



**Majority bias in legal politics:  
discriminatory citizenship document services for local religion believers in Indonesia**

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**Abstract:**

Research on discriminatory treatment toward local religions is extensive, but few studies offer solutions through a legal-political approach. This study explores the legal politics underlying legislation on the recognition of local religions within customary communities in Indonesia and its impact on access to citizenship documents, including ID cards, family cards, marriage, and birth certificates. Using a socio-legal methodology, this research covers six customary communities practicing local religions/beliefs. Findings reveal that majority-biased legal politics in current legislation create obstacles for followers of local religions in obtaining citizenship documents, particularly affecting four communities that uphold their traditional practices. The Constitutional Court Decision No. 97/PUU-XIV/2016, mandating a “belief” field on electronic ID cards, emerged from social, cultural, economic, and political influences. Although celebrated as a step toward human rights, it faces resistance from groups like the Indonesian Ulema Council. Implementation challenges include lack of technical regulation, limited infrastructure, social pressures, and cultural barriers. Streamlining administrative processes is essential to ensure equal access to essential services for all citizens, regardless of their religious affiliation.

**Keywords:**

Legal politics, majority bias, local religion, citizenship documents, discrimination.

**Resumen:**

La investigación sobre el trato discriminatorio hacia las religiones locales es extensa, pero pocos estudios proponen soluciones desde un enfoque jurídico-político. Este estudio explora la política jurídica detrás de la legislación sobre el reconocimiento de las religiones

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locales en comunidades tradicionales de Indonesia y su impacto en el acceso a documentos de ciudadanía, como documentos de identidad, libros de familia y certificados de matrimonio y nacimiento. Utilizando una metodología sociojurídica, la investigación abarca seis comunidades tradicionales que practican religiones o creencias locales. Los hallazgos revelan que la política jurídica sesgada a favor de la mayoría en la legislación actual genera obstáculos para los seguidores de religiones locales en la obtención de documentos de ciudadanía, afectando especialmente a cuatro comunidades que preservan sus prácticas tradicionales. La Decisión No. 97/PUU-XIV/2016 de la Corte Constitucional, que exige un campo de "creencia" en los documentos de identidad electrónicos, surgió de factores sociales, culturales, económicos y políticos. Aunque aclamada como un avance en derechos humanos, ha generado resistencia de grupos como el Consejo de Ulemas de Indonesia. Los desafíos en la implementación incluyen la falta de regulación técnica, infraestructura limitada, presiones sociales y barreras culturales. Es fundamental simplificar los procesos administrativos para garantizar el acceso equitativo a servicios esenciales para todos los ciudadanos, independientemente de su afiliación religiosa.

**Palabras clave:**

Política jurídica, sesgo de la mayoría, religión local, documentos de ciudadanía, discriminación.

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## 1. INTRODUCTION

Eighty-five per cent of the global population adheres to a religion, making faith communities essential players in shaping societies and addressing global challenges. Religion's influence spans centuries, embedding values like justice, peace, and solidarity, which align with the United Nations' Sustainable Development Goals (SDGs) to create a fairer, more sustainable world (Schliesser 2024). The right to freedom of religion or belief (FoRB) – a core human right – empowers individuals to freely choose, change, or practice their beliefs without fear of discrimination. To truly “leave no one behind,” the principle guiding the SDGs, we must address religious discrimination, ensuring that minorities, indigenous peoples, atheists, and others are protected and included. This commitment upholds human dignity and strengthens efforts across health, education, gender equality, justice, and climate action, as religious tolerance and inclusion are fundamental to global progress (Petersen 2022).

Local religion is a word that refers to indigenous belief systems that customary communities have perpetuated for millennia (Picard 2011, Lokensgard and Gonzalez 2014). These belief systems are tied to supernatural powers and transcendental beings (Ogungbile 2015, Hartney and Tower 2016). Several places in Indonesia are home to these belief systems, which stretch back to before the Republic of Indonesia was established in 1945 (Rosidi 2011, Viri and Febriany 2020). *Sunda Wiwitan* is practised in Cigugur, Baduy, Kampung Urug, and other areas in West Java; the *Samin* community follows the Adam religion in Central Java; *Parmalim* is practised in Batak; *Kaharingan* is practised in Kalimantan; Tolottang is practised in Sidrap; *Aluk Todolo* is practised in Tana Toraja, South Sulawesi; *Wetu Telu* is practised in Lombok; and *Marapu* is practised in Sumba (Mutaqin 2017, Nurmawati 2019).

In addition to these long-standing belief systems, some people in Indonesia practice many. There are 182 local religion groups at the national level, while at the province and district/city levels, there are 996 (Ridha *et al.* 2017). This information was provided by the Directorate of Belief in the Almighty God and Tradition within the Ministry of Education and Culture in 2016. Approximately 10 and 12 million people in Indonesia adhere to these beliefs (Wardhana 2018, Nazila *et al.* 2023).

Article 28, point (2) of the Indonesian Constitution states, “Everyone has the right to freedom of belief, to express thoughts and attitudes according to their conscience.” This provision demonstrates Indonesia's formal acknowledgement of Indigenous faiths within its Constitution. Nonetheless, from an administrative perspective, indigenous beliefs could not be classified as a religion in the past. The situation evolved following Constitutional Court Decision No. 977/PUU-XIV/2016, in which the court accepted the petitions from local religious communities. It determined that indigenous religions are eligible for inclusion in citizens' identification, specifically on Family Cards (*Kartu Keluarga*) and Identity Cards (*Kartu Tanda Penduduk*).

Even with this ruling, the issue of discrimination against indigenous faith communities persists and has not been resolved. Statements from Pungkas, Kanti (ADS), and Pagar Demanra Sirait (Parmalin Community) indicate that discrimination persists, particularly in

education, healthcare, and civil rights (Susanto and Kholis 2022). Instead, these belief systems are classified as beliefs in the Almighty God that have developed from Indonesia's indigenous civilisations throughout thousands of years. Because these communities are not regarded as formal religions, the Ministry of Education and Culture is responsible for providing guidance and services to them, with the Attorney General serving as the overseer (Viri and Febriany 2020). To be eligible for government services and advice, believers of indigenous faiths must establish and register an organisation with the Directorate of Belief in the Almighty God and Tradition. On the other hand, many local devotees of religion do not belong to contemporary groups and are opposed to being classified as believers.

The fundamental problem is that the government continues to adhere to a limited definition of religion, which the Ministry of Religion outlined in the Regulation of the Minister of Religion No. 9 of 1952 (Sezgin and Künkler 2014). A monotheistic belief system accompanied by a scripture that is regarded as a divine revelation and a prophet is required for a religion to be considered to conform to this rule. This unified definition continues to be the primary reference in law about religion, which results in precise categorisations of recognised religions and those that are not recognised. In particular, Presidential Decree No. 1/PNPS/1965 and Act No. 24 of 2013 on Population Administration make these groups distinct (Wijayanti 2018, Nalle 2021).

Significant repercussions result from this classification. It violates all Indonesians' constitutional and human rights, notably the freedom to choose and practice their religion or belief, which is guaranteed to them without exception. According to the findings of the Setara Institute, there were 1,867 events and 2,498 breaches related to religious intolerance between 2006 and 2015 (Halili 2016). Many of these incidents and violations have resulted in impunity and biased prosecutions. As a consequence of this, members of indigenous religions are subjected to prejudice and stigmatisation from both the establishment and the general public. Because of this prejudice, their civil rights are violated, notably in getting documentation proving their citizenship, education, and job.

According to Nicola Colbran's (2010) argument, any legislative products, policies, and practices that conflict with international human rights norms indicate a nation's failure to protect its inhabitants from intolerance and violence. Melissa Crouch (2009) agrees, pointing out that the successful management of religious diversity and the protection of minority rights is a huge challenge for governments worldwide. On the Failed State Index published by the Fund for Peace in 2012, Indonesia was placed 63rd, indicating that the country is vulnerable to the state's failure. The index also shows that indicators related to majority pressure on minorities are decreasing (Hamid 2012).

Ahmad Najib Burhani (2012) outlines three fundamental difficulties that must be addressed to protect minority religions in Indonesia. These concerns are the first precept of Pancasila, the discriminatory worldview towards religions, and the government's bias towards orthodox religious interpretations. Furthermore, Colbran (2010) argues that communities that practice non-mainstream beliefs are frequently characterised as splinter groups that need to be reintegrated into recognised faiths, perceived as upsetting public order, or seen as defaming official religions. In order to resolve these concerns, Muhammad Nurkhoiron (2016) suggests that the Ministry of Religion Affairs adopts legislation that guarantees equal recognition of minority religions and that the Ministry of Religion Affairs is responsible for coordinating various religions.

At first glance, it would appear that the Ministry of Religion Affairs considers the civil rights concerns of local religious adherents to be “non-issues”. Nevertheless, issues about local religion are inextricably tied to human rights, which cannot be derogated without exception. When the services that are offered to residents are differentiated depending on the religious views that they hold, this is an example of state discrimination. Within this framework, Siti Musdah Mulia (2011) contends that these problems ought to be resolved through legal politics, which is based on the Pancasila ideology of Indonesia.

This study was launched on the results of the Ministry of Religion Affairs and the recommendations made by Siti Musdah Mulia (2011). In addition, the research fills a vacuum in the existing body of research that investigates legal products with a particular emphasis on legal politics. Particularly about the documentation of citizenship for *Sunda Wiwitan* in the provinces of Banten and West Java, as well as *Sedulur Sikep (Samín)* in the province of Central Java, the focus is on analysing how legal politics accept and fulfil the civil rights of local religion communities.

This study aims to determine the extent to which political considerations, both directly and indirectly, impact legislation that pertains to the acknowledgement of indigenous people's native religions. In addition, it intends to investigate the implementation of this legislation in six local religious groups, with a particular emphasis on the services offered to these communities. The research contributes to an all-encompassing comprehension of the junction of legal politics, civil rights, and religious freedom in Indonesia by examining these facets.

## 2. RESEARCH METHODOLOGY

This study employs a descriptive-analytic methodology using a socio-legal approach, which leverages social theory for legal analysis, as Banakar and Traves (2005) outlined. This approach allows researchers to understand how legal principles and legislation are applied within specific social contexts. Data were collected using several methods to gather comprehensive and relevant information about the relationship between the services provided and the local religions practised by indigenous communities.

The primary data collection methods included interviews with indigenous community leaders. These interviews aimed to identify the relationship between the services provided and the local religions these communities practise, particularly about obtaining citizenship documents. Semi-structured interviews were conducted with leaders from six indigenous communities, providing insights into their experiences and challenges in receiving services related to their religious practices. Leaders interviewed were selected based on their active involvement and recognised leadership within their communities, ensuring the respondents had sufficient knowledge and experience to provide relevant information. Additionally, in-depth interviews were conducted with individuals and organisations that care for and advocate for the rights of local religions, including NGO representatives, legal experts, and activists. These interviews aimed to capture various views and experiences, providing a holistic understanding of the issues.

Furthermore, data were collected from the Ministry of Religious Affairs, the Ministry of Education and Culture, and the Ministry of Domestic Affairs. These ministries provided

official information and statistics related to the recognition and service provision for local religions. The data collection from these sources involved reviewing official documents, reports, and statistics and conducting interviews with key officials to gain deeper insights from the governmental perspective.

The analysis of the collected data followed a structured framework combining descriptive and analytic techniques. The first step was descriptive analysis, aiming to describe the current state of services provided to indigenous communities concerning their local religions. The data from interviews and government sources were systematically organised and described, categorising the information based on themes such as types of services, challenges faced, and the role of local religions.

Next, thematic analysis was conducted to identify and analyse recurring themes and patterns within the data. This involved coding the data to identify key themes, followed by an in-depth examination of them to understand their significance and implications. Finally, socio-legal analysis was applied to connect social theory with the legal analysis of the data, offering a deeper understanding of the interaction between law, society, and religion. This analysis considered broader social, cultural, and political factors influencing the implementation and effectiveness of the laws.

### **3. THE STATE AND RELIGION: NAVIGATING RECOGNITION AND CITIZENSHIP RIGHTS**

It is impossible to isolate the recognition of local faiths and the rights of their adherents to obtain citizenship documents from the larger framework of the connection between the state and religion. Paul Cliteur (2012) identified five different forms of this connection. These models include the atheist state, the religion-neutral or secular state, multiculturalism, the church-state, and eventually, the religious state.

The first type, which is often referred to as totalitarian atheism or the politic of atheism, is distinguished by the fact that the state has made atheism an official doctrine. This approach is an example of a rigorous separation in which the state takes a conscious stance against the influence of religion in both public and private life.

The religion-neutral state is the second paradigm, and France is frequently used as an example of this design. According to this paradigm, the state takes a neutral posture toward all faiths, meaning it does not endorse or oppose any specific belief system. This secular approach guarantees that religious matters will continue to be private and will not impact the policies or acts of the state.

This third model is known as the multicultural or multi-denominational state, and its primary objective is to ensure that all religions are treated equitably. The model acknowledges the existence of a wide variety of religious views within the community and makes an effort to accommodate and respect this diversity in its policies and practices. This endeavour aims to cultivate an atmosphere where all religious communities can live and freely exercise their beliefs without being subjected to discrimination.

The fourth model is known as the church-state, and a formal partnership between the state and the church characterises it. In this model, the church has significant power to influence or enforce public order. Throughout history, this paradigm has been observed in various forms, each involving religious institutions playing a prominent role in the governance and legal framework of the state.

In contrast to the political ideology of atheism, the fifth model, the religious state, is a political system. Within the framework of this approach, the state is seen as endorsing a particular religion and incorporating religious values into its administrative and legal structures. Some countries that follow this paradigm are Saudi Arabia and Iran, both of which have religious laws and doctrines that have a substantial impact on the policies of the state and the standards of society. In many cases, this approach is intertwined with the concept of the church-state, meaning that religious institutions have significant authority.

Alfred Stepan (2012) proposes the idea of twin tolerations in the context of the interaction between the state and religion, which contradicts the models proposed by Cliteur (2012). According to Stepan (2012), “twin tolerations” refers to the minimal limitations of freedom that must be created for political institutions concerning religious authorities and religious persons and groups about political institutions. This notion emphasises non-interference and mutual respect between political institutions and religious organisations.

According to the framework of twin tolerations, religious institutions should not interfere in the activities of the government, and vice versa. The mutual respect between religious communities participating in the political realm ensures that these communities adhere to the ideals of public reason and public discourse. Religious teachings can serve as a source of inspiration for political actions and policies; nevertheless, for them to be in line with logical and impartial democratic legitimacy, they must be formulated through a significant process (Latif 2011). Implementing this procedure guarantees that religious teachings will not be immediately imposed on public policy without considering the requirements of a wider society and the logical discourse that exists.

The model of the relationship between the state and religion that a country chooses to adopt significantly impacts the recognition of local religions and the rights of their adherents to access services, notably citizenship documents. The emphasis placed on equal treatment and non-discrimination creates an environment conducive to acknowledging a variety of religious practices in a state that is either a religion-neutral state or a multicultural state. More likely, these states will develop policies that make it easier for local faiths to be included in their administrative and legal structures.

On the other hand, in a state dominated by a specific religion, sometimes known as a church-state, the supremacy of one religion can lead to the marginalisation of local religions, making it difficult for faithful individuals to get fundamental rights and services. When religious concepts are incorporated into governmental policy, it can result in exclusive behaviours that prioritise the dominant religion, which in turn disadvantages religious groups on the margins of society.

In the context of the twin tolerations, the acknowledgement of local religions calls for a balanced approach in which religious groups and state institutions operate within the parameters of mutual respect that have been determined. This approach ensures that



religious communities can participate in public life without imposing their beliefs on others, while at the same time, the state respects and accommodates the diversity of religious practices.

It is helpful to look at individual case studies to understand the practical ramifications that accompany these theoretical theories. For example, in Indonesia, the state acknowledges six recognised faiths but has difficulty acknowledging the local religions practised by indigenous populations. An example of the difficulties that can arise when navigating a multicultural state model in which official recognition is restricted to a predetermined group of religions is provided by this situation. Several complicated talks occur between religious communities and the state to expand recognition. These negotiations frequently need central advocacy and legislative improvements.

On the other hand, nations such as France, which adhere to a secular model, uphold a rigorous distinction between religion and governmental institution formation. Since this paradigm focuses on neutrality, it can sometimes disregard the specific requirements of religious groups considered to be in the minority. This presents several issues for local religions. When advocating for incorporating a wide variety of religious activities into the public arena, it is necessary to navigate the principles of secularism without jeopardising the state's neutrality.

Saudi Arabia and Iran are two examples of religious governments that illustrate how the incorporation of religious rules into state governance can result in the restriction of the rights of religious groups that are considered to be in the minority. It is typical for the dominance of a single religion in these governments to result in institutional discrimination and restricted access to services for adherents of local or non-dominant religions. In order to effectively advocate for the rights of these groups, it is necessary to consider the deeply ingrained religious and political systems that exist.

#### **4. INCLUSIVE FAITH: ADVOCATING FOR LEGAL RECOGNITION OF INDONESIA'S INDIGENOUS RELIGIONS**

The Republic of Indonesia has a formal definition of religion, articulated in the Regulation of the Minister of Religion Affairs No. 9 of 1952. According to this regulation, religion is understood as a monotheistic belief system that possesses sacred scriptures that are considered divine revelations and are conveyed through prophets. Up to the present time, from a technical-juridical perspective, there has not been another official definition of religion that sociologically accommodates the diverse array of existing belief systems in Indonesia. However, this definition does not comprehensively capture the country's full spectrum of religious expressions, particularly those of local religions deeply rooted in indigenous traditions and practices.

In this context, the broader sociological definition of religion proposed by Swidler and Mojzes (Swidler and Mojzes 2000) offers a more inclusive framework. They outline the concept of religion using what is known as the four "C's": Creed, Code, Cult, and Community-structure. This broader definition encompasses a more comprehensive range of belief systems by considering the essential elements that constitute a religion beyond mere monotheism and scriptural revelation.

The first “C”, Creed, refers to a belief about something considered absolute and fundamental to human life. This aspect emphasises the core beliefs or doctrines that provide the foundation for the religious worldview. In many local religions in Indonesia, these beliefs are often centred around nature, ancestors, and spiritual forces that govern the world. While these may not align with the traditional notion of monotheism, they are nevertheless deeply held convictions that guide the lives of their adherents.

The second “C” code involves the guidance on the code of conduct that arises from these core beliefs. This encompasses the moral and ethical principles that dictate how individuals should behave and interact with one another. In local religions, these codes are often transmitted through oral traditions, rituals, and customary laws preserved and passed down through generations. They provide a framework for social order and personal conduct integral to the community’s way of life.

The third “C”, Cult, pertains to the human effort to align with these initial beliefs through rituals and practices. This includes various forms of worship, ceremonies, and other religious activities, allowing individuals to express their devotion and connect with the divine or spiritual realm. In local religions, these practices are often intertwined with daily life and cultural traditions, reflecting a holistic approach to spirituality that is both personal and communal.

The fourth “C”, Community-structure, represents the social reality of people bound together by a shared belief system. This element highlights the communal aspect of religion, where individuals are united by common faith and practices, forming a cohesive social unit. In the context of local religions, this often manifests in tight-knit communities where religious identity is closely linked with cultural and social identity. These communities provide a sense of belonging and mutual support essential for preserving and continuing their religious traditions.

Identifying these four elements within local religions makes it evident that these belief systems can indeed be categorised as religions despite their development being based on human thought and feeling rather than divine revelation. This broader understanding of religion recognises the validity and richness of local religious traditions, acknowledging their importance in Indonesia’s cultural and spiritual landscape.

The rigid definition set forth by the 1952 regulation, while providing a clear framework for recognising major world religions, fails to accommodate the pluralistic and diverse nature of Indonesian religious life. This has significant implications for local religions’ legal and social status, often marginalised or overlooked in the official discourse. Applying the four “C’s” definition offers a more inclusive approach that respects and values the unique expressions of faith within local communities.

Furthermore, recognising local religions as legitimate belief systems is crucial for fostering a sense of cultural pride and identity among their adherents. It also promotes social cohesion and mutual respect among the diverse religious groups in Indonesia. By embracing a more inclusive definition of religion, the government and society can work towards a more equitable and harmonious coexistence where all forms of religious expression are acknowledged and respected.

To add insult to injury, the rights of human beings to freedom of religion and belief must not be diminished under any circumstances and by any individual or entity, including the state. From the point of view of human rights, the rights to freedom of religion and belief consist of eight components. These components are as follows: internal freedom, external freedom, the absence of compulsion and discrimination, the rights of parents and guardians, corporate freedom and legal status, the restrictions that are permitted on external freedom, and non-durability.

In the international legal instruments, the rights to freedom of religion and belief have been outlined in Article 18 of the Universal Declaration of Human Rights (UDHR), which the United Nations General Assembly established on December 10, 1948. The following is what the article states: Everyone has the right to freedom of thought, conscience, and religion; this right includes the freedom to alter his religion or belief, as well as the freedom to exhibit his religion or belief in teaching, practice, worship, and observance, whether he does so alone or in community with others, and whether he does so in public or in private (Emon *et al.* 2012).

As an additional point of interest, the international legal instrument that encompasses the rights to freedom of religion and belief was declared in the International Covenant on Civil and Political Rights by the United Nations General Assembly on December 16, 1966. This document was subsequently ratified by the government of the Republic of Indonesia by Act No. 12 of 2005 (Colbran 2010). It was determined in Article 18 of the International Covenant on Civil and Political Rights that everyone shall have the right to freedom of thought, conscience, and religion. This freedom was outlined in the context of having a religion and belief. This right should include the freedom to have or adopt a religion or belief of his choice, as well as the freedom to exhibit his religion or belief in worship, observance, practice, and teaching, either on an individual basis or in community with others, and public or private settings (Ferrari *et al.* 2021).

In principle, the rights to freedom of religion and belief can be classified into two distinct categories: *forum internum*, which refers to private freedom, and *forum externum*, which refers to public freedom. The term “*forum internum*” refers to the spiritual existence of an individual, which is a space in which it is theoretically impossible to derogate the right to freedom of religion and belief. Individual dimension is expressed in protecting one’s spiritual existence, which includes choosing, modifying, adopting, and adhering to a particular religion or belief (Fredman 2018).

Furthermore, the concept of *forum internum* encompasses certain states that should not be interfered with, coerced, or influenced in manipulative ways—such as indoctrination, brainwashing, or the use of psychotropic drugs—by the state or any other party (Bublitz 2014). These states include selecting and believing in a religion, faith, or belief; choosing and believing in a sect or a particular school within a religion; deciding to obey or disobey (perform) religious teaching; conducting ritual worship in private areas; and thinking, understanding, reflecting, interpreting, and developing ideas about religion.

These elements of *forum internum* are considered deeply personal and intrinsic to individual autonomy, and thus, they warrant protection from external interference. This protection ensures that individuals can explore and determine their spiritual paths without undue pressure or manipulation (Alegre 2021).

On the other hand, forum externum represents the collective dimension of religious freedom, reflected in protecting one's right to express and defend their spiritual existence publicly (Du Plessis and Nel 2021). The forum externum also called the community right, encompasses the right to manifest and communicate spiritual beliefs to the broader world and maintain piety in public spaces. This dimension is about the outward expression and practice of one's faith, including participating in religious gatherings, displaying religious symbols, and sharing religious teachings.

Forum externum is a more complex category, subject to certain restrictions outlined in Article 18, paragraph (3) of the International Covenant on Civil and Political Rights (ICCPR). According to this article, the rights under forum externum can be strictly and selectively reduced or derogated under specific conditions. The ICCPR stipulates that limitations on these rights are permissible only when necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others (Bielefeldt 2020).

Determining whether a particular aspect of religious freedom under forum externum poses a threat or violates these protective criteria requires careful consideration by the law or the courts. This determination must be made in a fair, non-discriminatory, and democratic manner, ensuring that any restrictions are justified and proportionate to the intended purpose.

In this framework, the balance between protecting individual religious freedoms and maintaining public order is delicate and requires nuanced legal interpretation. The state must navigate these complexities to uphold the rights of individuals to practice their religion freely and the broader societal interests that sometimes necessitate limitations on these freedoms.

The distinction between forum internum and forum externum highlights the multifaceted nature of religious freedom. While forum internum pertains to internal beliefs and private worship, which are inviolable, forum externum involves the public expression of those beliefs, which can be subject to regulation to ensure that such expressions do not infringe on the rights and freedoms of others or disrupt public order.

This dichotomy underscores the importance of legal and judicial systems in safeguarding religious freedoms while balancing them with other societal needs. By providing clear guidelines and ensuring fair processes, states can create an environment where religious diversity is respected, and the rights of all individuals are protected.

The International Covenant on Civil and Political Rights also prohibits state parties to the agreement from engaging in discriminatory practices. This prohibition is expressed in Article 2, paragraph (1), which finds that the following is the case: Without regard to any distinctions of any kind, including but not limited to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status, each state that is a party to the present Covenant commits to respecting and ensuring that the rights recognised in the present Covenant are respected and guaranteed to all individuals who are located within its territory and who fall under its jurisdiction (Wheatley 2005).

Article 2 paragraph (2) of the International Declaration of 1981 on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief determines that for the present Declaration, the expression “intolerance and discrimination based on religion or belief” means any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment of exercise of human rights and fundamental freedoms on an equal basis (Sullivan 1988).

Regarding the principle of non-discrimination, the United Nations Human Rights Committee issued a general comment that if a religion is recognised as a state religion or if the followers are the majority population of the country, this does not mean that the religion is granted the privilege or allowed to discriminate against other religion disciples or those who do not have a religion or belief. This is in keeping with the principle of non-discrimination.

The principle of non-discrimination can be understood in two different ways from a theoretical perspective: equal treatment of equals and unequal treatment of unequal. According to E.W. Vierdag (Vierdag 1973), the latter’s definition pertains to achieving equality. The idea of reverse discrimination is referred to as a sort of affirmative action when it is discussed in the context of anti-discrimination efforts directed toward religious minorities. Reverse discrimination is not seen as a violation of human rights; instead, it is considered a means of protecting, fulfilling, respecting, and promoting human rights.

## **5. THE POLITICS OF LAW IN INDONESIA: THE JUSTIFICATION OF LOCAL RELIGIONS AND BELIEFS**

This section aims to discuss the political underpinnings of various laws and regulations that justify the local religion or beliefs of the customary community. These include Act No.1/PNPS/ 1965 on the prevention, religion abuse and or blasphemy, and Act No. 23 of 2006, which operates in conjunction with Act No. 24 of 2013 regarding citizenship administration (Husni *et al.* 2022).

The increasing conflicts between the Indonesian Communist Party (PKI) and Nahdlatul Ulama (NU), one of Indonesia’s most prominent Islamic groups, are the impetus behind Act No.1/PNPS/2006, as stated by Nicole Colbran (Colbran 2010). As a consequence of this, Saifuddin Zuhri, who is the Minister of Religion Affairs, strongly recommended that President Soekarno issue this Act. The developing tensions influenced two primary goals of the law. The first goal was to secure national security, which was the purpose of the revolution, and the second was to promote national development. In this context, the misuse or defamation of religion was considered a threat to the three goals simultaneously. According to Colbran (2010), the second objective was to forestall the development of local beliefs and sects or spiritual groups that were believed to conflict with the teachings of an established religion and the law.

As a result, it should not have come as a surprise that the political system of law, as was previously mentioned, resulted in the creation of rules that were discriminatory, criminalising, and distrusting of local religions or local beliefs. The General Explanation of paragraph 2 exemplifies the concept of being distrustful of local religion and belief without

taking into consideration the idea of freedom to choose a religion or belief of one's choosing: Recently, a significant number of religious sects, beliefs, or spiritual groups have been founded in practically every region of Indonesia. These organisations and sects directly oppose the teachings and regulations of the religion. Many of the beliefs and behaviours that adherents of the sects have taught violate the law, to have damaged the unity of the nation, and to have corrupted faiths.

As mentioned in the explanation of Article 1, the government not only harboured suspicions but actively discriminated against the presence of the local religion. Several religions are practised by individuals in Indonesia, including Buddhism, *Kong Hu Cu* (Confucius), Christianity, and Catholicism. One way to demonstrate this is by examining the history of faiths in Indonesia. By the provisions included in Article 29, paragraph 2 of the Constitution of 1945, the state provides assistance and protection to these six religions (Syaputra and Nasution 2020).

The local religions of the customary communities were positioned as spiritual sects that needed to be polished and nourished in the direction of the Almighty God. This expression gave the impression that monotheistic religions were not considered spiritual sects, including the local religions of the populations still practising customary religions. Because of this, it violated the freedom to practice one's religion, guaranteed by Article 29, paragraph 2 of the Constitution issued in 1945. In addition, local religions were susceptible to being criminalised since, once they were found to have broken Article 1, they were subject to the punishment included in a newly added article to the Penal Code, which was Article 156, which stipulated that they might be sentenced to five years in jail.

Even though Act No. 24 of 2014 on the Amendment of Act No. 23 of 2006 on Citizenship Administration had been issued, the prejudice against indigenous religions continued. The elements of population data on religion that are referred to in paragraph (1) for people whose religion is not recognised as a religion based on the provisions of the law or for believers of a belief are not filled out, but they are still served and recorded in the population database. This is the determination made by Article 64 (5) of Act No. 24 of 2014.

## **6. DISCRIMINATORY SERVICE IN FACILITATING CITIZENSHIP DOCUMENTS FOR THE CUSTOMARY COMMUNITY PURELY ADHERE TO LOCAL RELIGIONS**

The discussion on the discriminatory services provided in the process of enabling citizenship documents for the staunch devotees of local religions is included in this chapter. According to the findings of this research, customary communities that adhere to local religions can be divided into two categories: customary communities that continue to adhere only to the local faiths and customary communities that continue to adhere to some of the mores of the local religion but had also adopted one of the religions that the government recognised. The first category includes the customary communities that adhere to the *Sunda Wiwitan* religion in Baduy, Lebak District, and Cigugur, Kuningan District of West Java. Additionally, the Adam religion is practised in the Kudus and Pati districts of Central Java. In the meantime, the second group could be discovered in the traditional villages of Kampung Urug, located in the Bogor District, and the *Samin* community or *Sedulur Sikep*, located in the Blora District.

According to a study published in July 2016, the total population of Baduy people residing in Kanekes village was 11,682. Of this number, 4,347 individuals had citizenship cards (CC) with the religion column left blank or with a dash (-); similarly, in the family card (FC), 4,347 people had a dash in the religion column. Before 2006, when the former population administration law, Act No. 23 of 2006 on Population Administration, was in place, Baduy individuals might have filled in the CC with *Sunda Wiwitan* in the religion column (Sarpin, 2016). This situation was in contrast to the situation that existed prior to 2006.

People who performed marriages in Baduy were not recorded by the Department of Population and Civil Registry; instead, they were simply given a Marriage Certificate by the hamlet. This was in addition to the CC and FC. Similarly, regarding the birth of Baduy's children, only a few of them had birth certificates that just mentioned the mother's name. At the same time, the rest had only received birth certificates from the village. Baduy people do not execute their marriages in front of the leaders of the religious organisations that have been designated and registered with the Ministry of Culture and Education. This was the basis for this particular practice. When this situation was brought to Sarpin's attention, he responded by stating that the Baduy people have their permanent organisation, which the organisational structure of the government cannot alter.

According to Nur Ahmad M, the Head of the Data Processing Department of the Population and Civil Registration of Lebak, Act No. 24 of 2013 indicates that the religion column on CC is written in dashes (-). This is because the state does not acknowledge the religion of the Baduy people. Nevertheless, the database contains information about Sunda Wiwitan's religious affiliation. In the past, religion was written in dashes (-) even in the Population Administration Information System; however, since 2016, it has been written in belief.

Furthermore, the Indigenous religion of *Sunda Wiwitan* was also practised in Cigugur, located in the Kuningan District of the West Java Province government. It is common practice in Cigugur to refer to *Sunda Wiwitan* as the Religion of Jawa Sunda or ADS (Syaripulloh 2014), the Religion of Jawa Sunda Pasundan or AJSP (Iskandar 2012), or AKUR (*Karuhun Urang* Custom) (Tridewiyanti *et al.* 2024). ADS is developing in Indramayu, Majalengka, Ciamis, Tasikmalaya, Garut, Bandung, Padalarang, Bogor, Purwakarta, and even Jakarta. Sunda Wiwitan begins in Cigugur, then it spreads throughout West Java. According to Dewi Kanti (2016), AKUR *Sunda Wiwitan* growing in Cigugur started from two foundations, i.e., Self-awareness as a human being by maintaining the way of human traits: *welas asih, undak usuk, tatakrama, budi daya budi bahasa, wiwaha yudha naraga*; Personal awareness as a nation, maintaining the ways of the nation's character: *rupa, adat, basa, aksara*, and culture.

Kento Subarman asserts that the marriages of the followers of *Sunda Wiwitan* Cigugur are documented in the Marriage Certificate of the AKUR community. As a result, the marriages cannot be registered with the Department of Population and Civil Registration (Disdukcapil) because AKUR is not an organisation. When it comes to the marriage that took place in the AKUR community, Wahyu Alamsyah disclosed that the Civil Registry Office denied his marriage. Subsequently, he filed a lawsuit against the District Court in 1989, and he was successful in his case. However, the Civil Registry Office did not register the marriage, so he married in Bandung. In addition, Wahyu noted that the AKUR did not have any leaders or groups listed in Kemendikbud, which is the Ministry of Education and

Culture. As a result, he requested assistance from Kusnadi, a religious leader of Aji Dipa from Bandung, to carry out his marriage. After receiving a letter from Aji Dipa, the marriage was registered and obtaining the Marriage Certificate was initiated. Additionally, the couple celebrated the birth of their children and obtained birth certificates in the names of both their father and mother.

The customary people of Samin or Sedulur Sikep had endured discrimination in Kudus and Pati, which are located in Central Java. This was because they adhered to Adam's religion. Samin Surosentiko, a nobleman born in 1859 and given the name Raden Kohar, became the instructor of the Adam Religion. He was born in the village of Ploso Kedhiren, Randublatung, Blora. In the year 1890, Samin Surosentiko began to cultivate his teaching career in the region of Klopoduwur, which is located in Blora. After a short period, many people became his disciples after being drawn to him. During that period, the Dutch colonial authority did not consider the doctrine because it was merely a new religious or spiritual teaching. Later on, *Samin*'s supporters did not pay their taxes, resulting in Samin being banished to Padang City, located in West Sumatra. Samin passed away in 1914.

The Adam religion is a local religion that is characterised by speech (*tandeké neng pangucap, opo wae tukule soko pangucap*), behaviour (*laku*), and clothing (*panganggo*). According to *Samin*, Adam's religion is a doctrine that encourages ethical ideals and life principles. Samin holds these principles manifested in sincerity, *nrimo*, no envy-hate toward anybody, and a desire to avoid causing harm to anyone (Rosyid 2014).

Wargono, a figure of Samin in Kudus, made the following statement about acknowledging the Adam religion: "It does not matter whether the government recognises it or not". Recognisance is unnecessary because actions, rather than religious beliefs, determine whether a person is good or terrible. Previously, during the administration of Regent Tamzil (in the 2000s), the religion column on the identification card was written as Islam, even if the individuals were not Muslims. In the beginning, there was no issue. However, when a large number of Muslims were detained by the government (perhaps for terrorist activities), Wargono got in touch with the Regent and requested that the religion that was inscribed on the ID card be the religion of Adam. They would prefer to leave the column unfilled if it is not feasible.

However, the religion column was left blank (-), even though practically all members of the Samin community in Kudus had identification cards. On the other hand, such individuals did not possess a marriage certificate because the Office of Population and Civil Registration did not recognise and record their weddings. Wargono made the following remark in response to a question: "*Samin* people believe that there is no need to record marriages in the government offices/the Office of Population and Civil Registration".

While this was going on, the *Samin* community in Pati was also subjected to discriminatory treatment about the provision of population documents. When it comes to the definition of religion, Gunarti of Pati, in contrast to Wargono of Kudus, defines religion by asserting that "religion originated from the word outfits and weapons (sword)". The sword is sharp; the discourse is sharper than anything else the world has seen.

However, the district officials did not consider Gunarti's request, so the religion column on the identification card was left blank. Gunarti had requested that the religion section be



written with Adam's faith. In later years, beginning in 2008, every Sikep and Samin resident in Pati had an identification card. On the other hand, about marriage, every single married Samin was denied registration. The statement made by Gunarti was as follows: "We do not care about marriage certificate; it is simply that families and neighbours recognise the marriage by the procedure of Sikep".

Consequently, it is possible to state that the customary community embracing local faiths will continue to be prejudiced when obtaining services from the Department of Population and Civil Registration to get citizenship documents. Only six religions are recognised by the state, which is the root cause of this discrimination.

#### **7. CASE OF JUDICIAL REVIEW NUMBER 97/PUU-XIV/2016 EXAMINING THE POPULATION ADMINISTRATION LAW**

The applicants submitted a judicial review of Article 61, Paragraphs (1) and (2), as well as Article 64, Paragraphs (1) and (5) of Law No. 24 of 2013, amending Law No. 23 of 2006 on Population Administration. They argued that the term "religion" in Article 61 Paragraph (1) and Article 64 Paragraph (1) contradicts the 1945 Constitution of the Republic of Indonesia and lacks binding legal power, conditionally, as long as it does not include belief systems. The applicants requested that the religion field in the Family Card and the Electronic Identity Card for followers of belief systems or unrecognized religions be left blank but still be recorded in the population database. They contended that followers of belief systems have the same legal standing as adherents of the six officially recognized religions in obtaining rights related to population administration. The applicants emphasized that the omission of belief systems from the Electronic Identity Card results in difficulties in accessing and obtaining fundamental rights such as the right to work, education, social security, and other services.

In examining the administrative violations due to norms in the population administration law that distinguish between religion and belief systems, issues related to the inclusion of belief identity in population documents like Electronic Identity Card and Family Card divide belief followers into two groups. The first group fills the religion field with one of the official religions recognized by the government (Islam, Protestantism, Catholicism, Hinduism, Buddhism, Confucianism). They do this for administrative purposes or due to their status as civil servants, even though the government has granted them the freedom not to fill in the religion field in their population documents. This group believes that practising belief in the Almighty God can coexist with an official religion. The second group tends to assert their identity as followers of a belief system by leaving the religion field blank in population documents, encouraged by the government policy that grants freedom for belief followers not to fill the religion field. In practice, they face no administrative issues when leaving the religion field blank on their identity cards, as more government officials understand the policy, allowing belief followers to leave it blank (Nugroho and Madalina 2018).

The panel of judges granted the applicants' request in full. The Constitutional Court declared that the term "religion" in Article 61 Paragraph (1) and Article 64 Paragraph (1) of Law No. 23 of 2006 on Population Administration, as amended by Law No. 24 of 2013, is contradictory to the 1945 Constitution of the Republic of Indonesia and lacks binding

legal power, conditionally, as long as it does not include belief systems. This ruling sparked controversy among the public and religious figures. Among those opposing the ruling was the Indonesian Ulema Council (MUI) Chairperson, KH. Ma'ruf Amin argued that the Constitutional Court decision on belief systems did not consider societal consensus; instead, it relied solely on legal principles without acknowledging agreements in national life (Kuwado 2017, Tempo.co 2017). The Minister of Religious Affairs, Lukman Hakim Saifuddin, stated that the Constitutional Court decision to allow "belief" in the religion field satisfied some while disappointing and unsettling others (Nugroho and Madalina 2018).

The core issue of this ruling revolves around the interpretation of "religion" and "belief" in the 1945 Constitution, particularly in Article 28E Paragraphs (1) and (2) and Article 29 Paragraph (2), which states that "The state guarantees freedom for every citizen to practice their religion and to worship according to their religion and belief." Apart from the interpretation of these two phrases, the matter at hand is a form of discrimination in fulfilling the fundamental rights of citizens, particularly in population administration services.

Based on these opinions, it is evident that the implementation of the Constitutional Court's Decision No. 97/PUU-XIV/2016 regarding the review of the Population Administration Law for the community in creating Electronic Identity Card is also influenced by social, cultural, economic, and political factors. Various pressures emerged during the judicial review process at the Constitutional Court, such as support for the Constitutional Court to grant the judicial review related to belief followers' issues as a form of recognition and protection of human rights. On the other hand, there were statements from the Indonesian Ulema Council (MUI) expressing regret over the MK's decision. The House of Representatives, in its written statement to the MK, argued that the applicants lacked legal standing and requested that the application be dismissed or deemed inadmissible.

The debate over this decision highlights external influences. Issues surrounding Constitutional Court Decision No. 97/PUU-XIV/2016 arose during the judicial review process and in its implementation, such as the difficulty for people to obtain recognition and protection when creating Electronic Identity Card with a belief column that aligns with their preferences. Various factors emerged that influenced the implementation of this Constitutional Court decision.

The first factor is law, where the Constitutional Court ruling serves as a legal basis for including belief followers in the religion field on Electronic Identity Card. To fully implement this decision, additional regulations are required to ensure legal certainty at the implementation level, particularly in regions. The second factor is law enforcement, where the absence of technical regulations regarding the Constitutional Court ruling from the central government prevents the local population and civil registration offices from implementing it, even if applications for religious field amendments are submitted. The third factor is infrastructure, especially related to the system for religious or belief options in creating Electronic Identity Card. Although there is an option for "belief followers," implementation is not optimal as the belief system is not officially registered. The fourth factor is society, where filling the religion field with a particular religion on the Electronic Identity Card is often done out of compulsion. However, some want to list their belief. Public unawareness of the Constitutional Court ruling is due to limited socialization, compounded by difficult-to-reach geographical conditions. The fifth factor is culture,

encompassing values underlying applicable law, such as human rights and public service principles (Salfutra *et al.* 2019).

TABLE 1

Type of Regulation	Article	Content
The 1945 Constitution of Indonesia	Article 28E, Section (2)	“Everyone has the right to freedom of belief, to express thoughts and attitudes, in accordance with their conscience.”
	Article 29, Section (2)	“The state guarantees the freedom of every citizen to embrace their religion and to worship according to their religion and belief.”
Human Rights Law	Article 22, Section (1)	“Everyone is free to embrace their religion and to worship according to their religion and beliefs.”
	Article 22, Section (2)	“The state guarantees the freedom of every citizen to embrace their religion and to worship according to their religion and beliefs.”
ICCPR	Article 18, Section (1)	“Everyone has the right to freedom of thought, conscience, and religion. This right includes the freedom to choose their own religion or belief, and the freedom, alone or in community with others, in public or in private, to manifest their religion or belief in worship, observance, practice, and teaching.”
	Article 18, Section (2)	“No one shall be subjected to coercion that would impair their freedom to have or to adopt a religion or belief of their choice.”
	Article 18, Section (3)	“The freedom to manifest one's religion or beliefs may be subject only to limitations prescribed by law and necessary to protect public safety, order, health, or morals, or the fundamental rights and freedoms of others.”

**Table 1. State Guarantees for Adherents of Indigenous Beliefs.**  
(Source: Jufri 2020).

The issue in the Constitutional Court ruling regarding “religion” and “belief” in Indonesia lies in the ambiguity in distinguishing the two, mainly as the Constitutional Court views belief as a separate yet equal entity to religion. This interpretation arises from two constitutional articles: Article 28E (which separates religion and belief) and Article 29, which merges them into one clause. Article 28E was added during the Reform era, while Article 29 has remained unchanged since 1945. The Constitutional Court interpretation of Article 29(2) states that religion and belief are inseparable, even viewing belief as part of religion with equal freedom guarantees. However, the interpretation of Article 28E separates them as distinct entities, thus viewing belief as not part of religion. This differing interpretation creates ambiguity regarding the belief status: Is it part of religion, or is it entirely separate?

This discrepancy also highlights the misalignment of the Constitutional Court understanding of “religion” and “belief” with the interpretation of “religion or belief” in the ICCPR, ratified by Indonesia in 2005. According to the ICCPR, “belief” includes theistic, non-theistic, and atheistic beliefs and the right not to follow a particular religion or belief.

Furthermore, the stratification in the 1965 Law on Prevention of Religious Abuse (PNPS) categorizes religious entities into four groups: six official religions, other world religions, local religions or belief systems, and (4) atheism. The norms established by PNPS 1965 prioritize the first two categories, while the latter two need “guidance” to align with the principle of belief in the Almighty or are even unrecognized. This ambiguity simplifies understanding religion and belief, particularly in state administration. This simplification may facilitate regulation but ignores society’s social-religious complexity and diversity. In reality, beliefs are diverse and internally dynamic. Indigenous religions, for example, have different characteristics from belief systems, but both entities are often grouped in the same category. Additionally, some followers practice a belief system alongside one of the six official religions, which is not accommodated in this binary classification. For followers of other world religions not among the six official religions, such as the Baha’i, this stratification also presents a problem: they cannot list their religion in the identity field and, due to the Constitutional Court decision, cannot leave the religion field blank (Fachrudin 2019).

This simplification reinforces a binary and simplistic understanding of religion and belief, even among judges and religious leaders. This indicates that judges’ biases often influence legal decisions, including their assumptions about religion/belief. Therefore, judicial understanding of religion and belief must also be reorganized if religious life management reform is sought. Many religious organization leaders do not regard belief systems as religions—some even consider them heretical or dangerous—and believe that belief systems should be “religionized” or guided to align with official religions. Hence, efforts to reform the paradigm of religion and belief must include extrajudicial advocacy, including re-educating judges and religious leaders.

#### **8. NON-DISCRIMINATORY SERVICES IN FACILITATING CITIZENSHIP DOCUMENTS FOR THE CUSTOMARY COMMUNITY HOLDING LOCAL RELIGIONS BUT EMBRACING THE RECOGNISED RELIGIONS**

According to the study’s findings, two traditional villages continued to practice their religions while simultaneously adopting Islam as the official religion of the region. These two communities were the Samin community, also known as *Sedulur Sikep*, located in the Blora District, and the customary people of Kampung Urug, also known as Urug village, in the Bogor District.

The customary norms passed down from the past customary chiefs are still followed by the residents of Kampung Urug, even though they are believers in Islam. Therefore, besides Islamic teaching, they must teach *Sunda Wiwitan*, known as *Ngaji Diri* (introspection) and *Tapa Manusa* (self-awareness). This is the fundamental principle of the local moral teachings, reflected in the performance of self-correction, self-awareness, and human essence (Dewantara 2018).

Because they are Muslims, the inhabitants of Kampung Urug were provided with the proper services regarding the citizenship paperwork. They have a credit card with the word “Islam” written in the religion column, their marriage is documented in the Religious Affairs Agency (KUA) since they chose to execute it by Islamic teaching, and they also have a birth certificate from the Office of Population in Cibinong when they have a child.

In the meantime, the traditional people of Samin in Blora were subjected to the same fate as the inhabitants of Kampung Adat Urug (Urug village) in Bogor. This was because both groups had adopted Islam. Even though the Blora district, including Randublatung and Klopoduwur, was the place in which Kyai Samin Surosentiko was the first to teach the teachings of the Adam religion, the existence of the Adam religion does not develop as well as it does in the Pati and Kudus districts. According to the findings of Heru S.P. Saputra and Andang Subaharianto (Saputra and Subaharianto 2008), research conducted in four residential areas of *Samin*, Bojonegoro, Blora, Pati, and Kudus, Saputra argued that the younger generation of the *Samin* community in Bojonegoro and Blora is not capable of maintaining Saminism. On the other hand, many young people in the District of Pati and Kudus maintain their belief in Samin principles.

It was mentioned by Lasiyo, a central Samin figure in Kapangpace Sub-Village, Klopoduwur Village, that the number of Samin devotees that are still present in this sub-village is only 25 persons and that these individuals have ID Cards and Family Cards with Islam recorded as their religion. According to Lasiyo, *Kyai Samin Pangkrek*, *Samin Surosentiko*, and *Suro Samin*, “if the country is independent and has a leader, the people must obey the leaders”. This was the stated reason for the introduction of Islam in Karangpace in 1983. According to Lasiyo, the Samin of Karangpace sub-village must adhere to the religion recognised by the government, Islam.

Therefore, it should not have come as a surprise that all Samin, particularly those living in Karangpace, had converted to Islam in the year 1983. Consequently, the religious columns on their identification cards, such as those belonging to Lasiyo and Waini, clearly display the Islamic religion. Similarly, when they get married, they register their nuptials with the Agency of Religion Affairs (KUA) of the Banjarejo sub-district. Lasiyo claimed that all persons qualified for Samin Karangpace have identification cards, family cards, marriage certificates, and birth certificates for their children’s education institutions.

Because they adhered to Islam, the customary communities in Kampung Urug and Samin, located in the Blora District, were not to be discriminated against when obtaining citizenship credentials. Contrarily, the statistics demonstrated that the government is reluctant to acknowledge local religion as a religion. This is because the government is the one who determines the definition of religion through a unilateral process. The indigenous people who continued to practice their minority religions (local religion) were not granted the freedom to select a religion or belief, as stipulated by the Constitution and the Human Rights Law. This was because the government continued to support the six major religions. According to Alferd Stepan (2012), who coined the term “twin tolerations”, the government’s implementation of the majority prejudice policy against indigenous people has resulted in a violation of the ideal connection that exists between the state and religion.

## 9. CONCLUSION

The Constitutional Court Decision No. 97/PUU-XIV/2016 still needs to completely resolve the legal challenges surrounding belief systems, especially regarding the rights of adherents to declare their religion in official documents publicly. The implementation of Constitutional Court Decision No. 97/PUU-XIV/2016 regarding the Judicial Review of the Population Administration Law for citizens receiving an electronic ID card is influenced by

various social, cultural, economic, and political factors. Multiple pressures emerged during the Court's judicial review process, including advocating for providing legal review to adherents of belief systems to acknowledge and protect human rights. The Indonesian Ulema Council expressed disappointment regarding this judgement. The House of Representatives communicated with the Court, asserting that the petitioner did not possess legal standing and urged that the petition be dismissed or deemed inadmissible. The pros and cons of this decision indicate the presence of external factors. The obstacles encountered by individuals in securing acknowledgement and safeguarding their beliefs when submitting electronic ID cards requests, particularly regarding the religion column, were highlighted throughout the judicial review process and its subsequent implementation. Various factors influence the execution of this decision.

The Court's ruling permits electronic ID cards to include belief systems within its designated religion column. Derivative rules are essential for ensuring legal certainty during implementation, particularly at the regional level, to facilitate optimal enforcement. Secondly, regarding law enforcement, the Department of Population and Civil Registration in Bangka Regency has faced challenges implementing the Court's decision. This is primarily due to the absence of technical regulations from the central government, despite individuals requesting changes to the religion column. The application process for selecting a religion or belief in issuing an electronic ID card includes an option for "belief adherent." However, the execution of this option needs to be improved due to the lack of formal registration for the beliefs practised. Fourth, the community: some individuals perceive a compulsion to indicate a religion on their electronic ID card rather than reflecting their belief system. The absence of social interaction and limited geographical access play significant roles in fostering public unawareness of this Court ruling. Fifth, culture: This includes the principles of human rights and the values of public service that form the foundation of the law.

The adherents of minority religions are subjected to systemic discrimination in a variety of contexts, including social stigmatisation and the bureaucratic obstacles that must be overcome in order to receive official documentation. It is possible that marriages that are performed by the religious traditions of the local community will not be recognised by the law. This might lead to inheritance, child custody, and other legal issues. As a result of the absence of official recognition and support, these communities are frequently relegated to the margins of society, which restricts their possibilities for socioeconomic advancement and the preservation of their cultural traditions.

In Indonesia, implementing policies skewed toward the majority runs counter to the constitutional commitments and international human rights duties that Malaysia has made. The Constitution of Indonesia protects an individual's right to freedom of religion and belief, and the nation is a signatory to several international treaties that preserve these rights, including the ICCPR. These legal protections are violated when there is systematic discrimination against minority religions, which also undermines the concepts of fairness and equality that are vital to democratic nations.

There is a framework provided by international human rights provisions that can be utilised to address the challenges that local religious devotees in Indonesia are facing. According to General Comment No. 22 of the United Nations Human Rights Committee, freedom of religion encompasses all beliefs, including non-theistic or atheistic beliefs. Indigenous

peoples are granted the right to exercise and renew their cultural traditions, including their spiritual and religious traditions, according to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

The Indonesian government should consider several actions to conform its policies with international standards. In order to eliminate clauses that enforce majority bias and to assure protection for all religious communities, including local religions, legal reforms should be implemented to revise Act No. 1/PNPS/1965 and related regulations. The formulation of policies ought to be inclusive, reflecting the diverse religious landscape of Indonesia, and should involve talks with local religious representatives to understand the religious community's requirements. In order to foster mutual tolerance and understanding among various religious groups, public awareness and education programs should be implemented. It is also necessary to streamline the administrative processes involved in acquiring population documentation to guarantee that all citizens, regardless of their religious affiliation, have equal access to the vital services.

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