

Recognition Of the Right to Population Administration of Believers

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Abstract. This paper expects to depict the acknowledgment of populace organization privileges for devotees. Through a subjective methodology, utilizing a regulating juridical strategy, it was observed that the state ensures opportunity of conviction for its occupants. The consequences of the regulating search brought about an end that Article 29 section (2) of the 1945 Constitution of the Republic of Indonesia as the premise of the state ensures the right to opportunity of religion and conviction.

Keywords: Population Administration; Rights; Believers

1 Introduction

Conviction or unquestioning trust in God Almighty according to the Regulation of the Minister of Education and Culture No. 77 of 2013 concerning Guidelines for Fostering Trust Institutions in God Almighty is an affirmation and execution of a singular relationship with God Almighty taking into account the conviction that is showed up by the approach to acting of commitment and love towards God Almighty and the good practices and lessons got from the neighborhood insight of the Indonesian country. Although the Ministry of Education and Culture term is more widely used, it is not the only term. The Ministry of Religion, in its research, uses two words, namely local belief and local religion. While academics use various terms, such as traditional religious beliefs, ancestral religions, traditional rituals, ancestral religions, local religions, local religions, primitive religions, indigenous religions, and minority religions.[1]

The trust issue has accumulated public consideration since the Constitutional Court Decision. Individuals know that up to this point, the religion segment in the Family Card (KK) and Identity Card (KTP) is composed clear (-). Indeed, even in different investigations, followers of this conviction have encountered segregation in different fields of public and state life, for example, not having the option to take an interest in the determination of CPNS, TNI, and POLRI enlistments on the grounds that the religion section on their ID card is vacant. Also that the individuals who have become government workers before the mechanized choice framework for CPNS are additionally viewed as single guys despite the fact that they are perceived as having youngsters and spouses in the public eye.[2]

As is well known, the (UUD NRI 1945) perceives the right to opportunity of religion and conviction (conviction), particularly in Article 29 section (2), which specifies that the state ensures the freedom of every occupant to embrace their religion. Furthermore, to venerate as

per their confidence and convictions. The arrangements of Article 29 section (2) have not changed despite the fact that the 1945 Constitution has been altered to turn into the. Then, at that point, the inquiry is what legitimate legislative issues underlies different regulations and guidelines connected with the conviction that doesn't perceive the presence of faith in God Almighty.

Even though the 1945 Constitution has been ratified, there are still issues related to the rejection and abolition of the Jakarta Charter, which invite reactions and protests from the santri group. As 'compensation,' they demanded the establishment of the Ministry of Religion (MoRA) the day after the rejection of the Jakarta Charter, dated 19 August 1945, but it was only realized on 3 January 1946. They intended the establishment of the Ministry of Religion to facilitate the interests of Muslims as the majority population of Indonesia. The group of students who formed the start infiltrated the state by using the Ministry of Religion as a political instrument and continued to suppress Abangan groups, including mysticism. For example, the Ministry of Religion, for example, 1952, proposed a definition of religion that included three elements: the existence of a prophet, a holy book, and worldwide acknowledgment. With a moderate goal, the Ministry of Religion has recognized religion from conviction. Religion fits the proposed definition, and conviction isn't a religion and can't be dealt with equivalent to religion.[3]

Discrimination against local religions continued with the issuance of the Population Administration Law. concerning Population Administration (the new Adminduk Law), there was a questioning in the community about whether local religion or belief was included in the ID card or not. This polemic arose because, for human rights defenders, the absence of local religion or belief means that the state has discriminated against and denied the freedom to adhere to faith and trust as regulated in Article 29 paragraph (2) of the 1945 Constitution Republic of Indonesian Believer.

2 Research Methods

This exploration utilizes standardizing juridical examination. This sort of exploration centers around the legitimate structure incorporated into a legal regulation.[4] This kind of examination is otherwise called doctrinal exploration. A literature study is used to disburse data relevant to the research topic. Descriptive data analysis was used to conduct comprehensive research.

3 Results and Discussion

The Indonesian nation is a plural nation regarding religion and/or belief. The plurality of the Indonesian people throughout history shows that the custom of resistance has been assembled normally in the public eye first before the presence of religion. Hence, the acknowledgment and resilience are for various religions as well as for various convictions. This is vital to note as the verifiable experience of the Indonesian country will impact the country's mentality later on.

A nation cannot develop a new tradition that is totally separate from its historical roots. Such thinking is also what underlies the importance of guaranteeing recognition and protection for the existence of religions or potentially convictions or convictions in Indonesia. This assurance of acknowledgment and insurance has so far been contained in Pancasila, the Precepts of Belief in One Supreme Being, as a solid reason for values that reflect capacity to bear religion or potentially conviction. These qualities are then re-typified in the Constitution as privileges

and opportunities of religion or potentially conviction and love as per their particular religions and convictions, as expressed in Article. However at that point issues emerge when the acknowledgment of religion or potentially conviction is restricted by the issuance of Law Number 1.Pn.Ps. 1965 with respect to the Prevention of Abuse or potentially Blasphemy of Religion (PNPS Law No. 1 of 1965). The clarification of Article 1 of the PNPS Law No. 1 of 1965 expressed that the religions embraced by the Indonesian populace are Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism. Numerous neighborhood convictions actually exist in Indonesia, as a matter of fact.

So far, believers have experienced many other discriminations due to inconsistent legal protection. Such as the difficulty in making certain deeds or documents for their children who, because of their marriage using their customary beliefs, are not recognized by the government. Then, various problems from the aspect of satisfying essential privileges and public approaches, in particular the many bangles between strict personalities composed on Family Cards (KK) and Electronic KTPs. With regards to work, in some cases, adherents of this belief are not allowed to take a vacation on the day of worship of the faith they profess to be.

There is no doubt that religion plays a very important role in Indonesia. Having religion as part of the imperative of individual identity is important in the process of reproducing "identity politics" in Indonesia. Religious ownership has even become part of the "national identity" (national identity). Thus, it is very important for the state to protect and enforce the guarantee of freedom of religion or belief without discrimination for every citizen. The framework for guaranteeing freedom of religion or belief in Indonesia is often acknowledged to be quite strong. However, the beauty of this framework is not necessarily beautiful in legislation and in supporting regulations. It is also often complained that the guarantee of the normative framework has not yet become a reality that can be enjoyed by all citizens.

There are such countless Indonesian residents who actually feel that their opportunity to embrace their religion or conviction is restricted. By and large, normalizing situation for guaranteeing the right to chance of religion or confidence in Indonesia is contained in the 9, and overall instruments that have been supported by Indonesia. The 1945 Constitution of the Republic of Indonesia unequivocally guarantees the right to chance of religion and conviction. The underlying section makes reference to the primary rule of Pancasila, "Trust in One Supreme God." With this resolution, Indonesia is depicted as a country that isn't normal yet as a country that has severe traits.

Meanwhile, Chapter XA on fundamental freedoms controls the right to chance of religion and conviction. Article 28E areas 1 and 2 examines that everyone is permitted to embrace religion and love as shown by his religion, pick guidance and teaching, pick an assignment, pick a character, pick a spot to a live in the space of the country and leave it, and has the honor to return examinations and attitudes, according to his still, little voice.

In principle, this right cannot be reduced under any circumstances. However, everybody is obliged to conform to the limitations laid out by regulation. This constraint is planned exclusively to ensure the acknowledgment and regard for the privileges and opportunities of others and to satisfy fair requests as per contemplations of ethics, strict qualities, security, and public request in a popularity based society which is as per the article 28J (2). In a different section (Chapter XI Religion), article 29 expresses that the state ensures the freedom of every inhabitant to embrace their own religion and to venerate as indicated by their religion and convictions.

For this situation, the state (government) is the principal foundation that is obliged to ensure opportunity of religion and conviction and all that comes from it, like the acknowledgment of other social liberties. This assurance of the right to opportunity of religion

and conviction is followed up by the confirmation that everybody has the option to be liberated from prejudicial treatment on any premise and has the privilege to get insurance against such oppressive treatment.

The issue of local religious discrimination is not new, at least in population administration, especially the making of ID cards as regulated in Article 64 paragraph (2) of Law No. 23 of 2006, which does not provide space for the inclusion of local religion. In more detail, Article 64 section (2) specifies as follows: Information on religion as alluded to in section (1) for inhabitants whose religion has not been perceived as a religion as per the arrangements of regulations and guidelines or for disciples of conviction isn't filled in, yet at the same time served and kept in the populace data set. Then after Law No.23 of 2006 was changed due to the enactment of Electronic KTP (KTP-el) with Law No.24 of 2014, the provisions regarding the inclusion of religion are regulated in Article 64 paragraph (5), which does not sound much different from the sound of Article 64 paragraph (2) Law No.23 of 2006.[5]

The provisions of Article 64 paragraph (5) read as follows: Elements of populace information seeing religion as alluded to in passage (1) for inhabitants whose religion has not been perceived as religion in light of the arrangements of regulations and guidelines or for adherents to convictions are not filled in however are as yet served and kept in the populace data set. Grammatically there is no difference in the provisions regarding the recognition of belief between Law No. 23 of 2006 and Law No. 24 of 2014, in the sense that the government and the DPR still do not recognize the existence of religious freedom as referred to in Article 29 paragraph (2) of the 1945 Constitution of the Republic of Indonesia. a member of the DPR from the PDIP who is also the Deputy Chairman of Commission II of the DPR RI has suggested the need for inclusion of religion/belief in the ID card, as stated in the Commission II Working Committee (Panja) Meeting on 29 June 2013. Panja, and finally approved through the lobby on 1 July 2013 that the provisions are still the same as the provisions in the old Law (UU No.23/2006).[6]

On 7 November 2017, representatives of local religious adherents submitted a judicial review for judicial review of the Administrative Law to the Constitutional Court. On the petition, the Constitutional Court gave Decision No. 97/PUU-XIV/2016 dated 7 November 2017 which decided: (1) to grant the applicant's application in its entirety; (2) states the word "religion" in Article 61 paragraph (1) and Article 64 paragraph (1) of Law concerning Population Administration as revised by Law Number 24 of 2013 concerning Population Administration (Constitution of the Republic of Indonesia and has no limiting legitimate power.[2]

The Constitutional Court's decision was then followed up by the Ministry of Home Affairs with the issuance of Minister of Home Affairs Regulation No. 118 of 2017 (Permendagri No.118/2017). Then Permendagri No.118/2017 was followed up by a Circular Letter of the Director-General of Population and Civil Registration Number: 471.14/10666/DUKCAPIL dated 25 June 2018, regarding the Issuance of Family Cards (KK) for Believers in God Almighty.

In addition, the ID card column for believers has also been changed so that the Trust column appears followed by a colon, and it says Belief in God Almighty. If you follow the original intent of the Constitutional Court Decision, the column should not be belief but religion. The Ministry of Home Affairs had to do this because of pressure from the Indonesian Ulema Council. Religion is one of the affairs of the central government. The normative framework for guaranteeing the right to freedom of religion or belief in Indonesia is contained in the has ratified. The rights to freedom of religion and belief in Indonesia have not been evenly protected by law in Indonesia. Before the decision.

4 Conclusion

Religion is one of the affairs of the central government. The normative framework for guaranteeing the right to freedom of religion or belief in Indonesia is contained in the, and international instruments that Indonesia has ratified. The rights to freedom of religion and belief in Indonesia have not been evenly protected by law in Indonesia. Before the decision of the, the rights of people who believe in beliefs were discriminated against by the Adminduk Law in terms of recording on the identity card, namely by writing a dash (-) even though they are still recognized and served in government affairs. However, in practice, many believers experience difficulties in living because of this article, such as finding a job, making birth certificates, etc. As for the people who live this belief, if they do not want to experience these difficulties, they must lie to themselves by including other religions. It contradicts the freedom of religion, which is promoted in the 1945 Constitution of the Republic of Indonesia.

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