
PHENOMENCE OF VIOLENCE ON THE NAME OF RELIGION

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Abstract

This research originated from the existence of violence in the name of religion, namely the religion of Islam, such as destroying buildings, brutal actions, and destroying property. This is due to the impact of religious freedom which gave birth to many different ideologies, one of which is violence in the name of religion with the aim of amar ma'ruf nahi mugkar or an order to invite good and prevent bad but with violence. In the criminal law, there are criminal acts against religion, namely article 156a of the Criminal Code which regulates criminal acts of religious enmity, abuse and blasphemy. The word abuse of religion has a very broad meaning, as well as the ambiguity of the word abuse, this causes legal certainty not to be achieved. This study looks at the misuse of religion as non-criminal, namely acts of violence in the name of religion by looking at the Islamic teachings on violence in the name of religion because the abuse of religion can be seen from the teachings of religion itself. This research is a normative juridical study using a statutory approach. The urgency of this research is to know and analyze the application of Article 156a of the Criminal Code in violence in the name of religion.

Password: violence, connection, religion, criminal, abuse.

Abstract

This research raised from the presence of the violence that name of religion happened recently that is the religion of islam, As destructive to the building the action of brutal, and destructiveness goods. This is caused from the impact of religious freedom who delivered many of the ideology of the different, one of them violent grouped under the purpose of religion with amar ma'ruf nahi mungkar or command to invite good and prevent bad but with violence. In criminal law there is a criminal offense to religion, namely article 156a KUHP who set about crimes hostility, abuse, religion and desecration. The word abuse of religion having a very broad, and lack of clarity to the word abuse, it is cause not achieve the legal certainty. This study saw from the abuse of religion

as a criminal is not the work of the violence of religious connection with ways of seeing the views of Islamic teachings about the violence of religious connection. Because religious abuse can be seen from religious teachings itself. The research uses normative juridical research by adopting both legislation. The urgency of this research is known and analyzing the application of article 156a KUHP on the connection of religion.

Password: violence, connection, religion, criminal, abuse.

INTRODUCTION

The religious violence over the centuries is the worst crime that has filled human civilization. Something paradoxical, because religion teaches noble values, but religion is also responsible for the destruction on this earth. In the editorial of his book, "Violence and the Sacred in the Modern World", Marl Juergensmeyer states: Violence has always been endemic to religion. Images of destruction and death are evoked by some of religion's most popular symbols, and religious wars have left through history a trail of blood. The savage martyrdom of Hussain in Shiite Islam, the crucifixion of Jesus in Christianity, the sacrifice of Guru Tegh Bahadur in Sikhism, the bloody conquest in the Hebrew Bible, the terrible battles in the Hindu epics, and the religious wars attested to in Sinhalese Buddhist chronicles indicate that in virtually every tradition images of violence occupy as central a place as portrayals of non-violence.

Through his statement Juergensmeyer seems to believe or invite his readers to believe that the main source of world conflict and violence is religion, even though he himself does not clearly state his view on this matter. In Indonesia itself, we really feel the violence that occurs in the name of religion. The Wahid Institute reports an increase in religious violence in Indonesia. There were 232 cases of religious violence in 2009, while in 2008 there were 197 cases reported.

Starting from arguments and the assumption that terrorism can be carried out by the state or a group of people, now we will try to further discuss the religious factor, in this case Islam, especially because the majority of Indonesia's population adheres to Islam and Islam itself often appears in recent developments in terrorism issues. , especially acts of terrorism that occur in Indonesia are often carried out with and in the name of Islam and also because violence in the name of religion creates a narrow view for people about religion which is used as a shield in the act of violence or terrorism. Then in general, especially from the point of view of religious phenomenology, what we need to examine here is whether acts of terrorism are accepted as a religious doctrine or as a tool of religious people. This religious factor will be discussed in this paper. Is it true that acts of terrorism must always be linked in the name of religion? Why do many people always commit acts of violence or terrorism in the name of religion? Whereas if it is seen from the point of view of logic, especially the phenomenology of religion, of course all religions have never taught such acts of violence or in other words terrorism and every religion must teach love and compassion to all mankind. For this reason, in the discussion in this paper, we will try to look at the ins and outs of and analyze terrorism in the name of religion and the relationship between terrorism in Indonesia and religious factors which are always used as a shield by terrorists in carrying out their actions and we will also try to looking for the best solution to change the mindset of people so that they no longer carry out terrorists just because in the name of religion as well as seeking efforts to prevent acts of terrorism in Indonesia for the years ahead.

Theoretically, Terror or Terrorism is not always synonymous with violence. Terrorism is the pinnacle of acts of violence, terrorism is the apex of violence. It is possible for violence to occur without terror, but there is no terror without violence. Violence is an action shown to others with the intention of hurting, hurting and causing suffering both physically and psychologically. Regarding the standard and definitive understanding of the so-called Terrorism Crime, until now there has been no uniformity. According to Prof. M. Cherif Bassiouni, an expert on International Criminal Law, that it is not easy to establish an identical definition that can be universally accepted so that it is difficult to supervise the meaning of terrorism. Therefore, according to Prof. Brian Jenkins, Phd., Terrorism is a subjective view. Because it is not easy to make an understanding of terrorism that can be generally accepted by all parties, the most authentic meaning is the one taken etymologically from dictionaries and encyclopedias. From that etymological understanding, it can be interpreted that its development is usually not far from that basic understanding. The following will describe several definitions of terrorism from several figures:

1. According to Muhammad Mustofa, Terrorism is an act of violence or threats of violence aimed at random targets (no direct relationship with the perpetrator) which results in mass destruction, death, fear, uncertainty and despair.
2. According to James M. Poland, Terrorism is the premeditated, deliberate, systematic murder, mayhem and threatening of the innocent to create fear and intimidation, in order to gain a political or tactical advantage, usually to influence the audience.
3. According to the FBI, Terrorism is the use of illegal or violent power over a person or property to intimidate a government, civilians and their elements to achieve social or political goals.
4. According to the US Department of Defense in 1990, Terrorism is an act against the law or acts that contain threats by force or coercion against individuals or property to coerce or intimidate the government or society with political, religious or ideological aims.
5. According to Laquer (1999), after reviewing more than one hundred definitions of terrorism, it is concluded that the most prominent element of these definitions is that the main characteristic of terrorism is the use of violence or the threat of violence. While the political motivation in Terrorism is very varied, because apart from having political motives, Terrorism is often carried out due to the encouragement of religious fanaticism.
6. According to A.C. Manulang, Terrorism is a way to seize power from other groups, triggered, among others, due to religious, ideological and ethnic conflicts as well as economic disparities, as well as obstruction of communication between the people and the government, or because of separatism and the ideology of fanaticism.
7. According to the Terrorism Act 2000, UK, Terrorism means the use or threat of action with the following characteristics.
8. Action that involves serious violence against a person, serious loss of property, endangers the life of a person, not the life of the person carrying out the action, creates a serious risk to public health or safety or certain parts of the public or is seriously designed to interfere or disrupt the system electronic.

In general, according to the definition of terrorism stated by the figures and institutions above, it can be seen that the meaning is left to the opinion of each party. However, the opinions of figures and institutions regarding the

definition of terrorism above more or less cover all aspects of the same aims and essence. Therefore, the use of the definition of the term terrorism is also left to each party or individual.

LITERATURE REVIEW

In the history of Christianity there have been many acts of violence committed by the church because of errors in interpreting the Scriptures. Textual people understand what is written in the Bible literally and apply it in different contexts. The actual process of exegesis is neglected so that they fail to get the meaning of what is written and focus on the text raw without doing any digging.

The same thing happened to Islam, especially in Indonesia. Based on the survey conducted, religious violence behavior in Indonesia has a positive correlation with textual understanding of religion. Religious teachings on violence both come from the Qur'an, such as the ability for a husband to beat his wife when he is absent from his obligations (QS 4: 34-35), as well as Sunnah such as a hadith which states that children need to be ordered to pray when they are seven years old, and may be beaten (if not praying) when he was ten, is a little example of Islamic teachings on the need for violence.

The survey shows that 14.7% of people willing to destroy churches without a permit, expel the Ahmadiyah group 28.7%, stoning people for adultery 23.2%, fighting against non-Muslims who threaten 43.5%, attacking or destroying premises sales of liquor 38.4%, threatening people deemed to have insulted Islam 40.7%, jihad in Afghanistan and Iraq 23.1%, and jihad in Ambon and Poso 25.2%. Meanwhile, for domestic acts of violence, the following levels of willingness were obtained: 22% pinching children to obey their parents, hitting children over ten to pray 40.7%, husbands hitting wives if they do not fulfill their obligations 16.3%.

Based on the above, religion seems to be the source of violence, but it is the textual understanding of the religious Scriptures that can be the most significant variable in encouraging the emergence of religious violent behavior. Besides encouraging religious violence, textualism and Islamism also have a positive correlation with general violence and state violence. It cannot be denied that religion is a very strong source of identity in a person. Prophetic religions, such as Islam and Christianity, tend to commit violence as soon as their identity is threatened. Competition between religions that triggers conflict is very easy to occur when one group feels that their identity is threatened. For example, we can look at the Ambon and Poso conflicts in the domestic context. This potential becomes even greater when political leaders try to construct a state identity based on a certain majority religion. On the one hand, it can lead to arrogance from the majority religious adherents and feelings of being threatened and intimidated by minority groups. However, the history of Christianity has proven that the closer the church is institutionally to the politics of government, the more dilapidated its religious condition. Attempts to form a Christian state have been made and have failed. Calvin tried to create a divine city in Geneva and was unsuccessful. Like wise in the 4th century when Constantine was converted and united the church with the state, in the end it failed both in government and in the church itself. The church eventually became actively involved in acts of immoral violence and against the teachings of its own religion.

In Indonesia today we are dealing with a fundamentalist Islamic movement that seeks to establish an Islamic state. It has been proven that it is one of the biggest sources of religious violence that occurs in our country. It is not only churches or other religious groups that are considered enemies but also other Islamic groups who do not agree with the idea of an Islamic state. As a result, our country is suffering very deeply. There were suspicions among religious believers and it sparked the formation of a separatist spirit.

In the reality of our country today, terrorism is the most obvious form of political-religious violence in Indonesia. In the theological context, terrorism can take its form from religion as a basis and tool for gaining power, as the goal of terror. This is the analogy of depicting the tragic situation of life in John D Caputo's view.

METHOD

Judging from the development of acts of terrorism in Indonesia today, it is true that almost every act of terrorism committed is always linked in the name of religion. We, as people who live in Indonesia, naturally ask, why did this happen? What are the reasons or factors that cause them to always use the name of religion in carrying out their acts of terror? What has this religion taught to make its followers commit acts of terrorism? Even though every religion teaches us to make peace in the world. From this it can be seen that there are some of the Indonesian people who already consider religion as an institution / body even as an attribute and forget the substance of that religion. These people really believe that their religion is the most true and think that other religions are wrong and heretical so that they eradicate anyone who has other religions without realizing that they have polluted the substance of their own religion. In order to know the discussion of this problem more clearly, first of all we need to know the factors that cause acts of violence or terrorism in the name of this religion. Briefly and specifically, there are several factors that cause terrorists to commit violence (terrorism) in the name of religion, namely:

1. Lack of religious education that he received or in other words he did not appreciate or understand the whole essence of the religion he professes.
2. Lack of supervision and attention from parents or their families as well as their good relatives in controlling the way they interact in the environment so that they are easily instigated.
3. Social environment, wherever it is, which is not conducive and has the potential to create a narrow mindset or even radical skepticism towards the religion he professes. For example, lately many Indonesians have gone to the Middle East or Afghanistan and even some other countries such as the Philippines where at first their goal was to study but then after returning to Indonesia they turned into terrorists caused by environmental influences and teachings during their time there from people with narrow and radical mindsets. Another example is where terrorist suspects such as Imam Samudera and Amrozi, who have since been young, have been trained and live in terrorist militant circles in Afghanistan, so it is only natural that when they return to Indonesia they have become terrorists.
4. Economic dissatisfaction and material things that he gets in life, so that to vent his resentment and dissatisfaction he commits acts of terror under the pretext of religion because it might just cure his dissatisfaction in the economic field.
5. Religion provides language, mythology, and illustrations that can be used by religious political or political leaders to motivate followers to commit violence.

6. Religion is a very strong source of identity; Therefore, if political leaders use religion, based on the majority religion, to construct a national identity, the door to violence will be wide open.
7. Religion can be used politically to achieve personal or group goals related to power, economy or other material matters.

That is an illustration of some of the factors that cause people to commit acts of violence in the name of religion in Indonesia. As religious and believing humans, of course we do not want these seven things to happen to us or to our children, family, and good relatives.

In general, the pattern of terrorist acts in Indonesia is carried out in a fast, orderly, systematic, planned and broad manner. This is evidenced by the fact that the terrorists currently roaming in Indonesia have links to overseas networks. Especially when Nurdin M Top was still alive, where as the leader of Al-Qaeda in Indonesia, he had a very wide and large network abroad beyond his fellow recruits in Indonesia so that it had the potential to form an international terrorist organization. Currently the terrorists who still exist in Indonesia are more engaged in formless organizations by recruiting village people who are easily influenced by Islamic preaching material who fanatically proclaim jihad as "martyrdom", if killed or kill "infidels" who are always identified with. with the United States or its allies. They also usually live in remote and hidden places such as in villages in building their organizations as well as planning their terror plans.

Terrorists in Indonesia, in carrying out their actions, often think that the real victim is not the main goal, but the most important thing is that it can be turned into a war of nerves that can arouse the fear of millions of people. There fore the target targets are always places that are conspicuous and can immediately stir up the international world and be carried out systematically. These terrorist groups can do all this, because they are motivated by narrow ideals or because of hatred that has penetrated the bone marrow.

Other questions relating to patterns of terrorist acts; why does it always have to be done while killing oneself? From the results of analysis and modernization of detection tools, it will be easy to know if you carry a bomb by car or even on someone's body, so that the terrorists then formulate it in such a way, as happened at the Marriott and Ritz Carlton or other countries such as in Iraq, Pakistan, India. and others. Especially for the suicide bombing terrorists, it has the same value as an act of jihad or heroism, although for every country, especially for people who are victims of acts of terror, it is equated with barbaric behavior, which completely negates human values, so it is very frightening.

Don't forget that the definition of terror is actually very relative, because acts of terror are considered to be the most effective in achieving the goals of the weak community against the strong groups. Intelligence observer Dr. AIR CONDITIONING. Manulang, a former director of BAKIN (now BIN), stated that the suspicion and indication that the linkage between the terrorist cell network in Indonesia and JI and Al-Qaeda had been introduced some time before the Bali bombing 1. will continue to threaten this Mother Earth, so that all levels of society need extraordinary vigilance.

The incidents and acts of terrorism that are befalling humans, especially in Indonesia, are numerous and varied according to the conditions and circumstances expected by the perpetrators in order to achieve their goals and targets. In brief, the forms of terrorism can be divided into 3 types:

1. Physical Terrorism. Namely events or forms of terrorism which are now at the peak of the human spotlight such as explosions, suicide bombings, hijackings, and so on. These bitter incidents of physical terrorism have gone down in history. Such as in Indonesia such as Bali Bombing 1, Bali Bombing 2, Australian Embassy Bombing in Jakarta, Marriot 1 Bombing, Marriot 2 Bombing etc.
2. Psychological Terrorism (Psychiatric). Namely, forms of terrorism in the form of a psychological threat to a certain subject or object, such as for example in the form of a bomb threat through certain media such as telephone, short messages, letters, e-mails, blog articles, websites, etc., which aim to cause panic. Such as what happened to the church terror on Christmas Eve, the terror of the US embassy, etc.
3. Ideological terrorism (thought / understanding). This type of terrorism is far more dangerous than physical and psychological terrorism. Because all forms of physical terrorism that occur originate from the ideological impulses of the perpetrators, whether from among irreligious people who are the source of terrorism on this earth, or from among religious groups who have deviated their thoughts from their path of teaching, especially in this regard. Muslims who have deviated from the true teachings of Islam.

These forms of terrorism are basically very interrelated, where if a person or a community or even a community has been infected with a misconception or in the form of ideological terrorism then he will tend to immediately commit acts of physical or psychological terrorism, in the form of suicide bombings, piracy, terror etc., which is a manifestation of ideological terrorism.

As previously stated, ideological terrorism is the most dangerous type of terrorism, because ideological terrorism is the main form which is the source of other terrorism that has spread even to a community and society, not just one individual, and an example is what which we see in the community of several Islamic organizations such as Al Qaeda and Jemaah Islamiah, which will also be ready to spread their radical ideology.

RESULT AND DISCUSSION

There are many things and efforts that can be done to prevent acts of violence in the name of religion. In fact, several well-known public and national figures have repeatedly expressed their opinions in order to prevent terrorism, one of which is the opinion that law enforcement against terrorists must be carried out firmly, fairly and wisely. This law enforcement must be carried out continuously, both openly and privately (intelligence) for both prevention and prosecution. With the bomb detonations at the Marriot and Ritz-Carlton Hotels, there was an impression that the prevention efforts had been less successful than the prosecution efforts which had captured more than three hundred terrorists. In the prosecution of acts of terrorism, the purpose of punishment is not to take revenge, but to create a deterrent effect on the perpetrators and to create a deterrence effect for others. The development of terror actors and their families or groups also needs to be done comprehensively to make the perpetrators aware. The involvement of experts, religious organizations, or religious leaders is still needed. There are times when an investigator or public prosecutor needs to have a good grip on a terrorist organization and the ideology behind it.

Then also according to Brig. Pol. Drs. Halba Rubis Nugroho.MM, in order to prevent terrorism, therefore, the security apparatus is always on standby to anticipate retaliation by the Nurdin group. Furthermore, in the coming years, various efforts will continue to be made, including efforts to cut off terrorist networks that involve and come into contact with religious education institutions / pesantren. To avoid misunderstanding of Muslims, the approach to religious figures / pesantren is carried out carefully so as not to create the impression of cornering

Islam and its adherents. Meanwhile, cross-country cooperation in the prevention and prevention of terrorism is carried out through increasing institutional capacity and improving the infrastructure for the rule of law.

In 2005, Indonesia has inaugurated bilateral cooperation in the field of terrorism, including with Poland, which signed a Cooperation on Combating Transnational Crime and Other Types of Crime, and with Vietnam signed an MoU on Crime Prevention and Eradication. Multilaterally, Indonesia is involved in ASEAN - Declaring the Joint Republic of Korea in International Counter-Terrorist Cooperation, ASEAN - Declaring Jointly in Cooperation for International Counter Terrorism, and ASEAN - Declaring New Zealand Jointly in Cooperation for International Counter Terrorism. Meanwhile, in terms of improving the infrastructure of the rule of law, the government is in the final stages of the process of ratifying two international conventions, namely the International Convention for the Prohibition of Finance on Terrorists (1999) and the International Convention for the Prohibition of Bombardment of Terrorists (1997). Acts of terrorism in the short term often have a significant impact on efforts to create a conducive investment climate at home.

Besides that, the most important thing is our attitude to learn from experience and desire to be more open and critical with the situation at hand. Efforts to build relationships that are based on the principles of equality, openness, and mutual respect are absolute things that must be done to fix the tangled fabric of our social and social relations so far. If not, then it will undoubtedly be difficult to build a social system that is just, open and respects each other.

Why is it important that openness is instilled between us. Open attitude means accepting other people, accepting different views from others, accepting different opinions from others. Apart from that, there is also the initiative or will to affirm groups that are different from us. Openness does not mean only an attitude of acceptance, but also an attitude in the form of a will to affirm others. The meaning of openness is also the attitude of fusing or combining a person with another person who is different from us. This means that a relationship that is built on the principle of openness means that between parties there is no longer any distance, between him and us. Rather it is a relationship in our closeness. One party becomes part of another different party. His identities were merged into one.

The meaning of openness also does not mean that the identity of each individual is lost. He remains in each identity. The notion of fusion does not mean eliminating the identity of each group, but rather an effort to find possible points of intersection between the two. This means that each remains in his identity. This idea is urgent to be developed in order to build religious relationships in society, both internally and externally. Thus, there will be no incidents of violence in the name of religious beliefs. However, this idea is not an easy practice in the field.

After all, this is an ideal that must emerge from conscious individuals. It would be difficult to expect all individuals in the world to have the same awareness of creating relationships in society. Because it is difficult, an authority is needed that can exert its will on all individuals in society. This authority must be able to be neutral, and must be a representation of all groups and groups. In order to prevent group domination in practice.

This authority is most representative taking its form in state institutions. The state in this case must act as a mediator or executor towards upholding an open attitude among the people. And the State must be able to take action against any individual who does not want to manifest this open attitude. The state as a legal force has the right to impose common interests on individuals who are reluctant to act. The state in this case must be able to push open ideas to anarchist groups. And must be able to take action against FPI and HTI groups that have acted anarchically.

Then religious leaders must take part in preventing violence in the name of religion that often occurs in this country by providing guidance and a complete and comprehensive understanding of the substance of their respective religious teachings which indeed teach goodness to the people. The religious violence that has occurred so far has been carried out by parties who are very passionate about the practice of religious life rituals but are still lacking in practice, even misinterpreting their religion.

According to Khamami Zada, there are two reasons why a peace can be realized in society. First, because there are elements of society who still adhere to the idea and spirit of peace and then campaign for them and, second, because of the initiative of conflict actors to carry out reconciliation. Thus, the nation's generation is required to always move in response to the problems that plague this nation, the nation's generation must fight and prevent forms of intimidation, discrimination, intolerance, to criminalization in the name of religion, culture and maintaining trust in their own nation. While the State is responsible for facilitating the running of laws that are truly just for those whose rights are oppressed, Islamic teachings themselves emphasize that the government with all its policies must be directed and aimed at creating benefit.

CONCLUSION

All forms of violence in the name of religion are something that cannot be accepted by any party. Because if we look at the form and substance of religion, there is no single religion in this world that teaches humans to commit anarchy and violence against other humans. This is especially so if the act of violence is committed in the name of a certain religion. On the contrary, all religions in this world teach compassion, tolerance, love of peace, love one another among human beings. So that automatically all forms of violence are prohibited by all religions. In short, the most important cause for causing people to commit acts of violence in the name of religion is that the person has a very narrow view of that religion or in other words he only sees religion as its form without understanding its real substance, so the violence he commits. is seen as the right action in his religion according to his view.

All components of society, including families, community leaders, religious leaders and the Indonesian government, need to work together and coordinate well, regularly and systematically in eradicating all forms of violence that occur, in this case committed in the name of religion in particular. The preventive efforts that have been described above will actually be carried out properly and correctly if the government and all components of society are willing to work together and trust each other in good and high levels. Living in a pluralistic life, it does not mean that we are free to commit acts of violence in the name of religion, but we should foster more of a spirit of tolerance among religious communities. With the increasing number of acts of violence in the name of religion in Indonesia, it makes us as Indonesians to be able to understand and study the form and substance of religion more deeply and correctly so that all of us are able to use our minds, souls, hearts, reason, and our rationale in applying values. - value the goodness of the religious teachings properly in real life and not commit acts of violence based on the religion

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