

Constitutional Recognition and Legal Protection for Local Religion in Indonesia: A Discourse on Local Religion of the Tengger and Baduy People

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ABSTRACT

The Tengger and Baduy tribes represent the tribal societies in Indonesia that hold a unique local religion. The existence of this local religion deserves to be protected by the nation to give comfort to its devotees when they worship according to their belief. This constitutional recognition and legal protection is stated in Article 28E Paragraphs (1) and (2) and Article 29 Paragraphs (1) and (2) of the Indonesian Constitution. This regulation is not complete and requires to be elaborated in several delegated legislations. The existing problem is to make space for the local religion to emerge with its own identity without being referred to any particular religion. At the implementation level, protection for local religion is not yet perfected. Therefore, regulation needs to be more widely implemented to guarantee protection for local religion in the Constitution.

Keywords: Local religion, constitutional recognition, legal protection, socialisation

INTRODUCTION

As widely known, Indonesia is diverse (*bhinneka*) in terms of race, ethnicity, religion, custom, native language, local culture and education as well as the welfare and participation of the people. It is

estimated that there are more than 500 races occupying the archipelago of Indonesia (Ajawaila, 2003, p.23). Moreover, there are approximately 400 belief systems in a divine diety (Setiawan, 2006, p.153). Due to its cultural diversity, Indonesia deserves to be called a miniature of the world (National Defense Institute, 2012, p.44) and may serve as an epicentre of future civilisations (Gatra, 2013).

In sociocultural perspective, religion is inseparable from the life of societies that believe in a diety. Religion plays a role as a

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science system and belief in the daily lives of people, and it is believed to provide an explanation of the hereafter. Therefore, religion captures the need of individuals to understand and provide meaning and purpose for their existence on earth and after death. Harmony among people, whether of the same or different religions, in Indonesia is essential, as it is a diverse country. Religion functions as a system of referenced values, and therefore, serves as a basis for the behaviour of believers (Hadikusuma, 1993, p.98–147). Consequently, religion acts both as unifier, making peace between peoples and at the same time, can also profound divisions among people, provoking powerful emotions of anger and extreme patterns of social violence.

Indonesia is not a country of religion, but this nation respects the existence of religions. The relationship between people from different religions in Indonesia is protected, although there is potential for conflict among people of different religions. The former President of Poland, Lech Walesa, in his meeting with President Susilo Bambang Yudhoyono in 2010, agreed that Western countries should learn about peace from Indonesia (Fadli, 2009, p.1). Indonesia has proven to be able to preserve its unity. Although the religion of the majority is Islam, Indonesia respects and gives more attention to the minority (Fadli, 2013, p.4).

During the pre-colonial era in Indonesian history, the Empire of Majapahit (A. D. 1293–1500), which rose as a maritime empire, united some of the islands of the archipelago, which comprises the present

territory of Indonesia (Fadli, 2013, p.5). Spirituality plays a key role in the vision of Indonesia as a miniature of the world and as an epicentre of future civilisation. Spirituality is manifested through inner awareness, which influences the social behaviour of every individual, promoting adherence to mutual respect and tolerance among the populace. Spiritual values are not influenced by the identity of a religion, which is officially accredited by either the nation or other local religions. Principally, the government, as a representative of a nation, has the responsibility to respect, protect and guarantee the rights of developing religions or beliefs existing among societies in an effort to enrich national cultural diversity.

Working from such an awareness, at the independence of Indonesia in 1945, the founding fathers and the framers of the constitution of Indonesia decided to make the statement “Belief in the One and Only God” as the first principle of the *Pancasila*, the state philosophy of the Republic of Indonesia, commonly called the Ideology of the Nation (Fadli, 2013, p.6), which is fundamental to the life of the nation. This first principle acts not only as the fundamental measure for people to respect those who profess belief in different religions but also serves as the basis to keep people on the right track of righteousness, justice, kindness, honesty and brotherhood. Therefore, it is expected that this nation will strengthen its foundation. The manifestation of values expected by the founding fathers are stated in the Constitution of Indonesia Article 29 as drafted in the year 1945 in

the following regulations: (1) The State is based on the belief in the One and Only God and (2) The State guarantees each and every citizen the freedom of religion and of worship in accordance with his religion and belief.

Constitutional recognition and legal protection given to local religions in Indonesia need to be studied and formulated for practice to guarantee freedom of religion to worship in accordance with one's belief or religion, which is also conducted not only in a normative way but also in an implemental way. This study focussed on the native people of Tengger, Pasuruan Regency, East Java and the native people of Baduy, Banten. The author chose these two tribes from among the 500 races in Indonesia due to four reasons: (1) The people of Tengger and Baduy still hold on to the cultures and customs of their ancestors; (2) These two tribes are the biggest ethnic groups on Java Island; the Tengger occupy the eastern part, whereas the Baduy are found in the west coast; (3) The Tengger and the Baduy are seen to have unique characteristics reflected in their way of life and resistance level towards incoming cultures; and (4) The author conducted research in these sites at significant periods in three different years, 2002, 2008 and 2012.

Research Problem

The research questions that were scrutinised in this study were:

1. What is the uniqueness of the local religion of the Tengger and Baduy people?

2. How does the state protect local religion through constitutional recognition and legal protection?

RESEARCH METHODOLOGY

Research data include primary and secondary data. The primary data were obtained through interviews (in-depth interview) and observation. Respondents were determined through the purposive sampling technique. The sample respondents included religious/traditional leaders, village heads and several village officials, experts who study local customs and society. Secondary data were obtained from a study of the literature, which was then analysed using the qualitative juridical technique.

THEORETICAL FRAMEWORK

Local Religion

The term 'local religion' is used in this study to refer to the religions and original beliefs of an ethnic group in Indonesia. According to the author, the existence of ethnic groups in Indonesia is admitted and honoured by the Government of Indonesia and is regulated by the Constitution. In addition, the independence of Indonesia is not separable from the struggle of the ethnic groups of the archipelago under the different empires of the colonial era.

Article 18(2) of the 1945 Indonesia Constitution stipulates that:

The State shall recognize and respect, to be regulated by law, the homogeneity of societies with customary law along with their traditional rights for as long as they

remain in existence and in agreement with societal development and with the principle of the Unitary State of the Republic of Indonesia.

By law, the Government of Indonesia recognises six official religions in Indonesia, namely Islam, Catholicism, Christianity, Hinduism, Buddhism and Confucianism. According to the author's understanding, this recognition is related to the facts in national and global level. However, it does not mean that in reality there is no local religion. Here, the author holds a different perspective. The believers of local religion acknowledge that their religion is not part of any particular religion. They cling firmly to the teachings of their religion which they consider to be true and follow certain guidelines for religious behaviour and perform rituals according to the teachings of their religion. I try to understand them the way they understand themselves, as prescribed by Phenomenology, which Annemerie Schimmel saw as the only legitimate method to understand Islam (Bagir, 1997, p.10–11). In the author's opinion, local religion should be protected. In some cases, local religion has similarities with local belief, but for the author, the source of local belief is different from that of the local religion.

Seen from the historical aspect, local religion was also expressed by the French scholar J. J. Rousseau in his concept of a 'social contract'. In his magnum opus, *Social Contract Book IV*, Rousseau discussed what is meant by civil religion

together with a simple explanation (Hatta, 1981, p.28). At first, Rousseau took note of the two categories of religion, which were considered unsuitable for the need of the people: the religion of human beings and the religion of societies. Rousseau also stated a third religion. However, Rousseau did not elaborate the third religion, but he came to a conclusion that these three religions could not keep in line with the life of societies (Rousseau, 2003, p.9).

The religion of human beings (in reference to Christianity), according to Rousseau, is the religion emphasising on the moral aspect and the worship of God. This religion of human beings is believed to be bad due to its lack of emphasis on social empowerment (Rousseau, 2003, p.9). This religion is private and individual. Meanwhile, the religion of societies is defined as a religion that is professed by the people of a nation.

Bellah (1992) described the concept of civil religion from a unique perspective. He wrote in his book, *The Broken Covenant: American Civil Religion in Time of Trial*, that in America, a well-arranged and institutionalised civil religion, together with its church, could possibly be separated and differentiated from Christianity, meaning that the civil religion could be differentiated from the "institution" of civil religion in the world (Bellah, 1992, p.3). Bellah understood that this has nothing to do with national self-worship, but that it indicates a submission of America to the principles above it and is based on the perspective from which it is supposed to be valued.

In addition, Nur Syam (2013) agreed that civil religion has insight into what is seen from the outside and represents the values and spirit of belief apart from a formal understanding of religion. Therefore, religion arises out of a historical process. It does not consist of dogma, rigid lesson or exclusive ethics but is rather formed by a sequence of a historical process with a tendency to move forward and improve. A continuous process of verification is required to find out the unlimited truth that is beneficial to all human beings. He elaborated on and continuously reformed and revolutionised all old dogmas to be more civilised. As a result, the proposed freedom for human beings, which enables them to engage in social activities, whose transcendence is usually sublimated, should be able to serve as a paradigm in the process.

Komaruddin Hidayat (2003, p. 9) stated that there is a close correlation between religion and culture as manifested in various forms of religious festivals that convey meaning and messages and diffuse cultural diversity. This is related to the human characteristic known as *homo ludens*, a species that likes diverse shows; *homo religious*, a species always searching and yearning for God; and *homo festivus*, a species that likes participating in festivals (Hidayat, 2003, p.9).

In his writing entitled, *The Dialectic on Religion and Culture*, Komaruddin Hidayat (2003, p. 9) emphasised that religion was supposed to position itself amid cultural and national pluralism, give vision and motivate and illuminate people within their

culture and nationality. Religion, at last, is considered a culture if seen from the last manifestation and behaviour of individuals in the cultural hierarchy. When religion fails to articulate in cultural scope as an emancipator, it is at risk of being abandoned by its believers. Conversely, cultural drive that has no capability to transcend will lack support. Thus, religion is put to the test in a historical scope by means of empirical measures of humanism (Smith, 1985).

The concept of civil religion was also concluded by Tedi Kholiludin (2013), who stated that there are two theoretical constructions concerning the development of civil religion, with the awareness of society functioning as a central point. First, according to the centrifugal theory, the construction of civil religion moves upwards from societies to national idealism as described by Rousseau. Second, according to the centripetal theory, the collective awareness, civic morals, serves as a hub for this theory, as referred to by Durkheim. These two theoretical concepts was depicted by Bella in reference to civil religion in America.

The phenomenon of religion and various beliefs in Indonesia has attracted many experts to study it. One of them is Clifford Geertz. Geertz conducted his research from May 1953 to September 1954. In *The Religion of Java*, he saw the dichotomy of *Santri*, *Abangan* and *Priyayi* in the Javanese community. He discussed all three in depth in 21 chapters of his book (Geertz, 1981, pp.1–161, 163–301, 303–471). Even though his work is very much appreciated

(Kleden 2006, p.6), a number of people have criticised it. Smith (1963, p.203) pointed out that the very title of Geertz's work is fairly ambiguous, stating that it could refer to one of several angles: the religion of Java or religion in Java or the religious life of Java. The terms *Abangan*, *Santri* and *Priyayi* were also not free from his criticism (Smith, 1963, pp. 203–206). Parsudi Suparlan, the author of the foreword of the Indonesian edition of Geertz's book (Geertz, 1980, p.ix), also criticised the work. Suparlan argued:

Professor Bachtiar has precisely suggested (1973, pp. 80–90) that the use of the terms *Abangan*, *Santri*, and *Priyayi* to divide Java community into religious categorization is not appropriate, because the three groups mentioned above are not rooted in one similar classification system (*Abangan* and *Santri* are classified according to the level of their adherence to practice the religion of Islam, while *Priyayi* is a social classification); and also, the classification made by Geertz seems to be an absolute category, whereas in reality it is not so.

This description clearly demonstrates Geertz's weaknesses in understanding Javanese communities.

Constitutional Recognition and Legal Protection

The protection of law involves all deeds done by the state/government to protect local religion either at the level of the

Constitution or the law. Thus, it is expected that the local religion is guaranteed to develop among its communities.

Philips Hamburger (2009) proposed a concept concerning the protection of law. He divided the protection of the law into several categories. The first was the protection of the law for natural liberty. To be precise, the state of nature was a model of the state or condition where individuals had no common sovereign and there was no civil government (Locke, 1988, p.271). The liberty that individuals enjoyed under this natural law was their natural liberty or, when particularised, their natural right (Hamburger, 1993, pp. 918–919). Generally in the 18th century, if individuals in the state of nature were to preserve their natural liberty, they had to form themselves into a people, establish a civil government and thereby acquire civil laws, which would give a clear definition of their natural rights and protect their moral claims with civil sanctions (Hamburger, 2009, p.1835). The government and its laws was thus understood to be established for the protection of natural liberty. This limited but basic sort of protection for natural liberty came to be the essential protection, to which every citizen or free natural subject had a right (Hamburger, 2009, p.1835). The second was a sort of secondary protection, which would ultimately be more significant; this was the protection of the law, most salient in the courts for all rights enjoyed under civil law. On this assumption, all legal rights had the protection of the law in the sense that they could not be taken away contrary to the law

or without due judicial process. The third was the protection of government, a moral or political commitment of the executive to enforce the law rather than a legally-binding duty (Hamburger, 2009, p.1835). The law of the land, however, carried a legal obligation and was judicially enforceable. As a result, the second kind of protection, the general protection of the law for legal rights, related ultimately to the liberty enforceable at law. This was the sort of protection that had the greatest practical significance in disputes. Nonetheless, the other two types of protection, protection of the law for natural liberty and active protection provided by the government, were also aspects of protection that was reciprocal with allegiance (Hamburger, 2009, p.1835).

RESULTS AND DISCUSSION

Uniqueness of Local Religion of the Tengger and Baduy Societies

Tengger society. The native people of Tengger are scattered across Pasuruan Regency, Lumajang, Probolinggo and Malang. The word 'tengger' yields various meanings. Etymologically, 'tengger' could mean standing upright, still, unmoved (Java). When related to custom and belief, 'tengger' can be defined as the sign (*tengering*) of nobility (Hariyanto, 2013, p.59). The Tengger people respect their leader and obey rules that are implemented. When Thomas Stamford Raffles served as Governor General during the period of rule by the Dutch East Indies, he admired the Tengger people. He said that during his

visit to this cold mountainous area, he saw the native people of Tengger as individuals who lived in peace, worked hard, obeyed the law and were always happy. They did not indulge in gambling. When Raffles raised a question about adultery, theft and other crime, they simply answered that he would not find such behaviour among the Tengger (Sutarto, 2006, p. 1).

Based on local legend, the native people of Tengger, who were searching for seclusion, originated from the Empire of Majapahit. Initially, the Tengger had no religion but a belief that everything existed because it was created. Not until A. D. 929 did the people of Tengger worship *Sang Hyang Swayambuwa* (God of Brahma) facing Mount Bromo. At present, the people still keep the Hindu traditions of Dharma, although they recognise no caste (Sutarto, 2006, p. 1). Interestingly, it is also believed that they have been in existence since before the Majapahit Empire came to an end.

Although the major religions among the Tengger are Hinduism, Buddhism and Islam, one village, Southern Ngadas Village in the Malang Regency, believed in local religion. This local religion has no name; the local people call it *Ki Dodo Putih*. According to the history of this religion, the first Javanese king, Ajisaka, brought the message of divine revelation through the Aksara, the Javanese script. After some time, Ajisaka went into the wilderness for some years to meditate, so that the Aksara could be developed into a proper belief system for the Tengger. The implicit function of the script is a means for the pursuit of God.

Aksara Jawa				
ꦲ	ꦤ	ꦕ	ꦫ	ꦏ
ha	na	ca	ra	ka
ꦢ	ꦠ	ꦱ	ꦮ	ꦲ
da	ta	sa	wa	la
ꦥ	ꦢ	ꦗ	ꦪ	ꦚ
pa	dha	ja	ya	nya
ꦩ	ꦒ	ꦧ	ꦠ	ꦚ
ma	ga	ba	tha	nga

Figure 1. Javanese script of Ajisaka

This pursuit of God involves the following:

1. Be respectful to the creator of life.
2. Be respectful to one’s parents (biological parents and parents-in-law).
3. Be kind to one’s siblings and relatives, neighbours and friends.
4. Be cooperative towards your spouse.
5. *Ilinga ring pepatinira*, which is a belief not considered part of religion, but which has been long associated with the Tengger.

Maintaining the common law and noble values of the native Tengger is a duty that falls to the shamans. They take control of the customs and beliefs of the community. Therefore, it is quite common that everything prescribed by the shamans is followed closely by the Tengger. The shamans also lead the people in preserving their customs and culture.

The Tengger people are believed to be the most persistent ethnic group in preserving their culture. They are easily spotted, as they

commonly wear a sarong called *kawengan*. The *sarong* is an affordable garment worn as a jacket to protect from cold weather (Adiprasetio, 2010). No written norms or rules related to their custom are found, as everything is based on mutual agreement among the people. Although there are no written records, it is understood that the Tengger have been attached to their culture for centuries. According to the village inscription of *Walandit* in the Saka year of 851 according to the Balinese calendar (A. D. 929), Tengger territory has been known as sacred (*hila hila*) ground since the Majapahit Empire (Widyaprakosa, 2006), and all the residents are considered servants in religious matters, as provided for in ‘Sang Hyang Widi Wasa’. The *Walandit, Hyang dharma kebuyutan*, states that they should be left undisturbed in *swatantera* (Yamin, 1962, p.84). Hefner believed that the inscription bearing the *Saka* year of 1327 (A. D. 1405) was found in Penanjakan, Wonokitri Village, implying that the *Walandit* village was occupied by *hulun Hyang* (servant of God) (Widyaprakosa, 2006). The Tengger inherited the Hindu tradition from the glorious Majapahit Empire. Hinduism in Bali and Tengger is basically the same; the only difference is that the former follows the caste system, whereas the latter does not. The strain of Hinduism practised in Bali is Mahayan while the Tengger practise Dharma Hinduism, which is its majority religion. Minority religions practised among the Tengger are Christianity, Catholicism and Buddhism. Moreover, the Hindu communities of Tengger follow

traditions legated from the Majapahit period (Suprpto, 2011).

The people of Tengger have three kinds of kinship. The most basic is the nuclear family or *batih* family, commonly known as *sa'omah*. The second kind of kinship is *sa'dulur* or relatives, and the third kinship, which forms the biggest unit, is *wong Tengger* or the entire Tengger tribe itself (Hamidi & Harianto, 2014, pp.14–15). The Tengger people recognise all three kinship; *wong Tengger*, which represents the biggest unit, is responsible for conducting religious activities for the whole group as one. Traditional ceremonies such as *kasada* and *karo* are usually held as part of the religious activities of the Tengger tradition (Hamidi & Harianto, 2014, pp.14–15).

In general, the local religion of the Tengger community is experiencing some change either because of internal factors or external factors. Hefner alluded to this issue when he wrote 'Islamisation and Hindu Reform' (Hefner, 2007, p.239]. Nevertheless, the uniqueness of their way of life is still visible. Typical local religion must be protected and given the freedom to implement its teachings alongside the six other major religions recognised by the state. The Tengger local religion enriches the life of diverse, pluralistic Indonesia.

Inner Baduy society. The Baduy are known as an ethnic group that has held on to its custom and culture for a long time. The major belief followed of the Baduy people is *Slam Wiwitan*, a belief emphasising a

simple lifestyle through ritual meaning reflected in behaviour, habits, decision and teachings. The Baduy people are divided into two groups: Inner Baduy and Outer Baduy; the Inner Baduy are more unique as it only has three *Tangtu: Cibeo, Cikesik* and *Cikertawana* (Endrawati, Hamidi, & Fadli, 2012, p.44). The outer Baduy, however, practise forms of other religions such as Hinduism, Christianity, and Buddhism in addition to Slam Wiwitan.

Geographically, the Baduy live in Kanekes Village, Leuwidamar sub-district, Lebak Regency, which lies 45 km to the south of Rangkasbitung City. The access to the central government of inner Baduy, Cibeo Village, can be reached on foot as far as 12 km. From the northwest (the gate of Keroya Market, Kebon Cau Village, Cirinten Sub-district), it is as far as 22 km. This distance has helped to preserve Baduy custom and cultural legacy (Endrawati, Hamidi, & Fadli, 2012, p.44).

The core of *Sunda Wiwitan* is the relationship between human beings and nature, where God commands human beings to preserve and keep nature pristine. As a whole, *Sunda Wiwitan* is described in *Amanat Buyut*, which means that *Buyut* who is taken care of by a *Pu'un* or leader:

To preserve religious values, the *pu'un* (leader) plays an important role. The *pu'un* responsible for keeping religious laws and customs of the Baduy is the *Pu'un Cikeusik*. The people of Baduy are strictly obedient to either formal or informal rules made by their leader. This is seen in their absolute

Table 1
Twelve principles of Sunda Wiwitan

No.	Principles of <i>Sunda Wiwitan</i>	Meaning
1	<i>Puun nagara satelung puluh elu</i>	The state of 33
2	<i>Begawan sawidak lima</i>	River of 65
3	<i>Pamer salawa nagara</i>	Centre of 25 states
4	<i>Gunung teu meunang dilebur</i>	Mountain should not be shattered
5	<i>Lebak teu meunang sirsak</i>	Valley should not be wrecked
6	<i>Larangan teu meunang dirempak</i>	Prohibition should not be broken
7	<i>Buyut teu meunang dirobah</i>	<i>Buyut</i> cannot be changed
8	<i>Lojor teu meunang dipotong</i>	Length cannot be cut off
9	<i>Pondok teu meunang disambung</i>	What is short should not be connected
10	<i>Nu lain kudu di lainkeun</i>	What is not must not be present
11	<i>Nu ulah kudu di ulahkeun</i>	What is forbidden must not be done
12	<i>Nu enya kudu di enyakeun</i>	What is right must be justified

Source: Research result

adherence to the rules. Both the Inner and Outer Baduy rarely go against the rules set by the *Pu'un* (Puspitasari, 2011).

The Baduy believe in *karma*. *Sam Wiwitan* is similar to Sunda of the past, but it is different from *Sam Wiwitan* taught by Raden Kiansantang from Pasundan. The *Slam Wiwitan* practised by the Sunda people stems from the *Slam Wiwitan* followed by the Inner Baduy. The Baduy put God the first and then nature followed by belief in Mecca and the *ka'ba* of Islamic tradition. The Inner Baduy believe that they have been entrusted by God to manage nature and to unite with it to preserve the balance of the universe. Therefore, they are strictly committed to preserving nature and the environment. The paths in an Inner Baduy village are linear and are patterned after flowing water. These paths can only be passed by one person at a time. The paths are intact from any marks made by a hoe and are

free from all efforts at modification. Both the Inner and Outer Baduy speak the Sundanese language with a Rangkasbitung accent for daily communication. However, Indonesian is also fluently spoken, especially by those aged under 35 years, to communicate with guests of different cultures.

The rapid social changes in the era of globalisation do not preclude the Inner Baduy. However, their resoluteness in maintaining their principles amid modernisation shows that they truly believe in the rightness of the local religion which they profess. Their uniqueness still seems real.

The existence of the Baduy highlights the importance of preserving and protecting local religion and giving it the freedom to implement its teachings alongside the six other major religions recognised in Indonesia. Local religion is an invaluable and extraordinary treasure in pluralistic and religious Indonesia.

Constitutional Recognition and Legal Protection for the Local Religion

In Article 29 of the Constitution of Indonesia 1945, it is stated that (1) The State is based on the belief in the One and Only God and (2) The State guarantees each and every citizen the freedom of religion and of worship in accordance with his religion and belief. However, after the reformation era, changes were made to the Constitution to emphasise more clearly the freedom of religion as stated in Article 28E Paragraphs (1) and (2) of the 1945 Indonesia Constitution:

- (1) *Each person is free to worship and to practice the religion of his choice, to choose education and schooling, his occupation, his nationality, his residency in the territory of the country that he shall be able to leave and to which he shall have the right to return.*
- (2) *Each person has the right to be free in his convictions, to assert his thoughts and tenets, in accordance with his conscience.*

What is regulated in the Constitution of the Republic of Indonesia 1945 is also regulated by Law No. 39 Year 1999 concerning human rights. The regulation concerning religion is stated in Article 8:

Protection, advancement, enforcement, and human rights fulfilment are primarily the responsibility of government.

and Article 22:

- (1) *Each person is free to worship and to practice the religion of his choice.*
- (2) *State guarantees each and every citizen the freedom of religion and of worship in accordance with his religion and belief.*

This regulation is not complete and requires elaboration in several delegated legislations. The regulation concerning the freedom to worship in Indonesian law is in line with regulations of international law. In some international conventions, freedom to worship has been ratified by the Government of Indonesia, such as in the Declaration of Human Rights 1948, the International Convention on the Elimination of All Forms of Racial Discrimination 1969, the International Covenant on Civil and Political Rights 1976 and other international agreements (Hidayat, Isnur, & Yonesta, 2011).

Furthermore, the government has composed Law No. 26 Year 2000 on Human Rights Courts to address human rights violations. Thus, the constitutional and legislative assurance toward local religion is already strong enough.

However, there is a problem left unsolved; the followers of local religion need to be given the chance to emerge with their own identity without referring to any particular religion. This case is inseparable from the era of Soeharto. In that era, local religion had to be referred to or returned to

the teachings of its closest religion (Islam, Catholicism, Christianity, Hinduism or Buddhism). This eroded the identity of local religion or caused it to disappear altogether.

CONCLUSION AND RECOMMENDATION

Local religion has its uniqueness and exists only in a particular part of Indonesia. The nation has given constitutional recognition and legal protection to local religion, which is in line with international law. Where implemented, however, this protection needs improvement. This is because, in practice, there are still certain restrictions on local religion, for example, prohibition of the use/display of religious symbols.

Recommendations

Some recommendations are made:

1. The regulation needs to be widely socialised among the followers of a local religion, and they should be aware that their existence has been given appropriate protection.
2. The regulation needs to be implemented consistently so that the followers of local religion are equal to the followers of other religions.

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