



## The legal journey of indigenous belief systems in Indonesia

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### Abstract:

A persistent gap exists between Indonesia's constitutional guarantee of religious freedom and the practical realities for adherents of indigenous belief systems, presenting a critical socio-legal dilemma. Employing normative legal analysis and policy review, this article traces the legal evolution of this contradiction. It examines the translation of constitutional and international guarantees into legislation and jurisprudence, revealing regulatory conflicts that perpetuate systemic discrimination in civil administration. The study identifies The Constitutional Court Decision No. 97/PUU-XIV/2016 as a pivotal mandate for equal recognition. However, analysis demonstrates that a significant implementation gap persists due to regulatory ambiguities and socio-cultural stigma. The findings argue that fulfilling the constitutional rights of believers necessitates sustained state commitment to legal clarity, non-discriminatory administration, and an inclusive interpretation of Pancasila, contributing to broader discourses on socio-legal inclusion and pluralism.

### Keywords:

Constitutional right, indigenous, Indonesia, legal journey.

### Resumen:

Existe una brecha persistente entre la garantía constitucional de libertad religiosa en Indonesia y la realidad práctica de los seguidores de los sistemas de creencias indígenas, lo que plantea un dilema sociojurídico crítico. Mediante el análisis jurídico normativo y la

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revisión de políticas, este artículo traza la evolución jurídica de esta contradicción. Examina la traducción de las garantías constitucionales e internacionales en legislación y jurisprudencia, revelando conflictos normativos que perpetúan la discriminación sistémica en la administración civil. El estudio identifica la decisión del Tribunal Constitucional n.º 97/PUU-XIV/2016 como un mandato fundamental para el reconocimiento de la igualdad. Sin embargo, el análisis demuestra que persiste una importante brecha en la aplicación debido a las ambigüedades normativas y al estigma sociocultural. Las conclusiones sostienen que el cumplimiento de los derechos constitucionales de los creyentes requiere un compromiso sostenido del Estado con la claridad jurídica, la administración no discriminatoria y una interpretación inclusiva de Pancasila, lo que contribuye a un discurso más amplio sobre la inclusión sociojurídica y el pluralismo.

**Palabras clave:**

Derecho constitucional, indígena, Indonesia, trayectoria legal.

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## 1. INTRODUCTION

The recognition of indigenous peoples in the international community remains a subject of debate. The concept of “indigeneity” was formally introduced less than two decades ago (Fricke 2019), and countries that acknowledge the existence of indigenous peoples often face dilemmas in aligning international norms with their national legal frameworks (Cornassel 2003). Indonesia, a vast nation marked by considerable ethnic, cultural, and religious diversity is no exception. Founded upon the constitutional principle of belief in One Supreme God, as enshrined in Pancasila and Article 29 of the 1945 Constitution, the state does not prescribe a single religion but acknowledges a plurality of beliefs. However, this constitutional guarantee of religious freedom has not fully shielded followers of indigenous belief systems such as Kejawen, Sunda Wiwitan, Marapu, and Kaharingan from systemic legal and administrative discrimination. This article therefore investigates the following core question: Why does a persistent gap exist between Indonesia’s constitutional and international commitments to religious freedom and the ongoing marginalization of indigenous belief adherents in legal and administrative practice? Through a descriptive-analytical examination of legislation, court rulings, and implementation challenges, the paper argues that despite significant juridical recognition, notably through Constitutional Court Decision No. 97/PUU-XIV/2016, the realization of religious equality remains hindered by regulatory ambiguities, inconsistent local enforcement, and deep-seated social stigma. By centering this disconnect, the study seeks to contribute to broader discussions on legal pluralism, minority rights, and the operational meaning of Pancasila in a religiously diverse Indonesia.

Reflecting on the indigenous peoples of Brazil’s Yanomami region and Japan’s Ainu (Miranda and Alamino 2025), Indonesia adopted the idea of a legal state on the basis of Pancasila and the Republic of Indonesia 1945 Constitution. The primary objective of the nation is to establish an equitable, affluent, secure, harmonious, and well-organized society, while guaranteeing all individuals equal legal status. Religion has a preeminent position in all facets of human existence in Indonesia under the framework of Pancasila. Indonesia is undeniably a religious country characterized by a profound belief in deity. Faith and religion have distinct characteristics in comparison to other entities (Wahyudi and Suntana 2025). This is because religious belief is intricately connected to the universal ideals of life and the spiritual aspect. Conversely, religion may also serve as a catalyst for fostering and enhancing social unity within the administration and society.

A state’s constitution plays a crucial role in governing society and the nation. Historically, almost no country had a constitution before the beginning of the 21st century. This fact highlights how essential constitutions are to modern state systems. The essence of constitutionalism lies in limiting governmental power while at the same time safeguarding the rights of every individual. One of the fundamental elements found in nearly every constitution today is the protection of human rights. Upon closer examination, one of the most important rights that every nation must uphold is freedom of religion (Abdulla 2018).

The Decree of President of the Republic of Indonesia Number 1/PNPS of 1965, which addresses the prevention of abuse and/or desecration of religion, specifies that the Indonesian people adhere to Catholicism, Christianity, Islam, Buddhism, Hinduism, and

Confucianism. The evolution of these six religions is clearly evident in Indonesia. In Decision No. 140/PUU-VII/2009, the Constitutional Court dismissed the judicial review application for this legislation that had been previously presented to it (Sukirno 2018).

The protection of religious freedom is part of the constitutional rights of any citizen guaranteed by the 1945 Constitution. Strictly speaking, Article 29 of the 1945 Constitution explicitly states “the independence of each population to embrace their respective religions and worship according to their beliefs”. Article 29 is the legal basis for people to choose the religion they want to believe in. The right to freedom of religion is considered a non-derogable right, meaning that it cannot be withdrawn or limited by the government under any circumstances (Ifitah *et al.* 2022). Nevertheless, in practice, it consistently gives rise to challenges and complexities, particularly when novel viewpoints emerge that are deemed divergent from the dominant perspective. The 1945 Constitution, in Article 28, paragraph 1, also acknowledges the existence of the right to freedom of religion, explaining that the ability to practice one’s religion and beliefs is an unalienable right.

Religious freedom is protected by international treaties such as the International Covenant on Civil and Political Rights (ICCPR) (Taylor and O’Sullivan 2021) and the Universal Declaration of Human Rights (UDHR). Article 18 of the Universal Declaration of Human Rights (UDHR) guarantees everyone the freedom of conscience, religion, and thought (Synot 2019). This right includes the guarantee to change one’s religion or belief system and to make one’s religion or belief system visible by instruction, worship, observance, and devotion to it, both on an individual and communal level, in public or private settings. Indonesia, as a part of the United Nations (UN), demonstrates its commitment to supporting the safeguard of the freedom of religion in Indonesia by ratifying the ICCPR into Law Number 12 of 2005. ICCPR Art 18 guarantees that every individual retains the entitlement to exercise their worship according to their beliefs, to change or convert their religion or beliefs, and the right to speak clearly about their religion or beliefs both individually and collectively in public or private spaces. The ratification carried out is one of Indonesia’s efforts to recognize and respect the freedom of religion for its people.

Moreover, every individual is entitled to the freedom of organisation, assembly, and expression. Regrettably, the operational effectiveness of the constitutional mandate has been hindered due to persistent challenges faced by certain segments of society in exercising their constitutional rights, as observed among followers of certain religious systems. Everyone is entitled to the freedom of association, assembly, and expression of opinion (Munir and Ilham 2022). Unfortunately, the constitutional mandate has not yet been able to function as hoped, because some groups in society still struggle to exercise their constitutional rights, as experienced by adherents of belief systems.

Notwithstanding the recognition and equivalence of their beliefs with officially recognised religions by Constitutional Court Decision 97/PUU-XI/2016, the phenomena observed among followers of belief systems continues to encounter challenges in guaranteeing the realisation of their rights to exercise their beliefs. Such as the challenges in generating legal documentation for offspring of adherents of religious systems whose marriages, carried out in accordance with their traditional beliefs (Bielefeldt *et al.* 2022), are not acknowledged by the Government.

## 2. ASSURANCE OF RELIGIOUS AND BELIEF FREEDOM IN INDONESIA

To understand the legal position of indigenous belief systems in Indonesia, it is essential to critically examine how the state ideology of Pancasila which explicitly affirms “Belief in the One and Only God” has been interpreted and institutionalized in ways that often exclude non-monotheistic and non-world religions. While Pancasila and the 1945 Constitution formally guarantee religious freedom, their implementation has created a hierarchy of recognition that systematically marginalizes local spiritual traditions. This tension between inclusive constitutional ideals and exclusionary legal practice forms the central paradox explored in this section, which traces how Indonesia’s constitutional and international commitments to religious freedom have coexisted with a regulatory framework that privileges certain religions over others.

The 1945 Constitution and the acceptance of international agreements provide constitutional guarantees for the safeguarding of freedom of religion and belief (FORB) by the state (Petersen 2022). The primary objective of establishing a state is to safeguard the rights of its inhabitants and to efficiently serve the collective interests of all its members. Within the framework of Indonesian identity, a primary objective of the nation is to safeguard the well-being of all Indonesian citizens, without any form of racial, linguistic, or religious bias. Hence, it is incumbent upon the state to safeguard the rights and liberties of each person in the freedom to exercise their religious beliefs and engage in religious worship (Mustaming 2020). The freedom of religion is a component of non-derogable rights, meaning it is absolute and cannot be withdrawn, abandoned, or limited by the government under any circumstances (Wulan Ramadhani Ifitah and Salmon Eliazer Marthen Nirahua 2022). Nevertheless, in practice, it consistently gives rise to challenges and complexities, particularly when novel viewpoints arise that are seen to diverge from the dominant perspective.

Long before the birth of legislation or the ratification of international covenants, the 1945 Constitution had already established provisions regarding the recognition of religion and belief in the One and Only God. In addition, Pancasila, which is the state ideology, states “Belief in One God,” followed by the phrase in the preamble of the 1945 Constitution that mentions “with the blessing of the Almighty God...” and then Art 29, paragraph 1, clearly states that “the state is based on the belief in One God,” serves as an acknowledgment of the existence of God’s power. A country that acknowledges the existence of God must be able to guarantee, protect, and respect all religions and beliefs that thrive within its society (Al-Fatih and Firma Aditya 2020).

According to Article 29, paragraph 2 of the Constitution of the Republic of Indonesia, the state ensures the freedom of religion for every resident, allowing them to freely practice their designated religion and worship congruent with their faith. Furthermore, Article 28 E, paragraphs 1 and 2 likewise ensure the right to do their own worship and maintain one’s faith and beliefs. According to these two articles, the state is obligated to safeguard all citizens in the exercise of their religion/belief and the performance of worship in line with their religious and belief systems. The state’s assurance of safeguarding religious freedom renders it an inherent constitutional entitlement for citizens that must be upheld.

In addition to the 1945 Constitution, the guarantee of freedom of religion and beliefs is also outlined in Law Number 39 of 1999 on Human Rights, specifically in Article 22,

paragraph 1, which states, “Every person has the right to embrace their own religion and to worship according to their religion and beliefs.” Article 22, paragraph 2 also mentions the guarantee of freedom provided by the state to each citizen in embracing their religion and beliefs. Law Number 7 of 2012 on the Management of Social Conflicts also pays attention to the potential issues related to religion. This law views that religious issues could lead to conflicts among different religious groups. Therefore, this law emphasizes that the handling of inter-religious conflicts must reflect the principles of human rights (Adityo 2022).

Indonesia has shown its dedication to safeguarding the freedom of religion and belief for its citizens by officially adopting the “International Covenant on Civil and Political Rights” (ICCPR) as Law Number 12 of 2005 and ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR 1966) as Law Number 11 of 2005 (Payne and Abouharb 2016). While ratifying the ICCPR, the Indonesian government did not express any reservations, save for the inclusion of a declaration addressing the right to self-determination as outlined in Article 1. Article 18, paragraphs 1 and 2 of the ICCPR specifically address the challenges faced by children of adherents of belief systems whose marriages, conducted in accordance with their customary beliefs, are not acknowledged by the Government;

1. Everyone has the right to practice their faith, think what they choose, and have their conscience free. This right should encompass the ability to choose or embrace a particular religion or believe, as well as the ability to practice, worship, observe, and instruct others in public and private, both individually and in groups.
2. No one shall be forced to practice or adopt a religion or belief of their own choosing. This includes no coercion of any kind.

On December 10, 1948, the United Nations enacted the important “Universal Declaration of Human Rights” (UDHR), which addresses human rights (van Asbeck 2024). The UDHR serves as the foundation for the implementation of freedom for all nations, and acknowledges the importance of protecting human rights through legal regulations. Article 18 of the UDHR states that freedom of religion is guaranteed: “Everyone has the right to freedom of thought, conscience, and religion; this includes the freedom to change their religion or belief, and the freedom to manifest their religion or belief in teaching, practice, worship, and observance, either alone or in community with others, in public or private.” Additionally, the UDHR addresses the elimination of discrimination and intolerance based on religion, as outlined in Article 1, paragraph 2, and Article 6, letters a, c, h, and i (Sukirno and Natalis 2025).

Religious freedom is enshrined in the state constitution and in international instruments, establishing it as both a fundamental human right and a constitutional imperative that the state is obliged to uphold, preserve, and honor. However, in Indonesia, the state’s interpretation and operationalization of this freedom rooted in a specific reading of Pancasila and the 1945 Constitution have created a de facto hierarchy of belief. The constitutional guarantee of “Belief in the One and Only God” has been institutionalized in a manner that privileges organized, monotheistic “religions” over indigenous, often animist or ancestral, belief systems. This selective recognition is codified in state policies and administrative practices, which effectively marginalize indigenous adherents by denying their systems equal legal standing and access to civil rights. Consequently, the relationship between the state and its citizens is critically tested by this gap between inclusive

constitutional principles and an exclusionary legal reality. The state's responsibility to respect, protect, and fulfill human rights thus remains incomplete, as the freedom of religion and belief is not applied equally to all citizens. True fulfillment of this right requires moving beyond a framework of selective recognition to one of genuine pluralism that honors the nation's foundational diversity.

### **3. AN ANALYSIS OF CONSTITUTIONAL RIGHTS AND LEGAL AMBIGUITY FOR FOLLOWERS OF TRADITIONAL FAITHS FOLLOWING CONSTITUTIONAL COURT DECISION 97/PUU-XIV/2016**

Adherents of religious beliefs are commonly known as streams of belief originating from several traditions. The stream of beliefs in Indonesian language has experienced extensive alterations in nomenclature. The most recent designation is "believer in faith," which was formerly synonymous with the expressions "belief in the One Supreme God" or "belief." The Coordination of Supervision of Belief Streams (BAKOR PAKEM) defines belief streams in society as encompassing (Humaidi 2020).

- a) Religious streams include: religious sects, religious movements, groupings of religious congregations both of heavenly and earthly religions;
- b) Cultural beliefs encompass: spiritual currents, psychological beliefs, spirituality/belief in the One Supreme God, Javanese mysticism, witchcraft or divination, paranormal activities, and metaphysics.

Both types of streams have differences in their main sources of teachings. For religious streams, the primary source of guidance for teachings is the holy scripture based on divine revelation, while for belief systems, the main source or guiding principles are derived from the nation's culture that contains spiritual or religious values, as well as from the results of human reasoning, creativity, feelings, will, and works.

According to the databoks website (Kusnandar 2021), the Directorate General of Population and Civil Registration (Dukcapil) of the Ministry of Home Affairs (Kemendagri) claimed that as of June 2020, there were 102,508 persons in Indonesia who followed belief systems. The figure corresponds to 0.04% of Indonesia's overall population, which amounts to 272.23 million individuals. DataIndonesia.id published the count and geographical distribution of regions in Indonesia where adherents of belief systems reside in April 2023. Based on data provided by the kemendagri, the amount of data of Indonesian citizens who follow belief systems as of the end of 2022 is 117,412. The figure corresponds to 0.04% of Indonesia's total population, which amounts to 277.75 million individuals. The belief systems adopted by civilization have undergone evolution since prehistoric times. Indonesia boasts a truly vast array of faiths, numbering in the hundreds. Indonesia exhibits a rich cultural diversity encompassing several belief systems. This is distinct from religions that have received governmental recognition. Indonesia has witnessed the growth and development of distinct belief systems, namely Kejawen, Sunda Wiwitan, Marapu, Kaharingan, and Malim (Simbolon 2022).

Article 29 of the 1945 Constitution explicitly ensures the right to freedom of religion for its citizens. Nevertheless, the state, being the principal enforcer of protection, has emerged as the primarily transgressor. During 2015, the Wahid Institute reported that the government

remains the primary entity responsible for violations of religious freedom. The issue of freedom of religion and belief in Indonesia is influenced by three main aspects: firstly, the regulations in legislation; secondly, the role of authorities in law enforcement; and lastly, the perception of nation-states by society or citizens who follow different religions, traditional leaders, and members of ethnic groups. If the government is unable to uphold and defend the rights of its people, it is considered to have failed to organize national life. Indeed, as articulated in the 1945 Constitution preamble, one of the state's objectives is to "protect the entire Indonesian nation and all of Indonesia's bloodshed...".

Law Number 23 of 2006 on Population Administration, combined with Law Number 24 of 2013, is responsible for discriminatory practices. Articles 61 and 64 of the law violate the basic rights of individuals who adhere to religious views as valued members of society. Those without their religion officially recognized are exempt from disclosure in the religion section of their family card, but their religious affiliation is still documented in the population database. Similarly, those without their religion are exempt from disclosure in the Electronic Identity Card (e-KTP) but their religious affiliation is still accurately documented. This leads to inequitable treatment and erodes constitutional rights execution, encroaching upon citizens' fundamental rights. Although the Act mandates the issue of Family Cards and Electronic Identity Cards, these clauses may deprive individuals of their right to obtain them.

As a republic based on the idea of legal governance, Indonesia has a duty to uphold and defend its citizens rights. The 1945 Constitution clearly states the fundamental rights of citizens, which are subsequently referred to as constitutional rights. The 1945 Constitution sets forth the fundamental rights of citizens, which include the rights to life, family, and posterity, legal protection, self-development, security, welfare, personal liberty, and participation in government. These rights also include the rights of women and children. Legal provisions of constitutional rights are covered in Law Number 24 of 2003, together with Law Number 8 of 2011, which specifically deals with the Constitutional Court. These legislations establish that constitutional rights have a basic nature as they are guaranteed by the state. Under this set of circumstances, the state guarantees the actualization of the constitutional rights of every person under its authority.

The discriminatory treatment experienced unequivocally infringes on the constitutional rights of the followers of that particular theological framework. The Constitutional Court categorizes the constitutional rights guarantees of citizens in the 1945 Constitution of the Republic of Indonesia into three distinct facets: state accountability, citizens' rights, and human rights (International human rights). The emptying of the religious column has the aftermath of rendering followers of belief systems susceptible to being branded as communists or atheists, therefore affecting their everyday existence. The possible infringements upon the constitutional rights of adherents of belief systems encompass Paragraph 1 of Article 27 of the 1945 Constitution guarantees the right to receive equal treatment in both legal and administrative matters. In Indonesia, the idea of citizens equality before the law and government is respected. Mainly, this equal status is also apparent in Article 2, point b of the population administration law, which mandates fair and just delivery of services in population registration. The declaration included in Article 2 is fundamentally in line with the stipulations of Article 27, paragraph 1 of the 1945 Constitution. However, opposition arises against the permissive measures provided to adherents of some religious beliefs. Certainly, the way adherents of belief systems are treated clearly violates and

contradicts Article 27, paragraph 1 of the 1945 Constitution, which explicitly highlights the values of equality and legal and governmental standing.

Furthermore, Article 31, paragraphs 1 and 2 of the 1945 Constitution specifically confers the entitlement to acquire education and engage in fundamental educational activities. Despite the fact that education is an essential entitlement for all citizens, there are still children belonging to religious groups who are unable to obtain adequate education. This can be attributed to the absence of a religion column on the family card, which is a fundamental aspect of identity, particularly for youngsters. Adherents of belief systems frequently encounter prejudice within the education system that disregards or neglects to acknowledge their beliefs. An often observed type of violation is when children who follow belief systems are compelled to participate in religious educational sessions that do not correspond with their beliefs, as the national curriculum primarily emphasizes religions that are officially acknowledged by the government. Furthermore, the deficiencies in the management of identity for adherents of religious systems hamper the process of obtaining scholarships, educational aid, and government programs that frequent the need of providing religious information.

Article 28E paragraph 1 of the 1945 Constitution guarantees the universal entitlement to freely exercise one's religious beliefs. The freedom to select a religion or to maintain a belief system is a fundamental human right that is safeguarded from birth. The constitutional safeguard of the right to profess religion, as outlined in the 1945 Constitution, requires the development of practical guidelines to ensure its effective enforcement. The trust encompasses the right of each citizen to embrace a religion and participate in religious worship activities in alignment with their religious beliefs and perspectives. The issue at hand pertains to the classification of recognised religions and those that have not yet been recognised. Religions classified as belief systems or faith-based faiths do not have the same right to equal treatment regarding the incorporation of their faith in the religion area on identity cards. Although population data incorporate religious perspectives, the lack of a matching column implies that the state is implementing discriminatory measures in its regulations. First and foremost, the state discriminates against faiths by designating official religions in the religion column while leaving belief systems unexplained in the religion field. Upon declaring its non-prohibition of any religion or belief, a government is required to ensure accessibility for its adherents. The assurance of legislative clarity regarding the implementation of citizens' entitlement to recognition as residents, starting with the issuance of identifying documents such as Identity Cards, Marriage Certificates, Birth Certificates, and Family Cards, is vital. Furthermore, it is crucial that it not only confers constitutional rights to individuals but also enables supervision and guarantees legal safeguards for adherents of beliefs that lack official recognition by the state. A common accusation against persons who exclude the religion component from their identification cards is that they are communists, atheists, or associated with heretical groups. This has ramifications for issues associated with religion that encompass complexities of race, religion, intergroup interactions, and ethnicity (Sharp *et al.* 2020). This is basically in conflict with the national ethos that aligns with the noble principles of Pancasila, where the main assumption, which is the belief in one God, intensely underscores the need of uphold religious freedom.

Furthermore, Article 28I paragraph 2 of the 1945 Constitution ensures the entitlement to be exempt from any kind of discriminatory treatment based on any reason. The removal of the religion/belief column is a discriminatory provision that disadvantages followers of belief systems, impeding their ability to establish their identity as citizens. The exclusion of

the religion column as a demographic data component in the Family Card or electronic ID card has led to the infringement of other essential rights. For instance, marriages performed by adherents of the Marapu belief system adhere to traditional cultural practices and are not officially acknowledged by the government, leading to the lack of marriage certificates and family cards. Furthermore, followers of various belief systems also experience the rejection in employment and the refusal to create bank accounts specifically because the religion/belief column on their ID card is empty. Indeed, it is not unusual for bureaucratic authorities to provide various types of assistance to residents depending on their religious affiliation or convictions in spiritual organizations. In several areas, adherents of religious beliefs are frequently coerced by certain civil register and population officials to indicate a chosen faith in the religion section of electronic ID cards and family cards, as they are being processed.

Moreover, the 1945 Constitution, namely Article 28 H paragraph 3, ensures the entitlement to social security. Indonesia follows the principle of a welfare state, whereby the state is obligated to formulate policies in several domains of welfare and enhance the standard of public services by furnishing the essential amenities for the populations. The concept of the welfare state not only includes a delineation of a method to structure welfare or social services, but also embodies a normative notion or an exemplary approach that underscores the entitlement of all individuals to receive social services. The absence of the religion/belief column in these official papers not only ignores the identification of followers of a particular belief system but also greatly affects their eligibility for social security benefits as guaranteed by the constitution. The failure to acknowledge belief systems as a religion results in a vacuum of identity, or even the absence of identity, which poses challenges for certain adherents of belief systems in accessing diverse social security services, such as healthcare, social aid, and other welfare programs. The exclusion of the religion column in the population administration statute results in the infringement of social security rights for followers of some belief systems, therefore constituting a matter of unconstitutionality. This legislation is inconsistent with Article 28H paragraph 3 of the 1945 Constitution, which expressly guarantees that every individual is entitled to social security to ensure their complete and respectable growth. Through its failure to acknowledge and safeguard the identity of individuals who follow certain beliefs, the state falls short in ensuring equitable and impartial social protections for all populations.

Consequently, the guidelines specified in Article 61 paragraphs (1) and (2), along with Article 64 paragraphs (1) and (5) of the Population Administration Law, violate the basic principles of the rule of law and the concept of fair treatment of persons according to the law. These laws explicitly dictate the incorporation of religious information in both the Family Registration Card and the Identity Card (ID). However, the religion section is intentionally omitted for those who follow a particular religious faith, therefore contravening Article 1 paragraph (3), Article 27 paragraph (1), and Article 28D paragraph (1) of the 1945 Constitution. Failure to include the religion column on the electronic ID card for followers of belief systems results in the deprivation of other fundamental rights, including the right to education, employment, healthcare, social security, and other associated services. The lack of a religion selection field in the Family Card and electronic ID card, as required by Article 61 paragraph (1) and paragraph (2), and Article 64 paragraph (1) and paragraph (5) of the Population Administration Law, leads to the exclusion and unfair treatment of those seeking to apply. As a result, the fundamental rights of followers of religious systems, which were meant to be codified and guaranteed in the 1945 Constitution, have not been completely implemented.

On July 18, 2016, individuals that adhere to belief systems including Marapu, Parmalin, Ugamo of the Batak people, and Sapto Darmo, acting as representatives of these belief systems, filed a petition with the Constitutional Court to seek a judicial review of the population administration law (Isra and Faiz 2021). This court review application is an attempt by adherents of belief systems to achieve legal certainty to establish their status as Indonesian citizens. This testing application pertains to the interpretation of Article 61 of Law Number 23 of 2006 on Population Administration, together with Article 64 of Law Number 24 of 2013 on Amendments to Law Number 23 of 2006 on Population Administration, in relation to the Constitution of the Republic of Indonesia of 1945.

The submitted application is grounded on the firsthand experiences of the applicants as practitioners of the stated belief system. Applicant I, a follower of the Marapu faith in East Sumba, believes that their rights have been infringed upon due to the state's failure to acknowledge their traditions. Consequently, they are deprived of a marriage certificate and family card, which poses challenges for Applicant I's children in acquiring legitimate birth certificates. Furthermore, the biological offspring of Applicant III, who follows the Ugamo Bangsa Batak faith, face difficulties in securing job despite possessing excellent qualifications (Nalle 2021). Moreover, the local burial site refused to accept the family burial of Applicant IV, who adheres to the Sapto Darmo belief, compelling them to seek supplementary burial sites. Implementation of Article 61 paragraphs (1) and (2) and Article 64 paragraphs (1) and (5) of the Population Administration Law lead to the marginalization and discrimination of applicants. Eliminating the religious category on the electronic ID card for individuals who hold certain beliefs leads to applicants, as citizens, being deprived of other fundamental rights, including the right to education, employment, healthcare, and social security, together with all its associated services. Given that these essential rights have been governed and ensured in the Federal Constitution of 1945.

The trial session on the population administration regime suggested by adherents of the belief system has lasted for more than a year. The protracted legal proceedings culminate in a definitive judgment. Through legal analysis, the Constitutional Court underscores that the freedom of religion and belief is an inherent entitlement of every individual, protected by the 1945 Constitution. The inclusion of belief identification in civil papers is a crucial aspect of safeguarding human rights and recognizing individual identity. Hence, proponents of belief systems should be afforded equitable respect to that of followers of other recognised religions by the state. This premise underscores the need of promoting inclusiveness and preventing discrimination within the population administration system, thereby ensuring that every citizen, irrespective of their religious or ideological affiliation, can possess an officially acknowledged and esteemed identity. In its ruling numbered 97/PUU-XIV/2016, the Constitutional Court declared on November 17, 2017, that the term "religion" in the applicable articles should encompass "belief," therefore acknowledging the recognized status of indigenous belief systems in official records. Furthermore, the Court nullified a portion of Article 61 paragraph (1) and Article 64 paragraph (1) of the Population Administration Law, which had acknowledged just six official faiths, and mandated a modification to explicitly incorporate belief systems. Furthermore, the Court underscores the constitutional entitlement of every citizen to receive equal treatment and be free from discrimination, which encompasses the freedom to manifest their faith or believe in identifying documents. This judgment mandates that the pertinent authorities modify the protocols and methodologies for followers of belief systems to guarantee the precise inclusion of their beliefs in official documents, such as ID cards and family cards.

Government Regulation Number 118 of 2017, issued by the Indonesia Ministry of Home Affairs, regarding the Family Card Blank, Register, and Extract of Civil Registration Deed, has been repealed and substituted by Ministerial Regulation Number 109 of 2023, which pertains to the Forms and Books Used in Population Administration. Nevertheless, the current regulations lack comprehensive explanations or a dedicated chapter addressing population management for adherents of religious beliefs. The Circular Letter of the Ministry of Home Affairs Number 471.14/10666/DISDUKCAPIL, released on June 25, 2018, provides a comprehensive description and clarification of the responsibilities and technical management of belief system practitioners.

The Circular Letter 471.14/10666/DISDUKCAPIL serves as an authoritative directive from the Directorate General of Population and Civil Registration, under the Ministry of Home Affairs. This letter outlines the specific technical guidelines that the Department of Population and Civil Registration must adhere to in the districts/cities while delivering services to the followers of these belief systems. The ministerial rule and circular letter have introduced a modification in the categorization of adherents of belief systems. Specifically, the word “adherents of belief systems” has been substituted with the expression “Belief in the One and Only God.” The use of this broad phrase seeks to prevent prejudice and social disapproval towards persons or groups who subscribe to specific belief systems. By providing equal treatment to all belief systems, the government guarantees that all citizens are treated impartially, irrespective of their beliefs, in line with the constitutional ideal of equality. Furthermore, from an administrative standpoint, the use of the phrase “Belief in One God” streamlines the procedure of recording and reporting the population. This facilitates the management of data on a national scale and prevents the potential complexities that may occur if each belief stream had to be individually enumerated. Furthermore, this practice guarantees uniformity in the documentation of data throughout all areas of Indonesia.

The purpose of the issued circular is to establish regulations for the issuing of Family Cards for followers of the belief in the One and Only God. The objective is to guarantee the recognition and formal recording of the rights of followers of belief systems in Indonesia’s population administration. There exist precise protocols for the issuance of identification cards to followers of certain belief systems. For registered religious followers whose information is already recorded in the population database, the Dukcapil officer will generate the Family Card once the residents complete the F-1.68 form. (Application Letter for Printing KK and KTP-el is a legal document). Residents seeking to convert their data from religion to believe in the One Supreme God are required to complete form F-1.69 (Statement of Change from Religion to believe) and submit form F-1.71. (The Statement of Absolute Responsibility as a Trustee). However, in order to transition from one belief system to another, residents are required to complete form F-1.70 (Statement of Change from Belief to Religion) and provide a letter of approval from a religious authority as an attachment. For the purpose of recording religion and beliefs on the Family Card, the religion column will be completed based on the religious affiliation of the resident. Furthermore, the trust column will be populated with the phrase “Trust in the Almighty God.” Should a family consist of individuals who follow many religions and beliefs, this shall be documented in accordance with the family card form example included in the circular letter’s attachment.

Following the Constitutional Court’s ruling No. 97/PUU-XIV/2016, which recognized the right of adherents of belief to be listed in the religion column on the Family Card and

Identity Card the policy's implementation at the regional level has run into a number of issues. According to the head of data collection at Cimahi City's Population and Civil Registration Office (Disdukcapil), the relevant authorities have acted in compliance with the precedents established by the Constitutional Court. This commenced subsequent to the issuing of letter number 471.14/10666/DUKCAPIL on June 25, 2018. The Civil Registration and Population Agency functions in compliance with the implementation norms set forth by the Ministry of Home Affairs. The policy was implemented by the city of Cimahi in accordance with circular letter 471.14/10666/DISDUKCAPIL issued by the Minister of Home Affairs. This circular letter provides technical instructions for individuals who follow certain belief systems and want to record their beliefs on their family card and identity card. In technical terms, the Civil Registration and Population Agency of Cimahi City has effectively executed the Constitutional Court's ruling. The Disukcapil branch of Cimahi City organized socialization activities and delivered direct services to the religious followers in Cireundeu Village (Mondya and Chotidjah 2022).

Cimahi City's Cireundeu Village exemplifies the challenges faced by Indonesian communities who uphold indigenous values in their pursuit of legal acknowledgment and constitutional safeguards. Prior to the enactment of legislation acknowledging local beliefs, these community groups were frequently excluded from the state administration system, particularly when it came to the incorporation of a religion section on identity cards. In this regard, followers of belief systems were compelled to select a religion that was officially recognized by the state. Despite the Constitutional Court's decision allowing followers of religious systems to incorporate their faith on their identification cards, the execution of this policy nevertheless encounters distinct obstacles. The circular letter sent by the Minister, which is believed to affect the fundamental nature of the Constitutional Court's ruling, perpetuates discrimination since it is seen to deviate from anticipated standards, particularly with the incorporation of religious groups. Furthermore, this ministerial circular has caused a split among belief systems into factions of acceptance and rejection. Adherents of belief systems who reject other belief systems encounter difficulties in the realm of population administration, particularly in the documentation of weddings. Notwithstanding various advancements, the people of Cireundeu village still perceive that the constitutional rights and legal assurance for followers of faith in Cireundeu village or other parts of Indonesia have not been completely fulfilled.

The Constitutional Court's ruling No. 97/PUU-XIV/2016 has provided long-awaited recognition and legal certainty to faithful followers of belief systems. The addition of the broad category "Belief in One Supreme God" to the religion section of the Family Card and Identity Card grants adherents of belief systems an officially acknowledged identity by the government. This policy change is not only an administrative adjustment, but also a crucial measure in safeguarding the rights of followers of belief systems as members of society, encompassing improved and equitable availability of public services, education, employment, and other civil rights. This Constitutional Court decision establishes a fundamental framework for safeguarding individuals who conform to belief systems in expressing their identity as followers of these belief systems, therefore liberating them from the prejudice and social disapproval they have frequently encountered. Nevertheless, despite this progress, there are currently no statutory measures that explicitly regulate followers of belief systems.

#### 4. TOWARDS INTEGRATION: A FRAMEWORK FOR LEGAL CLARITY AND INCLUSIVE RECOGNITION

To advance beyond the critical impasse of legal ambiguity and realize the full constitutional promise for Indonesia's indigenous belief systems, a deliberate and holistic state strategy is imperative. This strategy must be architected around three interdependent pillars: the establishment of foundational legislative clarity, the comprehensive reform of administrative machinery and state capacity, and the active fostering of a sociocultural ethos that affirms pluralism as a core national value. The journey from marginalization to integration demands more than ad-hoc adjustments; it requires a systemic recalibration of how the state perceives, regulates, and honors spiritual diversity within its framework Rule of Law and Cultural State (Primanda and Rofii 2024). The primary and most urgent intervention lies in legislating a definitive end to the categorical ambiguity that has long plagued indigenous. This necessitates the enactment of a dedicated "Law on the Recognition, Protection, and Cultural Expression of Indigenous Belief Systems." Such a law must provide a clear, inclusive legal definition that distinguishes these systems as distinct cultural-spiritual entities, not inferior variants of religion, and establish a transparent, dignified process for formal state recognition. Crucially, this foundational statute must explicitly amend related legislation particularly the Population Administration Law and the Marriage Law to guarantee the absolute civil validity of life-cycle rituals. This would ensure that marriages, births, and deaths conducted according to indigenous traditions are registered and produce full legal effects, thereby securing familial rights to inheritance, child documentation, and social services, and finally resolving the pervasive legal limbo that devastates family unity and security.

The most precise legislation will falter if the state's administrative apparatus remains misaligned. Therefore, the second pillar mandates a profound reform of bureaucratic implementation. This begins with the issuance of a binding Government Regulation that provides unequivocal technical guidance, particularly for the Directorate General of Population and Civil Registration, mandating the entry of the specific, recognized name of the belief system in all identity documents. This eliminates the stigmatizing blank column or generic placeholder. Concurrently, a nationwide capacity-building initiative, led by the National Institute of Public Administration and the Ministry of Home Affairs, must deliver mandatory training to civil servants (Eskandar 2023). This training must blend technical jurisprudence with immersive sensitivity modules designed to dismantle prejudice, replacing discretionary bias with standardized, rights-based service protocols. To cement accountability, robust and accessible grievance mechanisms must be integrated into the mandates of the Ombudsman and the National Commission on Human Rights, ensuring swift redress for administrative discrimination and creating a feedback loop that compels continuous bureaucratic improvement. This transforms the state's interface with citizens from a point of potential humiliation to one of guaranteed equitable service.

However, legal and administrative reforms, while essential, require a supportive social ecosystem to be sustainable and genuinely transformative. The third pillar thus addresses the realm of perception and narrative (Grzywacz 2020). The state must actively engage in cultivating an inclusive national identity that reframes indigenous spirituality from being viewed as a primitive relic to being recognized as a vital thread in the nation's cultural tapestry. This involves a strategic initiative led by the Ministry of Education, Culture, Research, and Technology to integrate accurate, respectful content about indigenous into

national educational curricula, fostering understanding from a young age. Furthermore, the state should facilitate and fund structured dialogues and collaborative civic projects between recognized religious institutions and representatives of indigenous belief communities, building bridges of mutual respect and dissolving theological prejudices. This sociocultural affirmation also extends to public heritage, whereby state cultural funds and institutions actively support the documentation, preservation, and dignified presentation of the languages, arts, and ritual practices of these communities, signaling their intrinsic value to the national story.

Ultimately, this tripartite framework proposes more than procedural fixes; it outlines a path toward a deeper fulfillment of Pancasila. It challenges the state to evolve from passively managing diversity to actively drawing strength from it, interpreting “Belief in the One and Only God” as a principle that celebrates a unity manifested through plurality. Implementing this vision would mean that an adherent of Marapu, Sunda Wiwitan, or Kaharingan can claim their identity not as an exception to be tolerated, but as an expression of full and equal citizenship, protected by unambiguous law, served by a competent bureaucracy, and respected by a pluralistic society. This is the necessary culmination of the long legal journey—a journey that must now move decisively from the courtroom into the legislature, the government office, the school, and the public square, finally weaving the nation’s indigenous spiritual heritage into the robust fabric of its constitutional democracy.

## 5. CONCLUSION

In conclusion, while the Constitutional Court’s landmark decision represents a critical step toward justice, the current execution of Indonesia’s Population Administration Law continues to engender systemic discrimination by failing to accommodate beliefs outside the six officially recognized religions, thereby obstructing the full realization of constitutional rights for adherents of indigenous belief systems. To transform this juridical promise into tangible equality, the imperative for transparent legislative frameworks and genuinely inclusive administrative practices remains urgent. Looking forward, the trajectory of these belief systems will likely be significantly shaped by converging forces: sustained advocacy through international human rights mechanisms, which can bolster domestic legal campaigns; strategic legislative reforms that explicitly recognize and protect spiritual diversity; and a growing public consciousness that reframes indigenous beliefs as integral to, rather than divergent from, the national identity. Ultimately, the future of this constitutional journey hinges on Indonesia’s commitment to harmonizing its legal bureaucracy with the pluralistic spirit of Pancasila, ensuring that the state not only recognizes but actively nurtures the rights of all its citizens to exist with equal dignity and legal certainty.

## References

- Abdulla, M. R., 2018. Culture, Religion, and Freedom of Religion or Belief. *The Review of Faith & International Affairs* [online], 16(4), 102-115. Available at: <https://doi.org/10.1080/15570274.2018.1535033>

- Adityo, R. D., 2022. Interpretation of public figures in Indonesian Law Number 7 of 2012 concerning handling social conflicts in the perspective of legal certainty. *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* [online], 5(1), 13–25. Available at: <https://doi.org/10.24090/volksgeist.v5i1.6402>
- Al-Fatih, S., and Firma Aditya, Z., 2020. *Peran Negara dalam Pemenuhan Hak Kebebasan Beragama dan Berkeyakinan Masyarakat Adat (The Role of the State in Fulfilling the Rights of Freedom of Religion and Belief in Indigenous Peoples)*. Prosiding, Hukum Dan Birokrasi Untuk Indonesia Tangguh.
- Bielefeldt, H., Pinto, T. A., and Petersen, M. J., 2022. Introduction: Freedom of Religion or Belief as a Human Right. *The Review of Faith & International Affairs* [online], 20(2), 1–12. Available at: <https://doi.org/10.1080/15570274.2022.2065799>
- Cornassel, J., 2003. Who is indigenous? ‘Peoplehood’ and ethnonationalist approaches to rearticulating indigenous identity. *Nationalism and Ethnic Politics* [online], 9(1), 75–100. Available at: <https://doi.org/10.1080/13537110412331301365>
- Eskandar, E., 2023. Civil Servants’ Literacy Regarding Their Main Duties and Functions: A Study of Functional Officials Equalized In 2020-2021 at the Governance Institute of Home Affairs. *Indonesian Journal of Librarianship* [online], 4(2), 181–198. Available at: <https://doi.org/10.33701/ijolib.v4i2.3664>
- Fricke, S. N., 2019. Introduction: Indigenous Futurisms in the hyperpresent now. *World Art* [online], 9(2), 107–121. Available at: <https://doi.org/10.1080/21500894.2019.1627674>
- Grzywacz, A., 2020. Democracy in Indonesian Strategic Narratives. A New Framework of Coherence Analysis. *Journal of Current Southeast Asian Affairs* [online], 39(2), 250–269. Available at: <https://doi.org/10.1177/1868103420903594>
- Humaidi, M. W., 2020. Politik Hukum Mahkamah Konstitusi Atas Rekognisi Penghayat Kepercayaan dalam Kontestasi Politik Kewargaan Indonesia. *Al Daulah Jurnal Hukum Pidana Dan Ketatan* [online], 9(1). Available at: <https://doi.org/10.24252/ad.v9i1.14146>
- Iftitah, W. R., Nirahua, S. E. M., and Nendissa, R. H., 2022. Tanggung Jawab Negara Dalam Pemenuhan Hak Hak Penganut Aliran Kepercayaan. *Jurnal Saniri*, 2(2), 47–95.
- Isra, S., and Faiz, P. M., 2021. The Role of the Constitutional Court in Protecting Minority Rights: A Case on Traditional Beliefs in Indonesia. In: B. de Villiers *et al.*, eds., *Litigating the Rights of Minorities and Indigenous Peoples in Domestic and International Courts* [online]. Leiden: Brill Nijhoff, 125–148. Available at: [https://doi.org/10.1163/9789004461666\\_006](https://doi.org/10.1163/9789004461666_006)
- Kusnandar, V. B., 2021. Lebih dari 102 Ribu Penduduk Indonesia Menganut Aliran Kepercayaan pada Juni 2021. *Databoks* [online]. Available at:

<https://databoks.katadata.co.id/demografi/statistik/fc661f846d7069e/lebih-dari-102-ribu-penduduk-indonesia-menganut-aliran-kepercayaan-pada-juni-2021>

- Miranda, C. H. P., and Alamino, F. N. P., 2025. Indigenous peoples of Brazil and Japan Common material foundations for the laws of indigenous acculturation. *Sortuz: Oñati Journal of Emergent Socio-Legal Studies* [online], 15(1), 80–103. Available at: <https://doi.org/10.35295/sz.iisl.2167>
- Mondya, A. S., and Chotidjah, N., 2022. Implementasi Pencatatan Aliran Kepercayaan Dalam Administrasi Kependudukan Berdasarkan Putusan Mahkamah Konstitusi Nomor 97/PUU/XIV/2016 Tentang Pengujian Terhadap Undang-Undang Administrasi Negara. *Bandung Conference Series: Law Studies* [online], 2(1), 171–177. Available at: <https://doi.org/10.29313/bcsls.v2i1.559>
- Munir, S., and Ilham, L., 2022. Adjustments to Community Organization Law: Implications for Freedom of Association, Assembly, and Expression. *Constitutionale* [online], 3(1), 1–10. Available at: <https://doi.org/10.25041/constitutionale.v3i1.2507>
- Mustaming, R., 2020. Jaminan Kebebasan Beragama Menurut Perspektif Hukum Positif dan Hukum Islam. *Madani Legal Review* [online], 4(2), 141–168. Available at: <https://doi.org/10.31850/malrev.v4i2.629>
- Nalle, V. I. W., 2021. The Politics of Intolerant Laws against Adherents of Indigenous Beliefs or Aliran Kepercayaan in Indonesia. *Asian Journal of Law and Society* [online], 8(3), 558–576. Available at: <https://doi.org/10.1017/als.2020.54>
- Payne, C. L., and Abouharb, M. R., 2016. The International Covenant on Civil and Political Rights and the strategic shift to forced disappearance. *Journal of Human Rights* [online], 15(2), 163–188. Available at: <https://doi.org/10.1080/14754835.2015.1103158>
- Petersen, M. J., 2022. Freedom of Religion or Belief and Freedom of Expression. *The Review of Faith & International Affairs* [online], 20(2), 40–48. Available at: <https://doi.org/10.1080/15570274.2022.2065806>
- Primanda, S. V., and Rofii, M. S., 2024. Legal Framework and Rule of Laws in The Context of Indonesia's National Resilience. *Asian Journal of Engineering, Social and Health* [online], 3(5), 905–921. Available at: <https://doi.org/10.46799/ajesh.v3i5.306>
- Sharp, C. A., Shariff, A. F., and LaBouff, J. P., 2020. Religious Complexity and Intergroup Bias. *The International Journal for the Psychology of Religion* [online], 30(2), 73–88. Available at: <https://doi.org/10.1080/10508619.2019.1635856>
- Simbolon, H., 2022. Mengenal 6 Aliran Kepercayaan yang Tersebar di Indonesia. *Liputan6* [online], 1 October. Available at:

<https://www.liputan6.com/regional/read/5084852/mengenal-6-aliran-kepercayaan-yang-tersebar-di-indonesia>

Sukirno and Natalis, A., 2025. Majority bias in legal politics: discriminatory citizenship document services for local religion believers in Indonesia. *Sortuz: Oriati Journal of Emergent Socio-Legal Studies* [online], 15(1), 241-268. Available at:

<https://doi.org/10.35295/sz.iisl/2146>

Sukirno, 2018. Diskriminasi Pemenuhan Hak Sipil Bagi Penganut Agama Lokal. *Administrative & Governance Journal*, 1(3), 231-239.

<https://doi.org/10.14710/alj.v1i3.231-239>

Synot, E., 2019. The Universal Declaration of Human Rights at 70: Indigenous rights and the Uluru Statement from the Heart. *Australian Journal of International Affairs* [online], 73(4), 320-325. Available at:

<https://doi.org/10.1080/10357718.2019.1631252>

Taylor, P. M., and O'Sullivan, M., 2021. A Commentary on the International Covenant on Civil and Political Rights: The UN Human Rights Committee's Monitoring of ICCPR Rights. *The Australian Year Book of International Law Online* [online], 39(1), 317-320. Available at: <https://doi.org/10.1163/26660229-03901018>

van Asbeck, B. F. M., 2024. *The universal declaration of human rights and its predecessors (1679-1948) (Vol. 10)*. Leiden: Brill.

Wahyudi and Suntana, I., 2025. Comparison of Legal Maxims in Common Law and Islamic Law: Similarities and Differences in Dispute Resolution. *Jurnal Hukum Dan Peradilan* [online], 14(2), 425-458. Available at:

<https://doi.org/10.25216/jhp.14.2.2025.425-458>

Wulan Ramadhani Ifitah and Salmon Eliazer Marthen Nirahua, 2022. Tanggung Jawab Negara Dalam Pemenuhan Hak Hak Penganut Aliran Kepercayaan. *Jurnal Saniri*, 2(2), 47-95.