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REPORT FROM THE SERIES OF REPORTS ON FREEDOM OF RELIGION/BELIEF

ADHERENTS OF LOCAL RELIGIONS

CONDITIONS OF THE CONSTITUTIONAL RIGHTS FULFILLMENT OF THE
ADHERENTS OF LOCAL RELIGIONS IN GOD ALMIGHTY

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PUSTAKA
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A Report From The Series of Reports on Freedom of Religion/Belief

Adherents of Local Religions

Conditions of The Constitutional Rights Fulfillment of The
Adherents of Local Religions in God Almighty

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PREFACE

In mid-June 2017, SETARA Institute published a report from the Series of Reports on Freedom of Religion/Belief titled “Conditions of the Constitutional Rights Fulfillment of the Adherents of Local Religions in God Almighty”. Adherents of Local Religions in God Almighty or also known as the adherents of Indonesian Local Religions are one of the SETARA Institute’s focuses on the research area on Freedom of Religion/Belief.

Studies of the adherents of Local Religions in God Almighty are still the advocacy agendas of many parties. The reason is partly due to the fact that although some progress has been made in terms of the fulfillment of their constitutional rights, in many cases, they are still experiencing discriminatory issues that can be categorized as violations of freedom.

Adherents of Local Religions in God Almighty are still regarded as though they are guests in their own country within the boundaries that can be categorized as human rights violations involving State actors (the State, adherents of mainstream religions, academics and media). There are still discriminatory policy products due to the overlapping government policies. On one hand, their existence and beliefs are guaranteed by the constitution. On the other hand, there are still government policies at the constitution level that are suspicious of their existence. Adherents of mainstream religions consider adherents of Local Religions

as heretical or deviant from the principles of main religions. Moreover, according to the mainstream logic, religious agendas still occur. Even by the academics, adherents of Local Religions are stigmatized as adherents of animism and dynamism. They are called by degrading names, such as the uncivilized. According to many mainstream media, adherents of Local Religions in God Almighty are considered as primitive people who become the objects of degrading spectacles.

The pleasant news received by the adherents of Local Religions in God Almighty is that in the last ten years the central government, which was initiated by the Ministry of Home Affairs, the Ministry of Education and Culture and the Ministry of Culture and Tourism, have issued a Joint Decree and various Ministers Circular Letters which substantially have acknowledged and provided various services and records of civil and other population rights. However, the religion column on the electronic Identification Cards (e-KTP) still has to be left blank.

Marriage rights have been accommodated through the recognition of the leader of the adherents who is incorporated in the MLKI / Majelis Luhur Kepercayaan Indonesia (an organization which accommodates adherents of local religions and indigenous beliefs throughout Indonesia). The leader legitimately signs and witnesses the marriages of the

adherents of Local Religions. Similarly, significant progress has been made in terms of religious education rights of the adherents.

All the achievements mentioned above were mainly due to the hard work of the adherents of Local Religions in God Almighty who were incorporated in organizations as well as in MLKI, who were incorporated in organizations but were not incorporated in MLKI and who chose not to join in organizations or better known as individuals. Another factor was the strong support of civil society organizations who advocated them both in litigation and non-litigation matters. This report captures the

maps of these achievements and shows some of the findings which still need to be seriously and continuously addressed by the State.

SETARA Institute would like to thank all parties who both directly and indirectly involved in the preparation of this serial report. Especially to Sudarto and Halili who are the main researchers in the field of freedom of religion/belief in SETARA Institute. SETARA Institute would also like to thank the Canadian Embassy for supporting this research.

Jakarta, June 2017

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CHAPTER I

INTRODUCTION

A. Definition and Adherents of Local Religions

A Local Religion in God Almighty or also called the *Agama Lokal Nusantara* (Indonesian Local Religion) is a belief system adopted, adhered and practiced through generations of Indonesian people long before the existence of other religions in Indonesia. Rahmat Subagya referred it as the original religion.¹ In his book, “*Agama Asli Indonesia*” (Indonesian Original Religion), Subagya defined the Indonesian Local Religion as a genuine spiritual system that did not mix with other religions which later arrived in Indonesia.²

Indonesian government defines the Indonesian Local Religion in God Almighty through the joint ministerial decree as: The statement and the implementation of personal relationship with God Almighty based on the beliefs embodied with the behavior of devotion and worship of God Almighty as well as the practice of virtues whose teachings are derived from the local wisdom of Indonesian people. In addition, an Adherent of a Local Religion

in God Almighty is anyone who recognizes and believes the spiritual values of the Local Religion in God Almighty.³

The existence of the followers of the Local Religions in God Almighty, which hereinafter are referred to as the “Adherents of Local Religions”, theologically can only be comprehended providing there is awareness of the adherents of the dominant religions, that all nations of the world also receive their guidance from God through His revelations which were received by the prophets. Moreover, they believe in *kaweruh* (understanding), inspirations, revelations or other similar terms.⁴ While sociologically, the concept of the original religion is the reality found within a society which develops in it, both individually and in groups. Such beliefs have been adopted through generations of Indonesian people long before the arrival of other religions in Indonesia.

1 The term of the original religion contains anthropological problems as there is not a single teaching or religion that is genuinely authentic or unaffected by other traditions or teachings.

2 Rachmat Subagya, *Agama Asli Indonesia*, Sinar Harapan & Citraloka Foundation, Jakarta, 1981, p. 1.

3 Joint Ministerial Decree of Minister of Home Affairs and Minister of Culture and Tourism No. 41/43 of 2009 on Guidelines of Service towards Adherents of Local Religion in God Almighty.

4 Sudarto, *Religionisasi Indonesia: Sejarah Perumpan Agama-agama Lokal dan Agama Pendatang*, Gramedia Pustaka Utama, Jakarta, 2016, p. 1.

The reality of the existence of the Indonesian Local Religions and immigrant religions has increasingly enriched the State's diversity. The convenience of the Indonesian people to accept and adapt to new cultures turns Indonesia into a vessel of cross cultural emersion. Indonesia has become the Eden of the world's civilization because of its diversity.⁵ Yudi Latif described that the original and prominent feature of the Indonesian tribes was the ability to accept and cultivate any cultures, ideologies and religions providing they could be perceived by the local social systems and values.⁶ The most important inclusiveness of the Indonesian people is the willingness to accept immigrant religions as the Indonesian people originally possess religious characters.

Related to the reality that Indonesian people are religious, Leslie⁷ explained that a religion or a *religi* (belief) was one of the important parts of a social community which functioned to form an ideological system. A belief is a main form of culture, thus it becomes a core part within the scope of human cultures. The word *Religi* was derived from the words *Religare* and *Relegare* which mean *agama* (religion) in Indonesian. There are two definitions of a religion. First, it is defined as an act that paid attention to the devotion of the religion. Second, it is defined as an act of bonds of mutual affections. From these definitions, a religion then becomes more dimensionally individual and social in a religious act.⁸ It is called a belief or a religion when a collection

of beliefs of the supernatural, the sacred, the divine and so forth forms a set of rituals and ceremonies associated with the belief.

Similar to the followers of the immigrant religions, the adherents of the Local Religions in God Almighty also have ritual traditions. Moreover, they practice those rituals according to the rules they regulate. They have ritual traditions of caring for the bodies of the dead as well as conducting marriages. They even have teachings of commands and prohibitions. In the language of the academics of sociology and religious anthropology researchers, they are referred to as totems and taboos⁹. They also celebrate holy days. In the academic language, they are referred to as *illo tempora* (Eliade, 1907-1986).

Furthermore, the adherents of the Local Religions believe in the existence of the omnipotent substance as the essence of origin and purpose in the belief of God (*sangkan paran*). The supernatural substance is believed to be something sacred which is introduced through *kaweruh* or understood as revelations. The presence of a religion in a social community was originated from the consciousness of the community who believed that in their nature, human beings were weak. As the weak beings, people then seek a vertical spiritual support that is expected to provide relief and / or protection to face the vicious nature and life.

In connection with this sanctity, Mircea Eliade explained that a religion must at least possess the following four essential characteristics or main elements: *hierofani*, *axis mundi*, *imago mundi* and *illo tempora*.¹⁰ These four elements

5 Yudi Latif, *Negara Paripurna, Historisitas, Rasionalitas dan Aktualitas Pancasila*, PT Gramedia Pustaka Utama, Jakarta, 2011, p. 3.

6 *Ibid.*

7 Noerid Haloei Radam, *Agama Orang-Orang Bukit: Suatu Lukisan Struktur dan Fungsi dalam Kehidupan Sosial-Ekonomi*, Yayasan Semesta, Yogyakarta, 2001, p. 1.

8 Alfred Bertholet, "Religion" in Edwin R. A. Seligman (ed), *Encyclopedia of the Social Sciences*, Vol. XIV, The Macmillan Company, New York, 1953, p. 228-229.

9 Emile Durkheim, *The Elementary Forms of The Religious Life*, Terj., IRCiSoD, Yogyakarta, 2011, p. 135.

10 Eliade introduced the concept of *hierofani*, as a concept in which the sacred manifests it self in human beings as well as

constitute the basis of the belief and have been practiced by one generation to the next. Whatever it is and wherever it came from, a religion must at least possess the four elements.

Furthermore, since the early days, the ancestors of the Indonesian people have had religious work and farming ethics as well as mutual cooperation in a community. The nature of togetherness of this religious community reinforces Emile Durkheim's theory explaining that a religion is truly a social phenomenon. Religious character and familial sensitivity also spark strong ethical and aesthetic energies. This is the reason why ancestors of the nation, who developed a variety of cultures that were richer and more complex than other Asian regions, became the center of cross-cultural emersion.¹¹ The ancestors of the nation believed that all of these ethical and aesthetic energies were formed from the deepest knowledge guided by *kaweruh* or revelations in the wider sense.

As it is commonly known, revelations are generally understood as cosmic messages which then turn to commandments at a certain

moment or certain moment of history. Similar to religions that later arrived in Indonesia, through their prophetic concepts, adherents of Local Religions also have mysterious or numinous experiences that occur through the sensations of *mysterium tremendum* and *fasciniosum* as described by Rudolf Otto in "*The Idea of the Holy*, that is the experience of the supernatural, a very mysterious and frightening experience. However, it is experienced as something that one has longed for.¹²

Still adopting Eliade's approach, the idea of having a religious experience is very helpful in generating both respect and fear when encountering a sacred entity that is completely foreign to the world of the living. The sacred experience then becomes the exploring feature towards its significance of the religious natural objects, life processes, sacred spaces (holy places), and sacred time (religious rituals). Essentially, in the sacred concept there is integration between "ordinary" and "extraordinary" or "abnormal" religious experiences into a holistic view of religious experiences.¹³

Such sanctity is called by various names although people are aware that the sacred substance is to be believed and its presence is to be felt, but it is not to be named. In the Java literature, for example, such sacred substance is described as "*tan keno tinaya*" or "*tan keno winirasa*" (the unseen and the unpredictable). During an interview with Ama Lado Regitera in West Sumba, he described the sacred as "*Ndapa teki tamu numa ngara*" (the named and the untitled).¹⁴

the concept of experiences of another order of reality that permeates human experiences. He described the idea of a sacred space, which illustrates how the only "real" space is the sacred space, surrounded by a field without form. The sacred space becomes the center for other spaces. He believed that humans inhabit a midland, between the chaotic outer world and the sacred inner world, renewed by sacred practices and rituals. By consecrating a place in the profane world, cosmology is recapitulated and the sacred becomes accessible. It becomes the center of the primitive world. Rituals take place in this sacred space and become the only ways to participate in the sacred cosmos while seeking to revive and refresh the profane world. Furthermore, Eliade relates the sacred time to mythology. When the "profane time" is linear, the sacred time returns to its state when everything seems more "real" than it is now. Once more, rituals play an important role. Time flows to make the profane world new again while rituals re-bind adherents to the authenticity of the sacred cosmos. Thus, the one-year cycle becomes a paradigm for the renewal of the sacred society and the genesis world.

11 Radham, *op. cit.* p. 2.

12 Rudolf Otto, *The Idea of the Holy*, Das Hailege, Germany, 1916, p. 17.

13 Mircea Eliade, *Sakral dan Profan, Nuwanto* (Terj.), Fajar Pustaka Baru, Yogyakarta, 2002, p. 213.

14 An Interview of SETARA Institute's research team, Tarung

The names of the numinous and sacred substances are used by various ethnic groups in Indonesia. In Tanah Batak the sacred substance is called *Ompu Tuan Muala Jadi Nabolon*, while in Nias it is called *Lowalangi*. Moreover, it is called *Hyang Murbeng*, *Hyang Dumadi*, *Hyang Wiwenang Datan Winenang* and many others in Java, *Hyang Tunggal* in Bali, *Bhatara*, *Debata* and *Jubata*, *Pohatara*, *Iswara*, *Mahatala* and many others in Kalimantan, *Puang Matoa* in Sulawesi and so forth.¹⁵

To reemphasize, Indonesian people became religious and this was expressed according to their own local wisdoms long before the arrival of other religions which then became dominant. Each community group in Indonesia has possessed a distinct religious model. In the anthropological and religious sociology studies, the diversity of religious models is called an ethnic religion.¹⁶

Ethnic religions have been passed down through generations by Indonesian people long before their encounters with other religions that later arrived in Indonesia such as Hinduism, Buddhism, Christianity, Islam, Confucianism and others. Although they later became “minorities”, these ethnic religions were formed by various factors. The adherents of these ethnic religions are: Parmalim, Ugamo Bangso Batak, Ononiha in Nias, Arat Sabulungan in Mentawai, Sunda Wiwitan, and many others in Pasundan. Adherents of *Kejawen* in Java are called Kapribaden, Sapta Darma and many more. Others are called Kaharingan in Kalimantan, Alo To Dolo, Tolotang, Wanna and Mappurondo in Sulawesi, Parandangan in Central Sulawesi, Wetu Telu in West Nusa Tenggara, Marapu, Ratu Bitu Bhatara and Jini Tiu in East Nusa

Tenggara, Nuaulu in Ambon and so forth.¹⁷

In Subagya’s research, the adherents are categorized into two main groups: Firstly, groups that are identified as the Proto Melayu, the original religions that remain to this day and are not influenced by other religions that later arrived in Indonesia. They are then referred to as isolated tribes. Secondly, groups that are identified as the Deutro Melayu, they are adherents of Local Religions who exist among the dominant immigrant religions especially in Java. Despite the influence from the other religions, they still maintain the element of locality by being incognito, or they use their syncretism as a defense mechanism.¹⁸

Meanwhile, according to the Ministry of Religious Affairs, the Attorney General and Monitoring Body of Religion and Belief (Pengawas Aliran Kepercayaan Masyarakat/PAKEM) formed by the Indonesian government of the Orde Baru, the adherents of Local Religions with all the discrimination they experienced are grouped into two major groups. Firstly, groups which are recognized and accommodated by the Association of Mystical Believers (Himpunan Penghayat Kepercayaan/HPK) and the Coordination Body of Organizations of Believers (Badan Koordinasi Organisasi Kepercayaan /BKOK). The two parent organizations merged into the Majelis Luhur Kepercayaan Indonesia / MLKI (organization which accommodates adherents of local religions and indigenous beliefs throughout Indonesia) on September 26, 2013¹⁹. Secondly, groups of adherents of local religions who choose to practice their

Village, West Sumba, July 2016.

15 Subagya, *op. cit.* p. 67-68.

16 Radam, *loc. cit.* p. 67.

17 Sudarto, *loc. cit.* p. 89-92.

18 Subagya, *op. cit.* p. 30-31.

19 The Declaration Document of the organization which accommodates adherents of local religions and indigenous beliefs throughout Indonesia (Majelis Luhur Kepercayaan Indonesia / MLKI) on September 26, 2013.

beliefs individually, or who do not choose to be in organizations.²⁰

Organizationally, the highest number of Local Religions in God Almighty was recorded in 1972. At least there were 644 beliefs registered to the Joint Secretariat for the Cooperation of the Believers in One God (Sekretariat Kerjasama Kepercayaan/SKK) in 1972, which were spread from Sabang to Merauke (Subagya, 1981: 251). As for their distributions, among others were 257 beliefs in Central Java, 83 beliefs in West Java, 70 beliefs in Yogyakarta, 55 beliefs in East Java, 96 beliefs in Sumatera, 26 beliefs in East Indonesia and 112 beliefs in Kalimantan and the surrounding areas.²¹

The number continued to decline due to discriminatory policies made by the State. In 2003, the Ministry of Culture and Tourism recorded 245 mysticism beliefs which were registered, with a number of more than 400 thousand adherents. However, referring to the encyclopedia of Local Religions in God Almighty of the Ministry of Culture and Tourism, there were 214 beliefs recorded in 2006.²² These figures were taken from the data of adherents who are joined in or formed organizations. Moreover, based on the recapitulation data of the Ministry of Education and Culture on the number of organizations of Adherents of Local Religions in God Almighty throughout Indonesia, there were 186 beliefs in 2016.²³

Based on the population census data in 2010, the number of people claiming to adopt religions other than the 6 (six) official religions recognized by the State reached a number of 299,617 throughout Indonesia. It was 0.12 % of the total population of Indonesia which at the time reached a number of 237.64 million people. The largest number of adherents was in the Central Kalimantan as many as 138,419 people.²⁴ However, based on the information from the Directorate of Belief in God Almighty, currently there are approximately 12 (twelve) million people in 186 organizations and others are unidentified as they practice their beliefs individually. According to the Directorate of Belief in God Almighty of the Ministry of Education and Culture, the 186 organizations are spread in 13 provinces with 1,047 branches of organizations that are spread in 27 provinces.²⁵

The rising and the falling number of adherents of Local Religions are closely related to the repression by the adherents of the immigrant religions who then create the State's sacred power system and ideology. In this case, the adherents of dominant religions use the power of the State to repress the adherents of Local Religions through government policies. Therefore, the adherents of original religions, who formed organizations of adherents or who practice their beliefs individually, continue to experience pressures and finally experience figure depreciation. Most of the adherents are scattered in unsafe areas due to the terrors from the religious groups in remote cities which are

20 Interview between SETARA Institute's researcher with the Directorate of Belief in God Almighty, on December 23, 2016.

21 Subagya, *op. cit.* p. 251.

22 Departemen Kebudayaan dan Pariwisata, *Ensiklopedi Kepercayaan Terhadap Tuhan Yang Maha Esa*, Dirjen Nilai Budaya Seni dan Film, Direktorat Kepercayaan terhadap Tuhan Yang Maha Esa, Jakarta, 2006.

23 Interview between SETARA Institute's researcher with the Directorate of Belief in God Almighty on December 23, 2016.

24 Central Agency on Statistics of Republic of Indonesia (Badan Pusat Statistik Republik Indonesia/BPS) 2010. See also Agus Indiyanto, *Agama di Indonesia dalam Angka: Dinamika Demografis, Sensus Penduduk tahun 2000 dan 2010*, CRCS-UGM, Yogyakarta, 2013, p. 10.

25 Lita Rahmiati, Directorate of Belief in God Almighty, in a Focus Group Discussion (FGD) regarding the fulfillment of constitutional rights in Yogyakarta on February 27, 2017.

economically weak and in big cities where detraditionalization is continuous, under the pretext of civilizing them.

The problems they face then become very serious. Even though Indonesia has become an independent nation for seven decades, apart from their existence, Indonesian Local Religions have yet gained freedom from such independence. They appear to be guests in their own country. This is due to the fact that they continue to experience serious, structured, systematic and widespread discrimination. There are still many adherents of local religions who have experienced discrimination since their births until their deaths.

The discrimination experienced by local religions communities involves four main actors. *First*, the discrimination involves the government actors on behalf of the State through policy products. At the State level, whether or not the government is aware of it, it has developed a policy system and / or regulatory system of diversity management that is ambiguous, overlapping and lacking Human Rights perspective. This has resulted in a painful massive discriminatory towards the Indonesian local religions communities.

The main problem in terms of policy is the recognition of the State towards the existence of the Indonesian local religions. Series of problems experienced by the local religions communities started from the fact that they were not recognized as religions, which was regulatively originated from Law No. 1/ PNPS of 1965 on the Prevention of Religious Blasphemy and / or Defamation and was confirmed in the Decree of the People's Consultative Assembly (Ketetapan Majelis Permusyawaratan Rakyat/TAP MPR) No. IV/

MPR/1978.²⁶ These two legal products have become the references of the derivative policies to discriminate or even oppress the Indonesian local religions. Moreover, these two policies are the references of all regulations intended to restrict, discriminate, and even manipulate the constitutional rights of the adherents of Local Religions in God Almighty.

Their rights continue to be reduced due to their unrecognized religions. These rights included the rights of religious identities, civil registrations of marriages, birth certificates, religious education, the rights to become government employees (Pegawai Negeri Sipil/ PNS), to serve in the Indonesian National Army (Tentara Nasional Indonesia/TNI) or to serve in the Indonesian National Police (Kepolisian Negara Republik Indonesia/Polri) and even their rights to receive spaces in public cemeteries. In short, adherents of Indonesian local religions experience discrimination from their births to their deaths. Given this phenomenon, does Indonesia still deserve to be considered as a country which has ratified many international covenants and conventions? Where are all the law experts? They appear to be in silence towards the fate of no less than 12 million communities of local religions, either those who are incorporated in the 186 organizations of adherents of local religions or those who practice their beliefs individually. Meanwhile, article 18 of the International Covenant on Civil and Political Rights (ICCPR) firmly states that local religions/beliefs possess the same rights as

26 The two policies are the basis of discriminatory treatments of adherents of local religions. Although article 1 of the PNPS Law does not mention the terms *recognized* and *not recognized* against a religion/belief, but the Law of Population Administration (Administrasi Kependudukan/Adminduk) and Circular Letters of the Ministry of Internal Affairs, which become the references of the PNPS Law, explicitly state "Religions that have not been recognized ... "

main religions.²⁷

Second, discrimination is committed by adherents of dominant religions through their definition of “religion”. Whether or not we realize it, the foundation of tolerance in our society is still quite fragile. As a result, the protection of freedom of religion and belief is not fulfilled as the law enforcements and the fragility of the foundation of tolerance are the two main causes of problems which are inter-causally intertwined. In this context, the discussions of the truth of religions and local religions are not based on the truth as it is, but through a religious discourse or truth desired by adherents of dominant religions and beliefs. Through the monopoly of righteousness, major religions engage in exclusionary politics towards local religions (Dhakidae, 2003: 311).²⁸

Third, discrimination towards the adherents of Local Religions in God Almighty involves the academic communities. The scholars and academics perpetuate stigmas and academic categorizations towards a local religion, through the categorization of a “religion” and “non-religion”. A belief that arrived in Indonesia is called a religion with all the rights inherited in it, while a local belief is not regarded as a religion with all the problems attached to it. Even more tragically, the Local Religions in God Almighty are stigmatized as primitive beliefs called the stigmas of animism or dynamism and others.

In this regard, academic communities are often indecisive. They reject concepts that were originated from the Western intellectualism,

including rejecting the notion of human rights that were said to be Western products. However, when defining discriminative religions, academics become permissive to use Western anthropological and sociological categories in defining religions that are certainly bias to major religions or so-called the Abrahamic Religions.

Fourth, discrimination is committed by mainstream media whose coverage is of the mindset of the dominant religions. Among others is the primitive runway coverage depicting adherents of local religions who are viewed as primitive human beings, considered not to be civilized and sometimes even considered as a disgusting community due to the food they consume. Local religions’ rituals are exploited as mystical spectacles, depicting adherents of local religions as the antagonists against the protagonists, the adherents of dominant religions and beliefs. As a result, the opinions formed about the Local Religions in God Almighty with all their rituals are that they are evil, have black magic and are haunted. Meanwhile, the immigrant religions are considered as holy religions and they uphold the truth.

B. Formulations and Limitations of Problems

The main question raised in this study is: How does the State fulfill the guarantee of the Constitution towards the adherents of Local Religions in God Almighty? The question was raised based on literature searches, observations and site visits to several communities of the adherents of Local Religions. SETARA Institute researchers encountered issues which generally had similar characteristics such as systematic, widespread and structured

27 Sudarto, *Religionisasi Indonesia: Sejarah Perjumpaan Agama Lokal dan Agama Pendatang*, Gramedia Pustaka Utama, Jakarta, 2016, p. 169.

28 Daniel Dhakidae, *Cendekiawan dan Kekuasaan Dalam Negara Orde Baru*, Gramedia Pustaka Utama, Jakarta, 2003, p. 311.

discrimination experiences.

As discussed in the introduction section, the root of discrimination towards the adherents of Local Religions generally involves four main actors. One of which is the government on behalf of the State through policies products which are deliberately intended to discriminate the adherents of Local Religions, as well as policies referring to the main law, which in principle, have the potential to differentiate the fulfillment of human rights for the adherents.

In this study, SETARA Institute limits the assessments to 10 communities of adherents of Local Religions in God Almighty who represent several regions including Sulawesi, Kalimantan, Java and Sumatra. The restriction is not intended to eliminate other adherents of Local Religions, but it is intended to depict how diverse and numerous the adherents of Local Religions in Indonesia are. Another reason is due to the limitations of space and time to be able to examine their existence one by one.

C. Research Methods

This study used several approaches within the framework of qualitative research, among others through: 1) literature analysis, 2) document studies, 3) unstructured interviews, and 4) Focus Group Discussions (FGDs) involving representatives of adherents of Local Religions, related governments officials, academics, researchers and representatives of civil society organizations involved in advocacy matters against the adherents of Local Religions.

The studies of literature and documents were done by collecting archives and documents as well as books which examined the existence, history, dynamic experiences of the adherents of Local Religions in facing the dynamic government regulations and policies in order to respond to the existence of the adherents. As mentioned, the writing of this thematic report still rests on the limitations on how the State fulfills the constitutional guarantees of the adherents of Local Religions.

Unstructured interviews were undertaken to more comprehensively understand the experiences of adherents of Local Religions which were responded by the State via the government and to understand the development of specific regulations made in the framework of respecting, protecting and fulfilling the human rights of the adherents by the State. The parties interviewed included, representatives of each Local Religion, representatives of the State officials such as the Directorate of Belief in God Almighty, Attorney General and Population and Civil Registration Agency (Dinas Kependudukan dan Pencatatan Sipil/Disdukcapil) of the Ministry of Home Affairs.

Focus discussions were conducted to obtain more thorough information, to confirm field findings as well as to perfect the writing of this report. For the purposes of writing this study report, SETARA Institute had organized 3 (three) FGDs covering; expert meetings involving MLKI leaders, government representatives, academics, and civil society organizations who were concerned with the adherents of Local Religions. Focus discussions directly involved the representatives of the adherents of Local Religions, some of whom are mentioned in the short profiles of the adherents of Local Religions in this the report, Civil Society Organization/CSO activists

and academics who were concerned with the adherents.

Various data and information collected were analyzed and written in the form of the thematic reporting draft which was then strengthened by the third Focus Group Discussion/FGD involving experts as described above.

CHAPTER II

PROBLEMS FACED BY ADHERENTS OF LOCAL RELIGIONS IN GOD ALMIGHTY

A. Background

This chapter examines the issues of discrimination against the minority, adherents of Local Religions due to the distinctive politic established and conducted by the State. The review and analysis in this chapter are begun by referring to the constitutional basis of religions and minority local religions. The data used to observe the discriminatory problems against the adherents of Local Religions were analyzed based on both meetings and informal discussions with the adherents, Focus Group Discussions/FGDs conducted by SETARA Institute and in-depth interviews of some representatives of the adherents of Local Religions in God Almighty as well as relevant State agencies.

This section provides more comprehensive outlooks of the distribution of the adherents of Local Religions in God Almighty as well as the crucial problems they chronologically face. This chapter is concluded with definitions as well as some highlights in order to generally illustrate the overall background of the problems they face. Thus, it is to be expected to identify alternative solutions and inputs to create more policies that are beneficial for the adherents.

B. The History of Discrimination against Adherents of Local Religions

Adherents of Local Religions have a long history with the issues of discrimination in Indonesia. The root of discrimination against them was originated from religious politics or religionizations or also called religious discourses that once occurred in this multi-religious country. Daniel Dhakidae stated that the most important policy legacy of the Dutch colonial government's to the native people was a policy related to religion. Moreover, of all the religious policies, the most important policy was the political policy towards Islam which was said to be the Islamic politics.²⁹

Dhakidae further explained that the politicization, through the policy of regulating religious life by the Dutch colonial government, was primarily for the interests of securing the capital in two important considerations at the time. The first consideration was a form of awareness towards the threats of a political movement called Pan-Islamism, who was anti-infidels. The second consideration was the awareness towards the return of pilgrims

29 Daniel Dhakidae, *Cendekiawan dan Kekuasaan dalam Negara Orde Baru*, PT Gramedia Pustaka Utama, Jakarta, 2003, p. 530.

from Makkah, which would affect the Dutch power due to their Arabic influence.³⁰

It is hard to deny that, the management of religious life and local religions in Indonesia post-independence is still strongly influenced by the policies management of the Dutch colonial government. The most obvious legacy is the development of the Office of Indigenous Affairs (Kantoor Van Inlandsche Voor Zaken). The office immediately reminds us how crucial the role of Snouck Hurgronje was. It was through this office that all political policies concerning their social relations with the natives were systematically and modernly managed, whose traces can be seen to this day.³¹

Reciting the explanation of Dhakidae, the government on behalf of the State has made policies of entry barrier³² in the following sense: First, the State legally issues regulations, decrees and joint decrees, either through the government institutions or through ministries who collaboratively ban the adherents of a certain belief. Second, the State creates barriers that are closely guarded by the Ministry of Religious Affairs, as an institution that holds a monopolist "certificate" to determine whether a belief and a religion is true or false or whether it is recognized or unrecognized. The institution also determines whether or not a religion and a belief are allowed to be practiced by the people who believe them. Third, the State permits the Monitoring Body of Religion and Belief (Pengawas Aliran Kepercayaan Masyarakat/ PAKEM), who in many cases exceeds the authority of the Ministry of Religious Affairs, to control, monitor and take actions against beliefs that are perceived to be deviant within the society. Moreover,

due to the pressures of the dominant groups, religions or beliefs which are considered to be heretical and wrong must be banned and the perpetrators must be criminalized. Fourth, the State apparatus including the Armed Forces of the Republic of Indonesia and the Indonesian National Police are involved or are mobilized as prosecutors against the alleged heretical and / or deviant sects.³³ Dhakidae asserted:

"WHETHER OR NOT A RELIGIOUS BELIEF IS HERETICAL IS DETERMINED THROUGH A MONITORING BODY OF RELIGION AND BELIEF (PENGAWAS ALIRAN KEPERCAYAAN MASYARAKAT/ PAKEM) MEETING. THE POLICE HAVE THE AUTHORITY TO TAKE ACTIONS AGAINST THE ADHERENTS WHEN THE PARTIES IN THE PAKEM MEETING, WHICH IS ATTENDED BY THE PROSECUTORS, THE DEPARTMENT OF RELIGIOUS AFFAIRS, THE LOCAL GOVERNMENT AND THE POLICE, HAVE DETERMINED THAT A RELIGIOUS ACTIVITY IS CONSIDERED HERETICAL. ATTORNEY GENERAL'S OFFICE WILL THEN REGULATE A POLICY TO BAN ANY RELIGIOUS ACTIVITIES".³⁴

30 *Ibid.*

31 Anas Saidi and associates, *op.cit.* p. 33-34.

32 Dhakidae, *op.cit.* p. 559.

33 Dhakidae, *ibid.*

34 Dhakidae, *op.cit.* P. 560. See also the statement of the Head of Public Relations of the Attorney General's Office of the Republic of Indonesia, Soeparman, S.H., M.H., who stated that from 1949 until 1992 there were 517 local beliefs that were inactive throughout Indonesia. In *Kompas*, August 5,

Within this framework, the discussion whether a religion and / or belief is false or true in Indonesia post-independence until this day is not based on the criterion of the truth itself or the philosophical truth, but it is based on logical reasoning. Dhakidae explained that discussions on the governance of religious life and its dynamics were regarded more as religious discourses or fellowship of discourses. Truth can only be owned by an inclusive group and should not be shared with others.

In other words, the discussions about the truth of religions in Indonesia are not always about the truth of *an sich*, but they are also about how to master or to colonize others through the struggle of “becoming” a recognized religion by any means necessary even by oppressing others in order for them to be not recognized. Specifically in this religious political context, the discussion of truth does not refer to the philosophical and theological sense of the truth, but the truth desired by the dominant groups.

Adherents of Local Religions in God Almighty, who are often referred to as adherents of local religions or original religions, are most profoundly affected by the religious political policy. In other words, due to such religious political policy, adherents of local religions experience systematic, massive and structured discrimination processes. Not only adherents of local religions become the object of struggle of preaching and mission movements, but they also continuously experience coercions to become adherents of religions through dominant logical reasoning, or they can choose to be destroyed.

It is true what Karl Steenbrink stated that Indonesia was a country where the Abrahamic

religions or *immigrant religions* (italicized by the author) received the most privileged positions. They were nurtured, supported by the government even though they were still strictly kept under control and guarded. However, the development of religious life definitely required guidance as well the liberation to properly develop.³⁵ In short, the policy of regulating the life of religion and belief is based on the logical reasoning of the religious discourses such as a religious policy which is considered to be the State's intervention towards a religion concerning at least the following three main aspects.³⁶

The first aspect is the State's intervention of religious life. That is the State's intervention of religious beliefs of the society that are actually very private. State no longer becomes the administrator who is obliged to facilitate and manage or maintain the existence of each religion within the framework of a plural society. Instead, it has impenetrated a domain that indeed is the right of each religion. Consequently, there has been a sort of religious massification in the State's interest regarding the uniformity efforts. Thus, religious sovereignty is a matter of local religions that are recognized and unrecognized.

The second aspect is the definition of official religions stated by the State, which refers to the interest of “official” religions. The determination of a religion that is considered official only refers to the traditions of Abrahamic Religions.³⁷ Included in this case, the State has made definitions of both right

35 Baehaqi, (2002), p. 11.

36 Hamidi, (2001), p.136.

37 Jean Monig Atkinson, *Religion and Dialogue, The Construction of an Indonesian Minority Religion*; in Rita Smith Kipp dan Susan Rogers (eds). *Indonesia Religion in Transition*, The University of Amazon Press, Tucson, 1978, p. 77.

and wrong religions. This interventional action is confirmed through Law No. 1/PNPS/1965, which seems to give the Ministry of Religious Affairs a full mandate to define a religion whether it is considered to be right or wrong.³⁸

The “guiding” paradigm of converting adherents the local beliefs to adherents of main religions is in fact a “coercion” of adherents of local beliefs that transcends the authority of the adherents of the main religions themselves. Moreover, the enormous implication of the intervention of these adherents of main religions or so-called the official religions is that they arbitrarily criminalize adherents of local beliefs through different interpretations and / or insights with the accusations of defaming religions. Adherents of the official religions can also easily suspect any attempts of restorations of the established religious understanding.

Thirdly, as a consequence of the establishment of the State’s official religions and the definition of a religion that is right or wrong made by the State, along with the characteristics of the adherents of main religions who claim to be the truth or even to be the most correct, the adherents of main religions feel obliged to preach their religions which are believed to possess the absolute truth. Throughout the process, the intervention policy on the definition of religions made by the State, which indeed was based on the intervention of the mainstream religions, has had an impact on the loss of the spirit to respect differences of views or plurality of thoughts in religions. Moreover, it has become a new weapon for the adherents of official religions to colonize and oppress the adherents of local religions.

These claims of the truth and duty to preach their religions have caused clashes within the official religions themselves. As it is commonly known, adherents of Islam as the majority adherents in Indonesia as well as the adherents of minority religions equally recognize the duty of spreading their religions (missions/ preaching). Therefore, due to the conflict of religious preaching interests between the official religions, some people need to be made as scapegoats. It is in this context, the fate of the adherents of local religions is completely destroyed as a continuation of the colonial policy.

Chronologically, the dynamics of oppression towards adherents of local religions can be traced back to the early phase of independence. Post the 1945 independence, in addition to secular nationalists, adherents of Islam also had to confront the adherents of local religions. During the construction of the 1945 Constitution, K. H. Wahid Hasyim proposed article 29 paragraph 2 “The state guarantees each and every citizen the freedom of religion and of worship in accordance with his religion”. The proposal was responded by Mr. Wongsonegoro, by adding the word “belief” as in “.... worship in accordance with his religion and belief”. More firmly, Wongsonegoro stated that the word “belief” was implicitly related to the existence of local religions with their spiritual traditions.³⁹

As mentioned in the preceding section, although the existence of local religions continued to receive resistance from Muslims both before and during the colonial era, local religions with all their limitations still exist and

38 Zainal Abidin Bagir, *Pluralisme Kewargaan, Arus Baru Politik Keragaman di Indonesia*, Mizan, Bandung, 2011, p. 117.

39 Sudarto, *op. cit.* p. 66. See also the full minutes of the Investigating Committee for the Preparation of Independence (*Badan Penyelidik Usaha Persiapan Kemerdekaan Indonesia / BPUPKI*) trial, Syafoedin Bahar and associates. State Secretariat of the Republic of Indonesia, 1995, p. 255.

survive. History records that adherents of local religions or at least people who converted to Islam have been increasing post-independence due to the fact that they wanted to be safe from administrative risks.

Since the inauguration of the Ministry of Religious Affairs by President Soekarno through the Presidential Decree on January 2, 1946, the focus of the Islamic community has been to conduct internal reformation and to continue carrying out the Islamization to the people of Indonesia primarily to those who are not considered to be religious. For the first time, in September 1948, there were tensions in the form of physical conflicts between members of the Communist Party of Indonesia (Partai Komunis Indonesia/PKI) and *Kyais* (experts of Islam) in Java. The ultimate tragedy was the Madiun incident.⁴⁰ The intensity of the Islamization movement had a significant effect on the dynamics of adherents of local religions.

In the 1950s, movements of the adherents of local religions experienced a significant rise. This phenomenon arose not only among the *priyayis* (people of the elite class) but also among the *abangans* (Javanese Muslims who practice a syncretic version of Islam). Some Western scholars who studied this phenomenon were Justus M. Van Der Kroef, Niels Mulder, Paul Stange and Rahmat Subagya whose original name was J. W. M. Bakker, S.J.⁴¹ Observing such development, the Ministry of Religious Affairs of the Republic of Indonesia made a list of new local religions in 1951. It was recorded that there were 73 local religions.⁴²

As though it was anxious to see the development the adherents of Local Religions, the Ministry of Religious Affairs, which was dominated by adherents of Islam, proposed a minimum definition of a religion in 1952. According to the Ministry of Religious Affairs, a belief was said to be a religion if it had "a prophet, a holy book, and an international recognition".⁴³ This definition was indeed beneficial only to adherents of Islam and Christianity. Furthermore, it implicitly did not recognize Local Religions as religions.

The main purpose of creating the definition of a religion as mentioned above was to suppress the development of Local Religions. This was due to the fact that according to adherents of Islam, the development of these local religions was considered dangerous towards Islam and the Islamic political struggle. They put forward a discourse or an accusation that adherents of Local Religions were the main supporters of the Communist Party of Indonesia. The ideology of the Communist Party of Indonesia was certainly opposed to the Islamic ideology. The above definition received a negative response from the adherents of Balinese Hinduism. Therefore, it was later withdrawn.

With the rejection of the definition, the adherents of Islam did not retreat. They were constantly trying to find ways to keep controlling the development of the local religions. In 1953, the Ministry of Religious Affairs announced the emergence of 360 new beliefs. With the emergence of the new beliefs, in 1954 the Ministry of Religious Affairs formed a Monitoring Body of Religion and Belief (Pengawas Aliran Kepercayaan

40 J.B. Banawiratma and associates, *Dialog Antarumat Beragama, Gagasan dan Praktik di Indonesia*, Mizan, Bandung, 2010, p. 87.

41 Karl Steenbrink, *Kawan dalam Pertikaian: Kaum Kolonial Belanda dan Islam di Indonesia (1596-1942)*, Mizan, Bandung, 1995, p. 233.

42 Subagya, *op. cit.* p. 9.

43 Subagya, *op. cit.* p. 116. The definition of the religion according to the historical record was proposed by DR. Mukti Ali who recently returned from a study in the United States under the supervision of Prof. Wilfred Centwell Smith.

Masyarakat/ PAKEM). It has a function of monitoring spiritual movements that disagree with Islam.⁴⁴ Afandi considered the formation of PAKEM was the State's intention to protect religions, especially Islam. On the other hand, Mulder considered PAKEM as: "In hands of the Ministry of Religious Affairs, PAKEM became the watch-dog against utterly anti-Islamic spiritual movements."⁴⁵

Responding to the discourse of the Ministry of Religious Affairs which was supported by the adherents of Islam, the adherents of Local Religions held the Kongres Kebatinan I (First Mysticism Congress) from August 19 to August 20, 1955. It was attended by 680 participants who were represented by 67 organizations. The purpose of the First Congress was to unite organizations of adherents of Local Religions that were large in numbers and spread throughout Indonesia. An organization was formed at the congress and it was later known as the Congress Council of Indonesian Mysticism (Badan Kongres Kebatinan Indonesia/BKKI) and appointed Wongsonegoro (former minister of PPK; Pengajaran, Pendidikan dan Kebudayaan/ Teaching, Education and Culture) as its chairman. In the First Congress, the definition of Mysticism was "*Sepi ing pamrih, rame ing gawe, hamemayu hayuning bawono*". Meanwhile, Engkus Ruswana mentioned that the First Paguyuban (Organization) Congress of Mysticism took place from August 19 to August 21, 1955 and it was represented by 70 organizations of mysticism beliefs.⁴⁶

After the First Congress, members of Mysticism Organization held the Second Congress in Surakarta in 1956. It was attended by 2,000 participants who were represented by 100 to 150 Mysticism organizations, representing approximately 2,000,000 communities of adherents throughout Indonesia.⁴⁷ In the Second Congress, the definition of mysticism was changed to "The source of the first principle of *Pancasila*, in order to attain virtue for the perfection of life".⁴⁸

Observing the rising movements of the adherents of Local Religions, the adherents of Islam intended to suppress the growth of the local religions, which at that time were called the local/mysticism beliefs. In 1961, The Ministry of Religious Affairs again discussed the definition of a religion. According to the Ministry of Religious Affairs, a religion should at least have a holy book, a prophet, the absolute power of God Almighty and a legal system for its adherents.⁴⁹ The purpose of the proposed definition was very clear. It was as a strategic move from Islamic leaders to suppress the development of Mysticism beliefs.

The proposed formalization of the definition of a religion by the Ministry of Religious Affairs was motivated by the proposal of the Congress Council of Indonesian Mysticism (Badan Kongres Kebatinan Indonesia/ BKKI) in 1957 where the BKKI Consultative Council asked President Soekarno to equalize BKKI with other religions. In the fourth Congress of July 1960 in Malang, East Java, BKKI asserted that although Mysticism beliefs emphasized the inner experience and perfection of human beings, they were essentially equal to other migrant religions, since both of their existence

44 Subagya, *op.cit.* p. 177.

45 Niel Mulder, 2005, p. 23.

46 Engkus Ruswana, 2014, Cases of law and human rights violations experienced by the indigenous people/ adherents of Local Religions in God Almighty. Paper of a seminar on the guarantee of human rights and protection of Law in the National Commission on Human Rights of Republic of Indonesia (Komisi Nasional Hak Asasi Manusia Republik Indonesia/Komnas HAM RI).

47 *Ibid.*

48 Subagya, *op. cit.* p. 98.

49 Niel Mulder, 1984, p. 6.

was focused on worshipping God.⁵⁰

Not wanting to miss the important moment, adherents of Local Religions responded to the Ministry of Religious Affairs' proposal on the definition of a religion by holding various discussions and seminars in several areas from 1956 to 1962. The themes raised were about the issues of the existence of the adherents of Local Religions in relation to the national moral education with the Political Manifesto/ the 1945 Constitution, Indonesian Socialism, Guided Democracy, Guided Economy, and Indonesian Personality (Manifesto politik / Undang-Undang Dasar 1945, Sosialisme Indonesia, Demokrasi Terpimpin, Ekonomi Terpimpin, dan Kepribadian Indonesia/ Manipol USDEK) as the government's single narrative at the time which was connected with the peaceful world order.

From January 28 to January 29, 1961, BKKI held the BKKI Mysticism Beliefs Seminar in Jakarta. At the seminar, BKKI proposed that the adherents of Local Religions, which were referred to as mysticism believers at the time, to be granted the rights of education. However, the proposal was rejected by the Ministry of Religious Affairs as once more according to the Ministry, a mysticism belief was not a religion.⁵¹ Nevertheless, the adherents Local Religions continued to consolidate fellow adherents. In 1959, a Bill (Rancangan Undang-Undang/RUU) on leases of land and revenues of distribution was ratified and was passed through the Legislative Assembly of the House of Representatives of Republic of Indonesia (Badan legislasi DPR RI). The ratification meeting of the Bill and the proposal of the BKKI Consultative Council, which were submitted to the President, were to legally equalize mysticism beliefs with other religions.

In 1960, the Land Law was approved. This land reform movement was seen as a threat to Islam by Muslims.⁵² The land reform movement was a movement to fight for the land acquisition for people who did not own any lands. However, the rulers of the lands in villages were usually the officials, *Hajis* (people who completed Hajj) and religious leaders. Therefore, since the land reform program was campaigned, there have been religious-communal tensions between *Santris* (students of Islam) and adherents of Local Religions.

Responding to the ongoing tension, the Attorney General Office of the Republic of Indonesia took over the Monitoring Body of Religion and Belief (Pengawas Aliran Kepercayaan Masyarakat/ PAKEM) in mid 1960. Moreover, later in 1961, the clause "preventive supervision of the local religions" emerged in Law No. 13 on the Basic Provisions of National Police. Several incidents and tensions between Muslims and adherents of Local Religions urged President Soekarno to issue a Replacement Law known as the Law No. 1 PNPS on January 27, 1965. It essentially confirmed the existence of the official religions and punished adherents of Local Religions as the violators of the 6 official religions. Through Law No. 1/PNPS/1965, the State made a reference to the arrangement of the mysticism beliefs to be Healthy Local Religions.⁵³

Law No.1/PNPS/1965 became a severe blow that incapacitated the adherents of Local Religions in God Almighty. On the other hand, the formulation of the Law was a success of the adherents of Islam in utilizing the State to silence or even to subdue the movements of the adherents of Local Religions in Indonesia. Some of the most vulnerable articles that have very discriminatory effects on Local Religions

50 Subagya, *op. cit.* p. 99.

51 *Ibid.*

52 Hefner, *op. cit.* p. 101.

53 Hefner, *ibid.*

in God Almighty that are triggered by the Law are:

ARTICLE (2) “ IF THE OFFENSE UNDER SUBSECTION (1) IS CONDUCTED BY AN ORGANIZATION OR RELIGIOUS SECT, THEN PRESIDENT OF THE REPUBLIC OF INDONESIA MAY DISSOLVE THE ORGANIZATION, AND MAY DECLARE THE ORGANIZATION OR THE SECT AS DEVIANT AFTER THE PRESIDENT RECEIVED RECOMMENDATION FROM THE MINISTER OF RELIGIOUS AFFAIRS, MINISTER/ ATTORNEY GENERAL AND MINISTER OF HOME AFFAIRS.

Article (3) “If, after any action taken jointly by the Minister of Religious Affairs and Minister/ Attorney General and Minister of Home Affairs or by the President of the Republic of Indonesia as stated in provision of Article 2 to any person, organization or sect, they still continue to violate the provision of Article 1, then that person, the follower, the member and/ or board of member of the organization may be punished with five years’ imprisonment.

When viewed from the genealogy of the formulation of Law No. 1/PNPS/1965, it was explicitly resulted from the fear of the existence of local religious that were regarded as non-religions by mainstream religions. The two articles mentioned above were motivated by the thought construction of the Ministry of Religious Affairs in defining a religion as clearly mentioned.

“It is evident that in recent years many beliefs

or mysticism /local beliefs organizations have arisen in almost all regions in Indonesia which are conflicting with religious teachings and laws. Their teachings/deeds of the followers of these beliefs have caused issues that violate the law, break national unity and desecrate religions. From these facts, it is clear that these beliefs or mysticism/local beliefs organizations, which abuse and / or use religions as subjects, have multiplied and have developed in recent years towards a direction that is harmful to the existing religions”.⁵⁴ These matters can endanger the unity of the nation and the State. In order to prevent them to be protracted, thus in the framework of national vigilance and in Guided Democracy, it is deemed necessary to issue the Presidential Decree of July 5, 1959 which is one of the means to channel the constitutional and religious affairs....⁵⁵

Paying close attention to each article and explanation of Law No. 1/PNPS/1965, mainly referring to the concept of official religions or religions recognized by the State, the fate of adherents of Local religions was really at an alarming state. Destruction of Local Religions was increasingly systematic, planned and obvious when the Orde Baru regime issued various policies in the field of religions which explicitly stated that the “Local Religions in God Almighty” were not religions.⁵⁶

Law No. 1/PNPS/1965 as mentioned was a form of the State’s intervention with insistence of the dominant religion (Islam). It caused the Orde Lama government followed by the Orde Baru government to regard religions as the State’s corporation institutions rather than civil society powers. In this regard, Daniel Dhakidae declared that religions had become discourses in which there were battles between

54 General explanation point 2 of Law/PNPS/1965.

55 General explanation point 3 of Law/PNPS/1965.

56 Zainal Abidin Bagir and associates, *op. cit.* p. 129.

several truth regimes that were defended by their respective religions which may not run neutrally. Some were more powerful than others due to the support of the capital and State power as well as other social institutions. Those battles caused exclusion or denial of others and changed the meaning of truth to power.⁵⁷

The existence of Law No. 1/PNPS/1965 placed the adherents of Local Religions in critical situations as in its implementation, local religions were always regarded as non-religions and were not recognized and were even suspected as security vandals. Politics of recognition problems were increasingly apparent during the Orde Baru regime.

The government of the Orde Lama regime came to an end shortly after the outbreak of the Thirtieth of September 1965 Movement, which supposedly was masterminded by the Indonesian Communist Party (Partai Komunis Indonesia/PKI). The accusation was that although the movement was masterminded by PKI, Suharto and his supporters were certainly behind it. Recently, many people have doubted the allegation that PKI was behind the Thirtieth of September 1965 Movement. In addition, there have been writings which stated that the mastermind behind the movement was precisely the military under the command of Lieutenant General Soeharto as a form of a coup. John Roosa called it the "crawling coup".⁵⁸

With the Letter of Command of Eleven March better known as Surat Perintah Sebelas Maret/ Supersemar, Soeharto was able to proceed with

the coup.⁵⁹ Under the Orde Baru regime, anti-Communism became the new "religion" of the State. The Orde Baru regime complemented the new religion of anti-communism with all its sites, ceremonies, and sacred dates resembling to *illo tempora*.⁶⁰ Soeharto's officers turned Lubang Buaya as a sacred site that became a symbol of immortality over the murder of 7 (seven) Army officers in Jakarta on October 1, 1965. Soeharto was fully supported by two mass organizations, NU (Nahdlatul Ulama) and Muhammadiyah, as well as college students of 1966 class. With such supports, religious leaders of various mass organizations and all their officers pursued and murdered members of PKI and organizations linked to PKI in a way that many observers deemed very inhumane.

The outbreak of the Thirtieth of September 1965 Movement seemed to be a moment of revenge against PKI by the adherents of Islam.⁶¹ In this era, PKI was identified as anti-Pancasila and anti-religion or even stigmatized as atheists. At that time, the anti-Pancasila term from the communists was addressed to PKI. At the same time, the stigma was also attached to the adherents of Local Religions who were accused of being one of the mass bases.

Adherents of Local Religions lived in a dilemma between holding on to their local beliefs, which could end to their deaths as they were considered to be non believers, and abandoning their ancestral beliefs as well as converting to one of the six recognized religions. During that time, large number of people converted to the official State religions. The key phrase put forward by the Orde Baru

57 Dhakidae, *op.cit.* p. 513.

58 John Roosa, *Dalil Pembunuhan Massal: Gerakan 30 September 1965 dan Kudeta Soeharto*, Hastra Mitra, Jakarta, 2008, p. 5.

59 *Ibid.*

60 The term "illo tempora" was one of the categories of religious traits used by Mircea Eliade apart from *hieropany*, *axis mundi* and *imago mundi*.

61 Hafner, *op. cit.* p. 102.

regime was “securing Pancasila from the danger of PKI members who were atheists and anti Pancasila.”⁶²

In such a tense situation, adherents of Local Religions were indeed disappointed with the adherents of Islam due to their involvements in the elimination of PKI’s elements and its sympathizers. It was one of the explanations why many adherents preferred to be Protestants, Catholics and Hindus. B. J. Bolland pointed out that the massacre of the so-called atheistic communists by religious people, especially by Muslim youths, had led adherents to adopt Christianity as Christians were not involved in the killings.⁶³

In the interrelated situation, adherents of Local Religions through the Consultative Board of Mysticism Belief (Badan Musyawarah Kebatinan) tried to protect themselves by becoming parts of the Joint Secretariat of Functional Groups (Sekretariat Bersama Golongan Karya/Sekber Golkar) in 1966. Still in connection with the efforts of the Orde Baru government in their initial phase to eliminate anyone regarded as a member of PKI, President Soeharto issued several instructions among others through Presidential Instruction No. 14 of 1967 on Chinese Religion, Beliefs, and Traditions. Although Confucianism was not explicitly dissolved through this Presidential Instruction, public activities related to the implementation of religious activities of Confucianism had been eliminated.⁶⁴ Shortly after, the government through the Decree of the Minister of Education and Culture (Peraturan Menteri Pendidikan

dan Kebudayaan/Permendikbud) removed Confucianism subjects in schools and universities. The University of Gadjah Mada (Universitas Gadjah Mada/UGM) became the only university that still taught Confucianism. In addition, Civil Registrations Agency was unwilling to record any marriages of people who adopted Confucianism.⁶⁵

Under the policy, the adherents of local beliefs including the adherents of Confucianism were faced with a dilemmatic choice of converting to official religions (Islam, Protestantism, Catholicism, Hinduism and Buddhism), or being apprehended by the police with the accusations of being non-religious or being communists. In that chaotic situation, there was a massive conversion with proselytizing competition into other official religions of the State.

At the time of the massive conversion, it was estimated that 2 (two) million adherents of Confucianism and local religions (*Kejawen* and so on) converted to Christianity. The incident caused a new phase of tension between the relationship of Islam and Christianity. The incident created growing issues of Christianization and apostasy. At that time, the number of Christians who originally was only 2-3% was changed to approximately 6-7% of the total population of Indonesia. According to the Population Census in 1971, Christians in Indonesia were as much as 7.39%.⁶⁶

The addition of such a drastic population of Christians and the proposed construction of a Methodist Church in Meulaboh Aceh in 1967 caused discomfort to adherents of Islam. The rage of Muslims in some areas such as Aceh,

62 Duta Masyarakat, October 7, 1965.

63 B. J. Bolland, *Pergumulan Islam Indonesia 1945-1972*, Grafiti Press, Jakarta, 1985, p. 135.

64 Ahmad Rumadi, *Delik Penodaan Agama dan Kehidupan Beragama dalam RUU KUBP*, The Wahid Institute, Jakarta, 2007, p. 6-8.

65 *Ibid.*

66 Mujiburrahman, *Feeling Threatened: Muslim-Christian Relation in Indonesia's New Era*, Leiden University Press, 2006, p. 27-28.

South Sumatra, Ujung Pandang (Makassar) was unstoppable. There were acts of vandalism of Christian schools in Jakarta. Moreover, acts of vandalism were committed in several areas in Java in 1969; among others were the arsons of churches. These acts of vandalism resulted in the religious political conflict between adherents of local religions and Muslims involving Christians, which turned into the first act of violent between Islam and Christianity during the Orde Baru era.⁶⁷

It was during this phase that the relationship between Islam and Christianity faced a long period of precariousness, which can be seen to this day. Furthermore, the adherents of Islam are suspicious and wary of Christians. As quoted by B. J. Bolland, Wilfred Cantwell Smith stated:

“... NEVER HAS IT HAPPENED ANYWHERE IN THE MUSLIM WORLD (PERHAPS WITH THE EXCEPTION OF INDONESIA) WHERE MUSLIMS FEEL THAT THEIR NON-MUSLIM COMPATRIOTS WERE ‘PARTS OF INDONESIAN PEOPLE’. IN ADDITION, WHEREVER IT IS THE MINORITY GROUPS DO NOT FEEL WELCOME.”⁶⁸

Muslims and Christians were suspicious of and felt threatened by one another. Muslims used the issue of “Christianization”. While, Christians suspected that Muslims always tried to develop an Islamic State. Responding to various conflicts and acts of violence in the name of religion especially between Islam

and Christianity, with the initiative of several members of the House of Representatives of Republic of Indonesia, among others was Lukman Harun, who was also the administrator of Muhammadiyah, proposed the right of interpellation for the government to regulate procedures of building houses of worship and religious broadcasting in Indonesia.⁶⁹

On that basis, the Orde Baru government through the Minister of Religious Affairs and the Minister of Home Affairs issued a Joint Decree (Surat Keputusan Bersama/SKB) on the Establishment of Houses of Worship. The argument was that a house of worship physically showed the existence of a religion. Since then, discussions on the establishment of houses of worship and interfaith relations have become very crucial. With the purpose of preventing conflicts related to the establishment of the places of worship, a Joint Decree of the Minister of Religious Affairs and the Minister of Home Affairs No. 01/Mdn /1969 was issued in September 13, 1969.⁷⁰

Among others, this regulation contained the permission from the government and surrounding communities to establish a house of worship as well as the requirement for a religion to have a minimum number of adherents before building a place of worship. Christians, in particular, considered that the regulation restricted the freedom of worship.⁷¹ The first regulation of the establishment of worship was not only discriminative to the adherents of minority immigrant religions, but it was also discriminative to adherents of Local Religions in God Almighty in establishing their places of worship.

⁶⁷ Mujiburrahman, *op. cit.* p. 28.

⁶⁸ B. J. Bolland, *op. cit.* p. 234.

⁶⁹ Alwi Shihab, *Membendung Arus: Respon Gerakan Muhammadiyah Terhadap Penetrasi Misi Kristen di Indonesia*, Mizan, Bandung, 2007, p. 177-178.

⁷⁰ *Ibid.*

⁷¹ B. J. Bolland, *op. cit.* p. 111.

The feud between the two arch-enemies, Islam and Christianity, was responded by the Orde Baru government by performing discourses of interfaith dialogues and policies of religious disseminations. The ruler of the Orde Baru through his speech explained:

“The government wishes to assert and guarantee that the government will not prevent any attempts of religious disseminations. It is a noble duty for adherents of a religion to embrace those who are not religious in Indonesia to be firm believers of a religion. Thus, it can also mean that they have concretely implemented the first principle of Pancasila, Belief in one God”.⁷²

In his speech, President Soeharto explicitly put forward the phrase “not religious”. It soon became a major issue of both Muslims and Christians, the fellow religious missionaries. However, who did the society consider not religious? The phrase again was targeted to those who were religious but their beliefs were not recognized or were not the official religions of the State. In addition, the recognition and endorsement of the six official religions of the State were issued through the Presidential Instruction No. 14 of 1967, as an affirmation mentioned explicitly in Law No. 1/PNPS/1965.

In such conditions, adherents of Local Religions in God Almighty faced complicated problems. On one hand, they had to protect their beliefs from any religious movements, particularly organized by adherents of Islam and Christianity. On the other hand, Soeharto severely restricted the flexibility of the adherents of Local Religions, even though Soeharto himself was an *abangan* (a Javanese Muslim who practices a syncretic version of Islam).

Despite being attacked from two great directions, adherents of Local religions continued to survive. Based on the research of the Attorney General’s Office through the Institute of Community’s Belief Development Research (Lembaga Penelitian Pengembangan Aliran Masyarakat/LPPAM), there were 282 mysticism beliefs in 1971. Looking at the phenomenon, through the study of watchdog institution called the Monitoring Body of Religion and Belief (Pengawas Aliran Kepercayaan Masyarakat/ PAKEM), the Attorney General suspended 167 local religions/mysticism beliefs. The suspension of those local religions, in addition to the fact that it was based on the results of PAKEM’s research, it was also allegedly based on the pressure from the senate members of the Sunan Kalijaga Islamic University (Institut Agama Islam Negeri/IAIN Sunan Kalijaga) in Yogyakarta. They rejected the interpretation of the Article 29 paragraph (2) of the Constitution (Undang-Undang Dasar/UUD). According to them “Local Religions in God Almighty” should be regarded as “Mysticism Beliefs” as proposed in the Kongress Kebatinan I (First Mysticism Congress).⁷³

The suspension and prohibition did not stop the adherents of Local Religions from doing their religious activities. In 1972, the Attorney General’s Office announced that there were 427 local religions. That year, the Ministry of Religious Affairs firmly asked the government to make a division between the immigrant and local religions. Government through the Attorney General’s Office also added the requirements for the adherents of Mysticism Beliefs. However, the number of local religions was not decreased.

Prosecutor Purwanto, S.H., for example, proposed a regulation on the recognition

72 B. J. Bolland, *op. cit.* p. 235.

73 Subagya, *op. cit.* p. 250.

requirements of mysticism beliefs, for example, the adherents should not have come from abroad. However, local religions still existed and were still active. Based on the statement of Prosecutor Sugiri, S.H., there were 327 mysticism beliefs in Central Java. In 1972, according to the record of the Secretariat of Cooperation in God Almighty, the number of groups of adherents of local religions was at its highest as many as 644 spread throughout Indonesia.⁷⁴

The distribution of the adherents of Local Religions in God Almighty recorded at that time included: 257 organizations in Central Java, 83 organizations in West Java, 70 organizations in Yogyakarta, 55 organizations in East Java, 96 organizations in Sumatra, 26 organizations in Eastern Indonesia and 112 organizations in Central Indonesia. These numbers were supposedly the highest numbers in the history of the existence of the adherents of local religions.⁷⁵

The growth of the Local Religions made the government furious. In 1973, through the Decree of the People's Representative Assembly (TAP MPR) No. IV MPR/1973, precisely on March 22, 1973, the government formulated the ratification procedures of the beliefs of the Indonesian people which should be on the basis of Belief in God Almighty.⁷⁶ Thus, the life of religion and belief in God Almighty became the basis of the freedom to practice the first principle of *Pancasila*. In other words, according to the government's perception, the development of religions and Local Religions in God Almighty is aimed to create harmonious atmosphere among all adherents and cooperation among adherents of Local Religions in God Almighty as well as to

increase common goals in order to build the society.

In the atmosphere of continuous anxiety between suspicions of Christianization and the phenomenon of the increasing number of local religions or in the discourse of adherents of Islam they were referred to as mysticism beliefs, the House of Representatives of Republic of Indonesia passed Law No. 1 of 1974 on Marriage. Multhuf Siraj explained that the ratification of the marriage law was a form of Muslims' reaction as theological and political responses to the two conditions of political relations of Islam and the State at that time.⁷⁷

The first condition was that according to the people of Political Islam, the symptoms of Islamic depoliticization have appeared since the Political Party experienced defeat in the General Election of 1971. Muslims were very worried about their existence in the nation and State's life. Especially at that time, the government urged people not to use the word Islam in the United Development Party's (Partai Persatuan Pembangunan/PPP) coalition result.⁷⁸

Secondly, Muslims were very concerned about the issue of Christianization which has emerged since the 1970s. Some Islamists blamed that the Bill had a hidden agenda, that it was an attempt to facilitate the process of Christianization in Indonesia.⁷⁹ There was a strong indication that the government wanted marriages to be understood only in the context of civil relations and they were separated from

⁷⁴ *Ibid.*

⁷⁵ Subagya, *op. cit.* p. 275.

⁷⁶ *Ibid.*

⁷⁷ Multhuf Siraj, *Pembaharuan Hukum Islam di Indonesia, Telaah Kompilasi Hukum Islam*, Pustaka Ilmu, Yogyakarta, 2012, p. 122.

⁷⁸ Abdul Azis Thaba, *Islam dan Negara Dalam Politik Orde Baru*, Gema Insani Press, Jakarta, 1996, p. 157.

⁷⁹ *Ibid.*

the provisions of religious laws. In other words, the government tried to secularize marriages by the State.

Article 2, paragraph (1) of Law No. 1 of 1974 on Marriage stipulates that “a marriage is only deemed legal if it is conducted pursuant to the law of each religion or religious belief”. This article explicitly stated that a marriage was declared valid if it was conducted according to each religion and belief.⁸⁰ Despite the debates related to the meaning of “belief”, adherents of local religions still considered the article as an opportunity given to them regarding legitimate marriages according to the procedures of the local religions. In addition, Cabinet Assembly of Public Welfare decided on June 24, 1975 that for the form of identification cards and other forms containing religion columns to be subsequently converted into columns of “Religion / Belief in God Almighty”.⁸¹

But in the implementation level, the understanding of “Belief” stated in the Law was not exactly the same as understood by adherents of Local Religions. The understanding of the dominant religions was that a belief was the “conviction” that exists in a religion. As a result, in 1977 emerged a protest over the definition of a religion which referred to the academic sense, where a religion must have the concept of One God, a Holy Book, Prophets and it is spread abroad.⁸²

Debates on the legal definition of a religion or a religion recognized by the State re-emerged and were intensified. The Minister of Home Affairs issued the Circular Letter No. 477/74054/BA.01.2/4683.95 of 1978. In the Circular Letter, the government explicitly stated that there were

only five officially recognized religions (Islam, Protestantism, Catholicism, Hinduism and Buddhism; Confucianism was removed from the list). Therefore, this policy has implicitly made the adherents who are considered not to be parts of official religions, to be the objects of propagation of *da'wah* (preachings) or missions of the official religions especially Islam and Christianity. Still in the same year, the statement that Local Religions in God Almighty were not religions was confirmed by the official document in 1978 through the Decree of the People's Consultative Assembly, TAP MPR. IV/MPR /1978 on the State Policy Guidelines.⁸³

Following the State's policy to establish that the local religions were not religions, and the affirmation that the local religions were “not religious”, Jane Monnig Atkinson stated: “The word ‘not religious’ means an imperative form for the non-religious to accept and adhere to the religions recognized by the State.”⁸⁴ With the use of the words “not religious”, the State, in the name of the interests of the adherents of dominant religions, has opened the gate of imperialism and/or the suppression towards local religions or beliefs. Thus, the logic developed in the missionary religions was that local religions and beliefs legitimately became the source of missions or preaching by both Islam and Christianity.⁸⁵

Furthermore, with the power it possessed, the Ministry of Religious Affairs according to Niels Mulder then formulated the minimum definition of a “religion”. It has become the

80 Article 2 Paragraph (1) of Law No. 1 of 1974 on Marriage.

81 Subagya, *op. cit.* p. 276.

82 *Ibid.*

83 Rumadi, *op. cit.* p. 8.

84 Jane Monnig Atkinson, *Religions in Dialogue, The Construction of an Indonesian Minority Religion*, in: Rita Smith Kipp dan Susan Rogers (eds) *Indonesia Religion in Transition*, The University of Arizona Press, Tucson, p. 117.

85 Zainal Abidin Bagir and associates, *op. cit.* p. 96.

official definition to this day.⁸⁶ It was this political constellation that prompted the Ministry of Religious Affairs to propose the definition of “religion” in 1961. A “religion”, by definition, must contain these important elements: Belief in One God, prophets, holy book, adherents, and a legal system for its adherents. Indeed, with such definition, many adherents of Local Religions, mysticism beliefs, or communities that still maintained local customs and practices, such as animism and dynamism were not included. Therefore, they were classified as “non-religious”.

Moreover, the policy of State’s intervention on religion through the establishment of official religions and on the interpretation of the true religions, obviously have made the adherents of mysticism beliefs the casualties. Cases experienced by adherents of local beliefs which were the missions of the Ministry of Justice with the Mystical Belief Supervisory Coordinating Board (Badan Koodinasi Pengawas Aliran Kepercayaan Masyarakat/BAKORPAKEM), which was established in 1954. One of BAKORPAKEM duties was to grant or deny permissions for the adherents of Local Religions to conduct activities, including the organization’s regular activities.

Since the existence of BAKORPAKEM, not only the adherents of Local Religions but also adherents of non-mainstream religions in Islam itself have become the victims of its prohibitions. Among others are Islam Jama’ah, Ahmadiyah, Darul Arqom, Islam Wetu Telu and others. While in Christianity, sects such as Seventh Day Advent, Pentecostal, Jehovah’s Witnesses and many others were also the targets of the prohibitions. However, due to the fact that the insistence was not as big as it was in Islam, Christian sects could develop up to a number of 300 sects (Document of the

Supreme Court, 1982).

Along with the increasing debates regarding the issue that local religions were not religious, the Minister of Religious Affairs issued a circular letter No. B.VI/11215/1978 in October 18, 1978 and it was addressed to the Governors of Indonesia. It described the adherents of Local Religions/Mysticism Beliefs. In the letter, the Ministry of Religious Affairs explained “Burial is related to religious beliefs. Therefore, the burial procedures according to the adherents of Local Religions are not recognized in the Republic of Indonesia, the State that is based on *Pancasila*. Moreover, the term “Local Religion” is not recognized as a religion in Identification Cards (Kartu Tanda Penduduk/KTP) and in many others. The letter was then followed by the Instruction of the Minister of Religious Affairs No. 4 of 1978. It stated that Local Religions in God Almighty were not religions.”⁸⁷

From these provisions, the Minister of Religious Affairs issued Instructions No. 4 and 14 of 1978 which outlined the core policy regarding various aspects of Local Religions. It was addressed to governors and regents/mayors. All policies systematically marginalized the “non-religious”, and denied their civil rights as equal citizens before the law. For example, in the Circular Letter of the Minister of Religious Affairs No. B/5943/78, which was addressed to the Governor of East Java, it mentioned: “Due to the fact that Local Religions are not religions and that they are cultures, it means that people who adhere the Local Religions do not lose the beliefs which they understood and embraced. Therefore, there are not any procedures of vows, marriages, and others according to the Local Religions.”⁸⁸

86 Mulder, *op. cit.* p. 25.

87 Subagya, *op. cit.* p. 276.

88 Sutanto, *op. cit.* p. 11.

Similar statements were affirmed in the letter of the Minister of Religious Affairs No. B. VI / 1115/1978 addressed to the Governors throughout Indonesia. The supposedly last letter explicitly stated: "... and considering that the matters of religion references, marriages, vows, corpse burials are related to religious beliefs, therefore, procedures of marriages, vows and burials according to adherents of Local Religions are not recognized in the Republic of Indonesia, the State that is based on *Pancasila*. Moreover, the term "Local Religion" is not recognized as a religion in Identification Cards (Kartu Tanda Penduduk/KTP) and in many others".⁸⁹

After the release of the Ministry of Religious Affairs' instructions which urged the adherents of mysticism beliefs to convert to main religions, the government continued to issue policies of banning local religions. In 1979, the Minister of Religious Affairs again issued Instruction No. 8 of 1979 concerning the prohibition of organizations and beliefs that were contrary to the teachings of Islam.⁹⁰

The problem then became ambiguous. In Indonesia, regulating religious life is not solely the responsibility of the Ministry of Religious Affairs. In addition to the Ministry of Religious Affairs, the affairs of the regulations of religious life are also the responsibility of the Ministry of Education and culture, the Ministry of Home Affairs, the Ministry of People's Welfare, and even the Attorney General. As a result, the ministries often overlapped or were even out of sync in establishing religious regulatory policies. On one hand, the Ministry of Religious Affairs issued an instruction which essentially did

not recognize the existence of local religions. On the other hand, the Coordinating Minister for Public Welfare (Menteri Koordinator Bidang Kesejahteraan Rakyat/Menko Kesra) issued a letter addressed to the Minister of Home Affairs No. B-310/MENKO/KESRA/VI/1980 on June 30, 1980. The letter regulated that marriages of the adherents of Local Religions could be registered at the local Civil Registration Office.⁹¹ However, the policy only lasted for several years as since 1985 the policy has not been valid.

Meanwhile, a political battle that was no less fierce in comparison to the battles in the ministries also occurred in the Indonesian House of Representative in responding the existence of local religions. In 1985, Law No. 8 of 1985 on Community Organizations was created to give the organizations of the adherents of Local Religions the same positions as the professional, functional and religious organizations.

In this regard, reciting Robert W. Hefner, the attitude of the supreme leader of the New Regime towards the adherents of local religions was indecisive. On one hand, Soeharto was often seen to be very sociable with the adherents of *Kejawen*. Thus, the attitude gave the leaders of the Local Religions the opportunity to put forward the idea of equalizing the local religions with other religions or acknowledging them as the official religions of the State. On the other hand, Soeharto stated that Local Religions were not legitimate religions; hence, their activities should sometimes be limited. The New Regime ruler even made it difficult for the adherents of Local Religions, especially the adherents of *Kejawen*, to promote their beliefs' systems as public's alternative religions other than the normative Islam.⁹²

89 Trisno Sutanto and associates, *Menuntut Jaminan Konstitusi Penghayat Kepercayaan Terhadap Tuhan yang Maha Esa*, Series of Position Papers, Jakarta, 2011, p. 10.

90 *Ibid.*

91 *Ibid.*, p.11.

92 Hefner, *op.cit.* p. 158.

The ambivalence or the indecisive attitude of the New Regime leader towards Local Religions in God Almighty caused difficulties for the adherents. Soeharto was often very close with the adherents of Local Religions and he was also considered as a defender who fought for their existence. However, these adherents of local religions often had to lose Soeharto as a figure to defend them. The peak incident, which was considered as a painful irony by the adherents of Local Religions regarding the adherents of *Kejawen's* dependency on Soeharto, occurred in the late 1980s. In his 1988 speech, president Soeharto demanded adherents of Local Religions to convert to main religions. According to Soeharto, mystical teachings should not be the alternative beliefs other than main religions.⁹³

Despite the fact that Soeharto's view was rejected by the adherents of Local Religions, there was nothing that they could do. In such situation, Soeharto's cronies, his mystical spiritual advisers, once again urged the president to continue acknowledging the existence of the adherents of Local Religions. At their insistence, Soeharto finally released a statement saying that even though the government refused mystical teachings to become alternatives of other normative and recognized religions, their organizations will still be acknowledged and will be under the government's control.

President Soeharto no longer acknowledged the existence of the adherents of Local Religions in God Almighty. It was then followed with the release of a prohibition letter by the Ministry of Religious Affairs who denied the existence of the local religions. At the same time, the Ministry of Home Affairs acknowledged their marital status at the Civil Registration Office. However, this acknowledgement did

not last long and it was no longer valid. The overlapping policies caused a legal vacuum (*rechtsvacuum*). Rudini, Minister of Home Affairs, issued a letter on July 25, 1990 number: 477/2535/ PUOD which was addressed to the Governor of Central Java and was forwarded to the Minister of Justice, Minister of Religious Affairs, Minister of Education and Culture and to all the Governors throughout Indonesia. The letter stated that the marriage of a couple of adherents of Local Religions could be registered at the Civil Registration Office after they submitted an application to the Head District Court and obtained a decree/ dispensation/ approval. However, this law in its practice was not properly implemented. Many marital cases of the adherents of Local Religions, which were approved by the court, were denied by Civil Registration Office.⁹⁴

In the midst of the marital registration polemic of the adherents of Local Religions, the numbers of organizations recorded have actually increased. In 1993, Suparman as the Head of Public Relations of the Attorney General's Office of the Republic of Indonesia stated that since 1942 until 1992 there had been 517 Local Religions that were inactive throughout Indonesia.⁹⁵ After Suparman's statement, through the Mystical Belief Supervisory Coordinating Board (*Badan Koodinasi Pengawas Aliran Kepercayaan Masyarakat/Bakorpakem*), Attorney General released a statement which essentially explained "Whether or not a religious belief is heretical is determined through a Monitoring Body of Religion and Belief (*Pengawas Aliran Kepercayaan Masyarakat/ PAKEM*) meeting. The Police have the authority to take actions against the adherents when the parties in the PAKEM meeting, which is attended by the

93 *Ibid.*

94 Sutanto, *op.cit.* p. 11.

95 The information was published in Kompas, August 5, 1992.

Prosecutors, the Department of Religious Affairs, the Local Government and the Police, have determined that a religious activity is considered heretical. Attorney General's Office will then regulate a policy to ban any religious activities".

The Directorate General of General Administration and Regional Autonomy (Direktorat Jenderal Pemerintah Umum dan Otonomi Daerah/Dirjen PUOD), Sumitro Maskun, acted on behalf of the Minister of Home Affairs released a letter number: 474.2/3069/PUOD on October 19, 1995. This letter was addressed to the Governor of Jakarta and was forwarded to other Governors throughout Indonesia. The letter annulled the previous letter from the Minister of Home Affairs, which stated that a marriage of a couple of adherents of Local Religions could not be registered at the Civil Registration Office even though it had been confirmed through the District Court's Verdict.⁹⁶ This annulment was reinforced by the Letter of the Regional Secretariat of West Java.

According to Tresno S. Sutanto, the Orde Baru Government under the leadership of Soeharto has committed what is known as political harmony due to the complexity and ambiguity of the divisions of adherents of local religions. Political harmony is understood as to how the power of the State "creates and regulates" issues of inter-religions harmony in order to maintain stability that is necessary for the national development or to how the concept of harmony is developed, formulated, spread and utilized as a State policy in "fostering the lives

of religious people".⁹⁷

Political harmony established by Soeharto had at least two goals. The first goal was the realization of the development of the political and economic stability in order to encourage citizens to partake in the development. Whoever initiated, discussed or questioned issues of Ethnicity, Religion, Race and Intergroup (Suku, Agama, Ras dan Antargolongan / SARA) as frequently mentioned by Sudomo, the Commander of Operational Command for the Restoration of Security and Order (Panglima Komando Operasi Pemulihan Keamanan dan Ketertiban/Pangkopkamtib), could easily be suspected and could even be accused as remnants of the Indonesian Communist Party (Partai Komunis Indonesia/PKI). Hence, during the New Regime era, people who debated religions were accused of being against the development, stability and finally against *Pancasila*. The second goal was the politicization of religion, which was originated from the assumption that harmony of religious life was the absolute condition for the unity of the nation, national stability and security. Therefore, the government considered it necessary to provide guidance, facilitate and supervise the development of religions in order for every citizen to implement and develop the teachings of their religions smoothly, orderly and in harmony.⁹⁸

Based on such chronological burdens, policy products made since post-independence until the end of the New Regime can be grouped in the following diagram.⁹⁹ These data were

⁹⁶ Engkus Ruswana, *Kasus-Kasus Pelanggaran Hukum dan HAM yang dialami oleh Masyarakat Penghayat Kepercayaan*, 2009, presented at the Seminar on Freedom of Religion and Belief and the Rights of Worship. Unpublished paper, p. 3.

⁹⁷ Zainal Abidin Bagir and associates, *op. cit.* p. 126.

⁹⁸ Hamidi, *Sejarah Orde Baru hingga Reformasi*, Grafiti Press, Jakarta, 2004, p. 123.

⁹⁹ "Kertas Posisi Menuntut Pemenuhan Hak-hak Konstitusional Penghayat Kepercayaan Terhadap Tuhan Yang Maha Esa, HRWG in collaboration with MADIA, Coordination Body of Organizations of Believers (Badan Koordinasi Organisasi Kepercayaan /BKOK) and

processed from various sources which were also processed by several institutions such as the Human Rights Working Group (HRWG), the Indonesian National Human Rights Commission (Komisi Nasional Hak Asasi Manusia/Komnas HAM RI) and other institutions in the effort of advocating the constitutional rights of the adherents of Indonesian Local Religions. Series of general problems faced by the adherents of local religions can be described as follows:

No	Discrimination Point	Regulations used	Impact
1	Denial of the identity recognition as adherents of Local Religions	1. Circular Letter of the Minister of Home Affairs No: 477/74054 on November 18, 1978 2. Instruction of Minister of Religious Affairs of the Republic of Indonesia No. 14/1978 on the follow up to the Instruction of Minister of Religious Affairs No. 4/1987 on Policies to Local Religions. The two instructions above were the continuations of the paradigm of Law No.1/PNPS/1965 and Decree of the People's Consultative Assembly (Ketetapan Majelis Permusyawaratan Rakyat/TAP MPR)No: IV/MPR/1978 which underlie all policies taken by the State towards the adherents.	Since the release of the Circular letters of the two Ministers, who utilized the logics of thePNPS Law, the existence of the adherents of Local Religions has always been questioned and they have been discriminated since their births until their deaths.

Association of Mystical Believers (Himpunan Penghayat Kepercayaan/HPK), Jakarta, p. 10.

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No	Discrimination Point	Regulations used	Impact
2	Cases of the loss of the rights to achieve status as the Indonesian National Army (Tentara Nasional Indonesia /TNI) or the Indonesian National Police (Kepolisian Negara Republik Indonesia/Polri)	Law No.28/1997 on the Indonesian National Police. This law is no longer valid as there is a new law on the Indonesian National Police. A vulnerable article of the law was Article 15 paragraph (1) point h, which was tendentious with the suspicion as though the adherents of Local Religions (who were always regarded as the adherents of Local Religions in God Almighty by the society) could cause divisions and threatened the unity of the nation.	Although this Law has been replaced, adherents' rights and obligations to participate in defending the State and to serve in the Indonesian National Army or the Indonesian National Police are hindered.
3	Marital registrations of the adherents of Local Religions at the Civil Registration Office and the procedures of vows, marriages, and many others were only held according to main religions in accordance with the applicable laws and regulations.	1. Law No. 1 of 1974 on Marriage. It was strengthened by the Circular Letter of Minister of Home Affairs No. 477/74054/1975 on Practical Guideline in Inputting Data about Religious Affiliation as stated in Decree of Minister of Home Affairs No. 221a/1975 on the Registration of Marriage and Divorce at the Civil Registration Office. 2. Letter of the Minister of Religious Affairs to the Governor of East Java No: B/5943/78 on July 3, 1978 on Local Religions. 3. Letter of the Directorate General of General Administration and Regional Autonomy (Direktorat Jenderal Pemerintah Umum dan Otonomi Daerah/Dirjen PUOD) No: 474.2/3069/ PUOD on October 19, 1995.	Due to the provisions of such letters, marriages of couples of adherents of Local Religions could not be registered. It stated that "Procedures of wedding vows of the adherents of Local Religions are not recognized in the Republic of Indonesia, the State that is based on Pancasila." The marriage certificate released by Central Institute of Srati Dharma in Yogyakarta caused major issues for the adherents.

No	Discrimination Point	Regulations used	Impact
4	Rejection of the birth certificate registrations towards the children of couples of adherents of Local Religions.	Letter of the Coordinating Minister for Public Welfare (Menteri Koordinator Bidang Kesejahteraan Rakyat/Menko Kesra) No: B.336/MENKO/KESRA/VII/198 on July 16, 1980 regarding the Population Census Form Enhancements. It was also reinforced by the previous Radiogram/Telegram of Minister of Religious Affairs No. MA/610/1980 to all Provincial Head of Ministry of Religious Affairs in Indonesia on September 22, 1980.	The children of the adherents of Local Religions could not receive education on their religions and beliefs and they were also forced to attend classes of religious subjects for the adherents of dominant religions. In other circumstances, they also stigmatized as members of Communist Party of Indonesia (Partai Komunis Indonesia/ PKI) and as atheists. In some areas, couples who were married through the traditions of local religions were obliged to make a statement letter saying that their children were conceived out of wedlock.
5	Rejections dan obstacles regarding issues of burials of the adherents of Local Religions.	Letter of the Minister of Religious Affairs to the all Governors throughout Indonesia No: B.VI/11215/1978 on October 18, 1978 on Religious Grouping, Marriage, Vows and Funeral Service for the Adherents of Local Religions.	In numerous cases, corpses of adherents of Local Religions could not be buried in public cemeteries. According to this letter, "Burials according to adherents of Local Religions are not recognized in the Republic of Indonesia, the State that is based on Pancasila. Moreover, the term "Local Religion" is not recognized as a religion in Identification Cards (Kartu Tanda Penduduk/KTP) and in many others."

ADHERENTS OF LOCAL RELIGIONS

No	Discrimination Point	Regulations used	Impact
6	Rejections of the establishment of places of worship of the adherents of Local Religions.	Joint Decree of the Minister of Religious Affairs and the Minister of Home Affairs No. 01/ber-Mdn/1969 on September 13, 1969 which regulated the establishment of places of worship. The Decree was later renewed in the Reformation Era with the release of the joint decree of the Minister of Religious Affairs and the Minister of Home Affairs (Peraturan Bersama Menteri/PBM) on the establishment of places of worship.	Both adherents of “minority” religions and adherents of Local Religions experienced difficulties in establishing places of worship.
7	Inputting data in the religion column in the Identification Cards (Kartu Tanda Penduduk/KTP) according to the religions and beliefs of the adherents of Local Religions.	Letter of the Coordinating Minister for Public Welfare (Menteri Koordinator Bidang Kesejahteraan Rakyat/Menko Kesra) No: B.310/MENKO/KESRA/VI/1980 of June 30, 1980 and Letter of the Minister of Religious Affairs to the Minister of Home Affairs No: B.VI/5996/1980 on July 7, 1980 on Marriage, identification Card and Funeral Ceremony for the adherents of Local Religions in God Almighty.	Adherents of Local Religions were not able to fill in the column of religion in accordance to their own religions and beliefs. The regulation of filling the religion column has changed several times. At first, the adherents should fill in the column. Later, they were allowed to leave it blank or to simply write a dash (-).
8	Adherents of Local Religions’ freedom to express and to self-develop.	Decree of the Attorney General of the Republic of Indonesia No: KEP, 108/J.A./5/1984. It was then renewed with the Decree of the Attorney General of the Republic of Indonesia No: KEP.004/J.A./01/1994 on the Establishment of the Coordinating Team of Monitoring Body of Religion and Belief (Pengawas Aliran Kepercayaan Masyarakat/ PAKEM).	Adherents of Local Religion were deliberately alienated or eliminated; in this case PAKEM was assigned “to conduct research and to carefully assess the development of a Local Religion in order to discover its impact on the public order and peace” and “to be able to take active and preventive measures in accordance with the provisions of applicable legislations” (Article 3, point b and d).

C. Constitutional Guarantee To Minority Religions and Beliefs

According to the study of the International Human Rights Law (Hukum Internasional Hak Asasi Manusia/HIHAM),¹⁰⁰ adherents of local religions are categorized as adherents of religious minorities. Based on the reviews of various sources, the definition of minorities in general contains at least the following four main elements. The first element is based on the lexical definition. The term 'minority' can be understood as a lesser population than a larger overall population (at the national level). The second element is based on the numeric definition; minorities can also be interpreted as non-dominant and are subjected to adverse treatments or are in disadvantaged situations in public and state life. The third element is based on distinctive definition; they are distinguished by religions, ethnic languages and others. The fourth element is based on their social solidarity to survive. They usually come from cultural, religious and linguistic groups.¹⁰¹

In accordance with the four elements, in 1977, Francesco Capatorti from the UN Special Rapporteur for Prevention of Discrimination and Protection of Minority defined 'minority' as:

["a group numerically inferior to the rest of population of the State in non dominant

position – whose members – being nationals of States, possess religious, ethnic or linguistic characteristic differing from those of the rest of populations and show, if only implicitly, a sense of solidarity, directed towards, preserving their culture, traditions, religion and languages"].¹⁰²

The limits outlined by Capatorti as mentioned above are associated with the issue of genocide, which should not occur due to "... denial of the rights of existence of the entire human groups".¹⁰³ This reason provides the recognition towards the rights of minority groups, which is confirmed in the International Covenant on Civil and Political Rights (ICCPR) by listing the rights of individuals in minority groups.

For example, Article 27 of the Covenant states that "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language."¹⁰⁴ The guarantees given to the minority groups among others are:

1. The right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public;
2. The right to participate effectively in cultural, religious, social, economic and

100 HIHAM terminology was used by Abdul Hakim Nusantara, a member of the Indonesian National Human Rights Commission (Komisi Nasional Hak Asasi Manusia Republik Indonesia / Komnas HAM RI) period of 2003-2007 in introducing the Human Rights and Islamic Law book by Mashood Baderin published by Komnas HAM RI in 2003.

101 Halili, Sudarto (ed), *Supremasi Intoleransi: Laporan Kondisi Kebebasan Beragama/Berkeyakinan dan Minoritas Keagamaan di Indonesia tahun 2016*, SETARA Institute, Jakarta, 2016, p. 25-26.

102 *Studi on the Right of Person Belonging to Ethnic Religious and Linguistic Minorities*, UN Document E/CN.4/Sub.2/384/Add.1-7. Accessed from http://www.minority-right.s.org/docs/mn_defs.htm on March 6, 2017.

103 Indonesian National Human Rights Commission (Komisi Nasional Hak Asasi Manusia Republik Indonesia / Komnas HAM RI), *Mengakui Minoritas! Kajian tentang Kelompok Minoritas dan Kewajiban Negara untuk Menjamin Hak-haknya*, Draft Report on the Rights of Religious Minorities by the Indonesian National Human Rights Commission, 2016. p. 12.

104 ICCPR 1966, Article 27.

- public life;
3. The right to participate effectively in decisions on the national and regional levels;
 4. The right to establish and maintain their own associations;
 5. The right to establish and maintain peaceful contacts with other members of their group and with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States;
 6. The freedom to exercise their rights, individually as well as in community with other members of their group, without any discrimination.

Referring to the ICCPR article 27, theoretically Indonesia has been subject to the Covenant, among others through ratification under Law No.11 of 2005 on the Ratification of the Covenant on Civil and Political Rights. In other words, post-reformation era, constitutional guarantees on human rights in general and constitutional guarantees towards minority beliefs in Indonesia have normatively shown some progress. For example, the second Amendment of the 1945 Constitution strengthens the protection of human rights in Indonesia which ensures that human rights are guaranteed as constitutional rights.¹⁰⁵

Guarantees on the protection of human rights for adherents of Local Religions and religious minorities include the guarantees of their freedom of religion or belief. Collectively, religions/beliefs, which are immersed in the traditions they practice and their traditional rights, are recognized and respected (Article 18B, paragraph 2 of the 1945 Constitution). Each adherent is protected and recognized

as a citizen and as a resident of Indonesia (Article 26). Recognition of citizenship rights implies the necessity for the State to guarantee the adherents' various human rights as constitutional rights.

In addition, the 1945 Constitution guarantees the right of each person to freely adopt a religion and to worship according to the religion/belief. In other words, the existence of the adherents of Local Religions in God Almighty, with all their types, receives the constitutional guarantees as mentioned in article 28E, paragraphs [1] and [2] of the 1945 Constitution. The article states: [1] Every person is free to worship and to practice the religion of his choice, to choose education and schooling, his occupation, his nationality, his residency in the territory of the country that he shall be able to leave and to which he shall have the right to return. [2] Every person has the right to be free in his convictions, to assert his thoughts and tenets, in accordance with his conscience.¹⁰⁶

The two paragraphs explain that everyone has the right to choose his/her own religion or belief. It is in the sense that one should be comfortable with his or her religion and should not constantly convert to other religions as well as teachings, should choose a profession that is appropriate for him/her and according to his/her own qualities and choose a country and reside in the country of his/her choice on the basis of legitimate law and government. In addition to security guarantees, government is obliged to give freedom of belief for its citizens. Citizens are entitled to their own thoughts and attitudes of their daily lives according to the conscience they perceive to be true as long

¹⁰⁵ Section X of the 1945 Constitution on Human Rights.

¹⁰⁶ Constitutional Court of the Republic of Indonesia (Mahkamah Konstitusi Republik Indonesia/ MK RI), the 1945 Constitution of the Republic of Indonesia, MK RI, Jakarta

as they do not harm others. However, such constitutional guarantees are not properly provided. Hence, the government seems to be indecisive in fulfilling the constitutional rights of the adherents of Local Religions in God Almighty.

Article 28E is reinforced by the guarantees of religious rights. These rights, as mentioned in Article 28I, are rights that cannot be reduced under any circumstances. These protection guarantees are reinforced by the provision that the state guarantees each and every citizen the freedom of religion and of worship in accordance with his religion and belief (Article 29). The provision of the Constitution is reinforced by the decision of the Constitutional Court, which states that the adherents of Local Religions in God Almighty are people who have the same rights and obligations in adopting their beliefs in accordance with the guarantees stated in Article 28E paragraph (2).¹⁰⁷

In Law No. 39/1999 on Human Rights, guarantees towards various human rights of citizens are regulated in detail. For example, apart from regulating guarantees of various rights, the Law also describes the responsibilities of the State and government to respect, protect, and fulfill human rights.

Various constitutional guarantees related to the rights of religious minorities/beliefs are also mentioned in Law No. 39/1999. Religious rights are rights that cannot be reduced under any circumstances by anyone (Article 4). Everyone has the right to freedom to choose his religion and to worship according to the teachings of his religion and beliefs. The state guarantees everyone the freedom to choose and practice his religion and to worship according to his religion and beliefs (Article 22).

The problem is that in the legislation level related to the implementation and technical guidelines, the government, who are responsible to fulfill the human rights of the minorities particularly the adherents of Local religions, are often inconsistent with the legal norms as their references. For example, the Ministry of Social Affairs defines the minorities as People with Social Welfare Problems (Penyandang Masalah Kesejahteraan Sosial/PMKS). Decree of the Minister of Social Affairs No. 8/2012 states that:

“...MINORITIES ARE GROUPS WHO SUFFER FROM SOCIAL FUNCTION DISORDER DUE TO DISCRIMINATION AND MARGINALIZATION THEY RECEIVE, HENCE, WITH THEIR LIMITATIONS, THEY ARE VULNERABLE TO SOCIAL PROBLEMS, SUCH AS GAYS, TRANSVESITITES, AND LESBIANS. CRITERIA OF MINORITIES: A) SOCIAL FUNCTION DISORDERS; B) DISCRIMINATION; C) MARGINALIZATION; AND D) SEXUAL

¹⁰⁷ The International Covenant on Economic, Social and Cultural Rights states the obligation of Indonesia as a State Party to execute legal, legislative and administrative efforts and other efforts to ensure the protection of the rights guaranteed in the Covenant. Under this obligation, various legal products and policies that conflict with the protection or discriminate minority religions/beliefs should be revoked or modified in order to be in line with the norms of international human rights, which have been accepted in Indonesia. The ratification of several other international human rights, such as the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), strengthens the recognition and protection of the rights of religious minorities.

DISORDERS.¹⁰⁸

Meanwhile, the Social Service of Jogjakarta province has actually extended the coverage of the Decree of the Minister of Social Affairs No. 8/2012 by including elements in Article 27 of the International Covenant on Civil and Political rights or Law No. 12/2005, which states:

“... MINORITIES ARE INDIVIDUALS OR GROUPS WHO ARE NOT DOMINANT WITH DISTINCTIVE CHARACTERISTICS, ETHNICITIES, RELIGIONS OR LANGUAGES THAT DIFFER FROM THE MAJORITY OF THE POPULATION SUCH AS TRANVESTITES, GAYS AND LESBIANS. CRITERIA: A) NOT DOMINANT WITH DISTINCTIVE CHARACTERISTICS, ETHNICITIES, RELIGIONS OR LANGUAGES THAT DIFFER FROM THE MAJORITY OF THE POPULATION B) SUFFER FROM SEXUAL DISORDERS C) PEOPLE WITH HIV / AIDS.”¹⁰⁹

Furthermore, the Ministry of Home Affairs limited the minorities as parts of the socially disabled such as transvestites, gays, lesbians and people with HIV-AIDS through Ministerial Decree No. 27/2014 on Guidelines on the Preparation, Control and Evaluation of

the Work Plan on the Regional Development Plan of 2015.¹¹⁰

In other words, although the government has realized and has consciously used the term minority in drafting its regulations and although the term “minority” is commonly used in various documents of Government policies, the government is still skeptical to formally define the term of religious minorities. Such issue has an impact on the government’s task to fulfill human rights. The Ministry of Health does not even have a clear definition of minorities. However, based on the Ministry’s publication, minorities or minority people including their tribes and families are those who are considered to be “difficult to reach.”¹¹¹

The fact that adherents of minority religions particularly adherents of Local Religions and other indigenous tribes are not accommodated, it is speculated that related government apparatus are still trapped in the bias of distinctive politics, related to the explanation of article No.1 / PNPS / 1965. The explanation regarding adherents who are accommodated and adherents who are left unaccommodated is the true expression of the distinction. In fact, those unaccommodated adherents are often stigmatized as security vandals and people who defame religions because they are considered to deviate from the principles of the belief in God almighty.¹¹² Furthermore,

108 Special report of the Indonesian National Human Rights Commission (Komisi Nasional Hak Asasi Manusia/ Komnas HAM RI) on minority rights, *op. cit.* p. 21.

109 Special report of Komnas HAM on minority rights, *Ibid.*

110 Ministerial Decree No. 27/2014 on Guidelines on the Preparation, Control and Evaluation of the Work Plan of the Regional Development Plan of 2015, January 4, 2016. [http://bangda.kemendagri.go.id/ PRODUK% 20HUKUM / Permendagri / permendagri-nomor27-2014.pdf](http://bangda.kemendagri.go.id/PRODUK%20HUKUM/Permendagri/permendagri-nomor27-2014.pdf)

111 *Buku Penuntun Hidup Sehat* (Healthy Life Guide Book), January 4, 2016. [http://www.depkes.go.id/resources/ download/promosi- kesehatan/buku-penuntun-hidup- sehat.pdf](http://www.depkes.go.id/resources/download/promosi-kesehatan/buku-penuntun-hidup-sehat.pdf)

112 Explanation of PNPS Law, general provisions section points 2 and 4 and explanation of article 1. Accessed through [http://e-dokumen.kemenag.go.id/ files/3Wslxrag1286178904.pdf](http://e-dokumen.kemenag.go.id/files/3Wslxrag1286178904.pdf) on March 17, 2017.

government seems to consciously instill the public understanding of the definition of religion and non-religion. This category is referred to as religionization.¹¹³

D. Crucial Problems of Adherents of Local Religions

The adherents of Local Religions, as briefly mentioned in the introductory chapter, experience systemic and structured problems of discrimination in Indonesia. Throughout SETARA Institute's historical research on the existence of the adherents of Local Religions, the crucial problem of the adherents was originated from the issue of inconsistent and overlapping policies.

It started from how religions and beliefs were defined, classified, organized or even subdued. The general political understanding of religions and non-religions differences became the basis of the State's dualist treatment towards religions and beliefs in Indonesia. Referring to the research and reports that have been conducted by Human Rights Working Group (HRWG) through series of position papers and reports on discrimination towards the female adherents of Local Religions by the National Commission on Violence against Women (Komnas Perempuan) who believe in the Local Religion, SETARA Institute divides the issues that occur towards the adherents of Local Religions into two groups, external and internal problems.

Externally, Soemarmo W.S. (1972) classified the adherents of Local Religions into several groups. The first group was individuals who adopted the beliefs only for their personal

interests without the intention of multiplying followers of the beliefs. They conducted fasting rituals (*nglakoni*), meditations or asceticism without the intention of persuading the society to participate in them. They were referred to as the adherents of Hinayana Belief. President Soeharto was one of the adherents.¹¹⁴

The second group was philosophers of Local Religions who broadcasted or propagated their teachings. They were adherents of Mahayana Belief.¹¹⁵ They persuaded people to be fully-fledged adherents or to participate in trainings of sense and soul processing.

The third group was the shamanic group, adherents of mysticism beliefs who practiced shamanism and utilized traditional remedies to help people in need. The Orde Baru government tended to allow and did not forbid the existence of these groups, except for the second group. It was due to the fact that many government officials and important people of the Orde Baru Era also practiced shamanism and received traditional remedies made by the group.

The Ministry of Education and Culture under the coordination of the Directorate of Belief in God Almighty and its Traditions divided issues of the adherents into several sections as follows:

1. Rights concerning the acknowledgment and/or the recognition issue towards religious identity on the Identification Card (Kartu Tanda Penduduk/KTP), in connection with leaving the religion column blank.

113 Sudarto, *Religionisasi...* "The term religionization / religionization was taken from Wilfred Cantwell Smith in *The Meaning and End of Religion*, translated by Mizan Publisher as *Berburu Makna Agama*, 2016, p.61.

114 Anas Saidi and associates, *Menekuk Agama Membangun Tahta: Kebijakan Agama Era Orde Baru*, Desantara, Jakarta, 2004, p. 56.

115 *Ibid.*

2. Rights to receive marriage services and those relating to birth certificates. This issue is connected with the fact that there are still married couples who have not received marriage certificates because they do not adhere to any of the 6 recognized religions. Moreover, their children will only be registered under the mothers' names.
3. Rights to receive religious education.
4. Rights to establish multipurpose establishments or places of worship.
5. Rights to work as government employees (Pegawai Negeri Sipil/PNS) or to serve in the Indonesian National Army (Tentara Nasional Indonesia /TNI) or the Indonesian National Police (Kepolisian Negara Republik Indonesia/Polri).

In addition to external problems, SETARA Institute also recorded some internal problems towards the adherents of Local Religions in God Almighty. The first internal problem was the allegation of polemics and recriminations between the adherents of Local Religion who were joined in organizations and adherents who were not joined in organizations. This issue has actually occurred in 1955 or since the establishment of Congress Council of Indonesian Mysticism (Badan Kongress Kebatinan Indonesia/ BKKI) as well as the establishment of PUKSI (Paguyuban Ulah Kebatinan se Indonesia) in 1968. There were debates whether or not adherents should join in organizations or be assembled in religious forum. In the 1970's, the polemics were resumed by local religious assembly organization as Association of Mystical Believers (Himpunan Penghayat Kepercayaan/HPK) and Coordination Body of Organizations of Believers in One God (Badan Koordinasi Organisasi Kepercayaan terhadap Tuhan Yang

Maha Esa/BKOK).¹¹⁶ The same issue continued during the establishment of MLKI/ Majelis Luhur Kepercayaan Indonesia (organization which accommodates adherents of Local religions and indigenous beliefs throughout Indonesia) in early 2014.

The second problem was the polemics of mutual suspicion that occurred between organizations who were incorporated in MLKI and those who were not. Organizations who were incorporated in MLKI considered the differences between them were their strategies. While adherents Local religions who were incorporated in organizations but were not incorporated in MLKI considered MLKI was filled with intruders who were not pure adherents of Local religions.

The third problem was the absence of understanding of the nomenclature of Local religions. The issue was suspected to give the State complications in the issues of constitutional rights fulfillment. As a result, the State through the Directorate of Belief in God Almighty in the Ministry of Education and Culture only accommodated adherents of Local religions who were incorporated in MLKI.

The fourth problem was the various terms of adherents of Indonesian Local religions. The government addressed them as adherents of Local religions or adherents of Mysticism beliefs. Several Civil Society Organizations (CSOs) addressed them as Local religions with special rituals.

116 Soetanto Pranoto's paper, *Eksistensi Kepercayaan Terhadap Tuhan Yang Maha Esa*, in a National Workshop on Belief in God Almighty with theme of: *Pemberdayaan Penganut Kepercayaan Menuju Pembangunan Bangsa yang Adil dan Demokratis (Empowering Adherents of Local Religions towards the Development of Fair and Democratic Nation)* in Solo from July 14-16, 2009.

The fifth problem was connected to the State policy which only recognized 6 religions. The adherents of Local religions were divided into at least three groups. First, adherents of Local religions who were consistent with their beliefs, hence they chose not to fill in the religion column in Identification cards (Kartu Tanda Penduduk/ KTP). Second, adherents who chose to fill in the religion column with one of six main religions. Third, adherents who chose not to comply with the “rules of the State”. The latter chose to live in villages and even in forests and they chose to leave behind the commotion of the modern world. Moreover, each group of adherents had various problems of their own.

The sixth problem was that their development of human resources was slow due to the fact that they have been marginalized by the State as mentioned in the previous section.

CHAPTER III

RECOGNISING THE ADHERENTS OF LOCAL RELIGIONS

A. Background

This chapter briefly describes the profiles of each group of adherents of Local Religions in God Almighty, which become the scope of research and writing of this thematic report. The data sources of the ten groups were obtained from representatives of each local religion who were involved in the stages of the research, interviews and Focus Group Discussions (FGDs) conducted by SETARA Institute for the purpose of research and writing this thematic report.

Descriptions of brief profiles of 10 (ten) local religion communities, as they will further be elaborated, are not intended to simplify the diversity of the Local Religions in God Almighty in Indonesia. This section is solely intended to provide portraits of local religions in Indonesia as well as to provide brief outlooks of adherents of Local Religions and to depict how diverse and numerous the adherents of Local Religions in God Almighty in Indonesia are. The adherents include those who are under the protection of the organization which accommodates adherents of local religions and indigenous beliefs throughout Indonesia (Majelis Luhur Kepercayaan

Indonesia / MLKI, those who are not under the protection of MLKI, those who are joined in organizations and those who practice their beliefs individually.

B. Brief Profiles of 10 Groups of Adherents of Local Religions

1. Angesthi Sampurnaning Kautamaan (ASK)

Angesthi Sampurnaning Kautaman is one of the associations of the Local Religions in God Almighty in Indonesia. *Angesthi Sampurnaning Kautaman* means to implement virtues and basic codes of conduct every time and place. Its basic principle is *Hasaka/Maha Rasa (God) Teka (present)* that God Almighty, who masters humans' feelings, will come to control and lead human to precise conducts. ASK also refers to other names such as *Alah Sesembahan Kita* and *Atanya Surasaning Karya*. *Alah Sesembahan Kita* means that humans only worship God. According to the adherents, God has the most important and the highest position. Meanwhile, *Atanya Surasaning Karya* can be interpreted as dynamic mindsets of spirituality or mindsets that are always guided by conscience.

The first person to receive ASK's teachings was Ki Darmo Mardopo. He was one of the pioneers of the Indonesian independence. Ki Darmomarpodo was born on June 17, 1907 in Butuh Village, Kutoarjo Subdistrict, Purworejo Regency in Central Java and he died on June 25, 1978 in Yogyakarta. He received guidance when he was little but he did not realize that it was a spiritual guidance. After being detained at Pulau Seribu due to his participation in the rebellion on the Dutch naval ship called the Zeven Provinciën, Ki Darmo Mardopo began practicing the teachings of ASK.

ASK was established as an association on April 1, 1955 at 12:30 pm on Mangkubumi street No. 54 in Yogyakarta. It was established with two main objectives: 1) to manifest spiritual (in connection to God) and physical kinship (in connection to the nation of Indonesia) with the characteristic of mutual cooperation. 2) To strive a perfect spiritual conscience in order to achieve the perfect life as servants of God Almighty and as servants of the State.

2. Budidaya

Budi Daya is one of the local religion institutions that accommodates the adherents of Local Religion in God Almighty. The existence of Budi Daya can be traced from the spiritual teachings of the Indonesian ancestors which were explored in Pasundan and were inherited to Mei Kartawinata which was witnessed by Soemitra and M. Rasid on September 17, 1927 in Cimerta Village, Subang, West Java.

Budi Daya was established on January 1, 1980 and it will continue to accommodate the adherents for an unlimited period of time, as a manifestation of the adherents' desire to explore, maintain, preserve and cultivate the teachings and belief system that were derived from the teachings of their ancestors.

As a forum for the adherents of Local Religions in God Almighty, Budi Daya has kinship, humanity and mutual cooperation values. It leads a life of "*sepi ing pamrih rame ing gawe*" and a life based on Pancasila. Its purpose is to manifest a harmonious life among others in order to achieve the true perfection of life (*sampurnaning sangkan paraning dumadi*).

Local Religions in God Almighty, which were incorporated in Budi Daya, were originated from the dialogues results of the three founders (Mei Kartawinata, Soemitra and M. Rasid) regarding the meaning of spiritual life which emphasized the importance of common sense and kindness as guidances to life. Thus, by living the spiritual life, the world will be safe and peaceful. Such gesture was shown by Mei Kartawinata when he received tests of patience from his two best friends.

His fortitude and patience on taking the tests, guided Mei Kartawinata not only to the spiritual *ma'rifat* (knowledge) but also to the love for his homeland, which encouraged him to be involved in the struggle to free Indonesia from Dutch colonialism and bring it to independence.

The dialogues of Mei Kartawinata defined the authenticity of life, which he received through holy messages, in a form of advices. These advices were then written into a book called *Katineung*, which contained reviews of the incident that occurred by the banks of Cileuleuy River on September 17, 1927. The reviews of incident were conveyed in *Pupuh* (Sundanese traditional poetry) which depicted his skills and intelligence in conveying his *pamendak* (teachings) to his followers. The *pupuh* was referred to "*Pupuh Asmarandana*" which essentially taught adherents of Budi Daya to:

1. increase deep appreciation towards

God Almighty and Pancasila in order to develop the character and soul of the nation.

2. to educate and enlighten adherents of “Budi daya” in particular and society in general with the purpose to recognize and understand the history of oneself as well as to build an essential self-consciousness as the basis for the attainment of a prosperous life.
3. instill awareness on the essence of life and on the livelihood related to the relationship among fellow beings, with nature and with God that is practiced in everyday life.
4. explore and conduct researches on the teachings of God and spirituality originated from the teachings of the ancestors.
5. explore, preserve and develop the values of the nation’s customs, traditions and culture associated with the noble characters of the nation.
6. build cooperation with government agencies, institutions and communities related to the objectives that are needed to be achieved and increase the cooperation with institutions or adherents of Local Religions, with indigenous people, religious institutions/communities and other social institutions in order to synergize in building the harmony of life and the State.

3. Kapribaden

The Kapribaden organization was established by *Romo* (Javanese a title for a respected person) M. Semono Sastrohadidjojo or Romo Herucokro Semono. It was declared on July 30, 1978 at Balai Mataram Taman Mini Indonesia Indah in Jakarta. Kapribaden is referred to *Laku Spiritual* (spiritual practice) of understanding oneself as a human being before understanding God Almighty.

Laku Kapribaden is a spiritual practice conducted by an individual throughout his/her life in order to gain peace and to achieve *Kasampurnan Jati* after death. Thus, adherents of Kapribaden will seriously exercise their spiritual practice and are willing to implement the guidance from the Holy Spirit. Hence, his/her life and daily livelihood will be safe as well as peaceful. In addition, his/her body will immediately return to its original form of land, water, air and fire and his/her spirit will be reunited with God Almighty (*Kasampurnaan jati*) and will not wander around between two worlds.

The purpose of establishing the organization included; as a forum to preserve the purity of the practice of Kapribaden taught by Romo Herucokro Semono, as a mean of mutual foster care and sharing experiences for the adherents of Kapribaden, as a mean to develop togetherness without disputes among the adherents and as a protector of the adherents when exercising the practice of Kapribaden in Indonesia.

The basic teaching of the practice of Kapribaden is the *Laku Kasampurnaan Kinantenan Sarwo Mijil*, which consists of:

1. *Laku Panca Gaib*, the spiritual practice to unify humans’ feelings

with their creator) such as *Kunci*, *Asma*, *Mijil*, *Singkir* and *Paweling*.

2. *Laku Pangumbahing Raga*, the spiritual practice to cleanse the soul in order to not be overcome by lust and fantasysuch*Sabar*, *Narimo*, *Ngalah*, *Tresno welas asih marang opo lan sopo wae* and *iklas*.
3. *Kekudhangan Romo*, Romo Herucokro Semono's hopes towards the adherents of Kapribaden. He hopes that all the adherents' behaviors are pleasing, their words are reassuring and their promises are kept. Moreover, he hopes that they like to help other people and are responsible with their actions.

4. Kanekes (Sunda Wiwitan Badui)¹¹⁷

Linguistically, the meaning of *Sunda Wiwitan* according to Prince Djatikusmah is interpreted from the meanings of two the words "Sunda" and "Wiwitan". "Sunda" is philosophically, ethnically and geographically understood. Philosophically, it means clean, beautiful and nice. Ethnically, it refers to a community in general (Sundanese). While geographically, it refers to a name of a region. Prince Djatikusmah explained that the word "Wiwitan" means origin. Thus, *Sunda Wiwitan* means the the origin of Sunda or the original Sunda. According to the explanation stated above, Sunda Wiwitan is interpreted as a local religion that has been adopted by the original

Sundanese people until today.

The existence of Sunda Wiwitan Local Religion was confirmed by archaeological findings in various regions, such as the Cipari and Sigarahiang Sites in Kuningan Regency, the Arca Domas site in Kanekes of Lebak Regency, and the most phenomenal, the Gunung Padang Site in Cianjur Regency. These findings validated that original Sundanese people had belief systems.

This local religion is still adopted by the *Baduy* people (traditional Sundanese community) who reside in Kanekes, which is a village in Luwih Damar Regency, Lebak Regency of Banten Province. The Kanekes village is divided into two regions: Kanekes Tangtu Region (Badui Dalam/Inner Baduy region, which consists of three villages namely Cibeo, Cikartawana and Cikeusik) and Kanekes Panamping Region (Outer Baduy region). Overall, there are 58 sub-villages in Kanekes. The village officials of Kanekes were appointed by the regent of Lebak.

Sunda Wiwitan local religion is a belief system that adopts monotheism. The theological term of the highest spiritual power is called *Sang Hyang Keresa* (The Powerful). It is also called *Batara Tunggal* (The One), *Batara Jagat* (Ruler of Universe) and *Batara Seda Niskala* (The Unseen). The Adherents of Sunda Wiwitan or the Baduy people in Kanekes Village of Lebak Regencyin Banten believe in the existence of God who reigns and dwells in *Buwana Nyncung* (Peak Realm/ The Pointy Realm). They believe that in order to achieve prosperity they must fully believe in *Sang Hyang Keresa*. In addition to their belief towards *Sang Hyang Keresa*, they also believe that there is a spiritual force in the forms of *karuhun* or ancestors who guard over their land.

¹¹⁷ Excerpted from the writings of Mr. Sarpin as one of the participants of the Focus Group Discussion (FGD) on the Constitutional Rights Fulfillment of the Indonesian Local Religions and was referred from <http://alitopands.blogspot.co.id/2015/02/sunda-wiwitan-di-tengah-perkembangan.html>

The leader of Sunda Wiwitan is also the leader of the Baduy people (*Pu'un*). The leader is also considered as a descendant of batara. Every rule that has been ordered by the leader must be implemented. Sunda Wiwitan local religion also has provisions, namely: *Ngukus* (flower offerings), *Ngawalu/ Muja* (perform worship rituals), *Ngalaksa*, *Ngalanjak*, *Ngapundayan*, and *Ngareksauken Sasaka Pusaka*.

Baduy people call several teachings that are applied to them as *Pikukuh*. These provisions are not only applied to them but are also applied to visitors of the Inner Baduy area. The provisions are; (1) it is prohibited to change the course of roads, (2) It is prohibited to change the land forms, (3) It is prohibited to enter the forbidden territory, (4) it is prohibited to use chemical substances, (5) it is prohibited to plant cash crops, (6) it is prohibited to keep large livestock, (7) It is prohibited to farm individually and farming must be in accordance with customary provisions (8) and it is prohibited to dress casually. The Inner Baduy people dress in white with a headband, while the Outer Baduy people dress in black with a headband.

The Baduy people regard their daily lives as parts of their daily worships. They emphasize the value of good virtues in everyday deeds. Moreover, there are several other belief rituals that are not practiced daily such as *Kawalu*, which is the practice of fasting without *sahur* (meal at dawn) for three months, and *Mutih* or *Sunna* fasting (the practice of abstaining from eating and drinking anything except white rice and water). During the fasting ritual of *Kawalu*, no one is allowed to visit the Inner Baduy village.

Due to high level of kinship of the Baduy people and the adherents of Sunda Wiwitan, they do not believe in divorces and polygamy.

According to them, divorces and polygamy are forbidden. Abah Mursyid mentioned these rules have been passed down through generations. For common people who wish to adopt the Sunda Wiwitan Local Religion, they must pass a special ritual called *sertu*.

5. Kaharingan¹¹⁸

Linguistically, the term Kaharingan is defined as to grow or to alive as in the term of *danum kaharingan* (water of life). Kaharingan refers to tribal religions or Local Religions in God Almighty (Ranying) that have existed and developed from generation to generation and that have been adopted by Dayak people in Kalimantan.

Kaharingan is an ancestral religion of the Dayak tribe in Kalimantan. The Japanese military government started to utilize the name Kaharingan when they called two people of the Dayak Ngaju, Damang Yohilah Salilah and W.A. Samat. The Dutch government stigmatically referred Dayak people who adhered to their Local Religion as "Heiden Religion", "Infidel Religion" and also "Helo Religion". Anang Supriyani explained that the religion adopted by the Dayak people was called Kaharingan, which meant "eternal life from *Ranying Mahatala Langit*" (Almighty God)". In the everyday language of the Dayak Ngaju people, the word Kaharingan means "to live" or "to exist on its own". While, in the language of *Sangiang*, which is the language used by the religious leaders when they talked about sacred myths, Kaharingan means "life".

During the Japanese era, Kaharingan was

¹¹⁸ Excerpted from the discussion results with Anang Suryani at the Focus Group Discussion (FGD) on Fulfillment of the Constitutional Rights of the Indonesian Local Religions organized by SETARA Institute from February 26 to February 27, 2017 in Yogyakarta.

honored and it received a high position in the society. To seek sympathy and support from the Dayak people, the Japanese military authorities declared that Kaharingan Local Religion was connected to Shinto Religion. Hence, this tribal religion was accepted as a respected religion in the Japanese era for the first time. In fact, adherents of Kaharingan became the Japanese government's partners in handling cultural issues.

To learn more about Kaharingan and Dayak cultures, the Japanese government provided a Research Center (Pusat Penelitian/ Puslit) called the Kalimantan Traditional and Cultural Inquiry Department (Bagian Penyelidik Adat dan Kebudayaan Kalimantan). One of the activities of the Research Center, which was based in Banjarmasin and under the leadership of Prof. K. Uyehara, was to undertake an expedition to the remote areas to conduct surveys and to document Dayak customs and culture. Local people were brought along to the remote areas due to their knowledge of Kaharingan and Dayak culture. These people were Tjilik Riwut and Damang Yohanes Salilah.¹¹⁹

Throughout its journey, Kaharingan Local Religion was called as one of the Local Religions in God Almighty. Nowadays, the adherents of Local Religion of Kaharingan are allowed to include their belief in the Identification Card (Kartu Tanda Penduduk/ KTP). However, some of them are in the auspices of the Organization of Hindu Kaharingan's Religious Scholars (Organisasi Alim Ulama Hindu Kaharingan), which is under the supervision of the Grand Council of Hindu Kaharingan (Majelis Besar Agama

Hindu Kaharingan/ MBAHK) in Palangka Raya, Central Kalimantan.

As a religion, Kaharingan has similar teachings to other religions in general, which include belief systems on the existence of the creator of nature, rules, taboos, rituals and groups of people as adherents. As a local religion of an agrarian society, Kaharingan is full of religious rituals in establishing harmony with the high realm; *Sang Adi Kodrati* (the Almighty) and the horizontal realm; the universe or the underworld.

Forms of teachings that are practiced by the adherents of Kaharingan Local Religion in general, contain not only the requests for protection from the ferocity and the wrath of nature but also they also contain expressions of gratitude for the gift of nature provided by the Almighty. Some forms of teachings that are practiced in their daily life include:

1. ritual of clearing forests for cultivation
2. ritual of Bamata Banih, which is similar to the annual ceremony of Aruh (the ceremony of blessing the harvested rice before consuming it) or other terms used to commemorate the harvesting of rice.
3. rituals of weddings and child births
4. rituals to repel bad omen, which includes a ritual of imposing sanctions on the occurrence of a committed taboo/ prohibition.
5. rituals of death and others.
6. Mappurondo¹²⁰

119 Anisa Auliya on the brief history of the Local Religion of Kaharingan, which was posted on October 3, 2016.

120 Summarized based on the discussions with Cakdi Mulyadi as the representative of adherents of Mapurondo Local Religion in West Sulawesi at the Focus Group Discussion (FGD) on Fulfillment of the Constitutional Rights of the Indonesian Local Religion.

In the local language of Pitu Ulunna Salu of Mamasa Regency, Mappurondo is defined as “The base or foundation of life”. The name Mappurondo originated from the word “*perrondoan*” or “*pentokoan*” which means base. The word mappurondo has the same definition as “*dipaondon*” which means inherited from generation to generation. Hence, Mappurondo is a teaching passed down directly by God (*Debata Metampa*/ God the Creator) after creating mankind on earth (*ada’silolenna lino dipasipissi ma’rupatau*). God passed down this teaching, which was called “mana” (inheritance), to mankind and it would be mankind’s foundation in proceeding his/her life and would then be passed down from one generation to the next.

The four key points of Mappurondo’s teachings include the teachings of the God Almighty, the universe, mankind and virtues. The general descriptions of each teaching are as follows.

The teachings of God according to Ada’ Mappurondo are inseparable from the teachings that have been given to his people from one generation to the next. Essentially, Mappurondo teaches all adherents to believe that the existence of God Almighty is absolute, which means that the belief in the existence of God is indisputable and that His power is inconceivable and can not be known in any way by human beings.

Nature was created by God. At first God created earth (*umballa ‘tanah/ mantale kaliane*), water and air. Land was shaped into plains, hills and mountains, which were filled by plants. Water was shaped in the form of springs, rivers and seas, while air was shaped in the form of various kinds of winds.

Within a short time God created the sky (*mangkumba ‘langi*) with its solar system. The

next creations were various kinds of animals (*patoboan*) which lived on land, in the sea and in the air. Lastly, God created Mankind (*rupa tau*). Therefore, by the will and the power of God, nature was completed.

God created the first man out of wood, land and water. At first, God took a piece of wood and cut it into the needed pieces. These pieces were then sculptured (*ditara*) to resemble a human and then they were smoothened. Next, God gave life to the sculpture by giving His breath into it, which turned it into a strong human being.

The type of wood used as the basic element of the male human being was called “*uru*”, which means first. Thus, God named the man “*Urudian*” which consists of two words namely “*uru*” (first) and “*dian*” (derived from the word *kadadian/kejadian* which means occurrence). Therefore, *Urudian* was defined as the first occurrence because he was the first man created by God.

After the man was created, God created a woman as his partner. God took the wooden pieces that were used to create the man and a clump of soil moistened with water. God then shaped them into a human form then gave life to the human form by giving His breath into it. Thus, the woman was created. God then named her “*Burale’bok*” which means sea foam. Since their creations, God commanded them to regenerate. Therefore, since then mankind has filled this world. God also advised that they should keep His other creations safe.

Ada’ Mappurondo’s guiding principles were “*urudianna ma’rupa tau tidipasilole’ todipasitampa kaliane, dadi iana to’o anna mateki’ ia dipasuleongki’ sule lako assala’ta iamo kaju anna litak. Dadi dipatamaki ‘kaju iolo mane dipanakki’ lita*”. This means that

when people die, they must be returned to their origins of wood and soil. The first step is to place the body of the deceased into a wooden casket and to bury them into the ground.

According to Ada 'Mappurondo, the teachings of moral values are connected with humans' life purposes to seek provisions of life in the hereafter. The ancestors taught the following: *"tuboki 'iabo inde lino ta'ki' to'o lamala tubo batu aka lino taindan ritia. Dadi lamu papiaki 'kedota, lamu kilalai liuki' Debata, anna tatuppe la'bo tarimbe uase rimp'a' anna rimanam tapake lako padanta ma'rupa tau, marimpa'ki 'anna marimanam lako enganna pakpadadinna Debata anna malaki' salama 'sule lako linota (kaliane anitu) "*.

The aforementioned statements mean that "we can not live eternally in this world like stones because this world is just temporary or it is loaned to us. Thus, we must behave well and must always remember God Almighty, we do not fight people's evil deeds with other evil deeds and we show compassion to fellow human beings, to love and to care all the creatures of God so that we can be safe until we reach the Hereafter". Besides such purposes of life, adherents are taught the concept of the perfection of life which is to always live in harmony and peace as well to be closer to God Almighty at every moment and place.

7. Ugamo Bangso Batak (UBB)¹²¹

The teachings of Ugamo Bangso Batak are believed to be direct revelations of God Almighty (Ompung Mulajadi Nabolon) which have been received through a long process. Spiritual practices are performed according

to the revelations received. The adherent who received such revelations was Waldemar Simarmata who resided at the foot of Pusuk Buhit Mountain (Samosir, North Tapanuli) and worked as a farmer. Through many obstacles, Waldemar Simarmata received revelations directly from God about 25 years ago.

Before Waldemar Simarmata passed away, he made a remark that a successor would be born to replace him. The successor would be born from a woman's womb and would not be born from a marriage between a man and a woman. On April 29, 1993, a baby was born and was named Ompung Raja Hatorusan Bolon. When the woman gave birth to him, she did not bleed and when he was 7 days old, he was able to utter the word mother or father in Batak Toba language.

A few years later, Waldemar Simarmata mentioned that if he were to return to God Almighty (Ompung Mulajadi Nabolon) then Ompung Raja Hatorusan Bolon would lead all the commands given by God Almighty to mankind, especially to the adherents of Ugamo Bangso Batak. Waldemar Simarmata died in 1999. The successor who has received revelations since then was Ompung Raja Hatorusan Bolon. The teachings of Ugamo Bangso Batak still exist until now.

There are four basic teachings that are adopted and practiced by the adherents of Ugamo Bangso Batak. The first is the teaching of God, that God (Mulajadi Nabolon) is within our beliefs and He is the Almighty to all His creatures. His creations include: Mankind, Plants, Animals, Water and the whole universe. In the teachings of Ugamo Bangso Batak, the adherents refer God as: Ompung Mulajadi Nabolon (God Almighty) or Ompung Raja Uti (Ulung Tangkas Ibana) or The Lord, He who is above all.

121 The Secretariat of PUNGUAN PARMALIM (the adherents of Parmalim) January 29, 2016 for the Encyclopedia of Local Religions (The Ministry of Education and Culture), re-summarized on March 20, 2017.

The second is the teaching of the universe. In the beginning, the land or the contents of the land were created by Ompung Mulajadi Nabolon (God Almighty), particularly in the Land of Batak. The land was named Sianjur Mula-Mula, Nul Tompa Ni Halak Batak which means this area was where Batak people were created or placed. There are many kinds of natural forces, if the adherents do not obey the teachings that they adopt, negative occurrences would happen such as floods, insects and rats that will eat their rice crops and hails that will destroy all plants and many others. There are many benefits of nature for humans particularly for Batak tribe. For example, the sea is utilized as a transportation route between islands and it provides food that can be consumed by people such as fish. Meanwhile, lands can be utilized to cultivate crops as well as to grow plants. Moreover, natural resources are used to make *ulos* (traditional fabric of Batak people).

The third is the teaching of mankind. The origin of mankind according to the teachings of Ugamo Bangso Batak was as the following: Raja Batak (Tantan Debata) and his wife were sent from the sky and were placed in Dolok Pusuk Buhit. Raja Batak had two children and they were called Guru Tatea Bulan and Raja Isumbaon. Guru Tatea Bulan lived in Sianjur mula-mula. Meanwhile, Raja Isumbaon lived at Pintu Batu Samosir. Batak tribes were the descendants of the two children of Raja Batak. Several of these tribes are Batak Toba, Dairi (Pakpak), Batak Simalungun, Batak Karo and Batak Mandailing (Sipirok).

The fourth teaching is about virtues. When human beings need some things that are important in their lives, they should pray to God Almighty (Mulajadi Nbolon) and should express their gratitude for all the prayers that are granted by God Almighty.

8. Ugamo Malim (Parmalim)¹²²

The Land of Batak, which is centered in Bakara and located on the edge of Lake Toba, was led by a wise and charismatic king called Raja Si Singamangaraja. His descendants led the land for 12 generations. Raja Si Singamangaraja was not only the king or the government leader but he was also a *Malim* (Messenger of God), a Spiritual Leader who guided his people to obey Mulajadi Nabolon (God). Raja Si Singamangaraja appointed several *Parbaringins* (priests) in every region and formed a *Bius* (an association with power and governance covering a certain territory). It functioned as a subordinate of the government and as a spiritual counselor.

The *Parbaringins* received commands from and reported the circumstances of the people to King Si Singamangaraja. At the time, foreign influences and Dutch colonialism in particular were rampant through the spread of Islam and Christianity which resulted in a socio-political upheaval in the Land of Batak. Spiritual aspects, which were fostered by the *Parbaringins* as the main assistants of Raja Si Singamangaraja in every *Bius*, were increasingly vulnerable due to the powerful influences from outsiders.

Therefore, in order to maintain the survival and practice of the local religion, around the year of 1870, King Si Singamangaraja decided to directly foster the local religion and called it Ugamo Malim. Through out his efforts to spread the teachings of Ugamo Malim and develop the local religion, he was referred to as Raja Nasiakbagi-Patuan Raja Malim. Raja Mulia Naipospos, who was a *Parbaringin*

¹²² The Secretariat of PUNGUAN PARMALIM (a community of *Parmalim*/adherents of Ugamo Malim) January 29, 2016 for the Encyclopedia of Local Religions (The Ministry of Education and Culture), re-summarized on March 20, 2017.

in Laguboti and a trusted disciple of Raja Nasiakbagi in terms of *Hamalimon* (the core teachings of practicing the relationship with Mulajadi Nabolon), was mandated as well as given the task to teach Ugamo Malim and was given the command to later establish *Bale Pasogit Pengujian* (a place to perform religious practices). When Raja Mulia Naipospos questioned why he should build the *Bale Pasogit* in his village and not in Bakara, Raja Nasiakbagi replied "You will find out why someday!" Then Raja Mulia pleaded, "I am a poor man, how am I supposed to build your Bale Pasogit?" Raja Nasiakbagi answered, "I will have many followers to help you! You must accept this mandate". This occurred long before the Bakara palace was burned by Dutch troops and before the death of *Oppu Pulo Batu Si Singamangaraja XII* on June 17, 1907 that appaled the Batak people.

Raja Mulia executed the mandate to spread the teachings of Ugamo Malim as well as to visit and organize the *Parmalims* (adherents of Ugamo Malim/followers of Raja Nasiakbagi) in many areas, even in remote places. He continued to lead religious activities and perform all ritual ceremonies that were mandated with caution and in secret due to the challenges and pressures of the Dutch government who at the time supported the spread of Christianity. They wanted the strong belief towards the Singamangaraja as well as the indigenous Batak culture, which was ingrained in Batak society, to disappear.

The teachings of Ugamo Malim as religious systems were derived from the ancient Batak beliefs, which were managed by the Raja Parbaringin in every region, in the form of various ritual provisions of life and ceremonies. In 1870, King Sisingamangaraja instituted the local belief into Ugamo Malim as reinforcement against the foreign influence.

The provisions of the belief in God were written in *Pustaha Habonoron* (the book of truth, containing the sacred power of Mulajadi Nabolon God Almighty for all that exist and do not exist). He also taught the moral values called *Poda Hamalimon* as the translation of *Pustaha Habonoron* and the realization of the moral values of Batak ancestors, namely customs and *patikdohot uhum* (decrees and laws).

Ugamo Malim has 2 aims. The first aim is to achieve perfection of the spiritual life (*Hangoluan ni Tondi*) eternally in the afterlife, the *Tondi* (spirit) of every human being will return to the creator (*mulak tuepampuan ni Mulajadi Nabolon*) so that it may someday obtain the blessing of eternal life (*Old Na So Halompoan*). The second aim is to achieve the perfection of outer and inner life in the world, Ugamo Malim as the spiritual moral guidance establishes holy attitudes (*Hamalimon*) for *Parmalims* as guidance of personal lifestyles in society and State.

The teachings of "Ugama Malim" are all the teachings of Raja Si Singamangaraja-Raja Nasiakbagi-Patuan Raja Malim regarding the divinity (*Hadebataon-Hamalimon*) to achieve the perfection of life in the world and in the hereafter. The main teachings of Ugamo Malim's are *Patik ni Ugamo Malim* (guidance containing the commands and prohibitions of God) and *Uhum Hamalimom* (rules and practices of worshipping and devoting to God Almighty "Mulajadi Nabolon"). Teachings of Ugamo Malim by Raja Nasiakbagi-Patuan Raja Malim, which were believed by the *Parmalims*, were guided by *Tona, Patik, Uhum, and Poda* according to the contents of *Pustaha Habonoron*:1). *Tona* (*Hata ni Debata*, Holy messages of Mulajadi Nabolon conveyed by His messengers/*malims*) 2). *Patik* (*Patik Ni Ugamo Malim*, guidance of life according to His will

in the form of commands and prohibitions) 3). *Uhum* (rules of *Ni Ugamo Malim*, rules of rituals to praise and honor *Debata* and His *malims* as ways to seek forgiveness for all sins and as provisions for spirits when returning to the creator) 4. *Poda* (*Poda Hamalimon*, guidance of moral values to live the righteous and good life).

9. Samin (Sedulur Sikep)¹²³

Samin Local Religion or partly referred to as *Sedulur Sikep*, is a hereditary belief and was inherited starting from Raden Mas Surowidjojo. RM. Surowidjojo was actually his *ningrat* (noble) name. When he was young, he was known as Raden Surosentiko or Suratmoko. He was also called “Samin” from “*Sami-Sami Amin*”. The phrase means something is considered legitimate when everyone agrees or it is supported many people.

Surosentiko was raised by his father, Prince Kusumaningayu, in a royal environment. He was taught the teachings of the glory of life by being concern to other people and through *tapa brata* (meditations). Young Surosentiko was aware on the misery of the people, who were exploited and colonized by the Dutch. However, as a young person who was still seeking for his own identity, he was helpless. Surosentiko left the *kadipaten* (a term that refers to an area within the realm of a kingdom, palace or empire) and mingled with other people to the point where he participated in juvenile crimes such as stealing as well as consuming alcohol and drugs.

Surosentiko was similar to “Robinhood”. He robbed the rich Dutch henchmen and gave most of the stolen goods to the poor. The rest were used to establish a youth group called “Tiyang Sami Amin” in 1840. The group’s name was taken from the childhood name of Raden Surowidjojo, which was Samin. The young Surowidjojo also expanded the robbery areas to the banks of the Bengawan Solo River.

In 1859, RM. Surowidjojo’s wife gave birth to a baby boy named Raden Kohar in Ploso Village, Blora Regency. From the time that he was born to the time he became a teenager, many people in Blora Regency lived miserable partly due to taxes given by the Dutch or due being forced to become corvee workers who were beaten like animals.

At the time, it was unknown where Raden Surowidjojo had disappeared to. As a result, Raden Kohar also had to live in poverty. Finally, Raden Kohar devised a new strategy to continue his father’s teachings to establish a Kingdom. Raden Surowidjojo was referred as Samin Sepuh, while Raden Kohar was referred to Samin Surosentiko or Samin Anom.

The teachings of Ki Samin were often found in *primbon* (Javanese prophecy) which contains directions in order for the people to live under the guidance of the belief in God who created the world. The *primbon* of “*Punjer Kawitan, Serik Pikukuh Kesejaten, Serat Uri-uri Pambudi and Jati Sawit*” contained the wisdom of Ki Samin regarding people’s behaviors and characters.

Ki Samin taught people about the wholeness of life between the knowledge of culture and environment. Ki Samin’s handbook was called the Book of Jamus Kalimosodo written by *Kyai* Surowidjojo or Samin Sepuh.

123 Excerpted from <http://www.jawapos.com/read/2016/12/17/71611/ajaran-samin-di-tengah-perkembangan-zaman-untuk-kebhinekaan-nusantara> and from discussions of Fais Riyadi, a participant of the Focus Group Discussion (FGD) on “Fulfillment of the Constitutional Rights of the Communities of Indonesian Local Religions” from February 26 to February 27, 2017 in Yogyakarta.

The Book of Jamus Kalimosodo was written in the new Javanese language in forms of prose, poetry and *serat macapat* (Javanese traditional poetry and songs) which contained various and valuable knowledges, which have been preserved by the elders of the Samin community who reside in Tapelan (Bojonegoro), Kropoduwur (Blora), Kutuk (Kudus), Segara Mountain (Brebes), Kandangan (Pati) and Tlaga Anyar (Lamongan).

Ki Samin Surosentiko Anom still showed his hatred against the Dutch colonists and tried to subtly cast them out by refusing to pay taxes and refusing to become the Dutch government's forced labor. Such resistance continued until Ki Samin was arrested by the Dutch police in 1908.

The main teachings of the Samin community are the moral virtues and modesty. Such wisdoms are also found in the Sunda Wiwitan

community especially the people of Kanekes-Baduwi Lebak Banten.

10. Sapta Darma¹²⁴

Sapta Darma was developed from the process of spiritual reflection of a barber named Hardjosopoero. Hardjosopoero was a resident of Kampung Pandean, Gang Koplakan, west of Pasar Lama in Pare Village, Pare Subdistrict, Kediri Regency, East Java Province.

Hardjosopoero never adopted any religions of any kind in his life, not even one of the six religions deemed official by the State. In addition, Hardjosopoero did not believe in shamanism, let alone adopted it. He only fully believed in the presence of the *Hyang Maha Kuasa* or the Omnipotent who gave lives to all His people.

On December 26, 1952, Hardjosopoero did not go to work as usual. That day, he briefly attended a wedding reception and then he spent most of his time staying at home. During his time at home, he felt anxious even though there was absolutely nothing burdening his mind.

At 1 a.m, when Hardjosopoero was sleeping, he felt that he was awoken and moved by energy in form of very powerful vibrations which made him helplessly sit cross-legged facing east and fold both of his arms on his stomach (like a gesture in a Muslim's prayer). However, he was still conscious. He struggled to be free from

124 Excerpted from the profile of Sapta Darma Local Religion and discussions with Dian Jennie, a participant of the Focus Group Discussion (FGD) on Fulfillment of the Constitutional Rights of the Local Religions organized by SETARA Institute from February 26 to February 27, 2017 in Yogyakarta.

being controlled by such energy but he was not able to. Hardjosopoero finally surrendered to it and at that moment he was ready to die. Suddenly, against his will, he loudly uttered words in Javanese:

ALLAH HYANG MAHA AGUNG,
ALLAH HYANG MAHA ROKHIM,
ALLAH HYANG MAHA ADIL.

AS HE WAS STILL TREMBLING AND MOVING,
HIS BODY WAS MADE TO BEND FORWARD
AGAINST HIS WILL SO THAT HIS FOREHEAD
TOUCHED THE GROUND/MAT. WHILE DOING
SUCH GESTURES, HE UTTERED WORDS IN
JAVANESE LOUDY:

HYANG MAHA SUCI SUJUD HYANG MAHA
KUWASA,

HYANG MAHA SUCI SUJUD HYANG MAHA
KUWASA,

HYANG MAHA SUCI SUJUD HYANG MAHA
KUWASA

HE WAS MADE TO SIT AND HIS BODY WAS
MADE TO BEND AGAIN AND WHEN HIS
FOREHEAD TOUCHED THE GROUND/MAT, HE
LOUDLY UTTERED WORDS IN JAVANESE:

KESALAHANE HYANG MAHA SUCI
NYUWUN NGAPURA HYANG MAHA
KUWASA,

KESALAHANE HYANG MAHA SUCI
NYUWUN NGAPURA HYANG MAHA
KUWASA,

KESALAHANE HYANG MAHA SUCI
NYUWUN NGAPURA HYANG MAHA

KUWASA.

WHILE HE WAS STILL TREMBLING, HE WAS
MADE TO SIT AGAIN AND FOR THE THIRD
TIME, HIS BODY WAS MOVED AND WHEN HIS
FOREHEAD TOUCHED THE GROUND/MAT HE
SAID ALOUD WORDS IN JAVANESE:

HYANG MAHA SUCI MERTOBAT HYANG MAHA
KUWASA,

HYANG MAHA SUCI MERTOBAT HYANG MAHA
KUWASA,

HYANG MAHA SUCI MERTOBAT HYANG MAHA
KUWASA.

The prostration gestures of worshipping the *Hyang Maha Kuasa* (the omnipotent) was directly guided by the *Hyang Maha Kuasa* and this incident occurred on Friday from 1 a.m to 5 p.m. At 5 p.m on the same day, after consulting with his family, Hardjosopoero visited Kemi Handini at his house and told him about the incident. Before Hardjosopoero could even finish telling the story, the three men suddenly trembled and they made prostration gestures against their will. During such gestures, Hardjosopoero saw clear images of *tumbal* (animals or human offerings) buried in certain places around Kemi Handini's house. When it was all over, Hardjosopoero then told Kemi Handini everything that was shown during the incident. Having heard Hardjosopoero's explanations, Kemi Handini was shocked as everything Hardjosopoero said was true.

Hardjosopoero continued to share his spiritual experiences with his friends. At 5 p.m on December 29, 1952, he visited Somogiman's house and it turned out that some of his friends had gathered there. Hardjosopoero then described his spiritual experiences to his friends.

Somogiman told Hardjosopoero that he believed in the stories. Then suddenly his body moved against his will, just like what Hardjosopoero and his friends had experienced. From that day forward, stories about the mysterious incidents in Pare Subdistrict, Kediri Regency, East Java Province were told to a lot of people.

The stories about the mysterious incidents in Pare City were heard by Darmo who was a driver and Rekso Kasirina who was an entrepreneur of *batik* business. The two men visited Somogiman with the intention to find the truth about the mysterious incidents. Before they could hear about the stories, when they arrived at Somogiman's house, Darmo and Rekso Kasirin suddenly made prostration gestures of worshiping the Hyang Maha Kuasa against their will.

When the two men made the gestures, Hardjosopoero, Somogiman, Kemi Handini and Djojodjaimoen simultaneously made the same gestures of worshiping Allah the *Hyang Maha Kuasa*. After the incident the men went home, except Hardjosopoero. He did not want to go home as he feared that the incident would occur again when he was at home. For almost two months, Hardjosopoero refused to go home and had been staying in his friends' houses. The six men had agreed to gather every night. The spiritual experiences were believed to be the beginning of the revelation of Sapta Darma teachings on the earth exactly in Pare, Kediri on December 26, 1952.

The teachings of Sapta Darma Local Religion are summarized in the seven *wewarah* (seven sacred duties) carried out by the adherents, as follows:

1) Setijatuhu marang Allah Hyang Maha Agung. Maha Rokhim. Maha Adil. Maha

wasesa, dan Maha Langgeng.

- 2) Kanthi djudjur lan sutjining ati kudu setija anindakake angger-angger ing Negarane.
- 3) Melu tjawe-tjawe atjantjut tali wanda andjaga adeging Nusa lan Bangsane.
- 4) Tetulung marang sapa bae jen perlu, kanthi ora nduweni pamrih apa bae kadjaba mung rasa welas lan asih.
- 5) Wani urip kanthi kapitajan saka kekuwatane dewe.
- 6) Tanduke marang warga bebrajan kudu susila kanthi alusing budi pakarti tansah agawe pepadang lan mareming lijan.
- 7) Jakin jen kahanan donja iku ora langgeng tansah owah gingsir (hanjakra manggilingan).[]

CHAPTER IV

PROBLEMS OF CONSTITUTIONAL RIGHTS FULFILLMENTS

A. Background

This chapter describes the problems of constitutional rights fulfillment experienced by the adherents of Local Religions in God Almighty. The depiction mentioned is done descriptively, referring to the theoretical framework related to the rights of minority religions and beliefs as described in Chapter I. Adherents of Local Religions portrayed in this thematic report are from 4 regions; Sumatra, Kalimantan, Sulawesi, and Java.

The pinpoint of the four regions was not made to mainstream the regions or to neglect other regions. Instead, it was due to the limited technical range. Moreover, it was intended to observe cluster of issues experienced by adherents of local religions in general. This analysis is based on both primary and secondary data. Each community was represented by several informants who were encountered through direct visits or who were invited by SETARA Institute in several Focus Group Discussions (FGDs) which also involved 15 experts from various religions and beliefs.

In addition to the primary data analysis, the descriptions in this chapter also utilize secondary data analysis from print and

electronics media as well as papers which were discussed by the representatives of local religions in events conducted by SETARA Institute or other organizations/institutions, in particular events that are relevant to SETARA Institute's monitoring and research regarding the promotion of the rights of religious minorities fulfillment.

B. Social Treatments

Some people respond positively or negatively to the existence of the adherents of Local Religions in God Almighty. Others are unconcerned about them as they are unknown or they have been deemed to be non-existent, in connection with the provisions regarding official religions which are implicitly established by the State.¹²⁵ In general, the existence of adherents of Local Religions in God Almighty is considered as a serious problem, especially in areas where the dominant religions are widely spread.

History recorded, the adherents became the objects of territorial seizures of the spreading

¹²⁵ Enactment of Government Regulation in Lieu of Law No. 1/1965 (PNPS), Explanation of Article 1.

of missionary religions.¹²⁶ Contestation of seizures of local religions as the sources of missions/preaching were heated following the Orde Baru regime's statement "Dissemination of religions should not be aimed to those who are already religious..."¹²⁷ At the local level, Local Religions, which were not considered as legitimate religions, were legally forced to convert into one of the main religions. The contestation between adherents of Islam and Christianity was most apparent after the 1960s as described in more detail in the previous chapter.

Due to the fact that they were not regarded as religious people and were legally forced to convert into one of the main religions, adherents of Local Religions in God Almighty carried heavy historical burdens. Especially in terms of policy products, the State consciously established distinctive politics. Such policies broadly impacted the society in terms of responding issues related to the beliefs. Based on SETARA Institute's research, interviews and Focus Group Discussions, some social treatments experienced by the adherents are described as the following.

First, adherents of Local Religion were stigmatized as people who were not or had not been religious. The stigmatization was a psychological burden for them. Moreover, children of the adherents were bullied due to such stigmatization. It was caused due to the fact that their religions were not stated in the religion column in the Identification Cards (Kartu Tanda Penduduk/KTP).

The existence of this stigmatization caused the young generations to feel inferior or inconfident. As a result they were reluctant

to continue their parents' traditions which actually taught them the values of characters and manners according to the teachings of their ancestors. Even though some of them understood such noble teachings and remained to be adherents of Local Religions, they did not practice their beliefs publicly. They chose to conceal their religious identities.

Second, adherents of Local Religions experienced harassments and received cynicisms as they were referred to as the primitives or the uncivilized. The harassments were primarily addressed to the adherents who resided in remote villages. They often became the objects of media coverage and were regarded as low-class communities and they needed to be civilized. One example was a private television coverage which had a very cynical title "primitive run way". On the coverage, celebrities expressed their "disgust" to the adherents' food, houses and others. Another inappropriate social treatment addressed to the adherents was the TV show "Extreme Culinary", showing the rural communities as its background.

Third, adherents of Local Religions received accusations of being heretical, mystical and shamanic. These negative social responses were related to the role of private televisions which aired certain religious TV shows by depicting them as antagonists confronted by adherents of main religions as the protagonists. Adherents of local religions were depicted as masters or adherents of black magic who must be fought by masters of white magic (adherents of main religions). Movies and soap operas titled "Kafir", "Sunan-Sunan" and "Walisongo", could be categorized in the construction of discourses that marginalized the Local religions and their adherents.

Fourth, related to neighbourhood/social

126 B. J. Bolland, *op. cit.* p. 235.

127 *Ibid.*

relationship, the relationship between the adherents of Local religions and adherents of missionary religions were not harmonious in areas where they lived closely to one another. To illustrate, during their visits, Muslims in Kandangan, South Kalimantan and in Mentawai were reluctant to eat or drink anything that was served by the adherents of Local Religions. Their main reason was that their cooking utensils had been used to prepare food and beverages that were not *halal* (kosher) for Muslims. On the other hand, the agricultural products produced by the adherents of Local Religions were monopolized by the adherents of mainstream religions as their wholesalers.¹²⁸ In remote areas in South Kalimantan and Mentawai, some Protestants also refused to interact with adherents of Local Religions.

Fifth, inter social relations between Dayak and Madura people as well as between Mentawai and Minang people in areas far from the city center tended to be widely segregated. However, this phenomenon did not spread to other regions. In the midst of the increasing number of religious discourses phenomenon that tended to be about what is right and wrong, social segregation did not only occurred between the adherents of Local Religions and the adherents of immigrant religions, but also occurred among fellow adherents of immigrant religions especially those who were trapped in religious politicization.

C. Portraits of Discrimination

Although not entirely, representatives of the adherents of Local Religions in God Almighty, who currently are informants of SETARA Institute or are involved in SETARA Institute's research, were methodologically adequate sources utilized to illustrate the portraits of discrimination experienced by the adherents of Local Religions. Acts of discrimination they experience are basically the main issues that represent the discriminatory treatments against them in general in Indonesia. Here are portraits of discrimination committed against them.

First, problems of discrimination experienced by the adherents of Local Religions occur in Sumatra. As mentioned earlier, in 10 provinces in Sumatra, there are 9 groups of Local Religions in God Almighty. In North Sumatra, there are local religions namely Mulajadi Nabolon, Slima Pamena, Cahaya Kesuma, Galih Puji Rahayu, Golongan Si Raja Batak, Habonaron Do Bona, Persatuan Ugamo Parmalim, Ugamo Bangso Batak, and Ono Niha (Nias).¹²⁹ Moreover, there are Anak Dalam Tribes in Jambi and South Sumatra, Talang Mamak Tribe in Riau, Arat Sabulungan in Mentawai Islands, and some local religions from Java which are spread in Lampung and West Sumatra such as Sapta Darma and Sumarah. The adherents are basically from Java who transmigrated to Lampung and West Sumatra or who moved to the provinces due to job demands.¹³⁰

¹²⁸ Direct field research by the research team of SETARA Institute in several areas such as Kambiain village and Loklahuk Dayak Maratus Village in South Kalimantan and South Siberut Subdistrict, Mentawai Island in West Sumatra.

¹²⁹ Departemen Kebudayaan dan Pariwisata, *Ensiklopedi Kepercayaan Terhadap Tuhan Yang Maha Esa*, Dirjen Nilai Budaya Seni dan Film, Direktorat Kepercayaan terhadap Tuhan Yang Maha Esa, Jakarta, 2006, p. 5.

¹³⁰ Informal interview of SETARA Institute's researcher with Dian Jennie (adherent of Sapta Darma) and Retno Lastani (adherent of Kapribaden) on February 27, 2017 in Yogyakarta.

However, from all the local religions in Sumatra, the local religions that are well known, that regularly conduct religious activities and that own multipurpose establishments or places of worship are Parmalim and Ugamo Bangso Batak.¹³¹ According to Sitanggang, Local Religions in North Sumatra actually originated from one ancestral religion known as Ugamo Si Raja Batak.

The main issues experienced by the adherents of Local Religions in Sumatra are generally similar. Discrimination towards them was originated from the absence the names of their beliefs in the Identification Card (Kartu Tanda Penduduk/KTP) column. Thus, if they remain to be adherents of Local Religions, automatically social and education services as well as job opportunities will not be provided.

Another issue that greatly disturbs the adherents of Ugamo Bangso Batak is concerning cemeteries. Public cemeteries are forbidden for them. Although their religious center is located in Medan City in North Sumatra, they must bring the bodies of the deceased fellow adherents to their hometowns which are mainly in Samosir Island and its surroundings.

The complicated problems faced by adherents of Local Religions in Sumatra are generally and closely related to the denial of their rights to include religious identities in other population administration records. Therefore, they do not dare to publicly announce their existence.

In addition, they also have issues regarding regenerations due to the fact that their children do not feel confident or they are even

embarrassed to show their religious identities. Their children claim to be Christians who continue their education in high schools. As a result, their population is gradually decreasing. Currently, adherents of Ugamo Bangso Batak are scattered in North Sumatra and Pekanbaru with a number of 40 families.¹³²

Second, acts of discrimination are experienced by the adherents of Kaharingan in Kalimantan. Based on the observations of site visits conducted by SETARA Institute's research team on 4 (four) Dayak tribes such as Dayak Ngaji, Dayak Pitap, Dayak Maratus and Dayak Maanyan, adherents of Kaharingan and other adherents of Local Religions in Indonesia experience somewhat similar discriminatory issues.

Anang Suryani, an adherent of Kaharingan from Dayak Maratus tribe in Kambiain village in South Kalimantan, explained that generally there was a distinction between the discrimination experienced by the Dayak people in the Dutch colonial era and the discrimination experienced by Dayak people post-independence. First, in the Dutch colonial era, adherents of Kaharingan and Dayak tribes were generally referred to as the "*Heidenen*" or the barbaric infidels. They were stigmatized as human flesh eaters and killers of people of other tribes. Second, post-independence, Dayak people were allowed to adopt their original belief which was Kaharingan. However, in the 1960s, they were referred to as "Kaharingan Hinduism" for administrative purposes. According to the government, the

131 Informal interview of SETARA Institute's researcher with Sitanggang, a representative of Ugamo Bangso Batak (UGB) on March 16, 2017 in Balai Kartini, South Jakarta.s

132 Excerpted from the testimonial of Sitanggang, one of the administrators of Ugamo Bangso Batak at the Focus Group Discussion (FGD) organized by SETARA Institute in Yogyakarta from February 26 to February 27, 2017 and it was repeated at Human Rights Congress organized by the Indonesian National Human Rights Commission (Komisi Nasional Hak Asasi Manusia/Komnas HAM RI) at Balai Kartini on March 16, 2017 in Jakarta.

rituals in Kaharingan were generally similar with those in Hinduism.

Anang confirmed that approximately 98% of the people in rural areas or villages far from Banjarmasin still adhered to Kaharingan despite the fact that some of them were unwillingly referred to as adherents of Kaharingan Hinduism. Directorate of Hinduism of the Ministry of Religious Affairs of the Republic of Indonesia considers Kaharingan as a sect in Hinduism. In reality, Kaharinganis often syncretized with Balinese Hinduism. Although this belief has been recognized by the State, some adherents of Kaharingan choose to leave the religion column in their Identification Cards (Kartu Tanda penduduk/KTP) blank.¹³³

Third, acts of discrimination are also experienced by local religions in Sulawesi. Based on the encyclopedia notes of the adherents of Local Religions in God Almighty, there are 9 (nine) organizations of adherents of Local Religions in God Almighty in Sulawesi, namely: Wana, Tolotang, Aluk Ta Dalo, Amatoa (Kajang), Musi, Mangimang Sumabuduata, Pompungan Waya Si Opo Ompung, Ramuat, Ali Maie, Ayax, Ilfried (RAMAI), Paompungan and Mappurondo.¹³⁴

In general, local religions in Sulawesi can be grouped into two categories, such as local religions which still maintain their identities and rituals and local religions which are syncretized with immigrant religions in

accordance to the principles of the immigrant religions. For example, although adherents of Ammatoa Kajang in Bulukumba and adherents of Bissu Pangkep have been affiliated with Islam, they still perform their local traditions. Therefore, adherents of local beliefs in Sulawesi tend not to experience complicated problems regarding population administrations. The only serious problem they experience is the fact that they are stigmatized as heretical by the society.¹³⁵

According to Cakdi, a representative of Mappurondo local religion in West Sulawesi, the adherents of Mappurondo do not have any population administration issues. In fact, there are many children of the adherents of Mappurondo who continue their studies to universities in Makassar. However, the religion columns in their Identification Cards (Kartu Tanda Penduduk/KTP) are left blank. In terms of their rights to receive education according to their beliefs, every Sunday children of the adherents of Local Religions attend classes on their beliefs. They study the teachings of their beliefs and the lessons are delivered according to the instructions of the universities where they study.¹³⁶

Regarding the rights to receive job opportunities, the adherents of Mappurondo in Mamasa Regency have generally been provided for. Adherents have been working as government employees (Pegawai Negeri Sipil/PNS) and have been recognized as adherents of Local Religions. However, in Mamasa,

133 Testimonial of Anang Suryani at the Focus Group Discussion (FGD) on Fulfillment of Religious Rights of the Minorities organized by SETARA Institute from February 26 to February 27, 2017 in Yogyakarta. On different occasions, SETARA Institute's research team also made direct visits to Dayak Pitap, Dayak Ngaju, Dayak Maanyan and Dayak Maratus tribes in several villages in South Kalimantan. The same information was obtained.

134 Dirjen Nilai Budaya Seni dan Film, Direktorat Kepercayaan terhadap Tuhan Yang Maha Esa, *op. cit.* p. 8.

135 Direct observations of SETARA Institute's team of researchers to the adherents of Ammatoa Kajang in Bulukumba and testimonials from the adherents of Mappurondo in West Sulawesi.

136 Testimonial of Cakdi Wahyudi, a representative of Mappurondo local religion in West Sulawesi at a Focus Group Discussion (FGD) on the Fulfillment of Religious Rights of the Minorities organized by SETARA Institute from February 26 to February 27, 2017 in Yogyakarta.

there are still people or communities around the adherents who exploit the teachings of Mappurondo. These people study the teachings but they do not give back those teachings to the society. Instead, the teachings are freely interpreted. In addition, there are interruptions or ways to decrease the values of the religious rituals to non-sacred rituals. Therefore, the adherents demand laws that protect them.

Fourth, problems of discrimination experienced by the adherents of Local Religions occur in West Java. Based on the inventory records on Local Religions in God Almighty of the Directorate of Beliefs in God Almighty of the Ministry of Education and Culture, there are 5 (five) organizations of adherents of Local Religions spread throughout West Java such as Aji Dipa, Lebak Cawene, Budi Rahayu, Paguyuban Adat Cara Karuhun Urang (Packu), and Perjalanan Budi Daya.

According to Prince Jati Kusuma and Engkus Ruswana when separately interviewed by the SETARA Institute's research team, local religions in West Java were generally originated from the teachings of a local religion called SundaWiwitan.¹³⁷

Adherents of Local Religions in West Java are adherents who have experienced serious acts of discrimination since their existence. In a separate informal discussion, Engkus Ruswana and Dewi Kanti stated that the discrimination problems experienced by the Indonesian local religions in West Java had occurred since the Orde Lama government era. In the early existence of Darul Islam (House

of Islam)/Islamic Armed Forces of Indonesia (Darul Islam/Tentara Islam Indonesia-DI/TII) around the year of 1954, adherents of local religions, who were also called by various names, became the victims of murder and arson of the multipurpose establishments. At the time, these people were practicing arts.¹³⁸

In various seminars and workshops as well as in informal meetings, Engkus Ruswana stated that almost all adherents of the Indonesian Local religions in West Java experienced systematic and widespread discrimination. Some examples of such discrimination included; Dissolution of organizations such as Paguyuban Adat Cara Karuhun Urang/PACKU, Perjalanan Budi Daya, and so forth. In addition to the dissolution of organizations, the adherents were forced to convert to one of the recognized religions by the State, as massively occurred in Majalengka, Kuningan, and other areas. In fact, such coercion was committed by military officers of the Military District Command (Komando Rayon Militer/Koramil) and District Head and the District Council (Musyawarah Pimpinan Kecamatan/Muspika) officers in Kuningan.¹³⁹

Violations against local religions are generally committed by the State which started from the political distinctions that have occurred since the republic was established. However, according to Engkus Ruswana, through the help the organization which accommodates adherents of local religions and indigenous

¹³⁷ Interviews of SETARA Institute's research team with Prince Jati Kusuma during the celebration of the 2016 Sarentaun and with Engkus Ruswana at several Forum Group Discussions (FGDs) related to the existence of local religions in West Java and the surrounding areas.

¹³⁸ Sudarto, *op. cit.* p. 116.

¹³⁹ Engkus Ruswana, *Kasus-Kasus Pelanggaran Hukum dan HAM yang dialami oleh Masyarakat Penghayat Kepercayaan*, 2009, which was presented at the Seminar on Freedom of Religion and Belief and the Rights to Perform Religious Practices. In-depth interview by SETARA Institute Research Team with Dewi Kanti in 2014 in Jakarta.

beliefs throughout Indonesia (Majelis Luhur Kepercayaan Indonesia / MLKI) which is under the coordination of the Directorate of Belief in God Almighty, the problems of discrimination have gradually been reduced.

Several rights of the adherents have already been granted due to the issuance of the Joint Ministerial Decree of the Minister of Home Affairs and the Minister of Tourism related to administrative records of organizations, marital records, and burials. Despite the fact that there are still some tendencies of discrimination, the Government Regulation (Peraturan pemerintah/PP) No. 37 of 2009 has begun to provide recognitions of their existence and rights. In 2016, the Minister of Education and Culture (Menteri Pendidikan dan Kebudayaan/Mendikbud) has also issued a Ministerial Decree related to education services, namely *Permendikbud* No. 27 of 2016 on Education that allowed the adherents of Local Religions to receive religious education. However, not all of their rights are guaranteed and fulfilled, such as concerning the rights to become government employees (Pegawai Negeri Sipil/PNS) and to serve as the Indonesian National Police (Kepolisian Negara Republik Indonesia/Polri).

At the same time, Sarpin, the representative of Sunda Wiwitan community in Lebak, Banten area, said that the adherents of Sunda Wiwitan had left the religion columns on their Identification Cards (Kartu tanda penduduk/KTP) blank. Moreover, around 11,696 of the Outer Baduy people have left the religion columns on their Identification Cards blank. Rights to obtain marriage certificates have also been provided for. Due to the fact that he is the Head of the Government Section (Kepala Seksi/Kasi Pemerintahan) in Lebak Village in Banten, marriage certificates can be issued once acknowledgement letters from the

urban village are obtained. The whole process can easily be done because all residents in the village are the adherents of Sunda Wiwitan in Baduy village.

Generally, the adherents of Sunda Wiwitan in Lebak village in Banten refuse formal education, thus, they do not experience discrimination. They still live modestly and are united with nature. Provisions of rejecting formal education and access to the outside world are also widely carried out by the Inner Baduy people. Therefore they are not in touch with the outside world.¹⁴⁰

Fifth, problems of discrimination experienced by the adherents of Local Religions occurred in Central Java and Yogyakarta. Based on the 2006 data from the Directorate of Belief in God Almighty of the Ministry of Education and Culture of the Republic of Indonesia, 75 organizations of local religions were spread in two areas, Central Java and East Java. Adherents of Local Religions in Central Java and Yogyakarta can be grouped into two categories: (i) Adherents who continue to adopt spiritual practices according to the teachings of their ancestors but are registered as the adherents of one of the recognized religions. (ii) Adherents who practice rituals inherited by their ancestors and choose to leave the religion columns on the Identification Cards blank which is in accordance to the provisions of population administration.

In the terminology of the Majelis Luhur Kepercayaan Indonesia/MLKI (an organization which accommodates adherents of local religions and indigenous beliefs

¹⁴⁰ Excerpted from the testimonial of Sarpin, the representative of Sunda Wiwitan, Lebak village, Banten at the Focus Group Discussion (FGD) on the Fulfillment of Constitutional Rights organized by SETARA Institute from February 26 to January 27, 2017 in Yogyakarta.

throughout Indonesia), these two groups of adherents are referred to as pure adherents and religious adherents. Pure adherents, who leave their religious identities on their Identification Cards blank, generally experience the same issues as other adherents of local religions such as problems of religious identities and the rights that are attached to them. However, religious adherents generally do not experience administrative problems. Their only problems are social stigmas due to the ignorance of outsiders and the lack of internal socialization.

Apart from the issue of the rights of religious identity fulfillment in Identification Cards (Kartu Tanda Penduduk/KTP) and other administrative records which is affecting the fulfillment of other socio-cultural and economic rights as experienced by adherents of local religions in other areas, the condition of adherents of local religions in Central Java and Yogyakarta are relatively more conducive. For instance, they are involved in organizations in neighborhoods and hamlets. They also participate in inter religions dialogues involving Majelis Luhur Kepercayaan Indonesia/MLKI (an organization which accommodates adherents of local religions and indigenous beliefs throughout Indonesia).

Some of them are not reactive, for example concerning the rights of religious education for their children. To them, the grades of the religion subject in report cards are just numbers, formalities used to continue education. Therefore, they do not think religions written the report cards are issues they should be concerned about. To them, the role of parents in building their children's characters with high quality teachings of their religions which are inherited from generation to generation is most important. It is this attitude that generally allows them to be

accepted in their environments.¹⁴¹

Sixth, problems of discrimination experienced by the adherents of Local Religions occur in East Java. In the encyclopedia of Local Religions in God Almighty of the Directorate of Belief in 2006, there are at least 98 Indonesian local religions in East Java. For the purpose of writing this thematic report, SETARA Institute invited 3 representatives of local religions in East Java both who are incorporated in MLKI such as Sapta Darma and Budi Utomo in Gresik and who adopt their beliefs individually such as adherents of Sedulur Sikep or better known as adherents of Samin.

Based on the two groups mentioned above, adherents of local religions in East Java can generally be grouped into 3 (three) categories as the following: (i) Adherents of pure local religions such as adherents of Sapta Darma and Budi Utomo who adopt their ancestral beliefs despite the fact that they must leave the religion columns in their Identification Cards blank which then cause various administrative problems. (ii) Religious adherents and groups who formally or informally have not complied with and have not submitted to the rules of the State regarding the population administration even since the Dutch colonial era. (iii) Adherents of Samin or also called adherents of Sedulur Sikep who wish to be formally recognized and to remain genuine without the interference of the State.

Dian Jennie stated that the first group of the adherents of local religions was marginalized. This is because the State is too involved in

141 Excerpted from the testimonials of 4 representatives of the Indonesian local religions in Central Java and Yogyakarta at the Focus Group Discussion (FGD) on the Fulfillment of the Constitutional Rights of the Religious Minorities and Beliefs organized by SETARA Institute from February 26 to February 27, 2017 in Yogyakarta.

matters of the citizens' beliefs. Therefore, such involvement often causes terrible impacts on the image of the adherents. The immediate negative impacts experienced by them and other adherents of local religions originated from the political distinctions between the adherents of main religions and adherents of local religions. Adherents of main religions are provided with facilities while the adherents of local religions have experienced discrimination since the issues of religious identities in the Identification Cards (Kartu Tanda Penduduk/KTP).

Due to the discriminatory policies and distinctions, the adherents of Indonesian local religions generally suffer heavy burdens of being stigmatized by society. They experience acts of bullying and vandalism in forms of arson of places of worship, they receive hostilities as well as intimidations, they are forced to convert to main religions and they are attacked by hate speeches. In this regard, their rights to congregate as adherents of local religions are often threatened by the intolerant groups. This was originally caused by the discriminatory policies established by the State.

Poor social acceptance towards the existence of local religions automatically forces the adherents of local religions to convert to the recognized religions. Moreover, some of them claim to be adherents of local religions but are registered as adherents of main religions simply because they want their existence to be recognized as citizens in their social environments. Poor social acceptance also affects the adherents of Sapta Darma. The number of young adherents of Sapta Darma is decreasing because they are worried that they will have difficulties to find jobs.

In this context, according to Jennie, the Decree of the Ministry of Education and

Culture (Peraturan Menteri Pendidikan dan Kebudayaan/Permendikbud) regarding the education for children of the adherents is considered as both a challenge and a fighting chance because there have been coercions to convert to main religions at schools. It takes a lot of courage for the children to confess that they are adherents of local religions and whenever children of the adherents of Sapta Darma do so, they receive pressures from their teachers.¹⁴²

More serious acts of discrimination are committed to the adherents of Samin in Kudus. They were stigmatized as security vandals by the Orde Baru government and they have experienced discrimination in four districts in East Java. They do not own marriage certificates or family cards (Kartu Keluarga/KK). Even if they managed to obtain family cards and marriage certificates, their children would not be stated as the children of their parents' in the birth certificates. Instead, the children would only be registered as the mothers' children.

Some adherents of Samin firmly choose not to "submit" to the administration of the State, which have caused them to be stigmatized and discriminated. However, young adherents of Samin choose to adapt to the times and subject to the administration of the State. However, it does not mean that their constitutional rights are guaranteed. They still suffer discrimination in terms of the issuance of Identification Cards and family cards, especially those from strict families who do not accept the presence of the State.¹⁴³

142 Testimonials of Dian Jennie, an adherent of Sapta Darma at the Focus Group Discussion (FGD) on the Fulfillment of Constitutional Rights of Religious Minorities organized by SETARA Institute from February 26 to February 27, 2017 in Yogyakarta.

143 Testimonials of Andi, an adherent of Samin at the Focus Group Discussion (FGD) on the Fulfillment of

D. Efforts That Have Been Fought For

This section provides an overview of some efforts that have been made to fulfill the constitutional rights through the help of Civil Society Organizations (CSOs) or internally by the adherents of local religions. SETARA Institute recorded several efforts made by adherents of local religions as follows.

First, Civil Society Organizations and SETARA Institute encouraged the Constitutional Court to conduct a judicial review (JR) against Law No. 1/PNPS/1965 in 2009. However, it was denied. Due to the fact that it was repeatedly denied by the the Constitutional Court, the Law, which is considered to be the root of discrimination against adherents of local religions, seems to be more powerful particularly in relation to articles of defamation of religion.

Second, from 2016 until now, a judicial review (JR) has been conducted against Article 61 of Law No. 24 of 2013 on Amendment on Population Administration Law, which still contains discriminatory articles and the remains of political distinctions.

Third, several Civil Society Organizations, which are involved in caring programs, continue to provide assistance in advocacy matters and to be directly involved in the process of the rights to social services fulfillment and empowerment.

Fourth, the effort made within the local religions was the merging of 2 organizations called the Association of Mystical Believers (Himpunan Penghayat Kepercayaan/HPK) and the Coordination Body of Organizations

of Believers (Badan Koordinasi Organisasi Kepercayaan /BKOK) into MLKI/Majelis Luhur Kepercayaan Indonesia (an organization which accommodates adherents of local religions and indigenous beliefs throughout Indonesia). Although some issues still occur regarding the adherents who choose not to be incorporated in organizations, the presence of the MLKI has opened wider chances for the enjoyment of the constitutional rights of the adherents of local religions.

In the perspective of SETARA Institute, the difference between adherents who are joined in organizations and adherents who are not is merely on the difference of the movement strategies. There seems to be a tension between the two groups of adherents. It is mainly due to the lack of negotiation opportunities between adherents who are joined in organizations and are incorporated in MLKI and adherents who do not choose to join organizations or MLKI.

Some efforts made by the adherents of local religions recorded by SETARA Institute through monitoring are as follows. First, although there is lack of response from the State officials towards the existence of local religions, both adherents of local religions who are joined in organization and adherents who are not joined in organizations continue to fight for the recognition of their existence.

Second, the adherents of local religions who are incorporated in MLKI have fought for their rights with maximum efforts by utilizing the channels available at the Directorate of Belief in God Almighty of the Ministry of Education and Culture of the Republic of Indonesia. Through the Directorate, which specifically manages the adherents, MLKI has succeeded in encouraging the formulations of several policies at the Ministry of Education and Culture, primarily concerning the

Constitutional Rights of Religious Minorities organized by SETARA Institute from February 26 to February 27, 2017 in Yogyakarta.

rights of education for the children of the adherents. The *regeling* mentioned was the Decree of the Ministry of Education and Culture/Permendikbud No. 27 of 2016 on Education Services for adherents of local religions in God Almighty in the Education Units. In addition, MLKI also encourage the publication of Circular Letter of the Minister of Education cq. Primary and Secondary Education (Pendidikan Dasar dan Menengah/ Dikdasmen) No. 03/D/SE/PD/2017 on the National Standard School Examination for Students who Adhere to Local Religions in God Almighty.

Third, adherents of local religions are actively engaged in public dissemination and internal strengthening. Such efforts are made to address some issues that affect their communities, such as issues of human resources, regeneration, local government support, and strong rejection against them, especially in areas where the religious sentiments of the mainstream religions are strong.

E. State's Responses

This section will describe the answer to this question: after nearly two decades since the Reformation era, have the rights of freedom of religion and belief for the adherents of local religions in God Almighty as guaranteed in the Constitution been restored?

Before the 1945 Constitution was amended, President Abdurrahman Wahid made new changes. As it is commonly known the Circular Letter of the Minister of Home Affairs No. 477/74054 dated November 18, 1978 stated that the State only recognized 5 (five) main religions. However, after a lengthy debate process, the President, who was well known

as Gus Dur, finally removed the restrictions of the five recognized religions through the Presidential Decree No. 6/2000 which was then corroborated by the Letter of the Minister of Home Affairs No. 477/805/SJ dated March 31, 2000 addressed to Governors and Regents / Mayors throughout Indonesia.¹⁴⁴

The problem was that progressive step made by President Gus Dur was not followed up by his successors. As mentioned above, the 1945 Constitution, particularly the result of the amendment, has normatively provided full guarantees of freedom of religion and belief in accordance to one's conscience (Article 28 E of the 1945 Constitution of the Republic of Indonesia). However, in its implementation, the constitutional guarantee of freedom of religion and belief at praxis level has not been fully enjoyed by the the adherents of local religions in particular and adherents of minority religions in general. There are several government policy products, both laws and other government regulations, which are not fully in line with the constitutional mandate. In fact, in many cases they are contrary to the highest source of the law or they overlap with one another.

Policies that overlap or are not in accordance to the 1945 Constitution formulated in the Reformation era and have actually created effects of discrimination which leads to controversies, among others are as the following. First, the government still maintains and nurtures the Monitoring Body of Religion and Belief (Pengawas Aliran Kepercayaan Masyarakat/ PAKEM) which was originally established by the Ministry of Religious Affairs in 1954 to supervise the activities of the adherents of local religions and mysticism beliefs. Although it has been taken over by the Attorney General's Office, the "watchdog"

¹⁴⁴ Sudarto, *op. cit.* p. 101.

institution still shows its restrictive nature.

Several parties consider the institution, which has been handed over from the Ministry of Religious Affairs to the Attorney General's Office since 1961 through the Circular Letter of the Central PAKEM Bureau of the Public Prosecution Service (Departemen Kejaksaan Biro PAKEM Pusat) No.34/Pakem/S.E./61 dated 7 April 1961 and has been established in every province and regency, has further excluded adherents of Local Religion. The exclusion patterns of these adherents of Local Religions were derived from crucial policies whose influences are still dominant to this day and those policies underlie the substance of "religious offences" in the revision of the Criminal Code Law (Kitab Undang-undang Hukum Pidana/KUHP).¹⁴⁵

PAKEM is proven to be restrictive. Especially since 1961, through the Circular Letter of the Central PAKEM Bureau of the Public Prosecution Service (Departemen Kejaksaan Biro PAKEM Pusat) No.34/Pakem/S.E./61 dated 7 April 1961, PAKEM has been established in every province and Regency. Among PAKEM's duties are, to observe, monitor and supervise the activities and developments of all religious movements and Local Religions/Mysticism Beliefs as well as to examine/study both local and international religious books and brochures.

Even after the fall of the Orde Baru regime, which marked the beginning of the reformation era, the primary task of this institution remained and became an integral part of the Public Prosecution Service. Law No. 16/2004 on the Public Prosecution Service of the Republic of Indonesia, affirms that "in the field of public order and security, the Public

Prosecution Service participates in exercising the activities of *surveillance of mystical sects which could endanger the society and State*" (Article 30, paragraph 3, point f, italics by the author).¹⁴⁶

The second controversy is the priority of religious education in Law No. 20 of 2003 on National Education System (Sistem Pendidikan Nasional/Sisdiknas). This Law placed religious education in a central position and it must be taught to all students from primary school to university levels. Post-enactment of the National Education System Law, the national education curriculum was changed and its quality was improved continuously. However, up until 2016, the religious education services in each curriculum have not provided recognitions towards the adherents.

Although religious studies are important in the national education system, religious education for the adherents of local religions is still marginalized, especially during a heated debate over the accommodating of the implementation of the 2013 curriculum to religious education services for the adherents of local religions. The marginalization of religious education for the adherents of local religion originated from the dominant logic that Local Religions in God Almighty are not the official religions of the State.

The third controversy is Law No. 23 of 2006 on Population Administration passed by the House of Representatives. Many parties mentioned that the Law had caused a lot of progress in marriage matters for the adherents of local religions, particularly after the issuance of Government Regulation No. 37 of 2007 on the Implementation of Law No. 23 of 2006. However, this Law still has articles prone to

¹⁴⁵ Mulder, *op. cit.* p. 5.

¹⁴⁶ Tresno S. Sutanto, *op. cit.* p. 14.

discrimination for the adherents, especially the article on Population (article 8, paragraph 4), on Family Cards (article 61, paragraph 2) and on Identification Cards (article 64, paragraph 2).

In the matter of Identification Cards (Kartu Tanda Penduduk/KTP), for example, paragraph 1 and 5 of Article 64 of the Law clearly state that:

(paragraph 1)

An e-KTP (electronic Identification Card) shall contain *Garuda Pancasila* symbol and the map of the territory of the Unitary State of the Republic of Indonesia and shall contain the elements of population data, namely NIK (Nomor Induk Kependudukan), name, place and date of birth, male or female, religion, marital status, blood type, address, occupation, nationality, photograph, validity period, place and date of issuance of the e-KTP, and signature of the owner of the e-KTP.

(paragraph 5)

A description of religion as referred to in paragraph (1) for a population whose religion has not been recognized as a religion based on the provisions of the laws or for the believer is not filled but remains served and recorded in the population database.

The phrase “for a population whose religion has not been recognized as a religion based on the provisions of the laws” is a serious problem in terms of the fulfillment of civil and political rights for the adherents of Local Religions in God Almighty. Some of the effects that arise are: 1) In the case of religious education, students of adherents of Local Religions in God Almighty are forced or obliged to choose

one of the six main religions. 2) Although the admission of religion in the religion column in KTPs can be left blank, it is very detrimental to the adherents of Local Religions. In addition to be stigmatized as not religious, they are also stigmatized as atheistic Communists in society. The phenomenon is often complained by the adherents at every meeting or discussion, even in the hearing forums in the House of Representatives, in the Ministry of Religious Affairs, and in the Ministry of Home Affairs.¹⁴⁷

From the descriptions above, it can be emphasized that at the level of policy paradigm on how the meanings of religions and/or beliefs are constructed, there have not been any significant changes post May 1998. The separation policy between the recognized and the unrecognized religions by the State is still upheld to this day as clearly visible both in the formulation of Law No. 23/2006 on Population Administration, in which the phrase “religions which has not been recognized” was firstly and officially used, and in the expansion of the articles of “religious offenses” of the draft revision of the Criminal Code Law (Kitab Undang-undang Hukum Pidana/KUHP). The two core policies of the management of religions, namely Law No. 1/PNPS/1965 and the delegation of Monitoring

¹⁴⁷ Interviews between Sudarto (writer) and several adherents of local religions in God Almighty such as Engkus Ruswana (adherent of Budi Daya), Dewi Kanti (adherent of Sunda Wiwitan) Dian Jennie Tjahjawati (adherent of Sapta Darma), Mama Endek (adherent of Kaharingan), Retno Lastani and Supriono (adherents of Kapribaden) and he attended a two-days workshop in Pemalang, Central Java with the adherents of Paneges. Sudarto had several intensive discussions which were attended by the Ministry of Religious Affairs and Ministry of Home Affairs, especially concerning the issue of leaving the religion columns on Identification Cards (Kartu Tanda Penduduk/KTP) blank that caused a controversy at the end of 2014. He also wrote recommendation notes on the restructuring of the Ministry of Religious Affairs which was directly submitted to the Ministry of Religion and the Presidential Transition Team (Susilo Bambang Yudhoyono-Jokowi).

Body of Religion and Belief (Pengawas Aliran Kepercayaan Masyarakat/ PAKEM) remain strong, and are often used as the ultimate weapons to criminalize any interpretations or religious practices that are deemed to deviate from “the fundamental teachings of religions” (article 1 of Law No. 1/PNPS/1965). At the same time, the law outlines that only the State (via the Ministry of Religious Affairs) has the monopoly of power to interpret which religious teachings are “right”.

As a result, during the reformation era, the problems faced by the adherents of Local Religions, who are still struggling to gain recognition of their existence, were negatively responded. In fact, in their development, the problems were worsen due to fact that religion column in the Identification Card could no longer be left blank and must be filled with one of the six recognized religions.

Due to many criticisms against the rejection of the leaving the religion column blank, therefore, the Law on Population Administration (Administrasi Kependudukan / Adminduk) was changed. However, the demands of adherents of local religions regarding the issue to leave the religion column in the Identification Card (Kartu Tanda Penduduk / KTP) blank remain unaccommodated. Thus, it shows that the adherents of local religions, who are struggling to gain recognition and to receive other civil rights, are still very prone to discrimination.

Fourth, still related to issues of the debates regarding the recognition of local religions, religion column in the Identification Card and cases of the sealing and destructions of places of worships belonging to the adherents of Christianity and many others, the government through the Ministry of Religious Affairs and the Ministry of Home Affairs issued the Joint

Ministerial Decree No. 9 of 2006 and No. 8 of 2006 on Guidelines for the Duties of Mayor / Vice Mayor for Inter-Religious Harmonization and the Empowerment the Inter-Religious Harmony Forum and the Building of the Place of Worship.

The Joint Ministerial Decree (Peraturan bersama Menteri / PBM) was connected to the controversies regarding the rights of adherents of minority religions as well as the adherents of Local Religions. 1) The compositions of administrators of the Religious Harmony Forum (Forum Kerukunan Umat Beragama / FKUB). There were many cases in which the adherents of the minority religions were not adequately represented. Although it was mandated in the PBM that the FKUB in each province should consist of 21 members with mostly 11 Muslim representatives and 10 non-Muslim representatives, each religion was only represented by one person. In this context, adherents of Local Religions were included as victims of discrimination in FKUB. 2) The establishment permits of places of worship, which required the adherents to collect 60 signatures from the surrounding community, also raised many problems in the implementation level. Adherents of Local Religions were potentially the victims of such matter. 3) In relation to the rights fulfillment to own places of worship, the existence of the decree has not changed the fate of the adherents of Local Religions.

Fifth, there were many cases of discrimination and violence perpetrated by the fundamentalist Islamic groups against the adherents of Ahmadiyya and Shia Islam. Moreover, there were cases of prohibitions of the establishment of places of worship and of burials in public cemeteries againsts the adherents of Local Religions that occurred in several regions in Indonesia. These cases were responded by

many parties, including the Non Government Organizations (NGOs) and academics who were concerned with the management of diversity. In 2009, several NGOs requested the Judicial Review (JR) to the Constitutional Court, involving several academics as expert witnesses. After energy-draining debates both inside and outside the court, the JR was eventually rejected by the Constitutional Court. The reasons for the refusal were declared by the Constitutional Court in its judicial verdicts regarding the specific lawsuit materials of the concerned parties and the adherents of local religions, on page 290, point 3.54, paragraph 2, which stated that:

“As for the content of the explanation of article 1, paragraph 3 of the Blasphemy Law, that the *Government shall put in efforts to channel spiritual groups/beliefs towards well-behaved views and towards the Belief in God Almighty*, the Constitutional Court agrees with the provision as the it is not intended to ban the mystical sects but to guide them towards to the the Belief in God Almighty. It can be understood in the context that in the past (in the 1960s), there were savage sects such as sects that demanded human sacrifices at certain ceremonies¹⁴⁸

Nevertheless, even though the Judicial Review against Law No. 1/PNPS/1965 was rejected, the judicial verdict of the Constitutional Court point 3.54 explained that:

[3.54] “Concerning the argument of the

petitioners, which states that the Law on the Prevention of Defamation of Religion is discriminatory as it only limits the recognition of the six main religions namely Islam, Christianity, Catholicism, Hinduism, Buddhism and Confucianism, the Constitutional Court is not in agreement with it as the Law on the Prevention of Religious Blasphemy and / or Defamation does not limit the recognition or protection of the six religions as argued by the petitioners instead it acknowledges all religions adopted by Indonesian people as explicitly described in the general explanation of Law on the Prevention of Religious Blasphemy and / or Defamation which states, “This does not mean that other religions such Judaism, Zarasustrian, Shinto, Taoism are banned in Indonesia. They are fully guaranteed as stated in article 29, paragraph 2 of the 1945 Constitution and they are to be left alone providing they do not violate the provisions of this rule or other laws”.

According to the Constitutional Court, the meaning of the phrase “to be left alone” in the explanation of article 1, paragraph 3 of the Law on the Prevention of Religious Blasphemy and / or Defamation should be interpreted as not to be obstructed and even to be given the rights to develop and not be left alone in the sense of being ignored.¹⁴⁹ On the basis of the explanation, the Minister of Religious Affairs, Lukman Hakim Saifuddin, as the informant during the discussion in the “expert meeting” organized by *Gusdurian* (followers of Gus Dur) in Jakarta, affirmed that the State basically recognized all religions. However, in the context of a pluralist country, primarily in terms of religion, the State needs a definition for regulatory and administrative management

148 Explanation of the judicial verdicts of the Constitutional Court No. 140/PUU-VII/2009 associated with the JR on Law No. 1 PNPS described on page 290, paragraph 2. The attempt to propose the JR involved many NGOs, however, it was pleaded by petitioners coming from private legal entities such as People Initiative for Transitional Justice (IMPARSIAL), People Study and Advocating Institution (ELSAM), United Groups of Legal and Human Rights Aid (PBHI).

149 The explanation was quoted from the copy of the judicial verdict document of the Constitutional Court regarding the rejection of the Judicial Review on Law No. 1 on the Prevention of Religious Blasphemy and/or Defamation, on page 290, paragraph 2.

purposes. Therefore, respect, protection and fulfillment of the rights of freedom of religion and belief can be fulfilled in accordance with the applicable regulations.¹⁵⁰

Sixth, in the midst of the Judicial Review's rejection against Law No.1/PNPS/1965, the government through the Minister of Home Affairs and the Minister of Culture and Tourism issued the Joint Ministerial Decree No. 43 and 41 of 2009 on the Guidelines of Service towards the adherents of Local Religions in God Almighty, in connection with the administration of organizations of the adherents of local religions, burials and establishment of places of worship or also called as *Sasana Sarasehan* (praying facilities) or others. The services mentioned in the Joint Ministerial Decree (Peraturan bersama Menteri / PBM) are as follows:

Article 3

In providing services to the adherents of Local Religions as referred in Article 2, the provincial government shall:

- (a) maintain public order and peace as well as facilitate the realization of community harmony;
- (b) foster harmony, mutual understanding, mutual respect, and mutual trust between the adherents of Local Religions and the society;
- (c) coordinate the activities of the vertical agencies and regional apparatus in the

province in maintaining the harmony between the adherents of Local Religions and the society.

Article 4

In providing services to adherents of Local Religions as referred to in Article 2, the regency/ city governments shall:

- (a) maintain public peace and order including facilitating the realization of harmony between adherents of Local Religions with the society.
- (b) cultivate harmony, mutual understanding, mutual respect, and mutual trust between the adherents of Local Religions with the society.

Looking closely at the articles above, it is clear that the government is cautious in providing the guidance of the rights fulfillment of the adherents of Local Religions. This immediately reminds us of the "political harmony". The articles are further strengthened even though the Joint Ministerial Decree has been issued to ensure respect and protection as well as the rights fulfillment of the adherents of Local Religions in terms of their organizational administration, burials, and the establishment of places of worship, or commonly known as *Sasana Sarasehan* (praying facilities) and others. In reality, however, the implementations are not easily conducted.

Local governments are often helpless when mass organizations especially Islamic organizations such as Indonesian Ulema Council (Majelis Ulama Indonesia / MUI), Islamic Defenders Front (Front Pembela Islam / FPI), Islamic Community Forum (Forum Umat Islam / FUI) and others who oppose the rights of the adherents of Local Religions to conduct their

¹⁵⁰ Expert meeting to formulate notes of recommendations related to freedom of religion and belief which was attended by the writer, was organized by Gusdurian and was supported by Freiderich Neumann Stiftung, from October 15 to October 16 in 2014 in Jakarta with the theme of "Protection and Religious Service under the administration of the New President".

activities, to bury the bodies of the deceased members of the adherents in public cemeteries and to establish places of worship. Whenever there is a rejection by a group of citizens on the grounds of maintaining order, harmony and kinship, government finally subdues to the mainstream logic.

SETARA Institute noted several field issues, relating to areas of fundamental rights of adherents of Local Religions, as follows.

(1) Education

- a) In Karanganyar Regency, in 2011, there was discrimination against two junior high school students (9th graders) whose rights to receive religious education were denied by the school because they were adherents of Local Religions. As a result, the two students could not graduate.
- b) In Surakarta Regency, in 2011, there was discrimination regarding the education for junior high school students, despite the fact that the syllabus had been prepared by Sapta Darma organization.
- c) In Rembang Regency, in September 2012, the adherents of Local Religions sent a syllabus and tests for students of adherents of Local Religions to take the exams in accordance with their levels of education. However, the Education Office of Rembang Regency was not willing to accept the tests, due to the fact that the students had to study the religion subjects taught in the school.
- d) In Gresik Regency, Cermai Subdistrict, in 2012, a junior high school student who was a child of the adherents of Local Religion was approached by the police. The student was told not to complicate the school affairs and to willingly study one of the religion subjects at school. Despite being reluctant and shrouded with fear, the student finally had to take a practical test of *Sholat* (Muslim prayer) at school.
- e) In Central Kalimantan, in March 2013, a junior high school student was not allowed to pass to the next grade because the student insisted on taking the written test of the religious education but was not willing to take the practical test. After serious mediation, finally the student took the test on the lessons prepared by the organization of adherents of Local Religions.
- f) In Semarang, in 2016, a student named Riyan of SMKN 17 Semarang was not allowed to pass to the next grade due to the absence of the grades on the religion subject. However, it was finally resolved.

(2) Burials

- a) In 2009, in Brebes, adherents of Sapta Darma were not allowed to bury their deceased family member in public cemeteries (Tempat Pemakaman Umum / TPU) by village officials. They threatened them with swords and the adherents were forced to remove the body from the grave. Finally, the family buried the deceased in the yard of their house. Due to the unresolved problem, this incident resurfaced in 2011. An adherent of a Local Religion named Suhari from Cikandang village, Kersana Subdistrict, Brebes Regency in Central Java was also buried in the yard of his house.
- b) Saryadi, who was from Pamulihan Urban Village, Larangan Subdistrict, Brebes Regency in Central Java, also experienced the same case in 2011. The same incident also occurred in 2011 and 2012 in Rajaiyang

Village, Losarang Subdistrict, Indramayu Regency in West Java (local residents refused the deceased adherents to be buried in public cemeteries and they were later buried in the yards of their houses).

(3) Places of worship

- a) In 2010, the case of destructions caused by the Islamic Defenders Front (Front Pembela Islam / FPI) towards the multi purpose establishments, belonging to the adherents of Local Religions in Pereng Kembang Village in Sleman City, was abandoned by the Police and was not legally resolved.
- b) In 2010, in Kragan Subdistrict in Rembang Regency, the Islamic Community Forum (Forum Umat Islam / FUI) refused the construction of the multi purpose establishment of the adherents of Sapta Darma even though they had obtained the building and land permits and it was ready to be built.
- c) Through Fatwa No. 01 / Mudes / II / MUI / 11/2012, the Indonesian Ulema Council (Majelis Ulama Indonesia / MUI) sealed places of worship and prohibited the adherents of Sapta Darma from conducting their religious activities with threats. This occurred in July 2012 in Losarang, Indramayu Regency. To this day, the issues have not been resolved. Some of the field findings were:
 - a) On August 5, 2011, the local residents of Putat Gede Ngampel, Kendal, in Central Java refused and did not allow the adherents of Sapta Darma to conduct their religious activities. They sealed the adherents' multi purpose establishment and they were not allowed to conduct

any worshipping activities.

- b) In 2013, the Governor of Jambi received a report from a particular organization (at the Congress of Nahdatul Ulama / NU) that there was a heretical sect in Kerinci which had many followers and he was asked to review and supervise the sect.¹⁵¹

Seventh, just like the adagium of "whenever a new Minister of Education is appointed, a new educational curriculum is formulated", the Minister of National Education of Indonesia, Muhammad Nuh, enacted the controversial 2013 curriculum which was supported by Law No. 20 of 2003 on National Education System towards the end of 2013. The Government reaffirmed the importance of religious education as according to the logic of the adherents of the dominant religions, religious education would shape the learners' characters in accordance with the teachings of their religions.

National Education system Law (Sistem Pendidikan Nasional / Sisdiknas) emphasizes the importance of religious education for learners. However, the fate of the adherents of Local Religions remains unaccommodated. Although strong demands were made by the Association of Mystical Believers (Himpunan Penghayat Kepercayaan/HPK) in a dialogue event in Solo from November 27 to November 29, 2013 regarding the rights of religious education for the adherents, there has not

¹⁵¹ For more details read Dian Jennie Tjahjowati's paper presented at the Asian Conference event attended by participants from Myanmar, Malaysia and Singapore in Jakarta organized by Asia Justice and Right (AJAR). In the event, the writer's role was the moderator who controlled the process of the discussions on the rights fulfillment of the adherents of local religions and on the acts of discrimination against the adherents of minority religions.

been any encouraging news for the adherents regarding their religious education rights.

In the dialogue event facilitated by the Directorate General of Culture of the Ministry of Education and Culture, several findings were formulated, such as: 1) In general, students from the families of the adherents of Local Religions are still experiencing discrimination. In fact, they are forced to accept the fact that they can not receive the religious education according to their beliefs. 2) The government was urged to issue a policy or regulation to fill in the vacancy of the 2003 National Education system Law (Sistem Pendidikan Nasional / Sisdiknas) regarding religious education in schools for the children of the adherents of Local Religions. 3) A curriculum model of religious education in schools for the adherents of Local Religions that consists of objectives, materials, and evaluations was recommended.

Based on a thorough research conducted by SETARA Institute, under the supervision of the Ministry of Education and Culture, especially the Directorate of Local Religions in God Almighty, the recognition and accommodation of aspirations as well as interests of the adherents of Local Religions, especially for those who are incorporated in MLKI, slowly but surely began to show significant progress. The progress achieved is as follows:

1. Law No. 23 of 2006 on Population Administration (Administrasi Kependudukan/Adminduk) and Government Regulation (Peraturan Pemerintah/PP) No. 37 of 2007 on the Implementation of Law No. 23 of 2003. Nevertheless, there are problems with the articles of the Law which include the phrase “whose religions have not been recognized” such as in:

Article 8, paragraph (4), “the requirements and procedures for Vital Event Recording by Residents whose religions have not been recognized as religions based on the provisions of Laws and Regulations or for followers of indigenous belief shall refer to Laws and Regulations”. The phrase of “whose religions have not been recognized” also appears in the religion column of the Family Card. For citizens or the adherents of Local Religions whose beliefs have not been recognized as religions based on the provisions of the Law, the column containing the information of religion is left blank. However, they remain to be served and be recorded in the Population database, in accordance with the provisions of Article 61, paragraph (2).

2. Decree of the Minister of Home Affairs (Peraturan Menteri Dalam Negeri / Permendagri) No. 12 of 2010 on the Guidelines for Marriage Registration and Reporting of Marriage Certificates issued by other States. This Decree allowed adherents of Local Religions to register their marriages to the Population and Civil Registration Agency (Dinas Kependudukan dan Pencatatan Sipil/ Disdukcapil) even though the wedding ceremonies were held abroad. It is also possible to register the marriages of foreign citizens who are also the adherents of Local religions when they submit the acknowledgment letters from the leaders of their Local Religions.

However, in this context, there are still debates about the Government Regulation (Peraturan Pemerintah) No. 37 of 2007 which is still considered to provide chances of discrimination against the adherents of Local Religions regarding:

- a) Wedding ceremonies of the adherents of Local Religions should be performed in the presence of the leaders of the Local Religions;
 - b) Leaders of the Local Religions are appointed by the organizations of adherents of Local Religions and they are responsible to fill and sign marriage certificates; and
 - c) Leaders of the Local Religions are registered at the ministries whose fields and duties are to foster the Local Religions in God Almighty. This means that marriages of the adherents of Local Religions will only be valid if they are authorized by leaders from organizations that have been registered. Such requirement is only applicable to the adherents and not to citizens of other countries. Their wedding ceremonies can be witnessed by religious leaders even if they are not from registered organizations.
3. There has been some progress in the education area such as the formulation of the Decree of the Ministry of Education and Culture/Permendikbud No. 27 of 2016 on Education Services for the adherents of Local Religions in God Almighty in the Education Units and the Circular Letter of the Minister of Education cq. Primary and Secondary Education (Pendidikan Dasar dan Menengah/Dikdasmen) No.03/D/SE/PD/2017 on the National Standard School Examination for Students who Adhere to Local Religions in God Almighty.[]

CHAPTER V

CLOSING

A. Conclusion

Based on the description of Chapter I, II III and IV, conclusions can be drawn in the form of insights as follows:

First, SETARA Institute discovers that the problems of discrimination against the adherents of Local Religions in God Almighty are actually prompted by the State through policy products that are bias against the distinctive politics. Although there is not a Law that explicitly addresses the issue of recognition, at the level of derivative regulations the unrecognized religions are clearly mentioned, as implications of the provisions of Article 61 paragraph (2) of Law No. 24 of 2013 on Amendments to Law No. 23 of 2006 on Population Administration.

Second, in terms of political recognition, Law No. 1/PNPS/1965 is the most serious threat to the fulfillment of the constitutional rights of the adherents of the minority religions and beliefs in Indonesia. The law, which has been declared as conditionally constitutional by the Constitutional Court, explicitly distinguishes between adherents of recognized religions who are provided for and the adherents of the implicitly recognized local religions whose rights to receive services are not fulfilled.

Third, the government through the Attorney General also still utilizes Law No. 1 / PNPS / 1965 as a tool to continue to suspect the

adherents of non-mainstream religions and beliefs as well as minorities whose rights are not provided for and who continue to be suspected of security vandals who desecrate the principal teachings of religions. Through Law No. 16 of 2004 on the Public Prosecution Service of the Republic of Indonesia, Article 30 paragraph (3) point d and e, the State mandated the Attorney General's Office to investigate local religions that are considered to be harmful to the society and State, as well as to prevent the religious blasphemy and / or defamation. It was within this framework the role of the Monitoring Body of Religion and Belief (Pengawas Aliran Kepercayaan Masyarakat/ PAKEM) was reinforced through the Attorney General's Regulation No: PER-019/A/JA/09/2015 dated September 16, 2015 on the Coordination Team for the Monitoring of Local Religions and Beliefs. This means that the threats towards the adherents of Local Religions are intensified.

Fourth, there is progress at the Ministry regulatory level that should be recognized as a "small victory". Some of the regulations are as follows. 1) Joint Ministerial Decree (Peraturan Bersama Menteri / PBM) of the Minister of Home Affairs and the Minister of Culture and Tourism (Menteri Budaya dan Pariwisata / Menbudpar) No. 43/41 of 2009 on the Guidelines of Service towards the Adherents of Local Religions in God Almighty. This regulation gives the authority to the Local

Government (Pemerintah Daerah / Pemda) to provide services towards the adherents of Local Religions, which include: the organizations of the Local Religions administration, burials, and praying facilities or others. In terms of the content of the provisions, this regulation proves to be efficient, for example in the arrangements of burials. It clearly states that the adherents of Local Religions who passed away are buried in public cemeteries (Article 8 paragraph 1). 2) Decree of the Minister of Home Affairs (*Peraturan Menteri Dalam Negeri / Permendagri*) No. 12 of 2010 on the Guidelines for Marriage Registration and Reporting of Marriage Certificates issued by other States. This decree allows the adherents of Local Religions to register their marriages to the Population and Civil Registration Agency even if their wedding ceremonies were held abroad. Citizens of other countries can register their marriages providing they submit the acknowledgement letters from the leaders of their Local Religions. This policy is considered as a step forward in terms of service for the adherents of Local Religions. 3) Decree of the Ministry of Education and Culture/*Permendikbud* No. 27 of 2016 on Education Services for the adherents of Local Religions in God Almighty in the Education Units and the Circular Letter of the Minister of Education c.q. Primary and Secondary Education (*Pendidikan Dasar dan Menengah/ Dikdasmen*) No.03/D/SE/PD/2017 on the National Standard School Examination for Students who Adhere to Local Religions in God Almighty which further provide the opportunities for the adherents of Local Religions to enjoy their constitutional rights.

Fifth, Law No. 24 of 2013, which is followed by the Government Regulation (*Peraturan Pemerintah / PP*) 37/2007 as its technical guidance, still provides chances of discrimination against the adherents of Local Religions concerning the provisions of their

involvements in organizations. The orders of the provisions according to the Government Regulation are: 1) Wedding ceremonies of the adherents of Local Religions should be performed in the presence of the leaders of the Local Religions. 2) Leaders of the Local Religions are appointed by the organizations of adherents of Local Religions and they are responsible to fill and sign marriage certificates. 3) Leaders of the Local Religions are registered at the ministries whose fields and duties are to foster the Local Religions in God Almighty. Therefore, marriages of the adherents of Local Religions will only be valid if they are authorized by leaders from organizations that have been registered. Such requirement is only applicable to the adherents and not to citizens of other countries who adhere to the "official" religions. Their wedding ceremonies can be witnessed by religious leaders even if they are not from registered organizations.

Sixth, there is a lack of syncretism and the tendency of overlapping policy products issued by the government in response to the existence of the adherents of minority religions and beliefs that lead to the ambiguity in providing services for the adherents. On one hand, an equality of rights is provided for every citizen. On the other hand, there are still suspicions towards the existence of the adherents of Local Religions.

Seventh, the policy of the leaving the religion column in the Identification Card (*Kartu Tanda Penduduk/KTP*) blank is a serious problem that is still faced by the adherents of Local Religions and adherents of minority religions who do not adhere to the 6 official religions recognized by the State. Some problems occurred as the results of leaving the religion column blank are: 1) Stigmatization by society that those adherents have not been or are not religious, which is certainly considered

to be in contrast with *Pancasila*. As a result, the children of the adherents of Local Religions experience pressure and psychological intimidation in forms of bullying because they are considered non-religious. 2) Limited access of public services for the adherents, such as employments, banking, and other social access. 3) The exclusion of the adherents of Local Religions as adherents of minority religions on the main nomenclature at the ministries, which provide public services. This exclusion has caused the neglect of the rights of the adherents of Local Religions to obtain the Indonesian Smart Card (Kartu Indonesia Pintar / KIP), Indonesian Health Card (Kartu Indonesia Sehat / KIS) and other social security cards.

B. Recommendations

On the basis of the findings and insights, as well as the reviews as outlined in the conclusion section of this thematic report, Setara Institute together with the adherents of Local Religions involved in this research, made the following recommendations.

First, the President and the People's Legislative Assembly should take progressive steps to encourage the formulation of the Law on the Protection of the Adherents of Religions and Beliefs, which not only recognizes the existence of the adherents Local Religions in God Almighty but also equalizes the adherents with the adherents of the mainstream religions. Due to the fact that the discussion progress of the Bill is unclear, from the aspect of the nomenclature, the word "Law" is changed into "Bill" on the Protection of the Adherents of Religions and Beliefs (Rancangan Undang-Undang Perlindungan Umat Beragama dan Berkepercayaan/RUU PUBB), which views

all religions and beliefs as equal entities. In that context, the Government and the People's Legislative Assembly should not be caught up with the conceptual formulation of the definition of a religion which results in the discredit of the adherents of local religions. In addition, the proposed bill is expected to annul Law No.1/PNPS/1965.

Second, the Ministry of Home Affairs should revise the implementation of the Population Administration (Administrasi Kependudukan / Adminduk) Law, particularly in connection with article 61, paragraph 2 which contains the provisions regarding the unrecognized religions which should be recorded in the population database, thus, equal services can be provided for the adherents of Local Religions. If the religion column in the Identification Card is still considered important, then the adherents of Local Religions should be given equal services as the adherents of the six main religions. The seventh column should be provided for the adherents of Local Religions which allows them to fill it in with their respective beliefs.

Third, the Attorney General's Office and the Ministry of Education and Culture should convene to synchronize and to reaffirm the understanding of the meaning of Local Religions in God Almighty. Recognition and equality of rights should be provided for the adherents of Local Religions as recently have been provided by the Ministry of Education and Culture. Thus, the Attorney General's Office should no longer suspect or consider the adherents of Local Religions in God Almighty as people who should be continuously spied on.

Fourth, the *Ministry of Administrative and Bureaucratic Reform* and the Indonesian National Army (Tentara Nasional

Indonesia/TNI) or the Indonesian National Police (Polisi Republik Indonesia/ POLRI) should create regulations to equally and fairly treat every citizen in gaining access to a decent job opportunity without discriminating his/her religion or belief and to give the adherents of Local Religions the equal and full access to serve as both civil and military State apparatus.

Fifth, Majelis Luhur Kepercayaan Indonesia/ MKLI (an organization which accomodates adherents of Local Religion and Indigenous Beliefs throughout Indonesia) should further affirm its existence and struggle for the interest of the adherents of Local Religions by embracing all adherents both who are incorporated in organizations and who choose to adopt their beliefs individually.

Sixth, civil society organizations, religious mass organizations and groups of organizations as well adherents of Local Religions must conduct dialogues in order to promote the equality of rights to all citizens and to provide public education on the constitutionality of the guarantee of rights for the adherents as individuals and citizens.[]

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WRITER'S PROFILE



Sudarto was born in the village of Sungai Tanduk, Kayu Aro Kerinci in Jambi on October 27, 1975. He graduated from the Faculty of Da'wah (Preaching of Islam) of the Imam Bonjol State Institute of Islamic Literature (Institut Agama Islam Negeri/IAIN Imam Bonjol) in Padang in 1999 and was active in activities of inter-religious dialogue facilitations in West Sumatra, particularly in Padang. From 2006 to 2009, he became a member of the National Commission on Human Rights (Komisi Nasional Hak Asasi Manusia/Komnas HAM) of West Sumatra Province as the Head of Social and Political Division.

He was involved in many non-litigation advocacy matters on the freedom of religion and belief in West Sumatra. In 2014, he completed his Master study in the "Center for Religion and Cross Cultural Studies" (CRCS) program in the University of Gadjah Mada (Universitas Gadjah Mada/UGM).

Sudarto was the Director of the Center for Inter-Community Studies (Pusat Studi Antar Komunitas/PUSAKA), a local Non Government Organization (NGO) which focuses on interfaith dialogues and advocacies of freedom of religion and belief, in Padang from 2000 to 2006. He is currently one of the SETARA Institute researchers, who copes with issues of freedom of religion and belief. Sudarto (Toto) also actively writes on social and online media in Jakarta. His three books that have been published are "*Silaturahmi Kelamin; Menyingkap Tabu-tabu Dunia Kelamin*" published in the Institute for Multiculturalism and Pluralism Studies (IMPULSE) in Yogyakarta in 2013, "*Wacana Islam Progresif; Reinterpretasi atas Teks Demi Membebaskan Yang Tertindas*" published by DIVA Press of the Institute for Religion and Civil Society Development (Ircisod) in Yogyakarta in 2014 and "*Religionisasi Indonesia; History of Local Religion and Religion*" published by Gramedia Pustaka Utama in 2016. Together with Halili Hasan, he wrote one chapter of SETARA Institute's annual report titled Intolerance Supremacy in 2016.

PROFILE

SETARA Institute adalah perkumpulan individual/ perorangan yang didedikasikan bagi pencapaian cita-cita di mana setiap orang diperlakukan setara dengan menghormati keberagaman, mengutamakan solidaritas dan bertujuan memuliakan manusia.

SETARA Institute didirikan oleh orang-orang yang peduli pada penghapusan atau pengurangan diskriminasi dan intoleransi atas dasar agama, etnis, suku, warna kulit, gender, dan strata sosial lainnya serta peningkatan solidaritas atas mereka yang lemah dan dirugikan.

SETARA Institute percaya bahwa suatu masyarakat demokratis akan mengalami kemajuan apabila tumbuh saling pengertian, penghormatan dan pengakuan terhadap keberagaman. Namun, diskriminasi dan intoleransi masih terus berlangsung di sekitar kita bahkan mengarah pada kekerasan. Karena itu langkah-langkah memperkuat rasa hormat atas keberagaman dan hak-hak manusia dengan membuka partisipasi yang lebih luas diharapkan dapat memajukan demokrasi dan

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SETARA Institute mengambil bagian untuk mendorong terciptanya kondisi politik yang terbuka berdasarkan penghormatan atas keberagaman, pembelaan hak-hak manusia, penghapusan sikap intoleran dan *xenophobia*.

SETARA Institute for Democracy and Peace adalah organisasi berbasis perhimpunan yang didirikan oleh 28 tokoh, pemikir, dan aktivis yang menaruh kepedulian pada pemajuan HAM, *rule of law*, demokrasi, pluralisme dan perdamaian di Indonesia. Sejak didirikan pada 14 Oktober 2005, SETARA Institute telah memproduksi berbagai pengetahuan tentang kondisi kebebasan beragama/berkeyakinan, dinamika perlindungan hak konstitusional warga, dan berbagai laporan studi kebijakan pada tema-tema yang menjadi area perhatiannya. SETARA Institute adalah salah satu organisasi yang secara reguler mempublikasikan laporan kondisi kebebasan beragama/berkeyakinan sejak 2007 hingga sekarang. []



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