



Conflict of Az-Zaitun Islamic Boarding School; Sociological and Normative Approach

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Abstract

The cause of the Az-Zaitun Islamic boarding school became a hot topic of discussion in the public because of several unusual things such as the association with NII, deviant teachings, and so on. Therefore, this incident caused social conflicts between the people who were pro and con against the Az-Zaitun Islamic boarding school. As a follow-up action, Menko Polhukam ordered the National Police to investigate the Az-Zaitun case. Based on this, this study aims to analyze a number of controversial cases of Az-Zaitun from a sociological point of view through the study of social theories. In addition, this study also aims to analyze this case from a normative perspective related to a number of statements by the leader of Az-Zaitun side by side with offenses and criminal elements, especially regarding blasphemy. This article is classified as qualitative research with a phenomenological approach. The results of this study show that sociologically this polemic can be constructive in order to strengthen relations between nation and state. Normatively, Panji Gumilang's words related to the Qur'an are the essence of the prophet's kalam. Differences in prayer procedures, adhan, and so on are difficult to fulfill the offenses and elements of the blasphemy article

Keyword: Az-Zaitun, Blasphemy, Sosial Conflict, Normative

Abstrak

Penyebab pondok pesantren Az-Zaitun menjadi topik pembicaraan hangat di khalayak umum karena beberapa hal yang tidak lazim seperti keterkaitan dengan NII, ajaran yang menyimpang, dan sebagainya. Oleh karena itu, kejadian ini menimbulkan konflik sosial antara masyarakat yang pro dan kontra terhadap pondok pesantren Az-Zaitun. Sebagai tindakan lanjutan, Menko Polhukam memerintahkan kepada POLRI untuk mendalami kasus Az-Zaitun. Berdasarkan hal tersebut, penelitian ini bertujuan mengalisis sejumlah kontroversial kasus Az-Zaitun dari segi sosiologis melalui kajian dari teori-teori sosial. Selain itu, penelitian ini juga bertujuan untuk mengalisis kasus ini dari segi normatif berkaitan dengan sejumlah pernyataan pimpinan Az-Zaitun yang berdampingan dengan delik dan unsur pidana khususnya mengenai penodaan agama. Artikel ini merupakan penelitian kualitatif dengan pendekatan fenomenologi. Hasil dari penelitian ini menunjukkan bahwa secara sosiologis polemik ini dapat konstruktif dalam rangka mengeratkan hubungan berbangsa dan bernegara. Secara normatif, perkataan Panji Gumilang terkait Al-Qur'an adalah esensi kalam nabi. Perbedaan tata cara sholat, adzan, dan sebagainya sulit untuk memenuhi delik dan unsur pasal penodaan agama.

Kata Kunci: Az-Zaitun, Penodaan Agama, Konflik Sosial, Normatif

Introduction

Islamic Boarding School (Ponpes) Ma'had Al-Zaytun or Al-Zaytun is a boarding school located in Mekarjaya Village, Gantar District, Indramayu Regency, West Java Province. This pesantren is a project of the Indonesian Islamic Boarding School Foundation (YPI), whose construction began on August 13, 1996. The opening of the first class took place on July 1, 1999, and the general opening took place on the 27th. August 1999, the third President of the Republic of Indonesia, Prof.Dr. B.J. Habibie. The pesantren, which is called the largest Islamic boarding school in Southeast Asia (*"the largest Islamic school in Southeast Asia"*) by The Washington Times 29 August 2005, occupies an area of 1,200 hectares. It was recorded that around 7,000 students studied in this building in 2011. These students came from various regions in Indonesia and abroad such as Malaysia, Singapore, Timor Leste, and South Africa (Wikipedia, 2016).

Hot topic of discussion among the general public because of several unusual things, such as its connection with the words of Panji Gumilang that Al-Qur'an are the words of the prophet muhammad SAW, the differences in the procedures for prayer, sermons, and etc. Therefore, this incident caused social conflict between the people who were pro and contra the az-olive Islamic boarding school. As a follow-up action, Menko Polhukam (Coordinating Minister for Politics, Law and Human Rights) ordered POLRI to investigate the Az-Zaitun case (Naibaho, 2023). Based on this, this study aims to analyze several controversial cases of Az-Zaitun from a sociological perspective through studies from social conflict theory and a normative perspective related to several statements by Az-Zaitun's leadership side

by side with offenses and criminal elements, especially regarding blasphemy. a long story of class struggle between the proletariat and the bourgeoisie.

Conflict is a social reality that often occurs in society. This conflict analysis is in line with the early phases of the development of sociology. Early or classical conflict theory as espoused by Marx was based on simple assumptions audience According to him, the conflict is determined by economic factors, especially the conflict between the proletariat and the bourgeoisie. history is a long story of class struggle between the proletariat and the bourgeoisie (Setiyawan, 2018).

According to him, the conflict is determined by economic factors, especially the conflict between the proletariat and the bourgeoisie. history is a long history of class conflict between the proletariat and the bourgeoisie. In classical parenting, conflict is equated with anxious and destructive action. Contrary to the classical view, modern conflict theory assumes that conflict is not solely dominated by economic factors. Conflict, from this point of view, is something that constantly exists in all levels of society and results, among other things, from struggles for power, prestige, and wealth, which are limited. Modern conflict theory does not only consider destructive conflict, but also analyzes the constructive function for people.

Marx's idea was also developed by George Sorel. Sorel regards conflict as a positive phenomenon. He argued that conflict between classes would result in reduced social unity among the classes. Therefore, reduced class struggle may weaken and blur the differences between classes and in extreme circumstances, class unity and identity will continue to be lost. Max Gluckman, a British anthropologist, has emphasized the importance of conflict in primitive societies. Based on his research in Africa, he concluded that conflict, in certain relationships, can regenerate social unity (Labola, 2018).

In relation to the Az-Zaitun case, this study aims to analyze it from a social perspective by relating this phenomenon to classical and modern social conflict theories. The researcher believes that social friction in the Az-Zaitun case can increase unity in society in line with Marx's opinion that social conflict is constructive. In addition, this study also aims to analyze from a normative perspective, namely the potential for violations of articles in criminal cod by Panji Gumilang in particular regarding the blasphemy article and other potential articles that have the potential to be violated.

Literature Review

There are a number of studies that discuss social conflict, such as research (Labola, 2018) entitled; "*Social Conflict: Understanding, Identifying Its Sources and Managing-Literature Studies.*" The conclusion in this study is that social phenomena often occur and cause social conflict. This is because in life, no human being has similarities in terms of ethnicity, desires, wishes and goals so it seems that conflict is inevitable. On the other hand, social conflict is very beneficial if conflict is interpreted as a potential for positive growth. According to sociologists, conflict arises due to social, economic and political relations whose roots are the struggle over sources of ownership, social status and power, which are very limited in number and unequal distribution in society. The difference between this research and the author's research lies in the aspect of the research study. Where

this research focuses on the study of literature on social conflict. Meanwhile, the writer's research on social conflict is related to the case of the Az-Zaitun Islamic Boarding School.

In addition, research (Amin, 2017) entitled "*Communication as a Cause and Solution to Social Conflict.*" The conclusion in this study is that social life always results in peace and social conflict caused by communication that takes place in various fields of life, from the simplest to the most complex. Peace occurs because communication is consistent with the highest social norms. Meanwhile, social conflicts always occur due to communication that is inconsistent with social norms and always creates an unequal situation. Unbalance creates tension and tension creates social conflict. To create a social life that is peaceful, harmonious, and has high cohesiveness in social life, consistent communication is needed both in communicators, media messages, and communicants, involving shared values. For this reason, it is recommended that communication be created consistently and always avoid communication that is inconsistent, colored by personal or group ambitions. The difference between this research and the author's research lies in the object of study where this research focuses on communication of the causes of social conflict, while the author's research examines the theory of social conflict associated with the case of the az-olive Islamic boarding school.

In addition to discussing social conflict, this study also examines the conflict at the az-zaitun Islamic boarding school from a normative perspective, namely the potential for problems with religious blasphemy by its leaders. There are a number of studies that discuss blasphemy such as research (Ajie Ramdan, 2018) entitled *Constitutional Aspects of Blasphemy of Religion and Criminal Responsibility in Indonesia*. This research concludes Blasphemy of religion has been regulated in Law no. 1/PNPS/1965 and the constitution also guarantee freedom of religion in Article 29 paragraph (2) of the 1945 Constitution, as well as the Constitutional Court has provided an interpretation in Decision No. 140/PUU-VII/2009 which in essence the Law on the Prevention of Blasphemy of Religion does not specify restrictions freedom of religion, but restrictions on expressing feelings or carrying out actions that are hostile, abuse or desecration of a religion and restrictions on interpretations or activities that deviate from the main teachings of the religion adhered to in Indonesia.

Based on Article 28J paragraph (2) of the 1945 Constitution, these restrictions can only be made by law with the sole purpose of guaranteeing recognition and respect for other people's freedoms and to fulfill fair demands in accordance with moral considerations, religious values, security, and public order in a democratic society. MK Decision No. 140/PUU-VII/2009 has stated that Law no. 1/PNPS/1965 is constitutional and guarantees freedom of religion are guaranteed in the 1945 Constitution. Although the law needs to be revised, the law remains relevant and constitutional. With the enactment of Law no. 1/PNPS/1965, if there is an allegation of religious blasphemy, everyone who is suspected of having committed blasphemy must be held criminally responsible. Ahok's statement in the Thousand Islands regarding Al-Maidah verse 51 which was expressed in the form of feelings in the Thousand Islands is a blasphemy against Islam that must be held criminally accountable. To determine this responsibility

the Panel of Judges in Decision No. 1537/Pid.B/2016/ PN. Jkt Utr was right to ask for the opinion of the Indonesian Ulema Council.

Ahok has no competence and is not the right place to speak the Koran surah Al-Maidah verse 51 at the event in the thousand islands. Ahok realized that what he said would offend Muslims and especially the clerics who taught the Koran. Such rights will tarnish the religion of Islam and the consequences and circumstances that accompany it. With Ahok being able to take responsibility, elements of guilt and elements against the law have been considered to exist. The concept of criminal responsibility in cases of blasphemy in Indonesia compared to two western countries, namely the Netherlands and the UK, has fundamental differences. Freedom of speech in the Netherlands can be limited, for example, to protect the rights and freedoms of others. If it is violated, it can be held criminally responsible, but the sanctions are not strict. The guilty verdict has been declared sufficient to punish religious blasphemers. In England in 1675, the position of the blasphemy article reached a high degree in English law.

Criminal responsibility is absolute according to English criminal law without having to prove the presence or absence of an element of guilt on the offender. Starting from the 20th century, the practice of criminal blasphemy religion has disappeared, although the criminal article has never been abolished. Religious blasphemy then shifted from criminal to civil law issues, but this is very rare. Throughout the 20th century, there were only 4 civil cases against acts of blasphemy. With the blasphemy of religion committed by Ahok, whoever the person is must guard his words and actions in public. Moreover, the person does not have the competence to express his opinion about certain religions in Indonesia. Law enforcement officials, in this case the Police, Prosecutors and Judges must always involve the clergy and/or the Ministry of Religion who have a tendency towards certain religious groups in cases of blasphemy. The difference between this research and the author's research lies in the object of the case where this research focuses on blasphemy in the Ahok case, while the author's research focuses on the az-olive case. In addition, this study also discusses criminal responsibility, whereas in this study the authors did not discuss it.

In addition to the research above, research (Fitri Wahyuni, 2014) entitled; "*Sanctions for Blasphemy Against Religion in the Perspective of Indonesian Criminal Law and Islamic Criminal Law.*" The conclusion in this study namely Defamation (desecration) of religion is an act that is prohibited from the perspective of Indonesian criminal law as well as from the perspective of Islamic criminal law, because defamation (blasphemy) of religion causes disturbing the peace in the religious community. Therefore, the criminal law in Indonesia has regulated sanctions for perpetrators of religious blasphemy (blasphemy) with sanctions as stated in Article 156a of the Criminal Code with sanctions in the form of imprisonment for a maximum of 5 (five) years.

When viewed from the purpose of imposing these sanctions, the sanctions in positive criminal law are relatively lower when compared to the sanctions for perpetrators of religious blasphemy in Islamic criminal law which are punishable by death (killed). This is done to deter perpetrators and provide lessons/prevention for the community so that they do not commit blasphemy crimes so that religious life in society can be intertwined in an orderly manner and justice

can be upheld properly. Law Islam was ordered by Allah SWT with the aim of realizing and realizing and protecting the benefit of humanity, both for the benefit of individuals, society or both. The desired benefit is realized by Islamic law regarding five things, namely religion, soul, mind, property, lineage. Guarding religion is the most important main point to be guarded with very strict sanctions if it is harassed by committing blasphemy against the religion of Islam.

Research Method

This research is a qualitative research with a phenomenological approach, namely research based on certain phenomena, in this case the case of the Az-Zaitun Islamic boarding school (Imam Gunawan, 2014). In this study using secondary materials obtained from news on credible websites, scientific papers, journals, laws and regulations (Manzilati, 2017). The technique of collecting research materials was carried out using the library method (Libary Research). The analysis technique in this study uses reduction, selection, harmonization and conclusion techniques where any data obtained from social media is collected, selected, and harmonized/adjusted with social conflict theory, legislation, and legal theory related to this research. Furthermore, after harmonization, conclusions are drawn and integrated with the opinion of the researcher (Sugiyono, 2019).

Sosial Approach

As a social phenomenon, conflict is always there, both between individuals and between groups in each society. Conflict related community social relations, both personally and collectively have a certain degree of antagonism, tension or negative feelings (Dahrendorf, 1958). All because of the desire of individuals or groups to increase welfare, power, prestige, social support, and appreciation. There are two types of violence due to conflict namely, personal and collective or social. Usually personal violence is rooted in personal conflict and social violence is rooted in social conflict and has implications for the economy and socio-politics. In addition, reality proves that sometimes social conflicts can lead to personal conflicts and vice versa personal conflicts continue to become social conflicts. Conflict is a social phenomenon inherent in society; of course, society is the arena of conflict and ongoing integration. Differences and similarities of interests cause conflict and social integration, which always fills social life. Etymologically, the term conflict comes from the Latin "con," which means together, and "figure," which means collision or collision (Labola, 2018).

The Big Indonesian Dictionary (KBBI) defines The term conflict means strife, disagreement and conflict while the sociology dictionary defines conflict as a process achieving goals by weakening the opposing party, without regard to the prevailing norms and values. Some definitions of conflict; (a) Nimran (defines conflict as a condition that is perceived by certain parties, both individuals, groups, and others who feel a mismatch of goals and opportunities, (b) Robbins gives an understanding of conflict as a process that begins with one party considering another party to affect something that is of concern negatively the first party (Sudarnoto, 2015).

The emergence of conflict, according to sociologists because of the related social, economic, and political, whose roots are the struggle over sources of

ownership, social status, and power whose availability is minimal with unequal distribution in society (Muliadi, 2017) Several sociologists describe the many factors that lead to conflicts, including (a) Differences in the stances and beliefs of individuals have led to conflicts between individuals, (b) cultural differences, and cultural differences. This will cause conflict between individuals and groups (Robbins, 2016) and differences in interests. By pursuing the goals of each interest, groups will compete and conflict to fight over opportunities and (Labola, 2018).

The causes of conflict are divided into two: (a) Horizontal pluralism, which means a culturally plural society structure, such as ethnicity, religion, race, and diversity. Social in the sense of differences in occupations and professions such as farmers, laborers, traders, entrepreneurs, civil servants, military, journalists, religious scholars, drivers, and intellectuals, and (b) vertical pluralism, which means a social structure based on wealth, education and power (Muliadi, 2017).

Regarding the conflict function, it has been discussed by George Simmel. However, Simmel's work has been expanded by Lewis Coser, who stated that conflict can function to strengthen social groups that are less structured. In a less integrated society, conflict can function to restore social integration. According to Coser, conflict can function as follows: " (a) Conflict with one group may produce cohesion by leading to alliances. (b) conflict can bring some ordinarily isolated individuals into active roles within society. (c) Conflicts also serve a communication function.

In the Az-Zaitun case, the conflict in the community was caused by economic factors and other factors in line with the perspective of modern social conflict theory. As mentioned by (Labola, 2018) & (Sihombing et al., 2022) conflict is also caused by differences in beliefs between individuals and cultural differences. In modern sociological theory, conflict can also have a constructive impact. Conflict can eliminate the elements of division and increase the elements of unification. In more detail, (Zuldin, 2019) mentions the function of conflict as follows:

(a) conflict functions to uphold and maintain identity and social group boundaries. (b) conflict is not always dysfunctional in the context of the relationship in which the conflict occurs, on the contrary, conflict is often necessary to maintain their relationship. (c) Viewed as a means and as a goal, there are two kinds of conflict, namely: realistic conflict and non-realistic conflict. (d) more radical conflicts can occur in associations and opposition organizations that sharpen conflicts. (e) conflicts can eliminate divisive elements and re-establish unity. (f) conflicts can eliminate divisive elements and re-establish unity. (g) conflicts a group with other groups generates energy mobilization of the members of the group concerned, so that group cohesion is increased. (h) there are three aspects of group structure that must be considered, namely; relative size, group, level of involvement of its members, and social situation. (i) a conflict in which the perpetrators feel that they are simply representatives of the collective or tend to be more radical because of the awareness that their struggle is based on a particular ideology. (j) conflict can create types of a new kind of interaction between the previously conflicting parties none. (k) conflict can unite people or groups that were not related to each other.

Normative Approach

Religion is an essential factor in legal life to create social order. Therefore, religion is a legal interest that must be protected. Legislative or legislative policies indicate the formulation of what actions can be categorized as criminal acts against religious interests and what criminal sanctions should be threatened. Religious interests need to be protected in the Criminal Code, meaning that it is desirable to have provisions regarding criminal acts against religious interests or religious offenses in the Criminal Code. The basis for the regulation regarding religious offenses was proposed by Oemar Seno Adji, namely Pancasila as the ideal foundation, especially the first precepts, and the constitutional basis for the 1945 Constitution, MPR decree (Undang-Undang Nomor 10 Tahun 2004 Tentang Peraturan Pembentukan Perundang-Undangan, 2004).

To protect the interests of religion in criminal law, one can see the doctrine that views state affairs are separated from religious affairs (*separation of state and church/Trennung von Staat und Kirch*) and the doctrine which views religious affairs are one with state affairs (*Einheit von Staat und Kirch*). A state that views state affairs as separated from affairs of religion is a secular state, while a state that views religious affairs as one with state affairs is religious (Wahyuni, 2014). Historically, regarding the problem of state and religious relations in Indonesia, there was a political debate when discussing the basis of the state at the 1945 BPUKI session.

The Islamic group, which at that time was represented among others by NU, PSII, Muhammadiyah, and the Islamic Community Association (PUI), supported the basis of the state. It is a religion (Islam) and opposes the idea of secularism in the state. Meanwhile, the nationalist group did not want religion to be the basis of the state. The basis of the state must be conceptualized in a purely neutral and secular manner. The emergence can know the results of a consensus outlined in the Jakarta Charter of 22 June 1945 (Arief, 2021).

Even though when it was enacted into the Constitution, it was accompanied by the removal of the clause which reads the obligation to carry out Islamic law for its adherents. This created a sense of dissatisfaction among some Islamic groups, so there was another conflict of opinion regarding the basis of the state in the 1955 Constituent Assembly. However, later in the re-enactment of the 1945 Constitution with a Presidential Decree of 5 July 1959, it was stated that the Jakarta Charter is animate and constitutes a continuum with The 1945 Constitution. In connection with the problem of conflict between groups, security efforts emerged with the term that Pancasila is a noble moral agreement between secular nationalists and Islamic groups (Wahyuni, 2014).

In Indonesian law, specifically the provisions in the Criminal Code, for The meaning of the first religious offense has been regulated a lot in the Criminal Code because most of the acts prohibited in the Criminal Code are also prohibited according to religion, such as murder, assault, theft, fraud, rape, and others. Meanwhile, the definition of the second religious offense is regulated in Article 156a, namely committing blasphemy against religion is contained in Article 156a: Shall be punished with imprisonment for a maximum of five years whoever deliberately in public expresses feelings or commits an act: a). Which, in essence, is hostile, abusing, or desecrating a religion that is adhered to in Indonesia. B). With

the intention that people do not adhere to any religion based on the one and only God (Supanto, 2020).

The meaning of the third religious offense, spread in the Criminal Code, namely Article 157, which reads: (a) Any person who broadcasts, shows, or pastes writing or painting in public, the contents of which contain expressions of feelings of hostility, hatred, or contempt among or against groups of the Indonesian people, to make the contents known or more publicly known, shall be threatened with maximum imprisonment of two years and six months or a maximum fine of four thousand five hundred rupiah. (b) If the person is guilty of committing said crime at the time of his search and has yet to pass five years since his sentence has become fixed because of such a crime, the person concerned may be prohibited from carrying out said search (Kementerian Hukum dan HAM, 2018).

According to researchers, the Panji Gumilang case has several similarities to the case of the former governor of Jakarta, Ahok. In his speech, Ahaok said "... So don't trust people, right? In your little heart, ladies and gentlemen, you can't vote for me, right? lied to using Surah Al-Maidah 51, all kinds of things. That's your right, gentlemen. So if you feel like you can't get voted in, because I'm afraid I'll go to hell because I'll be fooled, that's okay" (Wahyuni, 2014). In response to these remarks, the Indonesian Ulema Council, on October 11 2016, the MUI issued an opinion and religious attitude of the Indonesian Ulema Council stating that Basuki Tjahaja Purnama's statement was categorized as:

(a) insulting the Al-Quran and/or (b) insulting the ulama which had legal consequences. Because declaring a lie against the ulema who presented the arguments in surah Al-Maidah verse 51 concerning the prohibition of making non-Muslims as leaders is an insult to the ulema and Muslims. Ahok considered Surah Al-Maidah a tool to deceive the people or society or Surah Al-Maidah 51 as a source of lies. With this assumption, according to the court, the defendant had demeaned and insulted Surah Al-Maidah verse 51. The panel of judges said Ahok deliberately included sentences related to the election of governors. According to the judge, this has a negative meaning in his decision. The panel of judges stated that Ahok's mistake was expressing his opinion about the Al-Qur'an letter Al-Maidah verse 51 in public, which was considered an insult or blasphemy against Islam, namely the Al-Qur'an and Ulama. The expression of opinion is considered against the law because the act is prohibited by Article 156a of the Criminal Code (Kementerian Hukum dan HAM, 2018).

The similarity between the Ahok and Panji Gumilang cases is that they both received a Fatwa from the MUI, which caused uproar in the community. The difference is that Panji Gumilang's words are not related to political elements, Panji Gumilang's words are carried out in a more private context, Panji Gumilang is the leader of an Islamic boarding school who has more precise competence than Ahok, and the diction used has arguments even though the MUI says it is deviant. Based on this, the researcher believes that the Panji Gumilag case, which relates to the words of the Qur'an, namely the words of the Prophet Muhammad, the prayer lines, the style of the call to prayer, and so on, are more difficult to be subject to criminal blasphemy offenses than the Ahok case.

Conclusion

Based on some of the explanations above, it can be concluded that the conflict that occurred at the Az-Zaitun Islamic boarding school, which caused uproar in the community, is in line with modern social conflict theory, which states that conflict is not only caused by economic factors but because of differences in beliefs and culture. The researcher hopes this conflict can be constructive by negotiating things that can divide the nation. Normatively, the researcher believes that Panji Gumilang's actions related to the saying that the Qur'an is the word of the prophet, differences in prayer procedures, adhan procedures, and so on are more difficult to prove and fulfill the elements and offenses of religious blasphemy. It is even more difficult than proving the case of blasphemy against former Jakarta governor Basaku Tjahaja Purnama alias Ahok because it is conveyed more privately, has several arguments that can be accounted for, and the subject has good competence.

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