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RESEARCH ARTICLE

ROLE OF ATTORNEY IN THE DEFAMATION OF RELIGION CRIME PROSECUTION AND RELATED TO OBJECTIVE OF SENTENCING

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Abstract

This study aims to determine the role and constraints of the Prosecutor in the prosecution of the crime of defamation of religion is connected with the purpose of punishment. This study uses normative research and socio-juridical. The results showed how the relationship prosecution procedure and substance of the prosecution so that the role of the prosecution of the crime of defamation of religions can work well within the framework of law enforcement and the attainment of the objectives of punishment for the perpetrators of the crime of blasphemy.

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INTRODUCTION

Freedom of religion is one of the human rights of the most fundamental (basic) and fundamental to every human being. The right to freedom of religion has been agreed by the world community as an inherent individual rights directly, which must be respected, upheld and protected by the state, the government, and everyone for the respect and protection of human dignity. This can be seen in the Constitutional Court Decision No. 140 / PUU-VII / 2009 dated April 19, 2010 in the trial judicial review of Laws No.1 / PNPS / 1965 on the prevention of abuse and / or blasphemy.

In accordance with Article 1 (3) of the 1945 Constitution, Indonesia has declared itself as a legal state. This concept signifies that a determinant in the administration of state power is the law (supremacy of law) and not the power of individuals or groups solely. Therefore, the implementation of human rights and restrictions must be strictly carried out according to law.

Pancasila is the ideology and philosophy of life of the nation and is the source of all sources of law (Article 2 of Law No. 10 Year 2004 on the Establishment of Legislation). First Sila reads "Almighty God", is an acknowledgment that Indonesia saw religion is one of the fundamental pillars of human life and for the people of Indonesia is a joint life of the State and the absolute element in nation building efforts. However, in Article 1 paragraph (3) of the Constitution of 1945 stated that "Indonesia is a state of law 'and not the state religion, so that Indonesia adheres to the principle of" non-preferential treatment "(no special treatment) against any religion Indonesia.

In view of religion, often the interpretation is based on the concept of religion as an individual and personal experience of the existence of God which is the private aspect alone. Though religion also contains aspects of sociological, cultural, and historical, separate identity as a community trust or a particular community. Thus, in addition to being the values of the individual and personal, religion also has a social and communal values, however, are not uncommon in the implementation of the exercise of religion and belief is a conflict because of different views and beliefs that led to the action in-tolerance even act a criminal offense insults or blasphemy.

For that, in addressing the issue of religious solution must be returned in the 1945 constitution as a collective agreement (general agreement) of Indonesia. Whatever the basic philosophy of a trust that is associated with the principle of freedom of religion in Indonesia can not be rendered redundant or disadvantaged than those already guaranteed by the Constitution of 1945. This was confirmed when in 2010, the Indonesian Constitutional Court (MK) has laid an important milestone related state relations and freedom of religion in its decision No. 140 / PUU-VII / 2009 dated April 19, 2010 in the trial judicial review of Law No.1 / PNPS / 1965 on the prevention of abuse and / or blasphemy.

In line with the perspective of a state of law, particularly efforts to strengthen the principles of the law of the country, in addition to the necessary legal norms and legislation, law enforcement officials needed a professional, integrity and discipline, one of which is the Attorney General which has a mission to succeed the continuation of construction nation, namely (Hastra Liba, 2002: 63):

- a) securing and maintaining the philosophy of Pancasila as the nation against attempts to destabilize the joints of the life of society, nation and state;
- b) creating legal certainty, the rule of law, justice and truth by the laws and morality and shall explore human values, law and justice in society;
- c) able to engage fully in the development process, among others, to create the conditions and infrastructure to support and secure the implementation of the development to realize a just and prosperous society based on Pancasila and the 1945 Constitution;
- d) maintain and uphold the authority of the state government;
- e) protect the interests of the people through the rule of law (Hastra Liba, 2002: 63)

The prosecutor has the main task of the prosecution in criminal cases to court. Prosecution is an act of the General Prosecutor for criminal cases delegate to the competent District Court in the case and in the manner set out in the Code of Criminal Procedure to request that examined and decided by a judge in court. As executor of prosecution action is the public prosecutor, the attorney who is authorized by the Criminal Procedure Code to implement and carry out the determination of Judge prosecution (Article 13 of the Criminal Procedure Code).

Relating to the duty of the prosecution, one of the criminal cases conducted by the Prosecutor's prosecution is the crime of blasphemy. Policy punishment criminal offense of blasphemy performed using criminal law (penal) within the framework of the criminal justice system by using the Code Penal (Criminal Code) and laws outside the Penal Code, particularly Law No. 1 Pnps 1965.

Conception prevention policy by using the criminal law (penal) aims to directions suppression or reduction potential factors for the growth and proliferation of the crime of blasphemy in Indonesia and also provide a deterrent effect criminal blasphemy. The use of criminal sanctions can be shaped imposition of sorrow for community members who violate the rules that have been agreed and the use of criminal sanctions as much as possible is done as a last resort, after other attempts do not succeed (*ultimum remedium*).

With this criminalization approach, Attorney with the mission to succeed the continuation of construction of the nation is to realize the rule of law, rule of law, justice and truth by the laws and morals can be achieved, namely the religious community in Indonesia can coexist peacefully in the running of religion, faith, worship and belief, as set out in the Indonesian Republic Constitution of 1945. A. As well as the Religious Freedom Restrictions

In the 1945 Constitution, Article 29, the state guarantees every citizen to embrace the religion or belief and to practice in accordance with that belief. This marks the beginning since this country was founded, it has been granted bail. Everyone is free to embrace the faith or any religion with the flow respectively. Therefore, there are Hindu, Buddhist, Muslim, Christian (Catholic and Protestant) and Confucianism. Also, there is a flow, such as Shia, Sunni, Ahmadiyah, Sikh, Pentecost, Advent, Mahayana, Theravada-Hinayana. In addition, local religious beliefs also exist, such as various cult-mysticism, Javanese, Sundanese Wiwitan, Kaharingan, Marapu and Parmalim. However, the government determines the policy that only "recognized" by giving it the status and facilities on six religions, namely Hinduism, Buddhism, Islam, Catholicism, Protestantism and Confucianism in the structure of government or the Ministry of Religion. While the flow of local religious beliefs and distinguished, and placed on the culture Stanley R. Rambitan in <http://www.satuharapan.com/read-detail/read/analisis-peran-agama-masih-seremonial>).

According to WB Sidjabat view, religion is a concern that is most noble of human beings. Life is sublime (ultimate concern) is expressed in human life (personal and group) against God, against man and against nature universe and its contents (Sidjabat, 1982: 78). For that, of course if religion plays well, then the teaching of moral values or religious-ethical and spiritual able to penetrate and affect the lives of the people of nation and state.

The role of religion in the history of the beginning of Indonesia as a country, where the people who embrace the diversity of religion, ethnicity and culture then accommodate and form the spirit of the religious feeling in the base of the Republic of Indonesia stated in the first principle of Pancasila, which states, "Almighty God".

Furthermore, in paragraph 4 of the Preamble of the 1945 Constitution which stated: "then drafted Indonesia's national independence in a constitution of Indonesia, on the basis the Almighty God", and the content of Article 29 paragraph (1) of the 1945 Constitution, states: " state based on deity Almighty ".

From the meaning of sound above, it is clear that Indonesia is not a religious state but recognizes the supreme deity. The interpretation followed by the policies and politics that gives a respectable role to religion because of the significance of a religion is the doctrine of the Almighty God. The above statement can also be interpreted that there is religion which is used as the official state religion, and not just one religion is used as a source of moral and legal sources. Therefore, an explanation of the 1945 Constitution;

The fourth main ideas, contained in the "opening" the State is based on Almighty God according to the basis of a just and civilized humanity. Therefore, the Constitution should contain content that requires the government and other organizers of the State, to maintain the character of humanity and uphold lofty moral ideals are noble people.

Starting from such a case, Article 29 paragraph (2) of the 1945 Constitution states that "The State guarantees the independence of each resident to embrace his religion and to worship according to the religion and belief". Fundamental aspects of Article 29 paragraph (2) of the 1945 Constitution are as follows:

- Independence each population to embrace his religion and to worship according to the religion and belief is one that is constantly on Human Rights formulated in every constitution and declaration document is religious freedom.
- The State guarantees the independence of each resident to embrace their religion and to worship according to their religion or belief.

Along with the right to religious freedom given to the citizens, the state is also entitled to provide arrangements and limitations on the exercise of freedom of religion. Restriction was explicitly contained in Article 28J paragraph (2) of the 1945 Constitution which states, "In carrying out their rights and freedoms, everyone shall be subject to the restrictions set forth by law solely for the purpose of securing due recognition and respect for the rights and freedoms others and to meet the demands of a fair in accordance with considerations of morality, religious values, security and public order in a democratic society. "

Based on the Article 28J of the 1945 Constitution, freedom of ideology, religion, belief and belief, worship according to his religion and so forth, then arranged in a variety of legislation in Indonesia, including as contained in Act No. 1 of 1965. According Pnps explanation of Law No. 1 / PNPS / 1965, the state / government issued Law No. 1 / PNPS / 1965 with the aim of:

1. Protection of national unity

In general explanation number 1 second aliena stated, "..... but also ensure national unity". So that became the object of protection is a national unity

2. Protection against religious peace,

In general explanation Chapter I number 4 of Law No. 1 of 1965, the goal is peace religion. So that became the focal point goal of this law is peace. Talking about peace, it must always be associated with public order problems, which if left unchecked could break the national unity.

3. Protection against religion as such.

In general explanation Chapter I number 4 of Law No. 1 of 1965 states that the purpose of the issuance of Law No. 1 of 1965 is;

- Prevent them from happening abuses of "religion" which is considered as the basic teachings by the scholars of the religion in question.
- Protects against defacement / humiliation and teachings to have a religion that bersendikan deity Almighty

Of goals as a general explanation of Law No. 1 of 1965, it appears that the substance to be protected by Law No. 1 of 1965 is actually a protection, namely;

1. "Peace Religion" (read: the feeling of religious life); (General description number 4 first paragraph). however, if the observed once again, Law No 1 of 1965 is also going to give protection;
2. "Against religion", (number 4 general explanation of the first paragraph). In addition it aimed at keeping tesirat
3. "national unity". (General explanation of the numbers 1 second paragraph)

Of these objectives, the authors argued that with the issuance of Law No. 1 of 1965, essentially the same purpose as the purpose of criminal law in general in tackling the crime of creating order within the community so that people's lives can take place in peace and quiet (Lili Rasjidi, 1990 : 65).

In an effort to mengkonkritkan issue of religious freedom and the restrictions, according to the author, concrete steps that need to be encouraged is to cultivate an attitude of tolerance among religious communities in Indonesia. Etymologically, the word tolerance comes from tolerance (in English) which means letting attitude, recognize and respect the beliefs of others without the need for approval. In Arabic known as tasamuh, which means that each permit, facilitate each other. In general, tolerance construed as granting freedom to human beings or to

fellow citizens to practice their faith or organize his life and determine the fate of each, while in the run and determine his attitude was not contrary to the requirements on the creation of order and peace in society (Omar Hashim, 1979: 22).

WJS Poerwadarminto (1986: 1084) states that tolerance is an attitude or trait tolerating a form of respect, and to allow the establishment, opinions, views, beliefs and others that are different from their own establishments. Encyclopedia Indonesian Council also mendefinisikan that tolerance in social, political, an attitude of allowing people to have a different belief. Moreover accept this statement as a recognition and respect for human rights (Council of Indonesian Encyclopedia 1999: 3588).

From some of the above definition the authors conclude that tolerance is an attitude or trait of a person to allow freedom to others and give the truth of these differences in recognition of human rights. Implementation of this tolerance must be based on the attitude of tolerance toward others with regard to the principles which held its own, ie without compromising those principles (HM Daud Ali, 1989: 80).

In the meaning of tolerance, there are two interpretations of the concept. First, the negative interpretation which states that it is sufficient tolerance requires letting attitude and do not hurt other people or groups both different and the same. Meanwhile, the second is a positive interpretation that states that tolerance is not just like the first (negative interpretation) but should their assistance and support to the existence of other people or other groups (Maskuri Abdullah, 2001: 13).

The number of the religion professed by the Indonesian nation bringing inter-faith relations issues. At first problem arises because of the spread of religion. Every religion, particularly Islam and Christianity are very concerned with the problem of the spread of. Because each adherent feels have an obligation to pass it on, each convinced that agamanyalah the only truth concerning safety in the world and the Hereafter. Therefore it is very natural that they are called upon to save others through solicitation religion he believes in, the tension in the spread of religion arise when performed on people who have or a particular religion (Maskuri Abdullah, 2001: 13).

In the study Azyumardi Azra, a hard encounter between religions in Indonesia originating from at least five factors. First, publishing writings published among a particular religion about another religion considered the followers of other religions is not in accordance with what they believe and, therefore, considered to be defiled their religion (blasphemous). In this case also included writings (usually, do not clear the source) that contains the "plan" proselytism; second, the spread of an aggressive effort; Third, the use of home as a place of ritual together or the construction of houses of worship in certain religious communities; Fourth, the establishment and implementation of government regulations that are considered discriminatory and limit the spread of the religion; and fifth, mutual suspicion with regard to the position and the role of religion in the nation-state of Indonesia (<http://garnet.blogdetik.com/2009/12/12/hubungan-antar-umat-beragama-di-indonesia/>).

Solutions that can be presented to resolve the conflict between religions, according to the authors is turned forum for dialogue among religions and religious figures, so hopefully with the dialogue can bridge the religious problems that occur and work together to find solutions to solve them. Religious harmony, including a critical factor for the creation of stability and national resilience in the implementation and sustainability of the development of the nation. Implementation of development policies of national law is reflected in the presence of government policies that are taking religious values adopted as a matter of law in national law.

B. The Role of the Prosecutor's Effectiveness In Crime Prosecution Blasphemy

That to assess the success of the Prosecutor's Role in the Prosecution of Crime Blasphemy, within the framework of seeking and obtaining or at least approach the material truth, that truth as complete of criminal cases of blasphemy, by placing the provisions of the criminal procedural law, then we can see of the effectiveness of the use of the criminal justice system.

Furthermore, Achmad Ali (2009: 378-379) found in general that many factors influence the effectiveness of a law, is a professional and optimal implementation of the roles, powers and functions of law enforcement, both in explaining the tasks assigned to him they as well as in enforcing the legislation. Therefore, the success of law enforcement in the prosecution of criminal offenses determined by the ability of every public prosecutor's role in law enforcement who supported other law enforcement officers who are members of the criminal justice system in Indonesia.

Normatively, knowledge and understanding of a legislation by many people, especially the public prosecutor deemed to know itself, namely from the date the law was enacted. It is already the provisions of "fiction" in the law that in order to be informed, then a law enacted mandatory. The provision also applies to tasks prosecution of offenses of blasphemy, which determines the basis of the authority in charge of activities prosecution also know about the articles of religious defamation well regulated in the Criminal Code and outside the Criminal Code. Prosecutor general understanding of the substance of the above, in addition to smooth and prevent barriers and obstacles for the prosecution, also aimed at the establishment of the rule of law against the crime of blasphemy itself.

As explained by Barda Nawawi Arief (2000: 2) which gave the term Crime / offense religion / religious defamation by various terms, namely; Criminal act / offense "according to religion", Offense / offense "against religion", and, Offense / offense "related to religion" or "against religious life". Further elaboration of the terms above, is as follows;

1. Crime "According to Religion".

Religious offense in terms of crime "according to religion", according to Barda Nawawi Arief (2007: 1), may include actions which under applicable law constitutes a criminal act and from the point of view of religion also is forbidden / blemish, or any other act which did not constitute a criminal offense under the applicable law (criminal law, pen) but viewed from the standpoint of religion is forbidden / disgraceful (sin, pen).

See the formulation of Barda Nawawi Arief (2000: 2) above, there are some things that should be understood as follows; First, in terms of actions that according to religious law and criminal law is forbidden / despicable / sin. Actions in this sense widely spread in the Criminal Code, such as the offense of murder, theft, fraud / cheating, insult, defamation, decency offenses (adultery, rape and so on). In this sense, both in the law and the Criminal Code are equally set as forbidden / despicable / sin. Second, other actions according to the law is forbidden / despicable / sin, tapitidak is forbidden / despicable / sin according to the criminal law. For example, people who do not pray according to Islamic religion is a sin / illicit / despicable, but according to the Criminal Code is not an act prohibited / despicable / sin. Thus, the Criminal Code and other laws and regulations perundang, in essence there is a norm / kaedah religion that gives guidelines for all human behavior in the society, so that the interests of each can be maintained and guaranteed. Every member of the public to know the rights and obligations of each. Or in other words, norms or kaedah give directions to people, how to act in society, as well as the actions which must be undertaken and actions which should be avoided. Methods / norms in principle consist of obscenity, decency norms, legal norms, religious norms, and so forth (CST Kansil, 1989: 84). All norms / kaedah, have noble values. Religious norms, for example, in which there is a source of peace, carrying a message to all mankind of compassion, justice, and mutual understanding. As a blessing for all beings, religion is a perpetual reminder to all humanity of the divine spark in every person (Kompas, religion and peace, stop violence in the name of religion, the International binoculars June 18, 2007).

2. Crime "against religion".

Religion offense in the sense of offense against religion, seen primarily in Law No. 1 Pnps 1965, and in particular Article 156a of the Criminal Code (desecration of religion and deeds that people do not embrace the religion). On religious offense in terms of offense "against religion" (Article 156 of the Criminal Code) was not initially absent from the provisions of the Criminal Code. This offense is intended specifically to protect the majesty and glory of God, the Word and the nature, the Prophet / Apostle, scripture, religious institutions, the Doctrine of Religious Worship, and places of worship or other holy places.

It should be emphasized, that the offense religion in the sense of "offense against religion", namely Article 156a of the Criminal Code, has been around since the issuance of Law No. 1 Pnps 1965 on the Prevention of Abuse and Blasphemy, State Gazette No. 3 of 1965, dated January 27, 1965, in which one of the reason, namely Article 4 of Law No. 1 of 1965 Pnps be incorporated into Article 156 of the Criminal Code.

The issuance of Law No. 1 / PNPS / 1965 based on consideration of the emergence of schools or organizations mystical beliefs that are contrary to the teachings and laws of religion. Teachings and deeds of streams that have caused things that break the law, break the national unity, and tarnishing religion (Explanation of Law No. 1 / PNPS / 1965 figure I).

Background underlying the issuance of Law No. 1 Pnps 1965 is inseparable from the ideological aspect, integralistic nationalist and social aspects of religion or social relegius. In other words, it is ironic that a country that religious people there is no legal instruments that guarantee, protecting the religion of deeds irregularities and tarnish the teachings of religion even to have a religion that many pose a danger to national unity and the danger to religion and religious peace.

Based on the above, then religion is seen as a legal interest to be protected, it is a logical consequence of the first principle of Pancasila "Almighty God" that can not be separated by religion, a moral foundation and the foundation of national unity.

Reason blasphemy rules need to be included in the Criminal Code, with regard preamble in the Act No. 1 / PNPS / 1965. There is mentioned a few things (IGM Nurdjana, 2009: 207-208):

- 1) The law is designed to safeguard the state and society, the ideals of the revolution and national development in which abuse or defamation of religion is seen as a threat to the revolution.
- 2) the emergence of the kinds of cult or psychotherapy organizations / public trust that is considered contrary to the teachings and laws of religion. Streams are deemed to have violated the law, breaking the national unity and tarnishing religion, so it needs a national vigilance by issuing this law.

- 3) This rule is intended to prevent them from happening misuse of religious teachings were regarded as fundamental by the teachings of the scholars of the religion in question; and this rule protects the religious tranquility of desecration / humiliation and of teachings to have a religion that bersendikan Belief in Mahe Esa.
- 4) citing six government-recognized religions (Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism (Confucius), this legislation seeks such a way that the religious beyond the limited presence of six religions.

The basis used to enter a religious offense in the Criminal Code are the precepts on God as "causa prima" Pancasila state. 1945 Article 29 also states that the state is based on God. Therefore, if there are people who insult and desecration of the God can not be left without punishment. On that basis, the look on God as the central point of the life of the state, then the offense Goslastering as blasphemy to be a priority in the religious offense (IGM Nurdjana, 2009: 207-208).

3. Crime "associated with religion" or "against religious life".

As for the offense of religion in the sense of "related to religion" or "against religious life", scattered among others, in Articles 175-181 and 503 of the 2nd Criminal Code which includes actions: hinder meeting / religious ceremonies and burial rites (Art. 175), disrupting a meeting / religious ceremonies and burial rites (Art. 176), laughs at religious officers in carrying out their duties permissible (Art. 177 to-1), insulting keperkuan objects of worship (Art. 177 2nd), hindering the transport of the corpse to the grave (Art. 178), staining / damage graves (Art. 179); dig, take, moving bodies (Art. 180); hides / removes the bodies to conceal the death / birth (Art. 181), make noise near buildings for worship or worship when performed (Art. 503-2) (Barda Nawawi Arief, 2000: 2).

Offenses relating to religion or to religious life and to create a sense of security and tranquility in carrying out religious activities and religious faith. Security and peace in the running of religion and religious, is a legal interest to be protected in the framework of public order.

Religion in this offense does not become the object of protection, because it is not a legal interest, which is in the interest of law is religion and religious activities, such as hindering religious ceremonies and burial rites or create the atmosphere of a rowdy place of worship so that interfere with the course of worship.

Religious offenses contained in the Criminal Code, for example; defamation and suppression of Article 156 of the religion, impeding meeting / religious ceremonies and burial rites (Art. 175); disrupt a meeting / religious ceremonies and burial rites (Art. 176); laugh officer in the exercise of his religion permitted (Art. 177 to-1); insulting keperkuan objects of worship (Art. 177 to-2); hinder the transport of the corpse to the grave (Art. 178); tarnishing. / damaging graves (Art. 179); dig, take, moving bodies (Art. 180); hides / removes the bodies to conceal the death / birth (Art. 181); making noise near buildings for worship or worship when performed (Art. 503-2) Articles 175-181 and 503 of the 2nd Criminal Code ((Barda Nawawi Arief, 2000: 2). While the offenses of religion that exist outside the Criminal Code such as Law No. 1 Pnps 1965 on the Prevention of Abuse and Blasphemy, State Gazette No. 3 of 1965, dated January 27, 1965.

C. Efforts Combating the Crime of Blasphemy

Necessary tips to maximize the application of criminal law in tackling the crime of blasphemy through the criminal justice system. First, to maximize the ability of Attorney and Public Prosecutor to master science and development, not only legal knowledge but also other sciences, especially knowledge of religious sciences embraced by the majority of the Indonesian people. Prosecutors handling the criminal cases of blasphemy are forces that truly master the science of religion, so were able to see where the deviation from the fundamental teachings of the religion. Second, the need for facilities or facilities must be satisfied by providing books to the religious guide prosecutors in this case the public prosecutor in order to know and memahamai basic teachings of the religion professed by the people of Indonesia.

Furthermore, for as often as possible or special training seminar on the issue of freedom and religious restrictions in Indonesia, so that prosecutors can master the religious issues carefully and thoroughly. Third, the public prosecutor must be capable improved its intelligence capabilities, which analyzes the development of the religious problems that occur in the community, so that it can detect the possibilities of problems criminal cases of blasphemy and quickly figure out the root of the problem remembering the people of Indonesia is the majority religion. Fifth, the prosecutor's office officials also must have a sense of art and high culture, so as to protect and preserve cultural boundaries with religion. Because in practice religions that grow in Indonesia, to grow and develop through the role of culture that has been born first. So, we need a nice touch in assessing the unity between cultures and religions.

Other businesses that are non-penal or preventive measures to prevent the crime of blasphemy can be done by the Attorney is through efforts to provide guidance to the public, by the way;

1. Extension of law

The purpose of legal counseling on the issue of cults and abuse prevention and / or blasphemy is to make the public understand the law, especially in matters of prevention of abuse and / or desecration of religion, in the sense of understanding the provisions contained in the legal rules governing abuse and / or the defamation of religion. Then develop and improve the legal awareness of citizens of society so that every law-abiding citizen and voluntarily without any encouragement or coercion from anyone exercising rights and obligations as prescribed by law. In doing this legal counseling should be officers in charge of the Attorney must master the material / substance to be delivered, so that people who participated in legal counseling to understand the intent and purpose of being delivered.

2. Legal Information

Lighting law is a series of activities planned and organized more activities leading towards describing what the rights and obligations of a person. Lighting law can be done by holding lectures, film or other visual tools that contains themes of law, especially in terms of abuse and or blasphemy. Dissemination of legislation are very useful for the community. By conducting information and dissemination of regulations and legislation possible legal awareness is rapidly increasing and actually achieved.

3. Approach Religious / Faith

The approach here can be through local leaders, the mission conveyed through religious leaders, traditional leaders, leaders of trust and so will be noticed by the local community and through them can be used also means and media to convey the mission. Furthermore, through the teachings, to facilitate pemhaman issues regarding regulations and legislation that can be described with a formal review is figured on religion or belief in God Almighty. And most importantly, that the officers shall refrain from behavior that is contrary to the custom or religion / local beliefs.

4. Coordination with agencies / government officials

Cooperation and coordination and communication among agencies / government officials needed to realize the consistency and coherence in the formulation of attitudes and actions among agencies / officials in handling cases of cult / religious this action in order to support the implementation of the tasks AJEL Team consisting of the State Attorney, Local Government, Kodim, Police, Ministry of Religious Affairs, Ministry of Education and Culture. FKUB (Forum for Religious Harmony) consisting of representatives of the Regent / Deputy Mayor, Chief of the Office of Ministry of Religious Affairs, Head of the National Unity and Politics, and Leadership agencies.

There was also the Regional Intelligence Community (Kominda) consisting of Mayor / Regent, District Military Commander, the Police, Attorney, Immigration, Customs and other relevant agencies. Kominda is a forum for communication and coordination of intelligence elements and elements of local leaders in the provincial and district / city. Implementation Kominda in the province is the duty and responsibility of the governor, while in the district / city is the duty and responsibility of regents / mayors (Article 2 (1) and (2) of the Regulation of the Minister of Home Affairs Number 11 Year 2006 concerning the Regional Intelligence Community).

In addition to coordination and consultation with other agencies / officials are also required consultation with bodies such as religious organizations and trust MUI (Indonesian Ulema Council), DGI (Church council Indonesia), KWI (Indonesian Bishops' Conference), WALUBI (Guardianship Buddhists Indonesia) , PHDI (Parisada Hindu Dharma Indonesia), and PPC (Association of belief in God Almighty).

Preventive measures for faiths (including religious sect or kebatinan) suspected of abusing or disfiguring a religion among others, performed by Tim Attorney PAKEM by conducting research on religious denominations and faiths in the community that the suspect without interfering in activities of religious sects and streams that trust. The purpose of this guidance is to know closely the activities or teachings conducted by the religious sect. AJEL team continues to monitor these activities by being pro-active and work closely with local communities.

If the discovery of a keganjalan, further action AJEL Tim flow communication with the leaders of the religious or cult. Tim AJEL convey things that are considered by Tim AJEL devastating for the community, and let proceedings be carefully considered by the Chairman of the religious sect.

After coaching by way of communication and dialogue, further development is done by asking the opinion of religious institutions or religious assemblies such as MUI, and others concerned with the religious. At this stage of this development, Tim AJEL also from religious institutions such as MUI are asked their opinion about the teachings of the flow of religious and belief suspected deviant, Tim AJEL coming from institutions such as MUI assess whether the religious sect deviated from the teachings authorized or not, which can be categorized irregularities harmful to society and the state. The purpose of the action team coaching is done by requesting the opinion the grip of religious institutions is that the religious school in question is not a provocateur in the middle of the community.

D. Conclusion

Prosecution of the crime of blasphemy by the Attorney proven to be effective in the context of the rule of law whose purpose is to carry out a mission to succeed the continuation of construction of the nation is to realize the rule of law, rule of law, justice and truth by the laws and morality that religious community in Indonesia can coexist in the peaceful exercise of religion, faith, worship and belief as stated in the 1945 Constitution. Attorney in carrying out the role of the prosecution of the crime of blasphemy influenced factors or elements that affect law enforcement itself, ie legal factors, law enforcement factors, factors means and facilities, community factors and cultural factors. Combined Theory elections in Punishment Crime Blasphemy aims for the restoration of order, as a prevention against the intention to commit a criminal offense (general preventive), as a means to improve personal convict, give moral satisfaction to the religious people according to justice and provide security to society.

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