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The Democratization of the Organizational Registration of Indigenous Beliefs for Fulfilling the Right of Citizens

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Abstract

In a democratic state, each person should ideally be equal before the law and government. However, in Indonesia, this was not fully obtained by Indigenous Beliefs or known as Penghayat Kepercayaan terhadap Tuhan YME. The most significant obstacle for Indigenous Beliefs is to obtain the rights of organizational registration. Even though there is a Decree of the Constitutional Court No. 97/PUU-XIV/2016 that has equalized the position of religion and belief, there is still discrimination against Indigenous Beliefs. When they want to access their rights of citizens, they always encountered the requirements of organizational registration. This research seeks to investigate how to democratize organizational registration of Indigenous Beliefs followers in order to be able to create the equality and justice. This research employed a normative juridical method with a legal history approach to observe the extent of the historical context of the formation of legislation on Indigenous Beliefs followers' organization.

Keywords: democracy; indigenous beliefs; organization.

Abstrak

Dalam Negara Demokrasi idealnya setiap orang bersamaan kedudukannya dalam hukum dan pemerintahan, serta mendapatkan manfaat yang sama dalam pemenuhan hak-hak warga Negara. Namun demikian di Indonesia hal tersebut menjadi berbeda terhadap penghayat kepercayaan terhadap Tuhan YME. Salah satu hambatan terbesar bagi penghayat kepercayaan untuk mendapatkan hak-hak warga Negara adalah persoalan pendaftaran organisasi. Meskipun sudah ada Putusan MK No.97/PUU-XIV/2016 tentang pengujian UU Administrasi Kependudukan, namun pada kenyataannya masih terdapat diskriminasi terhadap penghayat kepercayaan. Pada saat hendak mengakses hak-hak warga negara, penghayat kepercayaan selalu berhadapan dengan syarat organisasi yang terdaftar. Penelitian ini hendak mengkaji bagaimana upaya demokratisasi pendaftaran organisasi penghayat kepercayaan agar dapat menciptakan persamaan kedudukan dalam hukum dan pemerintahan. Penulis menggunakan metode penelitian yuridis normatif dengan pendekatan sejarah hukum untuk melihat konteks sejarah pembentukan peraturan perundang-undangan tentang organisasi penghayat dengan perspektif teori hukum kritis untuk mewujudkan keadilan sosial bagi seluruh rakyat Indonesia.

Kata kunci: demokrasi, penghayat kepercayaan, organisasi.

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Introduction

In the noble agreement in a rule of law, the people's rights derived from human rights are to be respected, protected, and fulfilled by the state. In John Locke's view, the government's task is to protect the people and/or the people's rights because the state is created for this task (Sibuea, 2014). On a different view, Azhari (1995) argued that even though Indonesia does not adhere to a social agreement (*vertrag*), but adhere *gesamakt*,

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which is a collective will to live as a state. The goal of living as a state is to achieve happiness with the entire Indonesian nation. This is explicitly stated in Paragraph IV of the Preamble of the 1945 Constitution that one of the objectives of the Indonesian nation is to improve public welfare. The phrase 'public welfare' has a broad meaning covering the welfare of all Indonesian people.

Article 27 Paragraph (1) of the 1945 Constitution states, "All citizens shall have the same position before the law and government thus are obliged to uphold the law and government without exception". The equal position of these citizens is a prerequisite for a country to be a rule of law. This affirms that no citizen has a higher position over his fellow citizens. The same position in law and government is related to equal position in the fulfillment of the rights and obligations of citizens. Translated in the implementation of daily life, Article 27 Paragraph (1) of the 1945 Constitution is ideal and even utopian when viewed based on the social differentiation that exists in the society. Different conditions of each group of citizens also means different in enjoying the equal position in law and government. This difference can be seen in the group of believers of faith of God (hereinafter referred to as the believers) who is a minority group in the social system in Indonesia. The believers are Indonesian citizens who adhere to a certain belief system outside of the religions recognized by the government. In their belief system, the conception of God is different from most mainstream religions so that the believer's group is excluded from religious groups through government policy.

The definition of beliefs (*kepercayaan*) according to TAP MPR Number IV/MPR/1978 chapter IV Number 13 section 1 letter F is a belief in the One and Only God outside the religion recognized by the State, not a new religion but a national culture (Sofwan, 1999). Departing from this stipulation, the Minister of Religion issued Instruction of the Minister of Religion No. 4 of 1978 concerning Policy Regarding Beliefs. In the instruction signed by Alamsyah Ratu Perwiranegara, the Department of Religion no longer deals with issues of belief, because it is not considered as religion.

The difference in the government's view of the believers has an impact on the treatment of identity of and services for the citizens. The adherents of religion are under the management of the Ministry of Religion, while the believers are managed by the Ministry of Education and Culture. This differentiation in the government's treatment of groups of religion and believers turns out to have different consequences in terms of fulfilling the citizens' rights. The rights stated in the constitution which should be enjoyed by every citizen without exception are different because they become conditional for the believers. For example, the right to have education, to have freedom of association, to work, to build a family by marriage, and to have civic administration services including funerals, all require a religious category. Meanwhile, those who do not belong to the official religions of the government (Islam, Christianity, Catholicism, Hinduism, Buddhism and Confucianism) experience difficulties in fulfilling the rights of their citizens.

So far, in Indonesia, the freedom of religion has become a requirement that wanes the fulfillment of the other rights of the citizens. When the right to have freedom of religion is only interpreted as limited as the right of freedom for believers of religion, then the believers will certainly not be able to have it. After a long struggle of the believers to be recognized as having the same position as believers of religion, the Constitutional Court Decision Number 97/PUU-XIV/2016 states that the word *agama* (religion) in Article 61 paragraph (1) and Article 64 paragraph (1) of Law Number 23 of 2006 concerning Citizenship Administration as amended by Law Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Citizenship Administration is contrary to The 1945 Constitution of the Republic of Indonesia and does not have legally binding force as long as it does not include “beliefs”. Now, based on the Constitutional Court Decision, the word religion then has the same meaning as belief in God. However, the change in definition does not necessarily change the conditions and discrimination experienced by the believers. An explicit matter of attention is the religion column on the Identity Card of the believers which can be filled with the name of the belief.

The change in the identity should be able to pave the way for fulfilling of the civic rights of the believers. However, various policies related to the life of the community are still hampered by the requirements of the organization as a “home” for the believers that are recognized by the government. Affiliation to an organization is an absolute requirement in accessing the rights to marriage, education, funerals, and other social services.

As an example, in the field of marriage, Article 81 Paragraph (1) Government Regulation Number 37 of 2007 concerning the Implementation of Law Number 23 of 2006, states that marriages of believers are carried out in front of believers Leaders. The leader of the believers is appointed and stipulated by the organization of the believers to complete and sign the marriage certificate for the believers. The leader of believer’s leader who can legalize the marriage must come from an ***organization registered with the Badan Kesatuan Bangsa dan Politik*** (Kesbangpol, National and Political Unitary Agency).

Likewise, education for the believers must be carried out by educators from organizations registered with the Ministry of Education and Culture. Provisions regarding education for the children of believers are regulated in Minister of Education and Culture Regulation Number 27 of 2016 concerning Education Services for Believers in God Almighty in the Education Unit. In Article 3 of the Regulation of the Minister of Education and Culture that in the provision of Belief Education as referred to in Article 2, the Government, Regional Government, and educational units can cooperate with ***organizations of beliefs that have been registered*** in accordance with statutory regulations.

In 2017, 188 organizations of believers registered with the Ministry of Education and Culture are spread throughout Indonesia with a total of 11,288,957 believers (Direktorat Jenderal Kebudayaan, 2017). It is possible that the number of members will increase

outside the 14 provinces included in the data. In addition, there are still many beliefs that are not listed, do not belong to organizations, and/or are spread in a small scope. For example in Brebes, the believers of the *Sapta Darma* belief are spread only in 4 out of 17 districts. This small number makes it difficult for the organization to register at the Kesbangpol Brebes Regency since the registration requirements of minimum number member is not fulfilled.

The community of believers cannot directly establish an organization because the registration requirements according to Regulation of the Minister of Home Affairs Number 33 of 2012 concerning Guidelines for Registration of Community Organizations in the Ministry of Home Affairs and Local Government are not easily fulfilled by the believers. In addition to the requirement of organizational management that must meet 50% of the total number of management at the central/provincial/regency/municipal level, a letter of recommendation from the ministry and regional unit in charge of cultural affairs for social organizations that have a special field of beliefs must also be attached.

Specifically for organizations of beliefs, Bakor Pakem (*Badan Koordinasi Pengawasan Aliran Kepercayaan dan Keagamaan/Coordination Agency of Supervision of Beliefs and Religious Sects in the Community*) which is still actively renewed by the Attorney General's Regulation Number PER-019/A/JA/09/2015 concerning the Coordination Team for Supervision of Beliefs and Religious Sects in Society (Team Pakem) which has been supervising the believers. Supervision of beliefs and religious sects in society is part of the implementation of the duties and authorities of the Attorney General's Office in the field of public order and peace to participate in carrying out activities to monitor beliefs that can endanger the community and the state and to prevent the abuse and/or blasphemy of religion.

Law Number 1 PNPS of 1965 is a means of state control over the development of beliefs in Indonesia. This law is effective in reducing the turmoil in the development of beliefs which is deemed to endanger the status quo. As an example, the belief of *Sunda Wiwitan* whose organization is still banned has difficulties when they want to register their leaders with the Ministry of Education and Culture. This of course has led to a polemic among the believers of *Sunda Wiwitan*, *Kapribaden*, *Perjalanan*, and other sects about how to protect their beliefs and obtain the civic rights that they should enjoy just like other religions in Indonesia.

Based on the provisions of Article 28E paragraphs 2 and 3 of the 1945 Constitution, everyone has the right to have freedom of belief, to express thoughts and attitudes according to their conscience and everyone has the right to have freedom of association, assembly, and expression of opinions, therefore, there should not be any trouble in matters of registration of organizations of believers. However, Article 28 of the 1945 Constitution states that freedom of association and assembly, and expressing thoughts orally and in writing and so on are stipulated by law.

Even though TAP MPR of 1973 and 1978 regarding the system of life of the believers and religious adherents in order to live in harmony and respect for each other and not to

impose their respective beliefs, the practice has been the opposite. The believers are not given freedom related to believe what they believe, practice their beliefs, and manifest their beliefs, either individually or within groups, including in funeral matters. Even in 1978 to 1993, the practice of prohibiting beliefs by the High Prosecutor's Office and the State Prosecutors' Office was rampant in several regions in Indonesia. An example case is forcing religion which was done by the Regional Government in Central Kalimantan on *Kaharingan* believers to become Hindus. It was a systematic effort to eliminate the existence of *Kaharingan*. These cases have resulted in a sharp decline in quality of the religious life of the believers. As for civil rights as citizens, many of the believers were forced to falsify their beliefs by converting to a religion so that they can access their civil rights (Komnas Perempuan, 2016).

On the other hand, when faced with the need for orderly administration and government reporting, the believers who are not organized continue to experience difficulties so that they inevitably hide their identity by claiming to come from a religion. Even if there is a community wishing to be registered as an organization, it is faced with the general requirements for establishing an organization, which of course are different from the life of the believers. As a result, the believer community will never be able to be legally registered and they will continue to be left behind and will not get the benefits of democracy which requires equal standing in law and government. Based on this background, this paper investigates the Democratization of Organizational Registration of Indigenous Beliefs for Fulfilling the Rights of Citizens.

Research Problems

The problem formulated is that, “are the requirements of the organization registration as a requirement for fulfilling the civil rights in line with democratic law perspective?”

Research Methods

The research method use in this paper is normative juridical, namely legal research which is carried out by examining library materials (Soekanto, 1985). The approach used in this study is the statute approach. The statute approach is carried out by examining all laws and regulations that are related to the legal issue that is being in discussion (Marzuki, 2006). Meanwhile, the legal history approach is used to add to the analysis on the enforcement of a statutory regulation that is adjusted to the actual need for the formation of statutory regulations.

Discussion

Pancasila, with the five precepts which are interrelated and each precept becomes a reference source for implementing the next precepts, has become a guideline to the life of the nation and state. In other words, the constitution becomes the basic law that is

used as guidance in the administration of a country (Asshiddiqie, 2006). Article 28E Paragraph (1) of the 1945 Constitution stipulates that, "Every person is free to follow a religion and worship according to the religion, choose occupation and teaching, choose citizenship, choose a place to live in the territory of the country and leave it, and has the right to return". Furthermore, Article 28E Paragraph (2) of the 1945 Constitution stipulates, "Every person has the right to freedom of belief, to express thoughts and attitudes according to their conscience". Then in Article 29 Paragraph (2) of the 1945 Constitution stipulates, "The state guarantees the freedom of every citizen to embrace his or her own religion and to worship according to that religion and belief".

Article 28E Paragraph 1 and Article 29 Paragraph (2) of the 1945 Constitution guarantees the freedom of religion for everyone without exception in believing and practicing their religion and beliefs. Religious freedom includes the right to freedom of having a religion and belief, freedom to practice teachings of religion and beliefs, and freedom to manifest religion and beliefs either individually or collectively. These are rights that fall into the category of *non-derogable right*. Ideally, the right to freedom of religion can be the given equally for all citizens whose equal position in law and government is guaranteed as stipulated in Article 27 Paragraph (1) of the 1945 Constitution.

The equal position of citizens before the law and government also means that they have equal citizens' rights and human rights. This can be seen from the regulation of citizens' rights and human rights as stated in the constitution. After the amendment to the 1945 Constitution, these rights have expanded the scope of the regulatory sector in detail. This is indicated by the special chapters on human rights regulation plus those spread outside the Material Chapter, which originally contained only 7 points of provisions and not entirely referred to as constitutional guarantees of human rights. Now, the details have increased significantly. The new provisions that were adopted into the 1945 Constitution after the Second Amendment in 2000 are contained in Article 28A to Article 28J, plus several other provisions contained in several articles (Asshiddiqie, 2005). In terms of the rights of citizens, they are closely related to the obligations of the state to fulfill the rights of citizens in the civil, political, and socio-cultural fields. In the Indonesian constitution, human rights and citizens' rights coexist, complement, and strengthen one another. One of the rights of citizens included in the scope of human rights in Indonesia is the right to freedom of religion.

The right to freedom of religion in terms of religion or belief is two entities of the same and equal concept. So that if it refers to an internationally recognized definition, the right to freedom of religion will cover all teachings of religion and belief that actually exist and are practiced in people's lives. The Freedom of Conscience is absolute inner freedom of the citizen to mould his own relation with God in whatever manner he likes. Freedom of conscience include that the person has right to certain belief and doctrines concerning matter which he consider to be conducive to this spiritual wellbeing. Every individual has absolutely inner freedom of module his own relation with God in whatever manner he likes (Parmar, 2015).

In implementing the right to freedom of religion in Indonesia, religious adherents do not experience problems in embracing religion as a personal belief that is manifested in the form of worship and teaching their religious beliefs either individually or in groups. In addition, religious adherents are also free to enjoy the right to freedom of religion which defines civil, political, economy, social, and cultural rights based on religion as an identity as well as a requirement for the fulfillment of citizens' rights. This translation of the right to freedom of religion is manifested in the fulfillment of the right to education, the right to build a family through marriage, the right to administration, the right to freedom of organization and work, and even the right to have assistance and or facilities from the government for the development of religion. Religious adherents in Indonesia are free to enjoy legal rights which are the translation of the rights to religious freedom as stipulated in Article 29 Paragraph (2) of the 1945 Constitution in various statutory arrangements under it. However, in Indonesia, the right to freedom of religion is still exclusive. Religious freedom is still defined narrowly only for religious groups without including groups of believers in faith who have the right to freedom of belief in God. This has implications in the differences of the perceived benefits of the right to freedom of religion/belief between religious believers and believers God.

In the context of a democratic rule of law, ideally the regulation of the right to freedom of religion that is derivate in the same meaning into the exercise of citizens' rights can be enjoyed by all people regardless of religion and belief. The human right to freedom of religion or belief essentially differs from those two approaches in that it takes diversity seriously. Diversity in the area of religion or belief cannot be marginalized as a mere variety of external rites, nor should denominations be treated as out-dated relics of the past, and the search for meaning should also not be denounced as just a waste of time and energy (Bielefeldt, 2012). This is in line with democratic values that emphasize respect and recognition of diversity (pluralism) in society, including religion and beliefs (Budiarjo, 1995). Regarding freedom of belief in God Almighty, it turns out that it is still a discourse in the implementation of a rule of law in Indonesia. Article 28E paragraph (2) of the 1945 Constitution is an Article of recognition of the human rights and rights of citizens who believe in God. The provisions of Article 28E Paragraph (2) of the 1945 Constitution are strengthened by Article 29 Paragraph (2) of the 1945 Constitution which is a state guarantee in the implementation of independence to embrace and practice their religion and beliefs. This article becomes a human rights provision as well as a citizen's constitutional right which applies equally to every Indonesian citizen. However, the equality of constitutional rights of citizens which should be enjoyed by everyone based on the equal position of everyone in law and government as regulated in Article 27 of the 1945 Constitution is not owned by the believers.

It is believed that so far, the laws and regulations made by the relevant ministries in various fields related to believers of God are only to fulfill population administration technicalities. The existence of implementing regulations under the Law that regulates and manages the organization of believers does not indicate that the protection of the

right to freedom of belief in God has been implemented. Regulations relating to the rights of citizens of the believer's faith sometimes overlap and contradict so that the believers eventually fail to revive the protection and fulfillment of the citizen's rights properly. In principle, the regulations still have legal gaps so that it does not answer the problem of regulating the rights of believers in the fields of marriage, organization, education, and other public services.

Another legal gap that relates to the rights of citizens who are believers is the right to freedom of association. Believers still find it difficult to organize and develop beliefs related to the manifestation of their beliefs because the rules of Law No.1 PNPS of 1965 concerning the Prevention, Abuse and/or Defamation of Religion and the Bakor Pakem institution established by the Government still apply. The believers are considered not to be religious communities so they need to be religious sized. The believers are given guidance under the ministry of education and culture because beliefs are considered as cultural heritage, not part of the religious belief as in religion. This has caused beliefs to appear to be part of non-material artifacts that fall within the scope of the Ministry of Education and Culture. They are considered to exist only as cultural accessories that cannot develop themselves other than those that are clearly displayed.

The existence of organizations of believers is an important factor in supporting the existence of the believers related to the ability to access and to develop the rights of citizens. Through an organization as a forum, it is hoped that the believers can build their capacity building and quality. With the belief organizations, the believers can access citizens' rights services, such as marriage, education, workshop facilities, and also aid from the Government. For example, MLKI (*Majelis Luhur Kepercayaan Indonesia/ Indonesian Council of Beliefs*), which is a joint organization of believers and that the registration of the organization at the Ministry of Education and Culture will make it easier for the believers to access services.

The success of MLKI as a community organization that is able to accelerate the interests of believers to the Government does not adequately represent that their rights to form an association and to form an organization has been protected. The number of believers registered in the organization with the Ministry of Education and Culture can still increase because they are widespread but within small communities. As happened in Brebes, the number of people that are followers of the *Sapta Darma* belief was only spread in 4 out of 17 sub-districts. This small number makes it difficult for the organization to register at the Kesbangpol Brebes Regency because the minimum requirements for organizational management to be registered are not fulfilled.

The large number of beliefs and/or sects existing in the community that cannot directly associate themselves in an organization is because the registration requirements according to Regulation of Minister of Home Affairs Number 33 of 2012 concerning Guidelines for Registration of Community Organizations in the Ministry of Home Affairs and Local Government are not easily fulfilled by believers. In addition to the organizational management requirements that must meet 50% of the total number of management

at the Central/Provincial/Regency/City levels, they also must attach a recommendation letter from the ministry and local units in charge of cultural affairs for social organizations that have specificity in the field of belief in God. Specifically for belief organizations, Bakor Pakem which is still actively being renewed by the Attorney General's Regulation Number PER-019/A/JA/09/2015 concerning the Team Pakem which has until now supervised the existence of believers. Supervision of religious beliefs and religious sects in society is part of the implementation of the duties and authorities of the Attorney General's Office in the field of public order and peace to participate in carrying out activities to monitor beliefs that can endanger the community and the state and prevent the abuse and/or blasphemy of religion.

Law Number 1 PNPS of 1965 is a means of state control over the development of beliefs in Indonesia. This law is effective in reducing the turmoil in the development of beliefs which is deemed to endanger the status quo. An example, *Sunda Wiwitan*, whose organization is still declared banned, has difficulties registering trusted leaders with the Ministry of Education and Culture. This of course led to a polemic among the believers of *Sunda Wiwitan*, *Kapribaden*, *Perjalanan*, and other beliefs about how to protect their beliefs and obtain the civil rights that should be enjoyed just like other religions in Indonesia.

Indeed, in certain matters freedom and human rights can be limited by law to create order and to uphold the law. Especially in freedom of expression in an association (organization), efforts can be made to control so that the rights of others are not interfered. However, in the matter of believers, the right to freedom of association is still dealing with regulations that hinder the growth and development of the beliefs as regulated in Law No.1 PNPS of 1965. In liberal democracies with religiously diverse populations, it would be surprising and troubling if a judge relied on a religious text or precept to resolve a legal dispute (Kislowicz, 2018). In this case believers will always be considered as criminal in state faiths.

It was only after 2006 that the believers of faith reappeared in the constitutional discussion and the laws and regulations related to public service to the believers such as the emergence of PBM of the Minister of Education and Culture and Minister of Home Affairs Number 41 and 43 of 2009 concerning Service Guidelines for Believers of God, Government Regulation Number 37 of 2007 concerning instructions for recording marriages of believers, and Regulation of Minister of Education and Culture Number 77 of 2013 concerning Guidelines for Institutional Development of Believers and Beliefs, etc. However, the public services in this statutory regulation again require registered organizations. If it is not registered as an organization, believers who belong in the belief group cannot access their rights. In fact, the matter of organizing religious beliefs itself has created new tensions and discrimination between organized and non-organized believers. This is related to who can access the services that are the citizens' rights. The priority of guidance service is addressed only to believers who are organized and registered with the Ministry of Education and Culture. Meanwhile, the believers whose

organization have not been registered and or are not organized are still ignored by the state. The pretext is creating order, instead there is discrimination which further solidifies the political division even among groups of believers in God themselves.

Indeed in some ways, an organization is an effective means of achieving goals. Although only minor achievements, the existence of laws and regulations that supports the believers at this time stems from the struggle of groups of believers who are members of the MLKI. However, MLKI in general does not represent all of the believers. There are still many belief groups that do not want to organize or join MLKI. There are several reasons for this. The first reason is the trauma of the past as the government has dissolved organizations with a tormenting stigma several times. Secondly, by not organizing, the believers can develop themselves without being preoccupied with organizational mechanisms that are full of interests. Most importantly, the third reason is that believers want the state to remain acknowledging diversity and not trapping people to have religion as a form of uniformity.

Citizens' rights services which require having an organizational forum with the aim of curbing the life of belief in God become a difficult thing for the believers. This has something to do with the enactment of Law No.1 PNPS of 1965 which serves as the umbrella for the legitimacy of the Bakor Pakem in assessing whether an organization of Belief in God is true or not. When many belief organizations are considered heretical by Bakorpakem, it makes it difficult for believers to form and or develop their organizations, so they will find it difficult to meet the organizational registration requirements that must meet a quota of at least 50% of management at each level.

The Pakem Team in each area supervises the teachings of belief on the pretext so that the beliefs are not deviating. The team then assesses and decides which organizations are healthy and not. This is a human rights violation against the independence of belief in God. This action also contradicts Article 28E Paragraph (2) and Paragraph (3) of the 1945 Constitution concerning everyone's right to freely adhere to beliefs, express thoughts and attitudes according to their conscience and to freely assemble and express opinions.

The author believes that the difficulties that the believers face in associating in an organization which have an impact on the fulfillment of citizens' rights are evidence of the absence of law in the field of organization. The Law on Civil Society Organizations still applies general requirements for registration of organizations that do not regulate how believers can unite and gather to form organizations freely. One difficulty that the believers face in the manifestation of their beliefs still is of the obstacles from the community such as in the construction of houses of worship (*sasana sarasehan*) and funerals. When a conflict occurs with the community, the majority group will always win because they have adequate institutional back-up. The government, including the regional government who are part of the Pakem team, will follow the flow of majority opinion coming from religious circles so that it will overwhelm the interests of the believers.

If it is said that Law Number 1/PNPS/1965 concerning the Prevention of Abuse and/or Blasphemy of Religion is a law that protects religious freedom from actions that interfere with the existence of religion, then it needs to be reviewed in relation to believers. If only religious adherents are protected by human rights and their rights of citizens, then nobody protects the rights of the believers so that they can have welfare and social justice from democratic laws. This is very urgent considering that the need for protection and fulfillment of citizens' rights is not solely for the purposes of individuals or groups of society but for the welfare of the people.

It is time for the Bakorpakem (currently called the Pakem Team) to be eliminated in the context of a democratic rule of law in Indonesia. This is a consequence of adopting a democratic constitutional state that guarantees respect for human rights, especially the right to associate and assemble to express thoughts and adhere to a belief. A country is considered as democratic or not is seen from the extent to which the state's commitment to ensure that the people can be involved in law and government to ensure the fulfillment of citizens' rights. Democracy in this case is not only defined as a democratic process involving the people, but democratic in accordance with what the people want (Wahjono, 1982).

Another problem is also related to the membership of the Pakem Team in which there are no representatives of the believers. This has led to imbalances in monitoring and evaluating an organization of belief. As a result, believers are the object of supervision and are must be willing to accept any assessment from the Pakem Team. So when there is a problem with the believers, the dominance of the majority of religions prevails, so that the Government who should be able to protect only agrees with the general opinion. This is similar to a competition to win votes, in which who has the most votes wins. This condition is against democracy and the people's sovereignty.

Working on behalf of overcoming the various violations of freedom of religion or belief obviously requires a complex strategy and a number of instruments ranging from courts and other formal bodies to informal mediation and the involvement of civil society organizations (Bielefeldt, 2012), therefore it need some strategic action to accommodate the rights of organization of believers from different perspectives. Through grassroots appropriation and juridification, exercising the right to consultation has become both a strategy for transforming the law and a new form of contentious politics with local- and national-level dimensions (Constanza, 2015).

The author argues that it is very important to recognize the right to freedom of association which is specifically guaranteed in a law that regulates the right to freedom of belief. Recognition is required for reconciliation. This means mutual cultural respect and acknowledgement of prior and continuing existence. But equality is required if we are to close the gap. We must put in place a new rational and systematic approach to Indigenous disadvantage and all Indigenous policy (Morris, 2011). Although there are also many groups of believers who are reluctant to organize, the collectivity of the believers who call themselves religious groups needs to be protected by law. For this purpose the state

must be a “legal construction” and is also defined as a self-justified collective entity through its own “self-serving” judicial enterprise (Hiroshi, 2018). This is important to do considering that there are still many organizations and/or sects of beliefs that are declared as banned by Bakorpakem for various reasons that are not clear, which essentially originates from the fear of major religions regarding the development of believers of faith in Indonesia. With the existence of the law on the protection of the freedom of believers, it is hoped that it will be able to break the chain of the stigma of beliefs as godless cults.

Conclusion

The existence of organizational requirements to access the rights of the believers is not in accordance with the definition of a democratic rule of law. The organizational requirements as said to achieve orderly government administration have ignored the meaning of recognition of believers as an entity and sociological facts that exist in Indonesian society. The requirements as tickets to access the rights of civilians do not at all reflect the values of equal position of citizens in a democratic constitutional state. Supposedly, to realize the democratization of the registration of organizations of believers, special treatment is needed to accommodate the diversity of beliefs based on sociological recognition of the existence of groups of believers in the society.

Suggestion

Belief group organization which is a prerequisite to gain public services in the fields of marriage, education, and the manifestation of belief in God needs to be regulated more specifically in the registration guidelines for mass organizations at the Ministry of Home Affairs. Amendments are needed to for the Regulation of the Minister of Home Affairs No.33 of 2012 concerning Guidelines for Registration of Civil Society Organizations within the Ministry of Home Affairs and Local Governments in terms of registration of religious organizations which needs to provide different treatment from registration of mass organizations in general. Therefore, it is necessary to simplify the minimum management requirements for organizations of believers. In addition, it is necessary to abolish the organizational registration requirements as stipulated in Article 9 letter t of Permen No.33 of 2012 which requires the recommendation from the ministry and local units in charge of cultural affairs for organizations that have a special field of faith in God.

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