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Negotiating Religious Moderation and Legal Pluralism in Indonesia: A Socio-Anthropological Perspective

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Abstract

This study aims to investigate the relationship between religious moderation and the understanding of legal pluralism in Indonesia, focusing on how religious leaders perceive and negotiate these concepts in a pluralistic legal environment. The research employs a quantitative design using a Google Form-based questionnaire distributed to religious figures in Palembang City, South Sumatra Province—selected due to its high demographic heterogeneity. The findings reveal that while the respondents demonstrate a very high level of understanding of religious moderation, their comprehension of legal pluralism remains relatively low. This indicates an epistemic asymmetry between theological discourse and legal awareness within a plural society. The study contributes theoretically by bridging the concepts of religious moderation and legal pluralism through a socio-anthropological lens, offering a fresh perspective on the negotiation of religious authority and civic legal consciousness in Indonesian society. Practically, the study suggests that local governments and educational institutions should formulate targeted public policies—such as regional regulations and inclusive legal education programs—to strengthen legal pluralism as an essential foundation for harmonious coexistence. Nonetheless, the research is limited by its reliance on online data collection, which may restrict the generalizability of findings to communities with limited digital access, calling for future studies that adopt mixed-methods or ethnographic approaches.

Keywords: Perception; Religious Moderation; Legal Pluralism.

Introduction

Tensions between religious communities remain one of the key drivers of communal conflicts in Indonesia, particularly those shaped by sentiments of ethnicity, religion, race, and intergroup affiliations (SARA). These conflicts not only reflect deeply entrenched identity divisions but also demonstrate how social

prejudice—often intensified by religious sentiment and identity politics—continues to obstruct social cohesion (Indrawan & Putri, 2022; Khairiyah & Bukhari, 2024). Social prejudice, in this context, acts as a predisposition to perceive and engage with others through exclusionary biases based solely on group membership (Hudiyana & Takwin, 2020). Incidents such as the Bitung riots, the Strada School controversy in Tangerang, and the Tolikara conflict in Papua exemplify how perceived threats to identity can escalate into real violence, often fuelled by misinformation, religious polarization, and political opportunism.

In response to such tensions, religious moderation (*moderasi beragama*) has been championed by the Indonesian state as a normative framework for navigating religious pluralism. It is conceptualized as a balanced attitude that fosters tolerance, justice, and coexistence in interfaith interactions. However, while religious moderation has gained institutional legitimacy, its practical resonance with legal consciousness—particularly in a plural legal system—remains underexamined. Legal pluralism, as articulated by Griffiths et al. (1998), refers to the coexistence of multiple legal systems—state law, customary law (*adat*), and religious law—within a single sociopolitical space. This theoretical lens contests the dominance of legal centralism, advocating for the recognition of vernacular norms that shape legal behavior at the grassroots level.

Indonesia, as a decentralized and postcolonial state with immense cultural and religious diversity, provides a compelling context for examining how religious moderation and legal pluralism intersect in practice. While the 1945 Constitution guarantees regional autonomy and religious freedom, the actual implementation of inclusive legal frameworks at the local level often encounters obstacles. The challenge is even more pronounced in regions with high religious heterogeneity, where tensions may arise between theological ideals and legal plurality. In this regard, religious moderation should not be understood merely as a theological principle but as a sociocultural and legal attitude that must adapt to the realities of plural legal orders and decentralized governance.

Despite the increasing scholarly interest in both religious moderation and legal pluralism, most existing literature treats these domains as distinct. While numerous studies discuss theological frameworks of religious moderation, little attention has been paid to how this moderation intersects with legal pluralism at the grassroots level. The existing literature rarely investigates the asymmetry between normative religious discourse and civic legal awareness in decentralized legal systems. Studies on religious moderation often focus on its theological or political-institutional dimensions (Bolotta et al., 2020; Kapitri, 2022; Ricca, 2023; Zaeny, 2017), while research on legal pluralism tends to center around state law versus *adat* law without integrating religious perspectives.

This separation is further reflected in the limited engagement of legal anthropologists with religious actors in legal pluralism discourse (K. von Benda-Beckmann & Turner, 2018; Foblets & Renteln, 2009; F. von Benda-Beckmann et al.,

2017), despite growing evidence that religious leaders often play hybrid roles in community-level legal governance (Bohn Jr & Roelfs, 2020; Paalo, 2021)

Although religious moderation has received substantial normative attention in Indonesian policy discourse, its empirical linkage with legal pluralism remains underexplored—especially within decentralized, religiously diverse societies. This study addresses that gap by empirically examining how religious leaders in South Sumatra internalize the values of moderation and how this relates to their understanding of legal pluralism. In doing so, it bridges sociological and anthropological perspectives on law and religion in postcolonial Indonesia.

Palembang City, the capital of South Sumatra Province, serves as a focal site due to its demographic diversity and symbolic significance in interreligious relations. Although Muslims form the majority, the city is also home to Christian, Catholic, Buddhist, and Hindu minorities, reflecting the broader heterogeneity of the province. Using a quantitative approach with survey-based data collection, this study measures religious leaders' perceptions of both religious moderation and legal pluralism. The aim is to evaluate whether theological moderation aligns with legal inclusivity in practice.

This research contributes theoretically by integrating concepts from legal anthropology and the sociology of religion to explain how religious identities shape legal consciousness. Practically, it offers policy recommendations for strengthening community harmony through targeted legal education and inclusive regional regulations. Ultimately, the study highlights the need for a nuanced understanding of religious leadership as both a moral and legal actor in sustaining pluralistic governance. By contextualizing religious moderation within a legally plural society, this research enriches ongoing debates on identity, law, and coexistence in Southeast Asia.

This study not only speaks to Indonesia's unique intersection of religious pluralism and legal hybridity but also contributes to global discourses on post-secular governance (An-Naim, 2008; Casanova, 1994). In diverse democracies such as India, Nigeria, and Malaysia, legal pluralism often intersects with religious authority, raising similar tensions between civic equality and theological legitimacy (Husain et al., 2024; Mohiuddin, 2024; Neo, 2015; Thio, 2019)

Literature Review

In contemporary Indonesia, religious issues—particularly those involving radicalism, secularism, and religious sentiments—have become politically expedient tools that are often exploited for electoral gains. This has contributed to the rise of patterns of religious intolerance, especially in regions where religious understanding remains partial and selectively framed through the lens of specific doctrines such as jihad, without a comprehensive grasp of the core values of religion—namely peace and compassion. These patterns of intolerance may manifest similarly across regions, yet they also reflect contextual differences

shaped by culture, education, political dynamics, and localized identity politics, particularly during regional election cycles.

Existing studies on religious moderation have predominantly focused on theological and ideological perspectives. For instance, Nurhidayah et al. (2022) analyzed religious moderation through the pluralistic vision of Abdurrahman Wahid (Gus Dur), concluding that his approach promotes tolerance and unity as pillars of national cohesion. Likewise, Toha & Muna (2022) emphasized three core tenets of religious pluralism: active engagement beyond mere diversity, the necessity of understanding others beyond tolerance, and a rejection of relativism. Islamy (2022) further articulated that Indonesia's state ideology, Pancasila, inherently embodies the values of religious moderation, reinforcing its role in shaping a moderate religious character.

However, these studies tend to treat religious moderation and legal pluralism as isolated phenomena. There remains a notable research gap in exploring the relationship between the perception of religious moderation and its manifestation in legal pluralism, especially in multicultural regions such as South Sumatra. Legal pluralism in this context refers to the coexistence and recognition of multiple legal orders—including state, customary, and religious laws—within a single socio-political space. Thus, this study aims to empirically examine how perceptions of religious moderation correlate with understandings of legal pluralism among religious leaders in South Sumatra.

This inquiry is crucial not only for academic discourse but also for public policy formulation, particularly in reinforcing social harmony and inclusive legal governance. The research findings are expected to serve as a foundation for developing localized policies that embrace religious diversity and legal plurality as inherent features of the Indonesian legal and cultural landscape.
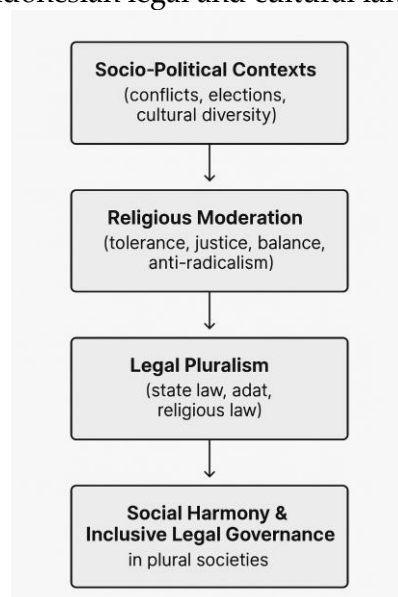

Figure 1. Framework of Religious Moderation and Legal Pluralism

Methods

This study employs a socio-anthropological approach, utilizing both quantitative and qualitative methods to examine the correlation between religious moderation and the understanding of legal pluralism. The types of data used in this study consist of secondary and primary data, aligned with the nature of sociocultural research. Secondary data were drawn from theoretical literature, including the *Religious Moderation Guidelines* published by the Research and Development Agency of the Indonesian Ministry of Religious Affairs in 2019, as well as from modern tafsir literature that promotes the values of moderation in Islam. Primary data were collected to assess the perception levels of religious moderation among civil society figures and religious officials in South Sumatra Province. This data was gathered using a purposive sampling technique to ensure the selection of respondents with relevant experience and authority.

The research employed three data collection techniques: (1) literature review to establish the theoretical framework, (2) interviews to gain qualitative insights from key figures, and (3) online questionnaires distributed via Google Forms to reach a broader range of participants efficiently. The selection of Palembang City as the research site was intentional, as it represents the most demographically and religiously heterogeneous area in the province, making it a relevant context for studying pluralism and religious moderation.

Data analysis was conducted through both quantitative and qualitative procedures. Quantitative analysis focused on descriptive statistics to present trends and patterns in the respondents' understanding of religious moderation and legal pluralism. In parallel, qualitative analysis was used to interpret non-numerical responses, particularly to capture nuances that could not be quantified but were crucial for understanding the broader social and cultural implications. This combined approach allowed for a more comprehensive interpretation of the research problem, ensuring that the data reflect both measurable tendencies and deeper contextual insights.

Result

The findings of this study are based on quantitative data collected through structured questionnaires distributed to a total of 60 respondents, selected using purposive sampling techniques. These respondents represent six major religious organizations operating in Palembang City, with each organization contributing ten individuals to ensure balanced representation. To complement the quantitative data, the research team also conducted brief interviews with a number of participants to gather qualitative insights. The respondents varied across age, education, and occupation, but all were evenly distributed across the six organizations. Names and personal identities of the respondents were intentionally withheld to encourage candid responses. Nevertheless, the data were

categorized into four clusters for analysis: by religion, age, education, and occupation.

The questionnaire comprised two major sections: the first explored respondents' perceptions of religious moderation, and the second assessed their understanding of legal pluralism. Each section contained ten items, bringing the total to twenty questions. Items were designed using a Likert-type scale ranging from "Strongly Agree" to "Strongly Disagree," with five response options: Strongly Agree (SA), Agree (A), Neutral (N), Disagree (D), and Strongly Disagree (SD). This design enabled the research team to compute descriptive percentage scores for each cluster and interpret overall perception levels.

Based on the percentage analysis derived from all four clusters, the data indicated a very high level of understanding of religious moderation across all respondent groups. The tabulated data showed the following results:

Table 1. Perceptions of Religious Moderation

Cluster	Total Score	Percentage	Perception Level
Education	1907	95.4%	Very High
Age	2814	93.8%	Very High
Occupation	1915	95.6%	Very High
Religion	2880	96.0%	Very High

The high scores across all dimensions suggest that religious leaders and community stakeholders in Palembang possess a strong conceptual grasp of religious moderation. This finding is unsurprising given that most respondents are members of or affiliated with the Forum for Religious Harmony (FKUB) in South Sumatra, an interfaith body that actively promotes tolerance and interreligious dialogue.

In contrast, the level of understanding regarding legal pluralism—although still high—was slightly lower than that of religious moderation. This may reflect a more complex and contested reception of the idea that multiple legal systems can coexist within a single society. The results are presented below:

Table 2. Perceptions of Legal Pluralism

Cluster	Total Score	Percentage	Perception Level
Education	1551	77.4%	High
Age	1811	72.4%	High
Occupation	1492	74.6%	High
Religion	2240	74.6%	High

These findings indicate that while respondents are generally receptive to the concept of legal pluralism, uncertainties remain—particularly regarding its implications for religious minorities and the potential for perceived inequality or legal fragmentation. Concerns around majority-minority dynamics and the practical challenges of integrating religious, state, and customary legal systems may underlie this cautious stance.

Discussion

The findings of this study reveal that the level of public understanding of religious moderation in South Sumatra is remarkably high, while understanding of legal pluralism ranks slightly lower, albeit still in the "high" category. At a glance, this suggests a favorable attitude toward diversity. However, a deeper reading of the data reveals a critical disjunction between the ideological acceptance of religious moderation and the practical understanding of plural legal frameworks.

Theoretically, this gap points to a latent tension between social inclusivity and theological exclusivity—an issue that undermines the seamless implementation of religious moderation. As Griffiths et al. (1998) emphasized, legal pluralism describes a sociolegal reality wherein state law, customary (folk) law, and religious law coexist and interact within the same social field. Yet, formal state practices in many postcolonial settings, including Indonesia, continue to be shaped by the ideology of legal centralism, which assumes state law as the exclusive and supreme norm (Tamanaha, 2017). This hegemonic framework fails to capture the complex legal realities of plural societies and risks alienating religious or customary communities, thus weakening the state's legitimacy.

These findings resonate with Nurhidayah et al. (2022), who explored religious moderation in Gus Dur's pluralistic vision. While promoting tolerance and social cohesion, that framework lacked institutional mechanisms to translate moderation into legal governance. Similarly, Toha & Muna (2022) conceptualized pluralism not merely as diversity, but as active engagement with difference—something that cannot be assumed solely from theological discourse. Our data supports this notion, highlighting that while respondents demonstrate openness in interfaith relations, there is hesitation regarding the implementation of pluralistic legal systems.

This paradox reflects a broader global dilemma in navigating the relationship between religion and law. In post-secular societies, the resurgence of religious identity frequently collides with pluralistic legal ideals. Habermas, (2006) and Luckmann et al. (2022) contend that religion no longer resides solely within the private sphere but increasingly shapes public discourse and legal structures. However, this shift has also reawakened theological exclusivism, particularly in nations with dominant religious majorities.

Neo (2022), writing in the *Journal of Law and Religion*, underscores that resistance to legal pluralism often arises not from substantive normative disagreement but from efforts to preserve majoritarian dominance. Similarly, Hussain (2016), in *Comparative Studies of South Asia, Africa and the Middle East*, illustrates how legal pluralism in postcolonial contexts is frequently marked by tensions between state authority, religious legitimacy, and customary norms—a dynamic clearly reflected in the Indonesian case.

This study contributes by reframing religious moderation not merely as a theological ideal but as a sociopolitical necessity with legal implications. The gap between strong normative support for moderation and limited understanding of legal pluralism underscores the urgency of institutional mediation. One practical recommendation is to empower local bodies such as the Forum for Interreligious Harmony (FKUB) to act as intermediaries in translating abstract values of tolerance into inclusive legal governance. When properly capacitated, FKUBs can facilitate participatory legal drafting, monitor discriminatory regulations, and foster sustained intergroup dialogue.

Bridging the asymmetry between theological moderation and legal awareness also requires public policies that integrate educational strategies aimed at cultivating civic reasoning and legal empathy. Educational efforts that nurture critical reflection, moral responsibility, and intercultural sensitivity are essential to preparing citizens to engage with plural legal systems. As emphasized by educational theorists (Arif, 2017; Istianah et al., 2024; Sujana & Suastika, 2019), civic reasoning and moral education are foundational for building a democratic ethos grounded in justice, inclusivity, and respect for diversity within legal governance.

At the same time, regional regulations (Perda) can serve as legal instruments to bridge the normative gaps between state law and local religious or customary norms—provided they align with constitutional guarantees and non-discriminatory principles. This aligns with TAP MPR No. IV/MPR/1999, which urges the legal system to integrate religious and customary law alongside the reform of colonial-era legislation.

Thus, the theoretical contribution of this study lies in demonstrating that the tension between religious moderation and legal pluralism is not merely doctrinal but extends into public policy, social legitimacy, and legal governance. The policy implications are immediate: (1) local governments must be supported in crafting inclusive bylaws that reflect religious and cultural diversity; (2) religious civil society must be mainstreamed in policy-making; and (3) legal education should incorporate modules on plural legal systems to foster elite and public understanding alike.

By situating Indonesia's experience within global debates on post-secular pluralism, this study helps advance the legal-sociological understanding of how states navigate the coexistence of multiple normative orders under democratic governance.

Conclusion

This study concludes that the understanding of religious moderation among the people of South Sumatra is exceptionally high. This outcome is strongly rooted in the region's long-standing history of religious plurality, which has shaped a social fabric characterized by tolerance, mutual respect, and interfaith coexistence. Palembang, as the representative urban center, exemplifies a context of sustained interreligious harmony, contributing to the province's status as a conflict-free region in terms of religious diversity.

In contrast, the level of understanding of legal pluralism, although relatively high, is one tier lower. This indicates that while there is general acceptance of the coexistence of multiple legal systems—state law, customary law, and religious law—the concept remains more readily embraced in the domains of socio-cultural life rather than in matters of theological doctrine. The tension between legal inclusivity and religious exclusivity becomes apparent, particularly when normative values rooted in religious orthodoxy encounter the practical demands of a pluralistic society.

The findings suggest that the dialectical relationship between religious moderation and legal pluralism goes beyond theoretical discourse; it affects public policy, governance frameworks, and the legitimacy of state authority. To bridge normative frameworks and legal reality, regional governments must develop policy mechanisms such as local regulations (Perda) that harmonize national law with religious and customary norms. Institutions like the Religious Harmony Forum (FKUB) should also be strategically empowered to function as mediators of legal and religious pluralism within civil society.

This study calls for future research to deepen the understanding of these dynamics. Ethnographic fieldwork in rural or marginal areas and comparative studies across multiple cities would provide richer insights into the everyday negotiations of law and belief. Additionally, this research raises a critical theoretical question: can legal pluralism continue to thrive in contexts where conservative religious movements are gaining momentum? The answer to this question will be pivotal in shaping the trajectory of plural legal governance in Indonesia and other multi-faith democracies.

Reference

An-Naim, A. A. (2008). *Islam and the secular state: Negotiating the future of Sharia*. Harvard University Press.

Arif, D. B. (2017). Pengembangan Kebajikan Kewargaan (Civic Virtue) dalam Masyarakat Multikultural Indonesia: Peran Pendidikan Kewarganegaraan. *Journal Civics and Social Studies*, *1*(1), 1–12.

Benda-Beckmann, K. von, & Turner, B. (2018). Legal pluralism, social theory, and the state. *The Journal of Legal Pluralism and Unofficial Law*, *50*(3), 255–274.

Bohn Jr, H. J., & Roelfs, D. J. (2020). How hybrid institutional logics matter: the importance of trust and embeddedness in neighborhood revitalization collaborations. *Journal of Applied Social Science*, *14*(2), 145–161.

Bolotta, G., Feener, R. M., & Fountain, P. (2020). *Political theologies and development in Asia: Transcendence, sacrifice, and aspiration*.

Casanova, J. (1994). *Public religions in the modern world*. University of Chicago press.

Foblets, M.-C., & Renteln, A. D. (2009). *Multicultural jurisprudence: Comparative perspectives on the cultural defense*. Bloomsbury Publishing.

Griffiths, J., Bood, A., & Weyers, H. (1998). Euthanasia and Law in the Netherlands. In *Euthanasia and Law in the Netherlands*. https://doi.org/10.5117/9789053562758

Habermas, J. (2006). Religion in the public sphere. *European Journal of Philosophy*, *14*(1).

Hudiyana, J., & Takwin, B. (2020). Catatan Editor: Langkah JPS dalam situasi pandemi dan pengantar Vol. 18 (3) tentang budaya, identitas, dan relasi antarkelompok. *Jurnal Psikologi Sosial*. https://doi.org/10.7454/jps.2020.19

Husain, S., Ayoub, N. P., & Hassmann, M. (2024). Legal pluralism in contemporary societies: Dynamics of interaction between islamic law and secular civil law. *SYARIAT: Akhwal Syaksiyah, Jinayah, Siyasah and Muamalah*, *1*(1), 1–17.

Hussain, J. (2016). More Than One Law for All: Legal Pluralism in Southeast Asia 1. In *Legal Pluralism and Shari'a Law* (pp. 64–79). Routledge.

Indrawan, J., & Putri, A. T. (2022). ANALISIS KONFLIK AMBON MENGGUNAKAN PENAHAPAN KONFLIK SIMON FISHER. *Jurnal Kolaborasi Resolusi Konflik*. https://doi.org/10.24198/jkrk.v4i1.36608

Islamy, A. (2022). *Moderasi beragama dalam ideologi pancasila. POROS ONIM: Jurnal Sosial Keagamaan, 3 (1), 18–30.*

Istianah, A., Darmawan, C., Sundawa, D., & Fitriasari, S. (2024). Peran pendidikan kebinekaan dalam pendidikan kewarganegaraan untuk menciptakan lingkungan sekolah yang damai. *Jurnal Moral Kemasyarakatan*, *9*(1), 15–29.

Kapitri, N. (2022). Moderasi Beragama dalam Kajian Islam. In *Al-Ashri: Ilmu-Ilmu Keislaman*.

Khairiyah, N., & Bukhari, M. (2024). Analisis Konsep Moderasi Beragama menurut Pimpinan Majelis Lintas Agama di Jakarta. *KURIOSITAS: Media Komunikasi Sosial Dan Keagamaan*. https://doi.org/10.35905/kur.v17i1.7722

Luckmann, T., Kaden, T., & Schnettler, B. (2022). *The invisible religion: The problem of religion in modern society*. Routledge.

Mohiuddin, A. (2024). Constitutional Status of Religious Freedom in Egypt and Malaysia: A Cross-National Analysis. In *Human Rights Law in Egypt and Malaysia: Freedom of Religion and Expression, Volume 1* (pp. 75–132). Springer.

Neo, J. L. (2015). Competing imperatives: Conflicts and convergences in state and islam in pluralist Malaysia. *Oxford Journal of Law and Religion*, *4*(1), 1–25.

Neo, J. L. (2022). Law and Religion: Asia as Critical Ground for Rethinking Existing

Frameworks and Dominant Paradigms. *Journal of Law and Religion*, *37*(2), 220–224.

Nurhidayah, N., Putra, A., Putra, D. P., Fadhliah, M., & Rosyada, Y. A. (2022). Moderasi Beragama Perspektif Pluralisme Abdurahman Wahid (Gus Dur). *Jurnal Penelitian Ilmu Ushuluddin*, *2*(2), 360–369.

Paalo, S. A. (2021). A systemic understanding of hybrid peace: an examination of hybrid political orders in African peace governance. *African Conflict & Peacebuilding Review*, *11*(1), 1–31.

Ricca, M. (2023). Impossible Neutrality: Cultural Differences and the Anthropological Incompleteness of Western Secularization. In *Intercultural Spaces of Law: Translating Invisibilities* (pp. 29–124). Springer.

Sujana, I. P. W. M., & Suastika, I. N. (2019). Menggagas Penguatan Kajian Akhlak Kewarganegaraan (Civic Virtue) Perspektif Hindu Dalam Masyarakat Multikultural. *Seminar Nasional Inovasi Dalam Penelitian Sains, Teknologi Dan Humaniora-InoBali*, 1214–1224.

Tamanaha, B. Z. (2017). Understanding legal pluralism: past to present, local to global. In *Legal theory and the social sciences* (pp. 447–483). Routledge.

Thio, L. (2019). Irreducible Plurality, Indivisible Unity: Singapore Relational Constitutionalism and Cultivating Harmony Through Constructing a Constitutional Civil Religion. *German Law Journal*, *20*(7), 1007–1034.

Toha, M., & Muna, F. (2022). Moderasi Islam Dan Aliran Pemikiran Pluralisme Agama. *Journal of Education and Religious Studies*, *2*(01), 22–28.

von Benda-Beckmann, F., von Benda-Beckmann, K., & Bell, G. F. (2017). Legal pluralism and legal anthropology: Experiences from Indonesia. *Pluralism, Transnationalism and Culture in Asian Law: A Book in Honour of MB Hooker*, 70–89.

Zaeny, A. (2017). Diskursus Keberagamaan di Indonesia (Upaya melacak akar sejarah pemikiran umat). *Jurnal Tapis: Jurnal Teropong Aspirasi Politik Islam*.