

Adherents of Local Religions in the Perspective of Human Rights as Indonesian Citizens

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Abstract. The majority and minority paradigm still dominates in Indonesian society. Minority groups, in this case, followers of local religions, are often victims of human rights violations, either personally or in groups. In the Human Rights Perspective, using a normative legal approach it is found that adherents of local religions have the same and equal rights as citizens. Such legal protection needs to be carried out socialization and implementation of praxis in society so that followers of local religions can live equally and have the same rights as citizens.

Keywords: Local Religion; Human Rights; Indonesian Citizen

1 Introduction

In general, the public believes that religion is an institution of belief recognized by the state based on applicable laws. Indonesia is a religious nation. This is manifested in the 1945 Constitution and Pancasila, namely the first precepts; "Belief in the one and only God". This implies that the state protects religions in Indonesia. In his emphasis, the religions referred to are six "official" or state-recognized religions, namely Islam, Catholicism, Protestant Christianity, Hinduism, Buddhism and Confucianism. This means that those outside the six religions or beliefs are considered unofficial because they have not been recognized constitutionally.

Local religion is a belief that is born and develops in a certain area and is a legacy of the local residents in that place. It is felt that adherents of local religions still experience discrimination, especially in respecting their civil rights. This is rooted in the "differences" that arise from state recognition of religion and the different treatment between "religion" and "belief". Therefore, it is necessary to understand that the existence of local religions is important because they are native Indonesians whose freedom and rights of diversity are protected by the state.

2 Method

In this study using qualitative research with literature / literature study methods and descriptive data disclosure. The descriptive disclosure of data is to present the reader more closely with the description of the phenomenon of the human rights paradigm in viewing local

religions. This study examines library sources in the form of books, scientific journals, documents, or research results related to human rights paradigm in seeing local religions in Indonesia. This study emphasizes the review and analysis of texts related to predetermined themes. Furthermore, the results of the analysis from the literature data are described in accordance with the research formulation / identification, and finally the results are summarized briefly and straightforwardly.

3 Results and Discussion

3.1 Majority and Minority Paradigm

The problem related to minority communities or indigenous peoples in various regions in Indonesia is that there is still a lot of neglect of their values, beliefs and culture. The understanding that should be had is to recognize them as part of Indonesian society and must be treated the same as other majority groups. The neglect of minorities refers to any distinction, exclusion, limitation or privilege based on reasons such as race, color, language, religion or national origin, birth status or other social status. This distinction has an impact on behavior to negate or eliminate the recognition, enjoyment, fulfillment of all rights and freedoms of equal people. Local religious beliefs are generally divided into two, namely pure and religious believers. Pure devotees are adherents of local religions who do not adhere to one of the six religions that are constitutionally recognized by the state. Meanwhile, religious followers are those who have a civil ID card with a religion column containing one of the six religions recognized by the government, but in their practice of worship they still practice the existing local religious beliefs.

3.2 The Problems of Adherents to Local Religions in Indonesia

The state has guaranteed the right to believe, but in practice various human rights violations often occur among believers. The current era of modernity should provide a good momentum in eradicating all forms of discriminatory regulations. Law Number 23 Year 2006 concerning Population Administration, which was passed on December 8, 2006 is seen as a breakthrough step to address the problem of discrimination in Indonesia. This part of the explanation of the law expressly recognizes and recognizes the existing and ongoing problems of discrimination for citizens. In the fourth paragraph the general part in the explanation is stated:

"In fulfilling the rights of the population, especially in the field of civil registration, there are still population classifications based on discriminatory treatment that differentiates ethnicity, descent and religion as regulated in various Dutch colonial product regulations. Such classification of population and discriminatory services is not in accordance with Pancasila and the 1945 Constitution of the Republic of Indonesia. This condition causes the administration of population to experience fundamental obstacles because population data sources have not been coordinated and integrated, as well as the limited coverage of reporting that has not been realized in a complete and optimal population administration system".

Discrimination in local religions is rooted in "differences" that arise from state recognition of religions and different treatment of "religions" and "beliefs". State policies on "religion" and "belief" can lead to discriminatory practices. This is based on Law No.1 / PNPS / 1965 on the Prevention of Religious Abuse and / or Blasphemy. The state discriminates in the form of

favoritism by providing recognition and protection for six religions, namely Islam, Catholicism, Christianity, Buddhism, Hinduism and Confucianism. Meanwhile, believers of faith have not received recognition and protection. Because they are not included in the six official religions, the believers, who number in the millions, cannot be processed through the e-KTP system. Even though KTP is a residency mark that must be given to all Indonesian citizens.

Socio-politically, the state treats adherents of local / indigenous religions to stereotyping. One simple example, when a believer of a local / indigenous religion makes a National Identity Card (KTP) it is not allowed to include the indigenous religion they profess. Religious conversion cases are carried out to facilitate administrative problems such as making ID cards, birth certificates, marriage certificates and the like. The choice of conversion was made in order to avoid conflicts with official religions. Although this is actually detrimental to adherents of local religions, it is done in order to survive in this country.

3.3 Local Religion in Human Rights Perspective

Human Rights (HAM) is a modern political ethical concept with the main idea of respect and respect for humans and humanity. This idea leads to a moral demand on how humans should treat their fellow humans. This moral demand is actually the core teaching of all religions. This is because all religions teach the importance of respect and respect for humans, without distinction and discrimination. Moral demands are needed, especially in order to protect a person or group who is weak or "weakened" from the arbitrary actions that usually come from those who are strong and powerful. Therefore, the essence of the concept of human rights is respect for one's humanity without exception and without discrimination based on anything and for any reason; as well as recognition of human dignity as the noblest creature on earth. Awareness of the importance of human rights in the global discourse coincides with the awareness of the importance of placing humans at the center of development (human centered development).

The concept of human rights is rooted in the respect for humans as valuable and dignified creatures. The concept of human rights places humans as subjects, not objects and sees humans as beings who are valued and respected regardless of race, color, sex, gender, ethnicity, language or religion. In human rights law, rights holders are individuals, while the duty bearer is the state. The state has three generic obligations related to human rights, namely to respect (obligation to respect), protect (obligation to protect), and fulfill (obligation to fulfill). The implication is that each individual is bound by the obligation not to interfere with the human rights of other individuals.

On October 28, 2005, the Indonesian government ratified the ICESCR (International Covenant on Economic, Social and Culture Right) into Law Number 11 of 2005 and ICCPR (International Covenant on Civil and Political Right) into Law Number 12 of 2005. The ratification had consequences against the implementation of human rights, because Indonesia has legally bound itself. This means that the Indonesian government has the obligation to adopt the covenant into a law. The government also has the obligation to respect, protect and fulfill human rights as well as to make reports regarding adjustments to laws, measures, policies and actions taken.

The government has the responsibility to realize the fulfillment of human rights in 3 (three) forms: Respect (to respect); Protection (to protect); Fulfillment (to fulfill). As an obligation holder, the government is also required to make efforts to prevent human rights violations

through its policies. For example, local regulations on the protection of indigenous peoples. There are three main principles in the normative view of human rights, namely:

a) Applicable Universally

This universal principle is intended so that the ideas and norms of human rights that have been recognized can be applied universally or internationally. This principle is based on the belief that human beings exist in every part of the world, both in the city center and in remote corners of the earth. Based on this, human rights cannot be based specifically on a regional and local basis.

b) Human Rights are Non-Discriminatory

This principle stems from the view that all human beings are equal (all human being are equal). Everyone should be treated equally. A person should not be differentiated from one another. This cannot be viewed as a negative thing, but must be viewed as human wealth. Religious diversity is also something that has a place in this nature of non-discrimination. Limitation of a person in religion is a violation of human rights.

c) The Principle of Impartiality

The purpose of forming a state is to protect the rights of citizens and fulfill the interests of all its people. The principle of impartiality is intended so that the law does not favor a group. This principle resolves conflicts impartially to a certain party or group in society. Every individual has a variety of social backgrounds as well as different cultural backgrounds from one another, this is a necessity. In the Indonesian context, one of the national goals is to protect the entire Indonesian nation, without discrimination based on ethnicity, language or religion. Thus, the right to religion is one that cannot be reduced under any circumstances.

3.4 Principles of Religious Freedom in Human Rights

The principle of freedom of religion and belief in the international human rights document is clearly stated in article 18: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change religions or beliefs, and freedom to practice their religion or belief in teaching activities, worship, and obedience, either alone or together with others, publicly or privately." The right to freedom of religion is also stated in more detail in article 18 of the International Covenant on Civil and Political Rights. This covenant has been ratified by the Indonesian government, through Law No. 12 of 2005. The contents are as follows:

- a. Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to adhere to or accept a religion or belief of his own choice, and freedom, either individually or collectively with others, in public or closed places, to practice his religion or belief in worship, obedience, practice and teaching. .
- b. No one should be forced to interfere with his freedom to adhere to or accept a religion or belief according to his choice.

The DUHAM mentions the term basic human rights, namely the most basic human rights and are categorized as the most important rights to be prioritized in various laws and policies, both at the national and international levels. Basic human rights are a series of rights that

ensure the primary material and non-material needs of humans in order to realize the existence of a whole human being, namely humans who are valuable and dignified. Although, there is no explicit provision or explanation regarding what rights are included in these basic human rights, in general it can be stated that these basic human rights include the right to life, the right to food, medical services, freedom from torture, and freedom of religion. These rights, and also overall human rights are based on one fundamental principle, namely respect for and respect for human dignity.

The essence of freedom of religion or belief is covered in eight main components as follows:

- a. Internal Freedom: Everyone has freedom of thought, conscience and religion. This right includes freedom to adhere to or determine a religion or belief of his own choice, including to change religions and beliefs.
- b. External Freedom: Everyone has the freedom, whether individually or in society, publicly or privately to manifest religion or belief in his teachings and worship.
- c. No Coercion: No person can be the subject of coercion which would reduce his / her freedom to own or adopt a religion or belief of his choice.
- d. Non-Discriminative: The State is obliged to respect and guarantee the freedom of religion or belief of all individuals in its territory, regardless of ethnicity, color, sex, language, religion and belief, politics or opinion, population: native or immigrant, and their origins.
- e. Rights of Parents and Guardians: The State has the obligation to respect the liberty of parents, and legal guardians, if any, to ensure that religious and moral education for children is in accordance with its own beliefs.
- f. Freedom of Institution and Legal Status: A vital aspect of freedom of religion or belief for a religious community is to organize or associate as a community. Therefore, religious communities have freedom of religion or belief, including the right to independence in their organizational arrangements.
- g. Permitted restrictions on External Freedoms: Freedom to practice one's religion or belief can only be limited by law, and even then solely for the sake of protecting public safety and order, health or public morals, and in order to protect human rights and freedoms of other people.
- h. Non-Derogability: The state must not reduce freedom of religion or belief under any circumstances and for any reason

3.5 The existence of local religions is recognized and protected by the State

The UN Declaration on the Rights of Indigenous Peoples is specifically described in Article 12 paragraph 1; provide recognition of the rights of local communities to manifest, practice, develop and teach their spiritual traditions, customs and ceremonies or beliefs. The aforementioned statutory regulations explicitly explain the existence of all religions, including legally recognized local religions which should be given the freedom to express their diversity, including recognition of their existence. In addition to recognition and protection for worship according to their beliefs, the government also pays attention through holistic assistance. Government attention, protection and assistance for adherents of local religions are embodied in policies in the form of Presidential Decree Number 111/1999 concerning Social Welfare Development for Remote Indigenous Communities; Decree of the Minister of Social Affairs Number 06 / PEGHUK / 2002 concerning Guidelines for the Implementation of Remote Indigenous Community Empowerment, which is then further elaborated in the Decree

of the Director General of Social Empowerment Number 020.A / PS / KPTS / VI / 2002 concerning Guidelines for Implementing Remote Indigenous Community Empowerment, and Decree Director General of Social Empowerment Number 021 / PS / KPTS / VI / 2002 concerning Integrated Social Development Cooperation Patterns for the Empowerment of Remote Indigenous Communities.

This action is carried out by the state at the national level, and then implemented by individual government officials at the district to village levels. The agencies and institutions involved are not only local district government agencies such as the Office of Social Welfare and Community Empowerment (Kesos Permas), but also the Ministry of Religion, the Ministry of Education, the Agriculture Service, the Regional Development Planning Agency (Bappeda), the BKKBN, especially the sub-district Family Planning Counselors, Camat, The Office of Religious Affairs, village heads, and modin. In addition, at the horizontal level it has an impact on the involvement of minority groups in collaborating to realize government assistance programs, including: support and subsidies in various fields such as education, social affairs, agriculture and so on.

4 Conclusion

Religion is closely tied to God's heart and authority, so it will be difficult for a person and institution (state) to change one's faith and belief, even with coercion and various legal regulations. Emphasis on one's belief in the name of truth and formal legislation, can only penetrate the formal symbolic dimension. This means that a person can formally accept a religious teaching because he is afraid of mass pressure or legal threats, but from his deepest heart, he still holds fast to the teachings he believes in. This fact proves that no law or institution can impose belief on a person.

As dignified creatures, humans have a number of basic rights that must be protected, such as the right to life, the right to have an opinion, the right to assembly, and the right to religion and belief. Human rights values teach that these basic human rights are protected and respected. Human rights teaches the principles of equality and human freedom so that there should be no discrimination, exploitation and violence against humans in any form nor should there be any restrictions or restraints on basic human freedoms, including the right to freedom of religion.

The effort to fulfill and protect the right to freedom of religion in Indonesia, whose society is known to be very heterogeneous in terms of religion and belief is very important. This will lead to the growth of mutual respect and respect among citizens of different religions, and in turn lead to the emergence of an attitude of tolerance. Religious tolerance is the dominant factor for the realization of social justice as mandated in Pancasila, and the creation of humanitarian cooperation towards world peace, as stated in the ideals of independence of the Republic of Indonesia.

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