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The *Ugamo Malim* Minority Group and Their Legal and Human Rights Challenges in Indonesia

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Abstract

The *Ugamo Malim* is one of the religious minorities in Indonesia. Although most Batak people today are adherents of Christianity and Islam, certain Batak people sought to maintain their own religious beliefs and practices. However, most Batak people have abandoned it and converted to the imported religions such as Christian and Islam. Accordingly, *Ugamo Malim* rejected the western notion of God; they prefer the term "spirits" or "divinities" (*Mula Jadi Nabolon*). Due to the Indonesian state legal definition and category of religion, *Ugamo Malim* loses the opportunity to gain legal status, identity, and recognition, including their employment opportunities in public offices. For example, the No. 1 PNPS 1965 on Blasphemy Law includes the *Ugamo Malim* as an unofficial religious group, except Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism. Although Indonesia's legal framework guarantees freedom of religion and belief, however, these fundamental rights do not guarantee the right of *Ugamo Malim*. Therefore, many minority groups, like *Ugamo Malim*, suffered from various forms of discrimination by the State of Indonesia. The study would help the Indonesian government to have a better comprehension regarding the framework they can introduce which would help in protecting the identity of the *Ugamo Malim* Minority religion.

Keywords: human rights, religious identity, *Ugamo Malim*, unofficial religion, violation.

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INTRODUCTION

Aside from its diverse ethnic and linguistic group, Indonesia is home to various tribal religions and belief systems. As just over 87% of Indonesians are Muslim, 9.87% are Christian, 1.69% is Hindu, 0.72% is Buddhist, and 0.56% practices other faiths (World Population Review, 2020). Only 0.56% of minorities consist of folk's religion, tribal belief, or religious sects such as *Kejawen*, *Ugamo Malim*, *Sunda Wiwitan*, etc. At the same time, *Ugamo Malim* adherents are estimated at merely 6,000 people and spread throughout the country (Naipospos, 2017). *Ugamo Malim* (Malim Religion) is one of the hundreds of Indonesia's traditional religions that do not receive legal and official recognition by the State, especially from those who do not know and understand *Malim* Religion (Adam, 2017). The Batak community group is neither Christian nor Muslim; however, it belongs to a faith thinker and still reveres the *Ompu Mulajadi Nabolon*, *Batara Guru*, *Soripada*, *Debata Asiasi*, and worship the spirit ancestors. This group is named adherents of the *Malim* religion or the ancient Batak religion (Leandha, 2016).

²² The *Parmalim* (*Ugamo Malim*), according to the Law No. 1 PNPS 1965 on Blasphemy Law, is not recognized as a religion by the State. The *Parmalim* is a belief system instead of a religion. Hence, it does not get full protection from the State. The State guarantees maximum freedom to State-recognized religions only, and on the other hand, discrimination and limitations of the *Ugamo Malim* minority's rights occur. Consequently, the substance and its existence have declined because *Ugamo Malim* followers abandoned this belief and chose to convert to a religion recognized by the State and fear being called an irreligious person. This research examines how *Ugamo Malim* experiences discrimination from the State and maintains *Ugamo Malim's* identity by preserving belief in ancestral spirits and *Mula Jadi na Bolon*.

According to Tamma and Duile (2020), Indonesia as a country consists of different ethnicities, tribes, languages, and religions. However, the country has only six officially recognized religions by the government, including Islam, Protestants, Catholics,

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Hindus, Buddhism, and Confucianism (McDaniel, 2017). Religion plays a crucial role in Indonesian society in that the official religions influence government policies and legislations. It means that the unofficial religions mostly lose out when it comes to official government policies and other activities such as accessing educational opportunities, employment chances, marriage, and land certificates, among other official documents.

Even though Islam is the most popular religion practiced by a large population segment, Indonesia is not officially an Islamic state. Indonesia's basis is centered on the Pancasila concept with five principles, including nationalism, humanitarianism, democracy, socialism, and religiosity (Eddyono, 2018). The main idea behind the Pancasila concept is that as a diverse country, the main emphasis during the reformation era should be implementing a democratic system and respecting all citizens' human rights. Despite implementing the Pancasila concept, discrimination has remained a significant concern for Indonesian society due to different religions and religious understandings. Cases of discrimination in Indonesia involve violations of religious freedom and intolerance that continue to occur, especially towards minority and unofficial religions in different parts of the country (Tampubolon & Aziz, 2021). The research questions raised in this study are: what are the violation and inefficiency of the rights of legal framework to protect the *Ugamo Malim* Minority Religion Identity in Indonesia? What are the ways through which the legal framework to protect the *Ugamo Malim* Minority Religion Identity in Indonesia can be improved, in light of the violation and inefficiency of the rights?

LITERATURE REVIEW

Previous scholars define interrelatedness between religion, culture, and identity from different angles and perspectives. Geertz made the most influential ideas on the interconnectedness of culture and religion. He states that religion is a cultural system (Geertz, 1973). Religion integrates culture, tradition, identity, or religion as artistic expression (Jones, et.al, 2020; Angerler, 2016; Law, 2015; Boyer, 2001). Religion's importance is central to identity and a critical dominant identity formation (Belamghari, 2020; Coleman & Collins, 2004). Some scholars claim that loss of faith is a loss of identity.

Though *Ugamo Malim* is increasingly abandoned, especially by modern Batak people, there are many things to be learned from its ways, explicitly maintaining the relationship between humans and creator and appreciating God's creation. *Ugamo Malim's* teachings adjust human relations with God (*Debata Mulajadi Na Bolon*) and regulate human relations because they contain values, norms, and guidelines full of meanings (Situmorang 2017). Parmalim is also a

belief, religion, or identity of some Batak people (Wildan 2016).

Because the *Parmalim* is not state-protected and supported by religion (Renaldi, 2017), it is formally viewed as a culture (Woodward, 2011), this has undoubtedly contributed to discrimination. Based on Presidential Decree No. 1 PNPS 1965, State is perpetuating a faith-based system on political recognition, and the religious role is to differentiate one citizen from another (Renaldi 2017). This difference leads to interpretation, which considers the belief system of the *Parmalim* as not a religion rather than a tribal religion. The majority of the past studies regarding intergroup bias and religious discrimination have focused on assessing and understanding the attitudes and behaviors that privileged religious groups have towards the discriminated groups. However, most established studies have only focused on discussing the established religious denominations while ignoring small religious minorities. The same problem is present in Indonesia, where only a few studies have addressed the government's discrimination towards religious minorities, especially the *Ugamo Malim* religious group. Even though there has been an increasing controversy surrounding the discrimination of religious minorities worldwide, violations of religious freedom continue to occur.

According to the Freedom House (2020), the Indonesian government has failed in protecting the rights and freedoms of the country's most vulnerable people from threats of harassment, discrimination, and violence from fellow citizens, government officials, and agencies as well as militant Islamists. Hasse, Risakotta and Bagir (2011) describe the *Parmalim* group as one of the unrecognized and unofficial religions in Indonesia, which means that it is a minority group compared to dominant and officially recognized religions such as Christianity, Hinduism, Islam, Buddhism, and Confucianism. Hasse, Risakotta and Bagir (2011) further point out that the current discrimination of the *Parmalim* involves a range of actions, including the prevention of the citizens from enjoying full citizen rights, especially when it comes to access to identification cards and other official documents. The failure to get identification cards also makes it harder for the *Parmalim* to access quality healthcare services, education, and employment like other Indonesian citizens. Also, the government's failure to recognize the religion officially means that the followers find it hard to access government employment positions as they are seen as atheists.

According to Roger (2014), the Indonesian government's failure to evaluate and end the discrimination of religious minorities in the countries has resulted in more concerns regarding the country's lack of respect for fundamental human rights. Even though Indonesia is a signatory to the International

Covenant on Civil and Political Rights, the country has failed to improve the religious rights and freedoms of its minorities comprehensively. Even though the main threat to religious liberty is considered the Islamic fundamentalists, the main understanding is that the major problem lies with the setting of the government itself. For instance, Indonesia's legal and criminal justice system is considered insufficient when it comes to dealing with discrimination problems facing minorities due to bias and government bureaucracy (Human Rights Watch, 2013).

Besides, the legal system is also a significant challenge, especially when interpreting the law and the government's attitude towards resolving and addressing acts of discrimination targeted at minority communities. In other words, there is a lack of political goodwill when it comes to managing discrimination acts targeted at religious minorities. In a related study, Renaldi (2014) points out that *Ugamo Malim* as a religion is not state-recognized, supported, or protected as compared to the country's six dominant religions. However, Woodward (2011) points out that the *Ugamo Malim* religion can be practiced as a cultural phenomenon or belief also known as *kebudayaan*, which further increases the chances of discrimination as most people do not view the minorities as part of the broader Indonesian society.

METHODOLOGY

To achieve this article's objectives, the author uses socio-legal research and discusses discrimination and rights violations of the *Ugamo Malim* from minority and discrimination theories by using related legal material to discuss the problems. This research analyzes discrimination against the *Ugamo Malim* minority, differentiated based on official and unofficial religion by the State.

The author defines the *Parmalim* belief system and the history of the *Parmalim* indigenous religion and discusses the traditional instruments concerning protecting these rights. The authors also describe the situation of the *Parmalim* in terms of religious life, the problems, and the State's treatment, whether it takes any measures to maintain religious diversity in its territory. The authors also describe the State's responsibility to uphold the right to freedom of religion since Indonesia is a party to several international covenants.

Most of the previous qualitative studies on religious minority discrimination specifically focused on identity. The crucial question of this research is how the State discriminates against religious minorities. The authors illustrate that the *Ugamo Malim* minority discriminated against because the State does not recognize its identity as a religion (Law No. 1/1965 on Blasphemy Law). However, the question of how *Ugamo Malim* discrimination has received secondary attention. The focus of this qualitative research is on the

way the State discriminates against *Ugamo Malim* by limiting civil and political rights (Situmorang, 2019). This literature trend is a gap that must be addressed as reasons to understand *Ugamo Malim's* religious practice. Besides, previous research did not address why *Ugamo Malim* was discriminated against and lost its identity. Thus, the objectives of this study are twofold. First, assessing how the State engages in discriminatory behavior to be one of the primary reasons it discriminates against the *Ugamo Malim*. Second, this study focuses on the causes of *Ugamo Malim* as the *Ugamo Batak Toba* ethnic group being discriminated against. However, despite the focus on *Ugamo Malim*, this study examines other factors to maintain *Ugamo Malim's* identity.

Moreover, the authors analyze if the religionization policies can reasonably protect the *Parmalim* adherents from professing and practicing their beliefs. This research aims to understand why *Ugamo Malim* faces discrimination, leading to the loss of Batak's culture. This objective is best achieved by examining the *Ugamo Malim* premise and its performative relatedness to Batak's culture. Specific reference will be made to the correlations between *Ugamo Malim's* restriction on freedom and the decline of *Ugamo Malim's* existence, leading to the loss of identity.

DISCUSSION

The *Parmalim* Belief System

Ugamo Malim comes from two words, namely "*Ugamo*" and "*Malim*." *Ugamo* means a pile or *Pelean* (collection or concoction of various objects made as offerings). Potions or *Pulungan* items made offerings that came to be called *Ugamo* or religion. Simultaneously, the word *Malim* means *ias* (clean) or *pita* (holy). Thus, etymologically in the Batak language, *Ugamo Malim's* understanding is a collection or contribution of immaculate or sacred conclusions or objects of concoction (Siahaan, 2018).

Meanwhile, according to *Ugamo Malim's* terms, *Ugamo* or religion is a way of meeting between humans and *Debata* (God) through sacred and holy offerings (*pardomuan ni hajolmaon tu Debata marhite pelean na ias*). People who hold *Ugamo Malim* are called *ParUgamo Malim* (*Ugamo Malim*) or commonly abbreviated as *Parmalim*. It means someone who is following the teachings of the *Malim* or the witch's life that is fulfilling the ingredients of the offerings (*pelean*) based on the instructions of God or *Debata Mulajadi Nabolon* (Gultom, 2018).

The *Malim* religion, which is called *Ugamo Malim* in the Batak language, is the original Batak religion. The original Batak religion did not have its name, but it emerged at the end of the nineteenth century, an anti-colonial movement. *Ugamo Malim* is a "local" native religion among the Toba Batak people.

Lumbanraja (2017) claims that *Ugama Malim* is an original religion of this country, instead of imported. *Ugamo Malim* followers are Batak people living in Toba Samosir District, North Tapanuli, and other areas such as Simalungun District, Dairi District, and Central Tapanuli Regency (Asnawati, 2013).

The *Parmalim* believes in the one and only God that has grown and developed in North Sumatra since ancient times. "*Lord Debata Mulajadi Nabolon*" is the creation of people, heaven, earth, and all the contents of the universe worshiped by *Ugamo Malim* ("*Parmalim*").

Initially, *Parmalim* was a spiritual movement to maintain the threatened customs and beliefs of ancient people due to the Dutch's new religion. The *Malim* religion worships *Debata Mulajadi Nabolon* as the creator of life and demands that its adherents return to the Batak culture (Titah, 2017). This movement then spread the Batak land into political action or '*Parhudamdandam*,' which united the Bataks against the Dutch. The movement emerged around 1883 or seven years before *Sisingamangaraja XII*'s death, with its pioneer *Guru Somalaing Pardede*.

Ugamo Malim has prostration and surrenders to God, *Patik*, in the form of teachings about Orders and Prohibitions according to God's will. *Poda Hamalimon* is an example of thinking to act and behave towards others and nature and "*Tona*" as God's mandate delivered to Humans (Titah 2017). *Parmalim* conducts a routine ritual of worship every Saturday (*Marari Sabtu*) as a form of gratitude, worship, and glorifying *Mulajadi Nabolon*, the creator of heaven and earth. In addition to *Marari Sabtu*. *Parmalim* also carried out various rules for *Ugamo Malim* worship, such as "*Pameleon Bolon*" as a thanksgiving ritual for life held in the fifth month (*Sipaha Lima*), the practice of forgiveness of the sins of "*Mangan Napaet*" in the 12th month, and celebration the birth of God's messenger for humanity at the second and third days of the first month "*Sipaha Sada*" on the Batak calendar (Titah 2017).

- a. *Mararisabtu* is a ritual of worship performed by *Malim* people (*Parmalim*) every Saturday, which aims as gratitude or what has been given by *Debata Mulajadi Nabolon*. This service is held in every place of *Malim* Worship, also known as *Bale Partonggoan*. The *Mararisabtu* ritual starts around 10:30 WIB (Toba Samosir time). This worship is binding for all *Malim* wherever they are. So with that, on that day, all *Malim* people must be present at *Bale Partonggoan*.
- b. *Mangan Napaet* is a Batak term meaning "eating bitter foods." The *Mangan Napaet* represents ritual worship in the teachings of *Ugamo Malim*; the *Mangan na paet* is an acknowledgment of error in the past. The procession of prayer takes place a day before entering the year transition in the *Ugamo*

Malim calendar. This ritual performance is around noon by eating bitter foods and refining from eating or drinking (fasting), even smoking for 24 consecutive hours and ending the next day in the sun's position just above the head (around noon). The types of food consumed by the *Malim* during the *Mangan Napaet* ritual include *anggiranggir* seeds, papaya leaves, etc. Next, the next day, after holding back for 24 hours later, return together, the *Malim* gathered to eat as a sign that the detention period had ended.

- c. *Sipaha Sada* is a day commemorating the birth of the God *Simarumbulubosi*, which coincides with the second day (*ari suma*) and the third day (*ari anggara*), which falls on *Sipaha Sada* month (first month). In connection with the birthday of the God *Simarimbubulubosi*, who fell on the second and third day of *Sipaha Sada*, the *Sipaha Sada* ritual is as a commemoration of the Batak New Year, at *Bale Pasogitt Hutatinggi* for two days, attended by all *Parmalim* residents. *Sipaha Sada* ritual procession mix with Batak musical instruments such as *hasapi*, *gondang*, and others. The *Sipaha Sada* ritual is almost in line with the practice of *Mangan Napaet*; if *Mangan Napaet* is performed right at the end of the Batak year, then the first day (*Artia*) for *Sipaha Sada* Month becomes an intermediary with the commemoration of *Sipaha Sada*.
- d. *Sipaha Lima*, at *Ugamo Malim*, is a worship activity that is held once a year and is fit for three consecutive days, which falls on the 12th (*Boraspati ni tangkup*), 13rd (*Singkora Purasa*), and the 14th (*Samisarapurasa*) on the fifth day of the month (*Sipaha Lima*) in Batak management. *Sipaha Lima* is a thanksgiving ritual for what *Debata Mulajadi Nabolon* had given the previous year. This annual event centered at *Bale Pasogitt Hutatinggi*, *Laguboti*, which is followed by all *Malim* people because, in *Ugamo Malim*, this ritual is the largest, so it presents many arranged offerings.
- e. *Martutuhaek* is a ritual to welcome the birth of a baby in the teachings of *Ugamo Malim*. This ritual worships the acceptance of the spirit of *Tondi*, with the understanding that *Debata* has lowered his soul for each newborn baby (Human). *Martutuhaek* is held on the 30th day after the baby's birth and gives the infant baby's name.
- f. *Pasahat Tondi*, in the Batak language, is divided into *Pasahat* and *Tondi*, while *Pasahat* means "to convey," and *Tondi* means "Spirit" of the deceased. Especially in the teachings of the ritual *Ugamo Malim* *Pasahat Tondi* is very meaningful as the surrender or return of the spirit (*Tondi*) of a human to the Creator *Debata Mulajadi Nabolon*.
- g. *Pardebataan*, or *Mardebata*, is a ritual performed by religious *Malim* people for particular purposes, which are useful. The term *Mardebata* means "*Debata* worship" or *Pardebataan* "God worship." This ritual is especially a cult for *Debata* (God)

through Pelean or offerings and mixes with Gondang Sabangunan and Gondang Hasapi. Also, a way for Parmalim citizens who have violated the Patik in *Ugamo Malim* or other serious violations related to his Parmaliman status is then used as a media to promise not to do anything that violates the Patik or Uhum.

- h. Mamasumasu is a term that means "blessing marriage," where Ihutan or Ulu Punguan still leads the ceremony. Mamasumasu implementation usually performed at Bale Pasogitt or Bale Parsantian. Regarding the rules of the bride, that both must be citizens of Parmamlim. If the prospective husband is not from the Parmalim community, then it will not be a problem.

The Parmalim, a Religion or Spirit Worshipers

Since the last few decades, *Ugamo Malim* (Parmalim Religion) has been controversial among the Batak people, whether *Ugamo Malim* is a religion or a cult. For Batak, who embraces modern religions such as Christian and Islam, *Ugamo Malim* is considered a devil worshiper, even irreligious (Siregar, 2015). However, both from the procedures for performing rituals and their characteristics, Parmalim is a religion.

In terms of the belief system, *Ugamo Malim* believes in Mulajadi Nabolon (God the Creator) as the creator of man and everything in the universe. They are also familiar with the concept of the holy book. However, in Parmalim, the "holy book" is oral, consisting of teachings and guidelines which are memorized and passed down from generation to generation. They also understand heaven and hell's concepts, believing that there is a reward for excellent and destructive behaviors. They also know what can and cannot do in his teachings. Parmalim forbids pigs, dogs, cats, and other wild animals and blood (Siregar, 2015). Religion is "a unified system of beliefs and practices relative to sacred things, that is to say, set apart and forbidden, beliefs and practices which unite into one single moral community, called a church, all those who adhere to them" (Jones 1986).

According to Gultom (2018), the *Ugamo Malim* religion is one of Indonesia's local religions, comes from the Batak area, North Sumatra on Sisingamangaraja XII, and his followers called the parmalmim. The majority of the people making up the *Ugamo Malim* religion come from the Bataknese segment, with a total population of five thousand people and scattered around different areas in Indonesia such as North Sumatra, Riau, Jakarta, Bandung, among others. Gultom (2018) further points out that *Ugamo Malim* is not known extensively as a religion in Indonesia. The parmalmim is designated as a community separated from the public attention in Medan.

The main understanding behind the confusion of whether or not *Ugamo Malim* is religion results from the government's failure to design it as an official religion since, for a long time, it has been designated as a faith. The lack of clarity surrounding the *Ugamo Malim* religion impacts the parmalmim as the followers cannot even construct a place of worship (parsaktian), especially in Medan city. In Indonesia, *Ugamo Malim* is viewed as more of a cultural religion than other official religions such as Islam, Buddha, and Christianity. In *Ugamo Malim* religion, the main character is the myth that outlines the genesis of earth creation, with the strength of the belief coming from conducting religious ceremony rituals.

According to Gultom (2018), most people and even the government consider *Ugamo Malim* to be a spiritual culture instead of a religion. The government's officials also noted that *Ugamo Malim* did not have the essential requirements that can make it a religion mainly because of lack of available features present in official religions such as revelation, holy book as a teaching source, prophet as a bearer of faith, and universal teaching being able to include all people in the world. In this case, the central understanding is that the *Ugamo Malim* religion is termed as spiritual culture, as opposed to a religion, mainly because it is not widely practiced outside of Indonesia or by other communities or ethnicities apart from the Bataknese.

Another critical reason for failing to recognize the *Ugamo Malim* religion as an official religion is that its religion centers on the ethnic, nation, and tradition of Batak. The term tradition refers to a clearly defined behavior, attitude, habit, or prevalence founded on certain taught norms. As such, *Ugamo Malim* is viewed as a tradition that changed over time to become a law that manages the different aspects of the Batak people's social life instead of a clearly defined religion. Followers of the *Ugamo Malim* religion view tradition as both a social culture result and the spirit of Debata Mulajadi Nabolon to his Batak followers. In Bataknese culture, tradition is viewed as religious, meaning that every person should practice and advance it.

Also, the Batak people view tradition as holy, meaning that any person who ignores traditional teaching principles or fails to practice the tradition ultimately gets punished by the supernatural. Moreover, *Ugamo Malim*, just like other religions, has a structured religious system made up of different elements such as a belief system, ritual and teaching the management of connections between lord and human beings, relationships between humans, and relationships between humans and the natural environment. As noted in this case, the *Ugamo Malim* religion and belief system is structured just like the other religions in the country and worldwide even though it has not been recognized as an official religion in Indonesia.

Discrimination against Parmalim

Situmorang (2017) explains and evaluates how the Parmalim or the *Ugamo Malim* religion followers have faced discrimination for a long time in Indonesia. The majority of Indonesia's indigenous people continue to be most vulnerable to the adverse effects of development that lead to structural poverty in society (Situmorang, 2017). For instance, the North Sumatra Parmalim has faced problems due to the inability to present legislation in parliament as their identity is still questionable.

Theodorson and Theodorson (1979) define discrimination as the unequal treatment of individuals or groups of individuals based on something or unique attributes such as race, ethnicity, religion, or membership to a particular social class. In most cases, discrimination is practiced by the majority population against a minority population, hence making it harder for the victims to get justice despite living in a democratic country.

The root cause of the Parmalim community is that they are absent in every policy implemented by the government. Their absence is necessitated by the lack of clarity regarding ownership of legal forms of identification cards. The rule of law in Indonesia mandates every resident I.D. card as an identity. The lack of an I.D. card for any person in the country means that they can access a wide range of policies and basic government needs. In Indonesia, religious minorities' discrimination, such as the Parmalim, comes in the form of the failure to answer in the column of recognized religions. The Malim religion is not recognized as an official religion. This case means that the Parmalim cannot acquire crucial documents provided by the government, such as diplomas, marriage certificates, family cards, and other essential papers. Moreover, the lack of identification and education documents also means that the Parmalim can also access employment opportunities and be employed by the government as civil servants.

Discrimination is also present in the educational system in that the government requires all students in the country to take subjects and different religious subjects. However, since the Malim is recognized as an official religion, the Parmalim are often forced to choose another religion considered official in Indonesia, mostly between Christianity and Islam. The fact that most of the Parmalim have followed the *Ugamo Malim* religion since birth and do not understand either Christianity or Islam means that a form of discrimination occurs right from the educational system, highly disadvantaging the Batak people.

Legal Framework Applicable to *Ugamo Malim*

The 1945 Indonesian Constitution provides some norms that guarantee the rights to freedom of

religion or belief. The first freedom is about choosing religion or belief that is practically uncontradictory to public morals and order. The second is the State's guaranty to manifest internal and external freedom without intervention from any party. It means that the Parmalim members have the same right to freedom of religion or belief as stated in the article 1 paragraph (3), article 28D paragraph (1), article 27 paragraph (1), article 29 paragraph (2), and article 28I paragraph (2) of the 1945 Indonesian Constitution as other religions.

Specifically, Indonesia is neither a secular nor a theocratic state, but it is a religious nation-state (Lestari, 2018). State neither impose specific religious laws nor is Islamic law, the majority religion adopted by its people. Indonesia is not based on one religion but protects followers of religions to carry out religious teachings as human rights. Besides, the Indonesian Constitution's preamble does not permit the establishment of a theocratic state and prohibits the government from identifying, or otherwise supporting, particular religion. The 1945 Indonesian Constitution encompasses provisions that emphasize complete legal equality of its citizens regardless of their faith and creed and prohibits any religion-based discrimination. It also provides safeguards-albeit limited ones to a religious minority.

Furthermore, Article 29 of the Constitution gives all persons the freedom of religion or belief and provides an obligation to the State to guarantee this freedom. This provision is fully supported by article 28E of the Indonesian Constitution, which guarantees freedom to profess religion and worship according to it and the freedom to associate and gather concerning their faith.

Article 28E paragraph 1, 2, and 3 of the 1945 Indonesian Constitution explicitly state that:

- 1) Every person shall be free to choose and to practice the religion of his/her choice, to choose one's education, to choose one's employment, to choose one's citizenship, and to choose one's place of residence within the state territory, to leave it and to return to it subsequently.
- 2) Every person has the right to freedom of faith and expresses his/her views accordingly.
- 3) Every person shall have the right to the freedom to associate, assemble, and express opinions.

Specifically, freedom of religion and belief is regulated as follows:

1. The 1945 Constitution Article 28 E, paragraph (1): Everyone is free to embrace religion and worship by his/her belief. Paragraph (2): Everyone has the right of freedom to believe and express their thoughts and attitudes by their conscience.
2. The 1945 Constitution Article 29, paragraph (2) states that The State guarantees each other's

- freedom to embrace their respective religion and worship by their faith and belief.
3. Law No. 12/2005 on Ratification of the International Covenant on Political Civil Rights Article 18 paragraph: (1): Everyone has the right to freedom of thought, conscience, and religion. Article 18 paragraph (2) states that no one can request privilege because they must adhere to or accept their religion or belief by their choice.
 4. Law No. 39/1999 on Human Rights Article 22 paragraph (1): Every person is free to embrace their respective religion and worship according to their faith and belief. Article 22 paragraph (2): The state guarantees each person's freedom to embrace their religion and worship following their religion and belief.
 5. Law No. 1/PNPS/1965 jo. 5/1969 on Prevention of Rescue and Blasphemy of Religion, in the explanation of Article 1: "Religions embraced by the population of Indonesia are Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism (Ali, 1992).

Though these six religions are State's recognized religions and guaranteed as stipulated by article 29, paragraph 2 of the 1945 Constitution, the mention of the six beliefs about how to request legal status regarding religions still contains many problems in Indonesia. These provisions guarantee freedom of religion to everyone; however, some conditions favor states that recognized religion such as Islam, Christianity, Buddhism, Hinduism, and Kong Hu Chu than indigenous faiths. The Presidential Decree No. 1/1965, in its explanation, stated that Islam, Christianity, Catholicism, Hinduism, Buddhism, and Kong Hu Chu are only state-recognized religions. In contrast, a belief system such as Parmalim is not a religion.

Laws and Institutions That Facilitate Religious Discrimination in Indonesia

According to International Religious Freedom Report (2019), the Indonesian government has committed to respecting the rights and freedoms of all official and unofficial religions in the country through several constitutional and international treaties. Religious freedom has been a vital part of the Indonesian constitution since the country attained independence in 1945. The ratification of the International Covenant on Civil and Political Rights (ICCPR) by the Indonesian government in 2005 meant that there is a legal commitment to promoting respect for all religious sects without discrimination. Article 18(2) of the ICCPR states that, "[n]o one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. On the other hand, article 27 of the ICCPR provides that, "persons belonging to ... minorities shall not be denied the right, in community with the other members of their

group, to enjoy their own culture, to profess and practice their religion" (Human Rights Watch, 2017).

As noted in both instances, the national and international laws mandate the government to grant religious freedoms to all citizens without discrimination or favoritism. However, the legal guarantees of religious freedom in Indonesia have failed to work effectively due to the passing of laws, policies, and establishment of institutions that have long undermined the people's rights and freedom of religious association (Human Rights Watch, 2017). Some of the legal measures that have undermined the right to religious freedom in the country include the establishment of the Ministry of Religious Affairs 1946, the passing of the blasphemy law in 1965, the passing of the house of worship degrees, and other regulations and statutes passed and implemented at different government levels.

Passing of the Blasphemy Laws in 1965

The passing of blasphemy laws in 1965 was initiated and influenced by Muslim conservatives in the country during President Sukarno's rule. According to article 156a of the Indonesian Criminal Code, the passed blasphemy laws stated that "Any person who deliberately, in public, expresses feelings or commits an act: which principally has the character of being of hostility, hatred, or contempt against a religion adhered to in Indonesia; to prevent a person adhering to any religion based on the belief of the Almighty God shall be punished up to a maximum imprisonment of five years.

The degree issued by President Sukarno in 1965 noted that the different religions embraced by the people of Indonesia included "Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism." A common interpretation of the decree shows that the blasphemy law only recognized six religions in the country, meaning that all other religions would be vulnerable to attacks based on the blasphemy laws (Human Rights Watch, 2017). A case was taken to the Constitutional Court, which ruled that the country's constitution recognizes all religions the citizens believe in, even though it can only protect the six official religions.

²⁸ According to Human Rights Watch, the blasphemy laws violate the people's constitutional right to freedom of expression and the country's obligation under international law to protect all citizens' rights and freedoms without discrimination. The passing of the blasphemy laws led to the intolerance of minority religions such as the *Ugamo Malim* religion mainly because it allows for the maintenance of "public order," meaning that religious minorities could become targets of violent and intolerant members of the public.

Decrees on Houses of Worship

The worship houses' decrees passed between 1969 and 2006 and have been singled out to be infringing on the right to freedom of religion and worship through restrictions on the construction of places of worship. As noted by the Human Rights Report (2017), the passing of the decrees on worship houses was meant to deny both religious majorities such as Christians and minorities such as the *Ugamo Malim* religion from building places of worship and expanding. For instance, the passing of the 1969 decree was meant to authorize local governments and authorities to regulate the setting up of places of worship, meaning that the low-level governments and officials could deny any religious sect the permission to establish a house of worship despite the constitution guaranteeing freedom of religion. The decree passing also led to governors and other administrations to pass new local regulations meant to restrict and discriminate against minority religions practically.

State's Denial on the Parmalim's Rights to Identity

Guaranteed freedom of religion by the State does not necessarily ensure the implementation of religious freedom in practice. The release of faith for *Ugamo Malim* followers is only rhetoric due to the State's lack of willingness to give equal space to Indonesia's religions or beliefs. Also, lack of understanding and information on Parmalim makes them often become targets of discrimination in education; they are victims of state administration because their religion to be deviant and often considered heretical. Racism occurs in almost all aspects of Parmalim life, including discrimination in education, getting a job as a civil servant, marriage procedures (Haryanto, 2018), and even in the funeral or after death.

Prosecutions under Blasphemy and Conversion Laws

The Indonesian State has also used blasphemy and conversion laws to impose criminal penalties on members of different religious minorities, such as the *Ugamo Malim* religion, which violates the rights to freedom of religion and expression. For instance, the Bakor Pakem has been at the forefront of the campaign to pressure and influence authorities to bring blasphemy prosecutions with ordinary citizens and leaders from religious minorities being fined and even sentenced to jail on blasphemy charges.

According to the Human Rights Watch (2017), most prosecutions committed towards different religious minorities such as Christians, Shia, *Ugamo Malim*, and Ahmadiyah sect due to teachings considered to be insulting or disrespectful to Sunni Islam. The increasing influence of the Bakor Pakem and other religious institutions influencing the passing of blasphemy and conversion laws has affected religious minorities. Most affected people find it hard to openly

practice their religion due to fear of harassment, discrimination, and prosecution.

Discriminatory Administrative Policies

Successive Indonesian governments have enacted several regulations and laws that discriminate against religious minorities ranging from the selective provision of identity documents to birth and marriage certificates and selective access to government services. For instance, it is common for local officials to deny men and women the ability to register their marriages based on their religion, especially if they come from the unofficial religions, meaning the other faiths apart from the six recognized by the government. Also, there have been cases where local officials have forced religious minorities to list Islam and other recognized religions on their identification documents and birth, school, and marriage certificates. The Home Affairs Ministry requirement that all citizens should state their faith, while only providing six options, means that most minorities have no choice to either choose the given options or risk missing out on essential services.

The government also requires every person to have a national I.D. at the age of 17, a document which determines a lot of other documents including opening bank accounts, driver's license obtaining, pursuing education, getting employed, getting pension, and applying for a range of documents such as marriage, birth, and death certificates. In addition, there is no option for leaving the column for religion blank as it leads to accusations of atheism, which is punishable by jail time or fine under the blasphemy law.

Moreover, selecting one of the religions provided and one they do not practice means being prosecuted for false identity. In this case, the discriminatory administrative policies mean that the government, both at the national and local level, is actively participating in discriminating against a segment of its citizens based on their religion.

State Failure to Protect Religious Minorities from Violence

The continued prevalence of violent and discriminatory actions against religious minorities in Indonesia is mostly associated with the government's failure to protect the minorities both at the national and local levels (Tampubolon & Norazlina, 2021). The primary understanding is that the government has failed to protect threatened minorities from threats and attacks from militant Islamist groups through law enforcement, deterrent measures, and prosecutions.

The government's failure to protect a segment of the citizens is blamed on both political and bureaucratic reasons. For instance, the U.N. Human Rights Committee notes that the government's unwillingness to intervene to prevent violent acts and threats towards minorities would make it responsible

for continuing abuses. The Human Rights Committee also mandates national and local governments to intervene and help the affected minorities by ensuring that all the crime perpetrators have been brought to justice.

Apart from the different groups attempting to intimidate and threaten religious minorities, local police and authorities also play a crucial role in encouraging such abuses through failure to take action. For instance, local authorities mainly enable conflicting parties to find an amicable solution, which in most cases means that minority groups are giving up their rights and freedoms. The Indonesian criminal justice system also seems to have failed in prosecuting the different matters involving violence targeting religious minorities. The criminal justice system's failure means that cases rarely reach the court and even if they do, judges and prosecutors always appear prejudiced against people from religious minorities (Harsono, 2020). In such cases, it is clear that the entire government bodies continuously encourage and support the discrimination and even violent abuse of religious minorities such as the *Ugamo Malim* religion.

The Parmalim student forced to follow another religious teaching

In general, elementary schools to public high are government-funded schools. This support is explicitly regulated in article 6, paragraph 1 of Law 20/2003 on the National Education System, stating that children aged 1-18 years must attend primary and secondary education. Religious subjects are compulsory from elementary school through high school in Indonesia. This equality is justified by the government in the national education law that: "Religious education is education that provides knowledge and shapes the attitudes, personalities, and skills of students in practicing teachings of religion, which is carried out at least through subjects/courses in all pathways, levels, and types of education" (Government Regulation No. 55 the Year 2007 on Religious Education).

However, this raises a problem since not all schools have this facility and religious teachers are only available for six official or recognized religions. In other words, the government-owned schools only have spiritual teachers from the faiths recognized by the government. The students whose religion is outside the six recognized religions are obliged to follow religious teachings outside their religion or belief.

Simultaneously, no Parmalim spiritual teacher at school, students from *Ugamo Malim* are obliged to attend one of the religious subjects, either Christian or Islamic or religious teachings, not by their beliefs. Not all policy implementers know the law; there is also an element of stereotypes from policy implementers who think that belief is heretical, atheist, even communist (Leandha, 2016). Only the official religions recognized by the State are taught in schools. Students with other

than six religious backgrounds are not allowed to learn their faith at school, meaning that schools discriminate based on student beliefs: it also means that schools discriminate against other religious beliefs.

Parmalim and the Ugamo Bangso Batak Community (UBB) children were forced to choose another religious education. U.S Embassy & Consulate in Indonesia (2016) reported that Adherents of the faith said they were forced to send their children to attend religious education classes in one of the six officially recognized religions. They were told to buy books of worship which Christian children used when they worshiped at church (Assifa 2016). They were often ridiculed 'trivially' by their friends, and the teachers did not provide them. The school also requires choosing one religion for studying religion and religious values because Parmalim religious education has not been facilitated in schools. Consequently, social identity, which is part of the student self and individual, cannot be maintained because there is no government choice.

Discrimination to obtain Marriage Certificate

Discrimination is not limited to education but also the civil rights of citizens of fellow believers to obtain a marriage certificate. It is a bit burdensome for followers of the faith regarding the marriage registration procedure because marriage must be carried out through a modern organization and has members in three districts/cities (Law No. 40 year 2019). This restriction becomes an obstacle for the Ugamo Malim community to obtain a marriage certificate - a barrier for adherents of the Parmalim community trust to get a marriage certificate. This matter is not in line with the Guidelines for Empowerment of Believers in God Almighty, published by the Directorate of Belief in God Almighty, 2009.

Thus that the laws and regulations regulating the registration of marriage does not contain an affirmative action clause or provide reinforcement or ease, but makes it difficult and weaken the position of indigenous communities in terms of the constitution and the Human Rights Law, emphasizing the need to provide special treatment for equality and justice.

Discrimination in employment

Discrimination, which is unprofitable, also closes the Parmalim chances of getting employment. The impact of not including believers' names in the religion column on the Identity Card (KTP) or Family Card (K.K.) has a significant and systematic effect on the follow-up of the citizens' constitutional rights. Every job applicant must include religion in the available religion column. However, because *Ugamo Malim* is not in the religion column, they automatically cannot participate in the selection for Civil Servants. The civil servant recruitment system is now available through an online system, including a religious column that closes

their opportunity to register. It is no wonder if they lose before competing or left out before competing.

For instance, Charles is a smart and intelligent young man from *Ugamo Malim* aspiring to be a police officer but refused because his religion is not the State's recognized religions. To learn that believing in 'the one true God' is a mandatory condition for becoming a policeman in Indonesia (Wits, 2019).

Funeral Discrimination

Because the religion column is so crucial in identity, there are implications related to marriage, death, and inheritance if the religion column is empty. When religion is not listed in the religion column, it is difficult to identify and resolve problems, especially marriage, death, and burial. As a result, followers of faiths such as *Ugamo Malim* continue to experience discrimination from birth to death.

Usually, in Indonesia, public burial places are divided into two or three blocks, namely Islamic, Christian, and Buddhist blocks. The Pondok Ronggon Public Cemetery, one of Jakarta's largest blocks, is only divided into three blocks: the Islamic block, the Christian block, and the Buddhist block (Susanto 2019). So it is challenging to locate the corpses of followers of other faiths and religions. The applicant's family funeral was rejected at any public cemetery (Constitutional Court of the Republic of Indonesia, 2016). The *Permalim* often find it challenging to get a funeral with unclear religious reasons. The term "infidel" is just a small example that they have to account for because there are differences with the community at large.

SUMMARY AND CONCLUSION

Ugamo Malim is a traditional Batak religion that is not Muslim or Christian but a belief that worships the god Ompu Mula Jadi Nabolon and the ancestors' spirits. This belief is not recognized as an official religion by the State; thus, its adherents face difficulties and are discriminated against because they do not attach their faith to the religion column provided. It causes the followers of *Ugamo Malim* to be discriminated against and lose their identity from birth to death. Actions of religious intolerance and violations of religious freedom have persisted in Indonesia since the country gained independence. The prevalence of threats and discrimination facing religious minorities has increased despite national and international laws prohibiting state-sanctioned violence towards a minority group.

The escalation of religious intolerance and related violence can be traced back to the government's increased focus on promoting only six official religions while considering minority religions such as *Ugamo Malim* as traditions and cultures without official status. The lack of official recognition and status by the State means that most adherents of the *Ugamo Malim* religion

cannot access identification documents such as I.D. cards, opening bank accounts, registering to vote, education certificates, and marriage certificates, among other documents. Indonesia's legal and criminal justice system is one of the many factors contributing to the increased discrimination and violence targeting religious minorities such as the *Ugamo Malim*. Some of the laws and government-related institutions that promote discrimination of religious minorities include regulations on houses of worship, blasphemy laws, bias by the police and the courts when handling cases involving minorities.

In addition, there is increased support by local and national governments on violence towards minority religions perceived to be insulting or disrespecting Islam. As noted in this case, the problem of discrimination of religious minorities, especially *Ugamo Malim*, is directly linked to the government's failure to fully implement national and international laws guaranteeing freedom of religion and worship and promoting equality of all citizens.

The main recommendation is that the Indonesian government uphold equal rights as citizens and not discriminate against *Ugamo Malim* because it is not recognized as an official religion by the State. The Indonesian government needs to understand that eliminating the different discriminatory regulations and systems in the country must be dealt with as part of the approach to achieve religious freedom in the country. The elimination of the discriminatory regulations and policies must involve making it clear that any police, government official, or member of other religions that threaten the religious freedoms of other citizens will face the consequences.

The limitation of the research is that the study focuses specifically on followers of *Ugamo Malim*, so no information is provided on a similar situation facing *Ugamo Malim* followers; occurs with minority groups as well as others. The second limitation is that the researcher chooses primary qualitative with certain people, which means that a broader view cannot be reached regarding the research topic in the primary quantitative analysis. Further research needs to be carried out to investigate *Ugamo Malim* followers' rights to freedom of religion, who lost identity because the state does not officially recognize this religion.

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