknowledgment.

Furthermore, Suparlan (Suparlan, 1986: 18) states the characteristics of ethnic groups as follows:

a. A life unit that is biologically capable of reproducing and sustaining;
b. Having a culture and institutions in common, acting as guidelines for their lives, which are generally different from those of other ethnic groups or communities;
c. Membership in an descriptive ethnic group, namely membership that is obtained by someone automatically, along with his/her birth which refers to the ethnicity of the parents who gave birth to him/her and/or the area of origin where he/she was born and raised to adulthood.

From these definitions, ethnicity can be seen as having several characteristics such as language, lineage, and sense of identity, culture, recognition, and place of origin. In addition to these characteristics, there are other factors, such as knowledge of cultural rules and the values, behaviors seen as good or bad which may differ from one ethnic to another.

2. Ethnic Conflict in Indonesia

If we look at the various ethnic conflicts in Indonesia, we can see the same pattern:

a. **Beginning with individual cases.**

In many ethnic conflict cases in Indonesia, individual cases dominate the triggers of the conflict. Along

with technological advances, social media has become the main place where conflicts started, develop and spread. Hostility and hate speech are trigger factors.

b. Deadlock in communication

Many conflicts occur because of failure in communication. Incidents of conflict or violence are political messages that perpetrators want to convey when they can no longer express themselves in other ways. The case (https://www.cnnindonesia.com/, 2019) in Surabaya shows how to take action is used to convey a message. This inability to communicate can be because the perpetrator does not have sufficient evidence, or it could be because the public space allowing for communication has been lost, being used by certain parties and actors. Many conflicts are used by certain parties to make small problems become larger social conflicts, for power and political gains. There is a long record of ethnic conflicts in the community. The police stated that the spread of hate speech by syndicates such as Saracen aims to sow conflict in society by using social media for their own advantages (Ervianto, 2017). Rinchi Andika Marry (Marry, 2014) in a thesis at the UI History Study Program entitled Ethnic Conflict between the Dayak and Madurese in Sampit and its Resolution 2001-2006 (2014) stated that the Sampit conflict was not only caused by socio-economic problems, but also by the involvement of some masterminds in the conflict

area who were there for political purposes. Another example is the 2017 Jakarta gubernatorial election where the issues were used by some masterminds for political purposes (Sugiharto, 2017).

c. **Development of sensitive issues that lead to ethnic conflicts**

Central government policies are often seen as creating injustice and creating more inequality at the regional level. Some areas are seen as highly developed, while other areas are still lagging behind. This condition is often used as an issue of policy discrimination between Java and the rest of the country. Excessive provocations about the disparity between regions are often exploited into ethnically sensitive issues, namely, the issue of Javanese versus non-Javanese ethnic groups.

d. **The unstable condition of society makes provocation very effective.**

Advances in communication technology have made it easy to spread information quickly. However, in many cases, people's ability to absorb information is not directly proportional to the distribution of so much information. The inability to understand the context of information as a whole, not partially, is the main cause of conflicts, especially ethnic conflicts. Information that is hoax in nature in 1998 gave birth to the issue of China versus will very easily provoke people who do not have reliable references.

e. **Conflict linked with ethnic, religious, racial and group issues**

Many cases of ethnic conflict linked with ethnic, religious, racial and group issues. History records that many ethnic conflicts are worsened by ethnic, religious, racial and group issues. Ethnic sentiment Indigenous people which was recorded as one of the ethnic conflicts accompanied by ethnic, religious, racial and group issues. Likewise, the Sampit tragedy in 2001 was an ethnic tribal conflict which became a bloody conflict due to ethnic, religious, racial and group issues. And there are still many examples of ethnic conflicts that are complemented by these sentiments.

f. **Dissatisfaction with the Government**

In a very heterogeneous country such as Indonesia there is a great potential for conflicts both horizontally and vertically. Horizontal conflicts are conflicts that occur between communities, as described in the previous section. Meanwhile, vertical conflicts are more about conflicts between the central and local governments, or the dissatisfaction of certain groups with government. In some cases, ethnic or racial sentiments are used to provoke groups who are disappointed with the government, such as ethnic sentiments between Javanese and non-Javanese as happened in Aceh, Papua and Ambon as an expression and accumulation of various problems.

3. **How to Handle Tribal Conflict**

Contextuality is very important in dealing with social conflicts based on ethnic diversity. Conflict can be

handled in a variety of ways. Here are some of these approaches:

a. **Strengthening the social base, building social awareness, commitment and willingness to live together as a nation**

Ethnic differences should not be considered as a fanatical fear of the existence of other ethnic groups, and the other group are seen as a threat to the life, welfare and survival of their one's group so that they have to be fought, weakened and even eliminated.

b. **Equitable distribution of economic welfare among regions**

The potentials of open ethnic conflicts becomes even greater when one region shows socio-economic conditions that are much different from another. Disparities between regions will create jealousy which can lead to disintegration. The government's task is to carry out equitable development in all regions so as to realize balanced progress between regions. Transportation and communication infrastructure should not only be built for the purpose of economic equality, but also to allow mobility of the population to live and mingle with each other which in the end will lead to assimilation, acculturation and pluralism.

c. **Develop an attitude of tolerance, respect-tolerance and a willingness to mingle.**

UNESCO emphasized that the main function of education is not only on aspects of Learning to Know, Learning to Do and Learning to Be but also

needs to improve aspects of Learning to Live Together (Laksana, 2016: 46). This means that education plays an important role in developing an attitude of tolerance, respecting differences and pluralism, equipping all human beings with the ability to live in harmony together in humanity. There needs to be a paradigm shift in responding to differences between ethnic groups and cultural pluralism in everyday life, developing the insight of pluralism and multiculturalism as a real manifestation of Bhinneka Tunggal Ika. Thus, there is space for the growth of appreciation for other different cultures, so that an inclusive and tolerant attitude becomes the key word in a mixed life.

d. **Not gathering exclusively within one's own group, but interacting with other communities having different socio-cultural attributes**

There needs to be awareness that a life rich with diversity can be united under the umbrella of nationality. Interaction between ethnic and cultural groups not only leads to cultural preservation but also participation in different cultures. It is important to get out of one's exclusive group, so that there is awareness that to grow and develop can be done not only individually, but also collectively with regards to difference and diversity. Respect for plurality, creative problem solving, peaceful conflict resolution, developing mutual respect, cultivating tolerant values and inclusive appreciation can be obtained from wider interactions.

e. **Mutual cooperation, looking for common social attributes that can enrich the local wisdom of every ethnic group in Indonesia**

The term 'gotong royong' is the main factor that can be used to find similarities in social attributes. The existence of historical and political similarities as a nation; the many socio-cultural attributes of the existing ethnic groups as local wealth and wisdom; the establishment of interaction in differences; inter-regional dependence and economic equality; and social awareness, commitment and willingness to live as one nation, are important values that can be used as guidelines and common references. Thus, it is no longer 'we' in social interaction, but 'us' as 'Indonesians'.

4. Implementation of Inter-ethnic Tolerance

Indonesia's ethnic diversity needs to be recognized as a cultural asset. As an asset, this diversity plays an important role in the life of the nation. It also influences the dynamics and way of thinking, of individual as well as groups. However, it should be realized that diversity also has the potential to create social conflict. Therefore, it is necessary to create a spirit of solidarity and tolerance among members of the community. In a tolerant environment, ethnic diversity is understood and treated as an opportunity to appreciate, respect and complement each other.

Conflicts between ethnic groups are often based on a dislike of other groups. In this era of digital

communication, we can easily find this attitude in various social media platforms. It is very possible, that the perpetrator of hate speeches is our relatives, or close friends.

As mature citizens we of course should not aggravate the situation which will ultimately lead to ethnic conflicts. In such a situation the right step to make is to show the legal consequences of those actions. Even better is to invite friends to think and act wisely, that hate speech is useless. On the other hand, such a thing could become a source of inter-trial conflict. For that reason, wise understanding needs to be followed by concrete actions, namely removing posts that contain hate speech and not repeating them in the future.

Ethnic solidarity is actually natural and has a positive value. It is not uncommon, however, that the spirit of solidarity is understood and expressed in a narrow and restricted way. When a member of the group does something wrong, without thinking clearly and deeply, a defense will automatically be made. This will cause the conflict to become bigger.

Faced with such conditions, students need to think critically and rationally so that they are not easily carried away. Being angry because a relative has been hurt is understandable. However, this situation is an opportunity to think clearly, fairly and critically, to see and find the main source of the problem.

That Indonesian consists of many ethnic groups is an undeniable fact. However, it is also a fact that there are some ethnic groups who think that their group is "better" than the others. This becomes clear when two

people from different ethnic groups face opposition when they enter into a romantic relationship. The reason given for the opposition is the need to maintain tradition. Such a way of thinking is not in line with the principle of human values which consider humans as equal. This view sees that foundation of marriage is love.

Seeking a better life, especially economically, is the aspiration of every human being. It is also natural that a sense of comfort and well-being is shared and transmitted to family, relatives, and kin. The rationale is that this attitude will be able to raise the dignity of the family and relatives.

Cynicism towards solidarity is actually based more on selfishness and excessive group self-interest. Socially and psychologically this results in jealousy, envy and resentment. In fact, this misgiving is very likely based on fear, that the welfare of himself and his tribe will be disturbed.

One of the characteristics of ethnicity in Indonesia is that each ethnic group has its own language. Whereas since the Youth Pledge in 1928, the Indonesian language (Bahasa Indonesia) was agreed to be a unifying tool for the Indonesian nation, this does not mean reducing, let alone eliminating, indigenous languages.

The role of Indonesian as a unifying language is not able to change the "soul" of tribal languages. The intonation, accent, and tribal style of language remain irreplaceable. The impact is that the mastery of the local language by outsiders will actually foster a sense of appreciation, respect and acceptance, namely acceptance as relatives, even part of the tribe.

Legislations on the election of regional heads basically provide opportunities for citizens who have leadership qualities to become leaders of a region. Their role is to lead regional development for the sake of improving the welfare of all citizens, regardless of their ethnicity, race and religion.

In practice, however, the election of regional heads is less reassuring. Negative opinions often arise over candidates who do not come from the majority ethnic group of the area. As a result, the elected leader is, more often than not, from the majority ethnic group, even though the person concerned might lack leadership qualities.

There is a classic Indonesia saying: "Different pond, different fish; different, different grasshoppers." It means that different areas will produce different goods, and different regions can bring different problems. Such a perspective often colors the attitude of parents and relatives when they want to give approval to family members seeking a spouse. For these parents and relatives, a suitable spouse is someone who is from the same ethnic group. Such an understanding defeats the meaning of true love, which does not look at differences, whether ethnicity, class or social position.

The leader of a region is basically different from the traditional or tribal leader. The difference is in the selection process and the duties and responsibilities carried out. The selection of regional leaders is carried out through an election mechanism determined by law. Under the law, the elected leader is accountable to all citizens in the constituency. Meanwhile, the selection of

the chief of an ethnic group or clan is carried out by appointment or lineage, according to local regulations or the customary law of the group concerned. Based on the same customary law, the responsibility of the tribal leader is to the members of the tribe.

In practice, it is not uncommon for people to treat and see the two types of leaders the same way. Regional leaders are assumed to be tribal leaders. This becomes clearly visible when negative response arises, when there are candidates who come from different ethnic groups. The consequence is that the leader is chosen only on the basis of ethnicity equality, not based on his or her capability and integrity.

One of the sensitive social issues is the consumption of alcohol and drugs. Issues regarding alcohol and drugs are often associated with certain ethnic groups. The argument is built that drug trafficking cannot be separated from certain ethnic groups.

Dealing with such issues requires maturity and critical thinking. The real perpetrators of drug trafficking cannot be identified or attached to certain ethnic groups, but are the actions of irresponsible persons. These persons can come from any group, class or ethnicity.

One of the distinctive manifestations of an ethnic group is its traditional costume. Through the shapes, models, materials, colors and accessories of their costumes, each tribe conveys the ideals and values of the tribe. The ideals and value conveyed by traditional costumes cover many aspects, such as: religious, social, economic, and political aspects. These ideals and values are evident in the fact that traditional clothing is used at

important events, such as religious, traditional and official ceremonies as well as at weddings.

Wearing traditional attire gives a sense of pride, as being part of the ethnic group. What is interesting is that in Indonesia the wearing of ethnic costume tends not to be exclusive. Wearing traditional costume by an outsider shows that the person concerned really appreciates the uniqueness of the group. On the other hand, it shows that he or she is also accepted as being part of the group.

UNESCO's "learning to live together" is in accordance with the Indonesian culture of gotong royong. The implementation of the call is by building mutual cooperation as a habit and awareness of the meaning of tolerance. This needs to be realized today as encounters between people of different ethnic groups are increasingly open. In such conditions, it is very possible that people from different ethnic groups are in need of help. Faced with such a situation, our conscience is faced with learning the values of Learning to Live Together, as the embodiment of human values as homo-socius, without any discrimination.

Being comfortable in one's environment makes one afraid to associate with people from outside the group. This can result in a lack of understanding of friends and people from different environments or groups and ethnicities. One's could view of people outside one's ethnic group become stereotyped, which can be either positive or negative. Time can disrupt a person's comfort zone. In the work environment, a person is conditioned to meet people from various groups, ethnicities, and different races. Such conditions, of course, open up

discourse and change the stereotype one has of people of different ethnic groups. One thing that has a great impact on changing one's perceptions is when one meets people from different ethnic groups who generously and sincerely have given help and support.

Indonesia is not only known as a multi-racial, multi-ethnic country, but also as an archipelagic country with diverse climatic, topographic and geographical conditions. It is undeniable that these natural conditions are sufficient to determine the character, perspective, emotions and behavior of the inhabitants.

There are many factors that drive a person to act harshly, even violently and cruelly, for example, economic problems, work or family problems. Violent, cruel or violent behavior is not determined by ethnicity or race. This condition can appear in everyone, from any class, taste or ethnicity, including people with a high level of education. In the openness of association, it is very possible that acts of violence and cruelty befall a person. When experiencing these conditions, what is needed to reduce the atmosphere is a clear and spacious mind. Understanding and applying "just retribution" will only make things worse.

Indonesia is not only known as a multi-racial, multi-ethnic country, but also as an archipelagic country with diverse climatic, topographic and geographical conditions. It is undeniable that these natural conditions have defined the character, perspective, emotions and behavior of the inhabitants.

There are many factors that drive a person to act ruthlessly, even violently and cruelly, such as financial,

work or family problems. Violent behavior is not determined by ethnicity or race. This condition can appear in everyone, from any class, race or ethnicity, including people with a high level of education. In an open and free association, it is very possible that acts of violence and cruelty be falls a person. When experiencing these conditions, what is needed is a clear and open mind. Understanding and applying the principle of "just retribution" will only make things worse.

The distinctiveness and uniqueness of the ethnic groups in Indonesia are not only seen in language, clothing, staple food, house types but also physical-biological forms. For example, eye shape, skin color, and body size. Physical differences are of course interpreted as the Creator's gift. "Your mouth is your tiger," reads an ancient proverb. Speech based on the assessment that one biological physical form is superior to another is an attitude of arrogance and cynicism. Because of a narrow mind and the encouragement of negative sentiments, speech is often unorganized. The result is being unable to see the other people's strengths, let alone appreciate them. In fact, without realizing it, the attitude and speech is a mirror of oneself. This is a manifestation of the inability to respect oneself.

In human interaction, it is not uncommon to find people who tend to be closed and feel inferior. There are various reasons for this, such as: educational background, coming from a minor ethnic group, coming from remote and underdeveloped areas. Inadequacy increases when encounters occur with people who are more educated,

come from the majority ethnic group, especially those who come from developed areas.

As Indonesian citizens who love and uphold the ideals of their ancestors and founding fathers, they too want to benefit from education, development and welfare like the rest of the population. With such awareness, an encounter with a friend who is socially and psychologically inferior will not make him stay away. Instead, build an atmosphere that allows friends to come out of low self-esteem and small.

The differences in the development and welfare between one region and another are due to various factors. These include: geographical and topographical factors, climate resources and human resources. Awareness and acceptance of the factors that cause differences in development does not mean that nothing can be done to correct them. On the contrary, this should encourage people to promote a more equitable development.

To be involved in the equitable development of the nation must not by means of coercion. Equitable development also does not mean not taking ethnic diversity into account. Such an arrogant attitude will actually lead to rejection by citizens, especially when it gives the impression that someone does of not respecting people from other groups.

As a multicultural nation, heterogeneity can potentially cause horizontal and vertical conflicts. Historical facts show that in many cases ethnic conflicts started from individual disputes that were exploited by irresponsible parties.

In this condition, strengthening national insight and tolerance needs to be manifested in an atmosphere of togetherness in all aspects of life. Tolerance is not just an understanding that there are differences, not just the majority not disturbing the minority but more than that, it needs acting in an inclusive tolerant manner.

C. CLOSING

The various ethnic groups in Indonesia should be seen as a cultural asset. Differences between ethnic groups should be addressed positively in a spirit of mutual respect and understanding. In this spirit differences are seen as an opportunity to support each other regardless of origin, or ethnicity.

It is necessary to build awareness that ethnic diversity is also a potential condition for conflict. To avoid conflicts due to ethnic differences, there are several things to watch out for envious: jealousy of individuals or groups, provocations by unscrupulous persons, the development of negative issues against certain ethnic groups, and biased resolution of disputes.

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CHAPTER 8

ACCEPTING LGBT PERSONS AS HUMAN FELLOWS

By:
Donny Danardono dan M. Suharsono[8]

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A. INTRODUCTION

In 2019, INFID (International NGO Forum on Indonesian Development) reported in the Opinion Section of its website that discrimination and violence against individuals and LGBT groups (Lesbian, Gay, Bisexual, and Transgender) still occurs in Indonesia (INFID, 2019).

INFID reported the anger of the Governor of Bali, Made Mangku Pastika, against the marriage of a gay couple from different countries in Ubud, Bali. The marriage was blessed by Balinese-Hindu religious leaders. Made Mangku Pastika said: *"Hinduism strictly prohibited same sex marriage. We will report it to the Pakraman*

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[8] Donny Danardono is a Senior Lecturer at Faculty of Law and Communicationand Faculty of Environmental Science and Technology of SCU, dondanardono@unika.ac.id; M. Suharsono is a Senior Lecturer at the Faculty of Pshychology of SCU, handung@unika.ac.id

Village Council or Madya Village Council. I think this is really disgraceful".

INFID (INFID, 2019) also reported that in 2017 the police arrested and questioned 141 men suspected of organizing a gay sex party in Kelapa Gading, Jakarta. Then in 2017, according to INFID, the panel of judges at the Syariah Court, Banda Aceh, handed down a verdict in the form of 85 lashes to two men who were accused of having had the same-sex sexual intercourse, even though it was based on mutual consent between the two adults.

According to INFID (INFID, 2019), Rupert Colville (the UN Human Rights Commission spokesman) stated that the law in Indonesia degrades the dignity of LGBT people simply because of their sexual orientation. He stated that "*The Indonesian government must recognize the existence of LGBT people who are also Indonesian citizens*".

B. DISCUSSION

1. Discriminatory Legal Regulations Against LGBT

Rupert Colville's opinion is correct. Up to now, in Indonesia, there are many state laws—whether in the form of laws, government regulations, or regional regulation—that discriminate against and criminalize LGBT persons. Yulianti Mutmainah from the Diplomacy Postgraduate Program, Paramadina University, conveyed this in her article entitled "LGBT Human Rights in Indonesian Policies". According to her, the legal regulations are: Article 1 of Act Number 1/1974 concerning Marriage which considers marriages to be performed only

by men and women; Article 13-F of Government Regulation Number 54/2007 concerning the Implementation of Child Adoption which prohibits same-sex couples from adopting children; The Explanation Section of Article 4 of Act Number 44/2008 concerning Pornography categorizes same-sex sexual relations (lesbian and gay)—together with sex with corpses, sex with animals, oral sex and anal sex—as deviations; Article 2 Verse 2 of the Province of South Sumatra Regional Regulation Number 13/2002 concerning the Eradication of Immorality in the Province of South Sumatra that categorizes homosexuals and lesbians as immoral along with prostitution, adultery, sodomy, rape, sexual harassment, pornography, gambling, drinking, abuse drugs; Article 8 of the Palembang City Regional Regulation Number 2/2004 concerning the Eradication of Prostitution that considers prostitution consists of homosexuality, lesbianism, sodomy, sexual harassment, and acts of pornography; Article 1-M Padang Pariaman Regional Regulation Number 2/2004 concerning Prevention, Enforcement and Eradication of Immorality that categorizes homosexuality as a form of prostitution; Article 1 Paragraph 16 of the Banjar Regency Regional Regulation Number 10 of 2007 concerning Social Order which categorizes homosexuality as a form of prostitution; Article 5-F of the Padang Panjang City Regional Regulation Number 9/2010 concerning Prevention, Elimination and Enforcement of Community Diseases that prohibits homosexuality (Mutmainah, 2016: 23-24).

According to Yulianti Mutmainah—by citing the opinion of Saleh Patanonan Daulay, a member of Commission VII DPR—the basis for rejecting the various legal regulations against LGBT is: *"…LGBT does not conform to the customs and culture of the nation. Indonesia is a country that is based on divinity, religious values and religion"* (Mutmainah, 2016: 20-21). In this regard, Dèdè Oetomo, the founder and chairman of GAYa Nusantara, a homosexual organization in Indonesia, says: *"…Homosexual behavior is unacceptable by religion. In other words, as religious scientists, they are unable to separate their religious views from scientific decisions."* (Oetomo, 2001: 77).

2. Homophile: LGBT in Ancient Greece and Indonesia

Giving Voice to the Unspoken (*Memberi Suara Pada yang Bisu,* 2001)—written by Dèdè Oetomo—is one or perhaps the most important book on homosexuality in Indonesia. This book, besides discusses the practice of homosexuality (homophilia) in various countries, in Aceh, Minangkabau, Ponorogo, Kalimantan, Makassar and various other regions in Indonesia, also discusses the issues of whether homosexuality is a deviant sexual orientation or something that naturally exists in every individual, homosexual human rights, self-organization and congresses of homosexual organizations in Indonesia, and homosexual emancipation strategies.

Dèdè Oetomo defines homosexual as "*a person whose basic sexual orientation or sexual preference, whether manifested or not, is directed toward the same*

sex" (Oetomo, 2001: 6). This definition shows that not every homosexual individual is willing or able to manifest his/her sexual orientation and desire to the same sex as heterosexuals. Heterosexuality is the dominant category of sexual orientation in many societies.

Therefore, in many societies, homosexuality is manifested in various cultures and institutions. In ancient Greece homosexuality was instituted in the military to manifest solidarity and persistence in combat. Quoting Platon, Dèdè Oetomo states, that "*…a great army is one composed of loving partners*" (Oetomo, 2001: 7).

In Aceh, according to Dèdè Oetomo —quoting C. Snouck Hurgronje in his book *De Atjehers*—*Sadati*'s dance and poetry were known. *Sadati*'s dancers were young Nias boys who were the slaves to the Acehnese. They danced to the accompaniment of *Sadati*'s poetry reading, a poem full of stories of homosexual eroticism. And so after the dance and poetry reading there were sexual intercourses between men (Oetomo, 2001: 15).

In Minangkabau, there was once a habit of puberty boys to sleep in mosques. The *"Induk Jawi-Anak Jawi"* institution appeared in the mosques. "*Induk Jawi*" were adult men, while "*Anak Jawi*" were children or teenagers. "*Induk Jawi-Anak Jawi*" was an institution that accommodates the activities of men who live together in mosques to learn *silat* (a form of martial art), but often there was love between them (Oetomo, 2001: 16, 30; *Tempo*, 1987).

Javanese Islamic boarding schools (*pesantren-pesantren*), according to Dèdè Oetomo, also recognized "*mairilan*" tradition. *Mairil* was a young male student.

Every Friday night, the *santri* (the male studens) and *kyai* (religious teachers) hold a "*mairilan*" event, which was a competition for young *santri* (students). The young *santri* will be proud if they could become the "*mairil*" (lover) of the *kyai*. According to Dèdè Oetomo: "*... among the students themselves, there was an affectionate relationship like older brother and his younger brother which was also accompanied by sexual intercourse*" (Oetomo, 2001: 6).

"*Warok*" is a well known term in Ponorogo. It has a meaning of: "*... a man who is powerful and industructible of weapons and any physical violence (kebal), because he avoids a lust for women*" (Oetomo, 2001: 102). However, to fulfill his sexual needs, according to Dèdè Oetomo, a *warok* would kept *gemblak* (a teenage boy). A *warok* got a *gemblak*, because he had paid for it with a cow to the *gemblak*'s parents. A *warok* will lose his powers and industructiblity of weapons and any physical violence when he had sex with a woman (Oetomo, 2001, p. 17). *Warok* presents himself in *reog* events.

Meanwhile, in *Dayak Ngaju* tribe, according to Dèdè Oetomo, homosexual men are given a sacred task. The *Dayak Ngaju* people describe their God as intersex, i.e. having both male and female sexes (Dèdè Oetomo mistakenly uses the term bisexual for intersex). For this reason, *Basir*, a priest in the *Dayak Ngaju* religion who is able to relate to spirits, must be a man who behaves and dresses like a woman. It must be a man-woman (Oetomo, 2001: 18, 274).

The traditional religion of the Bugis-Makassar tribe that emerged in the pre-Islamic era (and still exists today) also considers religious priests, namely *Bissu*, to be both

feminine and masculine. According to Matthew Kennedy (Department of Anthropology, University of California, Davis), a *Bissu* is biologically male, but gendered as masculine and feminine. They are not men of the feminine gender. That's why during the religious rituals, *Bissu* has to wear clothes that show the identity of the two genders (Kennedy, 1993: 5,6,9).

Dèdè Oetomo states, that a *Bissu*, because of his sacred religious duties, must be homosexual: "*A Bissu… is expected to behave in a homosexual manner or avoid contact with women, allegedly for the sake of the sacredness of the heirlooms he protects*" (Oetomo, 2001: 19). The same thing is stated by Matthew Kennedy. According to him, a *Bissu* is not someone who is originally a homosexual. A person will be a homosexual, because he serves as a *Bissu*:

> Societies with ritual transvestism in Southeast Asia may embrace transvestism while they shun homosexuality (Yengoyan, 1983, p. 141). That does not appear to be the case with the Buginese society; many *or* all of the *bissu* are known to be practicing homosexual men (Hamonic, 1975; Holt, 1980; van der Kroef, 1956). But it is necessary to decouple assumed homosexual behavior and male transvestism to understand institutions such as the *bissu*. (…) The *bissu* have access to a particular and substantial form of local power because of their position as beings of ambiguous gender. Perhaps homosexual behavior heightens, rather than detracts from, this rarefied ambiguous state, as the object of sexual desire is the male (Kennedy, 1993: 9).

Mahabharata and Ramayana are two popular stories in Indonesia about how a person must determine and be responsible for his/her ethical decisions. Indonesians know the two stories through *wayang kulit* (shadows pupet) and *wayang orang* (human *wayang/shadow*). One of the important figures in the Mahabharata is Srikandi (Sikhandini: India). Indonesians regard Srikandi as a woman and one of Arjuna's wives. But as Arjuna's wife, Srikandi never had children.

The Indian version of the Mahabharata tells of Srikandi as a transsexual. Srikandi is the incarnation of Amba. Amba was disappointed by Bhisma, because Bhisma refused her love. Amba then threw herself into a bonfire. That was how she then incarnated into Srikandi. So at first Srikandi was a woman, but after she practiced austerities she turned into a man. That is why Bhisma, in the Mahabharata war at Kurusetra, did not want to shoot back Srikandi with arrows, because Bhisma knew that Srikandi was actually a woman. It is forbidden for a knight to attack women:

> By the grace of Lord Siva, Amba was born as the daughter of King Drupada. A few years after her birth, she saw the garland of never-fading flowers that still hung at the palace gate and had remained there untouched by anyone through fear. She put it round her neck. Her father Drupada was in consternation at her temerity which he feared would draw on his head the wrath of Bhisma. He sent his daughter in exile out of the capital to the forest. She practised austerities in the forest and in time was transformed into a male and became known as the warrior Srikandi. With Srikandi as his

charioteer, Arjuna attacked Bhisma on the battlefield of Kurukshetra. Bhisma knew that Srikandi was born as female, and true to his code of chivalry he would not fight him under any circumstance. So it was that Arjuna could fight screened by Srikandi and conquer Bhisma, especially because Bhisma knew that his long and weary probation on earth was finished and consented to be vanquished. As the arrows struck Bhisma in his last fight, he singled out those which had pierced him deepest and said: "This is Arjuna's arrow and not Srikandi's" (Rajagopalachari, 2009: 11-12).

3. Homophobia and Discrimination against Homosexuality

Homophobia is a fear of homosexuality. The feeling of fear appears in various forms of refutation of LGBT. Abrahamistic religions --Judaism, Christianity and Islam-- consider sexual intercourse is to produce offspring (procreation). Therefore, these three religions tend to be anti-homosexuality. Regarding homophobia in Christianity, Dèdè Oetomo stated:

> Christianity and its predecessor, Judaism, do have a view of sex which the historian of sexuality Vern L. Bullough calls sex-negative. Sex is only for procreation (getting children) in legal marriage (which is legalized by the church); the use of sexual abilities in humans for other purposes (recreation, for example) is seen as a tainted and sinful deviation (Oetomo, 2001: 9).

It is not surprising that the Indonesian government, as described above, has enacted many laws that prohibit

and criminalize homosexuality and this starts with Article 1 of the Marriage Law Number 1/1974 which states that marriage is an inner and outer bond between a man and a woman as husband and wife. The Indonesian government does not recognize homosexual marriage as well as all homosexual activities.

No wonder there are frequent attacks against and the disbandment of various LGBT meetings or congresses. For example, on February 14, 2019, the *Victory Plus Foundation* had to cancel the "The Jogjakarta Special Region Men's Community Meeting" which they planned to hold at the GSG Building, Villa Seturan Indah, Sleman, Yogyakarta. The owner of the meeting house stated that the local residents objected to such an event (https://www. Posjateng --etc, 2019). Then on March 25, 2019, the Rectorate of the University of North Sumatra (USU) dismissed the students from their positions as editorial staff of "*Suara USU.Co*", because the student media published a LGBT short story. According to the rector: "...*the short story are inappropriate to be published in an academic environment*" (https://nasional.tempo.co/--etc, 2019).

Therefore, it can be ascertained that many Indonesian traditional religions are becoming extinct. For example, it is now estimated that the number of *Bissu* has drastically decreased. According to Dessarina, a staff of the Department of Culture in Pengkap Regency, Makassar, the number of *Bissu* in Pengkap Regency in 2019 was only 5 people. The reason, she said, was: "*The decline in the number of Bissu and the fading of the tradition coincided with the increasing persecution of LGBT*

people in various parts of Indonesia"
(https://news.detik.com--etc, 2019).

4. LGBT as Fellow Humans: A Social-Darwinism and Human Rights Overview

From the discussion above, it can be shown that in Ancient Greece and in Indonesia (it should also be supposed in all countries), LGBT has existed since Before Christ (B.C.). They exist as part of the cultural institutions and even religious institutions. But then they are persecuted due to the homophobic interpretations of the Abrahamistic religions.

It is therefore interesting to question why there have always been various sexual orientations (heterosexual, homosexual, bisexual, and a-sexual) in human beings? Robert Longley, an editor at the *ThoughtCo* website, stated that the latest medical research and clinical psychology have shown that a person can have feelings of romantic and sexual attraction between the ages of 6 and 13. However, these feelings of attraction can become fixed or change at any age. However, according to him, until now there has been no scientific explanation of why someone can be attracted or not attracted to certain types of sex. Therefore, according to him, scientists (biologist and clinical psychologist) now tend to assume that the determinants of sexual orientation are a combination of genetic, hormonal, social and environmental factors:

> Few questions in the history of clinical psychology have been as deeply debated as what causes an individual's sexual orientation. While scientists

generally agree that both nature (our inherited traits) and nurture (our acquired or learned traits) play complex roles, the exact reasons for the various sexual orientations remain poorly defined and even less well understood. Despite years of clinical research on the question, **no single cause or reason for developing a particular sexual orientation has been identified**. Instead, researchers believe that each person's feelings of emotional attraction are influenced by a complex combination of genetic dominance, hormonal, social, and environmental factors. While no single factor has been identified, the possible influence of genes and hormones inherited from our parents indicates that the development of sexual orientation may begin before birth (Longley, 2020).

In line with Robert Longley's opinion (Longley, 2020), Jim mcKnight (an expert in Social Psychology at the Department of Psychology, University of Western Sydney) also considers that there is no scientific research that can prove why someone has a certain sexual orientation. But he wanted to academically support homosexuality based on the Social-Darwinism argument. According to him, the Social-Darwinism view of homosexuality is valid, because Charles Darwin (1809-1882), the founder of the evolution theory, showed that life on earth evolved from the very simple creatures to the very complex ones. He stated, a creature will survive, if it can adapt to natural and social changes: "survival of the fittest".

Therefore, according to Longley, nature and society should get rid of homosexuals, because they cannot produce offspring and thus cannot survive this natural

selection. But the fact is that homosexuality persists, and therefore it must be useful for heterosexuality and all life on earth:

> (…) homosexuality provides a heterotic advantage which balances the genes in the population via a benefit conferred on straight men rather than being adaptive in its own right. The literature provides reasonably clear evidence that homosexuals, exclusive or otherwise, have reduced reproductive rates and face the extinction of their special contribution unless bolstered by such a heterotic advantage. None of the models we review provides a clear benefit to homosexuality in a homozygous form. Therefore, summarizing this book in a sentence: homosexuality is an evolutionary by product, part of our variable sexual orientation and held in balance against its deleterious consequences by selecting for enhanced heterosexuality (mcKnight, 1997: 185)

C. CLOSING

From the Social-Darwinism argument about the existence of homosexuals (LGBT), we can move further towards the importance of recognizing homosexual (LGBT) human rights. In 2011, the Human Rights Council at the United Nations adopted resolution 17/19 (the first UN resolution on Human Rights, Sexual Orientation and Gender Identity). Based on the resolution 17/19, the UN Human Rights Council ordered the Office of the High Commissioner for Human Rights to report various forms of human rights crimes against LGBT and ordered the UN member states to recognize, respect and protect LGBT human rights. The basis for the recognition of LGBT

human rights is the opening sentence in the Universal Declaration of Human Rights: "*All human beings are born free and equal in dignity and rights*" (UNHR, 2012: 9). Thus, it is reasonable for us to regard LGBT persons as fellow human beings.

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CHAPTER 9

UNDERSTANDING AND DEVELOPING TOLERANT BEHAVIOR TOWARDS PEOPLE LIVE WITH HIV/AIDS (PLWHA) AND PEOPLE WITH DISABILITIES

By:
Perigrinus H. Sebong and Henrita Ernestia S[9]

A. INTRODUCTION

A healthy live is everyone's dream. If one is healthy and fit, one can do all kinds of things one wants to do. Health according to WHO is 'a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity' (WHO, 1946). Thus, a person is said to be healthy if he or she is physically, mentally and socially healthy, not just having no diseases or infirmities. The right to a healthy life is a human right that must be fulfilled and protected regardless of one's race, religion, political belief, economic condition or social status.

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[9] Perigrinus H. Sebong dan Henrita Ernestia S. are permanent lecturers at the Faculty of Medicine of SCU, per@unika.ac.id; henrita@unika.ac.id

1. About People Live with HIV/AIDS (PLWHA)

Not all humans are lucky to be born and live in a healthy physical, mental and environmental condition. There are humans who are physically or psychologically handicapped from birth, some are born in good health and yet in life until death must suffer from illness. One of these diseases is when a person suffers from HIV/AIDS.

HIV (Human Immunodeficiency Virus) is a virus that attacks cells that help the body fight infection, making a person more susceptible to infections and other diseases. HIV is spread through contact with certain bodily fluids of a person with HIV. If left untreated, HIV can cause AIDS. AIDS (Acquired Immune Deficiency Syndrome) is the late stage of HIV infection that occurs when the immune system is severely damaged by this virus (in https://www.hiv.gov/hiv-basics/overview/).

Regarding the number of people living with HIV/AIDS, Thapa et al (Thapa et.al, 2018) in their study said that: '…there are approximately 37 million people worldwide living with HIV and almost 95% of people living with HIV live in low and middle -income countries (LMCIs). Sub-Saharan Africa is the most affected region, with an estimated 26 million people living with HIV. …Where available, one of the reasons for the lower uptake of the HIV testing service in most LMICs is HIV stigma'.

Finding situations where people are more afraid of stigma and discrimination against sufferers than the disease itself can make a person afraid of getting tested for HIV. In Indonesia alone, the number of people living with HIV is estimated to continue to increase and reach

around 543,100 people by 2020 (in https://www.kemkes. go.id/article/view/).

2. About Disabilities

In addition to PLWHA, people with disabilities are also part of the community who are underestimated and often ignored. Attitudes and acts of discrimination against PLWHA and people with disabilities have implications on their well being and care.

Adioetomo describes disability as the interaction between the limitations of individual functions (mobility, vision, hearing, and communication) with environmental conditions that hinder their active and effective participation in society (Adioetomo et al, 2014). Thus, disability is a condition in which an individual has limited functions so that it becomes difficult for him/her to adapt to his/her environment. These difficulties can arise from their family and social environment, unavailability of assistive devices, inaccessible facilities, and negative public perceptions.

On the commemoration of the International Day of Persons with Disabilities (IDPD), which has been observed since 1992, the United Nations usually releases the number of persons with disabilities at the global level. In 2021, based on data released by the United Nations, of the total 7 billion world population in 2021, 15% of them are people with disabilities (Yanuar, 2021). Of these, 80% of them live in developing countries. The United Nations General Assembly has even designated December 3 as International Day of Persons with Disabilities. The purpose of commemorating IDPD is to fight for the rights

and welfare of persons with disabilities and increase public awareness of the situation of persons with disabilities in every aspect of life, whether political, social, economic, and cultural.

PLWHA and people with disabilities are vulnerable groups of people who must be specially protected by the state and society. Discrimination must be abolished and intolerant views and behavior must be avoided, because this group has the same fundamental rights as other community groups.

B. DISCUSSION

1. Stigma and Forms of Intolerant Practices for PLWHA

According to Tran et al (Tran et.al, 2019): 'Stigma and discrimination are among the greatest challenges that people living with human immunodeficiency virus (HIV) face, and both are known to negatively affect quality of life as well as treatment outcomes'.

Likewise, Younes, Baggaley and Baba (2008) state that: 'Stigma is the most significant single barrier to effective work against HIV' (Younes, Baggaley and Baba, 2008: 2). These conditions, according to them, include, but are not limited to, social rejection by friends, family and colleagues and the various psychological damages that accompany it. The most vulnerable psychological conditions are after diagnosis. Another condition is a lack of empathy and respect; frustration at the loss of a job or limited opportunities for professional development; reluctance to seek health services (for fear of being found out); and extreme psychological

exhaustion from having to endure ignorance and discrimination from others (Younes, Baggaley and Baba, 2008: 2).

People with HIV-positive/AIDS generally face two tough phases in their life when they are diagnosed, namely emotional shock and the need to adapt psychologically to their changed health status.

Stigma and discrimination related to HIV/AIDS can be found in every country and society. This can create major barriers in efforts to prevent further infection, reduce impact, and provide adequate care, support and treatment (UNAID, 2005: 4). In Indonesia, stigmatization and discrimination against people living with HIV/AIDS (PLWHA) occurs both in the social environment, schools, health care facilities, workplaces and other places.

Stigma is the result the perception of individuals or society who believe that diseases such as HIV/AIDS are the result of immoral behavior that are not accepted by society (Shaluhiyah, 2015: 333-334). Stigma against PLWHA can be reflected in cynical attitudes, feelings of excessive fear, social isolation and negative behavior towards PLWHA. Many people think that people infected with HIV/AIDS deserve punishment for their actions. The high resistance of the community and the environment to the presence of people infected with HIV/AIDS has forced some PLWHA to hide their health status (Shaluhiyah, 2015: 333-334).

Stigma does not only come from society or other people. Blaming oneself (self-stigma) are often found in people with HIV/AIDS which can have fatal consequences such as committing violence, isolation and even suicide.

Stigmatization related to HIV/AIDS is supported by many factors (Aggleton et.al., UNAID, 2005: 4) including: (1) lack of understanding about the disease; (2) lack of information about how HIV/AIDS is transmitted; (3) lack of access to treatment; (4) irresponsible media coverage; (5) information that HIV/AIDS is dangerous and incurable; and (6) prejudices and fears related to a number of sensitive social issues including issues of sexuality, illness and death, and drug use.

Stigma against PLWHA has a major impact on HIV/AIDS prevention and control programs, including efforts to improve the quality of life of PLWHA. Suspected HIV/AIDS sufferers are often afraid to take the test, because if it is revealed, they might be ostracized by the community. This affects the prevention and spread of this virus making it difficult to control. Stigma and discrimination against PLWHA often creates social inequality and often intersects with other forms of stigma, leading to other forms of discrimination.

a. Social Environment

Evidence of a lack of sympathy for and hatred towards PLWHA can be found in various social environments such as friends, family, neighbors, workplace, and even from religious groups. Social isolation, curses and reproaches characterize the life of PLWHA. People living with HIV are more often perceived as people who have 'bad morals', not people suffering from diseases. Instead of treating PLWHA with empathy, many religious leaders display a homophobic and judgmental attitude. The issue of PLWHA is often used

when preaching to combat adultery. In their sermons, PLWHA are portrayed as sinners deserving punishment for being promiscuous, immoral and adulterous and describing the disease as 'a punishment from God' (Younes, Baggaley and Baba, 2008: 7).

Again, this condition is caused by awareness and negative conceptions in society formed from time to time as a result of ignorance and the lack of understanding about HIV/AIDS resulting in PLWHA to be given negative labels or stereotyping.

In some cases, confession by PLWHA to their immediate environment often creates distance and eventually ends communication with close family members and friends. Loss of friends and relatives and separation from spouses are often experienced as a result of negative perspectives and stereotyping towards PLWHA. The double psychological tension experienced by PLWHA causes them to feel uncomfortable, depressed and even commits suicide.

b. Educational Environment

The educational environment is one of the places where discriminatory practices against PLWHA thrive. Discrimination and stigma against PLWHA in schools or campuses is mostly caused by a deep-rooted myth in society, especially among parents that 'HIV is a contagious disease that cannot be cured and is caused by immoral behavior'. Actually, that is not always the case as children can get the disease from parents who are classified as PLWHA.

There are two dilemmas faced by educational institutions in accepting PLWHA students. On the one hand, they must accept and treat PLWHA students humanely, but on the other hand, the fear of the threat of transmitting the disease to other students is also quite prevalent.

The picture below (Carr-Hill et.al, 2002: 35) describes the impact that a child with HIV/AIDS has to face or when one of his or her parents or family members suffers from HIV/AIDS.

Figure 9.1. Impact of HIV/AIDS on School Age Children

Unable to go to school:
Unable to pay school fees

Trauma

Less time for school: caring for sick relatives

Effects of HIV/AIDS on children and their education

More movement between different schools

Less time for school: earning family income
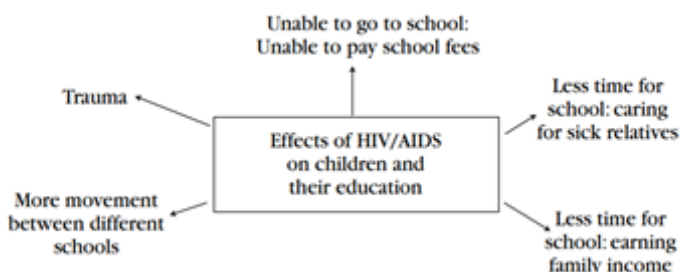
Source: UNESCO 2002

From the picture above, apart from trauma, there is a possibility that children with HIV/AIDS are not able to go to school due to community rejection. The likelihood of having to move from one school to another is also great because of the refusal. This condition can also arise when a member of their family is sick. For children from poor families, their time to study will be reduced because they have to take care of sick parents or family members. In the case of their parents being sick, they might have to work to support their family.

Because the right to education is a human right (including PLWHA), educational institutions need to actively provide complete information about this disease to the public. Ignorance, fear, discomfort and distrust of people with PLWHA must be actively addressed so that discriminatory attitudes and practices against PLWHA can be eliminated.

Students of all age groups also need to be educated on subjects related to HIV/AIDS, both to prevent transmission, as well as to help the lives of PLWHA. The education/learning process for PLWHA students should also be carried out inclusively, not separated from other students.

c. Work Environment

Workers having HIV/AIDS often do not inform their employers and work environment about their HIV-positive diagnosis. This is due to being afraid of being fired and of social exclusion. The main obstacle to developing a tolerant attitude towards PLWHA in the work environment is the ignorance of the employer or company about HIV/AIDS.

Several forms of intolerant practice towards PLWHA in the workplace for example is by not giving work based on the competence of PLWHA but on his/her HIV diagnosis; fear and anxiety of employers caused by lack of information about HIV-specific issues, which results in irrational and negative decisions towards PLWHA.

Therefore, good awareness and knowledge about HIV/AIDS issues by employers is a way to prevent

intolerant and discriminatory practices against PLWHA in the work environment.

d. Health Services

The low awareness of the problem of HIV/AIDS among health workers causes fear, anxiety and emotional reactions and bad behavior when dealing directly with people having HIV.

In several cases, after meeting with PLWHA health workers (despite being health workers)often act unprofessionally by not respecting the dignity of PLWHA. If PLWHA experience stigma and discrimination, this has the potential of closing access of PLWHA to further health care.

2. Forms of Intolerant Practices towards People with Disabilities

Diffable is a more subtle term that is often used to describe the condition of a person who has a disability (Maftuhin, 2016: 149). Diffable refers to the limited role persons with disabilities in carrying out daily activities.

Disability is a condition of limited individual function (both vision, hearing, communication, movement mobility, sensory, mental and/or intellectual retardation) within an environmental conditions that hinder the active and effective participation of individuals in society (Adioetomo, 2014). Environmental barriers, such as inaccessible facilities, limited access to public services, or the unavailability of assisting devices can cause the needs of individuals with disabilities to be not properly

accommodated, especially when carrying out their daily activities.

Disability problems can be viewed from an internal and external perspective (Diono, 2014: 20).

Internal problems include (1) disorders or damage to organs and physical and or mental functions as a result of abnormalities and organ damage causing various obstacles in the lives of persons with disabilities; and (2) disturbances, barriers or difficulties in orientation, mobility, communication, activities, social adjustment, self-confidence, learning, skills and work.

The external problems that are often faced include but not limited to (1) lack of public understanding of disability issues; (2) Stigma (curse, fate), isolation and overprotection; (3) lack of family and community roles in disability issues and their handling; (4) lack of efforts to fulfill the rights of persons with disabilities in various aspects of life; (5) the large number of people with disabilities living in poverty; (6) the generally low education level of persons with disabilities; (7) the fact that many families with disabilities hide family members with disabilities; and (8) the limited role of the business world (Diono, 2014: 20).

The impact of disability in various sectors has become a complex issue. This occurs when the needs of individuals with functional limitations cannot be accommodated, so that their participation in socio-economic activities is hampered. If the participation of persons with disabilities is hampered, they can become a burden to other people or other parties, especially families. Several studies explain that the low level of

participation of persons with disabilities has implications for the high rate of poverty.

In the past, in general, the approach of disability policies was more of a charity based approach. Disability is also considered as a social issue. The policy regulates more about social security, social rehabilitation, social assistance, and increasing social welfare. Currently, the approach is carried out in a different way, with the development of priorities and issues of providing equal opportunities, including the principle of affirmation in an effort to develop oneself through self-reliance as a dignified human being.

Disability has become a global concern. United Nations (UN) by way of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) has recognized the rights of persons with disabilities. This convention has been ratified by 164 countries, including Indonesia through Law Number 19 of 2011. The purpose of this convention is to promote, protect and guarantee the equal rights and fundamental freedoms for all persons with disabilities, as well as respect the inherent dignity of persons with disabilities.

In the convention it is stated that persons with disabilities include those who have physical, mental, intellectual or sensory impairments who are forced to face various barriers that may hinder their full active and effective participation in society based on the principle of equality.

In 1989, the United Nations also ratified the Convention on the Rights of the Child (CRC). In this convention, all States Parties promise the same

fundamental rights for all children. In Indonesia, the convention on the rights of the child was ratified through Presidential Decree No. 36/1990 dated August 28, 1990. This convention consists of 54 articles that regulate what the state must do so that every child, including children with disabilities, can grow up as healthy as possible, able to go to school, be protected, have their opinions heard, and be treated fairly (UNICEF Indonesia, 2018).

Indonesia also has laws and regulations that provide protection for persons with disabilities, namely Law Number 8 of 2016 concerning Persons with Disabilities. This law was initiated with the consideration that most people with disabilities in Indonesia live in conditions of vulnerability, backwardness, and/or poverty because there are still restrictions, obstacles, difficulties, and reduction or elimination of the rights of persons with disabilities. This law was formulated to realize and guarantee equal rights and opportunities to lead a prosperous, independent, and non-discriminatory life for persons with disabilities.

However, in reality, many forms of discrimination and intolerance still are felt by persons with disabilities. This discrimination and intolerance can occur both in the social environment, education, and work environment and in the scope of public services.

a. In Educational Environment

From the very beginning, children with disabilities are often being stigmatized as 'incapable,' so they cannot get a proper education equal to non-disabled people.

Based on data obtained from Susenas (National Economic Survey) in Indonesia, in 2018, only 56% of children with disabilities graduated from elementary school, and 3 out of 10 children with disabilities have never even received an education.

Based on the 2018 Education Statistics, only 5.48% of the population aged five years and over with disabilities are still in school. Persons with disabilities who have not or have never attended school reach 23.91%, and people with disabilities who drop out of school are 70.62%. The higher the age group, the lower the school enrollment rate (APS) for persons with disabilities. The highest APS is in the 7-12 year age group, which is 91.12%, and the lowest APS is in the 19-24 year age group, which is 12.96% (Dewi Nurita, 2021).

Problems found in the educational environment for persons with disabilities include (1) lack of accommodation/facilities for persons with disabilities; (2) lack of inclusive schools providing education for typical children and children with special needs or disabilities. In some inclusive schools, in class, children with disabilities will learn and receive the same educational materials as children in general; (3) lack of trained teachers to teach children with special needs.

In 2020, Government issued Regulation Number 13 of 2020 concerning Adequate Accommodation for Students with Disabilities to overcome this problem. This Government Regulation regulates various forms of accessibility that have to be provided by educational providers, affirmations for the number of admissions for students with disabilities, and different other flexibilities.

b. In a Work Environment

Adults with disabilities often do not get the same opportunities to work as non-disabled people.
Several forms of discriminatory practices against persons with disabilities in the work environment are: (1) not receiving the same wages as non-Disabled workers in the same type of work and responsibilities; (2) lack of availability of proper accommodation or work aids; (3) not accepted for work or dismissed for reasons of disability; (4) not placed in a fair, proportionate, and respectable work position; and (5) not getting the same opportunity to develop a career path and all the normative rights inherent in it.

c. Social Environment

In the social environment, people with disabilities often face discrimination. They are ignored, looked down upon, considered useless, even ridiculed, making them feel inferior. As it becomes very difficult for them to fit into a certain social environment, they ultimately they create their own exclusive group.

A person can be disabled from birth, but can also be due to illness, traffic accidents, work accidents or natural disasters.

Even though they often experience discrimination, many people with disabilities have made achievements and even won various Olympics. To reduce forms of discrimination and intolerant practices for persons with disabilities, it is necessary to change people's mindset and behavior so that a person can accept other people with differences make friends and socialize with them.

d. In a Public Service Environment

Accessibility is the facility provided for persons with disabilities in order to realize equal opportunities. Based on the results of the 2019 Ombudsman survey, the accessibility of public services for people with disabilities, at the level of Ministries, Institutions, and Local Governments (Regency/City) is still in inadequate. At the Ministry level, accessibility has only been fulfilled by 23.14%, for public service institutions by 32.21%, Provincial Government by 35.4%, Regency Government by 55.09%, and City Government by 56.12%. This shows that the availability of special services for users with special needs and/or disabilities is still inadequate (Septiandita Arya Muqovvah, 2020).

Law Number 8 of 2016 concerning Persons with Disabilities mandates improving accessibility for persons with disabilities in the form of settlements, public services, and protection against disasters. This is supported by the issuance of Government Regulation Number 42 Year 2020 concerning Accessibility to Settlements, Public Services, and Protection from Disasters for Persons with Disabilities.

This Government Regulation regulates the obligation of Public Service Providers to provide accessible Public Services for Persons with Disabilities which is carried out on the basis of the principle of equality in diversity and responsiveness to the needs of Persons with Disabilities.

Article 17 (1) states that the scope of the Public Service includes services for goods, services, and/or administrative services provided by the Public Service

Provider; which (2) covers the sectors of education, teaching, employment and business, housing, communication and information, environment, health, social security, energy, banking, transportation, natural resources, tourism, and other strategic sectors.

Poor access to public services can hinder the active and effective participation of individuals with disabilities in carrying out their daily activities and to fulfill their daily needs.

e. In a Health Service Environment

According to the WHO, in 2010 more than one billion members of the world community are people with disabilities. This means that 15 out of every 100 people in the world are people with disabilities and it is estimated that 50% of people with disabilities are unable to finance their own health services (WHO, 2011).

Persons with disabilities have the right to enjoy the highest available standard of health without discrimination on the basis of their disability. This is confirmed in Article 25 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). It further states that States parties must take all necessary measures to ensure access for persons with disabilities to gender-sensitive health services, including health rehabilitation.

Based on the 2011 data collected by the Social Protection Program, there were 130,572 children with disabilities from poor families, consisting of physical and mental disabilities, quadriplegic, visually impaired, deaf, speech impaired, a combination of these disabilities,

mental retardation, and former people with mental disorders (2,257 children). This figure covers the whole of Indonesia, with the highest proportions in Central Java, East Java, and West Java (Mujaddid, 2014: 25).

Based on the 2018 Basic Health Research (Riskesdas), at the national level, 3.3% of children aged 5-17 years have disabilities and 22.0% for those aged 18-59 years. From these data, 74.3% of the elderly can carry out daily activities independently, 22.0% have mild barriers, 1.1% moderate barriers, 1% severe barriers, and 1.6% experience total dependence. The data is the result of basic research conducted by the Ministry of Health.

Quality and comprehensive health service efforts in the form of promotive, preventive, curative and rehabilitative services for persons with disabilities are urgently needed to realize the highest degree of health for persons with disabilities.

The government needs to ensure that all health services are affordable for persons with disabilities, namely by; (1) eliminate any community barriers for persons with disabilities to reach health facilities; (2) train health workers so that they understand disability issues including the rights of persons with disabilities; and (3) invest in specific services such as rehabilitation so that the limitations of persons with disabilities can be reduced.

C. CLOSING

The right to a healthy life is a human right that must be fulfilled and protected regardless of one's race, religion, political belief, economic condition or social status. In reality, not everyone can live a healthy life.

Many of them have to live with certain diseases or limitations.

PLWHA and people with disabilities have the same human rights as other human beings in general, therefore these rights must be protected and granted regardless of their health status and other limited conditions.

Discriminatory practices and intolerance towards PLWHA and people with disabilities must be avoided, including breaking the stigma that is often attached to them. One of the most effective ways to break the cycle of stigma and discrimination is to ensure that PLWHA and people with disabilities can contribute actively and effectively to society. The community needs to be given sufficient knowledge about the 'heavy' life that PLWHA and people with disabilities have to face, to foster empathy and prevent discriminatory practices against them. The community is also expected to actively participate in helping the government so that PLWHA and people with disabilities can live more prosperously in line with the principles of humanity and justice.

Globally and nationally, legal instruments have been created to ensure the protection of rights for PLWHA and people with disabilities, and it is the duty of the state and all levels of society to respect, protect, and fulfill their human rights.

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CONTRIBUTOR BIOGRAPHY

Marcella Elwina Simandjuntak joined Soegijapranata Catholic University (SCU) in 1994. Born in Jakarta, she completed her Doctoral Program in Law at Diponegoro University in 2010. At SCU, she teaches Criminal Law, Criminology, Criminal Justice System, Corruption Prevention, Mass Media Law and Press Crimes, and Children Protection Law. She received several international scholarships, including Anti-Corruption Training at the ISS, the Netherlands (2005), and Integrity and Anti-Corruption Training at the Central European University, Budapest, Hungary (2013). In addition, she also completed Training on the Protection of Indigenous Peoples' Rights at Leiden University, the Netherlands (2010). In 2016 she became a United Board Fellow following Leadership Training in Boston, Massachusetts, the USA, followed by 2017 at Tunghai University, Taichung, Taiwan.

Robertus Setiawan Aji Nugroho is a researcher at Soegijapranata Catholic University, Semarang. Currently, he is the Vice Rector for Innovation, Research and Publication of Soegijapranata Catholic University. He is also a visiting scientist at CSIRO Data61, Australia. Robertus received his PhD from Macquarie University in 2018 and master degree in computing and information technology from the University of New South Wales, Australia in 2009. He was a PostDoctoral Research Fellow at Dept. of Computing, Macquarie University, Australia, co-funded by

CSIRO Data61. In his research career, Robertus has been granted many prestigious awards, including Research Excellence Progress Award, from Dept. of Computing, Macquarie University (May 2016), Digital Productivity Award, from CSIRO Data61, in recognition of significant contributions in support of scientific outcomes (December 2015), and Best Paper Award, from Web Information System Engineering (WISE) 2015, Rank A Conference based on CORE RANKING, ERA RANKING. Miami, Florida, USA. His current research interests include bigdata, social network analysis, machine learning, web engineering, and computational linguistic.

Yonathan Purbo Santosa is a lecturer at the Faculty of Computer Science of Soegijapranata Catholic University (SCU). He completed his undergraduate studies in 2014 at the Faculty of Mathematics and Natural Sciences, Gadjah Mada University, concentrating on intelligent systems. Then, he continued his Master's Degree at the Faculty of Informatics, University of Bonn, Germany, and obtained a Master of Science degree in Natural Language Processing in 2019. After receiving his Master's degree, he joined SCU and teaches machine learning, natural language processing, and statistics courses. His research fields are machine learning, deep learning, and natural language processing.

Yohanes Budi Sarwo has been a Lecturer at the Faculty of Law and Communication at Soegijapranata Unika Semarang sice1988. His educational background is a Bachelor

of Law at the Faculty of Law of Soegijapranata Catholic University (SCU), Master of Law at the Faculty of Law, Gadjah Mada University, and Law Doctorate Program Diponegoro University. The field of study he developed was Business Law, including Insurance Law, Capital Market Law, Bankruptcy Law, and Intellectual Property Rights (IPR). His position experiences include being the Vice Dean for Finance and Human Resources, Vice Dean for Academic Affairs, and the Dean of the Faculty of Law of SCU. Budi Sarwo has also been Vice Director of the Postgraduate Program. He is now the Vice Dean of the Faculty of Law and Communication of SCU.

Agustinus Joko Purwoko (Joko) has been a permanent at the Faculty of Law and Communication lecturer at the Soegijapranata Catholic University since 1992. Joko completed his law degree from Diponegoro University in 1992 and completed his master's degree at Parahyangan University, Bandung, in 2002. He completed his Doctoral Education in Legal Studies at Diponegoro University in 2019. His thesis was about Strengthening Access to Justice for Consumers in Dispute Resolution through the Consumer Dispute Settlement Agency (BPSK).

Eviana Budiartanti Sutanto graduated from the Faculty of Medicine of Diponegoro University. She completed her Master's Degree in 2016 in Biomedicine with a concentration in Human Health and Aging Science from the Faculty of Medicine of Sultan Agung Islamic University (UNISSULA).

In 2019, she joined the Faculty of Medicine of Soegijapranata Catholic University at the Department of Microbiology and Histology. She has been pursuing primary health care since 1996 through his duties as a doctor (general practitioner). The research fields of her interest are preventive medicine, mental health disorder and non-communicable disease, prevention, and control.

Cynthia Tjitradinata (Cynthia) started joining Soegijapranata Catholic University (SCU) in May 2020. She earned a medical degree from the Faculty of Medicine of Diponegoro University in 2012. In 2020 she finished her education in Clinical Pathology also at Diponegoro University. Apart from teaching at SCU, currently, she is also the Head of the Laboratory of the Gunung Sawo Mother and Child Hospital, Semarang. Her field of research is Public Health and Metabolic Diseases. She wrote several articles, including in the Pranata, Journal of Biomedical, and was a presenter of Clinical Pathology at some regional meetings.

Benediktus Danang Setianto (Benny) joined Soegijapranata Catholic School since 1992 and was placed in the Faculty of Law. He graduated from Faculty of Law of Diponegoro State University in 1991. He continued his study to Monash University in Australia and received an LL.M. When he received Chevening Awards in 2000 he used it to deepen his knowledge on Human Rights and achieved a Master Degree in International Law from the University

of Nottingham. His doctorate degree was obtained from Radboud University Nijmegen in the Netherland for the right of civil society to participate in the development.

Gregorius Yoga Panji Asmara (Gego) joined as a lecturer at Soegijapranata Catholic University (SCU) in 2019 while continuing his study in the Doctoral Program in Law at Sebelas Maret University, Surakarta. He took his Bachelor of Medicine (2016) and Doctoral Profession (2019) at Sebelas Maret University, Surakarta. He finished his Bachelor of Law (2018) and Master of Law (2018) at Surakarta University. Apart from being a lecturer, he also works as an advocate, legal auditor, and doctor. Previously published books are Getting to Know Legal Audit (2021) and Bioethics Nutrition in an Indonesian Legal Framework (2021).

Angelika Riyandari is a lecturer in English Department, Faculty of Language and Arts, Soegijapranata Catholic University Semarang. She did her undergraduate studies in the field of English Language and Literature in Diponegoro University, Semarang. She received her Master Degree is from English Language in Literary Studies, Nottingham University, United Kingdom. Her Doctoral Degree is from Asian Studies, University of Western Australia. Her research mainly focuses on issues related to gender, especially in literature, mass media, and pop culture. Her recent interest includes gender studies in Indonesian culture and literature. In addition to

conducting research on gender, she participates in promoting gender equality by joining Women Studies Center in giving training on gender awareness.

Heny Hartono is an associate professor at the English Department, Faculty of Language and Arts, SCU. Currently, she also serves as the Director of Teaching & Learning Center, SCU, Indonesia. She received her Undergraduate degree in English Language and Literature from Gajah Mada University, one of the most prominent and the oldest university in Indonesia, Master and Doctoral degree in English Education from Semarang State University. She also joined a sandwich program while pursuing her doctoral degree at the Department of Teaching and Learning, College of Education and Human Ecology, the Ohio State University, USA in 2015. In 2019 she got a leadership professional training at Harvard University as a United Board Fellow. Her research interests include Second Language Acquisition, Teaching English as a Foreign Language and currently she is involved in research related with the integration of technology in language assessment. She has published 7 books and more than 30 research papers in national and international conferences and journals. Before her current position as the Director of Teaching & Learning Center, she was the Director of International Affairs & Cooperation Office, Associate Director of the Research and Community Service Center, SCU and the Dean of the Faculty of Language and Arts, SCU.

Christa Vidia Rana Abhimanyu (Abi) is a Psychologist. He joined Soegijapranata Catholic University (SCU) in 2016 as a permanent lecturer. Currently, he teaches Theory and Practice of Training Design and Trauma Intervention. Apart from teaching, he is also the Head of the Center for Trauma Recovery at SCU and actively provides counseling and therapy related to trauma and violence, one of which is because of bullying.

Rika Saraswati is a lecturer at the School of Law, Faculty of Law and Communication, Soegijapranata Catholic University (SCU). She teaches the children's protection law and has published books "The Children Protection Law in Indonesia" in 2009 and 2015. She also conducted research on the issue of bullying in schools in 2015 and 2016, funded by the Indonesian Directorate of Higher Education/DIKTI; cyber bullying in schools in 2017, supported by SCU; anti-hoax movement in 2019, funded by the United Board for Christian Higher Education in Asia. In 2021, she became a national facilitator of the ROOTS program: anti-bullying movement training for Indonesian junior and senior high school teachers initiated and funded by the Indonesian Government and UNICEF. As a lecturer, she has undertaken several community services and activities with Law School students and communities in dealing with the issue of bullying in schools, the rights of the child, domestic violence, and other women (legal) issues.

Adrianus Bintang H. N. (Bintang) is a teaching staff at the Communication Study Program and Legal Study Program, Faculty of Law and Communication of Soegijapranata Catholic University. He earned an MA in International Relations with a concentration in International Peace Studies from Gadjah Mada University in 2013. He currently teaches several courses, including Sociology of Communication, Public Opinion, and Citizenship. You could contact him via email at bintang@unika.ac.id.

Andhika Nanda Perdhana is one of the lecturers in general courses (MKU) at Soegijapranata Catholic University (SCU). He completed his Master's in Social Sciences at Semarang State University in 2015. Currently, at SCU, he teaches Pancasila and Citizenship Education courses.

Donny Danardono is a lecturer at Soegijapranata Catholic University, Semarang. He studied law in Brawijaya University and Philosophy in Master Program of Driyarkara School of Philosophy. His main teaching subjects at the Law Departement, Faculty of Law and Communication are Philosophy of Law, Law & Gender, Law, Human Rights and Identity, and Law and Democracy. He also teaches Epistemology, Environmetal Ethics, and Philosophy of Urban Space at the Master Program of Environmental and Urban Studies at the same university. His publications are

mainly on social geography, law, gender, human rights issues, and environmental ethics.

Suharsono (Soesony) was born in Klaten in February 1967. He has been a permanent lecturer at the Faculty of Psychology, Soegijapranata Catholic University (SCU), Semarang, since 1992. Suharsono graduated with a Bachelor of Philosophy from Gadjah Mada University in 1991, a Master of Psychology at the University of Indonesia in 2000, and Doctoral Studies in Science of Philosophy at Gadjah Mada University in 2020. From 1993 to 1996, he was the editor-in-chief of the Soegijpranata Unika Scientific Pranata journal and the Editor-in-Chief of the Psychodimension Scientific Magazine of the Faculty of Psychology. Suharsono served as Dean of the Faculty of Psychology from 2003 to 2007. From 2008 to 2012, he was also the Dean of the Faculty of Psychology, Muria Kudus University (UMK). From 2012 to 2015, he was the Head of the Center for General Education Courses (PPMKU) at SCU. From 2021 to 2022, he was the Secretary of the Psychology Master Program of SCU. Suharsono contributed to the writing of the Pancasila Education Book entitled 'Spiritualization of Pancasila Values' published by Kanisius, Yogyakarta. Suharsono received the Indonesian – Domestic Lecturer Excellence Scholarship (BUDI-DN) for 2016-2020. At SCU, he teaches classes on Pancasila, Citizenship, Conflict Transformation, Philosophy of Science, and Psychological Ethics.

Hironimus Leong is a teaching staff at the Informatics Engineering Study Program at Soegijapranata Catholic University with competence in Databases. At SCU, he is the Personality Development and Independent Learning Course coordinator at the MBKM Program under the Centre of Teaching and Learning (LP3) at Soegijapranata Catholic University.

Stevanus Hardiyarso (Didik) joined as a lecturer at Soegijapranata Catholic University (SCU) in September 1993. He obtained a bachelor's degree from the Faculty of Education, Theology Study Program, Sanata Dharma University, and Bakaloreat Theology at the Wedabhakti Theology Faculty, Yogyakarta, in 1992. In 1992 and 1995, he received a grant to write a Textbook for the PKHUB-Depag RI Project, with the title 'Contextual Religious Experience – Phenomenological Review of Religious Life for Dialogue of Harmony among Religious Adherents.' In addition to teaching, since 1999, he has been active in the parish mentoring program in the Kevikepan of Semarang. In 1996, he studied at the Philosophy Study Program, Gadjah Mada University, Yogyakarta, and graduated with a Master in Humanities (M.Hum) in 1999. While teaching at SCU, he focused on teaching subjects related to Philosophy and Humanities, such as Religiosity and Ethics.

Perigrinus Hermin Sebong is a lecturer and researcher at the Faculty of Medicine Soegijapranata Catholic University, Semarang, Indonesia. His research interests are in population health, public health and global health. He has also written several books such as research on hospital management, global health, health program management, Hospital Management Research Methodology published by UGM Press, Yogyakarta, Indonesia. Since 2015 he has served as a junior consultant for public health at the Center for Health Policy and Management and as a researcher at the Center for Tropical Medicine.

Henrita Ernestia Simandjuntak (Rita) has been a Permanent Lecturer at the Faculty of Medicine, Soegijapranata Catholic University (SCU), since 2019. She obtained a bachelor's degree in medicine at the Faculty of Medicine, Diponegoro University, Semarang, in 1999. She also finished her Master's degree in Medical Biology, specializing in Anti Aging Medicine, from Udayana University, Bali, in 2016. At the Faculty of Medicine of SCU, she teaches Histology, Microbiology, Anatomical Pathology, and Skill Labs and supervises Field Labs as a Community Based Education Facilitator. She is also a consultant on Anti Aging Medicine and contributes as a health contributor to some national private radio.

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