

LONGING FOR JUSTICE: TWENTY-TWO YEARS-LONG CHURCH CONSTRUCTION CONFLICT RESOLUTION IN SEMARANG

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Abstract

Christian places of worship have become the most frequently targeted places of worship in Indonesia, with the reported religious discrimination numbers increasing over the past several years, according to reports from the Setara Institute. One of the prominent cases is a prolonged opposition and rejection of the GBI Tlogosari church construction, which lasted from 1998 to 2020. Throughout this period, the involved parties attempted to settle the conflict through various approaches to conflict resolution. This research aims to explore the conflict resolution efforts made particularly by the GBI Tlogosari. Data was collected from diverse sources, including reports from civil society organizations, and analyzed using a qualitative descriptive method. After enduring minoritization and experiencing a situation of de facto rightlessness for more than twenty years, the GBI Tlogosari congregations finally achieved its objective of establishing a church building. Although the initial negotiations with lower-level government officials denied their right to freedom of religion and belief, the subsequent mediations with higher-level government officials proved to be successful. The mediation approach employed by the lower-level officials largely relied on power and authority, whereas the higher-level officials tended to integrate both rights-based and interests-based models.

Keywords: *minoritization, religious discrimination, freedom of religion and belief, conflict resolution*

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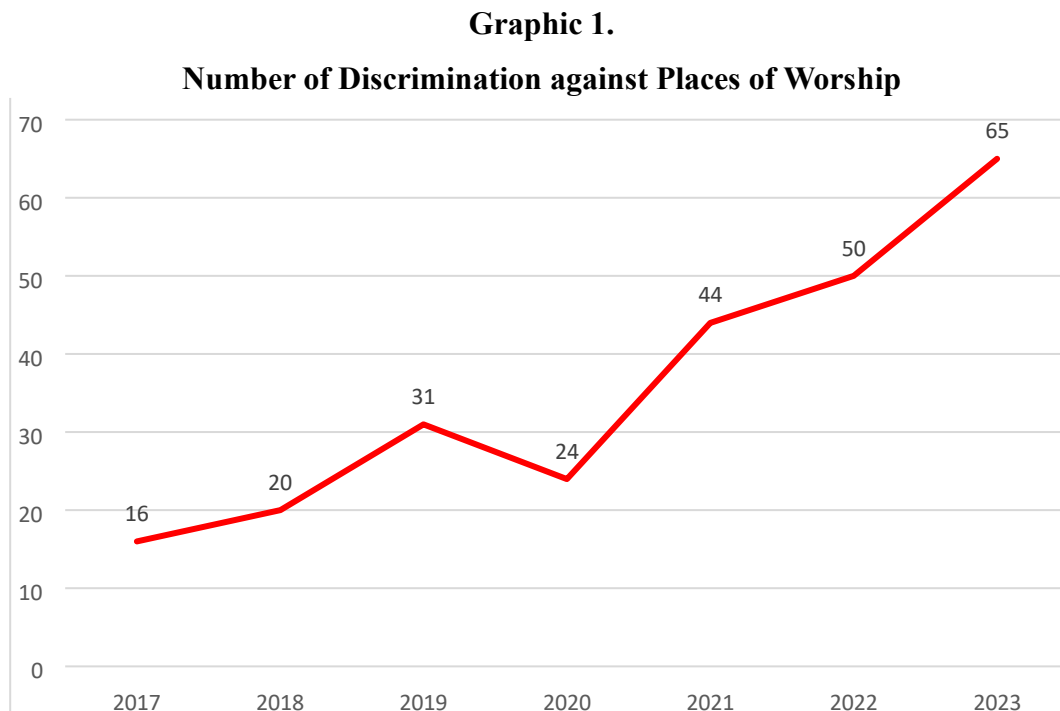
INTRODUCTION

Indonesia is a multireligious archipelagic nation. Interactions between its diverse religious communities have been pivotal to its social fabric since its genesis in 1945. Lies at the epicenter of these interactions is the issue of freedom of religion and belief (FORB), which has been the primary concern in the Indonesian sociopolitical dynamics for years (Nurkhoiron, 2007). Historically, both peaceful and conflictual interactions among various religions' adherents become an essential part and have significantly influenced the sociopolitical development of the Southeast Asian nation.

The Indonesian government officially recognizes six religions, while numerous ancestral religions receive only partial recognition (Maarif, 2017). Legally, it has obligations to recognize, respect, and guarantee the rights to FORB through Article 28E and Article 29 of the 1945 Constitution of the Republic of Indonesia. However, religious discriminations, particularly targeting religious minority communities, still occurs despite twenty years post New Order democratization (Purdey, Missbach & McRae; 2020). The opportunities of minority religious communities to engage in free religious expressions and activities, in reality, are often restricted by legal impositions enforced by various state and nonstate actors (Colbran, 2010; Hurriyah, 2020; Hurriyah, 2022; Lindsey and Pausacker, 2016; Marshall, 2018).

Nationwide observations on violations of FORB conducted by the National Human Rights Commission (KOMNAS HAM) revealed that between 2008 and 2018 there were 2,453 cases with 1,420 cases perpetrated by non-state actors, while the remaining 1,033 were carried out by the state actors (<https://www.komnasham.go.id>). Meanwhile, other observations conducted by the Setara Institute since 2018 on various discriminatory actions against minority religious communities identified multiple forms of discrimination, including various types of discrimination against places of worship such as rejection of building permits, sealing and destruction of places of worship, and prohibition and disruption of worship activities (Setara Institute, 2024). Moreover, according to the Setara Institute, discrimination against places of worship, perpetrated by both the

state and societal actors, has indicated a significant upward trend in recent years as shown below:



Source: Setara Institute (2024)

The graphic above shows an exponential increase of discrimination cases in the last four years from 24 in 2020 to 65 in 2023 with, according to Setara Institute (2004), 40 out of 65 cases in the very last year occurred against churches. Violations of civil rights in the form of discrimination to the religious minorities' places of worship constitute a central issue in the context of the recognition, protection, and fulfillment of human rights in Indonesia. Therefore, efforts to find solutions through conflict resolution efforts are crucial.

One of the most widely known cases of discrimination against places of worship in Indonesia is a rejection of the Indonesia Baptist Church (GBI) Tlogosari construction in Semarang. This case is important due to the long state and societal rejection spans from 1998 to 2020 (<https://ggbi.or.id>). The congregation of the GBI Tlogosari initiated the plans to construct a church building in November 1991. They

undertook various administrative efforts to secure permits from local authorities, starting at the neighborhood level and continuing to the sub-district level. Following a series of administrative and social efforts with local government officials and the surrounding community of the proposed church site, on January 1998, the Mayor of Semarang issued Mayor Decree No. 452.2/42/1998, granting the principal permit for the construction of the GBI Tlogosari on Malangsari Street, Sub-district of Tlogosari Kulon, District of Pedurungan, City of Semarang (Sebastian, 2024). Several months later, in July 1998, the Mayor of Semarang issued Decree No. 645.8/387/1998, which granted the building permit to the Indonesian Baptist Foundation (Sebastian, 2024). Equipped with this building permit, the GBI Tlogosari congregation commenced the construction of the church building in early July 1998 (Sebastian, 2024).

The construction of the church building faced significant challenges as local residents began protesting and engaging in vandalism at the end of July 1998 (Sebastian, 2024). These protests pressured the GBI Tlogosari to halt the construction, leading the construction committee to decide to temporarily suspend the project in August 1998 (Sebastian, 2024). After years of negotiation and mediation to look for justice, finally, the Semarang City Government granted a building permit for the GBI Tlogosari in September 2020 (Sebastian, 2024). However, in between those tough years, there were numerous efforts of conflict resolution conducted by the involved parties including state and non-state actors at various levels (LBH Semarang, 2021).

Discrimination to places of worship, particularly towards churches and other religious minorities places of worship, essentially is part of a wider social problem of religious-based conflicts in Indonesia. The increasing number of conflicts over the construction of places of worship (Setara Institute, 2024) and the state and societal difficulties in settling it down, without a doubt influence the landscape of social relations in multireligious Indonesian society. This paper therefore aims to explore the conflict resolution efforts undertaken by the conflicted parties during 1998-2020 to settle their conflict in peaceful ways. Peaceful relations among

different religious communities, as the outcome of successful conflict resolution, are an existential variable for the multireligious society of Indonesia.

RESEARCH METHOD

This paper uses a qualitative descriptive research method with a case study approach to analyze the data. The data is secondary and collected from various forms of literature. The authors seek data about restrictions, including legal impositions, on minority religious communities as the foundation for discussing the concept of discrimination. Additionally, the authors refer to the annual reports of the Setara Institute from 2018 to 2024 to gain a comprehensive understanding of violations of the FORB in Indonesia. The authors also utilize books on conflict resolution as a basis for formulating the concept of conflict resolution in cases of church construction rejection discussed in this paper. Data regarding the chronology of the rejection and the various conflict resolution actions taken by the government and other state institutions were obtained from reports written by the Semarang Legal Aid Institute (LBH Semarang).

RESULTS AND DISCUSSION

A. Freedom of religion and belief

The International Covenant on Civil and Political Rights (ICCPR) serves as a universal foundation for the recognition, protection, and fulfillment of FORB as stated in Articles 18 (1), 26, and 27 (ICCPR, 1967). According to ICCPR, every single individual has the right to FORB, including embracing any religion and practicing it through rituals and teachings, both individually and collectively, in public or private spaces. All individuals, including members of religious minority communities, are entitled to equal protection and shall not be denied their rights. The government is therefore obligated to prevent any form of discrimination and ensure all of its citizens receive protection from discrimination based on identity, including religion and belief.

At the national level, the 1945 Constitution serves as a legal foundation for the FORB for all Indonesian citizens without exception. It is explicitly stated in

Article 28E (1) and, more specifically, Article 29 (2), which affirm the State's obligation to protect and fulfill the religious rights of its citizens, including the freedom to embrace a religion and worship according to its system of rituals. Moreover, at the operational level, Articles 22 (1) and (2) of Law Number 39 of 1999 on Human Rights require the government to protect the rights to FORB of its citizens.

As part of a broader landscape of civil rights, FORB is a universal virtue shaping the global norms of interactions between humans. In the Indonesian context, it serves as a fundamental part of the constitutional rights of Indonesian citizens. Civil rights as rights protecting individuals' security, including the right to obtain FORB in the social and legal framework (Stokke, Kristian, 2017), therefore, is a foundational element of citizenship building (Schuck, Peter H, 2002)

B. Discriminations against religious minorities

Religious minorities can be defined in two perspectives; the numerical aspect or the size of the group as well as its internal dynamics and the differential treatment (Stausberg et al., 2023). The numerical aspect serves as a basis for determining whether a collection of individuals qualifies as a minority group. It simply means that a group can be categorized as a minority when they are numerically inferior compared to other groups in a certain social location, for example, a country. Moreover, the minority position generates a sense of solidarity, internal bonding, and a collective will to survive through the preservation of identity and the achievement of equality.

The second perspective defines a minority group as a segment of the population distinguished by characteristics that differ from the rest of the population and are often subjected to unequal and differential treatment. From this lens, minority is a social position resulting from fractionation and differentiation. This perspective, moreover, implies that the major/dominant forces in society perform active actions of 'to minoritize' directed towards the minority segment of the population. It means that the dominant actors intentionally make a group of

individuals a minority by placing it on the periphery of dominant, hegemonic, supreme actors (Stausberg et al., 2023).

Active action of minoritizing certain religious groups could be done by discriminating their right to FORB. From the legal perspective, according to Law Number 39 of 1999 concerning Human Rights, specifically Article 1, (religious) discrimination is defined as any restriction, harassment, or exclusion that is directly or indirectly addressed to certain groups based on the differentiation of individuals on the grounds of religion or other group affiliations. Those actions toward minority groups resulted in the reduction, deviation, or elimination of the recognition, implementation, or enjoyment of human rights and fundamental freedom in individual or collective life in political, legal, social, cultural, and other aspects of life.

Moreover, from a sociopolitical lens, Fox (2020) categorizes religious discrimination into two types: Government-based Religious Discrimination (GRD), which is discrimination by the state against minority groups, and Societal Religious Discrimination (SRD), which involves discriminatory actions against minority groups by societal actors.

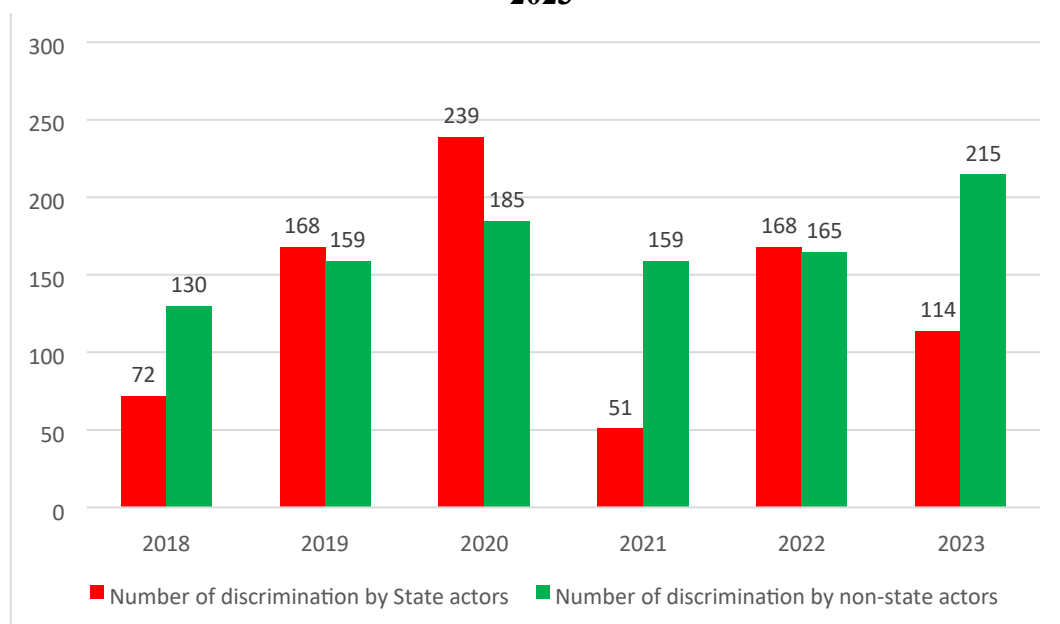
GRD is defined as restrictions placed by the government or government's agents on religious minorities' practices and institutions that are not placed on the majority religion (Fox, 2020; 20). This form of discrimination has become so prevalent in many countries that it has become a norm due to its frequent occurrence. Most countries around the world actively engage in discriminatory practices against their citizens who belong to minority groups (Fox, Jonathan, 2020). . Conversely, nearly all religious minority groups worldwide have experienced various forms of religious discrimination perpetrated by their governments (Fox, Jonathan, 2020).

The second type of discrimination is SRD which refers to societal actions taken against members or institutions of religious minorities by members of a country's religious majority who do not represent the government and without involvement or endorsement by the government (Fox, Jonathan, 2020). Interestingly, the adherents of Abrahamic religions are frequently involved in this

type of discrimination, both as targets and perpetrators (Fox, Jonathan, 2020). Both GRD and SRD have been experiencing a rising trend worldwide (Fox, Jonathan, 2020).

In Indonesia, both GRD and SRD are simultaneously happening. Based on the annual reports of FORB published by the Setara Institute, the author has compiled data from reports spanning the last six years, from 2018 to 2023 below:

Graphic 2.
Number of Religious Discrimination by State and Non-state Actors 2018-2023

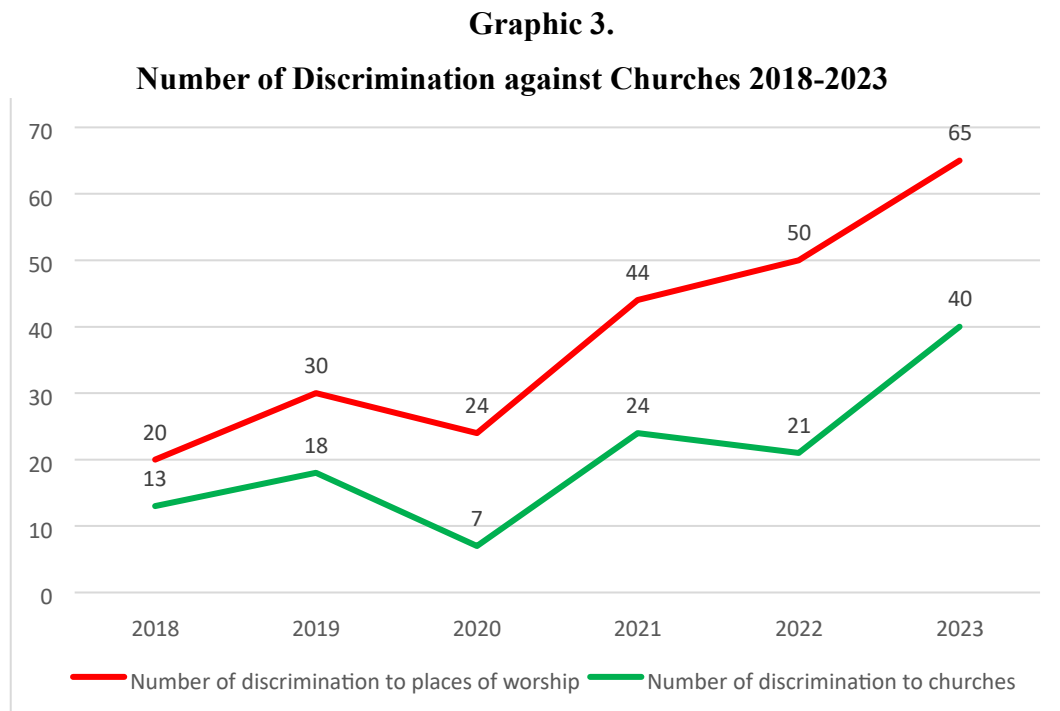


Source: Setara Institute (2018, 2019, 2021, 2022, 2023, 2024)

The graphic above provides a visual representation of the incidents of religious discrimination, differentiating between actions taken by state authorities and those by society members. Both state and social actors actively engage in religious discrimination actions although the numbers are fluctuative.

From the hundreds of incidents of religious discrimination committed by both state and societal actors, this paper will focus on a specific type of religious discrimination addressed to places of worship. Based on the data analyzed by the

author from Setara Institute reports from 2018 to 2023, the following graphic was produced:



Source: Setara Institute (2018, 2019, 2021, 2022, 2023, 2024)

The graphic above illustrates a comparison between the total number of discriminations directed to places of worship in general and those specifically targeting church buildings. The data shows us that in recent years churches have emerged as the most targeted places of worship in Indonesia with the number of discrimination has risen during the years.

C. Conflict resolution models

Conflict is a social phenomenon that emerges from the interactions between various actors within a given society. When actors with different interests and objectives operate within the same social setting, conflict is likely to occur. However, a conflict does not inherently lead to violence, but an unresolved conflict potentially escalates into a violent one. To prevent a nonviolent conflict from escalating into a violent ones, it should be resolved through conflict resolution

efforts by the conflicted parties. Conflict resolution, as an approach aiming to create a situation where violence is absent, focuses on resolving conflicts by involving all parties equitably, allowing them to reach a peaceful agreement and restore relationships without resorting to violence. According to Davies (2004) and Panggabean (2014) there are three main models of conflict resolution; power-based, rights-based, and interest-based.

The power-based conflict resolution model emphasizes political, social, cultural, economic power and resources of the conflicted parties to reach their goals and defend their interests (Panggabean, Samsu Rizal, 2014). This model of resolution is a self-help, potentially zero-sum, win-lose, security-based approach looking for stability achieved through unilateral resolution by the more powerful party. The adoption of intimidation, the threat of using force, and even coercive measures against opposing parties is possible to be employed. In this conflict resolution model, the rights and interests of other parties become irrelevant, on the other hand, my (party) goals and interests are the only thing that matters. Conflictual nuance becomes prevalent in this model and therefore the involved parties, particularly the less powerful or the minor ones, face difficulties in developing cooperation, finding compromise, and settling their conflict (Davies, John, 2004) (Furlong, Gary T, 2020).

Moreover, this conflict resolution model can be divided into two types; obedience to authority and instrumental exchange and competition (Davies, John, 2004) (Panggabean, Samsu Rizal, 2014). The first type is centered around a powerful authority with strong leadership or controlling vast resources and networks (Davies, John, 2004). This authority could be a traditional leader in society, a tribal chief, an authoritative religious leader, or a person with formal institutional power. The powerful authorities can utilize respect, obedience, loyalty, or submission from the involved parties as a tool to prevent, avoid, or solve the conflict between the parties. The second type is developed around instrumental exchange and competition between parties in a horizontal conflict scheme (Davies, John, 2004). The instruments that could be exchanged between the parties are threats, rewards, punishments, intimidations, stigmatizations, otherization, or any

other political, social, economic, cultural instruments employed to reach the parties' goals and interests. This exchange could lead to competition between the involved parties in terms of cutting the access and opportunities of the opposing parties to reach their goals and interests (for example to build a church or other places of worship). In this competition, social norms and laws become less relevant. Every involved party intends to reach their interests and take whatever they want as long as they have power and other resources to support their action.

The rights-based model assumes social conflicts can be settled if the parties abide by the normative rules operated in society (Panggabean, Samsu Rizal, 2014). These rules, established through social deliberation, are considered an effective tool for protecting civil rights, including FORB. The legitimacy of these normative rules stems from their acceptance by societal members, as well as their formal inclusion within national legal framework (Davies, John, 2004). To resolve the conflict, the parties involve institutional mechanisms to govern the conflict and to set their rights (Panggabean, Samsu Rizal, 2014). In this model, the conflicted parties usually refer to normative rules and laws to claim their rights by using litigation or arbitration.

The strength of the rights-based model is that it seen as legitimate and objective. Legitimacy and objectivity resulted from the existence of a standard of rights reinforced by legal structure as a principle that can be implemented by all involved parties (Lutz, Ellen L et al., n.d.). On the other hand, the weakness of this model is its win-lose nature. The litigation and arbitration method possibly makes one party win over another party causing disappointment (Panggabean, Samsu Rizal, 2014). The feeling of their rights being denied, unrecognized, unprotected, or unfulfilled could lead to the perception of unfair treatment and grievance. Moreover, the hostile environment and opposing legal positions of the parties in all litigation or arbitration processes would undermine the relationship between them.

Therefore, this model, in reality, tends to escalate the conflict rather than deescalate it (Panggabean, Samsu Rizal, 2014).

The interests-based model emphasizes the needs, aspirations, wishes, worries, and fears of the conflicted parties (Panggabean, Samsu Rizal, 2014). Those interests, conceptually, are divided into three types; substantive, procedural, and

psychological (Furlong, Gary T, 2020) (Moore, Christopher W. and Peter J. Woodrow., 2010). Substantive interests refer to the core issue of the conflict and the outcome of its resolution. Procedural interests refer to processes of reaching such substantive outcomes as negotiation, mediation, or other tools for dialogue and problem-solving. Psychological interests refer to the dimension of relationship between conflicted parties, such as willingness to recognize physical injury or traumatic feelings caused by the conflict. Although different in nature, the three types of interests are related to one another directly or indirectly. According to this model, the triumph of conflict resolution, therefore, relied on the effectiveness of the accomplishment of substantive, procedural, and psychological interests. While the power-based conflict resolution relies on power and resources and the rights-based model tries to seek who is right/wrong or who is the perpetrator/victim based on normative rules, the interests-based model emphasizes the needs, wishes, and aspirations of the parties.

While the strength of this model relies on the processes that focus on collaboration, creativity, problem-solving, relationship maintenance, and outcome endurance (Furlong, Gary T, 2020) (Lutz, Ellen L et al., n.d.) (Mitchell, Christopher R & Michael H. Banks., 1996), the processes of resolution also could be time consuming and possible to undermine the patience of the involved parties (Panggabean, Samsu Rizal, 2014). One of the proper mechanisms for this model is negotiation which serves as a space for direct dialogue between parties. Negotiation can be defined as a process of iterative communication aimed at reaching an agreement between two or more conflicting parties with differing interests (Patton, Bruce, 2005). Instead of mutual domination, negotiation could encourage mutual understanding and accommodation between conflicted parties (Panggabean, Samsu Rizal, 2014). Apart from negotiation, another mechanism for interests-based conflict resolution is mediation. It refers to a process in which a neutral third party, or the mediator, helps the conflicting parties to achieve a mutually agreeable resolution (Mitchell, Christopher R & Michael H. Banks., 1996) (Kovach, Kimberlee K, 2005). The role of the mediator is to guide the exchange of information, promote understanding among the parties, encourage the development

of a shared perspective on the disputed issues, and foster the exploration of creative solutions by the conflicting parties. Mediation encourages the conflicting parties to actively participate in creative and collaborative conflict resolution methods without coercing them into following the mediator's preferences. Therefore, mediation is a flexible process, continuously shaped and reshaped by both the conflicting parties and the mediator. This flexibility is a key strength of mediation as an interests-based conflict resolution method (Kovach, Kimberlee K, 2005). However, due to its adaptable nature, mediation can also result in prolonged resolution times as the process evolves.

D. Conflict resolution processes

Granted a building permit by the Mayor of Semarang, GBI Tlogosari started to build their church in July 1998. The local residents responded to the church construction with rejection and opposition. After a series of protests, vandalism, and threat by the opposite party in July 1998, the GBI Tlogosari decided to make a series of negotiations with the state officials at the subdistrict level of Tlogosari Kulon to gain political support and legal assurance. Efforts to resolve the rejection and opposition to the church construction reached a deadlock as the local government preferred a security-based approach to maintain social stability in their area by requesting the GBI Tlogosari to suspend the construction of the church building (Sebastian, 2024). Due to the precarious situation, in August 1998, the GBI Tlogosari decided to temporarily suspend the construction of the church building in accordance with the government's request.

Twenty-one years after suspension, in 2019, the GBI Tlogosari made an initiative to start the church construction again. This initiative responded to the opposing party by protesting and sealing the church building. To resolve the church construction conflict, the Semarang City Government organized multiple mediation sessions, inviting all conflicting parties. These mediations were conducted hierarchically, meaning that initial mediations were handled by lower-level government authorities. If these initial sessions failed to resolve the conflict, the mediation process escalated to higher-level authorities. Despite conducting at least

four mediation sessions, the government was unable to achieve a resolution to the conflict regarding the church building's construction.

First Mediation

The initial mediation between the GBI Tlogosari and its opposing party was led by the District Head of Pedurungan on August 2019, at the Pedurungan District Office (Sebastian, 2024). Besides the conflicting parties, the mediation was also attended by LBH Semarang officers as well as various local government representatives, including officials of the district-level police agency (Polsek Pedurungan) and military agency (Koramil Pedurungan), members of Semarang Forum for Religious Harmony (FKUB Semarang), officials of Semarang National Unity and Political Agency (Kesbangpol Semarang), and other civil institutions.

During this mediation, each opposing party presented their arguments. The opponents of the church construction proposed two main administrative reasons for rejecting the church building permit; it was obtained from signatures falsification by the GBI Tlogosari and the building permit document was already expired and out of date. On the other hand, the GBI Tlogosari argued that they had obtained the building permit legally through proper legal processes. Consequently, the GBI Tlogosari was open to the opposing party pursuing a litigation process to resolve their dispute.

The first mediation failed to achieve a consensus between the parties neither produced any win-win solutions for either party. The District Head of Pedurungan, acting as the mediator, then concluded the mediation and referred the mediation process to the Head of the Kesbangpol Semarang.

Second Mediation

The second mediation was led by the Head of the Kesbangpol Semarang and conducted at the office of the city-level government agency.

During this mediation, the mediator allowed representatives from various government institutions to propose solutions for resolving the church construction conflict. Some of the proposals that emerged at the meeting had tended to corner the GBI Tlogosari, suggesting they either obtain a new building permit, relocate the church building to another location, or apply for a building permit for renovation (Sebastian, 2024).

The GBI Tlogosari found these proposals unacceptable and insisted on the existing building permit. Moreover, they argued that the cancellation of the existing building permit must be done through a legal process. One of the mediation participants, Institute for Social and Religious Studies (ELSA), a local civil society organization, stated that the church construction conflict was not fundamentally a legal-administrative issue regarding the building permit, instead, the root cause of the conflict was social, particularly the opposite party's aversion to the presence of a Christian place of worship in their area (Sebastian, 2024). This opinion led the participants to a different perspective on the conflict, recognizing that it was not merely a legal matter but a social one, therefore, continuing to propose the cancellation of the building permit was considered irrelevant.

Similar to the initial mediation, the second mediation also failed to produce a creative conflict resolution. The mediator then concluded the second mediation and referred the matter to the Mayor of Semarang for further mediation processes.

Third Mediation

The third mediation was led by the Mayor of Semarang on August 2019. This mediation session was divided into two stages (Sebastian, 2024).

- **First stage**

In the first stage, utilizing his powerful authority, the Mayor, acting as mediator, assured that a new building permit would be issued within a month of the application process. Both conflicted parties responded

positively to the Mayor's proposal. The GBI Tlogosari believed that the political assurance from the Mayor was considered sufficiently strong to ensure that there would be no significant obstacles in obtaining a new building permit. On the other hand, the opposite party felt that the Mayor acknowledged their argument that the GBI Tlogosari had made procedural errors in obtaining the building permit. They also believed that the Mayor was complying with their demand for the GBI Tlogosari to submit a new application for a building permit.

This first stage mediation produced a constructive outcome through the effective use of political power and authority by the Mayor of Semarang. Both GBI Tlogosari and the opposing party expressed satisfaction with the proposal, believing that their needs, feelings, and aspirations were acknowledged by the Mayor. The mediation facilitated by the Mayor demonstrates that the agreement achieved among the conflicting parties was bolstered by the Mayor's political will as a significant political actor in Semarang.

- **Second stage**

The second stage of the mediation process was conducted in September 2019. In this meeting, the GBI Tlogosari was accompanied by activists from LBH Semarang, ELSA, Interreligious Companionship (PELITA), and the Union of Indonesia Baptist Church (GGBI). In this second stage meeting, the chairperson of FKUB Semarang, an organization that consists of local religious leaders, indicated that they could not issue a recommendation for the church construction because the GBI Tlogosari failed to fulfill the administrative requirements concerning social interreligious harmony in the proposed church location (Sebastian, 2024). The FKUB Semarang insisted that there was still local opposition and rejection regarding the church construction in the conflicted area. Therefore, the FKUB Semarang proposed to the Mayor that the government should give a new alternative church construction location for the GBI Tlogosari (Sebastian, 2024).

During this meeting, the opposite party outlined their reasons for opposition. First, there are no local residents who would use the church building. Second, only one Christian family lives near the proposed church site, and they are not congregations of the GBI Tlogosari. Third, the owner of the land adjacent to the proposed church location does not agree with the church construction. Fourth, local residents are concerned that their faith and beliefs might be disturbed by the presence of the church. Fifth, most local residents oppose the church construction but are open to the idea of the church being built elsewhere. Sixth, the plan to build the church has disrupted the religious life of the residents near the proposed site. Seventh, the local residents feel they are not yet open to accepting a church in their area. Eighth, the residents believe that the GBI Tlogosari congregations can worship at other churches already established nearby. Ninth, the residents desire a conflict resolution process that emphasizes the principles of harmony, tolerance, and honesty.

The proposals from the FKUB Semarang and the ongoing objections from the opposite party led the Mayor to propose three options for resolving the issue (Sebastian, 2024). First, relocating the proposed church building to a different location provided by the Semarang City Government. Second, advising the opposite party to pursue litigation through a lawsuit in the Semarang State Administrative Court (PTUN). Third, requesting the FKUB Semarang to facilitate a meeting among residents to address and resolve the social issues around the proposed church location. In response to the proposed options, the GBI Tlogosari invited the opposite party to pursue legal action by filing a lawsuit with the PTUN. Additionally, the GBI Tlogosari requested the Semarang City Government to provide legal and physical protection to enable them to exercise their constitutional rights to embrace religion and worship according to their faith (Sebastian, 2024).

The second stage mediation highlights the failure of the Mayor's authority to settle the conflict. At the same time, another opportunity to

resolve the conflict through litigation method emerged. This situation illustrates the dynamic of conflict resolution where

Fourth Mediation

The fourth mediation was conducted in November 2019, by the Head of the Polsek Pedurungan. The meeting was also attended by the Head of the Tlogosari Kulon Sub-district, where the proposed church building site is located, the Head of Koramil Pedurungan, and activists from GusDurian Semarang, a local branch of a nationwide civil society organization. The mediation produced an agreement between conflicted parties to resolve the conflict through litigation in the PTUN (Sebastian, 2024).

Fifth Mediation

Despite earlier multiple attempts of mediation, the conflict between the GBI Tlogosari and its opposite party remains unresolved. In this latest mediation effort, the government has sought to involve an independent mediator to lead the process.

In the meeting, the GBI Tlogosari expressed their response to the mediation process as follows. First, the GBI Tlogosari has always been cooperative in every mediation conducted by the government. They have consistently adhered to the agreements reached through various mediation processes, despite these agreements often being harmful to their constitutional rights to freely and safely practice their religion. Second, the GBI Tlogosari views that each mediation process has become an arena for the opposite party to delegitimize the building permit that they legally possess. Moreover, the opposite party has consistently failed to implement agreements reached during the mediation processes. Third, the GBI Tlogosari encourages the church construction issue to be viewed from a human rights perspective, positioning both the Semarang City Government and the FKUB Semarang as involved parties. This is necessary because these institutions represent the state, which has the responsibility to respect,

protect, and fulfill the human rights, particularly FORB, of its citizens. Fourth, the GBI Tlogosari viewed various mediation efforts that only involve them and their opposite party reducing the responsibility of the government and the FKUB Semarang to respect, protect, and fulfill their constitutional rights. Fifth, the mediations that only involve the GBI Tlogosari and their opposite party potentially exacerbate the existing social conflict. Sixth, the GBI Tlogosari urges the FKUB Semarang to give enlightenment to the opposing party about the rights to FORB. Seventh, the GBI Tlogosari proposes for the involvement of the KOMNAS HAM as a mediator.

Sixth Mediation

In February 2020, representatives from LBH Semarang visited KOMNAS HAM to file a complaint against the Semarang City Government for failing to address the GBI Tlogosari congregation's unfulfilled right to FORB over the past 22 years. LBH Semarang argued that the various mediation efforts had undermined the legally obtained building permit of the GBI Tlogosari. Moreover, they believed that the mediation efforts by the Semarang City Government had exacerbated tensions between the conflicting parties, potentially escalating wider religious conflict within the community. Consequently, LBH Semarang requested KOMNAS HAM to mediate the next conflict resolution process.

The KOMNAS HAM in September 2020 initiated mediation sessions at the Semarang Mayor's office. In this mediation, the GBI Tlogosari was no longer placed in diametrical position with the opposing party but also involved the Mayor of Semarang and the FKUB Semarang as parties bound to the mediation agreement (Sebastian, 2024).

This mediation resulted in four agreements. First, the opposite party agreed to coexist with the GBI Tlogosari. They also stated that the issue was not merely about opposing the church construction but also about the administrative-procedural problems of the building permit. Second, the

Semarang City Government agreed to grant a new building permit to the GBI Tlogosari once they fulfilled the legal requirements for the permit. Third, the GBI Tlogosari agreed to start the construction after the Semarang City Government issued a new building permit. Fourth, all parties, including the GBI Tlogosari, the Semarang City Government, and the FKUB Semarang, agreed not to stigmatize the local residents as intolerant.

CONCLUSION

For over two decades, the congregations of GBI Tlogosari experienced a situation of *de facto* rightlessness, where citizen rights became ineffective and irrelevant due to inadequate law enforcement (Berenschot, W et al., 2023) in a more liberal but less democratic Indonesia following the New Order era (Hanif, Hasrul & Eric Hiariej, 2015)

After local residents rejected the church construction in 1998, the GBI Tlogosari began engaging in negotiations with the sub-district level government, which utilized its authority to call for a halt to the church construction. Years later, in 2019, the Semarang City Government initiated conflict resolution processes in a hierarchical manner, progressing from district to city level, adopting a power-based approach to conflict resolution.

The lower-level (the Head of Pedurungan District and the Head of Polsek Semarang) and middle-level government (the Head of Kesbangpol Semarang) attempted to leverage their formal-administrative power to mediate the conflict, only to discover that the parties involved remained steadfast in their objectives and viewpoints. The inability of the lower-level and middle-level government prompted the higher-level government (the Mayor of Semarang) to exercise political power and authority to address the conflict. While the initial application of power and authority seemed hopeful, it ultimately failed to resolve the conflict; instead, a combination of rights-based and interests-based strategies utilized by KOMNAS HAM led to a resolution.

Nonetheless, the overall process of conflict resolution is dynamic and volatile. Initially, during the New Order era, it was predominantly power based. The

power-based approach to conflict resolution indeed was the mainstream method in the New Order era (Panggabean, Samsu Rizal, 2014). In contrast, during the postNew Order era, church construction conflict resolution became more dynamic, incorporating a combination of both power-based and interests-based approaches simultaneously.

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