

## THE PLURALITY AND MINORITY IN RELIGIOUSITY (A Study on the Civil Right of Sunda Wiwitan Followers In Cigugur Kuningan)

Nanang Rustandi

Universitas Suryakencana, Cianjur, Indonesia

*nanang.rustandi7@gmail.com*

### Abstract

*The different belief among individual is an undeniable reality in history or man. The study on plurality and minority showed the dynamics of change in all parts of the world including in Indonesia. One of the local beliefs in Indonesia is Sunda Wiwitan. This article is aimed to observe the religiosity life especially the follower of Sunda Wiwitan in getting their civil rights as the citizens of a state. The study showed that there was a tendency of unfairness to the local belief followers especially in getting their civil rights. Whereas the power and ability of religiosity oriented to the multicultural which accept the plurality. The plurality acceptance was not taken for granted. It needed reinforcement and experience to be able to do religious deconstruction. The state, in this context, as the regulator should recheck the civil rights demand into the policies. Thus, it could give the same right for all the citizen including the local belief followers.*

**Keywords:** *plurality, minority, worldviews, multicultural, deconstruction.*

### INTRODUCTION

The difference is fate, that was one of the expressions heard in questions answers session in the national seminar on plurality and minority in the context of Unity held by Indonesian Science and Knowledge Institution—LIPI (LIPI, 2016). All parties were asked to build the togetherness (*tasawuh*), interaction (*ta'aruf*) peace and prosperity.

Respecting among the religion followers had been showed by many scholars and intellectuals like Nurcholis Madjid, Abdurrahman Wahid, Quraish Shihab, J.B. Banawiratma, Eka Darmaputera and Franz Magnis Soeseno through many steps, either the scientific studies or political moves to face the interreligious problems happened in Indonesia. Those figures had showed various relevant approaches to build

the understanding among the religious groups in Indonesia.

The religious plurality is so important to keep and maintain the tolerant attitude among the religious beliefs. It is not only because of the socio-political consideration but also the religion consideration itself. In the context of religious diversity, the interreligious dialog is very important as well as a need. The dialog is also as a means to erase the misunderstanding or the negative perception on the religions. The dialog should be held to create the mutual respect without debating or arguing which leads to confirm the truth of one certain belief or blame the other one. In this perspective, the dialog is hoped to build the harmony among the differences both in the discourse and real life. The dialog in this context is a way of life to connect one to another.

In the context of difference, the different belief followers can live in peace. The followers must learn not only their religious lessons but also the way to apply the lessons in their life. In the context of socio-political life, the same foundation of the state must be admitted. Through this same foundation, the happened conflicts and discriminations among the religious beliefs could be solved. Thus the neutrality principle in Pancasila should be applied and maintained in real life. Any efforts or attempts to force certain value systems contradicted to the neutrality principles of Pancasila must be avoided.

Through the Pancasila principles, the state must guarantee the religious freedom in the consistent ways. The intervention, limitation, and discrimination in religion must be avoided. The facts shows that the protection to the minority groups is still less. The failure to apply it is an indication that democracy moves nowhere. The conditions is proven by a 178 country-survey which positioned Indonesia in 63<sup>rd</sup> position, with 80.6 score. Even though Indonesia was not technically considered as a fail country yet the position belonged to high risky of disintegration for the religious followers. It means that Indonesia was close to consider to a fail country. One of the factors used to determine the score directed Indonesia to be a fail country was the complaints of the religious followers. The tenses and violence happened, and the state failure to give secure feeling to the citizens, play important role in ensuring Indonesia to remain in good condition.

The various interest conflicts happen today come from the different sources. One of them is from the

religions. Each religion has its own multi-interpretation. Therefore, pluralism is not only the external symptom but also the internal one. By the past global interaction, the reality of plurality cannot be faced only by clumsy tolerance, peace co-existence, or even the formal judicial policies. The plurality needs the basic change on the way how to see the life, the man, and the world as well as to do life in meaningful way in the variety of life itself. The world problems found today need the spiritual wisdom. The religion should be able to contribute the wisdom. However, if the religions cannot take the proper attitude to this pluralism tendency either externally or internally, or even become the narcissism spots then instead to be the source of inspiration, the religions will become the destroyer powers not only for the world but also for themselves (Bambang Sugiharto, 2016).

Samsul Maarif (2016), of Center for Religious and Cross-cultural Studies (CRCS), critically offered perspective alternative that have been developed in the recent studies on indigenous religions. The religions are often represented improperly because they are viewed from the world religions especially the Abrahamic religions (Islam, Christian, and Judaism). The perspective of world religions (with its key concepts of God and spiritually) then forced to see the phenomenon of local religions that eventually lead to a judgment that those indigenous religions belong to "animism", a belief which said to believe in the spirits who stay on the tree, stone, mountains, and others. The followers then judged they are worshiping the tree, stone and mountains bringing them to be called the paganism doers, hypocrisy, and so

on. Because of the perspective, the local religions often observed by the world religions perspective in such a mission way, that is in the target of making them to do religion conversion to the world religions.

The fact is that the indigenous religions can talk about religions without talking about the concept of God. The word "God" itself was actually the adaptation done by Christian missionaries in the colonial era when translating the bible. The word used to say Jesus in the bible is "Lord", and the similarity word for it in the local language was "Tuan", then changed into "Tuhan". In the other words, the concept of "Tuhan" was the bias of the Abrahamic religions. Buddhism even does not know the concept of God as understood by the Abrahamic religions (that is, "personal-God"). The context of Indonesian politics after 1965 caused the Buddhism followers in Indonesia had to do the invention of God concept in their theological construction.

As the critics to the epistemological bias to Abrahamic religions in viewing the local religions, taking the concepts ever proposed by Nurit Bird-David in his research on Nayaka tribe in India. Bird-David criticized the animism concept that had the colonialism bias and offered the concept of relational epistemology" to view the local religions. This is the more proper perspective alternative to represent the Indonesian local religions. In the relational epistemology, what happens is not the belief to the presence of the spirit on the tree which then worshiped, but the existential relation among the presences treated together as person, one perspective then viewed widely as

a part of the attempts to harmonize the cosmos.

## **DISCRIMINATIVE TREATMENT**

The constitution 1945 clearly admits the presence of religions and beliefs to the Almighty God, as a part of Indonesian property. However, along the history the treatment to the local beliefs showed the unclear dynamics. Even in the regime of Joko Widodo (Jokowi) and Jusuf Kalla (JK), the proposal on the bill revisions about the admittance and protection to the local religions still be delayed card (Maman Sutarman, 2016). One of the reasons mentioned by the chief of Religious Affair Ministry was as followed:

"The government still studies on the protection of the beliefs beyond the six admitted religions until today. The government admitted to have difficulties to enlist the beliefs because the beliefs have never fulfilled the definition of religion. The definition becomes important so that the ministry can easily states whether a belief can be included into a religion or not. It is connected to the bill number 23 year 2013 on the citizenship administration, which obligate the citizen to mention the followed religion on his identity card. Relating to the policy, for the temporary time the local belief followers can blank the religion Colum in his identity card (Maman Sutarman, 2016).

In the beginning of new regime era, it was issued the presidential decision Number 1 year 1965 and the bills Number 5 year 1969, said that the followed religions by Indonesian were Islam, Christian, Catholic, Hindu, Buddhism, and Konghucu. In the regime Konghucu was put aside. Based on the decision letter of Home

Affairs Minister in 1974, the religion fill in the identity card must be filled by the choice religions of Islam, Christian, Catholic, Hindu, and Buddhism. Beyond of the five, it will be considered as the belief including the local religion. Whereas according to The Ministry of Culture and Tourism in 2003, there had ever been 245 local religions in Indonesia. Because the local religions are not admitted, there came an assumption that the Indonesian did not follow religions in the first century. There is a little number of Indonesian knowing the presence of the local religions. Moreover the generation born after 1974, after the issue of decision letter of Home Affair Minister on the religion Colum obligatory to fill by one of the chosen-five religion.

According to Kuntjaraningrat (1974), the term of religion used to mention six official religions of the state like Islam, Catholic, Protestant, Hindu, Buddhism, and Konghucu. Meanwhile all the belief system which are not officially admitted or yet are called religi.

Parsudi Suparlan (1988) defined the religion as a set of rule and a rule ruling the relation between man and the spirit world especially to God, ruling the relation between man to other man, and ruling the relation between man and his environment. Specifically, the religion is defined as a belief system followed by and the acts manifested by a group of people in interpreting and responding what they believe and feel as the sacred and holy.

The opinion of some experts, either domestic or foreign expert, especially Denys Lombard who saw Java as the place of great civilizations; pre Hinduism-Buddhism, Hindusim-Buddhism, Islam and Western in the

different level of gradation.<sup>1</sup> In the societies like 'The cultural communities' in Baduy, Sunda Wiwitan, Samin, Tengger, and Osing in Pekuncen, Banyumas, these remained civilization can still be seen clearly. The ability to keep and synthesize various remained civilizations found in Jave cultural communities make these communities as the instances of society which be able to apply the tolerance and accept the difference as a part of life (Riwanto Tirtosudarmo, 2016).

The first reason for preserving the minority religions is the need to balance the discourse which dominated by the main stream of people opening a wider perspective on the minority. Different to the majority which be able to defend their own right, the minority finds difficulties in doing it especially in getting their civil rights. It is surely not a general law, but it is a general phenomenon. People like to hope that minority can be obedient and be a part of the official religions, listening, not making a problem, not surpassing the majority for the long term, the religion developments, education, and so on (Ahmad Najib Burhani, 2016).

It is something unusual for the minority members hoping it because as citizens, they also have the same rights. When they ask for the similarity, they will be considered arrogant. In some cases, when the minority found guilty because of doing a crime or accused of doing a crime or only considered of doing a crime, they often get the double punishment. The cases found in Tanjung Balai, Cikeusik, and Sampang. In these three cases, the victims got punishment more than the attackers.

---

<sup>1</sup> For literature on religions in Java, like by Clifford Geertz (1960), Koentjaraningrat (1985) dan Ricklefs (2012) the local religions were called "Sinkretik"

Meliana, Dede Sudjana, and Tajul Muluk got in jailed in the demand to chill out the rage of majority masses. In Meliana case, even though it was not proven but the police stated her that she violated the rule by humiliating the religion, and the society also echoed the mistake. To redemption her mistake, the society did not allow her to return to her house, she had to go out of the village, she should ask apology to all Indonesian and charged to be guilty because of endangering the social security, two of the religious house had to be closed. Tajul Muluk got in jailed for years because of the good name of religion, and Deden Sudjana had to stay in prison longer than the attackers.

The second reason is psychological. It is right that minority could not always survive, like the Apartheid in South Africa and the minority of Sunny represented by Mandi in Irak. They were usually called the thirany minority. However, there were some groups discriminated along their life. They were like *homo sacer* in the term of Agamben (1998). They had to adjust and blend with the surround environment. They had to suffer for long time, and they never had courage to open themselves. It was right that some minority groups did mistakes, but it was need to know too their psychological condition under certain attitude and behaviors for long time. This understanding should not lead into a conclusion yet give a different perspective when viewing a mistake done by the minority. This kind of perspective is the same like the action of *immolation* Bouazizi in Tunisia or a suicide bomber in Palestine (Asad 2007).

The other reason is the theological. The faith in religion is absolute, so is for the minority.

Theologically absolute means not always refer to the blind obedience without asking firstly. The theology is important morally which understood as a universal wisdom. The moral lesson on the relation between the minority and majority, the old and the new, the weak and the strong. Like in the statement of Prophet Muhammad Saw, "*Laisa minna lam yarham saghirana walam yuwaqqir kabirana*" (Not a part of my lesson those who have no respect to others above them and those who do not like the people under them).

The rights of local religion followers are still put aside. They are considered to be different, silenced, and forced to follow the "official" identity. Because of being considered to be "different" and being not able to express and show their religion identity, ethnic, and nation. They were forced to follow the official identity. The unfair treatments and acts often happen to them. Like to Ahmadiyah, Syiah, and other communities who get the violence and discrimination, there was a community member who found difficulty in getting his identity card/Kartu Tanda Penduduk (KTP), it was just because he did not belong to one of the official religions admitted by the state. This kind of experience has been usual to find by Sunda Wiwitan community in Cigugur, the Regency of Kuningan, West Java. They were confused by the beauracrats. Like experienced by Pangeran Djatikususma, the elder of Sunda Wiwitan as usual greeted as Rama Djati, by himself, his family, and some other community members. They often found the unfair treatment and acts by the local government officers especially that relate to the religion matters. The *penghayat* (the calling for Sunda Wiwitan followers) were asked what

their religion belonged to: Islam, Catholic, Protestant, Hinduism, and Buddhism. If they were asked the question, they would answer that their religion was Sunda Wiwitan.

This *penghayat* also still experience the discrimination of their civil right as well as their political rights. They got those discriminations because of their religions. As in the case of getting the identity card, the officers only knew and admitted five religions (Islam, Christian, Catholic, Hinduism, and Buddhism and in its development then Konghucu enlisted to be the six official religion admitted by the government) based on the explanation of the presidential determination number 1 year 1965 on the prevention of anticipation and/or the religion article 1. "The religions followed by the Indonesia are Islam, Christian, Catholic, Hinduism, Buddhism, and Khong Hu Cu (Confucius)" Based on this regulation then the unfair treatments and acts are often experienced by *Penghayat Sunda Wiwitan*.

The religions admitted by the government were five at the time (it become six at this moment) halt Sunda Wiwitan followers to get the identity card, the birth certificate, and other citizenship certificates. Even for the children, they got difficulties to enroll the state school. Thus, there many Sunda Wiwitan followers decided to embrace Islam or Catholic. Even though Sunda Wiwitan followers now embrace the different religions yet, they reflect the same lesson and life philosophy which guarantee the harmony among the different followers as well as create the pluralism founded their genuine culture without any social manipulations. The pluralism principles has been down deeply in

their souls and resounded although they have differences.

The case in making the identity card and the other administrative matters is only a little part of the unfair treatments and acts problem experience by the *penghayat*. They have been considered as the anonym, the status less. In the new order regime, they would be identified as subversive. Every citizen had to own the complete identity. The census officers hired by Badan Pusat Statistik (BPS) or the Statistic Center Agency were not allowed to blank the religion coloum. Sunda Wiwitan followers in Cigugur had been so usual to find the unfair treatment from the government. However, in the middle of the bad news on the religious harmony because of the violence issues in the name of religions, radicalism, terrorism, and the others, the religion life get the lesson how should live among the difference from those who get the unfair treatments and acts so far.

The right of a citizen is a set of rights that everyone receives in respect of his position as part of a country. The rights of these citizens are limited by the rules imposed by the state. The rights of citizens include: the right to obtain protection in any form whatsoever from the government, the right to employment and a decent living, the right to participate in the defense of the state, the right to religion and to choose education and citizenship.

In every citizen's right, the obligation is also bound. The obligation of a citizen means things that must be done by every person of that country. Examples of obligations of citizens include: the obligation to participate in defending the state, the obligation to

pay taxes, obey the basic state and so forth.

## ISLAM AND RELIGIOUS PLURALISM

The discourse on pluralism which, along with secularism and liberalism, is said to be a harbinger of decades ago has indeed emerged. Pluralism, in this case religious pluralism, becomes the polemic object among the dissenting parties, between those who accept and those who refuse. Actually the polemic does not need to happen because the 'pluralism' is forbidden is actually not a pluralism that is understood, supported and promoted by the pro-pluralism as discourse so far. There is a difference in the definition of what is meant by pluralism.

Both parties use the same word with different understandings. One party assumes pluralism is the notion that all religions are the same while others understand pluralism as the idea of accepting the presence of different religions, so it is not the same, and the inequality does not necessarily create community disharmony, because each of them jealous, hates each other and mutually hostile to each other.

Therefore, the polemic that happened because of fatwa prohibition is less interesting. Although the polemic is less interesting, the problem of religious pluralism still needs to be discouraged precisely because of misunderstandings that result in a horrendous fatwa emerging and causing po-cons in society.

Differences of opinion is a common thing because diversity is the nature of nature that moves in the trajectory of time. Not infrequently disagreements occur even in the man himself as a thinker and should use his

mind, continue to learn and seek throughout his life. What yesterday we believe to be true now we think is wrong because, for example, we get new information that shows the mistake of our previous opinion.

Maybe tomorrow we blame again what we think is true today because we are getting new truth. But the pros and cons of pluralism are serious problems. Because it involves conflicting pluralist attitudes and anti-pluralist attitudes, oppositional attitudes that bring implications to the level of praxis, the act of denying and depriving others the right to be present on this earth with all the integrity of their identity (Djohan Effendi, 2009).

If it is examined more broadly within the framework of the Unitary State of the Republic of Indonesia/Negara Kesatuan Republik Indonesia (NKRI), that the difference 'Pluralism' is a right owned by every citizen or Human Rights/Hak Asasi Manusia (HAM). Every individual has instinctive equations, wherever, whoever, and here pluralism is inherent. But in the course of his life, humans commit misappropriation, deception, character assassination or make all victims of it. That is when human rights are neglected. The right of every person is something that is already present in man. To realize those rights requires a respectable rule. That way, these rights can be run in accordance with the nature and nature of each. Islam fully supports the existence of different rights ranging from creation to death (Katimin dan Ahmad Dayan Lubis, 2006).

Neither human rights nor codification of humanity are exceptions to Muslim thinkers, who can immediately point out that, despite the recent institutionalization of human

rights and humanitarian codification, such matters have even been carried out in the early days of Prophet Muhammad.

From some literature, it can be concluded that human rights are a responsibility that has existed since human birth or in other words the basic rights possessed by humans. These rights fall into the category of freedom and freedom, including the right to life, the right to gain something, the freedom of attitude without any impediment.

According to Islam these human rights must conform to the principles of humanity in harmony and balance, regardless of the differences among the social community even though here and there still exist. Al-qur'an and sunnah are a reflection of up-to-date Human Rights.

In the Qur'an, Islam departs from a high *aqidah* in regard to man. Because Allah 'AzzaWajalla has made man as *khalifah* on earth. That is to prosper the earth, and enforce the laws of the Shari'ah of Allah on earth. Allah Almighty says:

Meaning: "Remember when your Lord said to the Angels: "I will make a caliph in the earth." they say: "Why do you want to make the (Caliph) on earth the one who will make the damage to him and shed blood, yet We always celebrate by praising You and purifying You?" The Lord said: "Verily I know what you do not know." (Q.S. al-Baqarah: 30)

Therefore, Islam considers that man is the object of honor from Allah swt. Allah grants that honor and grants it to mankind as a virtue from God Almighty. Every human being by nature as a human being, is equally

honored, despite the different color of his skin, his place of residence, his *nasab*. So also between men and women, in this case are equally honored. Allah swt.said:

Meaning: "And verily We have honored the children of Adam, We transport them on land and in the seas, We give them sustenance from the good and We exhort them with perfect advantages over most of the creatures we have created." (Q.S. al-Israa': 70)

Islam asserts that the benchmark of glory is based on a belief relationship. Because that noble position is determined by human reasoning, and its acceptance of the apostles' and the *manhaj's* apostasy that comes from revelation. Allah swt.said: QS attin 4-6:

Meaning: "(4) We created man in the best possible form (5) then We rest him to the lowest (hell) (6) except those who believe and work righteous deeds; For them the reward of unfailing." (Q.S. at-Tiin: 4-6) (Muhammad Ahmad Mufti dan Sami Salih al-Wakil, 2009).

Those are some verses in the Qur'an that discuss the position of man, or the rights of man given by Allah swt. To man on earth Allah swt.

In essence, the word tolerance is very difficult to get to its proper counterpoint in Arabic which shows the meaning of tolerance in English. However, Muslims began to discuss this topic with the term "*tasamuh*". In Arabic, the word "*tasamuh*" is a derivation of "*samlh*" meaning "*juudwakaramwatasahul*" and not "to endure without protest" which is the

original meaning of the words "tolerance".

In Islam, tolerance applies to all people, be it fellow Muslims and non-Muslims. Yusuf al-Qardhawi in his book *Ghair al-Musliminfii al-Mujtama 'Al-Islami* mentions that there are four main factors that lead to unique tolerance always dominates the behavior of Muslims against non-Muslims, namely:

1. Belief in the glory of man, regardless of religion, nationality and harmony.
2. The difference that man in religion and belief is the reality desired by Allah. which has given them the freedom to choose faith and kufr.
3. A Muslim is not required to prosecute a man's disbelief or judge the pervert of others. Allah swt. It will be the judgment.
4. Confidence that Allah swt. Ccommanded to do justice and invite to the noble character though to the polytheists. Allah also denounces the deeds of dzalim though against the unbelievers.

Doctrinally, tolerance is entirely required by Islam. Islam by definition is a religion of peace, congratulations and surrender. Such a definition of Islam is often formulated by the term "Islamic religion *rahmatanlil 'aalam*" (the religion that protects the whole of nature). That is, Islam always offers dialogue and tolerance in the form of mutual respect instead of forcing. Islam realizes that the diversity of humanity in religion is the will of God.

From the above understanding is found that, Tolerance (Tasamuh) according to Islam is a form of leeway, urban area, softness to all aspects of social except the System and Principles of Islamic Values. In this case Islam does not forbid to tolerate. Like Rasullallah saw, in his day Islam lived

side by side with the Christians and Jews. Islam guarantees their lives with the fairest of course to keep using the rules of Islam because this rule can not be tolerated. Islamic reference to justice.

Meaning: "... And let no hatred (of you) to any people because they hinder you from the Sacred Mosque, encourage you to do persecution (to them). And please-help you in doing good and piety, and do not help in sinning and transgression. and fear Allah to Allah, He is terribly punished. "(Q.S. al-Maa'idah: 2)

At that time Islam was often doing trade with the Christians or Jews. And this is as exemplified by the Prophet, in buying and selling. From Jabir ibn Abdullah Radliyallahu 'anhu: that the Prophet sallallaahu 'alaihiwasallam ever bought camels from him, he weighed for him and weighed (exaggerated).

From Abu Sofwan Suwaid bin QaisRadliyallahu 'anhu he said: "I and Makhramah Al-Abdi supplied (bring) clothes / food from Hajar, then the Prophet sallallaahu 'alaihiwasallam came to us and belaiu buy sirwal (pants), while I have a handyman weigh the salaries, so the Prophet sallallaahu 'alaihiwasallam ordered the weighter, he said: Weigh and exaggerate! "

Please help others, visit the sick, said the Prophet: "Helping the sick who are alive will be rewarded" (Narrated by Bukhari 2363 and Muslim No. 2244). Tasdiq; Which is the justifying nature of everything that comes from Allah, the Apostle and Ulil Amri. This truth is absolute only acknowledging a truth that comes from God. For example a Muslim can not assume the truth of

another religion equals the truth of Islam.

Tasyri; A rule or law made by God that must be obeyed no form wherever and however. And can not be adjusted or tolerated with other religions. For example a Muslim can not tolerate anything that violates the rules of Islam.

Sirriyah; Closing a secret or hiding a thing should not be known by non-Muslims. This is done by the time of Prophet Muhammad saw as a form of protection of the Muslims from the ploy or the evil plans committed by non-Muslims and non-Muslims. The example that was done at that time was to keep the place of education (tarbiyah) from the infidels. If a tolerance touches the above realm then Islam can not tolerate it because the Truth of Islam is absolute from Allah and does not rely on anything.

From the above explanation it is clear that neither the State nor any religion should distinguish the types and colors of human skin, even what religion they wish to renounce is returned to the will of the likes he wants. The state has naturally positioned the local religious believer as a distinctive group, as a culture amidst the diversity of this nation.

Likewise a religion that has been clearly exemplified by the Prophet Muhammad to keep each other respect what difference a person wants to adopt, whether it wants nasroni or mazusi. Respect is more beautiful than hostile and the most forbidding religion if human beings are hostile to each other for almost three days with the guarantee of adzab Allah swt. So the explanation of pluralism for some human beings in Indonesia religion is judged as 'rahmatanlilalaminn' and should be made as a unique distinction,

not the opposite instead of being obsolete and disputed.

## **POST DECISION OF THE CONSTITUTIONAL COURT (MAHKAMAH KONSTITUSI)**

There is a new discourse about the existence of local religions and their civil rights as described above, such as the Constitutional Court's decision on granting a column of trust for the Local Religious Community on Identity Card/Kartu Tanda Penduduk (KTP). This ruling came after more than 7 years of the local archipelago community struggled to get the right to attach his religious identity in the religious column on the Id card, finally on November 7, 2017 the Constitutional Court granted the petitioners' petition for the whole.

In the decision of the Constitutional Court it is affirmed that the word "Religion" in Article 61 paragraph 10 and Article 64 paragraph (2) Law No. 23 of 2006 on Population Administration as amended by Law No. 24 of 2013 on amendment to Law No. 23 of 2006 on the Administration of Population/Administrasi Kependudukan (Adminduk) is declared contrary to the 1945 Constitution of the State of the Republic of Indonesia and has a conditional binding legal force insofar as it does not include "Trust".

In Law Number 23 Year 2006 regarding Adminduk juncto Law Number 24 Year 2013 regarding Law on Adminduk reads "That in order for the purpose of realizing the orderly administration of population can be realized as well as considering the number of believers in Indonesian society is very much and varied, the inclusion of the data element of population religion for the believer by

simply listing the person as a 'believer' without specifying the beliefs held in the Family Card/Kartu Keluarga (KK) or electronic Id card, as well as other religious followers.

This clause affirms that the mention of religion without entering the word "Belief" is contrary to the Constitution of the Republic of Indonesia in 1945. Although the decision of the Constitutional Court is considered not to touch the essential issues related to religious clauses that are problematic or unrecognized.

However, the petition of the petitioner requesting confession to be written in the VAW column should be appreciated and the state should no longer discriminate against the citizen in attaching religious identity in the administration records of his / her residence. The granting of the petition of the petitioners as a whole by the Constitutional Court is expected to eliminate discriminatory practices against the local religious community as it has been so far.

This verdict will be an important milestone in the elimination of discrimination based on the religion and belief of every citizen if followed by an effort to encourage more essential advocacy in relation to the full recognition of every citizen.

On that occasion, Setara Institute expressed appreciation to the Constitutional Court which has done its constitutional responsibilities well in guaranteeing religious freedom and trust for every citizen. Accompanying congratulations to all the local archipelago of the archipelago for the struggle and the result.

The request of the previous material test was previously submitted by Nggay Meheng Tana, Pagar Demanra Sirait, Arnol Purba, and

Carlim with case number 97 / PUU-XIV / 2016. Likewise, the applicant of Mursid's father who is the elder of Bedouin society in Cibeo Village, Kanekes Village, Leuwidamar Sub-district, Lebak District, asked the government to publish the local religion "Selam Sunda Wiwitan" by the Bedouin people in the id card column.

The applicants previously assessed that the provisions in the Adminduk Law were deemed incapable of guaranteeing the protection and fulfillment of the same rights to believers to God Almighty or inhabitants as citizens. During this time, trustees, such as Sunda Wiwitan, Batak Parmalim, and Sapto Darmo, experienced discrimination in accessing public services because the religious columns in their KK and id card were emptied.

In his petition, Nggay and his colleagues asked the Panel of Judges of the Constitutional Court to declare that Article 61 Paragraph 1 and Article 64 Paragraph 1 of the Adminduk Law is contradictory to the 1945 Constitution. The reasons for the petitioners are that the articles tested are not clearly and logically arranged so as to give rise to different interpretations. Different and violate the basic rights of citizens.

In reality, although local adherents have been given legal guarantees from the Constitutional Court, but in its implementation it takes time to adjust to the existing rules. As expressed by the legal counsel of the plaintiffs, Julianto Simanjuntak, despite appreciating the decision of the Constitutional Court that makes the adherents of trust can fill their belief in the religious column in KTP and KK, but the problem in the future is how the implementation level in the data Directorate General of Population and

Civil Registration Ministry of Interior/Kependudukan dan Catatan Sipil (Dukcapil). The decision of the Constitutional Court to get a response from the government apparatus is considered final and has permanent legal power.

In addition to getting support, various attitudes on the decision of the Court also came from sharing the circle. As disclosed by the Chairman of the Advisory Council of the Indonesian Ulema Council/Majelis Ulama Indonesia (MUI), Muhammad Sirajuddin Syamsuddin (Din Syamsuddin), that the flow of Sunda Wiwitan can not be called a religion so it does not need to be included in the Id card of the adherents.

According to Sunda Wiwitan is not a religion. Not in the scientific sense of religion. Because a sense or flow can be classified as a religion if it meets certain conditions. For example, there are revealed revelations, have scriptures, and run a ritual system.

According to him, Sunda Wiwitan can not be classified as a religion because it does not meet these requirements. Even if it is considered a religion, then there will be thousands of religions later who demand the same thing. Religious criteria are scientifically limited, anyone can not freely freely.

The Directorate General for Population and Civil Registration of the Ministry of Home Affairs stated that there are a number of options related to the writing of the status of the flow of trust in the electronic identity card column. If the name of the trust stream is included, there is no guarantee whether the trust group is dissolving or changing its name. Therefore, the option of writing the identity of the flow of trust in the religious column for

the believer has started to conical to two forms. The technicality is written "Belief in God Almighty" or "Believers of Belief".

Ministry of Religious Affairs of the Republic of Indonesia highlights the discussion of the Draft Law/Rancangan Undang Undang (RUU) which refers to the outcome of the Constitutional Court decision is still choked especially in determining the definition of religion. With the decision of the Constitutional Court, then adherents can enter into a protected group other than the officially recognized six religions. The Constitutional Court's decision also means that believers get the same rights as adherents of six official religions.

The consequences of the protection of the religious community become one related to the believer. So if religion is only defined by six religions, then the believer is not included in the protection of religious people. So if for example experiencing religious blasphemy, violence, discrimination, the believer of local religion cannot be protected under the law. This is what makes this decision still needs review.

Discussion of the Draft Law on Religious Protection itself has always been a dead end when discussing the definition of religion. The debate in the House of Representatives, usually related to a group of believers, can be included in a protected or not. With the decision of the Constitutional Court on Tuesday, November 7, 2017, it will make the preparation of the definition of religion in the bill can run more smoothly and no longer complicated. The Religious Protection Bill is also included in the 2018 national legislation program/Program Legislasi Nasional (Proglenas), and may soon be ratified.

The Bill on the Protection of Religious People was initiated by JokoWidodo government since 2014. But the discussion is tough.

## CONCLUSION

The writer conclude on the government attitude to the civil rights of SundaWiwitan followers especially the followers of Madrais lesson in Cigugur, Kuningan, West Java. The existence of this local beliefs are:

The existence of local religions and beliefs as well as the traditions in Indonesia is an undeniable fact. The long history of culture and the Indonesian indigenous religion followers become the witnesses the variety of ethnic, culture, and language with the various theological-spiritual understanding of the society. Indonesia is not a religion country, however the citizens believe in God the Almighty.

The Indonesian life philosophy to defend their motherland was also inspired by the theological spirit. The human live because of the God will, the human was born at the same level in front of God. Thus, the independence from the colonialism was also the will of God the Almighty.

The various spiritual life of Indonesian confirms the assumption

that each tribe/ethnic has different spiritual experience.

Although decision of the Constitutional Court/Mahkamah Konstitusi (MK) has sided with the adherents of local religion, but the implementation still gets constraints. The draft law on the Protection of People of Religion, which was initiated by the government, is still unclear to the extent that it can accommodate the inhabitants to obtain full rights, which can be listed on KTP and KK and other civil rights.

In Sunda Wiwitan lesson also teaches the kindness to all nature (universal), like brought by Madrais, teaches various kindness that come from the pattern of nature and other creatures such as the lesson not to easy to accept the kindness of other except from the hardworking efforts. Madrais also teaches the importance of human consciousness to know the way and trait of human like to love the others, the politeness values, to have good culture and language as well to write, and to do *wiwaha dana raga* (considering every decision and behaviors in life). As human, they must be conscious to his existence as the creature of the Powerful God.

## BIBLIOGRAPHY

- Ahmad Najib Burhani, a part of paper entitle "Dampak Globalisasi pada Kaum Minoritas Agama di Indonesia/ The Globalization Impact on Religious Minority Community in Indonesia ", and delivered as a keynote speech at the Program of Indonesia Workshop on "Kebangkitan Intoleransi Religius di Indonesia/ The Awakening of Religious Intolerance in Indonesia", held by S. Rajaratnam Sekolah Kajian Internasional (RSIS), Nanyang Technological University (NTU), Singapura, at Hotel Shangri-La Jakarta, Agustus 25<sup>th</sup> 2016.
- Bambang Sugiharto, the lecturing paper of Religious Studies (RS) Universitas Islam Negeri (UIN) Sunan GunungDjati Bandung, "Pluralisme Agama dan Pematangan Iman/ Religion Pluralism and The Faith Maturity", Bandung, November 22<sup>nd</sup> 2016.

- Daniel L. Pals, *Seven Theories Of Religion*, Jogjakarta: IRCiSoD, 2012.
- Djohan Effendi, *Islam dan Pluralisme Agama*, Yogyakarta: Insist Press, 2009.
- Jujun S. Suriasumantri, *Penelitian Ilmiah, Kefilsafatan, dan Keagamaan/The Scientific Research, The philosophical and the Religiousity: Mencari Paradigma Kebersamaan/ Searching the Common Pradigm*, in Prof. Dr. Mastuhu, M.Ed. and M. Deden Ridwan, S.Ag. (ed.), *Tradisi Baru Penelitian Agama Islam Tinjauan Antar Disiplin Ilmu/ The New Tradition of Religious Research: an Interdisciplinary Perspective*, first printed, Bandung: Penerbit Nuansa bekerjasama dengan PUSJARLIT.
- Kamus Sanskerta-Inggris Monier-Williams/ *the Dictionary of Sanskerta-English Monier-Williams*, first printed in 1899.
- Katimin dan Ahmad Dayan Lubis, *Isu-Isu Islam Kontemporer*, Bandung: Citapustaka Media, 2006.
- Kuntjaraningrat, "Kebudayaan, Mentalitas dan Pembangunan/ Culture, Mentality, and Development", Jakarta: Gramedia Pustaka Utama, 1974.
- Maman Sutarman, the speaker paper of Extension Course of Culture and Religion (ECCR) with the theme "Nasib Agama Lokal (Seputar Kebijakan Pemerintah Terhadap Dinamika Agama Lokal)/ The Fate of Local Religions (On the Government Policies to the Local Religions Dynamics" held by The Faculty of Phyloshopy Universitas Katolik Parahyangan (UNPAR) Bandung, Monday December 5<sup>th</sup> 2016.
- Muhammad Ahmad Mufti dan Sami Salih al-Wakil, *HAM Menurut Barat, HAM Menurut Islam*, Bogor: Pustaka Thariqul Izzah, 2009.
- Parsudi Suparlan in Robertson, Roland "Agama: Dalam Analisis dan Interpretasi Sosiologis/ Religion: The Sociological Analysis and Interpretation", Jakarta: CV Rajawali, 1988.
- Riwanto Tirtosudarmo, the paper of National Seminar 'Pluralitas dan Minoritas dan Konteks Kebangsaan/ Plurality and Minority and the Nationality Context" held by Pusat Penelitian Kemasyarakatan dan Kebudayaan/The Research Center for The society and Culture, LIPI, Jakarta, Desember 1<sup>st</sup> 2016.
- Samsul Maarif in seminar held by the cooperation Program Studi Agama dan Lintas Budaya/Center for Religious and Cross-cultural Studies (CRCS) and STFI Sadra di Sekolah Pascasarjana UGM, Yogyakarta, May 19<sup>th</sup> 2016.
- Wardi Bachtiar, *Metode Penelitian Ilmu Da'wah/the Research Method of Da'wa Science*, Jakarta: Logos, 1997.