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DISCRIMINATION OF *KEJAWEN* BELIEVERS IN INDONESIA

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Abstract

Population diversity can be found in Indonesia. The population is made up of several tribes, cultures, dialects, and faiths. There are many religions and beliefs that exist in Indonesia, one of which is Kejawen. Kejawen people have one view called Manunggaling Kawula Lan Gusti, which assumes that man's moral obligation is to achieve harmony with the ultimate power and the ultimate unity, that man surrenders himself as kawula to his God. Freedom to express religion is clearly stated as human rights on many national and international laws including the 1945 Constitution of the Republic of Indonesia. However, the discrimination is still felt by Kejawen believers in society. They are experiencing rejection, scorn, and judgment from others. Mostly, the reason is because they are seen as polytheistic based on the belief of the majority which is because of tolerance and knowledge of the Kejawen belief system. It is necessary to apply strict sanctions for people who discriminate against adherents of the Kejawen belief to create a safe and comfortable environment for all Indonesian people.

Keywords: *discrimination; human rights; kejawen; law*

Abstrak

Keanekaragaman penduduk dapat ditemukan di Indonesia. Penduduk Indonesia terdiri dari berbagai suku, budaya, dialek, dan kepercayaan. Ada banyak agama dan aliran kepercayaan yang ada di Indonesia, salah satunya adalah Kejawen. Masyarakat Kejawen memiliki satu pandangan yang disebut Manunggaling Kawula Lan Gusti, yang mengasumsikan bahwa kewajiban moral manusia adalah untuk mencapai keselarasan dengan kekuatan tertinggi dan kesatuan tertinggi, bahwa manusia menyerahkan dirinya sebagai kawula kepada Tuhannya. Kebebasan untuk mengekspresikan agama secara jelas dinyatakan sebagai hak asasi manusia di banyak hukum nasional dan internasional termasuk Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. Namun, diskriminasi masih dirasakan oleh para penghayat Kejawen di masyarakat. Mereka mengalami penolakan, cemoohan, dan penghakiman dari orang lain. Sebagian besar alasannya adalah karena mereka dianggap musyrik berdasarkan keyakinan mayoritas yang disebabkan oleh toleransi dan pengetahuan tentang sistem kepercayaan Kejawen. Perlu adanya penerapan sanksi yang tegas bagi masyarakat yang melakukan diskriminasi terhadap penganut kepercayaan Kejawen agar tercipta lingkungan yang aman dan nyaman bagi seluruh masyarakat Indonesia.

Kata kunci: *diskriminasi; hak asasi manusia; hukum; kejawen*

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I. Introduction

Indonesia is a country with a heterogeneous population. Various kinds of tribes, cultures, languages, and religions exist among the people. As a country based on Pancasila, the people of Indonesia highly uphold the first precept, namely Belief in One Almighty God. Law Number 39 of 1999 on Human Rights serves as the primary legislation regulating human rights in Indonesia. This law underscores the obligations and responsibilities of the government, particularly in ensuring the freedom of religion and belief.² The constitution of Indonesia has contained human rights protection for its citizens.³ The right to choose one's religion is also explicitly mentioned in the 1945 Constitution of the Republic of Indonesia.⁴

Besides the 1945 Constitution of the Republic of Indonesia and Law Number 39 Year 1999, the demand to guarantee the freedom of religion or belief is also stated in the International Covenant on Civil and Political Rights. Indonesia has ratified the Covenant through Law Number 12 Year 2005 on the Ratification of International Covenant on Civil and Political Rights. The International Covenant on Civil and Political Rights establishes the right of everyone to freedom of thought, conscience, and religion, and freedom to manifest religion or belief in worship, observance, practice, and teaching. The obligation of the state to prohibit any act that advocates discrimination, hostility, or violence, and the right of minority groups to practice and practice their religion.⁵

The Universal Declaration of Human Rights (UDHR)'s principles and objectives have been embraced by and respected by Indonesia. The United Nations General Assembly adopted and passed the Universal Declaration of Human Rights (UDHR) in 1948 with the intention of safeguarding people's human rights everywhere. The UDHR comprises 30 articles outlining the fundamental liberties and rights that everyone should be able to enjoy without restriction.⁶ The preamble of the 1945 Constitution as well as the body of the Constitution both contain references to the UDHR.

² Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia

³ Udiyo Basuki. 2018. "HAM, Islam dan Konstitusi, Mengkaji Nilai-Nilai Hak Asasi Manusia Islam dalam UUD 1945", *Tanjungpura Law Journal*, 2(1): 61.

⁴ Undang-Undang Dasar Negara Republik Indonesia Tahun 1945

⁵ International Covenant on Civil and Political Rights, 1966.

⁶ The Universal Declaration of Human Rights, 1948.

As of now, the Indonesian government officially recognizes six religions, namely Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism. However, beyond these six officially recognized religions, the Indonesian people, known for their unique culture and deep respect for their ancestors, also adhere to various other beliefs. Belief is characterized as a mental attitude rooted in the self-discovery of truth. It can also extend to instances where individuals accept truth not through personal investigation but through guidance or notification from others. Belief, in essence, is an assumption or mental stance asserting the truth of something. This means something that is recognized as true. Belief is related to the beliefs that are firmly held by the community as the foundation of community life. Beliefs are representations that reveal the nature of sacred things and the relationships they maintain, both between each other and worldly things. Religion is an integrated system of individualized practical beliefs.⁷ Religion can be oriented as a unifier between groups (integrative) through the ritual practices of each belief. However, dogmatism of the absolute truth of religion also has the potential to create divisions and conflicts between religious communities. Religious identity conflicts are included in the indications of religious conflicts in society caused by an imbalance in the social order. One of the beliefs that have existed since then is *Kejawen's* Belief.⁸

Kejawen belief has its roots in Javanese culture which believes that God is the center of the universe and the center of all life because before everything happened in this world God was the first to exist. God not only created the universe and its contents but also acts as a regulator, as everything moves according to His plan and by His permission and will. The center referred to in this sense is a source that can provide livelihood, balance, and stability, which can also give life and connect individuals with the world above. This Javanese view is commonly called *Manunggaling Kawula Lan Gusti*, which assumes that man's moral obligation is to achieve harmony with the ultimate power and the ultimate unity, that man surrenders himself as *kawula* to his God.⁹

Kejawen acknowledges the existence of God, known as Gusti Allah, while also recognizing mysticism that has evolved from the teachings of Sufism within existing religions. The action is divided into three parts, namely symbolic action in

⁷George Ritzer. 2012. *Teori Sosiologi: Dari Sosiologi Klasik Sampai Perkembangan Terakhir Postmodern.*, Yogyakarta: Pustaka Pelajar. p.45

⁸ *Ibid.*

⁹ Kusuma, A., *KEJAWEN*. Available from: <https://www.academia.edu/36332977/KEJAWEN>

religion, tradition, and art. Symbolic action in religion is an example of the Javanese habit of believing that God is a substance that cannot be reached by the human mind, so it must be symbolized so that its existence can be recognized, for example by calling God Gusti Ingkang Murbheng Dumadi, Gusti Ingkang Maha Kuaos, and so on. Symbolic actions in tradition are exemplified by the tradition of death ceremonies, namely praying for the dead on three days, seven days, forty days, one hundred days, one year, two years, three years, and one thousand days after someone dies (*tahlilan*). Symbolic actions in art are exemplified by the various colors painted on the faces of shadow puppets; these colors describe the character of each character in the puppet (*wayang*).¹⁰

Initially, only 6 official religions could be listed in the ID Card column. However, since November 7, the Constitutional Court has decided to allow a belief to be listed on ID cards. This happened after a judicial review of the provisions of Article 61 paragraph (1) and Article 64 paragraph (1) of Law Number 24 of 2013¹¹ concerning the Population Administration which was requested by several representatives of religious believers, was granted by the Constitutional Court.¹² However, despite administratively securing recognition for their *Kejawen* belief, in practice, not all individuals in Indonesia, particularly those adhering to the six official religions, may accept the existence of *Kejawen* beliefs.

A few weeks after the Constitutional Court issued its decision, the Indonesian Ulema Council held its third national meeting in Bogor. Based on the event, the Indonesian Ulema Council issued five points of recommendation about the Constitutional Court's decision, one of which was to regret the Constitutional Court's decision because it was considered less careful and hurt the feelings of religious people, especially Indonesian Muslims. The Indonesian Ulema Council conveyed their recommendation at length and protractedly, but basically, they did not agree with the Constitutional Court's decision. As a middle way, the Indonesian Ulema Council proposed that the followers of sects of beliefs or traditional beliefs be made a special ID card that is different from other citizens.¹³ This is straight discrimination. The people of traditional belief just want to be

¹⁰ *Ibid.*

¹¹ Undang-Undang Nomor 24 Tahun 2013 tentang Administrasi Kependudukan

¹² Rini Friastuti. 2017. *Ada 187 Aliran Kepercayaan Di Indonesia Yang Bisa Masuk KTP*. Available From: <https://kumparan.com/kumparannews/ada-187-aliran-kepercayaan-di-indonesia-yang-bisa-masuk-ktp>.

¹³ Muhammad Sidratul Muntaha Idham. 2023. *Sejarah Diskriminasi Penganut Agama Lokal Di Indonesia*. Available From: <https://tirto.id/sejarah-diskriminasi-penganut-agama-lokal-di-indonesia-dhTX>.

recognized and do not want to use a "mask" by listing another religion in the religion column of their ID card and they also want to proudly list their beliefs. From this event, it can be seen that the awareness of diversity still needs to be improved in Indonesia.

Previous studies related to this issue were conducted by Raithat Noor Sabandiah and Endra Wijaya in their paper titled "Discrimination against Traditional Religions in the Cigugur Customary Law Community"¹⁴ identifying several instances of discrimination against the religious activities of the Ajaran Djawa Sunda, it was found that such discrimination is caused by various factors, including interventions from state law and issues related to the juridical recognition of the existence of customary law communities. As for discussions concerning the *Kejawen* community, they are mostly approached from a social perspective, as seen in Agnes Tutut Setianingsih et al.'s article titled "The Existence of *Kejawen* Believers Amidst the Current of Modernization."¹⁵ Discussing that some of the practices of *Kejawen* beliefs are still often carried out, but as time passes, the *Kejawen* people experience an existential crisis due to the rapid currents of modernization. Some studies on *Kejawen* from a legal perspective focus on specific areas, such as customary inheritance law, as explored in Lintang Adi Bawono and Sulastriyono's article titled "The Influence of *Kejawen* Beliefs on Customary Inheritance Law in Tlogoharjo Village, Wonogiri Regency, Central Java."¹⁶

Through this research, the author has a purpose to find out the form of discrimination towards *Kejawen* believers, the reason behind it, and things that can be done to solve this problem.

II. Method

This research uses a qualitative approach, qualitative research is a scientific activity to systematically collect data, sort them according to certain categories, describe and interpret the data obtained from an interview, casual conversation, observation, and documentation. Qualitative methods have a

¹⁴ Raithah Noor Sabandiah, Endra Wijaya. 2028. "Diskriminasi terhadap Agama Tradisional Masyarakat Hukum Adat Cigugur". *Jurnal Penelitian Hukum De Jure*, 18(3).

¹⁵ Setianingsih, Agnes Tutut, Julia Kumala Asri Drakel, Mely Tri Octavina, and Wisnu. 2023. "Eksistensi Penghayat Kepercayaan Kejawen Di Tengah Arus Modernisasi". *The Indonesian Journal of Social Studies*, 5(2): 80.

¹⁶ Lintang Adi Bawono, Sulastriyono. 2020. "Pengaruh Kepercayaan Kejawen pada Hukum Waris Adat di Desa Tlogoharjo Kabupaten Wonogiri Jawa Tengah". *Skripsi pada Fakultas Hukum Universitas Gadjah Mada*. p.23

dynamic nature, meaning that they are always open to changes, additions, and replacements during the analysis process.¹⁷ In a qualitative approach, participants are subjects and not objects. Therefore, participants will present themselves as valuable, as the wealth of information they contribute can be highly beneficial for researchers. In a qualitative approach, participants are not confined to predetermined questions and answers provided by the researcher.¹⁸

This research is also very much related to the experiences of the participants, so the qualitative approach is the first step for researchers to later describe the research findings. Researchers collected data by conducting interviews with participants who are people with *Kejawen* beliefs. Interviews are ways to obtain data by dealing directly and conversing, either between individuals or individuals and groups. Interviews involve two components, the interviewer i.e. the researcher himself, and the interviewee.¹⁹

According to Riyanto, interviews are a data collection method that requires direct communication between investigators and subjects or respondents.²⁰ According to Afifuddin, an interview is a method of collecting data by asking something to someone who is an informant or respondent. Based on the explanations of the experts, it can be concluded that interviews or interviews are a method of collecting data using information and ideas through questions and answers between investigators and subjects or respondents on a particular topic.²¹

This is so that the research conducted can explore in-depth information data in accordance with the participants' self-experience of discrimination experienced by the participants as *Kejawen* believers.

III. Analysis And Discussion

Identity conflicts between religious communities and believers in Indonesia have occurred since the formulation of the 1945 Constitution. This is implied in the policy of Article 28 of the 1945 Constitution, which is related to the right to religion and worship that is only devoted to religious people (Islam, Hinduism,

¹⁷ A Srivastava and S B Thomson. 2009. "Framework Analysis: A Qualitative Methodology For", *Applied Policy Research. JOAAG*, 4(2): 75.

¹⁸ Jozef Raco. 2018. *Metode Penelitian Kualitatif: Jenis, Karakteristik Dan Keunggulannya*. Jakarta : PT Grasindo. p. 35

¹⁹ Nyoman Kutha Ratna. 2010. *Metodologi Penelitian Kajian Budaya Dan Ilmu-Ilmu Humaniora Pada Umumnya*, Yogyakarta: Pustaka Pelajar. p.20

²⁰ Yatim Riyanto. 2010. *Metodologi Penelitian Pendidikan*. Surabaya: SIC. p.56

²¹ Saebani et al., 2019. *Metode Penelitian Kualitatif / Afifuddin, Beni Ahmad Saebani*, Bandung: Pustaka Setia. p.40

Buddhism, Catholicism, and Protestantism). In this case, the nationalist group led by Wongsonegoro fought for the rights of believers by submitting a request to the government to provide freedom of worship. The result of the nationalist group's struggle was implemented in the 1945 Constitution Article 29 paragraphs (1) and (2) which emphasized the freedom of religion and worship according to their respective beliefs and beliefs. The conflict between people of traditional beliefs and religious people tends to lead to discrimination and marginalization.²²

Based on the results of interviews conducted by the author with 10 *Kejawen* believers, an overview of the forms of discrimination experienced by *Kejawen* believers along with the causes and solutions based on their experiences and opinions is obtained. The informants of this research are all *Kejawen* believers, which are:

1. Ares
2. Eka Meilinda
3. Ekeng
4. FMA
5. Hadi
6. Ngantutik
7. Sugiarto S.T.P
8. Sulkhan Sugiarto
9. TD
10. Yayuk Srianingrum

A. Law Regarding the Discrimination

On October 28, 2005, the Indonesian government ratified the ICESCR (International Covenant on Economic, Social, and Culture Rights) into Law Number 11 of 2005 and the ICCPR (International Covenant on Civil and Political Rights) into Law Number 12 Year 2005. The ratifications have consequences for the implementation of human rights because Indonesia has legally bound itself. This means that the Government of Indonesia has an obligation to adopt the covenant into the form of law, but it also has the obligation to respect, protect, and fulfill human rights and to make reports concerning legal adjustments,

²² Fitriatul Hasanah, Ahmad Arif Widiyanto, and Joan Hesti Gita Purwasih. 2021. "Dinamika Konflik Identitas Penghayat Sapta Dharma Di Desa Sukoreno, Jember, Jawa Timur", *Jurnal Sosiologi Reflektif*, 16(1): 1.

measures, policies, and actions taken.²³ Several articles in this Covenant emphasize the recognition of the right and guarantee the protection of the right to freedom of religion.

One of the principles in human rights norms is the principle of non-discrimination, which stems from the view that all human beings are equal which means that everyone should be treated equally. Religious diversity is also something that has a place in this principle. Restriction of one's religion is a violation of human rights. The term discrimination is not defined in the ICCPR, including the principle of non-discrimination. However, the Human Rights Committee, through its General Comment No. 18 in 1989, emphasized that the principle of "non-discrimination" should be manifested at the level of implementation.²⁴ Equality before the law and equal protection of the law without discrimination are the basis and general principles for the protection of human rights.²⁵

Article 2 of the Universal Declaration of Human Rights states that "Everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."²⁶ There are eight elements included in this right to freedom of religion or belief, namely internal freedom, external freedom, non-coercion, non-discrimination, parental or guardian rights, freedom of institutions and legal status, the limits of permissible restrictions on external freedom, and non-susceptibility.²⁷

In the scope of national law, Indonesia also has several regulations regarding the Right to Religion. There are two articles in the 1945 Constitution on the guarantee of freedom of religion and belief in Indonesia, namely article 28E, paragraph (1), which reads "Everyone is free to embrace a religion and worship according to his religion" and paragraph (2) "Everyone has the right to freedom of belief, expression of thoughts and attitudes according to his conscience." Meanwhile, Article 29 paragraph (2) of the 1945 Constitution states "The State

²³ Oki Wahyu Budijanto, 2016. "Penghormatan Hak Asasi Manusia Bagi Penghayat Kepercayaan Di Kota Bandung", *Jurnal HAM*, 7(1): 35.

²⁴ UN Human Rights Committee (HRC). 1989. "CCPR General Comment No. 18: Non-Discrimination", I(18): 10.

²⁵ Rachel Hodgkin and Peter Newell, 1998. *Implementation Handbook for the Convention on the Rights of the Child*, New York: UNICEF, New York. p.22

²⁶ Deen K. Chatterjee, "UDHR". 2011. *Encyclopedia of Global Justice*. Encyclopedia of Global Justice.

²⁷ Robert Minsel, 2022. "Kebebasan Beragama Di Indonesia Dalam Perspektif Hak Asasi Manusia", *Jurnal Ledalero*, 21(1): 51

guarantees the freedom of each resident to embrace his or her religion and to worship according to his or her religion and belief.²⁸ Thus, it is a necessity that the state has a constitutional obligation to protect the freedom of religion for every citizen.

Moreover, Law No. 39 Year 1999 on Human Rights also stipulates the existence of human rights and basic human obligations. Article 22 of Law No. 39/1999, for example, states that: "(1) Every person is free to embrace his or her own religion and to worship according to his or her religion and belief; and (2) The State guarantees the freedom of every person to embrace his or her own religion and to worship according to his or her religion and belief."²⁹

As of the ratification of the International Covenant on Civil and Political Rights, Indonesia has Law Number 12 Year 2005. In Article 18 paragraphs (1), (2) and (3) of this Law, it is mentioned that among others include the right to freedom of religion and belief as follows:³⁰

1. Every person has the right to freedom of thought, conscience and religion. This right includes freedom to embrace or accept a religion or belief of his/her own choice, and freedom either individually or together with other people, and either in public or private, to practice his/her religion or belief in the activities of worship, observance, practice, and teaching;
2. No one shall be coerced into interfering with his freedom to profess or accept a religion or belief of his choice;
3. Freedom to manifest one's religion or belief may be limited only by such provisions of law as are necessary to protect public safety, order, health, or morals or the rights and fundamental freedoms of others.

Despite all the international and national regulations concerning the Right to Religion, conflicts persist between the followers of the six official religions and those adhering to other traditional/indigenous beliefs in Indonesia. These conflicts have been occurring since the formulation of the 1945 Constitution and continue to the present day. These conflicts often result in discrimination and marginalization.

²⁸ Article 29 paragraph (2) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945

²⁹ Article 22 Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia

³⁰ Undang-Undang Republik Indonesia Nomor 12 Tahun 2005 tentang Pengesahan Kovenan Internasional tentang Hak-Hak Sipil dan Politik.

B. The Form of Discrimination that is Felt by *Kejawen* Believers

According to the Cambridge Dictionary, discrimination can be defined as treating a person or particular group of people differently, especially in a worse way from how you treat other people, because of their race, gender, sexuality, etc.³¹ As a minority, people with *Kejawen* Beliefs often get discrimination from both society and formal institutions.

1. Discrimination by the Society

The general public's view of local believers is entrenched. They assume that *Kejawen* and other local beliefs are heretics and blasphemers. It is difficult to change people's mindsets so that discriminatory actions do not occur. There is cross-generational trauma due to discrimination that has occurred for decades. Many believers have been allowed to replace the ID card column with believers but fear that one day it will be questioned both in the bureaucracy and the community.

The Chairman of the Supreme Council of a community called "*Kepercayaan Kepada Tuhan Yang Maha Esa*" (Beliefs in One Almighty God) said that Supreme Court Decision No.97/PUU-XIV/2016 is more operational. Discrimination is still ongoing despite the Supreme Court Decision. In addition, local believers have also not been involved in the Religious Harmony Forum (FKUB), which can also be seen as a rejection of the rights of local believers.³²

FMA as the informant of this writing said that the discrimination from their experience is about believing in *weton*. "*Percaya dengan weton (Jodoh, Kematian, Kelahiran)*." Ekeng also said similar thing, which the discrimination is because they do not have holy book and believing in their ancestors "*Tidak ada dasar kitab dan lebih percaya akan peninggalan ajaran leluhur*." Besides that, Eka Meilinda says that people are making fun of *Kejawen* "*Menganggap bahwa kepercayaan itu hanyalah bercandaan. Mengatakan bahwa saya bukanlah orang yang logis dan ketinggalan zaman*." Majority of people see *Kejawen* as a belief of black magic, as stated by TD, "*Dikucilkan dan dianggap bahwa kepercayaan Kejawen menganut ilmu hitam*."

Moreover, until their death, *Kejawen* people still get discriminated because they are not allowed to use the public cemetery as stated by Ngattutik, "*Dikucilkan, orang kepercayaan tidak diberi tempat di makam umum dan*

³¹ *DISCRIMINATION Definition* | Cambridge English Dictionary", Available From: <https://dictionary.cambridge.org/us/dictionary/english/discrimination>.

³² *Muhammad Sidratul Muntaha Idham, Loc.Cit.*

diasingkan jauh dari desa.” Ngattutik’s statement is confirmed by Sulkhan Sugiarto who stated, *“Orang Kejawen tidak boleh dikubur di makam umum dan harus di tempat sendiri ketika meninggal”* (“People of *Kejawen* should not be buried in public graves and must be laid to rest in a separate place when they pass away”).

People can also accidentally discriminate *Kejawen* believers just because they have no knowledge about *Kejawen*, as stated by Ares, *“Bukan diskriminasi sih, lebih ke orang-orang tidak percaya atau tidak tahu kalau Kepercayaan Kejawen itu benar-benar ada. Terlebih saya berkuliah di luar kota Jawa, jadi banyak yang tidak tahu mengenai keberadaan orang-orang yang menganut kepercayaan Kejawen ini bahkan tidak tahu kalau Kejawen merupakan kepercayaan yang sudah ada sejak zaman leluhur Indonesia”* (“It seems more like a lack of awareness or understanding rather than discrimination. Especially for those studying outside Java, there may be a lack of knowledge about the existence of people who follow the *Kejawen* belief, and some may not even be aware that *Kejawen* is a belief system that has been present in Indonesia since ancient times. Education and awareness can play a crucial role in fostering understanding and respect for diverse beliefs and practices”).

Not only that, Hadi said that *Kejawen* people often get difficulties in the matter of administration in government institutions and get mocked by other religious leader. *“Dalam pengurusan perubahan KTP ada sebagian sahabat saya yang dipersulit dan sebagian pemuka agama ada menghujat dengan kata kata kasar dan kurang menghormati apa yang saya yakini”* (“In the process of changing the ID card (KTP), some of my friends have faced difficulties, and some religious leaders have used offensive language and shown a lack of respect for what I believe”). Hadi’s statement is approved by Sugiarto S.T.P, *“Ketika perubahan identitas KTP, pihak dukcapil mempersulit dengan berbagai alasan, padahal setiap warga negara berhak atas kepercayaan atau keyakinan dipilih”* (“During the process of changing KTP identities, the civil registration office (Dukcapil) complicates matters with various reasons, even though every citizen has the right to choose their beliefs or convictions”). The discrimination not only comes from the government institution, but also from other formal sectors as stated by Yayuk Srianingrum, *“Dikucilkan karena yg seolah-olah tidak sama atau pada umumnya, dan dihakimi masyarakat baik di masyarakat juga di tempat kerja”* (“Isolated because of seeming differences or being out of the ordinary, and

judged by society both in the community and at the workplace”).

2. Discrimination by the Formal Institutions

The discrimination of *Kejawen* believers not only exists in the society but also the implementation of the law. Marriage in Indonesia is based on God and religion based on Law Number 1 of 1974 concerning Marriage. Article 1 of the law reads “Marriage is valid if performed according to the laws of each religion and belief.” Although it is possible to include traditional beliefs in the ID card column, there is no specific procedure for registering traditional marriages, making it difficult for people with beliefs other than the six official religions to register their marriages. The lack of marriage registration means that many children born from these marriages do not receive birth certificates and have difficulty enrolling in school.³³

Another case of discrimination by a formal institution also happened a few weeks after the Constitutional Court issued its decision. The Indonesian Ulema Council held its third National Meeting in Bogor. Based on the event, the Indonesian Ulema Council issued five points of recommendation about the Constitutional Court's decision, one of which was to regret the Constitutional Court's decision because it was considered less careful and hurt the feelings of religious people, especially Indonesian Muslims. The Indonesian Ulema Council conveyed their recommendation at length and protractedly disagreed with the Constitutional Court's decision. Indonesian Ulema Council proposed that the followers of sects of belief or traditional beliefs be made a special ID card that is different from other citizens.³⁴ This can be unfair since the believers of other unofficial religions want to be recognized and do not want to use a “mask” by listing another religion in the religion column of their ID card. They also want to list their beliefs proudly.

All the discrimination that occurs both from society and formal institutions shows that the Indonesian government is still unable to apply all forms of existing regulations on freedom of religion. *Kejawen* belief is one of the traditional beliefs in Indonesia. Moreover, freedom of religion is also regulated by international regulations. If Indonesia is based on Unity in Diversity, all elements of the country

³³ Kudus Purnomo Wahidin. 2020. *Kami Masih Mengalami Diskriminasi, Dianggap Ajaran Sesat*, Available From: <https://www.alinea.id/nasional/kami-masih-mengalami-diskriminasi-dianggap-ajaran-sesat-b1ZRL9wnR>

³⁴ Irfan Teguh, 2019, *Sejarah Diskriminasi Penganut Agama Lokal di Indonesia Baca selengkapnya di artikel*. Available From: <https://tirto.id/sejarah-diskriminasi-penganut-agama-lokal-di-indonesia-dhTX>

should be able to unite in maintaining diversity.

3. The Reasons for Discrimination

Based on the informants' experiences, the discrimination against *Kejawen* believers is concerning. Therefore, the researcher tried to explore further the reasons for the discrimination based on what the informants felt. Mostly, the reason based on their experience is because the society thinks that *Kejawen* is polytheistic based on the belief of the majority.

Sulkhan Sugiarto as one of the informants said that many people are scared of *Kejawen* because it is different with other official religions, *"Karena sudah dianggap tidak sekeyakinan, faktor iri, bahkan takut jika Kejawen menjadi berkembang pesat"* ("Because it is already considered not of the same belief, driven by envy, and even fear that *Kejawen* might grow rapidly"). This statement is approved by Yayuk Srianingrum who said that the discrimination came from people who think that *Kejawen* is heretical teaching, *"Kejawen dianggap tidak pada umumnya, karena tidak sepadan (sesat) dan dengan adanya kepercayaan Kejawen ini membuat timbul takut akan berkembangnya kepercayaan ini lebih banyak"* ("*Kejawen* is considered unconventional because it does not conform to the norm (deemed deviant), and the existence of this *Kejawen* belief instills fear of its proliferation").

Moreover, another reason is that many people do not know about the existence of *Kejawen* and have the opinion that the six official beliefs are the right ones. It is stated by Sugiarto S.T.P that *"Dogma agama yang membuat banyak orang/kelompok tertentu merasa paling benar, sehingga kesadaran menghargai sesama yang tidak sekeyakinan menjadi minim yang berdampak pada dangkalnya pemikiran dan tidak bisa bijak dalam memandang suatu permasalahan"* ("The religious dogma that makes many individuals or specific groups feel they are the most correct, resulting in a lack of awareness to appreciate others who do not share the same beliefs. This has an impact on shallow thinking and an inability to approach problems with wisdom").

Ares also added that the discrimination towards *Kejawen* people can happen because the society does not have knowledge regarding the traditional beliefs, *"Kurangnya pengetahuan mengenai kepercayaan-kepercayaan di Indonesia secara historis dan mendalam"* ("The lack of knowledge about historical and profound beliefs in Indonesia"). Similar thing is said by Eka Meilinda, who said that nowadays, in the era of science development, *Kejawen*

belief looks unrealistic to majority of people “*Di era perkembangan ilmu pengetahuan yang pesat kini, serangkaian kejadian harus dapat dibuktikan dan realistik. Sedangkan bagi mereka yang tidak mempercayai kepercayaan Kejawen menganggap kepercayaan tersebut sesuatu yang tidak logis dan tidak realistik*” (“In the current era of rapid scientific development, a series of events must be provable and realistic. Meanwhile, for those who do not believe in the *Kejawen* belief, they consider it something illogical and unrealistic”).

Based on these reasons, it can be seen that Indonesian society and government have not been able to create a safe space for people with traditional beliefs such as *Kejawen*. The lack of a deep understanding of Unity in Diversity, the superiority of the majority of people who follow the six official religions, and the habit of stigmatizing those who are considered different, are the basis of discrimination against *Kejawen* believers.

IV. Conclusion

As a natural right inherent in every human being as a creature of God Almighty, freedom of religion should be a human right that cannot be reduced under any circumstances. However, in Indonesia, it is understood that the limitation of human rights is possible as long as it is done only by certain laws, in some cases it often raises legal uncertainty and actually causes discriminatory treatment.

With the basis of Pancasila, Indonesians strongly uphold the first principle of "Belief in One Almighty God." Therefore, religion is an important factor in the lives of people in Indonesia. Many religions and beliefs have grown and developed in Indonesia. Not only the 6 official religions that exist in society but also the traditional beliefs that have existed since ancient times, one of which is the *Kejawen* belief. Article 29 of the 1945 Constitution of the Republic of Indonesia clearly states that everyone has the right to express, embrace, and worship according to their religion. Not only national law, but international law also sees the right to express religion as human rights as written in the International Covenant on Civil and Political Rights, which is also already ratified by Indonesia.

The internal nature of the right to freedom of religion or belief (namely the right of every citizen to adopt or determine his religion or belief of his own choice) should not be restricted because it is an individual matter and not a state issue.

This freedom is protected without any conditions. The state may not stipulate which religious teachings citizens must and must not adhere to. Every citizen must have the right and freedom to determine their religion.

However, discrimination towards *Kejawen* believers is still happening in Indonesia. It happens in the form of ridicule, humiliation, and rejection from society. Not only that, in formal institutions, even in governmental institutions, *Kejawen* believers still cannot get fair treatment. This indicates that citizens often perceive the first precept of Pancasila as applicable only to the six official religions, overlooking the diverse beliefs present in Indonesia. Moreover, the majority of people in Indonesia fail to incorporate the 1945 Constitution of the Republic of Indonesia as the foundation of their daily lives.

Adherents of traditional beliefs should not face discrimination based on conceptual distinctions, even though religions and traditional beliefs may have slightly different ideas. While access to the law must be equal, the distinction between religion and belief is limited to normative considerations. However, supporters of traditional beliefs, such as *Kejawen* in this case, feel that the current implementation has not met their expectations. Discrimination from formal institutions sets a negative example for society. *Kejawen* adherents continue to face various negative perceptions and even verbal criticism from their surroundings. This fear of judgment makes *Kejawen* and other local believers hesitant to openly express their beliefs. Many of them lack the courage to declare their beliefs on their ID cards.

The Indonesian government should take serious actions to address problematic regulations. This involves initiatives from various institutions, such as the Ministry of Education and Culture, to reassess marriage registration regulations. There is also a need for extensive socialization with all officials and religious leaders to foster mutual protection and uphold tolerance. Furthermore, the government must enhance efforts to provide fair treatment to all Indonesians, irrespective of their religious beliefs. It is imperative to incorporate education about the diversity of beliefs in Indonesia from elementary school onwards. This education should emphasize that religions in Indonesia extend beyond Islam, Christianity, Catholicism, Buddhism, Hinduism, and Confucianism, acknowledging the existence of various beliefs predating the official recognition of the six religions. This proactive measure aims to prevent future generations from repeating the mistake of discriminating against individuals of different faiths.

Upon fulfilling these elements, the community is likely to become more accepting of adherents of traditional beliefs, including those who follow *Kejawen* beliefs.

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