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RESEARCH ARTICLE

LEGAL PROTECTION POLICY FOR MINORITY GROUPS (EVIDENCE FROM ABOGE GROUP IN PURBALINGGA INDONESIA)

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ABSTRACT

The Aboge Islamic Community in Onje Village is part of a community whose existence must be protected. Without protection, the Aboge Islamic Community in Onje Village has the potential to lose its existence. This study found three hypotheses of problems faced by the Aboge Islamic Community in Onje Village. The three problems include conditional problems, empirical conditions, and sociological conditions. The formulation of the research problem is how to protect the Aboge Islamic Community in Onje Village? and is there a need to

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protect the Aboge Islamic Community in Onje Village? The research method used in this research is to use a qualitative research approach. This type of research is juridical and sociological. This study succeeded in finding data related to efforts to protect the Aboge Islamic Community in Onje Village. The protection efforts are carried out from within and from outside. Then the researchers also found data related to whether or not a protection policy was needed for the Aboge Islamic Community in Onje Village. The researcher analyzed that the data in the field was found to be necessary and unnecessary. Then the researcher stated that there needs to be a legal policy to protect the existence of the Aboge Islamic Community in Onje Village. The conclusions in this study are to answer two problem formulations.

Keywords: Protection; Aboge; Onje; Policy; Minority Group

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INTRODUCTION

STATE INDONESIA is a country that has the motto *Bhineka Tunggal Ika* (different but still one). *Bhineka Tunggal Ika* was actually born long before Indonesia's independence. No wonder then *Bhineka Tunggal Ika* is united with the Indonesian nation. These conditions make Indonesia a country that has a diverse society. The diversity in question is the various ethnic groups, religions, races, and groups that exist in the State of Indonesia. This diversity is also what in fact supports the Indonesian state. Finally, the diversity that exists in Indonesia must be consistently accepted and recognized. Interestingly, the diversity possessed by the State of Indonesia can be used as social capital in responding to the challenges and developments of the times. The challenges and developments of the times to come are certainly very complex. The current of globalization which is part of the challenges and developments of the times can be part of being involved in eroding the cultural values of the nation and also negating and nullifying the diversity that already exists and is rooted in Indonesia.¹

¹ Aim Abdulkarim et al., *Development of a Unity in Diversity Based Pancasila Education Text Book for Indonesian Universities*, 13 INT. J. INSTR. 371–386 (2020); Yudi Latif, *Identitas Keindonesiaan dan Aktualisasi Pancasila Bagi Generasi Millennial Di Era Digital*, 33 J. KAJI. LEMHANAS RI 5–19 (2018); MD Mahfud, *Mengokohkan Ideologi Pancasila Menyongsong Generasi Z-Alpha*, in KULIAH UMUM DI UNIVERSITAS SOEGIOPRANOTO, 1–14 (2018); Christiany Suwartono & Eko A Meinarno, *Value Orientation Scale: The Validation of The Pancasila Scale*, 1 J. PENGUKURAN PSIKOL. DAN PENDIDIK. INDONES. 175–183 (2012); Gina Lestari, *Bhinneka Tunggal Ika: Khasanah Multikultural Indonesia di Tengah Kehidupan Sara*, 28 J. PENDIDIK. PANCASILA DAN KEWARGANEGARAAN 31–37, 31 (2015); Budi Annisa Sidi, *Unity and Diversity: National Identity and Multiculturalism in Indonesia*, 2019.

Therefore, efforts or energy are needed in order to care for and preserve diversity in Indonesia. These efforts and energy can be said to be the responsibility of all Indonesian citizens wherever they are and at any time. Of course, we all know that efforts and energy in caring for diversity in Indonesia is not an easy matter. There is a need for tolerance and strong unity from all Indonesian people to care for and preserve diversity in the State of Indonesia.

The flow of globalization and modernization is growing so fast. As a result, the challenges faced by the Indonesian people in responding to globalization and modernization are not easy. Moreover, as part of the world community, it is definitely impossible to avoid the currents of globalization and modernity. Once we avoid it, we will be drowned and marginalized by the times. Therefore, the flow of globalization and modernization which is a necessity we must accept and respond to. This acceptance and response must be based on values and character which are part of our fundamental identity. The Indonesian nation has values and character as an identity in accepting and responding to the flow of globalization and modernity.²

The values and characters in question are tolerance and unity. These values must be the basis and even capital in the face of

² Robby Darwis Nasution, *Pengaruh Modernisasi dan Globalisasi terhadap Perubahan Sosial Budaya di Indonesia*, 21 J. PENELIT. KOMUN. DAN OPINI PUBLIK 1–14, 2 (2017); Mulyono Mulyono, *The Problems of Modernity and Identity in Globalization Era*, 1 J. MARIT. STUD. NATL. INTEGR. 106–111, 106 (2017); Giovanni E. Reyes, *Four Main Theories of Development: Modernization, Dependency, World-System, and Globalization*, 04 NOMADES. REV. CRÍTICA CIENCIAS SOC. Y JURÍDICAS (2001); L. Huneault, M. -È Mathieu & A. Tremblay, *Globalization and modernization: An obesogenic combination*, 12 OBES. REV. 64–72, 65–67 (2011); Ernesto Castañeda & Amber Shemesh, *Overselling Globalization: The Misleading Conflation of Economic Globalization and Immigration, and the Subsequent Backlash*, 9 SOC. SCI. 1–31, 3–5 (2020); Sri Widayati & Eka Cahya Maulidiyah, *Religious Tolerance In Indonesia*, in 2ND INTERNATIONAL CONFERENCE ON EDUCATION INNOVATION (ICEI 2018) RELIGIOUS 685–688 (2018).

globalization and modernization. It is not easy to make these values and characters as the basis and capital, especially in the midst of an increasingly free and competitive era. Therefore, there must first be protection of diversity which includes tolerance and unity. In fact, as mentioned earlier, Indonesia has a diversity of ethnicities, religions, races, and groups. There are six religions recognized in Indonesia. Then there are also many sects of beliefs and religious communities in Indonesia. There are many and varied. The diversity of religions, beliefs, and religious communities must be protected and preserved. This is in line with Pancasila as the basis of the state and the 1945 Constitution of the Republic of Indonesia as the constitution. The basis of the state and the Indonesian constitution provide guarantees for maintaining tolerance and unity in the State of Indonesia.³

The Islamic Community of *Alif Rebo Wage* (Aboge) is one of the communities that must receive protection and preservation. This is done in order to protect and preserve diversity in the State of

³ Yudi Latif, *The Religiosity, Nationality, and Sociality of Pancasila: Toward Pancasila through Soekarno's Way*, 25 *STUD. ISLAM.* 207–245 (2018); Ramli Abdul Wahid, *Aliran Minoritas dalam Islam Di Indonesia*, 1 *J. CONTEMP. ISLAM MUSLIM SOC.* 141, 142 (2017); I WAYAN WATRA, *AGAMA-AGAMA DALAM PANCASILA DI INDONESIA (PERSPEKTIF FILSAFAT AGAMA)* 2 (Ida Bagus Putu Eka Suadnyana ed., 2020); Firman Parlindungan, Irfan Rifai & Afida Safriani, *The representation of Indonesian cultural diversity in middle school English textbooks*, 8 *INDONES. J. APPL. LINGUIST.* 289–302, 290 (2018); Wimmy Haliim, *Harmony and Tolerance as a Tengger Identity: Reflections for Indonesian Identity and Unity Degradation*, 1 *INT. J. SOC. SCI.* 1–9, 1–2 (2018); Ahmad Suradi, John Kenedi & Buyung Surahman, *Religious Tolerance in Multicultural Communities: Towards a Comprehensive Approach in Handling Social Conflict*, 4 *UDAYANA J. LAW CULT.* 229–245, 230 (2020); Habib Zarbaliyev, *Multiculturalism in globalization era: History and challenge for Indonesia*, 13 *INT. J. SCI. STUD.* 1–16, 7–8 (2017); Diane Butler, *Peace and Harmony in the World Based on Pancasila and Bhinneka Tunggal Ika (Unity in Diversity)*, 15 *J. MULTIKULTURAL MULTIRELIGIUS* 33–40, 34–37 (2016); Philipus Tule, *Religious Conflicts and a Culture of Tolerance: Paving the way for Reconciliation in Indonesia*, in *PROSIDING SIMPOSIUM INTERNASIONAL JURNAL ANTROPOLOGI INDONESIA I MAKASSAR* 518–528 (2000).

Indonesia. In Onje Village, Mrebet District, Purbalingga Regency, based on the researchers' initial observations. It was found that there was a quantitative decline in the existence of the Aboge Islamic Community. This decline can be seen in various ways. For example, there is a decrease in the number of followers of the Aboge Islamic Community in one family. Many people break away from the Aboge Islamic Community in one family. In some of the families that the researchers observed, many children were found out of the Aboge Islamic Community. Not only children, parents who have long been the Aboge Islamic Community also came out.

IDENTIFICATIONS OF PROBLEMS

THE OBSERVATIONS made by the researchers found a hypothesis about the factors that caused the decline in the number of the Aboge Islamic Community. The hypothesized factors include (1) the occurrence of assimilation which negates the old culture; (2) the impact of globalization and modernization; and (3) the presence of an increasingly advanced level of education in the Aboge Islamic Community. These factors can be said to threaten the existence of the Aboge Islamic Community. The stronger internalization of these factors to the Aboge Islamic Community will make the existence of the Aboge Islamic Community weaker.

If mapped, there are at least three problems with the existence of the Aboge Islamic Community. These three problems are three problems seen from normative, empirical, and sociological conditions. The normative condition in this case is related to the term or definition and position of the Aboge Islamic Community. As for the empirical conditions, namely the existence of the Aboge Islamic

Community. Then regarding the sociological conditions, namely regarding the culture or rituals of the Aboge Islamic Community.

The first problem of the Aboge Islamic Community concerns normative matters, namely terms or definitions and positions. Normatively it can be said that the term or definition of the Aboge Islamic Community is a group of people who are Muslim by carrying out Islamic law through the Aboge tradition. As mentioned earlier, Aboge stands for *Alif Rebo Wage*. Aboge itself is a calendar counting tradition based on a blend of Islamic and Javanese calendars. Aboge in Onje Village was introduced by a guardian by the name of *Raden Sayid Kuning* to be precise since the 14th century AD ⁴. The Aboge Islamic Community in carrying out Islamic law is guided by the Qur'an and Hadith. If we look more deeply at the Aboge Islamic Community in Onje Village, we do not find any significant differences in the implementation of Islamic law with the majority Islamic Community in Indonesia, such as Nahdlatul Ulama (NU). Even according to Kiai Sudi Maksudi, who is the Aboge Imam in Onje Village and the Imam of the *Raden Sayid Kuning* Mosque in Onje Village, the practices carried out by the Aboge Islamic Community in Onje Village are the same as those of the NU organization. There is a difference but only in the calculation of the beginning of the month or Islamic holidays.⁵

This is different from the social facts that we find. Many people still think that Aboge is a separate religion. Many say that Aboge is separated from the values in the teachings of Islam. Some even state that the Aboge existed before religions entered Indonesia ⁶. Then in

⁴ Kompas.com, *Islam Aboge, Ajaran Warisan Raden Rasid Sayid Kuning*, KOMPAS.COM (2011).

⁵ Interview with Kiai Sudi Maksudi on August 28, 2021.

⁶ Moch. Ichiyak Ulumuddin, *Praktik Keagamaan Aliran Kejawen Aboge di antara Agama Resmi dan Negara*, 6 RELI. J. STUD. AGAMA-AGAMA 91–113, 5 (2016);

the initial observations made by researchers. It was found that there were people who thought that the traditions in the Aboge Islamic Community were no longer relevant to be practiced. This assessment certainly has an impact on the existence of the Aboge Islamic Community, especially in Onje Village.

The second problem is related to empirical conditions. The empirical condition in this case relates to the number of the Aboge Islamic Community. Until now, researchers have not found definite data related to the number of Aboge Islamic Community in Onje Village. Likewise, with Kiai Sudi Maksudi, who also does not know for sure the number of followers of the Aboge Islamic Community in Onje Village. This is certainly a problem in itself, considering the number or quantity greatly affects the existence of a community. The minimum indicator of the strength of existence can be seen from the number. The greater the number of the Aboge Islamic Community, at least the stronger the existence of the Aboge Islamic Community. Then in terms of government administration, there are allegations that the Onje Village Government has not clearly collected data on the number of the Aboge Islamic Community through government administration. This means that data collection on the number of the Aboge Islamic Community in Onje Village is necessary and must be done. This is to find out the number and measure the existence of the Aboge Islamic Community. If we look at the data in the field, it can be described as follows. The population in Onje Village based on 2018 statistical data is 4,350 people. The number is divided into the number of men as many as 2,163 people. The number of women is 2,187 people.⁷ Then the statistical data shows that the majority of the

Sulaiman, *Islam Aboge: Pelestarian Nilai-nilai Lama Di Tengah Perubahan Sosial*, 20 J. "ANALISA" 1-12, 2 (2013).

⁷ BADAN PUSAT STATISTIK KABUPATEN PURBALINGGA, *Kecamatan Mrebet dalam Angka 2018* 17 (2018).

population in Onje Village is Muslim. The population of Onje Village who is Muslim is 4,347 people. Then the number of people who are Protestant Christians are 3 people. This can be seen in Table 1 and Table 2.⁸

TABLE 1. *Onje Villagers*

Gender		Amount
Male	Female	
2.163	2.187	4350

TABLE 2. *Religion of the Onje Villagers*

Religion						
Islam	Catholic	Protestant	Hindu	Buddhism	Confucian	Faith
4.347	-	3	-	-	-	-

The third problem concerns the sociological conditions that exist in the Aboge Islamic Community. There are three sociological factors that become problems and threaten the existence of the Aboge Islamic Community in Onje Village. The three factors are (1) the occurrence of assimilation which negates the old culture; (2) the impact of globalization and modernization; and (3) the presence of an increasingly advanced level of education in the Aboge Islamic Community.

The normative, empirical, and sociological problems that have been described previously can be said to have great potential to threaten the existence of the Aboge Islamic Community in Onje Village. There needs to be efforts and energy in maintaining the sustainability and existence of the Aboge Islamic Community as part of maintaining diversity in Indonesia. The question is how to protect the existence of the Aboge Islamic Community in Onje Village? Is there a need to protect the Aboge Islamic Community in Onje Village?

⁸ PURBALINGGA, *supra* note 7.

PREVIOUS RESEARCH

BEFORE ANSWERING the formulation of the problem, it is necessary to state beforehand related to previous research that is relevant to the topic of this research. A review of previous research needs to be done to determine the originality of this research. First, research from Sulaiman (2013) with the title "*Islam Aboge: Pelestarian Nilai-Nilai Lama di Tengah Perubahan Sosial*". Sulaiman's research can be said to be quite comprehensive research concerning the Aboge. There are at least three studies concerning the Aboge found in Solomon's research. The three studies include (1) teachings and developments in Aboge Islam; (2) a change in values in the Aboge Islamic community; and (3) the adaptation strategy carried out by the Aboge community in order to preserve the values held by the Aboge especially at this time (in the midst of change). Sulaiman (2013) further in his research states that there are at least two strategies undertaken by Aboge to adapt and preserve Aboge's values in the midst of change. The two strategies are (1) a conservative adaptation strategy; and (2) resistance adaptation strategies. Conservative adaptation strategy is an adaptation strategy using the kinship system, the attachment system, and the obedience system. Resistance adaptation strategy is an adaptation strategy by using internalization of values and tolerance for changes that occur⁹.

The research conducted by Sulaiman (2013) can be said to be quite complete and interesting. Sulaiman (2013) is very deep in studying related to Aboge, especially regarding Aboge's strategy in maintaining values in the midst of social change. Sulaiman (2013) in his research succeeded in conducting an exploration of the conditions that occurred in the Aboge community. Sulaiman (2013) also succeeded in exploiting the strategies carried out by the Aboge

⁹ Sulaiman, *supra* note 6.

community in order to survive and preserve Aboge values in the midst of social change.

The second research from M. Alfatih Husain (2015) which examines related to the title "*Komunitas Islam Aboge (Penerapan Antara Sistem Kalender dengan Aktifitas Sosial Keagamaan di Desa Onje Kecamatan Mrebet Kabupaten Purbalingga)*". Research from M. Alfatih Husain (2015) examines more related to the rituals of the Aboge Islamic Community in Onje Village. Research conducted by M. Alfatih Husain (2015) has not been included in studies related to the decline in the existence of the Aboge Islamic Community in Onje Village. Research from M. Alfatih Husain (2015) does not reveal anything related to the protection of the Aboge Islamic Community in Onje Village. Briefly, research by M. Alfatih Husain (2015) examines how to implement and implement the Aboge calendar system. Then the study conducted by M. Alfatih Husain (2015) is also related to the rituals carried out by the Aboge Islamic Community in Onje Village ¹⁰.

The third research is from Awaliyyah Mudhaffarah (2017) entitled "*Refleksi Budaya Komunitas Islam Aboge Cikakak pada Masjid Saka Tunggal Banyumas*". Research conducted by Awaliyyah Mudhaffarah (2017) at least concludes that there is a relationship between the Aboge Islamic Community in Cikakak Village and the Saka Tunggal Mosque. Research from Awalliyah Mudhaffarah at least concludes that the *Saka Tunggal* Mosque has a major contribution to the sustainability and sustainability of the Aboge Islamic Community in Cikakak Village. The *Saka Tunggal* Mosque, located in Cikakak Village, Banyumas Regency, is the center for the activities of the Aboge Islamic Community in Cikakak Village. No wonder then

¹⁰ M. Alfatih Husain, *Komunitas Islam Aboge (Penerapan Antara Sistem Kalender dengan Aktifitas Sosial Keagamaan di Desa Onje Kecamatan Mrebet Kabupaten Purbalingga)*, 2015.

that Masjid Saka Tunggal can be said to be a buffer and preservation of the rituals of the Aboge Islamic Community in Cikakak Village ¹¹.

The research conducted by Awaliyyah Mudhaffarah is interesting and relevant to the conditions that occur in the Aboge Islamic Community in Onje Village. Please note that the Aboge Islamic Community also has a relationship with the *Raden Sayyid Kuning* Mosque in Onje Village. The Raden Sayyid Kuning Mosque is also a center for activities and rituals for the Aboge Islamic Community in Onje Village. No wonder the Raden Sayyid Kuning Mosque is often said to be a buffer for the activities of the Aboge Islamic Community in Onje Village. The question is whether the Raden Sayyid Kuning Mosque is able to effectively protect and preserve the values that exist in the Aboge Islamic Community in Onje Village?

This research is field research in which researchers go directly to the field to seek and find primary data. This study uses a qualitative research approach. Researchers take a qualitative approach, namely by photographing social phenomena that exist in the community. The results of the photo shoot were then narrated by the researchers in descriptive form. The materials that researchers obtained from the results of photographing social phenomena were used as material to draw conclusions.¹² Researchers in this case managed to photograph the social symptoms that exist in the Aboge Islamic Community in Onje Village, then the researchers analyzed and drew conclusions. There are three types of legal research, namely normative, empirical,

¹¹ Awaliyyah Mudhaffarah, *Refleksi Budaya Komunitas Islam Aboge Cikakak pada Masjid Saka Tunggal Banyumas*, in SEMINAR IKATAN PENELITI LINGKUNGAN BINAAN INDONESIA (IPLBI) 145–150 (2017).

¹² HARDANI ET AL., *METODE PENELITIAN KUALITATIF & KUANTITATIF* 277–278 (2020).

and social legal.¹³ The research conducted by the researcher is using socio legal research. The researcher examines related to the juridical and sociological aspects.¹⁴ The legal aspects studied are related to the juridical provisions relating to the Aboge Islamic Community in Onje Village. The sociological aspects studied are related to social conditions in the Aboge Islamic Community in Onje Village. The research location was conducted in Onje Village, Mrebet District, Purbalingga Regency. The data sources of this study used primary, secondary, and tertiary data sources. Data collection techniques in this study used interviews, observations, and literature studies. The validity of this research data using triangulation¹⁵. Data analysis using interactive models.¹⁶

EFFORTS TO PROTECT THE EXISTENCE OF THE ABOGE ISLAMIC COMMUNITY IN ONJE VILLAGE

THE ABOGE Islamic Community in Onje Village is part of a minority group. Not many in Indonesia found the existence of the Islamic

¹³ Ayon Diniyanto, *Reformasi Hukum Tanah Desa: Redefinisi dan Penguatan Kedudukan*, 8 J. RECHTS VINDING MEDIA PEMBINA. HUK. NAS. 351–365 (2019).

¹⁴ Muhammad Helmy Hakim, *Pergeseran Orientasi Penelitian Hukum: dari Doktrinal ke Sosio-Legal*, 16 SYARIAH J. HUK. DAN PEMIKIR. 105–114, 105–108 (2017); MUHAMAD MUHDAR, *PENELITIAN DOCTRINAL DAN NON-DOCTRINAL: PENDEKATAN APLIKATIF DALAM PENELITIAN HUKUM* 12 (2019); Kornelius Benuf & Muhamad Azhar, *Metodologi Penelitian Hukum sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer*, 7 J. GEMA KEADILAN 20–33, 29–30 (2020).

¹⁵ Bachtiar S Bachri, *Meyakinkan Validitas Data Melalui Triangulasi Pada Penelitian Kualitatif*, 10 J. TEKNOLOGI PENDIDIK. 46–62, 55 (2010).

¹⁶ 1304 MATTHEW B. MILES & A. MICHAEL HUBERMAN, *AN EXPANDED SOURCEBOOK QUALITATIVE DATA ANALYSIS* 308 (2 ed. 1994); Ahmad Rijali, *Analisis Data Kualitatif*, 17 J. ALHADHARAH 81–95, 82–87 (2018).

Community Aboge. Protection of the Aboge Islamic Community is a necessity. Without protection for the Aboge Islamic Community, it will certainly have the potential to make it difficult for the Aboge Islamic Community to exist. There are two things to protect the existence of the Aboge Islamic Community in Onje Village. First, is protection from within. Second, namely protection from the outside. Protection from within is a protection carried out by the Aboge Islamic Community in order to maintain and protect existence. External protection is protection carried out by parties outside the Aboge Islamic Community but with an interest or role in protecting the existence of the Aboge Islamic Community.

I.

EFFORTS TO PROTECT FROM WITHIN THE ABOGE ISLAMIC COMMUNITY IN ONJE VILLAGE

THE PROTECTION of the Aboge Islamic Community in Onje Village from the inside is a fundamental effort and the first effort that must be done. Without self-protection, it is certainly difficult for the Aboge Islamic Community to survive in the midst of globalization and modernization. The values contained in the Aboge Islamic Community and the consistency in carrying out these values, are actually able to protect the existence of the Aboge Islamic Community. Therefore, strengthening and implementing the values contained in the Aboge Islamic Community is the answer to efforts to protect the existence of the Aboge Islamic Community. This turned out to be in line with what was conveyed by Kiai Sudi Maksudi as the Imam of the Aboge Islamic Community in Onje Village and the Imam

of the *Raden Sayyid Kuning* Mosque in Onje Village. Kiai Sudi Maksudi in interviews and discussions with researchers stated directly that the way to maintain the existence of the Aboge Islamic Community in Onje Village is to “*cara nguri-uri, dilakoni, tradisi-tradisi*”¹⁷. This means that how to maintain the existence of the Aboge Islamic Community in Onje Village can be done at least by caring for, maintaining, preserving, and implementing the Aboge traditions.

The statement made by Kiai Sudi Maksudi is certainly very relevant to the cultural theory of Koentjaraningrat. Koentjaraningrat (1983) basically states that culture is a unity of a system of ideas, behaviours, and works produced by humans. Koentjaraningrat divides culture into three forms, namely: (1) the form of ideas; (2) the form of behaviour; and (3) the form of the work¹⁸. This means that culture consists of elements of ideas, behaviour, and works. These three elements can certainly continue to exist if there is an effort through efforts to care for, maintain, preserve, and implement. If there is no such effort, it seems difficult for the existence of three forms in culture to occur.

However, Kiai Sudi Maksudi also provides concessions to the people who are members of the Aboge Islamic Community in Onje Village. Kiai Sudi Maksudi does not insist if there are people in the Aboge Islamic Community in Onje Village who do not participate in caring for, maintaining, preserving and carrying out the traditions contained in the Aboge. Kiai Sudi Maksudi will not influence the people in the Aboge Islamic Community to maintain their existence.

¹⁷ Interview with Kiai Sudi Maksudi on August 28, 2021.

¹⁸ KOENTJARANINGRAT, PENGANTAR ILMU ANTROPOLOGI (1983); Sumarto Sumarto, *Budaya, Pemahaman dan Penerapannya*, 1 J. LITERASIOLOGI 144–159, 148 (2019); Ryan Prayogi & Endang Danial, *Pergeseran Nilai-Nilai Budaya Pada Suku Bonai Sebagai Civic Culture Di Kecamatan Bonai Darussalam Kabupaten Rokan Hulu Provinsi Riau*, 23 HUMANIKA 61–79, 61–62 (2016); Dewi Yuliaty, *Kebudayaan Lokal Vs Kebudayaan Global: Hidup atau Mati?*, XI J. SEJ. CITRA LEKHA 1–10, 1 (2007).

For Kiai Sudi Maksudi, the existence of the Aboge Islamic Community is up to the community. If people in the Aboge Islamic Community want to exist, go ahead, don't want to exist too, please¹⁹. The statement from Kiai Sudi Maksudi seems less consistent. On the one hand, Kiai Sudi Maksudi stated that efforts to protect the existence of the Aboge Islamic Community were carried out by caring for, maintaining, preserving, and implementing the Aboge tradition. On the other hand, Kiai Sudi Maksudi will not influence the community and leave the effort for existence to each. This statement is certainly not in line with efforts to protect the existence of the Aboge Islamic Community. How can there be an effort to protect existence if there is no unity in protecting the existence of the Aboge Islamic Community? It is quite difficult if efforts to protect the existence of the Aboge Islamic Community are carried out individually or individually without any unity or togetherness.

The statement from Kyai Sudi Maksudi who gave protection to the existence of the Aboge Islamic Community in each of them also contrasts with the statement from Uji Utomo. Uji Utomo as former Onje Village Tourism Awareness Group (*Kelompok Sadar Wisata/Pokdarwis*). Uji Utomo is also part of the Onje Village Youth Leader and has been included in the Aboge Islamic Community in Onje Village. Uji Utomo stated that the protection of the existence of the Aboge Islamic Community in Onje Village could be carried out with the influence of Kiai Sudi Maksudi as the Imam of the Aboge Islamic Community in Onje Village. Uji Utomo in an interview with the researcher stated that as long as there is influence from Kiai Sudi Maksudi and as long as Kiai Sudi Maksudi is still able to influence the Aboge Islamic Community community to maintain their existence. During that time, the Aboge Islamic Community in Onje Village still

¹⁹ Interview with Kiai Sudi Maksudi on August 28, 2021

existed. The only problem is, is Kiai Sudi Maksudi able to continue to exert his influence and still have an influence on the Aboge Islamic Community in Onje Village? Then can Kiai Sudi Maksudi be able to regenerate leadership in the Aboge Islamic Community? That question must be answered. Uji Utomo stated that if the question can be answered by being able to influence and influence and be able to regenerate, then the Aboge Islamic Community in Onje Village can still exist.²⁰

II. EXTERNAL PROTECTION EFFORTS AGAINST THE ABOGE ISLAMIC COMMUNITY IN ONJE VILLAGE

IN ADDITION to internal protection for the Aboge Islamic Community in Onje Village. There should be an external protection effort against the Aboge Islamic Community in Onje Village. External protection efforts against the Aboge Islamic Community in Onje Village can be carried out by interested parties or wishing to protect the existence of the Aboge Islamic Community. Kiai Sudi Maksudi when asked about protection from outside, such as the government or local government against the Aboge Islamic Community in Onje Village. Kiai Sudi Maksudi stated that there were efforts to protect the local government. Kiai Sudi Maksudi stated that the Regional Government of Purbalingga Regency often advised Kiai Sudi Maksudi to “*nguri-uri*” care for, maintain, and preserve the Aboge. The local government of Purbalingga Regency also often supports the

²⁰ Interview with Uji Utomo on August 30, 2021

Aboge Islamic Community through agenda and funding support for the implementation of traditional activities of the Aboge Islamic Community in Onje Village.²¹

But this was denied by Uji Utomo who stated that the support provided by the local government of Purbalingga Regency so far has not been to the Aboge Islamic Community in Onje Village but to Onje Village on a regional basis. Uji Utomo further stated that the role of the Local Government of Purbalingga Regency in supporting the agenda and funds for the implementation of traditional activities in Onje Village was not the Aboge tradition. Moreover, Onje Village has a historical relationship with Purbalingga Regency. So, support is done in relation to Onje Village which has contributed to the history of Purbalingga Regency²².

Then related to the protection of the existence of the Aboge Islamic Community in Onje Village through concrete policies, it can be said that there is no such thing. Kiai Sudi Maksudi stated that until now there has been no policy issued by the Purbalingga Regency Government or the Onje Village Government regarding the protection of the existence of the Aboge Islamic Community in Onje Village²³. Until now, there has been no juridical regulation or decision in protecting the existence of the Aboge Islamic Community in Onje Village. The same thing was also conveyed by Uji Utomo, that until now there is no policy or regulation that regulates the protection of the existence of the Aboge Islamic Community in Onje Village²⁴.

This condition is certainly very interesting because it is found that there is no policy that protects the existence of the Aboge Islamic Community in Onje Village. The Aboge Islamic Community, which is

²¹ Interview with Kiai Sudi Maksudi on August 28, 2021

²² Interview with Uji Utomo on August 30, 2021

²³ Interview with Kiai Sudi Maksudi on August 28, 2021

²⁴ Interview with Uji Utomo on August 30, 2021

facing modernization and globalization, has the potential to lose its existence. But in fact, until now there has been no policy that regulates the protection of the existence of the Aboge Islamic Community in Onje Village. Whereas the function of a policy or regulation is very important in the protection of a society or community. Indonesia is a state of law, of course law, in this case, including policies in the form of regulations, is very important as a basis for implementing the life of the nation and state ²⁵. The question is, is there a need for a policy to protect the Aboge Islamic Community in Onje Village?

IS THERE A NEED TO PROTECT THE ABOGE ISLAMIC COMMUNITY IN ONJE VILLAGE?

CONSIDERING THE CONDITIONS that occur in the Aboge Islamic Community in Onje Village, as described previously. Of course, the question that can arise is whether there is a need for a protection policy for the Aboge Islamic Community in Onje Village? Normatively, of course, protection of the Aboge Islamic Community in Onje Village needs to be done. This is because there are several reasons for the need for protection, especially the existence of the Aboge Islamic Community in Onje Village. *First*, the Aboge Islamic

²⁵ DANI MUHTADA & AYON DINIYANTO, *DASAR-DASAR ILMU NEGARA* (2018); Bambang Panji Gunawan et al., *The Development of Indonesia As The Rule of Law Based On 1945 Constitution Before And After Amendments*, 17 *YURISDIKSI J. WACANA HUK. DAN SAINS* 64–73 (2020); Sri Praptini Praptini, Sri Kusriyah Kusriyah & Aryani Witasari, *Constitution and Constitutionalism of Indonesia*, 2 *J. DAULAT HUK.* 7–14 (2019); Ramli, Muhammad Afzal & Gede Tusan Ardika, *Studi Kritis Terhadap Konsep Negara Hukum*, 10 *MEDIA KEADILAN J. ILMU HUK.* 132–147 (2019).

Community is a community that existed before Indonesia's independence. This is in accordance with various literatures that indigenous peoples existed before Indonesia's independence and until now their position is still recognized by the Indonesian State.²⁶ This means that the Aboge Islamic Community is the nation's ancestral heritage that should be protected and preserved. Do not let, The Indonesian people lose one of Indonesia's heritages. This of course can eliminate historical and cultural values in the development of the state.

Second, the Aboge Islamic Community is part of the community or indigenous peoples in Indonesia. The state through the constitution has guaranteed the rights of the community or indigenous peoples. Even the state provides constitutional guarantees for indigenous communities or communities to exist. The 1945 Constitution of the Republic of Indonesia Article 18B paragraph (2) states that “*Negara mengakui dan menghormati kesatuan-kesatuan masyarakat hukum adat beserta hak-hak tradisionalnya sepanjang masih hidup dan sesuai dengan perkembangan masyarakat dan prinsip Negara Kesatuan Republik Indonesia, yang diatur dalam undang-undang*” (The state recognizes and respects customary law community units and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated by law). Then Article 28I paragraph (3) states that “*Identitas budaya dan hak masyarakat tradisional dihormati selaras dengan perkembangan zaman dan peradaban*” (Cultural identity and rights of traditional communities are respected in line with the

²⁶ Sulastriyono, *Filosofi Pengakuan dan Penghormatan Negara Terhadap Masyarakat Adat di Indonesia*, 90 YUSTISIA 97–108, 97–98 (2014); Zayanti Mandasari, *Politik Hukum Pengaturan Masyarakat Hukum Adat (Studi Putusan Mahkamah Konstitusi)*, 21 J. HUK. IUS QUIA IUSTUM 227–250, 228 (2014); Teddy Anggoro, *Kajian Hukum Masyarakat Hukum Adat dan HAM dalam Lingkup Negara Kesatuan Republik Indonesia*, 36 J. HUK. PEMBANG. 487–498, 490–491 (2006).

times and civilizations). The provisions in the constitution as mentioned above mean that the state protects indigenous communities, including the Aboge Islamic Community. Based on the constitutional mandate, the Aboge Islamic Community deserves to be protected.²⁷

Third, related to globalization and modernization. The flow of globalization and modernization cannot be stopped by anyone. The Indonesian nation as part of the global community certainly cannot be separated from globalization and modernization. There are positive and negative impacts of globalization and modernization. Of course, we must take the positive impact of globalization and modernization. But in the face of globalization and modernization and take a positive impact. We must first have a value or character as a strong foundation or fundamental. These values or characters can be reflected in the indigenous communities in Indonesia that have existed since ancient times. Therefore, it is really important to maintain the values that exist in indigenous communities in order to face the currents of globalization and modernization.²⁸

²⁷ Jawahir Thontowi, *Perlindungan dan Pengakuan Masyarakat Adat dan Tantangannya dalam Hukum Indonesia*, 20 J. HUK. IUS QUIA IUSTUM 21-36 (24) (2013); Jawahir Thontowi, *Pengaturan Masyarakat Hukum Adat dan Implementasinya Perlindungan Hak-hak*, 10 J. PANDECTA 1-13 (2015); Basse Sugiswati, *Perlindungan Hukum terhadap Eksistensi Masyarakat Adat di Indonesia*, XVII PERSPEKTIF 31-43 (2012); Yuliana Primawardani, *Perlindungan Hak Masyarakat Adat dalam Melakukan Aktivitas Ekonomi, Sosial dan Budaya di Provinsi Maluku*, 8 J. HAM 1-11 (2017).

²⁸ Retna Dwi Estuningtyas, *Dampak Globalisasi pada Politik, Ekonomi, Cara Berfikir dan Ideologi serta Tantangan Dakwahnya*, 11 AL-MUNZIR 195-218, 196 (2018); Donny Ernawam, *Pengaruh Globalisasi terhadap Eksistensi Kebudayaan Daerah di Indonesia*, 32 J. KAJI. LEMHANNAS RI 5-11, 6-7 (2017); Anisa Eka Pratiwi et al., *Jurnal Civics: Media Kajian Kewarganegaraan pengalaman pembelajaran*, 15 J. CIV. MEDIA KAJI. KEWARGANEGARAAN 95-102, 95 (2018); Paulus Rudolf Yuniarto, *Masalah Globalisasi di Indonesia: Antara Kepentingan, Kebijakan, dan Tantangan*, 5 J. KAJI. WIL. 67-95, 68-70 (2014); Ricco Andreas & Bambang Suryadi, *Nilai Islam dan Pancasila: Pengaruh Globalisasi Sistem Hukum di Indonesia*, 7 NIZHAM 80-97, 80-81

Indeed, we must open ourselves to globalization and modernization, but the values that have existed from the past may be maintained or synergized with the times.²⁹ This is where the importance of the Aboge Islamic Community in facing the currents of globalization and modernization. People who are members of the Aboge Islamic Community have the right to defend the Aboge teachings or values in order to face the currents of globalization and modernization. This is one of the important reasons to protect the Aboge Islamic Community. Because when the Aboge Islamic Community is protected, the Aboge teachings or values will also be protected. This is because the Aboge Islamic Community is the subject of the Aboge's teachings or values.

These three reasons make it important to protect the Aboge Islamic Community. Then if we look at the protection of indigenous communities in various countries. Various countries have policies issued by the government to protect indigenous communities or local indigenous people. For example, the policy of protecting Aboriginal people by the Australian Government. Then the Vietnamese indigenous protection policy.³⁰ The question is how to protect the Aboge Islamic Community? Indonesia as a state of law as mentioned earlier has the consequence that the law must be the commander in the life of the state. This means that the law becomes the basis in carrying out the life of the nation and state. In this case, the law is used as an instrument in the protection of community rights. Therefore, there is a need for legal policies that must be issued by legal policy

(2019); R Mayasari Eka, *Tantangan Hukum Adat Dalam Era Globalisasi Sebagai Living Law Dalam Sistem Hukum Nasional*, J. EQUITABLE 94–112, 95–96 (2018).

²⁹ Sri Sudaryatmi, *Peranan Hukum Adat dalam Pembangunan Hukum di Era Globalisasi*, 41 MMH 572–578, 578 (2012); Ernawam, *supra* note 30.

³⁰ KEMENPERPEMNAS, *MASYARAKAT ADAT DI INDONESIA: MENUJU PERLINDUNGAN SOSIAL YANG INKLUSIF* 49–55 (2013).

makers in the protection of the Aboge Islamic Community in Onje Village.

The question is what kind of legal policy can be formed to protect the Aboge Islamic Community in Onje Village? Before answering this question, the researcher first explained the surprising findings in the field. Based on the research conducted by the researcher, it was found that the field data shows that the legal policy of protecting the Aboge Islamic Community in Onje Village is not really needed. It was even found that the existence of a legal protection policy could potentially narrow the expression of the Aboge Islamic Community and could potentially make the Aboge Islamic Community does not recognize it as part of the Aboge Islamic Community.

Kiai Sudi Maksudi in interviews and discussions with researchers stated that the legal policy of protecting the Aboge Islamic Community in Onje Village is not an *“important”* or *“substantial”* matter. Kiai Sudi Maksudi welcomes if there is a legal policy such as a regional regulation on the protection of the Aboge Islamic Community. Kiai Sudi Maksudi also doesn't mind if there is no legal policy to protect the Aboge Islamic Community in Onje Village. Kiai Sudi Maksudi stated that the Aboge Islamic Community in Onje Village would continue to run even without a legal policy as a protective instrument.³¹

Uji Utomo also stated almost the same thing. Uji Utomo emphasizes that there is no need for a legal policy to protect the Aboge Islamic Community in Onje Village. Uji Utomo added that the Aboge Islamic Community in Onje Village does not yet need a legal policy related to protection. Even Uji Utomo thinks that the existence of a policy of protecting the Aboge Islamic Community in Onje Village has

³¹ Interview with Kiai Sudi Maksudi on August 28, 2021

the potential to narrow the expression of the people who are part of the Aboge Islamic Community in Onje Village. The existence of a legal policy according to Uji Utomo will indeed explain and make the position of the Aboge Islamic Community in Onje Village stronger. The identity of the Aboge Islamic Community in Onje Village is also clearer. However, the problem is whether the people who are members of the Aboge Islamic Community in Onje Village dare to accept the policy and dare to be honest as part of the Aboge Islamic Community?³²

Uji Utomo further stated that the existence of a legal policy to protect the Aboge Islamic Community in Onje Village has the potential to narrow the space of expression for the people who are members of the Aboge Islamic Community in Onje Village. Community members have the potential to not be frank as part of the Aboge Islamic Community in Onje Village. Uji Utomo is of the opinion that let the Aboge Islamic Community in Onje Village live as usual. There is no need for regulations governing the Aboge Islamic Community in Onje Village. The problem of the Aboge Islamic Community in Onje Village surviving is that it depends on its own strength. Can it survive in the midst of globalization and modernization or not? Uji Utomo suggests that the key to the Aboge Islamic Community in Onje Village can survive if there is still the influence of Aboge figures in Onje Village and there is regeneration of Aboge figures in Onje Village.³³

Looking at the responses from Kiai Sudi Maksudi and Uji Utomo regarding legal policies that are not so "important" in the protection of the Aboge Islamic Community in Onje Village, it is certainly very interesting. The views of Kiai Sudi Maksudi and Uji Utomo must certainly be respected. This is because Sudi Maksudi is

³² Interview with Uji Utomo on August 30, 2021

³³ Interview with Uji Utomo on August 30, 2021

part of the Aboge Islamic Community in Onje Village. Likewise, Uji Utomo was once part of the Aboge Islamic Community in Onje Village.

The researcher, in this case, has the opinion that the urgency of the legal policy of protecting the Aboge Islamic Community in Onje Village is certainly debatable and an opinion that must be respected. The researcher also argues that it is not effective and efficient if there is a legal policy to protect the Aboge Islamic Community in Onje Village, but the main character of the Aboge Islamic Community in Onje Village himself has not considered the importance of this policy. Moreover, Kiai Sudi Maksudi as the main figure in the Aboge Islamic Community in Onje Village knows more about the spiritual atmosphere and sociological conditions of the Aboge Islamic Community in Onje Village.

However, the researcher still considers that a legal policy for the protection of the Aboge Islamic Community in Onje Village needs to be established. Without a legal policy, it is relatively difficult for the Aboge Islamic Community to guarantee protection for its existence. Indeed, the constitution has guaranteed the rights and positions of indigenous peoples, including the Aboge Islamic Community in Onje Village. But the constitution is the supreme law and does not regulate technical aspects such as the concrete way of protection from the state or government. There needs to be a technical policy that regulates how to protect the Aboge Islamic Community in Onje Village. Therefore, a more technical legal policy needs to be formed in the context of protecting the Aboge Islamic Community in Onje Village.

Only in the policy does not stipulate and mention concretely related to the protection of the Aboge Islamic Community in Onje Village. The policy can be made universally, such as on the protection of people or indigenous communities. The question is what kind of legal policy is this? The form of legal policy must of course be in the

form of statutory regulations in order to have a regulatory function. Legislation also has a wider scope of regulation. Then related to the right type of legislation is regional regulations (*peraturan daerah*)³⁴. This is because regional regulations are included in the type of hierarchy of laws and regulations. This is in accordance with Article 7 of Law Number 12 of 2011 concerning the Establishment of Legislation which states that:

- (1) *Jenis dan hierarki Peraturan Perundang-undangan terdiri atas:*
 - a. *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 (Constitution);*
 - b. *Ketetapan Majelis Permusyawaratan Rakyat (Decree of the People's Consultative Assembly);*
 - c. *Undang-Undang/Peraturan Pemerintah Pengganti Undang-Undang (Laws/Government Regulations in Lieu of Laws);*
 - d. *Peraturan Pemerintah (Government regulations);*
 - e. *Peraturan Presiden (Presidential Regulation);*
 - f. *Peraturan Daerah Provinsi (Provincial Regulation); dan*
 - g. *Peraturan Daerah Kabupaten/Kota (Regional Regulation).*
- (2) *Kekuatan hukum Peraturan Perundang-undangan sesuai dengan hierarki sebagaimana dimaksud pada ayat (1).*

Seeing the type and hierarchy of the legislation, regional regulations have a clear position. Then also regional regulations have a reach at the district/city level. The process of forming regional regulations also does not consume much energy when compared to

³⁴ A Fadhilah Yustisianty, *Peraturan Daerah dalam Konsep Negara Hukum dan Permasalahannya* 1–39 26 (2018); Office of the Associate Director for Policy, *Book and Media Review: A Purchaser's Guide to Clinical Preventive Services: Moving Science Into Coverage*, CENTERS FOR DISEASE CONTROL AND PREVENTION .

laws. This is because local regulations are at the local level. But local regulations have almost the same function as laws. Only regional regulations have a narrower area of application (one district/city area) than the law. Regional regulations also have a position under the law.

Therefore, it is appropriate that the Aboge Islamic Community in Onje Village is protected through local regulations. The regional regulation in question is the Purbalingga Regency Regional Regulation. Considering the Aboge Islamic Community in Onje Village is in Purbalingga Regency. Then related to the scope of regional regulations, it does not explicitly regulate the protection of the Aboge Islamic Community in Onje Village. Local regulations include rules that are universal but concrete, such as local regulations on the protection of indigenous peoples in Purbalingga Regency or regional regulations on strengthening indigenous peoples in Purbalingga Regency. So, the local regulation not only protects the Aboge Islamic Community in Onje Village. The regional regulation protects all indigenous peoples in Purbalingga Regency.

Until now, researchers have not found any local regulations in Purbalingga Regency that specifically regulate the protection or strengthening of indigenous peoples in Purbalingga Regency. Likewise with the protection of the Aboge Islamic Community in Onje Village which has not been protected through policies in the form of regional regulations. Therefore, it is appropriate to form a regional regulation in Purbalingga Regency which regulates the protection or strengthening of indigenous peoples in Purbalingga Regency. The scope of the regulation consists of at least (1) guarantees for the implementation of constitutional rights; (2) protection from acts of coercion and violence; and (3) activity support or material support for protection and strengthening.

CONCLUSION

PROTECTION OF THE ABOGE Islamic Community in Onje Village is a necessity in order to protect its existence. Without protection, the existence of the Aboge Islamic Community can be threatened. Protection of the Aboge Islamic Community in Onje Village can be done from within and from outside. Protection from within is carried out by caring for, maintaining, preserving, and carrying out the Aboge tradition. In addition, protection from within for the existence of the Aboge Islamic Community in Onje Village can also be done through the influence of leaders or leaders of the Aboge Islamic Community in Onje Village. The leader or figure must have influence and influence the members of the Aboge Islamic Community in Onje Village in order to protect and maintain existence. Protection from within also needs to be done with regeneration. The Aboge Islamic Community in Onje Village, especially leaders and figures, must be able to regenerate so that there is sustainability of the Aboge Islamic Community in Onje Village. The next protection is external protection for the Aboge Islamic Community in Onje Village. Regarding external protection, one of which is carried out by the local government by telling the leaders of the Aboge Islamic Community in Onje Village to care for, maintain, and preserve the Aboge tradition. As for the support for activities and funds, it is still a debate whether it is support for the Aboge Islamic Community in Onje Village or dukukan for Onje Village. Then until now there has not been found a legal policy at the local government level of Purbalingga Regency which regulates the protection of the Aboge Islamic Community in Onje Village. Looking at these conditions, it was found interesting data that the leader or imam of the Aboge Islamic Community in Onje Village stated that legal policies regarding the protection of the Aboge

Islamic Community in Onje Village could be needed or not. This means that the policy is between necessary and unnecessary. Even a former member of the Aboge Islamic Community stated that there was no need for a policy to protect the Aboge Islamic Community in Onje Village. However, the researcher states that the legal policy of protecting the Aboge Islamic Community in Onje Village is needed in order to protect and ensure the existence of the Aboge Islamic Community in Onje Village. Only in this legal policy does not specifically regulate the Aboge Islamic Community in Onje Village. Rather, it regulates and protects all indigenous communities in Purbalingga Regency.

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