



POLITICAL LEGAL RECONSTRUCTION OF POPULATION ADMINISTRATION LAW IN MEASURING THE CONSTITUTIONAL EXISTENCE OF CONTEMPORARY NUSANTARA BELIEF ADHERENTS

Suratman

Faculty Of Law University Of Widya Mataram Yogyakarta
clxsuratman@gmail.com

Lestari Anggraini

Faculty Of Law University Of Widya Mataram Yogyakarta
lestarizenith@gmail.com

Yessy Madya Putri

Faculty Of Law University Of Widya Mataram Yogyakarta
yessyputri2101@gmail.com

Abstract - Recognition of indigenous belief adherents in Indonesia is an essential part of the state's efforts to ensure the fulfillment of citizens' constitutional rights. For decades, followers of local beliefs have faced administrative barriers because the population administration system only accommodated officially recognized religions. This condition has resulted in various forms of discrimination in accessing public services, such as marriage registration, education, and other social services. This study employs a normative legal research method with statutory and conceptual approaches, using qualitative analysis of primary, secondary, and tertiary legal materials. The discussion shows that Constitutional Court Decision No. 97/PUU-XIV/2016 marked a significant turning point in transforming the paradigm of Population Administration Law by recognizing the identity of belief adherents in official state documents, such as electronic identity cards (KTP-el) and Family Cards. The decision has encouraged more inclusive population administration policies through identity inclusion and data integration in the Population Administration Information System (SIAK), providing legal certainty for belief adherents in accessing public services. However, in practice, administrative and social constraints still exist, including limited bureaucratic capacity and societal stigma toward belief adherents.

Keywords: *Political Law, Population Administration, Penghayat Trust, Constitutional Rights, Local Wisdom.*

INTRODUCTION

The Indonesian state constitutionally guarantees the freedom of every resident to embrace religion and worship according to their respective beliefs without exception. The provisions of Article 29 paragraph (2) of the 1945 Constitution become the main

foundation that provides full assurance of the diversity of beliefs in all corners of the archipelago. The Constitution affirms that the state guarantees the freedom of each population to embrace their respective religions and to worship according to their religions and beliefs. In fact, the course of history

shows that penghayat trust groups often face a variety of systematic administrative barriers in the state bureaucracy. These barriers have a wide impact on the neglect of access to other civil rights that should be inherent in every citizen as a subject of law. This discriminatory treatment often arises as a result of a narrow interpretation of the regulations in force at the technical level. Such conditions create urgency for the need for political reconstruction of Population law that is more inclusive and respects the plurality of Indonesian spirituality. The restoration of constitutional rights for adherents of local beliefs is an essential step in realizing social justice for all people without distinction of faith background. (Riani & Ilmih, 2024)

The state previously limited the filling in of the religion column on the identity card document to only six religions that are considered administratively recognized. Elucidation of Article 1 presidential decree 1/1965 has been the main reference in limiting official state recognition of the religious identity of the Indonesian population for decades. This administrative practice has indirectly created a dualism of legal treatment of citizens who profess local beliefs outside of these official religious categories. Citizens who choose to remain faithful to the teachings of their ancestors are forced to face a difficult choice between emptying the religious column or following the available categories for the sake of obtaining public services. The impact of this policy is very detrimental to the bargaining position of the mandate community in various civil affairs and

population bureaucracy. The injustice is the trigger for the emergence of collective consciousness to demand equal rights before the law through the Constitution. The restrictive politics of Population law in the past must now be abandoned in favor of a legal order that respects human rights. This transformation is an important part of the history of the struggle for recognition of the identity of indigenous peoples and religious communities in Indonesia. (Arifin, 2019)

The Constitutional Court through Decision No. 97/PUU-XIV / 2016 finally gave an answer to the problem of administrative inequality experienced by the faithful. The panel of judges stated that the word religion in the law on Population Administration is contrary to the 1945 Constitution as long as it does not include the meaning of belief. This monumental ruling affirms that adherents of belief in God Almighty have equal legal standing with adherents of the six long-recognized religions. The existence of penghayat Trust has now gained strong legal legitimacy in state documents such as identity cards and Family Cards. The state has a constitutional obligation to remove any form of administrative obstacle that prevents believers from obtaining their civil rights in full. The decision is a form of restoration of dignity for citizens who have been marginalized by a less inclusive population administration system. This Momentum is a turning point for the improvement of the civil registration system in Indonesia to better reflect the spirit of *Bhinneka Tunggal Ika*. This formal legal

recognition is expected to be able to remove the negative stigma and social discrimination that has been experienced by the community of penghayat in public space. (Sanjaya et al., 2021)

The legal implications of the ruling require the state to include the phrase belief in God Almighty in the identity column of the population of believers. This recognition is imperative, which means that every implementing agency of Population Administration is obliged to serve data changes for adherents of the flow of beliefs without discrimination practices. This decree is a fundamental guarantee for the creation of individual civil law certainty in various aspects of State Life. Accurate identity recording is very crucial, especially in matters of marriage registration, child birth certificates, to the protection of the rights of heirs in the future. The legality of this administration provides protection for the millennial generation of believers so that they can continue to carry out the values of local wisdom of the archipelago without fear of losing access to state services. Future challenges demand the government's consistency in implementing this policy evenly throughout Indonesia's sovereign territory. The politics of civil law must continue to be guarded so that there are no technical obstacles that can injure the spirit of the Constitutional Court's decision. The harmony between legal norms and administrative practices is key to the sustainable protection of human rights. ((PUSHAM) et al., 2008)

The development of national law in the era of democratic transformation requires the

harmonization of administrative regulations with the values of human rights that are universal and constitutional. The position of man as the main legal subject in the state order requires the state to be present to provide protection and recognition of the spiritual identity that is an integral part of human dignity. The politics of civil law in Indonesia is currently moving towards a more inclusive direction to accommodate the plurality of beliefs that have historically been deeply rooted in the hearts of the nation. A solid legal foundation is needed to ensure that no citizen is marginalized or loses his civil rights just because of differences in the flow of beliefs that are embraced. The presence of the state in providing administrative legality for each individual adherent of local beliefs is a tangible manifestation of the implementation of the principle of equality before the law without discrimination. Efforts to reconstruct population policy become a strategic instrument to ensure that the spirit of social justice for all Indonesian people can be felt in real terms by minority groups that have been marginalized by the rigidity of the past bureaucracy. The strengthening of this constitutional guarantee is the basic foundation for the creation of national integration based on respect for the pluralism of Indonesian beliefs. (Adji, 1980a)

Table: 1

Hierarchy and substance of administrative regulation and protection of Human Rights Penghayat Trust

Type of Regulation	Number & Title of Regulation	Main Substance Related to the Rights of Believers (Penghayat)	Implications for Civil Law & Human Rights

Constitutional Foundation	Article 28E paragraphs (1) & (2), Article 29 paragraph (2) of the 1945 Constitution	Guarantees the freedom to practice religion and to hold beliefs according to one's conscience.	The highest legal source that protects all civil rights and the spiritual freedom of citizens.
National Human Rights Instrument	Article 22 paragraphs (1) & (2) of Law No. 39 of 1999 on Human Rights	Establishes the right to religion and belief as non-derogable rights (rights that cannot be reduced under any circumstances).	Imposes an obligation on the state to actively guarantee freedom of worship and legal protection for adherents of belief systems.
International Human Rights Instrument	Law No. 12 of 2005 (Ratification of the ICCPR)	Article 18 guarantees freedom of thought, belief, and religion without coercion from any party.	A global standard requiring Indonesia to eliminate systemic discrimination in state administration.
Constitutional Correction	Constitutional Court Decision No. 97/PUU-XIV/2016	Annuls the practice of leaving the religion column blank and requires the inclusion of the identity of adherents of indigenous beliefs.	Restoration of constitutional rights and equality of legal subjects in the population administration system (SIAK).
Operational Regulation	Law No. 24 of 2013 (Amendment to Law No. 23/2006) on Population Administration	Regulates population data elements (NIK, Name, Religion/Belief) in the electronic ID card (KTP-el) and Family Card (KK).	Provides the legal basis for Civil Registry Offices (Dukcapil) to issue inclusive population documents.
Historical-Restrictive Basis	Explanation of Article 1 of Presidential Decree No. 1 of 1965	Mentions the six official religions practiced by the majority of Indonesians.	Serves as an object of critical evaluation in academic discussions as the starting point of dualism in administrative treatment.

The dynamics of state recognition of the existence of people of faith in Indonesia cannot be separated from the long history of

relations between the state, religion, and Human Rights. In the practice of Population Administration, people of faith have for many years experienced various structural obstacles due to administrative restrictions on religious recognition by the state. Policies that only accommodate certain religions in population documents have caused discrimination against local faith groups that are actually part of the spiritual heritage of the Indonesian nation. This condition causes Trust workers to often face difficulties in obtaining various public services such as marriage registration, birth certificates, and access to education and work. This situation shows that non-inclusive administrative policies can lead to inequality of rights for citizens in the life of the state. As explained in a study published in *Contemporary Issues on Interfaith Law and Society*, the policy of the population administration prior to the Constitutional Court ruling had placed the inhabitants of the trust in a position vulnerable to administrative discrimination because their identity of trust was not officially recognized in the country's population documents. (Khaidar & Nugraha, 2022)

The problem then prompted the emergence of various legal efforts to demand constitutional recognition of the identity of the faithful. The peak was when the Constitutional Court issued Decision number 97/PUU-XIV / 2016 which affirmed that the phrase "religion" in the Population Administration Law must be interpreted to also include belief in God Almighty. This ruling was an important milestone in the restoration of the constitutional right

of the faithful, since for the first time the state explicitly granted administrative recognition to their identity in the document of residence. Research in the judicial Journal confirms that the ruling is a progressive step towards ending the practice of state discrimination against streams of beliefs that have so far been outside the category of official religions. (Jufri, 2020a)

In addition, a study in the Journal actual Justice also explained that the decision of the Constitutional Court provides legal certainty for believers so that they obtain the same social, political, and administrative rights as followers of other religions in the state administration system. (Anam & Ahmad, 2024) Nevertheless, the implementation of legal recognition of trust beneficiaries still faces various challenges in bureaucratic practices at the regional level. A number of studies show that there are still administrative barriers caused by a lack of understanding of the state apparatus as well as socio-cultural factors that affect public acceptance of the existence of penghayat trust. In a study published in *Staatsrecht: Indonesian Constitutional Law Journal*, it is explained that before the Constitutional Court's decision, people of faith often experienced marginalization and discriminatory public services in various population administrative matters. (Farihah, 2020a)

in addition, other studies also confirmed that the existence of the ruling should be a momentum for the country to reform population administration policies that are more inclusive and oriented to the

protection of human rights. (Anwar & Baskoro, 2022) hus, the consistency of the implementation of the Constitutional Court's decision is an important factor in ensuring that legal recognition of trust tenants not only stops at the normative level, but also manifests itself in fair, non-discriminatory public service practices, and in accordance with the principle of equality before the law

LEGAL RESEARCH METHODS

This study applies juridical-normative legal research methods that place the law as a building norm system. The norm in question is the principles, rules of legislation, Court decisions, as well as the doctrine of prominent legal scholars. The use of this method aims to analyze the vertical and horizontal synchronization between the 1945 Constitution, the Population Administration Law, and the Constitutional Court decision related to the existence of the trust. The research approach used includes statutory approach (statute approach) and conceptual approach (conceptual approach). The conceptual approach moves away from the views and doctrines that develop in legal Science in order to build legal arguments in solving the issues at hand. Referring to the thought of Peter Mahmud Marzuki, normative legal research is not just collecting regulations, but a process of finding the rule of law, legal principles, and legal doctrines in order to answer the issue of Population law that is discriminatory against adherents of local beliefs in Indonesia. (Arafah et al., 2019)

The analysis in this journal is also reinforced by The Theory Of

Order of norms (Stufentheorie) proposed by Hans Kelsen and further developed by Hans Nawiasky. This theory explains that legal norms are tiered and layered in a hierarchy, where lower norms should not conflict with higher norms. In this context, Article 61 and Article 64 of the Administrative Law which previously restricted the recording of religion are norms that contradict the Grundnorm or basic state norms, namely Pancasila and the 1945 Constitution which guarantee freedom of belief. Through the lens of this theory, the decision of the Constitutional Court Number 97 / PUU-XIV/2016 is seen as an effort to restore constitutional correction to restore the dignity of the hierarchy of legislation (Kelsen, 2017). Indonesian legal figure, Soerjono Soekanto, also emphasized the importance of public legal awareness and law enforcement so that the certainty of civil law for people of faith can be realized in a real way, not just be a dead text in the state gazette that does not have sociological behavior in the field. (Soekanto, 2006)

The source of data used in this study is entirely derived from secondary data consisting of primary, secondary, and tertiary legal materials. Primary legal materials include authoritative regulations such as the Constitutional Court decision and the administrative Amendment Act, while secondary legal materials include legal textbooks, scientific journals, and opinions of civil law experts such as Oemar Seno Adji who discussed the correlation between the Pancasila rule of Law and freedom of religion. (Adji, 1980b) The technique

of collecting legal materials is carried out through library studies (library research) with inventory procedures and systematic identification of norms. The collected legal materials are then analyzed using descriptive-prescriptive analysis methods. This method not only describes the objective condition of the legality of the administration of the trust, but also provides a prescription or assessment of how the law should be applied to protect the civil rights of millennial Trust tenants in the future. This is in line with the function of law as a means of Community Renewal (law as a tool of social engineering) as conceptualized by Roscoe Pound and introduced in Indonesia by Mochtar Kusumaatmadja. (Kusumaatmadja, 2002)

RESULTS AND DISCUSSION

a) Implementation of Constitutional Court Decision No. 97 / PUU-XIV / 2016 in population administration system in Indonesia

The implementation of Constitutional Court Decision No. 97 / PUU-XIV/2016 in the population administration system in Indonesia is a revolutionary step towards total inclusivity. The Department of Population and Civil Registration in various regions, including the province of West Kalimantan, has been actively carrying out this mandate by facilitating the printing of electronic identity cards for people of faith. This process refers to the updating of Law Number 24 of 2013 concerning Population Administration which now provides an equal position

between religion and belief in the official identity column of the population. The inclusion of the phrase belief in God Almighty is a clear proof of the presence of the state in accommodating the original spirituality of the archipelago which has been outside the conventional administrative categories. This transformation is not just a technical change in the card chip, but a symbol of the restoration of civil rights of local believers such as Sunda Wiwitan, Batak Parmalim, and Sapto Darmo who had experienced the emptying of the identity column for decades. The ministry's proactive steps in ordering regions to issue new Family Cards show a strong commitment to creating an administrative order that is fair to all levels of society. (Siregar et al., 2020a)

The challenge of today's millennials is shifting from mere legal recognition to aspects of identity sustainability in the midst of monolithic modernity. This young generation is at a crucial crossroads between preserving the legacy of ancestral traditions and adapting to the demands of the education system and the competitive world of work. The phenomenon of increasing requests for changes in religious columns in regions such as Ponorogo and Kuningan indicates the collective courage of millennials to formally express their spiritual identity. However, the integration of data in the National Population database System remains the main key so

that they can access jobs in the public and private sectors without sociological barriers. Indonesian Legal politics must ensure that global standardization and digitalization of administration do not erode the unique values of the archipelago that become the nation's cultural wealth. Support from the relevant ministries through the submission of population documents symbolically in various cultural festivals is a strategic effort to eliminate the negative stigma that has been attached. The success of millennials in navigating this identity will determine the future of Indonesia's pluralism within the frame of cultural sovereignty. (Viri & Febriany, 2020)

The formal education sector still leaves deep problems for millennial *penghayat* trust related to the distribution of educators and specific curricula. Although the regulation has guaranteed the right to religious education according to faith, the reality on the ground shows that the special curriculum of *penghayat* is still difficult to access evenly in various remote areas. This forced the *penghayat* kepercayaan students to keep following the official religious subjects in order to meet the existing academic graduation standards. This inequality shows that administrative inclusiveness in the population document has not been fully followed by substantive inclusiveness in the basic state service system. The Ministry of culture's efforts in

providing recognition through festivals is a first step, but more technical policy synchronization with the Ministry of education is needed. The absence of a competent instructor in the teachings of certain beliefs can lead to a shallow understanding of the value of local wisdom in the next generation. Therefore, strengthening the capacity of educational institutions is an urgent aspect so that the constitutional rights that have been won at the green table of the Constitutional Court can be felt in concrete terms in the classroom. (Maulana, 2024)

The problem of marriage and civil law administration remains a crucial issue that requires serious attention from policy makers at the regional level. Registration of marriage for penghayat trust must be recognized as a legitimate legal action by the Department of Population and Civil Registration in accordance with the mandate of the law that has been adjusted. The absence of a valid record carries a high risk to the child's legal status, from the handling of birth certificates to uncertainty in the distribution of common property as well as future inheritance rights. Practice on the ground shows that there are still challenges in the procedure for legalizing the marriage of believers that require coordination between traditional leaders and civil registry officers. Strengthening administration at the local level is essential to mitigate potential civil disputes that could harm the legal position

of believers in the eyes of the courts. The legality of a well-documented marriage will provide legal protection for the wife and children in the family structure of the householder. Synchronization of rules between the Ministry of Religious Affairs and the Ministry of Home Affairs is needed to avoid sectoral egos that often hinder the process of public service for these minority communities. (Maulana, 2024)

The response of religious institutions such as the Indonesian Ulema Council provides another perspective in the dynamics of legal politics related to the position of believers in Indonesia. The statement that the penghayat belief cannot be categorized as a religion shows that there are theological limitations that are still maintained in public discourse. This difference of views confirms that administrative recognition in KTP and KK is a state jurisdiction that must be distinguished from the territory of certain religious doctrines. The state through the Ministry of Home Affairs ensures that this policy of inclusion of beliefs has been intensively communicated with various religious leaders in order to maintain social stability. Although there is a debate about the liberalization of covert, the government still rests on the values of Pancasila that recognizes God Almighty without having to standardize the way of worship of the population. Freedom of religion in the

Pancasila state of law is seen in a positive connotation that provides protection for every believer as long as it does not violate the laws and regulations. This dialectic between religious norms and legal norms of the country is characteristic of the development of democracy in Indonesia, which continues to seek a balance point. Recognition of local believers is proof of the maturity of the nation in managing diversity. (Umam, 2014)

Administrative barriers to the implementation of Constitutional Court decisions often arise due to the unpreparedness of the bureaucratic infrastructure at the lowest levels of local government. Public service personnel in the field still need in-depth education on the technical procedure for changing data elements on population documents for adherents of local beliefs. The phenomenon of covert rejection or delay in printing documents often occurs due to the doubts of officials about the validity of trust organizations that have not been recorded nationally. This condition creates disparity in service quality between progressive urban areas and rural areas that are still rigid to the old administrative traditions. Cross-sectoral coordination between the Department of population and local Indigenous leaders is the main key in accurately validating the cultural identity of believers.

The state is obliged to ensure that every citizen receives equal treatment without discrimination based on the sentiments of the majority. The synchronization of regulations between the central ministry and local governments must be strengthened to ensure the accessibility of population documents for all people of faith in the archipelago. (Banjarnahor et al., 2019a). Strict supervision of the running of the bureaucracy in the region becomes an important instrument in maintaining the integrity of the law and Constitution consistently. Digital transformation in the National Population Administration system demands stricter protection of personal data for minority groups of people of faith. Migration of data to digital population identity systems should ensure that information about people's beliefs is not misused for discriminatory profiling purposes. The millennial generation relies heavily on this data security to avoid negative stigma when conducting job recruitment processes and applying for banking services. Inclusive database integration is the foundation for the creation of a digital ecosystem that values the diversity of Indonesian cultural identities. The government needs to provide a special complaint channel that is responsive to technical constraints in updating digital identity data for Indigenous communities. The issuance of the family card for penghayat

trust is a concrete step for the local government in carrying out the constitutional mandate and strengthening the legal position of Indigenous communities (Banjarnahor et al., 2019a).

Cybersecurity in population databases is a crucial aspect to prevent digital bullying of local believers in cyberspace. The success of this inclusive digitalization will strengthen national resilience and maintain cultural sovereignty in the midst of increasingly complex global modernity. The implementation of Constitutional Court Decision No. 97/PUU-XIV / 2016 in the practice of Population Administration shows a paradigm shift in Indonesian Legal politics that previously tended to be exclusive to be more inclusive. Through the decision, the state is required to accommodate the identity of the trustee in official documents such as electronic identity cards (KTP-el) and Family Cards. This change has a significant impact on the fulfillment of citizens' civil rights, especially for communities of people who previously had difficulty accessing public administration services. The study, published in the judicial Journal, explains that the decision of the Constitutional Court is a corrective step towards administrative policies that have created discrimination against adherents of local beliefs, while strengthening the principle of equality of citizens before the law. (Jufri, 2020b). The implementation of Constitutional Court Decision

No. 97/PUU-XIV / 2016 in the practice of Population Administration shows a paradigm shift in Indonesian Legal politics that previously tended to be exclusive to be more inclusive. Through the decision, the state is required to accommodate the identity of the trustee in official documents such as electronic identity cards (KTP-el) and Family Cards. This change has a significant impact on the fulfillment of citizens' civil rights, especially for communities of people who previously had difficulty accessing public administration services. The study, published in the judicial Journal, explains that the decision of the Constitutional Court is a corrective step towards administrative policies that have created discrimination against adherents of local beliefs, while strengthening the principle of equality of citizens before the law. (MD HARIZAN & Mustafa, 2020).

Therefore, strengthening public literacy regarding diversity of beliefs is an important step to encourage the creation of a more inclusive society and respect for spiritual pluralism. In this context, the millennial generation of believers has a strategic role as an agent of change in maintaining the sustainability of local wisdom values in the midst of an increasingly strong globalization. In addition, policy implementation challenges are also seen in other public service sectors, such as education and marriage registration for trust holders. Although regulations

have guaranteed their constitutional rights, the reality on the ground shows that there are still administrative barriers and limited resources that hinder the optimization of State Services. A study in *Staatsrecht: Indonesian Constitutional Law Journal* explains that the process of implementing Constitutional Court decisions often faces bureaucratic obstacles at the regional level, especially related to the readiness of the apparatus and coordination between government agencies. (Farihah, 2020b). This condition indicates that the success of legal reform depends not only on the existence of legal norms, but also on the capacity of state institutions to translate these norms into effective and non-discriminatory practice of public services. Therefore, strengthening coordination between Central and local governments and increasing the capacity of the bureaucratic apparatus are important factors in ensuring that the constitutional rights of people of faith are truly protected in real life.

b) Reconstruction of the legal protection of Population Administration in the fulfillment of the constitutional rights of Contemporary Nusantara Trust residents.

Efforts to protect the law against penghayat trust groups must continue to be improved in order to realize administrative order that truly upholds the value of democracy. The government's assertion that adherents of

beliefs that are not prohibited have the right to include their beliefs in the ID card is a preventive measure against potential abuse of the teachings. The Coordination Team for monitoring the flow of community beliefs continues to carry out its function to ensure that the development of local beliefs continues to run in a healthy path and in line with the Almighty God. Indigenous peoples such as the Karuhun Urang Sunda Wiwitan now have a stronger legal position to fight for their communal rights through a state-legitimate collective identity. The decades-long struggle finally paid off with the publication of a population document that represented the original identity of the believers. The successful implementation of this ruling in areas such as Buleleng, Bojonegoro, and Pasuruan became an inspiration for other regions to provide similar services. Strengthening the population administration system based on Human Rights is the foundation for the creation of a solid national integration. The future of Nusantara's local wisdom now depends on the consistency of law enforcement and the active participation of the millennial generation in safeguarding their ancestral heritage. (Aurellia & Salsabila, 2022a).

Preventive legal protection for trust holders is the main instrument in preventing the abandonment of constitutional rights through inclusive administrative policies.

Local governments in areas such as Buleleng and Pasuruan have pioneered the synchronization of population data to ensure that the trust column on the e-ID card is filled in accurately. This measure serves as a legal bulwark that prevents marginalized practices in access to public services for Indigenous communities.

The implementation of a healthy monitoring system from the relevant coordination team aims to keep the development of local spirituality in harmony with the Supreme Divine Principle. The optimization of the protection of Population law for the penghayat Trust Group must be based on democratic values in order to realize administrative order that upholds human rights. (Aurellia & Salsabila, 2022b).

Legal certainty provided through administrative regulations is a strong basis for believers to actively participate in the life of the state without fear. The present state provides guarantees that cultural identity will not be eroded by rigid bureaucratic standardization. This integration strengthens the foundation of national democracy that values identity pluralism as a valuable asset of the Indonesian nation in the era of modernity. Repressive legal protection is necessary as a measure of restoration of rights in case of violation of the legal position of believers in civil order.

Law enforcement officials are obliged to ensure that any discriminatory actions against the recording of important events

such as marriage are sanctioned in accordance with the provisions of the law. Judicial mechanisms provide space for Indigenous communities to challenge human rights abuses that impede access to social welfare and education. Consistent enforcement of the law against agencies that are reluctant to implement the decision of the Constitutional Court is a real form of cultural identity sovereignty. Law enforcement efforts through repressive channels serve to restore the civil rights of individuals who have been violated due to administrative malpractices and ensure justice for minority communities. (Aurellia & Salsabila, 2022c). Strengthening this legal status automatically provides protection for communal rights in maintaining local wisdom from the pressure of globalization. The state guarantees that every individual has an equal standing before the law without any barrier to differences of belief. These decisive steps are a guarantee for the existence of the contemporary archipelago that remains rooted in the noble values of the ancestors on an ongoing basis.

The integration of penghayat trust data elements into the National Population Administration Information System (SIAK) is a tangible manifestation of the state's efforts to realize inclusive administrative order. Former Director General of Dukcapil, Zudan Arif Fakrulloh,

emphasized that this recognition has accommodated the legal dynamics that developed after the Constitutional Court's decision so that there are no more bureaucratically marginalized residents. Population and civil registration services in various regions now play a vital role in ensuring that this identity transition proceeds without significant technical barriers for Indigenous Peoples. Legal certainty provided through SIAK allows believers to access a variety of basic public services, ranging from health insurance to the opening of banking accounts that were previously often constrained by the problem of Religious data Validation. This progressive legal politics must continue to be guarded so that the synchronization of Central and regional data remains consistent in protecting individual civil rights. The existence of an integrated database is a guarantee that every citizen, regardless of his religious background, receives equal treatment before the modern system of State Services (Siregar et al., 2020b).

The symbolic distribution of population documents by the Director General of Culture, Hilmar Farid, during the trust Festival shows that state recognition has now penetrated into the realm of strengthening broader cultural identity. This step is a political communication strategy to show the public that the identity of *penghayat* trust is a legitimate part of the sociological wealth of the

Indonesian nation that must be respected. The submission of ID cards with the trust column is a strong message for other agencies to immediately adapt policies in providing equal services for all adherents of the flow of trust. This phenomenon is also an important momentum for the community to come out of the shadow of past discrimination and begin to actively participate in more inclusive public spaces. The ministry's support for the existence of the *penghayat* in the cultural festival provides moral legitimacy that strengthens their bargaining position in the wider social order. Synergy between administrative policies and strengthening culture is the main key to the sustainability of the existence of indigenous peoples in the midst of globalization that tends to homogenize local identity. (Rojabi, 2025a).

Local governments through the instruction of the Ministry of Home Affairs are now required to issue Family Cards for trust beneficiaries as a follow-up to the elimination of discriminatory articles in the administration law. *Disdukcapil* Buleleng and various other regions witnessed how this regulatory change sparked the enthusiasm of residents to update their identity data in accordance with their inner beliefs. The inclusion of accurate identity in the Family Card is closely related to the protection of civil law, especially in determining the legal status of marriage and family tree that is valid in the eyes of the state. This

is very crucial for the protection of the rights of women and children in the community so that they get welfare guarantees and balanced legal justice. This policy is also an important instrument for local governments in mapping the distribution of believers to ensure a more accurate and equitable distribution of public services. Transparency in the process of changing population data is an indicator of the success of bureaucratic reform that upholds the values of democracy and Human Rights in every line of community service at the local level. (Banjarnahor et al., 2019b)

The dynamic response from the community related to the change of religion column into a believer in the West Java region shows that the growth in the number of adherents of local beliefs remains stable amid the challenges of the Times. Data recorded thousands of believers in West Java began to apply for changes in population data elements as a form of expression of freedom of belief guaranteed by the Constitution. Sociological challenges remain, especially related to the perception of some groups of people who still view this phenomenon as a form of veiled liberalization in the National Legal order. The government needs to provide comprehensive education that this administrative recognition is purely an effort to enforce human rights and does not aim to damage the established order of religious harmony. The politics of civil law must be able to be a fair

arbiter by providing legal protection for believers while maintaining social stability in the midst of a very complex diversity. Strengthening the legal status for the faithful will ultimately strengthen national unity through recognition of the plurality of identities that are the roots of the nation's history. Consistency in service without discrimination will be a new standard for the quality of Indonesian democracy in an increasingly open future. (Haryono, 2023).

Digital transformation in the centralized Population Administration Information System (SIK) demands stricter personal data protection to ensure the security of minority identity in cyberspace. Migration of data to digital identity systems should ensure that information about people's beliefs is not misused for discriminatory profiling of economic or social access. Millennials rely heavily on the integrity of this database to avoid negative stigma when conducting job recruitment processes or applying for banking services in the formal sector. Inclusive database integration is the foundation for the creation of a bureaucratic ecosystem that values the diversity of Indonesian cultural identity in the midst of modernity. The success of this inclusive digitalization will strengthen national resilience and maintain the dignity of the Constitution consistently from the central level to local governments. Cybersecurity in population databases is a crucial aspect to

prevent digital bullying of local believers in the era of information transformation. (Banjarnahor et al., 2019c).

Table 2:
Implementation and implications of
Constitutional Court Decision No. 97
/ PUU-XIV/2016

No	Implementation Aspect	Description of Implementation (Field Facts)	Juridical & Social Implications
1	Data Elements in KTP-el and Family Card (KK)	Civil Registry Offices (Dinas Dukcapil) in several regions (such as West Kalimantan, Ponorogo, and Kuningan) include the phrase " <i>Belief in the One and Only God</i> " in the population identity column. (Kamalludin, 2019)	Fulfillment of the constitutional rights of adherents of indigenous beliefs to possess official identity documents without being forced to choose a particular religion.
2	Regional Administrative Services	The Ministry of Home Affairs (Kemendagri) instructed all regional governments (e.g., Dukcapil Buleleng and Tegal) to provide services for changing the religion column data to "adherents of belief". (FAKRULLOH & SH, 2025)	Eliminates the practice of leaving the religion column blank, which has long been considered a form of concealed discrimination by the state.
3	Database System (SI AK)	Integration of adherents of belief data into the national Population Administration Information System	Facilitates access for adherents of indigenous beliefs to other public services

		(SI AK).(Zuhri, 2022)	such as banking, healthcare, and insurance.
4	Religious Education	The Ministry of Education, Culture, Research, and Technology symbolically handed over identity cards for adherents of belief and guaranteed the right to education according to their belief systems (Festival Kepercayaan). (Rojabi, 2025b)	Young generations of belief adherents gain legal legitimacy to demand educational rights aligned with local wisdom and indigenous values of the archipelago.
5	Marriage Registration	Marriage registration for adherents of belief is conducted at the Civil Registry Office for those outside Islam and officially recognized religions. (Bonaparte et al., 2025)	Provides civil legal certainty regarding the status of children and the distribution of joint marital property (gono-gini) in the future..
6	Institutional Response	The Indonesian Ulema Council (MUI) states that adherents of belief cannot be categorized as a religion; however, the state (President & Ministry of Home Affairs) continues to implement the Constitutional Court decision as a constitutional mandate. (Yonesta et al., 2012)	A clear separation emerges between the domain of religious theology and the domain of state administrative law (civil legality)

The implementation shown in Table 2 shows that the state has moved from a supervisory paradigm to a service paradigm. The use of data from various regions (West Kalimantan, West Java, East Java, and Bali) proves that the Constitutional Court's decision has a strong sociological force. The most obvious implication is the loss of the "burden of history" for 41 years for communities such as Sunda Wiwitan and Batak Parmalim who can now clearly state their identity in state documents. This is in line with the principle of legal certainty and Human Rights Protection guaranteed by law Number 39 of 1999 and the 1945 Constitution.

Legal protection of people's trust in the population administration system is an important part of the state's efforts to ensure the equality of citizens' rights before the law. Recognition of identity of trust in population documents such as KTP-el and kartu Keluarga provides legal legitimacy for the community of *penghayanat* to conduct their social and cultural life openly without discrimination. In the perspective of legal politics, this policy change indicates a shift in the paradigm of the state from a previously restrictive approach to a more inclusive approach to the diversity of people's beliefs. Research published in the *Administrative Law and Governance Journal* explains that discrimination against people of faith in population regulation in the past was

influenced by the paradigm of "world religions" which placed the majority religion as the standard of state recognition, so that minority groups of faith are often marginalized in public policy. (Sukirno, 2019) On the other hand, the administrative recognition of the faithful also has important implications in the fulfillment of the civil and political rights of citizens. The inclusion of the identity of trust in the population document provides legal certainty in various aspects of life, including in access to public services, marriage registration, to the protection of individual civil rights. Research in *Cosmic Law* explains that the Constitutional Court Decision No. 97 / PUU-XIV / 2016 confirms that adherents of belief in God Almighty have an equal position with followers of other religions in obtaining public services and social and political rights as citizens (Samhudi, 2022). Thus, such administrative recognition not only has an impact on the formal aspects in state documents, but also strengthens the legal position of the trustee in public life.

Despite this, the challenges of implementing this policy are still found in bureaucratic practices in some areas. Administrative barriers often arise due to limited understanding of the state apparatus as well as the existence of social stigma against the community of believers. A study in *Socio Religia: Jurnal Ilmu Agama dan Sosial* shows that the process of

recognition of believers still faces various obstacles, ranging from social stereotypes to state policies that are not fully responsive to the spiritual diversity of the community (Fata, 2023). Therefore, strengthening legal protection policies as well as increasing public literacy regarding pluralism of beliefs are strategic steps to ensure that administrative recognition of people of faith can run effectively and sustainably in the Indonesian legal system

CONCLUSION

1. The implementation of Constitutional Court Decision No. 97 / PUU-XIV / 2016 marks an important change in the politics of Population Administration Law in Indonesia towards a more inclusive system and respect for diversity of beliefs. Recognition of the identity of the trustee in population documents such as KTP-el and Family Card is a form of restoration of constitutional rights that have been neglected and provide legal certainty in various aspects of civil life. This policy not only has an impact on administrative recognition, but also strengthens the social and cultural position of the penghayat community in community life. However, its implementation still faces a number of challenges, such as limited capacity of regional bureaucracies, uneven access to education, and the issue of marriage registration. Therefore, it is necessary to strengthen coordination between institutions, increase public literacy, and consistency of state

policies so that the protection of the rights of people of faith can be realized effectively and sustainably.

2. Reconstruction of the legal protection of Population Administration for contemporary Nusantara trust residents shows the state's efforts to strengthen constitutional rights guarantees through a more inclusive and human rights-based approach. Recognition of identity trust in population documents, data integration in the Population Administration Information System (SIK), as well as legal event recording services such as marriage become a real form of legal protection provided by the state. The protection includes preventive aspects through nondiscriminatory administrative policies and repressive aspects through law enforcement mechanisms against violations of people's rights. However, policy implementation still faces challenges in the form of limited bureaucratic capacity and social stigma. Therefore, it is necessary to strengthen institutional coordination, increase community literacy, and policy consistency so that legal protection for Trust tenants can be realized effectively and sustainably in the Indonesian legal system.

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