

HUMAN RIGHT PROTECTION FOR THE VICTIMS OF RACIAL RIOTS IN JAKARTA, SAMPIT, MATARAM AND LAMPUNG

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Abstract

In 1998, occurred the Jakarta Riot which was the culmination of the beginning of Orde Baru's (ORBA) downfall. That riot counts as racial conflict which later happened again in other regions of Indonesia such as Sampit (2001), Mataram (2001), and Lampung (2012). Despite stated in preamble of the 1945 constitution that: "... subsequent thereto, to form a Government of the State of Indonesia which shall protect the whole Indonesian nation and the entire native land of Indonesia." The government failed to provide protection and it caused numerous human rights problems which were harmed in those incidents. Those conflicts happened because of gaps that existed between the local residents and ethnic immigrants. Meanwhile, economic inequality and conflict on the domestic level believes that as inequality increases, so will conflict. Based on these incidents, problems were discovered regarding how to protect human rights related to racial conflict in Indonesia. For this reason, a normative legal research study was carried out using a legal and conceptual approach based on Critical Race Theory (CRT). Critical Race Theory (CRT) is a theory that acknowledges that racism is embedded in systems and institutions that replicate racial inequality. CRT is also then codified in law, embedded in structures, and implemented in public policy. In reality, governments in establishing policies were unable to enforce their obligation, therefore inter-ethnic conflicts happened. Eventually, in order to provide human rights protection so that identical racial conflicts end, it is necessary to strengthen the implementation of Pancasila values which will create social welfare for all Indonesian citizens.

Keywords: Human Right Protection, Human Right Violation, Inequality, Racial Conflict

1 Introduction

Indonesia, which has many ethnicities and tribes that are seen as an advantage, has actually caused conflict. Racial conflicts that arise then cause riots that cause casualties. One of the riots that occurred was in Lampung, Sumatra. The Lampung riots in 2012 was an event that shook Indonesia in that decade. Causing significant casualties and material losses, the conflict mainly occurred in South Lampung Regency, between Agom villagers and Balinuraga villagers, most of whom were transmigrants from Bali.

The main trigger for this riot was a small incident that developed into a mass clash. Initially, a misunderstanding over the issue of harassment of women from Agom village by Balinuraga youth triggered the anger of Agom residents, who attacked Balinuraga. In a matter of days, the situation escalated, spilling over into uncontrollable chaos. As a result of this conflict, at least 14 people were killed and more than 160 houses burned down. The riots exposed the social rift between natives and transmigrants, as well as the government's inability to manage social and cultural differences. In many cases, economic injustice and inequality are the backdrop that exacerbates conflict. In South Lampung, the gap between locals and transmigrants creates tensions that are easily fuelled by small issues.

Not only the Lampung riots, looking back in 2001. The Mataram riots were also one of the riots caused by racial conflict in Indonesia. Lombok Island is an island in Nusa Tenggara that is flanked by the Lombok Strait from Bali and the Alas Strait from Sumbawa and inhabited by sasak, samawa and mbajo ethnicities as the majority and indigenous Chinese and Arab ethnicities as the minority. The Sasak ethnicity, with a muslim majority, occupies the first position as the largest ethnicity on Lombok Island, accounting for almost 95% of the total

population, followed by the Balinese, who are Hindu, occupying the second position. (Lukman, 2008). The Balinese occupy West Lombok, particularly Mataram and Cakra Negara. The city of Mataram is a multi-ethnic city, with Sasak and Balinese cultural influences very strong in the city (Insider, 2024)

The two ethnicities have a deep geographical and historical affinity. Since the 16th century, Lombok Island sought control by the Balinese, so the Balinese rotated and influenced Lombok Island under the rule of the Karang Asem kingdom. Later, the Karang Asem Kingdom of Bali divided its territory on the island of Lombok into several parts. According to history, the Balinese living in Lombok was not due to transmigration, but due to inter-kingdom wars in the 1700s. Ethnic Balinese survive to this day in the city of Mataram.

As a minority, ethnic Balinese in Lombok are often subjected to unpleasant behaviour, such as being mocked: 'God in Hinduism likes to eat,' when performing Trisandya prayers, not allowed to pierce their ears, and prohibited from wearing Balinese traditional clothes when going to school. Meanwhile, the Sasak ethnicity in Lombok is in conflict with the Balinese ethnicity due to the group settlement pattern of the community. This pattern of individuals who do not mingle then creates social segregation. The situation is exacerbated by the absence of communication between these separate parties. Social segregation results in conflict on a massive scale, trivial issues will escalate into major conflicts.

In economic activities, there is land competition and imbalance between the two ethnicities. Ethnic Balinese are often perceived as more prosperous than ethnic Sasak who work as manual labourers. This condition causes unresolved poverty and ignorance, thus forming an area that is prone to horizontal conflict. Horizontal conflict on the island of Lombok is a common occurrence in everyday life. Not only that, this horizontal conflict is exacerbated by the link between vertical conflicts, this is due to the steps or policies of the government together with the community being the main key.

Hostility and violence against an ethnic group are never purely due to ethnic differences alone. The existence of ethnic domination in various fields that lead to differences in economic control is also the main reason for the riots. The Mataram riots were called 171 because they occurred on the 17th of January, a number of masses after attending a grand tabligh akbar at the Mataram Public Square showed solidarity with Muslims by destroying the Immanuel Church behind the Mataram Mayor's Office (Diklat, 2024), the Immaculata Catholic Church adjacent to the West Lombok 1606 Military Command Headquarters. The perpetrators of the riots also looted in various locations, including a number of hotels and tourist facilities in the tourist area, Senggigi Beach, West Lombok. There were 28 hotels that were victimised, 402 houses, 67 shops. In addition, 36 motorised vehicles were also hit. The total loss at that time reached Rp 7 billion (Tempo, 2024).

Conflict resolution was then carried out reconciliation efforts by the Mataram City Government, namely: social harmony programme with funding from the Ministry of Social Affairs, strengthening the role of customary institutions to prevent social conflict in community life, and national insight development programme (Indrawan, 2020).

In May 1998, there were riots in Jakarta, starting from the events on 12 May, where Trisakti students on campus, took action, which became uncontrollable when the masses began to clash with security forces, resulting in the shooting of four Trisakti students as victims, namely: Elang Mulia Lesmana, Heri Hertanto, Hafidin Royan, and Hendriawan Sie. The following day, on 13 May, Trisakti students staged another demonstration, which became more chaotic with the burning of a petrol station and the destruction of a police post in Grogol. The action became increasingly uncondusive because what was originally only carried out by students became followed by various groups that triggered anarchist actions. The area of the riots extended to Cengkareng and Slipi and continued into the night. 14 May 1998 was the peak of the riots. Accusations were levelled at the ethnic Chinese as the cause of

the monetary crisis, and the chaos occurred simultaneously, making it look systematic. There was destruction, looting, and burning of public facilities such as malls, terminals, shops, and private vehicles. Physical violence and mass rape were also committed by the rioting mobs at the time. On 15 May 1998, although the riots were still active, the security forces were more active in patrolling. This series of events was part of what forced President Soeharto to resign from office (21 May 1998), which in turn led to the end of the New Order (Kompas, 2024a).

The inter-ethnic conflicts that have occurred in Indonesia have shown that the obligations of the state as stated in the Preamble of the 1945 Constitution are not fulfilled. The existence of gaps in life as a trigger for differences in understanding, fostering resentment and giving birth to conflict, to attacking the human rights of others. This situation leads to a reflection on how human rights are protected in relation to racial conflicts in Indonesia, which is important to discuss when a country with so many differences becomes an excuse to attack each other. It is as if *Bhinneka Tunggal Ika* (Tantular, 2020) will only become a slogan, without actually happening. To find a new breakthrough in thinking, this research will refer to Critical Race Theory (CRT).

2 Research Method

There are five kinds of approaches that can be used in normative legal research, namely the statutory approach, case approach, historical approach, comparative approach, and conceptual approach. In this research on human rights protection for victims of racial conflict, the most suitable approaches are the statutory approach and the conceptual approach (Marzuki, 2015).

The statute approach focuses on legal products, in this case legislation, to find deficiencies in statutory norms, and to prevent deviations in legal practice. This approach is also carried out by analysing related laws and regulations to determine the compatibility between one law and another. In this research, the approach taken is to various laws and regulations relating to human rights violations in racial conflicts.

Conceptual approach is an approach in legal research that provides an analytical view of problem solving, seen from the aspect of the legal concepts behind it, or can even be seen from the values contained in the norms of legislation related to the concepts used. By examining doctrinal views in legal science, researchers will find ideas that give birth to legal definitions, legal concepts and legal principles that are relevant to the existing problems. This is done to obtain new meanings contained in the terms under study, or test legal terms in theory and practice.

3 Result and Discussion

Conceptual approach is an approach in legal research that provides an analytical view of problem solving, seen from the aspect of the legal concepts behind it, or can even be seen from the values contained in the norms of legislation related to the concepts used. By examining doctrinal views in legal science, researchers will find ideas that give birth to legal definitions, legal concepts and legal principles that are relevant to the existing problems. This is done to obtain new meanings contained in the terms under study, or test legal terms in theory and practice (Webster, 2024).

According to Webster's Dictionary, the term 'ethnicity' relates to or pertains to a large group of people classified by shared characteristics such as common racial origin or background, nationality, tribe, religion, language, or culture. This definition highlights the diverse ways in which ethnic groups can be identified and understood. Ethnicity encompasses a wide range of human attributes and experiences, including traditions, language and collective history. These elements play an important role in shaping the identity and social cohesion of ethnic groups, influencing how individuals within the group perceive themselves and

interact with others. Ethnic identity often provides a sense of belonging and continuity, connecting individuals to a wider community and heritage that transcends individual differences and geographical boundaries.

Looking at the definitions of 'race' and 'ethnicity', they have similar meanings. Both refer to a group of people who share certain aspects such as culture, language, religion, or even background. Thus, in the discussion in this paper, the notions of 'race' and 'ethnicity' will be considered the same, to facilitate analysis and discussion.

The Impact of Racial Riots

Racial riots can be said to be riots motivated by ethnicity. These tribal identity-related conflicts and tensions took place between 1998 and 2001, a period of transition from the New Order regime to the Reformation era. These riots caused social and political instability in several parts of Indonesia. For example, the Jakarta riots in May 1998 that targeted the Chinese Indonesian community, or the conflict in Ambon that involved tensions between different ethnic and religious groups.

These riots include causal factors such as economic dissatisfaction, social injustice and political provocation. In addition, the impact of these riots was extensive, including material losses, casualties, and deep psychological trauma for the affected communities. Therefore, reconciliation, including government intervention, the role of non-governmental organisations, and local community initiatives are needed to ease tensions and restore peace. The riots that have occurred in Jakarta, Sampit, Mataram and Lampung have not only caused material losses, but also trauma and casualties. Innocent people and civilians who had nothing to do with the main conflict were also affected, and their families had to bear the consequences.

The Jakarta riots, for example, resulted in 1,217 deaths, 91 injured, 159 victims of sexual violence and 31 missing. Even in Lampung, 14 people were killed in the conflict. Calculated from material losses, in the Lampung conflict as many as 160 houses were burned during the riots. The riots that occurred in Mataram between ethnic Sasak and ethnic Balinese also cost a loss of 7 billion with details, 28 hotels, 402 houses, 67 shops, and 36 motorised vehicles were also victims. The 2001 Sampit riots involving killings, burning of houses and buildings, and physical assaults left thousands dead and thousands displaced. Homes and infrastructure were destroyed, and the atmosphere in Sampit and surrounding areas became tense. The conflict not only destroyed the lives of the individuals involved, but also damaged the social and economic fabric of the community as a whole. In Jakarta, material losses were also extensive due to anarchy and arson. Such a large number of casualties should not be necessary and is a failure of the state to realise protection for all its people.

Efforts to Resolve Racial Conflicts by Approaching Local Wisdom Values and Challenges Faced by the Government

In the Mataram conflict, reconciliation has been carried out, arguably well, in a local way by consensus or mediation, involving third parties such as Tuan Guru, religious leaders, traditional leaders, and village heads. In the Sasak indigenous community, the procedure for resolving disputes is carried out by:

1. Firstly, the parties to the dispute come together to resolve the dispute by negotiation.
2. If this negotiation method does not result in an agreement between the parties, then the aggrieved party reports the dispute to the dusun head or customary head or religious leader.
3. Next, the adat head or religious leader calls the parties or their close family and elders to witness the deliberation process.
4. In these deliberations, the arbiters are the government (village or subdistrict government), religious leaders (kyai, tuan- guru), or wise traditional

leaders/leaders.

5. Decisions made are based on consensus that is mutually beneficial to both parties.
6. The agreement between the two parties is made in writing in the form of a peace deed signed by the parties, witnesses, and the mediator (Galang Asmara & Maladi, n.d.).

In the Sasak tribe there is a local wisdom institution called 'krama', which aims to encourage the birth of various forms of local wisdom in the community, which contains values that are still suitable for contemporary life, and are relevant to be used as a method of conflict prevention. The application of krama in the life of the Sasak ethnicity has helped to encourage the birth of various forms of local wisdom that are still suitable for contemporary life, so that ten elements or components of democratic values have emerged that are reflected in the local wisdom of the Sasak people. Some of them are tolerance, cooperation with others, and non-violent conflict resolution.

While in Balinese society there are local wisdom values that develop and are believed to be Tri Hita Karana, Tri Kaya Parisuda, Tatwam Asi, Salunglung sabayantaka, paras paros sarpanaya, bhineka tunggal ika, also menyama braya. These local wisdom values have a purpose as a reference material and reference in maintaining and creating harmonious social relations.

Through this reconciliation, three things were agreed upon by all parties involved:

1. The Mataram city government proposes a social harmony programme, with funding from the Ministry of Social Affairs used for the development of facilities and infrastructure needed by the community.
2. The Provincial Government of West Nusa Tenggara (NTB) is strengthening the role of customary institutions (krama adat) to prevent social conflicts in community life. Awareness of the nation's noble values will prevent various social conflicts in social life, especially in the NTB region which is full of social conflicts.
3. National insight development program, namely interfaith dialogue, strengthening national resilience and interactive dialogue to increase tolerance and harmony in religious life in NTB (Indrawan, 2020).

In the Sampit riots that occurred between the Dayak and Madurese tribes, steps were taken to conduct dialogue between tribal leaders and community leaders. The dialogue aimed to achieve reconciliation and find a peaceful solution that was acceptable to all parties. This approach emphasised the importance of rebuilding trust between warring groups and finding ways to coexist peacefully. The government also stepped up law enforcement against those involved in the violence. Arrests and convictions of rioters were made to ensure that acts of violence would not be repeated.

In addition, the government launched a rehabilitation and reconstruction programme to rebuild damaged infrastructure and provide assistance to victims of the conflict. The programme involved various parties, including non-governmental organisations and international agencies, to ensure sustainable recovery. Rehabilitation not only focused on physical aspects, but also on psychological and social aspects, such as providing mental support for victims and facilitating the reconciliation process between groups.

Reconciliation efforts in the conflict were relatively successful, given the monument that was made as a form of peace between the hostile parties. The Sampit Peace Monument was built to commemorate the peace agreement between the Dayak and Madurese tribes, the parties involved in the Sampit Conflict. The Sampit Peace Monument is located in the centre of Sampit City, the capital of East Kotawaringin Regency, Central Kalimantan. To be precise, the Sampit Peace Monument is in the centre of Balanga Roundabout or Pantar

Roundabout on Jalan Soedirman Km 3.2 Trans Kalimantan towards Sampit-Pangkalanbun (Kompas, 2024).

However, these resolution efforts face various challenges. One of them is how to overcome the trauma experienced by victims, both those who lost family members and those who had to flee and lose their property. This trauma is often an obstacle to the process of reconciliation and rebuilding a normal life. In addition, economic and social injustices are at the root of the conflict. The reconciliation provided is also not a guarantee of concrete problem-solving as violations are reoccurring.

In Lampung, reconciliation efforts were also made after questions were raised about the efforts and responsibilities of the local and central governments in resolving the riot cases. The main trigger for the riots was a small incident that turned into a major riot due to a misunderstanding over the issue of harassment of women from Agom village by Balinuraga youth. This incident fuelled the anger of Agom residents, who then attacked Balinuraga. In a matter of days, the situation escalated, escalating into uncontrollable chaos.

The riots exposed the social rift between the indigenous people and the migrants from the transmigrant programme. The riots illustrate the government's inability to manage social and cultural differences. In many cases, economic injustice and inequality are the backdrop that exacerbates conflict. In South Lampung, the gap between locals and transmigrants created tensions that were easily fuelled by small issues. The government's handling of the conflict has also come under scrutiny. Although both parties eventually reached a peace agreement mediated by security forces and the local government, the peace process was considered a formality without addressing the real root of the problem. Substantial peace involving deep reconciliation and rapprochement between groups has not been fully achieved.

This conflict also raises questions about the roles and responsibilities of local and central governments in maintaining security and public order. Many argue that the government has not been proactive enough in preventing social friction that has the potential to become a major conflict. Negligence in addressing fundamental social and economic problems is often the main trigger for violence and unrest.

Local governments, especially in the era of regional autonomy, are required to be more responsive in managing diversity and potential conflicts. In addition, security forces must also be faster and more decisive in responding to incidents that have the potential to trigger conflict. In the Lampung case, slow and ineffective handling contributed to worsening the situation, causing the riots to spread and claim more victims.

Reconciliation, which is supposed to be facilitated by the government, may not provide the desired resolution. Just like the end of the Jakarta riots, despite being a pre-existing case, no resolution was found. Both cases reflect the enormous challenges Indonesia faces in managing diversity and maintaining national unity. These events remind us of the importance of serious efforts in creating sustainable peace, strengthening social solidarity, and ensuring justice for all citizens.

Even so, protection is something that needs to be provided by the state to fulfil its obligations. According to Hadjon, legal protection can take the form of (Hadjon, 2011):

- a. Preventive Legal Protection, which is a form of legal protection where the people are given the opportunity to submit objections and opinions before a government decision takes a definitive form.
- b. Repressive Legal Protection, a form of legal protection which is more aimed at dispute resolution.

Both forms of legal protection are outlines that can at least be implemented by the government. However, repressive protection is more costly, not to mention that repressive efforts are often incomplete and have the potential for repeat offences. This can lead to losses from the state, but the problem also remains unsolved. So the most likely effort to be

made is preventive legal action.

Racial Conflict Alleviation as a Form of Human Rights Protection: An Analytical Study Based on Critical Race Theory

Preventive legal remedies provide an opportunity for the legal subjects in the case to give their opinions before a government decision is issued, so as to prevent future conflicts because they are preventive in nature (Almaida, 2021). In the context of this issue, the causes of conflict and the triggering factors must be explored and discussed. Utilising Critical Race Theory (CRT), has shown the relationship of why these things can arise in society.

If examined more deeply, the more obvious cause is because of the sense of difference between local residents and migrants who inhabit the same area. The sense of difference arises due to the many cultural differences related to tribes and ethnicities. Locals who are the majority are usually easy to master something and 'more relaxed' in living life. However, this does not apply to migrants in the area. Migrants who migrate will usually have a higher mentality and fighting spirit. They will do many things to survive, especially because of the feeling of living in a land that is still foreign to them.

It is the migrants' fighting spirit and mentality that is the key to them being able to easily achieve something. The success of migrants in obtaining a decent life through the economic sector then ignites the fire of jealousy from local residents. Not to mention the circumstances that create local residents who remain static with progressive migrants. The resolution of this problem can be discussed through the lens of CRT, a theory that incorporates race into a system.

CRT is a complex academic concept that is currently being hotly debated in society and the media. The concept was first developed by Harvard Law Professor Derrick Bell in the mid-1970s as part of Critical Legal Studies (Association, 2024). Over time, CRT has evolved into an analytical lens used to examine how race and racism affect various aspects of people's lives, ranging from social, political, to educational aspects. At its core, CRT emphasises that race is a social construct with great social significance, rather than a biological reality. It recognises that racism is embedded in systems and institutions that replicate racial inequality, which are codified in laws, embedded in structures, and implemented into public policies.

CRT began to be applied in education in 1995 by Harvard Law School lecturers such as Gloria Ladson-Billings and William F. Tate. They used CRT principles to understand inequalities in the education system. Legal interventions, while helpful, were considered insufficient to promote equality in schools. For example, ending legal segregation does not adequately address de facto racism or the systemic impact of factors such as housing and funding mechanisms. CRT in education invites us to look deeper into how certain practices can contribute to racial inequality and seek more comprehensive solutions.

One of the methods used in CRT is counterstory, popularised by Derrick Bell and Richard Delgado. Counterstory is a narrative method used to challenge dominant narratives and give voice to marginalised experiences and perspectives. It is considered important by scholars such as Dolores Delgado Bernal, Daniel Solórzano, and Tara J. Yosso, especially in cultures where oral traditions are highly valued. Through counterstory, CRT seeks to uncover realities that are often hidden or ignored by mainstream narratives (Martinez, 2020).

CRT also gave birth to offshoots such as Latino Critical Race Theory (LatCrit), which emphasises the intersectionality of experience with oppression and resistance, as well as the need to expand the conversation beyond inadequate black-and-white conceptual frameworks. LatCrit focuses on issues such as language, immigration, ethnicity, culture, identity, phenotype, and sexuality, which are often overlooked by critical race theorists. LatCrit aims to provide a more comprehensive and inclusive perspective in understanding

the dynamics of racism and discrimination.

CRT was born out of the lived experiences of students and faculty at American law schools who witnessed how racial ideology plays a role in the composition and culture of American institutions. One of the key events that contributed to the development of CRT was the 1981 student protest at Harvard Law School, which demanded the replacement of Derrick Bell with a professor of people of colour. In addition, the 1987 Critical Legal Studies national conference on the neglect of race was also an important moment in the history of CRT.

Key concepts in CRT challenge traditional views of race and racism. CRT scholars criticise the idea that racial discrimination is merely acts of violence or visible discrimination between individuals. They emphasise that racism is part of broader social structures and institutions and that subtle and structural racist practices persist despite formal legal changes. As such, CRT provides a framework for understanding how racism continues to operate in modern society and offers tools to challenge dominant narratives that ignore or trivialise the importance of race in shaping individuals' life experiences and opportunities.

One important implication of CRT is the need for multicultural education that enhances understanding and tolerance between ethnic groups. This education involves the introduction of shared values, respect for diversity and the importance of co-operation. The school curriculum is integrated with material on the culture and history of different ethnic groups in the United States. The programme also includes extracurricular activities that promote positive interactions between students from different ethnic backgrounds. Multicultural education is expected to shape a younger generation that is more tolerant and respectful of differences, thus preventing future conflicts.

Although CRT developed in the United States, its relevance extends to a global context. In many countries, issues of race and discrimination remain a major challenge. CRT offers a powerful framework for analysing and addressing racism in various contexts. For example, in countries with a history of colonialism, CRT can help reveal how colonial legacies continue to influence social and economic structures. In countries with significant multicultural populations, CRT can help identify and address unequal power dynamics based on race.

Nonetheless, there are many misconceptions about CRT. Some critics equate discussions on equality, diversity or ethnic studies with CRT. While some ethnic studies approaches may incorporate elements of CRT, they are not synonymous or interchangeable (Association, 2024). Ethnic studies focuses on the history, experiences, and contributions of ethnic and racial groups that are often overlooked in traditional curricula. CRT, on the other hand, is a broader analytical tool that looks at how social policies and practices can create and sustain racial inequalities.

One of the biggest misconceptions about CRT is that it encourages discrimination against certain racial groups. In fact, CRT does not encourage discrimination against certain racial groups. Instead, CRT aims to provide context about the roots and how systems tend to favour certain groups. In the United States, white people have historically been favoured. However, CRT does not promote discrimination against one racial group, as that would go against CRT's central beliefs. CRT seeks to expose and address the inequalities embedded in social, economic, and political structures.

CRT is an analytical approach that seeks to understand and challenge systems of power that perpetuate racial discrimination (Association, 2024). Through applications in various fields, including law and education, CRT invites us to look at how racism is embedded in the fabric of society and seek solutions to address existing inequalities. For example, in the legal field, CRT can be used to analyse how laws and public policies can create or reinforce racial inequalities. In education, CRT can help us understand why some groups of students may experience poorer educational outcomes compared to others and look for ways to address

such disparities.

With a better understanding of CRT, discussions about policies and practices that affect different groups can be more productive and constructive. Instead of seeing CRT as a threat, we can see it as a useful tool to understand and address the challenges faced by our society. CRT invites us to think critically about how our social structures work and how we can make them more just and inclusive for everyone.

Ultimately, the purpose of CRT is not to create guilt or blame certain groups, but to analyse and change the systems that perpetuate inequality. By using CRT as an analytical tool, we can better understand the root of the problem and seek more effective and sustainable solutions.

The riots described above, which are the centre of discussion in this research, were predominantly motivated by economic issues. For example, in the racial conflict related to ethnic Chinese, which occurred in May 1998. In the riots, thousands of people were reportedly victimised. The May 1998 riots reached their peak on 15 May 1998. Based on data from the Volunteer Team version, at least 1,217 people died in Jakarta, with details of 1,190 due to burning or being burned, and 27 others due to weapons or others. Then there were 91 injured. Meanwhile, outside Jakarta, there were 33 deaths and 74 injuries. The Polda Metro Jaya or Polri version states that 451 people died in Jakarta with unrecorded injuries. Meanwhile, data on victims outside Jakarta recorded 30 deaths, 131 injuries, and 27 burns. The TGPF report explained that 52 people were victims of rape, 14 were victims of rape with maltreatment, 10 were victims of sexual assault/molestation, and 9 were victims of sexual harassment. Most of the victims of sexual violence were ethnic Chinese women. The victims of sexual violence cut across social classes. Of course, this incident left a very heavy psychological trauma mark for the surviving victims, some of whom even ended their lives because they could not bear the burden of trauma, some went crazy, were expelled by their families, and disappeared abroad by changing their identities (Mahendra et al., 2024).

These riots occurred as a form of how there was economic inequality in addition to the economic crisis at the time. The monetary crisis catapulted the prices of basic necessities. The monetary crisis widened economic disparities and created widespread social dislocation that was highly prone to vertical (inter-class) and horizontal (inter-group) conflict (Mahendra et al., 2024). The economic life of ethnic Chinese occurred more as a result of policies and regulations from the government that initially limited the movement of ethnic Chinese, so that they could only develop in the economic sector, for example the influence of President Soeharto's era policies. Many of his policies further suppressed the Chinese minority through policies such as Presidential Instruction No. 14 of 1967, and other policies that complemented Government Regulation No. 10 of 1959, which basically limited the movement of ethnic Chinese in daily social life. The Gus Dur era, which lasted for about two years, saw many democratic changes in Indonesia. As president, Gus Dur issued Presidential Instruction No. 6/2000, which revoked Presidential Instruction No. 14/1967, which prohibited ethnic Chinese from practising Confucian customs, culture and religion. Because of this policy, Gus Dur was awarded the title of Father of Chinese. This limitation causes their activities to be more focused, which could be the main key to their success.

The same thing happened in the conflict between ethnic Madurese (migrants) and ethnic Dayak (locals) in Sampit. This conflict was an inter-ethnic riot that occurred in Sampit in early February 2001. The conflict started in the city of Sampit, Central Kalimantan, and then spread throughout the province, including the capital city of Palangka Raya, between indigenous Dayak and Madurese migrants. The 2001 Sampit conflict was not the first conflict between Dayak and Madurese ethnicities. Previously, there had been disputes between the two. Madurese first arrived in Central Kalimantan in 1930 under the policy of the transmigration programme launched by the Dutch colonial government. By 2000,

Madurese transmigrants made up 21 per cent of Central Kalimantan's population. The Dayaks began to feel dissatisfied with the competition that kept coming from Madura.

Because of these economic problems, there was a riot between the Madurese and the Dayaks (Adryamarthanino & Nailufar, 2024).

Similarly, the roots of the conflict between ethnic Balinese (migrants) and ethnic Sasak (local residents) in Mataram, and the conflict between ethnic Javanese (migrants) and ethnic Lampungese (local residents) in Lampung, are mostly motivated by economic issues. The tenacity of migrants in fighting for their lives, in all the limitations they face, makes them more economically successful than the locals. Their tenacity makes them more successful than the locals, which in turn is prone to social jealousy.

According to the theory of the positive relationship between economic inequality and conflict at the domestic level, this theory believes that as inequality increases so will conflict. This is arguably the most popular belief historically and has supported many judgements. The theory is practicable because it often studies a variety of supporting events, including domestic violence, illegal activities, political polarisation, and health trends in developing countries as well as pre-existing academic hypotheses (Sterling, 2024).

As for the roots of the conflict, which originated from government policies that on the one hand limit the movement of one ethnicity but can benefit another, it can be studied through CRT, which has five main principles, namely (Association, 2024):

1. Firstly, race is considered a social construct, not a biological reality. This means that racial categories are created and defined by society, not based on fixed biological differences;
2. Secondly, racial categories were created at various points in time to benefit specific groups and purposes, so the definition of race can vary depending on the social and historical context;
3. Third, discrimination must be understood as a product of systems and institutions, not just the actions of individuals. This means that to understand and address racism, we must look at how institutions and social systems replicate racial inequality;
4. Fourth, institutions in the United States retain aspects of racial preferences that influenced their development, meaning that the inequities that exist today are the result of a long history of structured discrimination;
5. Fifth, injustice arises in part from the legacy of the racial attitudes and social goals of the system's founders, meaning that legal changes alone are insufficient to address these issues.

From these five principles, it can essentially be concluded that race is a social construct, created at various points in time to favour certain groups and goals. The occurrence of discrimination as a product of systems and institutions, which have replicated racial inequalities, will ultimately lead to injustice. Since injustice arises in part from the legacy of racial attitudes and social goals of the founders of such systems, it means that legal changes alone are not enough to address the problem. After all, CRT can only paint a broad picture of the problem and cannot resolve the conflict.

Creating a more just and equal society is a big challenge when diversity is a major issue in Indonesia. The nation has a slogan: 'Bhinneka Tunggal Ika' in the clutches of the Garuda Pancasila bird, the emblem of Indonesia. How to realise unity in diversity?

In this regard, it is important to recognise that social welfare policies are arguably the most important element of analysis because they actively change the lives of the constituents of the government in power and often rely on the assumption that economic inequality fuels violence in society. This belief is based on conflict theories such as grievance behaviour and justice-seeking, which argue that factors that generate grievances and injustice drive violence against the state (explicitly mentioning inequality as one

possible factor). This inspires a consensus that governments can create effective conflict prevention policies through social spending, by reducing economic disparities in society and building a financially healthy middle class to enhance political stability and social harmony at the individual and domestic levels. Economic inequality which is often associated with violence, mental illness, drug abuse, homelessness, disease, persecution, and death in the literature discussing the effectiveness of social spending can be directly addressed by wealth redistribution and is therefore believed to directly negate economic inequality and conflict. Entire countries are guided in economic development using this methodology under the guise of liberal internationalism, a growth tactic that values democracy, and free markets as a tool to reduce conflict and push workers into a strong middle class. However, free market capitalism relies on inequality to function, and competition can often turn into conflict as societies struggle for limited resources (Sterling, 2024).

To fully understand the possible consequences of implementing certain conflict prevention methods, it is important to thoroughly analyse the three correlation theories - positive, negative and no correlation - regarding economic inequality and conflict. The positive theory, which concludes that economic inequality increases with conflict, is the most widely practised theory but can be opposed by the negative theory, which concludes that as inequality increases, conflict decreases. But both could be wrong, as expressed by those who believe that there is no consistent relationship. While the three theories are supported by various hypotheses and empirical findings, there is often overlapping data and different interpretations of what the three theories suggest about the relationship between inequality and conflict. Any conclusions are also prone to bias depending on the objectives of the policymaker or analyst, and therefore, the relationship may vary depending on the context (Sterling, 2024).

In the Indonesian context, we can go back to the Preamble of the 1945 Constitution, the 4th paragraph, which can be summarised as follows:

‘Then from that to form a Government of the State of Indonesia which protects the whole Indonesian nation and the entire Indonesian blood sphere and to promote the general welfare, ..., which is people's sovereignty based on: God Almighty, just and civilised Humanity, Indonesian Unity and Democracy led by wisdom in deliberation/representation, and by realising a Social Justice for all the people of Indonesia.’

This means that the Indonesian government needs to make policies that implement and encourage the practice of Pancasila values in social life, so that in the end it will be able to realise a social justice for all Indonesian people, which is a state similar to a state of social welfare. A state of social welfare must be realised for all ethnicities that are part of the Indonesian nation. When implementing these things, inter-ethnic conflicts can be avoided from happening again in the future.

4. Conclusions

The conflict between local residents and migrants, who are often of different ethnicities, creates a situation where migrants are more resilient in living their lives, which leads them to be more successful at the economic level. Such a situation can trigger a social gap between locals and migrants, which can lead to inter-ethnic jealousy that can potentially lead to conflict. The widening of the economic gap between people of different ethnicities will be in line with the possibility of conflict between them. To overcome the potential for conflict, it is necessary to practice Pancasila as the Government of the State of Indonesia was formed with the intention of being able to protect the entire Indonesian nation and the entire Indonesian blood spill, which is formed in an arrangement of the Republic of Indonesia which is people's sovereignty based on God Almighty, fair and civilised Humanity, Indonesian Unity and Democracy led by wisdom in Consultation / Representation, and by realising a social justice

for all Indonesian people. The realisation of social justice for all Indonesian people will mean the same as the realisation of Indonesia as a social welfare.

References:

- Adryamarthanino, V., & Nailufar, N. N. (2024). Konflik Sampit: Latar Belakang, Konflik, dan Penyelesaian. In *Kompas.com*. Kompas.com. https://www.kompas.com/stori/read/2021/07/30/090000179/konflik-sampit-latar-belakang-konflik-dan-penyelesaian?lgn_method=google&google_btn=onetap
- Almaida, Z. (2021). Perlindungan Hukum Preventif Dan Represif Bagi Pengguna Uang Elektronik Dalam Melakukan Transaksi Tol Nontunai. *Private Law*, 9(1), 28858. <https://doi.org/10.20961/privat.v9i1.28858>
- Association, C. S. B. (2024). What is Critical Race Theory: Frequently Asked Questions. In *capousd.org*. Capousd.org. <https://www.capousd.org/documents/critical-race-theory.pdf>
- Diklat, B. (2024). Konflik Sosial Bernuansa SAEA di Berbagai Komunitas Sru di Kerusakan Mataram Januari 2000. In *Balitbangdiklat.kemenag.go.id*. Balitbangdiklat.kemenag.go.id. <https://balitbangdiklat.kemenag.go.id/berita/konflik-konflik-sosial-bernuansa-sara-di-berbagai-komunitas-studi-kasus-kerusakan-mataram-januari-2000>
- Galang Asmara, H. M., & Maladi, Y. (n.d.). Penyelesaian Konflik Pertanahan Berbasis Nilai-Nilai Kearifan Lokal di Nusa Tenggara Barat. *Mimbar Hukum*, 22.
- Hadjon, P. M. (2011). *Perlindungan Hukum Bagi Rakyat Indonesia*. Bina Ilmu.
- Indrawan, J. (2020). Kearifan Lokal Suku Sasak Dan Suku Bali Di Lombok Sebagai Upaya Rekonsiliasi Konflik. *Jurnal Ilmiah Hubungan Internasional (International Relations Journal)*, 12(23), 49. <https://doi.org/10.19166/verity.v12i23.2485>
- Insider, L. (2024). Sejarah Kota Mataram dan Deretan Wali Kota yang Pernah Memimpin, Ada yang Menjadi Tuan Guru dan Keturunan Bali. In *Lombok Insider*. Lombok Insider. <https://www.lombokinsider.com/ntb/15510376115/sejarah-kota-mataram-dan-deretan-wali-kota-yang-pernah-memimpin-ada-yang-menjadi-tuan-guru-dan-keturunan-bali>
- Kompas. (2024a). 13-15 Mei 1998: Penyebab, Kronologi, dan Dampaknya. In *Kompas.com*. Kompas.com. <https://www.kompas.com/tren/read/2023/05/13/060000765/kerusakan-13-15-mei-1998--penyebab-kronologi-dan-dampaknya?page=all>
- Kompas. (2024b). Mengenal Tugu Perdamaian Sampit, Lambang Perdamaian setelah Konflik Sampit 2001. In *Kompas.com*. Kompas.com. <https://regional.kompas.com/read/2024/05/02/190036978/mengenal-tugu-perdamaian-sampit-lambang-perdamaian-setelah-konflik-sampit>
- Lukman, L. (2008). *Pulau Lombok dalam sejarah: Ditinjau dari aspek budaya*. Departemen Pendidikan dan Kebudayaan.
- Mahendra et al., K. (2024). 7 Alasan Kerusakan Mei 1998 Jadi Periode Kelam di Indonesia. In *Tempo.co*. Tempo.co. <https://metro.tempo.co/read/1870339/7-alasan-kerusakan-mei-1998-jadi-periode-kelam-di-indonesia>
- Martinez, A. (2020). Critical race theory: Its origins, history, and importance to the discourses and rhetorics of race. *Frame-Journal of Literacy Studies*, 27, 9–27.
- Marzuki, P. M. (2015). *Penelitian hukum* (10 (ed.)). Kencana.
- Sterling, J. (2024). Theories of the Relationship Between Economic Inequality and Conflict: A Review of the Literature. In *washcollreview*. Washcollreview. <https://washcollreview.com/2021/04/23/theories-of-the-relationship-between-economic-inequality-and-conflict-a-review-of-the-literature/>
- Tantular, E. (2020). *Kakawin Sutasoma* (I. G. B. Sugriwa (ed.)). Balai Pustaka.
- Tempo, N. (2024). Bertemu KWI Muhaimin Iskandar Jalin Kebersamaan dalam Dialog Antaragama. In *Nasional Tempo*. Nasional Tempo. https://nasional.tempo.co/read/1533919/bertemu-kwi-muhaimin-iskandar-jalin-kebersamaan-dalam-dialog-antaragama?tracking_page_direct
- Webster, M. (2024). *Dictionary*. Merriam-Webster. <https://www.merriam-webster.com/dictionary/race>