

Religious Rights and State Presence in John Locke's Liberalism Perspective (Reflections on the 1984 Tanjung Priok Case)

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Abstract

Upholding human rights as a part of international law without the presence of the state would seem impossible because the state is an essential element of international law. What is interesting is what happened in the 1984 Tanjung Priok Indonesia case, where human rights violations occurred because of the state's presence. The question is, how should the state's presence be? This study reflected on the 1984 Tanjung Priok case as a lesson on how countries should be involved in religious rights so as not to injure human rights. Answering that question, this study used a normative approach and John Locke's theory of liberalism. Furthermore, this study found that during the New Order era, the state's presence in civil rights was too deep, especially those related to religious rights. The presence of the state is indeed important, but the presence of the state, which is very dominant for reasons of political stability by depriving people of the right to practice their religion, cannot be justified. In addition, it is also unacceptable if the state reduces civil rights because of religious considerations. Although it is difficult, if the state has a certain ideology or religion, the state should not harm individual rights, including the rights of other religions and the religious rights of its citizens that are different. The state must not interfere too deeply or get too involved in its own ideology/religion, which then prohibits the religious rights of adherents of other religions who are its citizens.

Keywords: Religious Rights; State Presence; Tanjung Priok Case; John Locke's Liberalism.

Introduction

Human rights (HAM) is a material part of international law. As part of international law, the state has the responsibility or obligation to be present in enforcing it. In Indonesia, fundamentally upholding human rights is one of

the embodiments of the second precept of Pancasila, the foundation of the Indonesian state, "just and civilized humanity."¹ Article 28I paragraph (4) of the 1945 Constitution firmly states, "Protection, promotion, enforcement, and fulfillment human right is state's responsibility, especially government." Throughout history, human rights has been a very important topic.²

As the party responsible for upholding human rights, the state must be careful in establishing a policy so that violations do not occur. Some policies of the central and regional governments are sometimes inconsistent with upholding human rights. Sometimes, the state's presence, which should be expected to uphold human rights, is often not expected because it commits human rights violations. So, it is unsurprising that the slogan "society without a state" appears. The state whose presence is expected to protect is actually tyrannizing.

On Human Rights Day 2018, KontraS released considerable human rights violations shock incidents. Human rights violations in the sector source Power nature (general) reached 194 cases, occupation land reached 65 cases, 29 cases of criminalization, shootings on Name terrorism 15 cases, arrests on Name terrorism 99 cases, verdict punishment death 21 cases, torture (general) 73 cases, *extrajudicial killing* 182 cases, violation action 32 cases, dissolution forced 75 cases, violations in the sector freedom religious And believe 78 cases, banning 28 cases of activity, intimidation minority 19 cases, and persecution of 35 cases.³ In 2022, one of the Indonesian Human Rights Commissioners (Komnas HAM), Uli Parulian Sihombing, said Komnas HAM received 5,306 complaints about human rights violations. That as many as 2,577 cases guess human rights violations, of which 1,019 cases still will be handled. There were 534 cases handled through mechanism monitoring And investigation and 257 cases in a manner of mediation. The

¹ Arifin, Ridwan, and Lilis Eka Lestari. "Penegakan Dan Perlindungan Hak Asasi Manusia Di Indonesia Dalam Konteks Implementasi Sila Kemanusiaan Yang Adil Dan Beradab." *Jurnal Komunikasi Hukum (JKH)* 5, no. 2 (2019): 12. <https://doi.org/10.23887/jkh.v5i2.16497>

² Alfensius Alwino, "Discourse on Social Justice: Study of Theory of Justice in Locke's Liberalism, Marx's Equation, and Rawls' Justice as Fairness," *Lintas* 32, no. 3 (2017): 309, <https://doi.org/10.26593/mel.v32i3.2696.309-328>.

³ M. Syaf'ie, Human Rights Violations and Message For stake Policy , <https://law.uui.ac.id/blog/2019/01/21/pelanggaran-ham-dan-pesan-untuk-pemangku-kebijakan/>

rest are still in the process of analyzing complaints.⁴ Not long ago, a prohibition for establishing a church in Cilegon based on a Letter Decision Regent And signature petition rejection ranks Cilegon City area like Mayor, Deputy Mayor, and Chairman of the City Council of Cilegon.⁵

Beginning in 2023, the government confessed 12 serious human rights violations in Indonesia.⁶ However, the case of Tanjung Priok 1984 is not mentioned. Chairman Komnas HAM, Atnike Nova Sigi, conveyed the case of Tanjung Priok, including serious human rights violations. It has been investigated by Komnas HAM and Already brought to court, though perpetrator-free.⁷

This study focuses on the 1984 Tanjung Priok case. It reflects how significant this case is because it involves the religious rights of Indonesia's largest number of people. In addition, society's sensitivity towards religious rights as part of this ideology is higher than other human rights issues.

The Tanjung Priok Riot in 1984 occurred because of the New Order government's policy regarding a single principle, namely Pancasila, to maintain the stability of the government at that time. This event could not be separated from Indonesia's social, economic, and political problems.⁸ The government sets several restrictions against Muslims in exercising their religious rights. This policy made Muslims unable to accept it.⁹ The New

⁴In 2022, Komnas HAM Received 5,306 Complaints guess Most human rights violations _ complained ie police, corporations, and government. <https://www.Hukumonline.com/berita/a/tahun-2022--komnas-ham-untung-5306-pengdinding-dugaan-pelanggaran-ham-lt6395faf39959c/>. This kind of report also means that Indonesia are still not good in upholding human rights but on the other hand, Indonesia has actually implemented a system that makes it easier for its citizens to report human rights violations by the government Misbahul Mujib, M., Mustari Kurniawati Muchlas, (2023), Achievements and Challenges of Human Rights Protection Policy in Realizing Good Governance in Indonesia and China, *Journal of Human Rights, Culture and Legal System (JHCLS)* 3 (2), 328-360 <https://doi.org/10.53955/jhcls.v3i2.98>

⁵ Ady Thea DA, Various Human Rights Events Throughout 2022 , <https://www.Hukumonline.com/berita/a/beragam-events-ham-sepanjang-2022-lt63a94f1fb51c4/?page=all>

⁶ 12 Pelanggaran HAM Berat yang Diakui Presiden Jokowi, <https://nasional.tempo.co/read/1678970/inilah-12-pelanggaran-ham-berat-yang-diakui-presiden-jokowi>

⁷ Why Tanjung Priok Not Included in 12 Acknowledged Serious Human Rights Violations Jokowi ? <https://kumparan.com/kumparannews/why-tanjung-priok-tak-enter-12-pelanggaran-ham-berat-yang-diakui-jokowi-1zce8ALwa9V/3>

⁸ Martinus Danang, "Peristiwa Tanjung Priok 1984: Latar Belakang, Tragedi Kerusuhan, Dan Penyelesaian Pelanggaran HAM," KOMPASPEDIA, 2021.

⁹ Wibowo W, and Setyadi Y. "Penegakan Hukum Ham Asasi Manusia Di Indonesia Dalam Kasus Pelanggaran Ham Berat: Studi Kasus Tanjung Priok, Timor Timor, Dan

Order government was a dark period in which human rights were lost. The community and the international community consider human rights violations to be serious violations. In building tolerance, the government should have an important role with its power, but it can also be considered a determining factor in human rights violations.¹⁰

The right to religion is an individual right. Regarding individual rights, one of the British philosophers who voiced it was John Locke. Lock emphasized that the state should not interfere too much with freedom in carrying out one's worship. More than that, he developed the principle of tolerance for adherents of each belief. State civil rights should not be reduced solely because of religious considerations. According to John Locke, every human has natural rights, not only regarding the right to life but also the right to individual freedom and property. The state only protects its citizens and their property rights. That is the main task.¹¹ This article relates human rights law enforcement to the 1984 Tanjung Priok tragedy and John Locke's liberal thinking.

Because the Tanjung Priok case is not new, there has been a lot of research and writing on it. However, research that reflects the 1984 Tanjung Priok case from the perspective of John Locke's Liberalism and how the state should be involved in upholding human rights, especially the right to religion, does not yet exist. This study used a qualitative descriptive analysis method with a normative approach by examining secondary data or library materials. The material obtained from the writing results is classified according to the problem and then analyzed qualitatively according to the quality of the truth.¹²

Discussion

John Locke's Liberalism and State

John Locke was a British philosopher whose birth was tragic because it was hit by civil and religious wars (between Catholics and Protestants). This situation provided an experience for Locke about the importance of respecting democracy, freedom, restrictions on political power, and tolerance

Abepura." *Journal of Islamic and Law Studies*, vol.5, no. 1 (2021): 108–119 <https://dx.doi.org/10.18592/jils.v5i2.5793>.

¹⁰ Sabit Irfani, Ricky Santoso Muharam, and Sunarso Sunarso, "Keadilan Hak Asasi Manusia dalam Aksi Kamisan di Indonesia," *Jurnal HAM* 13, no. 1 (2022): 82–83, <https://doi.org/10.30641/ham.2022.13.81-96>.

¹¹ U. Batubara, R. Siregar, and N. Siregar, "Liberalisme John Locke dan Pengaruhnya dalam Tatanan Kehidupan", *Jurnal Education and Development*, vol. 9, no. 4, pp. 485-491, Nov. 2021. <https://journal.ipts.ac.id/index.php/ED/article/view/3189>.

¹² Lexi J. Moleong, *Metodologi Penelitian Kualitatif* (Bandung: Rosda Karya, 1991). P. 4.

of religious beliefs. Not only that, he also got a Royalist political direction in his education. At the age of twenty years, he entered the University of Oxford. Then, he became acquainted with Edward Bagshawe, who actively promoted religious tolerance, political freedom, and one's natural rights.¹³

Many people consider Locke to be the father of classical liberalism. In classical times, liberalism did not allow coercion against individuals for disapproving of their circumstances or actions. It can be said that a person may dislike the beliefs of other people's religions, reject their political views and behavior, defile their lifestyle, even be shocked by their ideas and opinions, or worry about taking drugs that damage their health. Or ruin the future because of their anti-social attitudes. But that is not a valid reason to use power to make behavior different simply.

After exile to France because of hostilities with the Stuart dynasty, John Locke wrote two Treatises on Civil Government. In the book, he interprets the ruling government as based on a contract with the people, not coercion and violence. Under natural conditions, he speculates that everyone has the right to defend their life.¹⁴ The essay on mutual understanding between humans, *An Essay Concerning Human Understanding*, was the first book that made John famous, published in 1689. In addition, a book entitled "Letter Concerning Toleration" was published in 1689 on issues related to tolerance. In the book, he emphasizes that the state interferes too much with one's freedom of worship according to his beliefs. More than that, he also developed the principle of tolerance for adherents of each belief, not to reduce their civil rights in the state just because of religious considerations. Thanks to Locke's various works, religious tolerance became widespread.

Locke also emphasized that a natural right that belongs to everyone has a limited content. First, he is a human being with the right to live; that right is the right of ownership (his own body). This right cannot be removed, whether sold or taken by anyone. Then, the second, as a human being, has a right to the results of his labor. If someone is taking part in nature that someone has done, then other people are obligated not to disturb him.¹⁵

Locke thought of life, liberty, and the property of persons, such as the right to live and to do whatever they wish except not to infringe upon the rights which belong to others and to enjoy all they make or receive as a gift rather than by force. We cannot make ourselves into slavery and certainly will not let go of an important part of ourselves. From there, it means by

¹³ U. Batubara, R. Siregar, and N. Siregar, "Liberalisme John Locke dan Pengaruhnya dalam Tatanan Kehidupan."

¹⁴ Eamonn Butler, *Classic Liberalism Eamonn Butler Brief Introduction* (Jakarta Selatan: Friedrich Naumann Foundation Indonesia, 2019).

¹⁵ U. Batubara, R. Siregar, and N. Siregar, "Liberalisme John Locke dan Pengaruhnya dalam Tatanan Kehidupan."

violating our own rights, we can't try to give what we can't give. So, no law can be given or taken by others.¹⁶

Revitalization of the Human Rights Paradigm in Indonesia

Every human being has a right because he is only human. That is a human right itself. Every person with this right is not only due to positive law, but he has dignity solely as a human being.¹⁷ Although basically, every individual has a different gender, skin color, culture, and language; they still have these rights because these rights are universal and cannot be revoked. A person still has the right to everything, good or bad, that has ever been experienced regarding treatment or something like that.¹⁸

Talking about the problems of human rights and society in Indonesia,¹⁹ many do not know their rights, ignore their rights as human beings, and do not know the obligations that must be carried out.

One of the most important human rights is freedom of religion and belief in the life of the nation and state in Indonesia. Until now, religious freedom continues to be a dynamic debate. The debate arose due to the assumption that human rights groups that put forward individual rights and group rights have a liberal character. For some groups, this character is considered to have no collective compatibility with Eastern culture and cultural values. In the context of human rights, some people consider freedom of religion and belief appropriate to be implemented in Indonesia because people have religions and various beliefs.²⁰ As a cultured and sovereign nation, Indonesia must be able to uphold human rights. This state must revitalize the human rights paradigm because of many violations. The general public still lacks an understanding of their rights. Their knowledge of Human Rights is also lacking, which can later lead to a violation.

The implementation of human rights in Indonesia still has many violations, both minor and serious. The resolution mechanism is not yet conducive. However, there are generally signs of progress in both development and enforcement. It is reflected in the provision of human

¹⁶ Eamonn Butler, *Liberalisme Klasik Perkenalan Singkat Eamonn Butler* (Jakarta Selatan: Friedrich Naumann Foundation Indonesia, 2019).

¹⁷ Rizal Al Hamid, "Buku Ajar Mata Kuliah Wajib Umum Pancasila Untuk Perguruan Tinggi," 2022.

¹⁸ Rhona K.M. Smith and Dkk, *Hukum Hak Asasi Manusia* (Yogyakarta: Pusat Studi Hak Asasi Manusia Universitas Islam Indonesia (PUSHAM UII), 2008).

¹⁹ Rusman Widodo, "Jurnal.HAM; Komisi Nasional Hak.Asasi Manusia," *HAM* 11 (2014): p. 5–6.

²⁰ Ibid.

rights through laws and regulations. An effort has also been made to resolve human rights violations by establishing a human rights court.²¹

Resolving human rights through the courts has its own meaning related to the rights of victims and their families from these violations. The court also showed a response from the government, which was silent and did not respond to the case, which caused a domino effect that could then be used as an excuse for the victim's family to voice their aspirations.²²

The 1984 Tanjung Priok Case

One of Indonesia's most serious human rights violations was the Tanjung Priok, North Jakarta 1984 incident. This riot resulted in many people being killed and injured. The riot at Tanjung Priok became one of the major losses from the blatant human rights violations in the New Order era.

a. Background to the Tanjung Priok Incident

The port area in Tanjung Priok is Jakarta's initial modernisation stage. Most of the people living in the area are newcomers. Most of the migrants are young and drop out of school. Their arrival in Jakarta aims to make their life better than before.²³ The Tanjung Priok port area is experiencing very worrying overcrowding with narrow roads and many houses built so tightly together.²⁴

The hard life in the port resulted in the emergence of various social and economic problems. The New Order government designed a port renewal program whose impact resulted in the closure of small and medium-sized companies. In this area, the inhabitants come from different tribes. In all these places, Islam plays a role in determining their lives. Even the Mosque is a meeting place between young and old, which, as its function, is used for worship. Religious activities developed quite rapidly, especially religious lectures. At that time, hot issues such as the economic, social, and political fields received the attention of the lecturers. The speaker even conveyed a sharp criticism aimed at the New Order government because it was not in accordance with the wishes and interests of Muslims at that time. The hot issue that became the theme for the speaker was the bill during the government period to the DPR regarding the need for an organization in the

²¹ Besar, "Pelaksanaan dan Penegakkan Hak Asasi Manusia dan Demokrasi di Indonesia," *Humaniora* 2, no. 1 (2011):p. 202.

²² Sabit Irfani, Ricky Santoso Muharam, and Sunarso Sunarso, "Keadilan Hak Asasi Manusia dalam Aksi Kamisan di Indonesia."

²³ Andi Suwirta, "Pers Dan Kritik Sosial Pada Masa Orde Baru: Kasus Peristiwa Tanjung Priok Tahun 1984 Dalam Pandangan Surat Kabar Merdeka Dan Kompas Di Jakarta," *Insancita: Jurnal of Islamic Studies in Indonesia and Southeast Asia* 2, no. 2 (2017).

²⁴ Joebaar Ajoeb, *Islam Diadili: Mengungkap Tragedi Tanjung Priok*, 1 st Ed. (Jakarta: The World Bank, 2002).

political and social fields that had a single principle, namely Pancasila and the 1945 Constitution. One of the bill's contents was not in accordance with the wishes and interests of Muslims then, which was to make the Pancasila principle the only one.²⁵

b. Chronology of the Tanjung Priok Case

Since the early 1980s, applying the Pancasila single principle began to be vigorously echoed. This was the beginning of bloodshed among the nation's children, the Tanjung Priok tragedy. Anyone who disagreed with the single principle of Pancasila during the New Order era should be accused of being anti-Pancasila. The atmosphere of the small prayer room on the north coast of the capital city of Jakarta seems repressive. Abdul Qadir Jailani, for example, is a community leader in the area and a cleric who is said to give lectures often. The authorities accused him of being a provocateur, and that was where the bloody incident started. He was even considered to have the potential to threaten national stability. Two soldiers from the Village Trustees (Babinsa) on Saturday, September 8, 1984, from the Koramil headed for the As-Sa'adah Mosque in Gang IV Koja, Tanjung Priok. The problem was that the two people entered the Mushala still wearing shoes to remove pamphlets whose contents were considered a hateful criticism of the New Order government.²⁶ Then, the Babinsa use sewage from the gutter to sprinkle the pamphlets. Finally, the behavior of the two Babinsa often became a topic of conversation among the congregation and residents. However, the government or the authorities did not attempt to resolve the issue peacefully before it became a bigger polemic.

Two days after the incident, which coincided with September 10, 1984, an argument broke out between some worshipers in the prayer room and soldiers who were the perpetrators of polluting the house of worship because they were still wearing their shoes. After that, two Babinsa were invited to enter the management office at the Baitul Makmur Mosque, and the argument stopped for a moment. However, news has circulated in the community, so people come to the Mosque not far from the *mushala* (small Mosque). Not long after, the situation immediately became chaotic because crowd members set fire to army motorcycles. The authorities immediately acted to arrest those who became provocateurs.²⁷ Finally, four people have been arrested, including the person who set fire to the motorcycle. The masses felt increasingly irritated with the detentions of the New Order

²⁵ Abdul Aziz Thaba, *Islam Dan Negara Dalam Politik Orde Baru* (Jakarta: Gema Insani Press, 1996).

²⁶ Tohir Bawazir, *Jalan Tengah Demokrasi: Antara Fundamentalisme Dan Sekularisme*, ed. Artawijaya Dhurorudin Mashad (Jakarta: Pustaka Al-Kautsar, 2015).

²⁷ Taher, "Tragedi Tnajung Priok," Ived Tangerang, 2022.

government officials. Then, the community looks for solutions to prevent the problem from happening to too many people.

The next day after the incident coinciding with September 11, 1984, the congregation asked Amir Biki to mediate between the masses and soldiers at the Kodim to resolve this issue immediately. Finally, he immediately responded to the congregation's request by approaching the Kodim to release the charges of the four people he had detained. However, Amir Biki did not get certainty. He felt that officers at the Kodim had been toying with him. Feelings like that made Biki immediately discuss this matter at night. Actually, Amir was not a speaker, but the congregation urged him to deliver a speech at the forum.²⁸

Towards the turn of the day, there was still no response regarding the request to release the four detainees, so on the morning of September 12, 1984, approximately 1,500 people moved. Some people headed towards the Polres section, and the others headed towards the Kodim by walking about 200 meters. The masses on their way to the Polres turned out to have been intercepted by the armed forces. He prepared not only weapons but also heavy equipment such as armored vehicles. The masses answered the warnings made by the apparatus with takbir and continued to scream. Finally, the soldiers fired a barrage of automatic rifles. Because of that shot, many victims lay scattered, and thousands of people panicked and fled from the barrage of gunfire. Two large trucks arrived from the direction of the harbour, transporting additional troops at high speed. The additional troops who boarded the truck hit, ran over them and spewed bullets at the masses lying on the street. The sound of pain that the masses felt blended into the sound of bones being crushed.²⁹

The soldiers' shots continued to hunt down the masses. Amir Biki and his entourage of 3 other people headed for the Kodim, representing to step forward while the others waited. When the representatives approached, the soldiers shot three representatives so that those waiting panicked. Dozens of people were killed, including Amir Biki. It is not known the total number of victims, whether they were injured, killed, or missing. The New Order era government covered up a fact that happened. LB Moerdani, ABRI commander, stated that 18 died and 53 were injured. However, Djaelani's testimony was very different. The solidarity of the incident said that nearly 400 people died. This number does not include those who were missing and injured.³⁰

²⁸ Tohir Bawazir, *Jalan Tengah Demokrasi : Antara Fundamentalisme Dan Sekularisme*, .

²⁹ Matahatipemuda, *Tragedi Tanjung Priok Pembantaian Aparat Terhadap Orang Islam* (Indonesia, 2021).

³⁰ *ibid.*

c. Court Decision on the Tanjung Priok Case

After a long investigation, Komnas HAM submitted the Tanjung Priok incident to the Human Rights Court. The result of the investigation was that there was a serious human rights violation with a serious category. The report has a background that cannot be separated from the socio-political situation at that time. Twenty-three names were recommended for the responsibility requested for the 1984 Tanjung Priok incident.³¹

In carrying out investigations and prosecutions, the Human Rights Court in Tanjung Priok finally determined that 14 defendants were allegedly responsible for their violations.³² In the first decision, RA Butar-butur and Sutrisno Mascung et al. were named suspects because there was evidence of their guilt in committing serious human rights violations, and they were sentenced to them. The court stated that in the decision against RA Butar-butur, serious violations had involved 23 people who died and 53 others injured due to rifle bullets. Also, RA Butar-butur was proven to have abused the members of the mob he detained, and at the verdict, he was sentenced to 10 years in prison. Defendant Sutrisno was proven in a court decision to have committed a serious violation, namely committing a crime against humanity, even though there was a *dissenting opinion* in the decision taken. The verdict differed from Sriyanto and Pranowo, who were found not guilty. The court stated that Sriyanto did not commit serious human rights violations. Meanwhile, the court stated in Pranowo's decision that he had not been found guilty and was also acquitted because of the testimonies of the victims who had reconciled and withdrew them in court. It was the judge's consideration in deciding Pranowo's sentence.

In the RA Butar-butur case, the court awarded compensation to the victim without mentioning the amount and to whom it was given. However, in the decision of Sutrisno Mascung et al. it was different. The court actually stated the name of the compensation given and the amount. The level of appeal is very different from first-instance decisions. At the appeal level, the defendants were not found guilty, and there was no consideration of compensation for the victims, even though at the first level, they were sentenced.³³

³¹ Firdiansyah, "Peran dan Harapan Korban untuk Penyelesaian Pelanggaran Berat HAM Masa Lalu," *Jurnal HAM*, 2016.

³² Wibowo W, and Setyadi Y. "Penegakan Hukum Ham Asasi Manusia Di Indonesia Dalam Kasus Pelanggaran Ham Berat: Studi Kasus Tanjung Priok, Timor Timor, Dan Abepura."

³³ Firdiansyah, "Peran dan Harapan Korban untuk Penyelesaian Pelanggaran Berat HAM Masa Lalu."

Religious Rights and State Presence of the 1984 Tanjung Priok Case in John Locke's Liberalism Perspective

During the New Order period, the Tanjung Priok incident 1984 violated human rights that claimed many victims. At the time of the lecture held at the mosques around the area, that was the beginning of the incident. The lecture's content was about criticizing the policies established during the New Order era, making Pancasila the only principle. The policies that have been set cause Muslims not to accept them because several prohibitions are intended for Muslims. These prohibitions include lectures, which are prohibited when there is no permission, high school students prohibited from wearing the headscarf, even if a half-body photo is required not to wear a hijab and show both ears, and a ban on Islamic organizations from participating in elections, and even stopping their activities. That was the problem that caused the Tanjung Priok incident to occur.³⁴

During his 33 years in power (1965-1998), many presidents and governments during the New Order era were recorded as having committed various human rights violations due to the behavior of the state apparatus. Many people have witnessed many demands that were not fully resolved, such as during the trial, the appeal process was too protracted, and even the issue of criminal cases emerged in court and the existence of an accusation that could acquit the defendant by bribing. Various justifications emerged from the court so there would be no legal errors.³⁵ The Tanjung Priok incident at that time had forced people to disappear. It included the state's disregard for human rights. Of course, the perpetrators behind it must be responsible for the situation and safety at that time. However, over time, the perpetrators disappeared as if nothing had happened, even though many people who suffered felt disadvantaged, especially those unaware of the fate of their missing loved ones.³⁶

An important part of democracy is about human rights and the protection of these rights, not just usurping rights by prohibiting doing something that is the right of the people. Human rights problems occur because the government stipulates a policy in which a prohibition clause is intended for Muslims. In internal matters of individual religion, the government interfered too much, and the people at that time wanted other things than that, such as individual freedom in carrying out their worship.

³⁴ Wibowo W, and Setyadi Y. "Penegakan Hukum Ham Asasi Manusia Di Indonesia Dalam Kasus Pelanggaran Ham Berat: Studi Kasus Tanjung Priok, Timor Timor, Dan Abepura."

³⁵ Andi Hamzah, *Pengantar Hukum Acara Pidana Indonesia* (Jakarta: Ghalia Indonesia, 1984).

³⁶ Sabit Irfani, Ricky Santoso Muharam, and Sunarso Sunarso, "Keadilan Hak Asasi Manusia dalam Aksi Kamisan di Indonesia."

The people at that time wanted to voice individual freedom, namely the right to practice their religion.³⁷

One of the British philosophers who voiced individual freedom was John Locke. He stressed that in the aspect of freedom to practice worship according to one's beliefs, the state should not interfere too much. More than that, the principle of tolerance, which he also developed for adherents of their respective beliefs, must not reduce their civil rights in the state just because of religious considerations. According to John Locke, every human being has a right, namely a natural right, which concerns not only the right to life but also individual freedom and property rights. The government only protects its citizens and their property rights; that is the main task.³⁸

Based on John Locke's liberalism, the Tanjung Priok incident reflects that the presence of the state does exist, but it does not protect but prohibits civil rights. It is what is said to be too deeply involved. In John Locke's view of liberalism, the state should give freedom to individual rights, including religious rights, and protect them or provide protection for exercising them.

The New Order government had the intention of creating political stability. The reasons to create political stability or to protect adherents of other religions should not become an obstacle for the state to give freedom to all its citizens to exercise their religious rights. When there is a ban, one should realize that this will become an iceberg and a time bomb that will explode. The Tanjung Priok case stems from the idea that Indonesia's political condition can be stable. Then came the idea of making Pancasila the single principle. It is followed by other technical restrictions, as explained earlier, which could disrupt political stability, including the prohibition of exercising religious rights. The peak was September 12, 1984, when the state was really present and involved not to protect but to impose individual rights by committing serious human rights violations by torture, killing tens to hundreds of its citizens.

Locke's view of the state and religion separates the two because of the difference between a state's and religious authority. The authority of religion guides humans in the path of eternal salvation, while the authority of the state is for the field of worldly life. However, this problem is not as easy as one might think because sometimes religion influences attitudes and demands that affect all aspects of life, including the nation's life. Liberalism

³⁷ Ibid.

³⁸ U. Batubara, R. Siregar, and N. Siregar, "Liberalisme John Locke dan Pengaruhnya dalam Tatanan Kehidupan."

becomes shallow, unrealistic, and ideological due to liberalism's relationship with religion and the state.³⁹

However, suppose John Locke's liberalism is used to see the presence of the state and religious rights. In that case, indirectly, it can also be used to know the depth of liberalism's relationship with religion and the state. Liberalism John Locke clearly emphasized that religious rights are part of individual rights. As an entity that accommodates its citizens, the state must realize that its citizens may have different religious beliefs and beliefs. The state cannot force its citizens to have certain religious beliefs or beliefs. The state must accommodate its citizens and protect the implementation of the individual rights of its citizens, including the right to practice their religion.

Thus, the presence of the state in John Locke's perspective is not to side with a particular ideology that can injure religious rights. Moreover, John Locke has an opinion about the separation of religion and the state. However, it is strange if the state is without an ideology, so if this ideology can be said to be one of the religions, even if the state has a certain ideology or religion, then it should not injure (other) religious rights, including the religious rights of its citizens who are different. So it is clear that the position and presence of the state is to guarantee protection for the exercise of religious rights as part of individual rights, which are human rights. The state must not interfere too deeply or get too involved in its own ideology/religion, which then prohibits the religious rights of adherents of other religions that are part of its citizens.

If you look at Indonesia's condition, in fact, Indonesia has learned a lot from various human rights experiences from other countries or human rights incidents in the state. Article 28I paragraph (4) of the 1945 Constitution firmly states, "Protection, promotion, enforcement, and fulfillment human right is state's responsibility, especially government." However, on the practical level, human rights cases still just happened. The Tanjung Priok case should become a deep lesson for policy and authority holders on how to put religious right as part of individual and human rights. So, the value of John Locke is liberalism, which separates religion and the state but can place how the right to religion and the presence of the state should be embodied in Indonesia as a state that upholds religious values.

Conclusion

Revitalizing the human rights paradigm is a significant agenda because, until 2022, there are still many complaints of human rights violations in

³⁹ Zulfan, "Pemikiran Politik Thomas Hobbes, John Locke Dan J.J. Rousseau Tentang Perjanjian Sosial," *Serambi Akademica*, 6, no. 2 (2018): 30-34 <https://ojs.serambimekkah.ac.id/serambi-akademika/article/view/800>.

Indonesia. Policymakers, authority holders, and society still lack an understanding of human rights, which can lead to violations.

The Tanjung Priok case in 1984 was a serious violation of human rights because it was proven to have taken the form of arbitrary arrests, detention, torture, and killings. Based on John Locke's liberalism, the Tanjung Priok incident reflects that the presence of the state does exist, but it does not protect but prohibits civil rights.

Based on the Tanjung Priok Incident, the New Order government was too involved in internal religious affairs. Making Pancasila the sole principle, the government at that time placed too many restrictions on exercising individual rights. The state presence in John Locke's perspective is not to side with a particular ideology that can injure religious rights. Moreover, John Locke has an opinion about the separation of religion and the state. Suppose the state has a certain ideology or religion. In that case, it should not harm individual rights, including the rights of other faiths, including the religious rights of its citizens who are different. So, it is clear that the state's position and presence guarantee protection for exercising religious rights. The state must not interfere too deeply or get too involved in its own ideology/religion, which then prohibits the religious rights of adherents of other faiths who are its citizens.

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