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### Prohibition of Opening Food Stalls During Ramadhan in Banjarmasin City

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#### Abstract

This study examines the implementation of Regional Regulation No. 4 of 2005. One of the regulations prohibits opening stalls during Ramadhan in the City of Banjarmasin. In this study, three problem formulations are the subject of discussion: the background of Regional Regulation No. 4 of 2005, the pros and cons arising from this case, and the resolution. The method used in this study is to use a qualitative method based on literature studies with the first principles of the Pancasila approach. The results of this study are as follows: (1) Regional Regulation No. 4 of 2005

is motivated by the high level of religiosity of the people of Banjarmasin. (2) Regional Regulation Number 4 of 2005 is the government's effort to ensure the convenience of worship for Muslims during Ramadhan. However, this Regional Regulation becomes a form of discrimination and gives rise to pros and cons. (3) The solution is that the government should review the regulation so that it is right on target and does not harm certain parties, especially the surrounding community.

**Keywords:** Belief in One Almighty God, Regional Regulation, Forced Closure, Intervention, Discrimination, Intolerance

#### Introduction

Indonesia is a unitary state of various ethnic groups, religions, races, customs, cultures and languages. This diversity is not an obstacle for Indonesia because this diversity is a means to unite the Indonesian nation based on Pancasila (Leksono, 2021) <sup>[10]</sup>. Pancasila is the basis of the Indonesian nation-state, which is the basis or foundation of the Indonesian nation in carrying out daily life; it consists of five principles, namely the first principle: "Belief in One Almighty God", the second principle: "Just and Civilized Humanity", the third principle: "Indonesian Unity", the fourth principle: "Populist Led by Wisdom in Deliberation/Representation, and the fifth principle: "Social Justice for All Indonesian People".

The diversity in Indonesia, especially the diversity of religions, is one of the wealth of the Indonesian nation. Indonesia recognizes six religions: Islam, Protestant Christianity, Catholicism, Hinduism, Buddhism and Confucianism. The existence of these six religions in Indonesia is based on the first principle of Pancasila, namely "Belief in One Almighty God". The first principle of Pancasila contains the meaning that the Indonesian people believe in and have faith in the existence of the One and Only God. The first principle also means that all Indonesian people have the right to freedom in choosing a religion and practising worship according to the teachings of that religion. Religious freedom can create a harmonious and balanced life among people, be it fellow Indonesians, between nations and countries, or fellow living beings created by God. The realization of a balanced life fosters a sense of mutual respect and respect among Indonesian people (Saragih, 2018) <sup>[18]</sup>.

Currently, the diversity of religions that should be the wealth of the Indonesian nation sometimes backfires for this nation. The many deviations from the first Pancasila principles among the public and the government prove it. Most of these deviations lead to intolerance and discrimination against particular religions. Intolerance and discriminatory behaviour arise due to misunderstanding due to differences in religious teachings, making adherents of one another claim that their religious teachings are the most correct (Rumagit, 2013) <sup>[17]</sup>. Thus, those who suffer the most from discriminatory behaviour or intolerance are religious minorities. Minority groups feel that they are not given freedom and do not feel safe in carrying out the teachings of their religion because of threats from the majority religious group.

Based on the explanation regarding the behaviour of intolerant people in carrying out religious life, which deviates from the values of the first principles of Pancasila, there are several confirmed cases of this deviation. The first case was the rejection of the construction of the HKBP Maranatha Church, Cilegon City. A group made this rejection of community organizations, namely the Cilegon City Local Wisdom Rescue Committee. The action taken by the group was based on the Decree of the District Head of the Level II Region of Serang Number 189/Huk/SK/1975 with the issuance date of the Decree of 20 March

1975 regarding the closure of churches in the Serang Regency area (currently Cilegon City) (Ridho, 2022) <sup>[14]</sup>. The decree explains that Christians must comply with regional regulations since they were issued. Therefore, the local city government strictly prohibits the construction of a new church. From this viewpoint, the motto unity in diversity is only lip service. The regulations discriminate against non-Muslim communities in carrying out their religious teachings (Wahyudin, 2022) <sup>[25]</sup>.

The second case that recently occurred was the revocation of the identity of earthquake aid in Cianjur, West Java, in the form of a refugee camp provided by a non-Muslim donor. This action was carried out by unscrupulous local people (Zainurrazi, 2022) <sup>[26]</sup>. It is certainly not justified by religious values because when people are moved to help, be it from a different religion, with the aim that the people affected by the earthquake can recover quickly, they should be accepted, not rejected in a wrong way. Apart from that, there is a need for gratitude and religious tolerance towards others because this assistance will undoubtedly help disaster victims and benefit both disaster victims and donors.

The third case that is quite viral in Indonesia is religious blasphemy committed by Roy Suryo. Roy Suryo was considered to have committed blasphemy against Buddhism, where Roy Suryo uploaded the stupa meme of the Borobudur Temple. The meme he uploaded was an edited image of a Siddhartha Gautama statue accompanied by the words "funny" and "broken" (Sutrisna, 2022) <sup>[21]</sup>. Buddhists consider this an act of harassment and blasphemy against Buddha and are included in acts of religious intolerance.

Of the previous cases discussed, this study will focus on the first principle case, which was carried out within the government. As the leading actor in actualizing Pancasila values, the government should be a societal role model. However, several government actions are considered not to actualize Pancasila values, especially in the first principle. From this basis, the case that will be discussed is the case of the forced closure of the Cek Nin non-halal food stall in Banjarmasin, which was carried out by *Satuan Polisi Pamong Praja* (Satpol PP/ the local Civil Service Police Unit). The closing of non-halal stalls was carried out by the Satpol PP based on regulations prohibiting food sellers from opening their stalls in the morning until noon during Ramadhan, namely Regional Regulation No. 4 of 2005 concerning Prohibition of Activities during Ramadhan (Ulum, 2022) <sup>[23]</sup>. This closure was caused because the shop was not opened on time, opening before 15.00 WITA. However, according to the stall owner, the Satpol PP's action was deemed inappropriate because the stall sold non-halal food specifically for non-Muslims and showed tolerance by only partially opening the stall door.

The reason for choosing the case of forced closure of non-halal food stalls to be studied is because the case shows that there was government intervention in the community by bringing religion and tolerance as an indicator of its actions. This action is only effective if government intervention is carried out with the right solution, and of course, it benefits both parties. Such intervention, in this case, only benefits one party. Meanwhile, the owners of non-halal food stalls feel disadvantaged because they feel that the intervention based on Regional Regulation is unfair. Previously, the local government did not socialize the regulation (Risanta, 2022) <sup>[16]</sup>. From that basis, this case needs further discussion to find a more complex point of view and, of course, a

mutually beneficial solution for the parties concerned. Therefore, it is possible to formulate three problem formulations which are the subject matter of this case study, including the background of Regional Regulation No. 4 of 2005, the pros and cons arising from this case, and the solutions to the case.

### Methodology

The case raised in this study occurred during the last holy month of Ramadhan, precisely on Thursday, 7 April 2022. The case regarding the prohibition of activities during Ramadhan occurred in the city of Banjarmasin. There is much debate between the restaurant manager and the local government, which reaps the pros and cons. This phenomenon arises due to some Regional Regulations and the Minister of Home Affairs Number 19 of 2022, which contains 11 provisions regarding prohibitions during Ramadhan. One is the prohibition of eating in public restaurants from dawn until the time of breaking the fast.

In this case, several parties were involved, namely the management of restaurants and restaurants with the regional government of the city of Banjarmasin, such as the Regional People's Representative Council (DPRD) and the Satpol PP, who were tasked with inspecting every food stall or restaurant. Not only that, but people in Banjarmasin also feel this controversy. Even this case has spread on social media.

This writing uses a qualitative method based on literature studies, which analyzes a case from a legal perspective in opening a restaurant during the fasting month. The qualitative method is intended to examine the meaning of a phenomenon or case within the government. Then it will be analyzed how to instil Pancasila values in this phenomenon, especially for the first principle of Pancasila. This research is studied using the first principle of Pancasila as a point of view. Furthermore, Bung Karno's speech is the primary reference in this writing.

Denzin and Lincoln in Creswell (1998:15) said that qualitative research is marked by an emphasis on the data analysis process so that research findings are produced naturally. However, this research also has limitations, so the analysis can focus on the core of the existing problems.

A case study is a detailed study of a setting, a single subject, a repository of documents, or a particular event (Bogdan & Biklen, 1998: 5). The reason why the case study was chosen is that case study provides a concise and essential description for naturalistic research. Then the case study also focuses the reader's attention and clarifies the meaning. Furthermore, in the end, the case study can be communicated more clearly to the reader. This study raised a case based on a fact that was once controversial.

In addition to using the literature study method, this research also uses content analysis techniques. Content analysis techniques begin by finding data or information related to the topic to be analyzed. Data can be searched through various digital or print media, such as newspapers, television news, digital news platforms, and other media. After searching for the necessary information and data, analysis can be carried out in the form of an in-depth discussion of the phenomenon. Then conclusions can be drawn from the analysis and discussion that has been carried out.

There are several data collection techniques in the qualitative method, but in this study, the data collection technique was carried out by searching relevant documents.

Data in the form of documents are used to dig up critical information related to research. At the same time, data verification is carried out in this writing by collecting evidence from other sources and then matching the validity of the information. It can be done by searching data, more specifically, from various sources such as books, journals, and discussions.

## Results

### *Chronology*

This case began with a viral video on one of the social media showing the actions of the Satpol PP in the City of Banjarmasin in the middle of conducting socialization. It is because the socialization regarding regional regulation (Regional Regulation) Number 4 of 2005 concerning the prohibition of activities during Ramadhan sparked controversy in various circles. This incident took place on Thursday, 7 April 2022. A group of Satpol PP carried out their duties by visiting a food stall, to be precise, on Jalan Veteran, Banjarmasin City. The object they targeted in this mission was the Cek Nin non-halal food stall. The leader of the Satpol PP group met with the shop manager and gave orders that the business should be closed in the morning and only allowed to operate again starting in the evening from 15.00 local time.

Mulyadi as a Satpol PP officer explained to the owner that they could start serving particular takeaway buyers; Orders are wrapped and then taken home. This concession does not apply to dine-in or dine-in services. At the same time, behind Mulyadi, several regional regulation enforcement officials appeared to be standing listening to the dialogue that was taking place. It does not stop there. The shop management believes that the regulations issued by the government should be revised when compared with the business climate. The existence of restrictions on business hours is a matter that they question. The problem is that the owners feel quite tolerant by only opening some of their shop's doors in the morning during transactions.

In responding to this, the excuse for enforcing the rules became a weapon for Satpol PP officers to answer the objections raised by the manager. The officer advised him to immediately complain to the Banjarmasin Regional People's Representative Council (DPRD) if he felt he disagreed with the rules that had been upheld. Dialogue resumed with Mulyadi's confirmation that the manager wanted to close his business and reopen in the afternoon. However, the atmosphere became more turbid when there was an argument. Various reasons were given so that the Satpol PP would allow the stalls to remain open all day. Starting from a request to understand the pandemic situation and the difficulty of making a profit, it also included accusations that the party making the regional regulations had indirectly closed the door to people's livelihood.

Suddenly after the video circulated, netizens were busy discussing the incident. There had been a post-fight to voice assumptions between the depot manager's account and the Banjarmasin City Satpol PP account. Through the Satpol PP social media account for the City of Banjarmasin, there is an upload containing three forms of prohibition by Regional Regulation No. 4 of 2005. The government also prohibits the opening of entertainment activities and places to eat. The prohibition is enforced from the beginning to the end of Ramadhan, starting from the hour of imsak until it is time to break the fast. Of course, there are consequences for

violators of the rules, namely imprisonment for three months and a maximum fine of fifty million rupiahs.

Critical comments from netizens scattered. One of them questioned the policy for supermarkets which also serve as food and beverage providers for the general public, whether they are of the type intended and if so, then those places should also be closed. Ibnu Sina, as Mayor of Banjarmasin, also responded to netizens' questions in the video uploaded by the depot manager. He explained that almost all provinces, regencies and cities in Indonesia have local regulations for their respective regions during Ramadhan. He added that regional regulations in Banjarmasin related to the ban on opening stalls and entertainment venues during Ramadhan have been in effect for fifteen years.

The mayor said that the core of this regulation is respect for the Muslim holy month. He appealed to society and the government to uphold harmony and religious tolerance. This regulation is the same as the regulations in Bali when Hindus celebrate Nyepi. Finally, Ibnu Sina wrote that the regional apparatus opens the door wide if it is desired that revisions related to the Regional Regulations are, of course, for reasons that can be mutually agreed upon by all parties.

Not tired of arguing with comments, netizens answered the mayor's statement with the assumption that comparing the Nyepi policy in Bali with the Regional Regulations of the city of Banjarmasin is irrelevant. People in Bali can still carry out their activities as usual during Nyepi, which is a right of worship, apart from the case in Banjarmasin. After this incident, on Friday, 8 April 2022, the mayor of Banjarmasin held a meeting involving a forum for religious harmony. He reaffirmed that regional regulations during Ramadhan will still be enforced by enforcing that is inviting or persuasive. If there are parties who object, then changes will likely be made.

### *Reasons for Emerging Policies*

There are two systems of implementing government, namely centralization and decentralization. Centralization is a system that concentrates all authority on the central government. Indonesia adhered to this system during the Old Order and New Order periods. Centralization is considered imperfect because the central government is considered not to know the needs of the regions, so Indonesia has switched to a decentralization system since the reform era. This transition was marked by the enactment of Law No. 22 of 1999. The law was updated with the issuance of Law No. 32 of 2004, then renewed through Law No. 26 of 2014. Based on Law No. 26 of 2014, decentralization is the handover of government affairs by the central government to autonomous regions based on the principle of autonomy. Autonomous regions are given several powers by law, one of which is the authority to make their policies. Firdaus (2018) <sup>[6]</sup> argues that this authority creates policies that follow each region's uniqueness.

The city of Banjarmasin is an autonomous region with a majority Muslim population. Firdaus (2018) <sup>[6]</sup> states that Banjarmasin is included in a city with a relatively high level of religiosity. Of course, these things have encouraged the Banjarmasin City Government to create regional regulations with sharia nuances that aim to provide convenience for the worship of the majority of the population. One of these regulations is Regional Regulation (Regional Regulation) No. 4 of 2005. This regulation has controversial points, namely the prohibition of restaurants and the like from

serving customers during Ramadhan. The Banjarmasin Government's policy is accompanied by threats of imprisonment for a maximum of 3 years and a maximum fine of Rp. 50 million.

### **Policy Making Process**

According to Anugrah (2022) <sup>[1]</sup>, Law Number 23 of 2014 opens access for governments in each region to implement a policy for the common interest of managing society in their respective regions or regions. Not only that, the law explains that as long as the regulations stipulated by the regional government through the Regional People's Legislative Council (DPRD) do not contradict regulations with a higher position, then they are considered valid. The rolling of the law makes a region authorized to form regional regulations. This regulation is the basis for the regional government of Banjarmasin City to enforce a policy during Ramadhan.

The City of Banjarmasin initially enacted City Regional Regulation Number 13 of 2003 concerning the Prohibition of Activities during Ramadhan. The regulation contains several regulations considered too strict, giving rise to many violations. In response, a revision was made two years later through Regional Regulation Number 4 of 2005. This change is intended so that the implementation is more focused and Muslim worship is more solemn.

The drafting of regional regulations begins with preparing drafts within the DPRD in the form of academic and draft texts. Then it is necessary to have approval from the DPRD, ratified by the Regional Secretary. The preparatory process consists of a proposal from the relevant SKPD followed by a meeting and inventory. It was followed by discussing the draft and then socializing the public test, making the Regent's proposal attached to the Regional draft Regulation for further submission to the DPRD.

### **Discussion**

In religious life, freedom and tolerance are two bounded things that need attention. Freedom of religion is divided into two components; fundamental freedom of religion and freedom of religion in action. Being free in the context of essential religion makes a person entitled to express their religion, and the state has no interest in dealing with it. An example of fundamental freedom is calling God something an individual believes. The state certainly will not intervene in this matter.

In contrast, the next component is free to act. This freedom is not absolute and can be enjoyed by individuals directly. However, being free here means acting freely while still paying attention to the conditions of the neighbourhood. With these limitations, a person cannot give expression or action regarding his religion and beliefs in public or large crowds. This freedom means doing something without hurting or offending people with opposing beliefs and, from there, creating the right and the obligation to respect the surrounding circumstances. The state can intervene to prevent equality of religious life. One form of intervention is to create a statutory rule (Handayani, 2010) <sup>[8]</sup>.

The stipulated regional regulations certainly pay attention to the existence or presence of minorities in Banjarmasin. According to Fadhli (2014) <sup>[4]</sup>, minority groups are marked by several things, such as members who feel disadvantaged, label themselves differently from other groups, and use high solidarity to gather a sense of belonging. In some countries, this discrimination is considered to be about minorities and

religious groups with small adherents. However, the government of Banjarmasin City excused it by saying that it is not discriminating against any group but instead opening a middle way for the common good.

The law is upheld to create justice, provide clarity to the general public, and provide benefits in line with the goals to be achieved. According to Sudirman, Gunawan, and Rasyid (2021) <sup>[20]</sup>, shared interests are a strong foundation that can be used to make changes to an applicable provision. If that interest only leads to particular individuals or groups, then changing the rules set is certainly not a way out. This local regulation has been in force for more than a decade. In Indonesia, Law Number 12 of 2011 is the parent for the existence of rules and regulations made by the government. The article stipulates the types of Legislation, which consist of Provincial, Regency and City Regional Regulations. These regulations and their hierarchy are acknowledged, have binding powers of control, and are formulated based on authority.

Regional regulation number 4 of 2005 only applies in Ramadhan. The article has prohibitions and consequences for those who violate it. The law of fasting for Muslims on Ramadhan is mandatory, and fellow Muslims and non-Muslims must respect its implementation. This regulation is not one-sided, considering the large number of people who obey it compared to those who violate it. In 2009, 36 parties were found to have committed violations, and then in 2013, there were only 14 violators.

People in Indonesia are used to living side by side with one another. When Muslims observe fasting, followers of other religions will feel reluctant to carry out activities such as eating and drinking in public places. This Regional Regulation only strengthens the bonds of a long-standing community habit. The urgency is to protect all of society. This regional regulation is not only for the benefit of the Muslim community but also considers the existence of people who do not fast and other non-Muslim communities. Stalls are still allowed to open fully after breaking time. Judging from the case above, the stall owner should have obeyed the enforced regulations. It is done to respect Muslims who fast and become citizens who comply with applicable legal norms. Arguing will not occur if the management is willing to open their hearts and minds to follow the directions of the local government.

The opposite opinion developed in society. The government is seen as having the mandate to serve and protect its people. This mandate applies in all lines of life, including religious life. Muntoha (2012) <sup>[11]</sup> states that the state must be present in religious life to guarantee freedom of religion. The government must also be present to protect its people in carrying out religious worship and teachings. This protection is only given to worship and religious teachings that do not violate the law, do not insult other religions or disturb the general public. In addition, the presence of the government is also needed to create harmony between religions.

The presence of the government in all lines of life is often referred to as intervention. According to Sendari (2022) <sup>[19]</sup>, the term intervention comes from the word interference, which means "to be present between or interrupt". So, government intervention is government interference in every matter of its people. The term intervention often leads to negative things. On the other hand, Utami (2021) <sup>[24]</sup> states that interventions can have positive or negative impacts. The

government often intervenes to make things better. However, government intervention sometimes becomes an act that is detrimental to its people.

Government intervention in religious life is a form of implementing the mandate given by the people. In more detail, Muntoha (2012) <sup>[11]</sup> states that the purpose of the government in intervening in religious life is to achieve the goals of the state listed in the preamble of the 1945 Constitution, to realize good morality, and to protect the fundamental rights and freedoms of others. These goals are meant to make things better. Thus, government intervention in religious life is an intervention that has a positive impact.

The government can interfere in religious life, but only some things can be interfered with. According to Muntoha (2012) <sup>[11]</sup>, religious activities that may be interfered with are as follows:

1. Cross-sectoral activities that include: (a) Relations with other countries and religious centres abroad, (b) Guidance and supervision in the development of religion,
2. Religious education. The government's duties in the scope of religious education include: (a) Provide, provide instructions, and supervise religious teaching in state schools and madrasas, (b) Train religious teachers and religious justice officials through the establishment of schools, (c) Taking care of all matters related to religious teaching in the army, and dormitories.
3. Religious Harmony. Harmony between religions in Indonesia is the ideal of the nation. In addition, inter-religious harmony is one of the supporting factors for national development. Thus, the government must be present to achieve the nation's ideals and national development.

Government intervention in religious life is a must. Hilmy (2022) <sup>[9]</sup> states that the government must intervene in religious life driven by five main anchors, namely:

1. Humanity. The government must regulate the actions of religious adherents to conform to universal human values.
2. Public benefit.
3. Religious moderation. The government must regulate religious policies to follow religious moderation, which consists of non-violent religion, religious tolerance, national insight, and appreciation of local culture.
4. Social harmony and religious harmony. Social and religious harmony has always been the ideals of the Indonesian people. Thus, social and religious harmony must always be maintained, especially since Indonesia's diversity is very vulnerable to conflict.
5. Public piety. The government must direct adherents of the religion to develop public piety through democratic values, obedience to laws and regulations, public civility, and citizens' economic productivity.

The government is not only involved in various religious activities but also in imposing various restrictions. According to Muntoha (2012) <sup>[11]</sup>, restrictions can only be made for protection, namely:

1. Restrictions to protect public safety, for example, the prohibition against extreme religious teachings such as teachings to commit suicide.
2. Restrictions to protect public order include the requirement to have permits for community religious organizations, public meetings, and places of worship.
3. Restrictions to protect public health include a ban on

religious teachings that endanger health, such as teachings that require adherents to fast forever.

4. Restrictions to protect public morals include a ban on religious teachings that require adherents to go utterly naked while carrying out religious rituals.
5. Restrictions to protect fundamental liberties and liberties of others.
6. Restrictions prevent the spread of religion that interferes with the freedom of religion of others.
7. Restrictions to prevent manifestations of religion or beliefs that interfere with the fundamental rights of others.

Regional Regulation No. 4 of 2005, one of the contents of which is a prohibition on opening restaurants during the day in Ramadhan, is a form of government intervention in religious life. This intervention has a good purpose: to ensure the comfort of worship for Muslim people in Banjarmasin. However, the government has forgotten that Banjarmasin also has non-Muslim people who have fundamental rights. This regional regulation, which has a sacred purpose, creates social conflict and hatred. Hilmy (2022) <sup>[9]</sup> states that the government seems trapped in partisan favouritism, a condition where the government only regulates religious life according to the majority group so that minority groups become marginalized.

Regional Regulation No. 4 of 2005 has become increasingly discriminatory due to its uniform and coercive application. It is proven by the closing of Cek Nin's non-halal shop. The shop certainly will not disturb the Muslim community because its products are included in the food prohibited for Muslim communities. In this case, the Municipal Government of Banjarmasin and Satpol PP are anti-tolerant. Ulum (2022) <sup>[23]</sup> said that Cek Nin felt he had become tolerant by closing some of his stalls. However, the Banjarmasin Satpol PP did not tolerate this, so the food stalls were forcibly closed.

The Municipal Government of Banjarmasin asked non-Muslim communities to be tolerant by respecting fasting Muslim communities. Unfortunately, the Municipal Government of Banjarmasin itself is anti-tolerant towards its people. The government needs to remember the essence of tolerance itself. According to Fitriani (2020) <sup>[7]</sup>, tolerance allows others to do something according to their interests. The well-known term says that "tolerance is a two-way street", or tolerance goes both ways, meaning that tolerance must be exercised by both parties, both the majority and the minority. Thus, Regional Regulation No. 4 of 2005 violates the true essence of tolerance.

Discriminatory government intervention did not only occur only in Banjarmasin City. Similar cases also occurred in previous years. Even in previous years, there was a mass organization (ormas) called FPI which always carried out sweeping food stalls during Ramadhan. The government has disbanded this mass organization since 2020. According to Farisa (2020) <sup>[5]</sup>, one of the reasons for its disbandment was that the sweeping action carried out by the FPI was deemed illegal. Sweeping is the duty and authority of law enforcement officials, not mass organizations.

The dissolution of FPI did not eliminate sweeping or discriminatory government intervention. In 2022, the Pamekasan Regency Government also prohibited food stalls from opening during the day during Ramadhan. This prohibition is excluded restaurants, depots and food stalls in the terminal because they are specifically for people on a

trip. The Pamekasan Regency Government's policy is coercive because there are various sanctions. According to Pratiwi (2022), restaurants that violate this policy are subject to sanctions through verbal and written warnings, forced closures, and revocation of business licenses.

The ban on opening food stalls during Ramadhan also occurs in Serang. The prohibition was contained in a joint appeal by the Serang City Government, the Serang City Ministry of Religion, and the Serang City MUI Number: 451.13/413-Kesra/2022 concerning worship for Ramadhan 1443 Hijriah/2022 AD. According to Baldan (2022) <sup>[2]</sup>, this appeal is an exception for orders in the form of delivery orders and take away. This policy in Serang is better than the previous cases because this policy does not order the closing of stalls ultimately.

A similar case occurred in a neighbouring country, namely Malaysia. During Ramadhan, the Malaysian government prohibits restaurants from operating from the morning until noon. However, some restaurants violate these regulations. The restaurant opens its business starting at 08.00 in the morning when all Muslims who are not prevented are fasting (Fauziah, 2022). The spy team initially discovered the restaurant that violated this regulation. Then, after several days of observation, the raid was continued by officers from the Melaka Islamic Religious Office (JAIM) in Taman Peringgat, Malaysia. From observations made, consumers from this restaurant place orders for food and then the orders are delivered by restaurant employees to consumer cars so that consumers do not have to go out to get food; this is also done, so officers do not recognize them. From this case, regulations regarding restaurant opening hours have generated various criticisms among the public. The community considers that restaurants should be allowed to open their outlets in the morning because not all residents are Muslim and fast. In line with this, the frills of tolerance towards Muslims through these regulations should have nothing to do with it because tolerance teaches mutual respect and respect not make it difficult for others. In this case, the government intervenes to benefit only one party, Muslims. Therefore, to be in the surrounding multicultural environment, the Malaysian government should review these regulations so that all parties benefit by bringing a true sense of tolerance.

### Conclusion

Before implementing regulations regarding Ramadhan activities, reviewing various aspects and circles of society is necessary. The review was carried out by members of the public who practice fasting and those who do not fast during Ramadhan, as well as on a reasonable legal basis. Thus, regional regulations can be passed with solid reasons to create more conducive Ramadhan activities. It was carried out by the government, especially the city's regional government of Banjarmasin, as a form of intervention in limiting and protecting religious rights while still considering non-Muslim communities.

From the case of the implementation of the Ramadhan Regional Regulation in the city of Banjarmasin, it would be nice for the apparatus to conduct socialization first so that the people of Banjarmasin would better understand the existence of this regulation. Some actions that the apparatus and local government can take include providing information through social media, pamphlets, and announcements with speakers openly or through face-to-

face invitations so that that information can be conveyed directly. It can reduce conflict and minimize the occurrence of violations for the community, especially traders who sell food.

Suppose the apparatus and the government have made efforts, but they still need to be violators of the Regional Regulations. In that case, this matter needs to be reviewed more deeply regarding the causes of these violations on the legal basis that has been established so that they can be more accountable to related parties. The regional government must also deal objectively with all members of the public who commit these violations without discriminating against one another. On the other hand, the government also took the initiative to help minimize losses to less fortunate violators. Regional Regulations can run well if there is cooperation among related parties, namely the Regional Government and the people of Banjarmasin.

By associating the speech by Soekarno regarding the divine aspect with this phenomenon, everyone should have a god in the absence of religious egoism. It means that the whole community should respect each other to avoid conflicts in a plural society, especially religious ones. Likewise, from the government side, it is necessary to support all levels of society, not forgetting the minority.

In the future, these regional regulations need to be evaluated and modified so that all parties concerned can accept and implement the regulations or provisions properly. In this way, the goals and targets of this regional regulation are carried out without escalating conflicts. Apart from that, the legal basis and laws must be more substantial and handled more firmly. There is also a need for seriousness from the legislature and the executive regarding making these laws.

### Conclusion

From the studies that have been described above, several conclusions can be drawn. This case began with a video that was spread on social media where the authorities carried out raids on food traders and food stalls selling during Ramadhan, which had previously been stipulated by Regional Regulations containing prohibitions. Not only food stalls that sell food, but the Regional Regulations are also aimed at all people who want to buy food during the day during the fasting month. Several parties had conflicts and controversies in its implementation, leading to disorderly behaviour. However, the apparatus and the local government could address this with stricter appeals. Banjarmasin is a holy city with a majority of the population being Muslim, making the city of Banjarmasin create regional regulations to make worship convenient for its people. One of the regulations stipulated is Regional Regulation (Regional Regulation) No. 4 of 2005. This regulation contains a ban on activities during Ramadhan, one of which is the prohibition on selling food during the day of Ramadhan. The sanctions imposed in this policy are imprisonment for a maximum of 3 years or a maximum fine of Rp. 50 million.

This case is getting hotter when there are pros and cons in the community. Some are of the pro-opinion because the stipulated regional regulations are still reasonable and not one-sided. Moreover, this regulation benefits the Muslim community and considers the existence of people of other religions. Apart from that, some other communities are against it because these regional regulations tend to prioritize the majority so that minority groups are increasingly marginalized. Apart from the city of

Banjarmasin, several other similar cases have occurred in the city of Serang and Malaysia. The case in Serang is still better than the previous cases because the policy ultimately did not order the shop's closing. Meanwhile, the policy in the case that occurred in Malaysia prohibits food stalls from opening in the morning until noon. The two similar cases have both generated conflict and criticism among the public. Based on the case in Banjarmasin, the local government, officials, and the community need to introspect. The government needs to conduct a review before establishing regulations so that all levels of society can accept regulations. In contrast, the people must obey the government's appeal to the rules set. Thus, there is continuity in the implementation of regional regulations.

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