

Pros and Cons of Removing the Religion Column in Indonesian Identity Cards (Analysis of the Impact and Regulation on Human Rights)

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Abstract

The removal of the religious column from the national identity card has sparked considerable debate, with proponents and opponents expressing divergent viewpoints. On one hand, the move is seen as a step towards inclusivity, as many belief systems find it challenging to fit within the confines of the religious classification. Conversely, critics argue that replacing religion with belief may still introduce bias and fail to fully protect diverse belief systems. This study aims to analyze the implications of removing the religion identity from the national identity card, employing a literature review and comparative analysis of relevant laws and regulations pertaining to freedom of religion and belief in both national and international legal frameworks. Initial motivations for eliminating the religion column were rooted in the desire to accommodate adherents of



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various belief systems, eventually evolving into broader discussions about removing the column altogether for all religious communities in Indonesia. Following Constitutional Court Decision No. 97/PUU-XIV/2016, individuals professing a belief system were granted the option to specify their beliefs on their identity cards. This decision marked a significant milestone, reflecting the government's commitment to ensuring equal rights for all Indonesian citizens, irrespective of their religious or belief affiliations. Moreover, legal guarantees for freedom of religion and belief are enshrined in Article 28 E and 29(2) of the 1945 Constitution, as well as in national legislation such as the Law on Human Rights and international agreements like the International Covenant on Civil and Political Rights (ICCPR).

KEYWORDS *Human Rights, Freedom of Religion and Beliefs, Religious Issues, National Identity Card, Removing Religion Column*

Introduction

In recent years, the discussion surrounding the removal of the religion column from Indonesian identity cards has garnered significant attention and sparked considerable debate. This paper delves into the nuanced perspectives surrounding this contentious issue, exploring the potential advantages and disadvantages of eliminating the religion column from official identification documents. By conducting a comprehensive analysis of the impact and regulatory implications on human rights, this study aims to provide valuable insights into the broader implications of this policy change in Indonesia.

The decision to remove the religion column from identity cards has raised fundamental questions about freedom of religion and belief, as well as the protection of minority rights in a diverse and pluralistic society. On one hand, proponents argue that this move promotes inclusivity and respects the rights of individuals whose beliefs may not align with traditional religious categories. On the other hand, critics express concerns

about potential biases and challenges in accurately representing diverse belief systems without a specific identifier.

Furthermore, Indonesia, as a nation governed by law, places a significant emphasis on justice for all its citizens. This principle is enshrined in Article 1 paragraph 3 of the 1945 Constitution, affirming the country's commitment to upholding justice as a fundamental value. Moreover, the 5th precept of Pancasila, the state ideology, emphasizes "Justice for all Indonesian people," further underscoring the importance of equitable treatment within society. This ethos reflects Indonesia's dedication to ensuring that its citizens have access to their rights and fulfill their obligations in a fair and just manner. In addition to regulating societal interactions, the Indonesian state also addresses matters of personal significance, such as religion, to maintain harmony and balance within the nation.¹

It is widely acknowledged that the Indonesian state officially recognizes six religions for its citizens: Islam, Protestant Christianity, Catholic Christianity, Hinduism, Buddhism, and Confucianism, the most recent addition. However, this classification raises questions about individuals who adhere to beliefs outside of these six recognized religions. Many Indonesians follow ancestral beliefs, such as those associated with *Kejawen*, yet these beliefs do not fall within the officially recognized categories. This disparity prompts inquiries into the status and recognition of such belief systems within Indonesia's religious landscape.²

¹ CST Kansil, 1986, *Introduction to Indonesian Law and Legal Studies*, Balai Pustaka, Jakarta, p. 40

² *Kejawen* is a way of life adopted in parts of Java by the Javanese. *Kejawen* is a collection of worldviews and philosophies throughout the civilization of the Javanese which has become a shared collective knowledge, this can be seen from its teachings which are universal and always attached side by side with the religions adhered to in its time. The books and ancient manuscripts of *Kejawen* do not emphasize their teachings as a religion even though they have practices. *Kejawen* also cannot be separated from the religion it adheres to because the philosophy of *Kejawen* is based on religious teachings adhered to by Javanese philosophers. See also Wasisto, Muhammad Adiz. "Reflecting on *Kejawen*: Javanese Esoteric Teachings in Indonesian National Development." *Udayana Journal of Law and Culture* 5, No. 2 (2021); Yogiswari, Krisna Sukma. "Kejawen: Kearifan Yang Adiktif." *Genta Hredaya: Media Informasi Ilmiah Jurusan Brahma Widya STAHN*

Article 28E of the 1945 Constitution guarantees the right to freedom of belief, expression, and conscience for all individuals. However, despite this constitutional provision, Indonesia's recognition of only six official religions raises concerns about the rights of those who adhere to ancestral or indigenous beliefs, such as *Kejawen*. The government's insistence on categorizing individuals into one of the six recognized religions for their identity cards violates the fundamental human rights of these adherents. Although legal theory, such as Hans Kelsen's theory of state sovereignty, posits that the state possesses unlimited power to enforce its laws, this conflicts with the principle of religious freedom enshrined in Pancasila, the state ideology. The first precept of Pancasila emphasizes belief in one God and respects the freedom of individuals to practice their religion without coercion. However, the practice of compelling individuals to select one of the recognized religions for their identity cards contradicts these principles.

The core issue lies not in advocating for recognition of beliefs outside the six officially recognized religions, but rather in ensuring justice for individuals who adhere to these beliefs. Many find themselves compelled to select a religion on their identity cards that does not align with their conscience merely as a formality. While this coercion may no longer surprise those familiar with the situation, it remains a stark example of the challenges faced by individuals striving for religious freedom and recognition within Indonesia's legal framework.

In this context, Indonesian Identity Card (*Kartu Tanda Penduduk*, hereinafter as KTP), it serves as a crucial document signifying an individual's citizenship and residence, particularly for those aged 17 and above. Presently, Indonesia has transitioned to implementing Electronic-KTP (E-KTP), which is supported by legal frameworks outlined in Law No. 24 of 2013, amending Law No. 23 of 2006 concerning Population Administration. Article 58 of this law enumerates the essential elements to

Mpu Kuturan Singaraja 4, No. 2 (2020): 185-197; Fibrianto, Alan Sigit. "Budaya Spiritual Aliran Kejawen 'Prasetyo Manunggal Karso' sebagai Wujud Pluralisme Kepercayaan Masyarakat di Boyolali." *Penamas: Jurnal Penelitian Agama dan Masyarakat* 32 (2019): 555-572; Kristina, Ayu. "The Position of Kejawen in the Indonesian Constitution." *DINIKA: Academic Journal of Islamic Studies* 6, No. 2 (2021): 291-308.

be included on the E-KTP, with religion being one of them. In light of this legal requirement, a statement by the Ministry of Home Affairs, Tjahjo Kumolo, garnered attention. Tjahjo Kumolo remarked that in the law it is clear that there are six religions that may be listed on e-KTP or electronic-KTP, so if someone want to add them it will take time to change them. But, if they want to leave that column blank, according to Kumolo it is fine. This statement was particularly striking given the preceding legislation mandating the inclusion of religion on the E-KTP, yet it demonstrated a degree of tolerance by allowing adherents of certain faiths to leave the religion column blank.

This statement eventually led to polemics among the public. There are pros and cons that envelop the atmosphere of this problem. It is on this basis that this paper is structured to provide a normative juridical analysis, in this case the review is Law no. 24 of 2013 and sociological analysis through exposing the conditions of the people affected by government policies and the cultural conditions of Indonesian society which are pluralistic in the perspective of human rights.

Through a thorough study of legal frameworks, constitutional provisions, and international human rights standards, this paper seeks to shed light on the multifaceted implications of this policy change. By analyzing both the positive and negative aspects of removing the religion column, this study aims to contribute to a more informed and nuanced understanding of the broader implications for human rights and societal cohesion in Indonesia.

Therefore, this study aims to delve into several key aspects surrounding the proposed removal of the religion column from Indonesian identity cards (*Kartu Tanda Penduduk* or KTPs). Firstly, it seeks to examine the ongoing discourse regarding this issue within the context of Law No. 24 of 2013 concerning Population Administration, exploring the legal perspectives that inform the debate. Additionally, the study aims to analyze the rationale behind the varying viewpoints expressed in response to statements made by the Ministry of Home Affairs, Tjahjo Kumolo. Despite Indonesia's status as a nation governed by laws, divergent opinions persist regarding the potential elimination of the religion column, prompting further investigation into the complexities of these arguments within the existing legal framework governing KTP

issuance. Finally, the study seeks to explore the attitudes and reactions of Indonesian citizens towards the proposed removal of the religion column from KTPs, along with their considerations regarding the broader implications for human rights. By examining public sentiment and discourse, the study aims to provide insights into societal responses to this proposed policy change and its perceived impact on individual freedoms and rights.

This study conducted a comprehensive analysis through library research, delving into books, journals, and pertinent documents concerning the topic at hand. The legal framework was scrutinized, focusing on written legal norms encapsulated within the 1945 Constitution and Law No. 24 of 2013 regarding Population Administration. Additionally, data collection via online sources was approached from a sociological perspective, aiming to observe the dynamics of Indonesia's pluralistic social fabric. This involved examining population data and the diverse viewpoints prevalent within society regarding the subject matter.

The Polemic on the Elimination of the Religion Column on KTP based on Law No. 24 of 2013 Concerning Population Administration

Since 2014, the polemic regarding the pros and cons of removing the religion column on KTPs began. From an expression of a Ministry of Home Affairs, namely Tjahjo Kumolo, who stated that the religion column in the e-KTP may be left blank considering that in Indonesia it is felt that there is still discrimination against beliefs that exist in society. The Ministry of Home Affairs also said that the Government does not want to interfere with Indonesian citizens who adhere to their beliefs if it does not mislead and disturb public order.³ Speculations began to emerge, ranging

³ Todung Mulya Lubis, "Kolom Agama dalam Perspektif HAM", *Online Article KOMPAS*, November 2017. Retrieved from <https://nasional.kompas.com/read/2014/11/27/14220451/Kolom.Agama.dalam.Perspektif.HAM>; Fabian Januaris Kuwado, "Tjahjo pernah Dicurhati Penganut Kepercayaan yang Ingin Urus Kematian Saja Sulit", *KOMPAS Online*, November 2014, reterived from

from those who supported it to those who firmly opposed the elimination of the religion column in KTPs.

We should realize that we live in a country that has a plural society. Nation Indonesia in the life of its country has a national perspective called the Archipelagic Outlook.⁴ The essence of the archipelago insight is a complete and comprehensive perspective within the scope of the archipelago for the sake of Indonesia's national interests.⁵ So that with this diversity, we as a nation, who used to fight for independence, of course, must have a sense of kinship with one another in the form of justice, because we are a country of laws, so we must prioritize justice. This is what was mandated by our founding fathers to be together in diversity. So the idea to acknowledge the existence of adherents of a belief emerged to provide the same sense of justice as adherents of religion.

If we look at Law no. 24 of 2013 Article 64 paragraph 5 which reads Elements of population data regarding religion as referred to in paragraph (1) for Residents whose religion has not been recognized as a religion based on the provisions of Laws and Regulations or for adherents of beliefs are not filled in, but are still served and recorded in the population database. pay attention to adherents of faith. As in the 1945 Constitution Article 28E paragraph 2 which also implicitly guarantees the human rights of adherents of that belief.

Talking about believers It is known that the number in Indonesia is 12 million people. This was conveyed by the chairman of the board of the Supreme Council of Belief in God Almighty Indonesia or abbreviated as MLKI which was conveyed in a session regarding the Review of Law Number 23 of 2006 concerning Population Administration as Amended by Law Number 24 of 2013 concerning Amendments to the Law Law Number 23 of 2006 concerning Population Administration [Article 61 paragraph (1) and paragraph (2) and Article 64 paragraph (1) and paragraph (5)] of the 1945 Constitution of the Republic of Indonesia on 6 December 2016. The status of as applicants at that time were Nggay

<https://nasional.kompas.com/read/2014/11/14/20282381/Tjahjo.pernah.Dicurhati.Penganut.Kepercayaan.yang.Ingin.Urus.Kematian.Saja.Sulit>

⁴ Sunarto et al, 2016, *Citizenship Education in Higher Education*, UNNES Press, Semarang, p. 61

⁵ Sunarto et al.

Mehang Tana, Pagar Demanra Sirait, Arnol Purba, et al. The lawsuit trial was at the request of Nggay Mehang Tana, Pagar Demanra Sirait, Arnol Purba, and Carlim who sued Article 61 Paragraph 1 and Paragraph 2 of the Population Administration Law to the MK. The article reads: Information regarding the religion column as referred to in paragraph (1) for Residents whose religion has not been recognized as a religion in accordance with the provisions of Legislation or for adherents of beliefs is not filled in, but is still served and recorded in the Population database. With the above article, adherents of the belief are not written in the religion column on the KTP so that it impacts discrimination from the state.⁶

In that trial there were explanations from the government against the applicant. Among others are: that Indonesia does not only have diverse ethnic groups, but also has diverse religions and beliefs. Against the six official religions in Indonesia, namely Islam, Christianity, Christian-Catholic, Protestant Catholic, Hindu, Buddhist, and Confucianism, in addition to the official religions in Indonesia, other beliefs, called traditional beliefs, also grow and develop.

Second, with the existence of religious diversity in Indonesia, Indonesian people must respect the differences that exist. This has been regulated in the 1945 Constitution Article 29 paragraph (2) which guarantees that people have freedom of religion. Every individual is free to

⁶ Megamendung Danang Pransefi, "Aliran Kepercayaan Dalam Administrasi Kependudukan." *Media Iuris* 4, No. 1 (2021); Anom Penatas, Supriyadi Supriyadi, and Ferry Anggriawan. "Status Hukum Dokumen Kependudukan Aliran Kepercayaan Setelah Putusan Mahkamah Konstitusi Nomor 97/PUU-XIV/2016." *Bhirawa Law Journal* 1, No. 1 (2020): 30-36; Moh Bhayu Surya Andhika, "Perlindungan Hukum terhadap Hak Konstitusional Warga Negara Penganut Kepercayaan." *Syariat: Jurnal Studi Al-Qur'an dan Hukum* 5, No. 2 (2019): 283-292. See also Muhammad Yusrizal Ad Syaputra, and Mirza Nasution. "Pemenuhan Hak Konstitusional Masyarakat Penganut Kepercayaan Lokal dalam Pemilihan Umum." *Jurnal Yuridis* 6, No. 1 (2019): 46-66; Muwaffiq Jufri, "Persoalan Hukum Pengakuan Hak-Hak Penganut Aliran Kepercayaan di Bidang Administrasi Kependudukan." *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 9, No. 3 (2020); M. Wildan Humaidi, "Politik Hukum Mahkamah Konstitusi Atas Rekognisi Penghayat Kepercayaan dalam Kontestasi Politik Kewargaan Indonesia." *Al Daulah Jurnal Hukum Pidana dan Ketatan* 9, No. 1 (2020).

adhere to the religion of his choice, thus there is no religious discrimination. Each individual must respect and maintain tolerance for each other's beliefs.

Third, belief holds ... belief plays an important role in the life of the Unitary State of the Republic of Indonesia, this is manifested in the first precepts of Pancasila and is contained in the preamble to the constitution of the 1945 Constitution as the main foundation for every human being who lives in it. We need to understand together that the choice of words contained in the Pancasila precepts and the dialectical opening of the constitution is ... is Belief in One Almighty God. This contains a deep philosophical meaning that Indonesia is a country based on God, not religion, so that every belief based on Belief in the One and Only God is recognized by the Government.

Forth, this is based on a civilization that grew and developed long before religions entered the archipelago where some Indonesian or Indonesian people already have a belief in God that has survived to this day and is considered a noble value of life. In almost all parts of Indonesia, there are original religions or beliefs such as Sunda Wiwitan which is embraced by the Sundanese people and in Kanekes, in Lebak Banten, Sunda Wiwitan madrais is also known as the Cigugur religion or/and there are several other names in Cigugur. In Cigugur, Kuningan, West Java, Buhun religion in West Java, Kejawen in Central and East Java, Parmalim religion, Indigenous Batak religion, Kaharingan religion in Kalimantan, Tonaas Walian beliefs in Minahasa, North Sulawesi, Tolotang in South Sulawesi, Wetu Telu in Lombok.

Fifth, that the Indonesian state respects the existence of every belief that accompanies the life of the nation and state as outlined in the foundation of the Indonesian state. This is the background to the birth of the provision regarding emptying the religion column on KTPs in Law Number 23 of 2006 concerning Population Administration. If we trace it to the existence of provisions regarding the recognition of religion in Indonesia, in essence the state recognizes the diversity of the six religions that have existed and been embraced by the people of Indonesia. The six religions are Islam, Catholicism, Protestantism, Hinduism, Buddhism and Confucianism. Apart from the above religions, the state continues to allow

its existence on condition that it does not interfere with and violate the provisions in Indonesia.

Sixth, KTP as a resident's identity includes elements that are an inseparable part, including the Garuda Pancasila symbol, state map, and religion, including that. Where only six religions are then listed in the KTP column in Indonesia. So that there are no problems in the future, provisions are made that regulate religions that are "*not yet recognized*" by the Indonesian state. By leaving the religion column blank on the KTP for religions or beliefs that have not been recognized by the Indonesian state.

Seventh, that the state must have orderly administration, one of which is related to the identity of the population, including the religion of the population. This is important for Indonesia, which adheres to various religions and beliefs, because it will have an important correlation with several administrations in the field such as marriage, inheritance, ownership of property, child adoption issues, and other administrative matters.

The religion a person adheres to will have an important correlation with the legal actions taken, because in Indonesia written law is important in efforts to enforce and ensure legal certainty itself. As in the case of a Muslim marriage, the religious identity of a KTP is still used as authentic evidence to determine the religion one adheres to before marriage. This means that written evidence is important as the legality of a person as a legal subject and object.

The government is of the view that the existence of a religion column is very beneficial for both identity owners and the state in order to provide legal boundaries for every adherent of a belief and religion so that their constitutional rights are guaranteed. Furthermore, it should be noted that until now none of the indigenous religions and beliefs of the archipelago have been recognized as religions with the rights to be listed on KTPs, birth certificates, registration of marriages at the civil registry office, and so on. This has resulted in many adherents of ancestral beliefs or teachings or original religions in Indonesia still being forced to choose a religion or being recognized or not making ID cards at all.

In addition to this, the government needs to convey that in the a quo law there are indeed several norms that have not been included so that a more certain instrument is needed in assessing the religion of belief that

can be recorded in the population administration. Taking into account the various dynamics mentioned above, the Government requests the Constitutional Court to be able to provide constitutional considerations for regulations related to the religion column in order to determine a better policy direction for the government as the organizer of the state. That the Government really appreciates the efforts made by the community in participating in providing contributions and thinking participation in building an understanding of state administration. The community's thoughts will become a very valuable reference for the Government in particular and the Indonesian people in general. On the basis of this thought.⁷

From the point of view of the adherents of the faith, they also stated ten things at the beginning of the trial, including:

1. The problem of discriminatory treatment and suffering experienced by people who believe in God Almighty is a long journey of decades since the colonial era which until now has not been fully liberated where until now people who believe in belief do not really feel the basic rights to be free to embrace, worship, and get recognition , as well as the guarantee of protection for his belief as mandated in the 1945 Constitution Articles 28D, Article 28I, and Article 29.
2. It is ironic in our beloved Republic of Indonesia that only belief systems that come from outside the archipelago are categorized as religions. Meanwhile, belief systems originating from... originating and born from the motherland, are not recognized as religions. In fact, religious phrases such as the phrases trigama, adhigama, parigama, duhagama, gurugama, kertagama, and others are original phrases in the Indonesian language.
3. Religion is thus recognized as a belief system that comes from outside while the local archipelago belief system which is actually the owner, is not allowed to use religious phrases and is changed to kebatinan,

⁷ See the minutes of the Constitutional Court hearing regarding the Review of Law Number 23 of 2006 concerning Population Administration as Amended by Law Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration [Article 61 paragraph (1) and paragraph (2) and Article 64 paragraph (1) and paragraph (5)] of the 1945 Constitution of the Republic of Indonesia No. 97/PUU-XIV/2016, 6 December 2016, p. 4

or spirituality, or psychology, and what is then called a belief or belief in God Almighty .

4. From the era of the struggle for independence to the early period of the Old Order, people who adhered to beliefs developed well and contributed to the process of struggle and maintaining independence, as well as filling independence. However, when DI/TII developed in the 1950s, many members of the community who adhered to that belief became victims because they were accused of not having a religion or being infidels.
5. Stepping on in the New Order era at first many of the adherents of the community became victims because of the PKI's accusations. Then, starting in 1973, they obtained improved services from the state where the existence of belief in God Almighty was recognized by the state and equated with religion even though it was not recognized as a religion so that it was accommodated in the GBHN and in every law and regulation the belief was always listed behind the phrase religion. At that time, it was permissible to include phrases of belief in the religion column on KTPs and adherents could enter into marriages without having to go through one of the 5 religions at that time. Can become civil servants and also provide an oath of office for adherents.
6. However, this independence did not last long because starting in 1978, these rights began to be stripped or amputated. Starting from the identity on the KTP, revocation of marital rights according to belief, and so on so that adherents of the belief must include one of the 5 religions they do not believe in if they do not want to be discriminated against or ostracized.
7. In the current reform era, the treatment of discrimination and injustice experienced by adherents of the faith has not undergone significant changes. Even though there have been improvements, there have been a number of setbacks where in the laws and regulations in this reform era there were many articles that removed the phrase of belief behind the religious phrase so that it resulted in the loss of the rights of adherents or the existence of a legal vacuum for adherents as in Law Number 20 of 2003 concerning the National Education System. Then, Law Number 35 of 2014 concerning

amendments to Law Number 23 of 2002 concerning Child Protection, this is also a lost phrase of trust. Law Number 23 of 2006 concerning Population Administration which was later changed to Law Number 24 of 2014 recognizes the existence of adherents of belief and is allowed to enter into marriages without going through marriage to one of the 6 religions. However, adherents are not allowed to state their beliefs because the identity in the group... is not allowed to include their beliefs because the identity in the column for religion must be left blank which in practice is marked with a small dash.

8. In several regencies/cities, they have made breakthroughs or discretion by including the identity of their beliefs in the column of religion on the KTP, so that the followers are happy. However, it turned out that it was later revoked again and returned to a blank identity or dash.
9. The inclusion of blank identities or dashes on KTPs raises other problems that are detrimental to adherents of that belief as experienced by the Petitioners in various regions.
10. Negative impacts and loss of constitutional rights experienced by adherents of the faith as experienced by the Petitioners, among others, blanking out or filling in a dash on the religious identity on the KTP creates a stigma for the owner of the said KTP as a person who has no religion or not... or is considered an atheist which can lead to discriminatory treatment and oppression of believers. As we all know, our society in general is very anti or hostile to people who have no religion or are atheists. Leaving blanks or filling in dashes on religious identity on KTPs is often seen as a heretical sect. Then, leaving blanks or filling in dashes in the religion column on KTPs is also often interpreted or suspected by some people as a communist group that endangers the owner of the KTP and this creates historical trauma.⁸

⁸ See the minutes of the Constitutional Court hearing regarding the Review of Law Number 23 of 2006 concerning Population Administration as Amended by Law Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration [Article 61 paragraph (1) and paragraph (2)]

The essence of the December 6, 2016 session was to only hear the statements of the President, DPR, and Related Parties [The Supreme Council for Belief in God Almighty (III) but for the DPR it was postponed until 2017. It was conveyed at that time that adherents of the faith felt discrimination against services provided by the government. Public services regulated in Article 4 of Law No. 25 of 2009 concerning Public Services states that, the implementation of public services is based on:

1. Public interest.
2. Legal certainty.
3. Equal rights.
4. Equality of rights and obligations.
5. Professionalism.
6. participatory.
7. Equal treatment/non-discriminatory.
8. Openness.
9. Accountability.
10. Special facilities and treatment for vulnerable groups.
11. Timeliness, and
12. Speed, convenience, and affordability.

However, discriminatory treatment is instead received by adherents of beliefs who are forced to hide their beliefs behind the 6 recognized religions in Indonesia. The government itself uses the reason for orderly administration where population data as regulated in Law No. 24 of 2013 which reads individual data includes: family card number; NIK; full name; gender; place of birth; date/month/year of birth; blood group; religion/belief; marital status; relationship status in the family; physical and/or mental disabilities; last education; type of work; biological mother's NIK; biological mother's name; father's NIK; p.s. father's name; previous address; current address; ownership of birth certificate/birth certificate; birth certificate number/birth certificate number; ownership of marriage certificate/marriage book; marriage certificate number/marriage book; wedding date; ownership of divorce certificate; number of divorce certificate/ certificate of divorce; divorce date; fingerprint; eye iris;

and Article 64 paragraph (1) and paragraph (5)] of the 1945 Constitution of the Republic of Indonesia No. 97/PUU-XIV/2016, 6 December 2016, p. 8

signature; and other data elements that are someone's disgrace. Population Data is used for all purposes of Population Data from the Ministries responsible for domestic government affairs, including for utilization, namely: public service; development planning; budget allocation; democracy development; and law enforcement and crime prevention.

Adherents of legal beliefs already have a strong legal basis for coming to the surface by showing their identity by leaving the column blank for religion on the KTP and it is better not to delete this column because it is for administrative purposes. Indonesia is a country that guarantees justice for its people. People's justice is made in a legal form that binds the legal subject. Every social relationship must not conflict with the provisions of the legal regulations that exist and apply in society.⁹ What is experienced by adherents of true faith is contrary to the 1945 Constitution.

Regarding the abolition of the religion column, of course, it is still unclear because it is still awaiting a decision from the Constitutional Court. The one who can solve this problem is a leader who can provide harmony. Leaders consisting of capable, clean, honest and fair people.¹⁰

Indonesian Society's Response to the Removal of the Religion Column from the KTP and Its Implications for Human Rights

The Indonesian Society's response to the removal of the religion column from the KTP (Kartu Tanda Penduduk or National Identity Card) and its implications for human rights are multifaceted. With the government's decision to eliminate the religion column, various reactions have emerged from different segments of society. Some individuals and groups advocate for this move, citing it as a step towards upholding freedom of belief and reducing discrimination against minority religious groups. They argue that removing the religion column promotes inclusivity and respects individuals' rights to privacy and personal beliefs.

⁹ CST Kansil, 1986, *Introduction to Indonesian Law and Legal Studies*, Balai Pustaka, Jakarta, p. 40

¹⁰ Muladi, 2009, *Human Rights: Nature, Concept, and Implications in the Perspective of Law and Society*, Refika Aditama, Bandung, p. 37

However, there are also opposing views within Indonesian society regarding this decision. Some express concerns about the potential implications for religious minorities, fearing that removing the religion column could marginalize these groups further and hinder their ability to practice their faith freely. Additionally, critics argue that this decision may overlook the importance of religious identity in various social and administrative contexts, potentially leading to issues related to documentation, marriage, and other legal matters.

Furthremore, as a country where there are many different kinds of religions embraced by the people of Indonesia, it shows that society is plural. Since independence, the Indonesian people have been bound by one commitment, namely a state based on Pancasila and the 1945 Constitution, into the bonds of the Unitary State of the Republic of Indonesia with the spirit of Bhineka Tunggal Ika (multiple streams but one goal) in a democratic political system.¹¹ However, now various kinds of polemics regarding the abolition of the religious column have emerged, ranging from legal issues to the realm of human rights. There are two camps related to the discourse of removing the religion column on the KTP, both of which support and reject it altogether. The pros and cons argue with each other based on an understanding from a cultural perspective as well as the positive legal norms that apply in Indonesia. The impact is directly felt by adherents of traditional beliefs and laws, who require formal legal recognition as legal residents of Indonesia.¹²

The Indonesian Ulema Council (MUI) which strongly opposes the elimination of the religion column on KTPs is wrong if it continues. The MUI considers that the religion column is important for the life of the nation and state and is concerned that if the government continues to abolish the religion column in KTPs, this could result in the emergence of many new religions and beliefs other than those already established by the Indonesian state.

¹¹ Firdaus Syam, "The Dilemma of Plurality: Obstacles or Strengthening The Democracy of The Indonesian Nation?", *Journal of Legal Studies*, Vol. 14, No. 2, 2011, p. 257

¹² Teguh Tri Wahyudi, "Wedding in The Hardo Pusoro Citizens' Paguyuban: Between Rituals and Constitutions". Accessed from <https://www.researchgate.net/publication/318208499>

As for other parties who stated that they support the elimination of the inner religion column, Dr. Siti Musdah Mulia, a member of Jokowi's presidential campaign team, Jusuf Kalla, who has the same idea as Tjahjo Kumolo, that they support eliminating the Religion column in KTPs because so far the religion column in KTPs can discriminate. The same opinion was also expressed by Vice President Jusuf Kalla (JK) with said that, individuals cannot be forced to choose a particular religion because the religion embraced is outside the 6 religions recognized by the government.

Chairman Arief Hidayat's Constitutional Court issued a statement on May 3, 2017 stating that adherents of beliefs must be recognized because they are the original heritage of the ancestors of the indigenous archipelago and there should be no discrimination. Even so, this deletion is still limited to discourse and is under consideration.

The debate surrounding the removal of the religion column from the KTP reflects broader discussions about human rights and religious freedoms in Indonesia. It highlights the complexities of balancing individual liberties with societal norms and administrative requirements, as well as the ongoing efforts to promote tolerance and inclusivity in a diverse and pluralistic society.

The issue of Ethnicity, Religion, Race and Culture in Indonesian society is a very sentimental issue because this country is branded by its own people as a religious country. The proof is in the 1st precept of Pancasila which reads Belief in the One and Only God. In addition, through the appreciation of Article 29 paragraph 1 of the 1945 Constitution which states that the state is based on Belief in the One and Only God.¹³ This means that within the Republic of Indonesia, laws that are contrary to the norms of religious law and the norms of decency of the Indonesian people may not apply or be enforced.¹⁴ Therefore, when there was news about the removal of the religion column, citizens immediately reacted. Religious norms have a greater effect on individuals than norms originating from other sources or the original phrase "*religious norms*

¹³ Mohammad Daud Ali, 1990, *Islamic Law*, Raja Grafindo Persada, Jakarta, p. 7

¹⁴ *Ibid.*, p. 8

arguably lay greater claim upon individuals than norms emanating from other sources".¹⁵

The state guarantees the freedom to embrace religion and belief according to its own way in the 1945 Constitution which is then implemented in Law No. 39 of 1999 concerning Human Rights. Likewise in this matter where adherents of the belief are given space to show their identity through identity cards and confirmation of their existence.

The guarantee of freedom to embrace religion and belief, as enshrined in the 1945 Constitution of Indonesia and further elaborated in Law No. 39 of 1999 concerning Human Rights, is a fundamental aspect of the country's legal framework. This constitutional provision ensures that individuals have the liberty to practice their chosen religion or belief system without interference or coercion from the state or other entities. In line with this principle, the Indonesian government has recognized the importance of respecting the diverse religious and spiritual affiliations present within society.

One concrete manifestation of this commitment is reflected in the administration of identity cards (KTP). The state acknowledges the diverse religious landscape of its citizens and provides space for individuals to

¹⁵ Jeffrey R. Seul, "Ours is the Way of God': Religion, Identity, and Intergroup Conflict", *Journal of Peace Research*, Vol. 36, No. 5, 1999, p. 561. *See also* Bagir, Zainal Abidin, and Renata Arianingtyas. "Limitations to freedom of religion or belief in Indonesia: Norms and Practices." *Religion & Human Rights* 15, No. 1-2 (2020): 39-56; Hasibuan, Hamka Husein. "Moderasi Islam Pencantuman Penghayat Kepercayaan di Kolom KTP/KK dalam Nalar Maqasid." *Aqlam: Journal of Islam and Plurality* 4, No. 2 (2019); Hamudy, Moh Ilham A., and M. Saidi Rifki. "Civil Rights of the Believers of Unofficial Religions (Penghayat Kepercayaan) in Pekalongan District." *Jurnal Antropologi: Isu-Isu Sosial Budaya* 22, No. 1 (2020): 48-59; Palguna, I. Dewa Gede. "Kedudukan Putusan Mahkamah Konstitusi dan Perlindungan Hak Konstitusional Penghayat Kepercayaan." *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 10, No. 3 (2021): 495-516; El Guyanie, Gugun, and Aji Baskoro. "The constitutional rights of indigenous beliefs adherents in minority fiqh perspective." *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 21, No. 2 (2021): 155-176; Widyaningrum, Tuti. "Pengaturan Hak Kebebasan Berkeyakinan Penghayat Kepercayaan Terhadap Tuhan Yang Maha Esa Dalam Perspektif Negara Hukum Demokratis Indonesia." *Jurnal Hukum Staatrechts* 1, No. 1 (2018).

indicate their religious affiliation on their identity cards. This allows adherents of various beliefs, including those outside of the six officially recognized religions, to affirm their religious identity and exercise their right to religious freedom. By providing this option, the government acknowledges the importance of recognizing and respecting the individual's choice of belief, ensuring their inclusion and representation within society.

Finally, the inclusion of belief options on identity cards underscores Indonesia's commitment to upholding religious freedom as a fundamental human right. It reflects the government's recognition of the diverse religious tapestry of its citizens and its efforts to create an inclusive and tolerant society where individuals are free to express and practice their beliefs without discrimination or constraint.

Conclusion

This study concluded that regarding the removing of the religious column in the review of constitutional juridical law, namely Law no. 24 of 2013 where adherents of belief may leave the column blank for religion. This is done in order to fulfill the sense of justice for people who have beliefs outside the 6 recognized religions. The Indonesian state is a country that recognizes the existence of divinity in its ideology which shows that the foundation supporting the country's sustainability is belief in God Almighty. However, in the field conditions themselves, discrimination in public services from the government still occurs in practice.

The pros and cons that occur in society come from sentiments originating from the historical and religious side as well as from the administration of government itself which deals with justice. The Pro camp has reasons that justify the removal of the religion column in KTPs, including: *first*, the Religion Column on the KTP is inconsistent with the concept of the Right to Freedom of Religion and Belief in Indonesia, where there are still many beliefs in society that are reluctant to come to the surface for fear of being discriminated against, and *second* the Religion Column on the KTP only applies to religions recognized by the government which causes the rights of adherents of a belief to not be supported.

In the contra, there are also arguments that *first*, the Religion Column is the Embodiment of Indonesia as a God-based country where since the founding of this country the founding fathers have agreed that the country of Indonesia has God. *Second*, the Urgency of Maintaining the Religion Column on the KTP is seen from the aspect of function which is for population data for the purpose of fulfilling rights by the government to its citizens in the form of efficient public services.

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*Human rights, of course, must include
the right to religious freedom,
understood as the expression of a
dimension that is at once individual
and communitarian - a vision that
brings out the unity of the person
while clearly distinguishing between
the dimension of the citizen and that
of the believer.*

Pope Benedict XVI

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