The Aspects of Human Rights Violation in Violent Actions in The Implementation of The Sea Alms Event in Beach Baru, Bantul District Yogyakarta

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Abstract:

One day before the sea alms event held by coastal residents around Pantai Baru, Bantul Regency, a group of mobs committed the violence that destroyed property (ubo rampe) for the event. The mass group considers that the marine charity event, which coastal residents routinely carry out, is an activity of shirk. Research in this journal is normative juridical (legal research), which focuses on studying the principles or norms in positive law, especially legal instruments in the field of Human Rights, both nationally and internationally. This type of research is carried out by examining formal legal regulations such as laws and literature containing theoretical concepts, which are then linked to the issues raised in the journal, namely aspects of human rights violations. The actions of a group of mobs that prevent the community from carrying out the sea alms tradition violate human rights. The government can try to protect the people's human rights in a preventive and repressive manner. This type of research is carried out by examining formal legal regulations such as laws and literature containing theoretical concepts, which are then linked to the issues raised in the journal, namely aspects of human rights violations. The actions of a group of mobs that prevent the community from carrying out the sea alms tradition violate human rights. The government can try to protect the people's human rights in a preventive and repressive manner. This type of research is carried out by examining formal legal regulations such as laws and literature containing theoretical concepts, which are then linked to the issues raised in the journal, namely aspects of human rights violations. The actions of a group of mobs that prevent the community from carrying out the sea alms tradition violate human rights. The government can try to protect the people's human rights in a preventive and repressive manner.

Keywords: Human rights violations, acts of violence, marine alms.

Abstrak:

Satu hari sebelum acara sedekah laut yang diselenggarakan oleh warga pesisir di sekitar Pantai Baru Kabupaten Bantul telah terjadi aksi kekerasan yang dilakukan oleh sekelompok massa dengan cara merusak properti (ubo rampe) untuk acara tersebut. Kelompok massa tersebut menilai acara sedekah laut yang rutin dilaksanakan oleh warga pesisir merupakan kegiatan syirik. Penelitian dalam jurnal ini adalah yuridis normatif (*legal research*), yang menitikberatkan pada pengkajian kaidah-kai-dah atau norma dalam hukum positif khususnya instrumen hukum di bidang Hak Asasi Manusia, baik nasional maupun internasional. Tipe penelitian ini dilakukan dengan cara mengkaji berbagai aturan hukum yang bersifat formal seperti undang-undang, literatur yang bersii konsep teoritis yang kemudian dihubungkan dengan isu yang diangkat dalam jurnal yaitu aspek pelanggaran hak asasi manusia. Tindakan sekelompok massa yang menghalangi masyarakat untuk melaksanakan tradisi sedekah laut merupakan pelanggaran HAM. Pemerintah dapat melakukan upaya-upaya untuk melindungi HAM rakyat baik secara preventif maupun represif.

Kata kunci: Pelanggaran HAM, aksi kekerasan, sedekah laut.



Introduction

One of the cultural traditions that is routinely carried out by the people of the Special Region of Yogyakarta is the sea alms activity at Pantai Baru, Bantul Regency. The activity was held precisely when *mangsa kapat* or national tracking in month 10, and then a sea alms event was held by fishermen all over the coast. Marine alms are a hereditary tradition carried out by coastal communities as a form of expression of gratitude or gratitude to the Almighty for the grace that has been given in the form of abundant marine and agricultural products and kept away from disasters.¹ Sea alms are carried out by throwing (*melarung*) several ceremonial tools such as the head of a *Kendit* goat, seven colored flowers, bananas, and tumpeng rice.² These activities are not only carried out by the south coast community in the province of the Special Region of Yogyakarta but also by the south coast community in the province of Central Java.

In addition to the marine alms' activity at Baru Beach, there is a tradition that is also routinely held by the Jogjakarta Palace, namely the harbor at Parangkusumo Beach, Bantul Regency. The harbor tradition has the meaning of throwing something into the sea as an offering to the spirits that rule somewhere. This tradition is believed to bring blessings and protection to the fishermen and their journey.³ The marine alms activity, which is routinely held every year by Pantai Baru, Bantul Regency residents, experienced problems with the attack/destruction of ceremonial equipment (*ubo rampe*) carried out by a group of mobs.⁴ The mass group considers that the almsgiving program which is routinely carried out by members of the community is a shirk activity.

Indonesian residents whose jobs are farmers or gardeners, as well as those whose work is fishermen have cultural traditions which means that they are given fluency in carrying out their activities, given safety, and get a good harvest or catch.⁵ Therefore, the sea alms tradition is important to be held regularly as a manifestation of the relationship between humans and the "Almighty".⁶ With the action of a group of masses who try to block and even carry out acts of violence against the course of marine alms activities, it has injured the freedom of society to actualize themselves to "The Almighty".

In this ceremony, the equipment commonly used is as follows:

- a. Outboard boat, which will be used to carry offerings that will be anchored to the middle of the sea,
- b. Ancak, from bamboo halves woven in a rectangular shape to place offerings

¹ Nasir, et al. "Customary Approach and Rule of Law by Panglima Laot in Resolving Fishermen's Dispute In Aceh". Kanun Jurnal Ilmu Hukum, vol. 24, no. 1, 2022, p. 14-25. https://doi.org/10.24815/kanun.v24i1.26758

² https://regional.kompas.com/read/2018/10/15/18165571/4-fakta-perusakan-sedekah-laut-di-bantul-9-orang-diperiksa-hingga-makna?page=all, accesed at 6 june 2023.

³Abdul Jalil, Interpreting the Tradition of the Labuhan Ceremony and Its Influence on the Parangtritis Society, Journal of El Harakah Vol. 17 No. 1 of 2015; Kafhaya Nuzulanisa, et al. "Religious pluralism in Labuan Parangkusumo tradition: communicating local Javanese wisdom and the moral message of the Qur'an". MUSHAF Jurnal Tafsir Berwawasan Keindonesiaan, vol. 3, no. 1, 2022, p. 25-43. https://doi.org/10.33650/mushaf.v3i1.4301; Yustina D. Risyanti, et al. "The symbolic meaning study of Java's panggih wedding traditions in Surakarta". Journal of Social Science, vol. 3, no. 3, 2022, p. 600-608. https://doi.org/10.46799/jss.v3i3.350.

⁴Tirto.id, 25 October 2018.

⁵Idrus Ruslan, Religiosity of Coastal Communities: (Study of the Tradition of "Alms of the Sea" of the Community of Kangkung Village, Bumi Waras District, Bandar Lampung City), Al-Adyan Journal of Interfaith Studies, UIN Raden Intan Lampung, Volume 9 Number 2 July-December 2014.

⁶ Pipin Prasetyono, et al. "Traditional Economic Philanthropy: Evidence from Madurese Altruism Local Pattern". Sosiohumaniora, vol. 23, no. 2, 2021, p. 243. https://doi.org/10.24198/sosiohumaniora.v23i2.27573; S Rahma Wulan, "Meaning and Function of Sea Alms Ceremony for Coastal Communities Banyutowo Dukuhseti Pati". E3S Web of Conferences, vol. 202, 2020, p. 07025. https://doi.org/10.1051/e3sconf/202020207025

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- c. Jodhang, made of wood made rectangular to transport offerings to be taken to the coast,
- d. Tampah/tambir, round shape of woven bamboo to place offerings
- e. Pengaron, made of clay to place rice
- f. *Takir*, made from banana leaves that are formed and then at both ends are given *janur* or young *nyiur* leaves to place porridge offerings,
- g. Ceketong, made of banana leaves for spoons.

Offerings There are various offerings specifically for Kanjeng Ratu Kidul which will be anchored⁷, namely:

- a. Telon flowers, consisting of roses, jasmine, cantaloupe, ylang-ylang, and so on
- b. Unique women's beauty tools include powder, comb, perfume, eyebrow pencil, and so on
- c. Complete women's clothing: clothes, pants, bras, kebaya that everything must be new,
- d. Porches are red, white, black, katul bars, and so on,
- e. Market snacks, namely small foods such as nuts, *lempeng, slondok*, and so on, are bought in the market
- f. Nasi udhuk or savory rice, rice cooked with coconut milk, salt, and so on,
- g. Ayam inkung, a rooster cooked whole with both legs and wings tied,
- h. Bananas sanggan, from an even number of plantains,
- i. Banana leaf, banana leaf, and banana leaf,
- j. Side dishes, consisting of tempered, krupuk, soybean, tanto, and so on,
- k. Fresh vegetables, consisting of cabbage, and finely chopped chickpeas.

This article discussed the sea alms tradition in Java based on adat law in Indonesia. Many articles discuss the culture of sea alms in Indonesia, but the research focuses on human rights violations in implementing the sea alms event in Beach Baru, Bantul Yogyakarta. From this phenomenon, the authors are interested in raising the following issues: the actions of a group of masses by committing acts of violence at a series of marine alms events organized by residents around Pantai Baru, Bantul Regency, be categorized as a violation of human rights. The government should make efforts to protect citizens in carrying out these cultural traditions that are routinely held.

Research methods

This journal's research type is normative juridical (legal research).⁸ This type of normative juridical research focuses on studying the principles or norms in positive law. This type of research is carried out by examining various formal legal regulations such as national and international human rights legal instruments and literature that contains theoretical concepts which are then linked to the issues raised in this paper.

Result and Discussion

A. Human rights violations

Before reviewing material on human rights violations, it is necessary to first explain what human rights are. The national legal instrument that regulates or contains the definition of human rights is Law Number 39 of 1999 concerning Human Rights (Human Rights Law).⁹

⁷ Kafhaya Nuzulanisa, et al. "Religious pluralism in Labuan Parangkusumo tradition: communicating local Javanese wisdom and the moral message of the Qur'an". MUSHAF Jurnal Tafsir Berwawasan Keindonesiaan, vol. 3, no. 1, 2022, p. 25-43. https://doi.org/10.33650/mushaf.v3i1.4301

⁸ Peter Mahmud Marzuki, Penelitian Hukum, Cet ke-8, (Jakarta: Kencana, 2011), p. 29.

⁹ Law Number 39 the Year 1999 Concerning Human Rights.

Article 1 point 1 of the Human Rights Law regulates the definition of human rights as a set of rights that are inherent in the nature and existence of humans as creatures of God Almighty and are His gifts that must be respected, upheld, and protected by the state, law, government, and everyone for the sake of honor and protection of human dignity.¹⁰

In the 1945 Constitution of the Republic of Indonesia, especially after the amendment, human rights material has been regulated, as follows:

- 1. Article 27 paragraph 1 (Right to equality in law and government);
- 2. Article 27 paragraph 2 (Right to work and decent living for humanity);
- 3. Article 27 paragraph 3 (Right to participate in defending the country);
- 4. Article 28 (Right to freedom of association, assembly, and expression);
- 5. Articles 28 A to 28 J (Human Rights);
- 6. Article 29 paragraph 2 (Right to freedom of religion and worship according to religion and belief);
- 7. Article 30 (Right over state defense and security efforts);
- 8. Article 31 (Right to Education);
- 9. Article 32 (Right to maintain and develop cultural values);
- 10. Article 33 (Right to economic and social life);
- 11. Article 34 (Right to social security, health services, and public services);

Meanwhile, the Human Rights Law regulates human rights and basic human freedoms, namely:

- 1. Right to life (Article 9);
- 2. Right to have a family and continue offspring (Article 10);
- 3. The right to self-development (Article 11 to Article 16);
- 4. Right to obtain justice (Article 17 to Article 19);
- 5. Right to personal freedom (Article 20 to Article 27);
- 6. The right to feel safe (Article 28 to Article 35);
- 7. Right to welfare (Article 36 to Article 42);
- 8. Right to participate in government (Article 43 to Article 44);
- 9. Women's rights (Article 45 to Article 51);
- 10. Children's rights (Article 52 to Article 66).

In addition to regulating human rights and basic human freedoms, the Human Rights Law also regulates basic human obligations, namely:

- 1. Article 67 (obligation to comply with statutory regulations, unwritten laws, and international law regarding human rights that have been accepted by the Republic of Indonesia);
- 2. Article 68 (mandatory to participate in efforts to defend the state in accordance with the provisions of the legislation);
- 3. Article 69 paragraph (1) (Must respect other people's human rights, morals, ethics, and rules of life in society, nation, and state).
- 4. Article 70 (In carrying out rights and obligations, must comply with the restrictions set by law).

To be able to categorize an act or action as a form of human rights violation or not, we must read the definition of human rights violation itself.¹¹ Then, we can analyze and assess

¹⁰ Satjipto Rahardjo, *Ilmu Hukum*, Cetakan ke-V, (Bandung, Citra Aditya Bakti), 2000, p. 53

¹¹ Don Anton, et al. "Environmental protection and human rights"., 2011. https://doi.org/10.1017/cbo9780511974571; Heidi Ribeiro, et al. "Social environmental injustices against indigenous peoples: the Belo Monte dam". Disaster Prevention and Management an International Journal, vol. 29, no. 6, 2020, p. 865-876. https://doi.org/10.1108/dpm-02-2020-0033.

whether the act or action meets the criteria set forth in the definition of a human rights violation.

Article 1 point 6 of the Human Rights Law defines human rights violations as any act of a person or group of people including state officials, whether intentional or unintentional, or negligence, which unlawfully reduces, hinders, limits, and/or deprives a person or group of human rights. People who are guaranteed by this law, and do not get, or are afraid of not getting a fair and correct legal settlement, based on the applicable legal mechanism.¹²

If we refer to the definition of human rights violations, it can be described as follows:¹³ a. human rights violations can be committed by a person or group of people as well as state apparatus;

- b. whether intentional or unintentional or negligence;
- c. unlawfully reducing, obstructing, limiting, and or revoking the human rights of a person or group of people guaranteed by the Human Rights Law.

Seeing the attack/destruction of equipment (*ubo rampe*) for the sea alms ceremony carried out by a group of mobs, the actions of this mob (group of people) were intentional and unlawfully obstructing or limiting the human rights of the community members around Pantai Baru, Bantul Regency to carrying out sea alms ritual traditions guaranteed by national human rights instruments as well as international human rights instruments.¹⁴

Article 69 paragraph (1) of the Law on Human Rights regulates the obligation for everyone to respect the human rights of others. This means that a person or group of people must respect the human rights of others. The human rights that have been violated are the rights to personal freedom, in particular the rights regulated in Article 22 paragraph (1) of the Human Rights Law, whereby everyone is free to embrace their own religion and to worship according to their religion and beliefs.¹⁵

Apart from being regulated in national human rights instruments, the human rights of communities or people are recognized in the International Covenant on Civil and Political Rights. In civil and political rights, there is a distinction between non-derogable rights and rights that can be suspended. One of the rights that cannot be suspended is religion and belief.¹⁶

The tradition of sea alms for coastal communities is not just a mere context of cultural expression, but is a form of expression of the citizens' religiosity to "The Almighty". It is essential to recognize and respect this tradition's depth of meaning and significance for the local community.¹⁷

The results of Abdul Jalil's research show that the residents of Parangtritis Village, Bantul Regency, still believe in the spirits of their ancestors and other supernatural powers, so

¹² W. Riawan Tjandra, Teori dan Praktik Peradilan Tata Usaha Negara, Edisi Revisi,

⁽Yogyakarta: Cahaya Atma Pustaka, 2011), p. 1

¹³ Soedjono Dirjosisworo, Pengadilan Hak Asasi Manusia Indonesia, (Citra Aditya Bhakti, Jakarta, 2002), p. 12.

¹⁴ https://jogjapolitan.harianjogja.com/read/2018/10/13/511/945675/properti-acara-sedekah-laut-di-pantai-barudirusak-gerombolan-bercadar, accessed at 9 June 2023.

¹⁵ Law Number 39 the Year 1999 concerning Human Rights

¹⁶ General Comments on the International Covenant on Civil and Political Rights International Covenant on Economic, Social and Cultural Rights, published by Komnas HAM, 2009.

¹⁷ Syahrul Akbar, et al. "Implementasi pariwisata berbasis masyarakat di desa wisata mangrove sari, kabupaten brebes". Media Bina Ilmiah, vol. 15, no. 10, 2021, p. 5537. https://doi.org/10.33758/mbi.v15i10.1091; Heesup Han, et al. "Community-based tourism as a sustainable direction in destination development: an empirical examination of visitor behaviors". Sustainability, vol. 11, no. 10, 2019, p. 2864. https://doi.org/10.3390/su11102864.

they still carry out natural traditions, a kind of harbor tradition that is hundreds of years old.¹⁸ Therefore, the sea alms tradition is a right that cannot be suspended.

B. Efforts That Can Be Made by the Government

Moving on from the case of human rights violations committed by a group of masses against the community who carry out the tradition of marine alms in Pantai Baru, Bantul Regency, the government must make efforts or actions because it has been mandated in the constitution and in-laws and regulations, especially Law No. 39 of 1999 concerning Human Rights.

Article 28 i paragraph (4) of the 1945 Constitution of the Republic of Indonesia stipulates that the protection, promotion, and enforcement of human rights are the responsibility of the state, especially the government. Furthermore, Article 71 of Law Number 39 of 1999 concerning Human Rights also regulates the obligations and responsibilities of the government to respect, protect, uphold, and promote human rights according to national and international instruments.¹⁹

Based on the foregoing, the government has the following obligations and responsibilities:

a) Respect Human Rights

The government's obligation to respect human rights implies that the government may not intervene when the community or people want to exercise their rights.²⁰

When the government interferes and even hinders the community or the people in obtaining or exercising their rights, such as to carry out a sea alms event, then this is a form of violation of human rights.

b) Protect Human Rights

The government through the security apparatus must be present in every ritual activity carried out by the community or the people so that it can prevent other parties from obstructing the course of the activity and can immediately take action when certain parties try to disrupt the course of the event.²¹

c) Enforcing Human Rights

When human rights violations occur, either by state officials, a person, or a group of people, the government must immediately take action through the security forces so that the perpetrators are processed in accordance with statutory provisions.

This government action, on the one hand, will create a deterrent effect for perpetrators, and on the other hand, it will provide justice for members of the public whose rights have been violated.²²

d) Advancing Human Rights

It must be admitted that until now there are still many government officials and the public who do not understand human rights themselves. This condition has resulted in people not understanding what their rights are, on the other hand, they have unknowingly taken actions or actions that are actually a form of violation of human rights.²³

¹⁸ Abdul Jalil, Interpreting the Tradition of the Labuhan Ceremony and Its Influence on the Parangtritis Society, Journal of El Harakah Vol. 17 No. 1 of 2015.

¹⁹ The Constitution Indonesia of 1945

²⁰Anak Agung Sri Utari, Law Enforcement of Economic, Social and Cultural Rights, repository.unud.ac.id.

 $^{^{21}}$ Ibid.

²² Ibid.

²³ Ibid.

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To overcome this, it is necessary to carry out preventive efforts to ground the substance of human rights to state officials and community groups. These efforts can be carried out through the media of education, training, and dissemination, such as incorporating human rights material into the general education curriculum, and training for State Civil Apparatuses, law enforcers, and the legal profession.²⁴

The government's seriousness in advancing and protecting human rights will encourage the Indonesian state as a country where human rights are truly protected. This seriousness is important to be realized by forming regulations as a legal umbrella to protect human rights, legalizing international human rights regulations, and encouraging law enforcement officials who are committed to upholding human rights violations.²⁵

Conclusion

The actions of a group of mobs carrying out acts of violence at the maritime alms event organized by residents around Pantai Baru, Bantul Regency, are a form of violation of human rights as regulated in national and international instruments. The government needs to make several preventive and repressive efforts to protect the human rights of the people, one of which is in carrying out cultural traditions that have been passed down from generation to generation. Addressing the root causes of discrimination and hate crimes is essential to create a more inclusive and tolerant society. Furthermore, the government should provide proper education and awareness programs to promote understanding and respect for cultural diversity.

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²⁴Gde Made Swardhana, Strengthening Human Rights (Paper).

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