

REGULATION MODEL OF RELIGIOUS RIGHTS AND FREEDOMS FOR LOCAL RELIGIOUS BELIEVERS IN THE MAJAPAHIT CONSTITUTION

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ABSTRACT

This article unfolds that the Majapahit Kingdom of Indonesian history has accommodated religious rights and freedom for local religious believers/adherents in its constitution. The kingdom was known in history as tolerant, harmonious, and had reasonable regulations to avoid faith-based conflicts. This finding is significant amid the rising concern over respect and protection of local indigenous religious beliefs in contemporary Indonesia. This research used normative legal methods with statutory, historical, and case approaches. The results and discussions were: *first*, the weakness of the Indonesian constitution's model of regulating religious rights and freedoms was that it closed access for local religious believers to adhere to and carry out their religious teachings; *second*, the model regulating the right to religious freedom for local religious believers needed to distinguish the status of religions in Majapahit. Local religions retain an equal position in the constitution. In addition, this constitution also guided religious believers in Majapahit as part of the regulations in the field of religious rights and freedoms. This research concluded that equalizing positions and concepts of spiritual development allows regulating religious rights and freedoms in its constitution to make Majapahit a tolerant, harmonious country that avoids faith-based conflicts.

Keywords: local religion; freedom of religion; constitution; Majapahit.

INTRODUCTION

As a country that adheres to constitutionalism, the Indonesian Constitution has placed guarantees on freedom of religion as a constitutional right whose existence cannot be reduced by anyone, including the state.¹ Articles on freedom of religion are spread out in several articles. First, Article 28E paragraph (1) of the 1945 Constitution, which guarantees that every citizen has the right to adhere to and believe in religion and to undertake his religious rituals. This guarantee is absolute and applies to adherents of any religion, and there are no exceptions to fulfilling these rights.

Second, Article 29 paragraph (2) of the 1945 Constitution states that the state has explicitly recognized the existence of religion and guaranteed its citizens to adhere to and practice their respective religious teachings. These articles

are a form of constitutional commitment to rights and freedom of religion. This right needs to be protected and guaranteed by the constitution as part of efforts to uphold human rights principles in Indonesia. Therefore, these rights can be a basis for all religious adherents in Indonesia to adhere to, worship safely and peacefully, and avoid all forms of treatment that lead to conflict and religion-based violence.²

Although this article has guaranteed to uphold the principles of religious freedom, according to Muwaffiq Jufri and Mukhlis, the regulatory model that gave different mentions between religion and belief in the several articles above had the potential to create a negative impression, especially to local religious believers in this country. The negative impression was that there were differences between religion and belief (local religions) in terms of conceptual and

¹ Muwaffiq Jufri, "Perbandingan Pengaturan Hak Kebebasan Beragama Antara Indonesia Dengan Majapahit", *Jurnal Konstitusi* 14, No. 2 (2017): 396-417.

² Victorio H Situmorang, "Kebebasan Beragama Sebagai Bagian Dari Hak Asasi Manusia", *Jurnal HAM* 10, No. 1 (2019): 57-67.

arrangement in the Indonesian constitution.³

The legal implication of such a regulatory pattern is to create a regulatory pattern for legal products under the constitution that provides different concepts, definitions, and placements of guidance between religion and belief systems. In this context, local religion is considered not as a religion that its adherents can embrace but is considered as part of a cultural product placed at the Ministry of Education and Culture in terms of its development, not at the Ministry of Religion as a ministry that manages and fosters the religion and religious understanding of citizens.

At the factual level, the difference in the regulation of religious rights with the right to believe (local religion) has implications for the reduction of the rights of local religious believers in carrying out their religious activities, especially those relating to the implementation of rights that are ritualistic and in direct contact with the broader people. Even in many cases, local religious believers are referred to as groups that tend to desecrate the teachings of religions that the state has officially recognized.⁴

The accusation of blasphemy against the teachings of the state's official religions also impacts acts of discrimination and religious-based violence. One example is the sealing action of the tomb of an elder of *Sunda Wiwitan* followers by the Kuningan Regency Government. It was strongly suspected that the sealing action was caused by the demands and rejections of several social organizations (*ormas*) against this tomb building.⁵

They assumed that the tomb's construction led to a ritual that smelled of syncretism and led to shirk. If it is returned to the concepts and teachings of their religion, the local religious believers only perform worship rituals as guided by the religion they believe.

Although the Constitutional Court partially recognizes the existence of local religions through Decision No.97/PUU-XIV/2016, its existence only recognizes local religious believers' rights in the population administration field. It is reasonable because the tested object relates to filling out religious identities in several population documents. However, this decision has not significantly impacted the position of local religions to be on par with the state's official religions. The existence of local religions after the issuance of the decision will also remain under the guidance of the Ministry of Education and Culture.⁶

All the problems of regulation and practice of religious freedom above are inversely proportional to what happened in Majapahit. This great country that controlled the archipelago around the 13th to 15th centuries A.D. was, in fact, able to maintain harmonious relations between religious communities. In its golden age, Majapahit proved that differences in religion and belief were not something to be debated, contradicted, contested, or even used as a legitimate justification for committing acts of violence. In this condition, Majapahit placed religion in its proper position as the glue of brotherhood and the driving force of civilization.⁷

The plurality and tolerance displayed by the Majapahit people are believed to be the result of providing guarantees and protection to every

3 Muwaffiq Jufri and Mukhlis Mukhlis, "Akibat Hukum Pemisahan Hak Beragama Dengan Hak Berkepercayaan Dalam Undang-Undang Dasar Negara Republik Indonesia Tahun 1945," *Jurnal Konstitusi* 16, no. 2 (2019): 274–87, <https://doi.org/10.31078/jk1624>.

4 Muwaffiq Jufri, "Urgensi Amendemen Kelima Pada Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Terkait Hak Dan Kebebasan Beragama," *HAM*, no. 1 (2021): 636–37, <https://doi.org/http://dx.doi.org/10.30641/ham.2021.12.627-644>.

5 Redaksi, "Makam Sesepuh Sunda Wiwitan Disegel, Dianggap Tugu Dan Akan Dibongkar Jika Tak Berizin," *Kompas*, 2020, <https://regional.kompas.com/read/2020/07/22/06160021/makam-sesepuh-sunda-wiwitan-disegel-dianggap-tugu-dan-akan-dibongkar->

[jika?page=all](#).

6 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): 461–75, <https://doi.org/10.33331/rechtsvinding.v9i3.470>.

7 Slamet Muljana, *Menuju Puncak Kemegahan; Sejarah Kerajaan Majapahit* (Yogyakarta: LKiS Pelangi Aksara, 2012). 97.

people to freely believe in religion and carry out religious rituals according to their respective consciences' will. Even this guarantee is confirmed in the *Nagarakretagama* Constitution, as stated in Article 81 paragraph (1) of the *Nagarakretagama* Constitution, which states that the king has sought the unification of religions in Majapahit.⁸

This provision also explains that Majapahit does not distinguish between religion and belief. Buddhism, Brahmin religion, Shiva religion, and original Javanese beliefs, such as animism, are all considered religions. Additionally, Shiva and Brahma are one of the sects of Hinduism, but in Majapahit, their status is considered a religion. Thus, religion and belief do not differ in status and position.

Hence, the model of constitutional regulation in providing guarantees for local religious believers needed to be studied more deeply, especially regarding the equality of positions between religions that still accommodated the existence of local religions. This effort could be made by studying and understanding regulating religious freedom in Majapahit Constitution, which had indeed placed religions on an equal footing.⁹

It was necessary to conduct a study of the contents of the Majapahit Constitution. It was an effort to bring up the classical teachings and concepts of the people of the archipelago in respecting religious diversity. Moreover, the concept has been implemented through state policy in the form of the rule of law. The idea of state law in realizing harmony between religious communities and embracing local religion is not new in this country's history of law and state administration. This understanding of the concept and model can later be a source of reference in regulating and guaranteeing the existence of

local religions, which should also be raised in the Indonesian Constitution.

This study will focus on efforts to explain the model of regulating religious rights and freedoms in the Majapahit Constitution, which has been proven to have created equality between religions, including local religions. The regulatory model in the Majapahit Constitution is intended as a reference source for stakeholders. This will enable them to formulate a regulatory model for guaranteeing religious rights and freedoms for adherents of local religions in the Indonesian Constitution, which is considered to have many weaknesses.

The choice model for regulating freedom of religion in the Majapahit Constitution was deliberately chosen. This is because the constitution expressly recognizes the existence of local religions equal to state religions, such as Hinduism and Buddhism. With such a regulatory model, Majapahit can manage religious differences as well as avoid the birth of religion-based conflicts.

METHOD

The research design was normative legal research, commonly referred to the doctrinal legal research method.¹⁰ This was a legal research method that sought to analyze and discuss legal issues using a legal framework built on statutory regulation and concepts and principles in legal science.¹¹ This research used several approach methods, including 1) a *conceptual approach* was used to determine the basic theoretical concepts of the model of constitutional regulation of rights and freedoms for local religious believers; 2) A legal approach (*statute approach*) was used to determine the model of constitutional regulation of local religious believers, either in the Majapahit or Indonesian Constitutions; 3) A *case approach* was used to determine the impact of the regulatory

8 Complete Editorial, Article 81 paragraph (1) of the *Nagarakretagama* Constitution, mentioning: "His Majesty is very interested in upholding the tripaksa, regarding his charter to keep it heeded, as well as regarding the issuance of laws so that main behavior, precepts, and speech customs are considered."

9 Muljana, *Menuju Puncak Kemegahan; Sejarah Kerajaan Majapahit*.

10 Johny Ibrahim, *Teori Dan Metodologi Penelitian Hukum Normatif* (Malang: Bayumedia Publishing, 2006). 295.

11 Amiruddin dan Zainal Asikin, *Pengantar Penelitian Hukum* (Jakarta: Rajawali Pers, 2018). 166.

model on each constitution in ensuring the existence of local religions.

This research's sources of legal material consisted of the following primary, secondary, and tertiary legal materials. Primary legal materials were authoritative legal materials. This meant that the authority of primary legal materials was in the form of statutory regulations, official records or minutes in legislation making, and judges' decisions. In this research, the legal materials consisted of the 1945 Constitution of the Republic of Indonesia before or after the amendment, the *Nagarakretagama* Constitution, the Universal Declaration of Human Rights, Law No. 39 of 1999 concerning Human Rights, Javanese classical texts or books, as well as other laws and regulations on human rights, especially the rights and freedom of religion, which were contained in positive Indonesian law, both current and classical positive laws in the archipelago.

Secondary legal materials were legal materials that explained primary legal materials.¹² This legal material could be in the form of all publications about the law that were not official documents. Publications about this law could be in the form of books, texts, legal journals, expert opinions, and internet websites relevant to this research plan's legal issues.

Tertiary legal materials were legal materials that provided instructions or explanations for primary and secondary legal materials, namely in the form of a legal dictionary (*Black's Law Dictionary*), the Great Indonesian Language Dictionary (KBBI), Indonesian Encyclopedia, Javanese language dictionary, instructional materials, and other explanatory materials relevant to the legal issues in this research plan.

Concerning the collection of legal materials, this research used the method of collecting legal materials with literature study techniques according to the research design. In addition, to strengthen legal materials and analysis, interviews with various parties were needed according to

the material and legal issues that will be studied and researched. Interviews were conducted with several experts in their fields, including Agus Sunyoto, Chairman of the Indonesian Muslim Artists and Cultural Institute of Nahdlatul Ulama (Lesbumi NU); Agung Ali Fahmi, Coordinator of the Law and Human Rights Course, Faculty of Law, University of Trunojoyo Madura; and Helmy Boemiya, Chairman of the Center for Pancasila and Constitution Studies, University of Trunojoyo Madura.

Meanwhile, the analysis of legal materials used in this research was a prescriptive-analytic, namely by studying in depth the purpose of the law, legal concepts, legal norms, and the validity of the rule of law. All of them were made into a single material for analysis.¹³ Important aspects discussed later in this research are several models of regulation of religious freedom for adherents of local religions. These models are both in the current Indonesian constitution and the Majapahit Constitution. The elaboration of these regulatory models will facilitate efforts to find an ideal solution in formulating the concept of religious freedom in the Indonesian Constitution. Also, through this elaboration, the weaknesses in regulating religious freedom in the Indonesian Constitution can be identified, especially related to regulating the rights of followers of local religions.

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RESULTS AND DISCUSSION

A. Weaknesses in Regulation of the Right to Religious Freedom for Local Religious Believers in the Indonesian Constitution

It must be admitted that arrangements regarding guaranteeing freedom of religion in the

12 Amiruddin dan Zainal Asikin.

13 Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media, 2019). 211.

Indonesian Constitution have made considerable progress. This progress guarantees citizens' rights to adhere to a religion or carry out religious rituals and worship, including fulfilling the rights of adherents of indigenous religions, which can still be found in Article 29 paragraph (2) of the 1945 Constitution.¹⁴ Of course, this is a tangible form of constitutional protection against efforts to promote religious life.

While are relatively excellent and optimal, these arrangements still have weaknesses and should be improved. The problem with Indonesia's pattern of regulating religious rights and freedom was that there was a difference in how religion and belief were treated regarding fulfilling their rights. These regulations can be found in several articles, as outlined in the following table.¹⁵

Table 1. Differences in Regulation between Religious Rights and Belief Rights in the 1945 Constitution of the Republic of Indonesia

No	Article	Explanation
1	Article 28E paragraph (1) of the 1945 Constitution of the Republic of Indonesia, "Everyone has the right to freedom to embrace religion and worship according to his religion"	In this provision, it is clear that the provision only recognizes that everyone is free to choose or adhere to a religion and practice their religion. Option: This provision acknowledges that everyone can follow and practice a religion.
2	Article 28E paragraph (2) of the 1945 Constitution of the Republic of Indonesia, "Everyone has the right to freedom to believe in beliefs, to express thoughts and attitudes, under his conscience."	This provision emphasizes that there is a difference between religious matters and matters of belief, including the freedom to embrace and practice their teachings and worship. Through the article's editorial difference, the state acknowledges a difference between religion and belief. Religion is intended to refer to official religion, while belief is intended for religions that are not recognized by the state.
3	Article 29 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, "the State guarantees the independence of each resident to embrace their religion and to worship according to their religion and belief."	Even though this provision mentions religion and belief in one editorial article, it still gives the impression that the flow of belief differs from religion. Through the article's editorial difference, the state acknowledges a difference between religion and belief. Religion is intended to refer to official religion, while belief is intended for religions that are not recognized by the state.

Source: <https://jurnalkonstitusi.mkri.id/index.php/jk/article/view/1624>, 28 October 2022.

Since several articles of the 1945 Constitution of the Republic of Indonesia separated religious and the belief rights, the state's belief (local religion), which should be the ancestral religion and/or the original religion of the Indonesian people, was not categorized as a religion. The most apparent impact of this legal status was that the number of

adherents to religious beliefs in various regions of Indonesia has decreased, and some religions had been declared extinct. In addition, this distinction between religion and belief also emphasized that religions were recognized and unrecognized by the state, i.e., beliefs.¹⁶

14 Moh. Fadli, "Constitutional Recognition and Legal Protection for Local Religion in Indonesia: A Discourse on Local Religion of the Tengger and Baduy People," *Pertanika Journal of Social Sciences & Humanities* 25, no. 2 (2017): 601–14, <http://www.pertanika.upm.edu.my/>.

15 Jufri and Mukhlis, "Akibat Hukum Pemisahan Hak Beragama Dengan Hak Berkepercayaan Dalam Undang-Undang Dasar Negara Republik Indonesia Tahun 1945." 274–287.

16 Aji Baskoro, "Mewujudkan Social Inclusion: Kontribusi Satunama Terhadap Penghayat Kepercayaan Di Yogyakarta," *Panangkaran: Jurnal Penelitian Agama Dan Masyarakat* 3, no. 2 (2020): 181–93, <https://doi.org/10.14421/panangkaran.2019.0302-03>.

Regarding the difference in this arrangement, there were two groups of thought between those who agreed and those who did not. Groups that agree with different arrangements between religion and belief have several arguments, one

of which is because these different arrangements follow the pattern of regulation in several international human rights legal instruments.¹⁷ Several international legal instruments confirm this, as shown in the following table.

Table 2. Regulatory Differences between Religion and Belief in International Human Rights Law Instruments

No	Article and International Instruments	Year	Redaction
1	Article 18 of the Universal Declaration of Human Rights	1948	“Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance.”
2	Article 18 paragraph (3), International Convention (Covenant) on Civil and Political Rights	1966	“Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.”
3	Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief	1981	“Discrimination between human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants on Human Rights, and as an obstacle to friendly and peaceful relations between nations.”
4	Article 14 Paragraph (3), Convention on the Rights of the Child	1989	“Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.”
5	Article 12 Paragraph (1), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	1990	“Migrant workers and members of their families shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of their choice and freedom either individually or in community with others and in public or private to manifest their religion or belief in worship, observance, practice, and teaching.”

Source: Compiled by the author based on the contents of international human rights legal instruments

¹⁷ Rurin Sisilia Prasetyani and Shally Saniyya Novina, “The Interpretation of Freedom of Religion and Believe: How Do University Understand This to Society?,” *The Indonesian Journal of International Clinical Legal Education* 2, no. 1 (2020): 15–28, <https://doi.org/10.15294/ijicle.v2i1.37325>

Meanwhile, groups disagree with this arrangement because, in the Indonesian context, belief refers to local religions. These are the original religions embraced by the people of the archipelago before being replaced with religions accepted by the state. Suppose the state pays more attention to the existence of the original religion of the archipelago. Therefore, there is no requirement for a distinction between religion and belief in the regulatory model outlined in several legal instruments. Due to the legal implications resulting from these differences, local religion is not defined as a religion. Instead, it is defined as a legacy of traditions and cultural values whose existence is unrelated to religion.¹⁸

The constitutional regulation model that distinguishes between religion and belief streams can create various rules under the constitution that consider local religious concepts and teachings outside of religion. These policies include the standardization of religion as enshrined in the Regulation of the Minister of Religion Number 9 of 1952, which regulates the recognition of a belief as a religion. In this regulation, the state recognizes religion based on requirements that better accommodate the interests of monotheistic religions. It causes local religions to find it challenging to fulfill requirements such as acknowledging one God, possessing a holy book, having a prophet, and teaching universal ethics.¹⁹

In addition, the Great Dictionary of the Indonesian Language (KBBI) explains that belief systems do not constitute religion, which adversely affects the existence of local religions and prevents them from meeting the criteria for religions. Until now, state development for this group has been carried out by the ministry in charge of culture, not religion.²⁰

Indeed, religion and belief are a unit that cannot be separated from one another. Due to the complexity of understanding, religion's meaning, nature, or understanding is quite broad. Therefore, according to Agung Ali Fahmi, there will be difficulties in an attempt to fully describe religion if the perspective is a religious perspective outside of that religion. Agung emphasizes that it would be inappropriate if the interpretation of a religion should be generalized to a doctrine understood outside of religion. However, religion is a matter of the belief of a person who has found the truth in his teachings, which then becomes ingrained and strongly influences his views of life in his interactions with people's lives. These views are undoubtedly influential, to the point that they may even radically alter the legal structure that applies to people, both in family law, criminal law, and even state law.²¹

In essence, archipelago people have had the concept of divinity or religious concepts long before the arrival of Hindu-Buddhist influences in Indonesia. This concept is undoubtedly different from the animism and dynamism that history has attached to the religious pattern of the Indonesian people before the arrival of Hindu-Buddhist. The concept of religion is the Kapitayan religion, which can be described as a belief in the main deity of "*Sang Hyang Taya*". Agus further explains that according to the ancient Javanese, *Sang Hyang Taya* was interpreted as "*tan kena kinaya ngapa*", meaning that "there cannot be helped". In order to be known and worshiped by humans, *Sang Hyang Taya* is therefore described in his divine name and nature as "*Tu*" or "*To*", which means "supernatural power" and "supernatural".²²

Based on the description above, it can be seen that since the first, Indonesian people have been familiar with the concept of divinity or religion.

18 Anas Saidi, *Menekuk Agama Membangun Tahta: Kebijakan Agama Orde Baru* (Depok: Desantara, 2004), 35.

19 Muchamad Ali Safa'at, *Dinamika Negara Dan Islam Dalam Perkembangan Hukum Dan Politik Di Indonesia* (Jakarta: Konstitusi Press, 2018). 132-133.

20 Paul Marshall, "The Ambiguities of Religious Freedom in Indonesia," *Review of Faith and International Affairs* 16, no. 1 (2018): 85-96, <https://doi.org/10.1080>

/15570274.2018.1433588.

21 Agung Ali Fahmi, "Implementasi Kebebasan Beragama Dalam UUD Republik Indonesia Tahun 1945" (Universitas Indonesia, 2010). 59.

22 Muhammad Sulthon Fathoni, *Buku Pintar Islam Nusantara* (Tangerang Selatan: Pustaka Iman, 2017). 2-3.

The concept of divinity continued to develop along with people's lives. It began to form when the influence of the world's major religions, such as Hinduism, Buddhism, Islam, and Christianity, came. According to the presence of the religions mentioned above, Indonesians have developed only a few concepts of divinity. Some Indonesian people still maintain the concept of divinity as a legacy of beliefs that have been passed down from their ancestors, such as the *Kapitayan* religion in Java, *Aluk To Dolo* in Toraja, *Kaharingan* in Kalimantan, and several other beliefs that are still being cherished by their adherents scattered throughout Indonesia.

As a result, the legal consequences of this method of regulating the right to freedom of religion above also impacted the legal status of local religious believers. The separation between the right to religion and the right to believe in the 1945 Constitution of the Republic of Indonesia has caused discrimination against adherents of a belief in various fields of life. The simplest example was filling in the population identified in the religion column on the Identity Card (KTP), Family Card, and other administrative documents. In this condition, adherents of the belief system were forced to fill in the religion column with certain religions officially recognized by the state. Within the religious column, a similar phenomenon may also be observed in the identities of children of adherents to a particular belief. These children were forced to affiliate with religions that the state officially recognized.²³

Discrimination contradicts human rights principles, which promote equality, freedom, and brotherhood. The principles of anti-discrimination in human rights can be found in several international legal instruments on human rights, one of which is in Article 1 of the Universal Declaration of Human Rights (UDHR), which explicitly explains that everyone has the right

to all the freedoms regulated in this declaration. Implementing these rights and freedoms must ensure that they are fulfilled without exceptions or differences, such as race, skin color, gender, language, religion, political or other opinions, national or social origin, property rights, birth, or position. From a human rights perspective, there should be no discriminatory treatment aimed at particular groups of people, including adherents to local religions.²⁴

Thus, this discrimination occurs because the concept of trust mentioned in several international human rights law instruments differs from the concept of trust explained in various state policies and the definition explained in the Great Dictionary of the Indonesian Language. Belief is defined as part of the religious system in the International Human Rights Law Instruments.²⁵ Nevertheless, state policy, as stated in the form of Guidelines, Appreciation, and Practice of Pancasila (P4) in 1977, states that beliefs are not part of religion, even though, in reality, the belief is a local religion that is unable to meet the policy of religious standardization as stipulated in the Regulation of the Minister of Religion Number 9 of 1952 which regulates the requirements for the recognition of a belief as a religion.²⁶

Luckily, the Constitutional Court (MK), through Decision No. 97/PUU-XIV/2016, provided a prestigious decision in the form of²⁷

- a. Article 61 paragraph (1) and Article 64 paragraph (5) of Law No. 24 of 2013 concerning Amendments to Law No. 23 of 2006 concerning Population Administration, contrary to the provisions of the 1945

23 Zakiyuddin Baidhaway, "Piagam Madinah Dan Pancasila; Prinsip-Prinsip Kehidupan Bersama Dalam Bangsa Dan Bernegara," ed. Ahmad Fuad Fanani Wawan Gunawan Abdul Wahid, Muhammad Abdullah Darras (Bandung: Mizan, 2015). 136-137.

24 Hesti Armiwulan, "Diskriminasi Rasial Dan Etnis Sebagai Persoalan Hukum Dan Hak Asasi Manusia," *Masalah-Masalah Hukum* 44, no. 4 (2015): 493-503, <https://doi.org/10.14710/mmh.44.4.2015.493-502>.

25 Agung Ali Fahmi, *Implementasi Jaminan Hukum HAM Atas Kebebasan Beragama Di Indonesia* (Yogyakarta: Interpena, 2011). 147.

26 Safa'at, *Dinamika Negara Dan Islam Dalam Perkembangan Hukum Dan Politik Di Indonesia*. 132.

27 Muwaffiq Jufri, "Potensi Penyetaraan Agama Dengan Aliran Kepercayaan Di Indonesia," *Jurnal Yudisial* 13, no. 1 (2020): 21-36, <https://doi.org/10.29123/jy.v13i1.360>.

Constitution of the Republic of Indonesia, and does not include any conditional terms, as long as it does not include beliefs, that are legally binding.

- b. Article 61 paragraph (2) and Article 64 paragraph (2) of Law No. 24 of 2013 concerning Amendments to Law No. 23 of 2006 concerning Population Administration, contrary to the 1945 Constitution of the Republic of Indonesia and has no binding legal force.

The Constitutional Court's ruling gave fresh air to the state's recognition of the belief system, even though it was limited to population administration. As a result, adherents to a belief system no longer had to identify as members of a religion officially recognized by the state.

However, the state and its citizens had a discriminatory attitude that extended beyond administrative issues. This attitude affected how adherents of a particular belief system exercised their constitutional rights to practice their religion and engage in worship rituals. These rights are fundamental and cannot be diminished or restricted by anyone, including the state.²⁸

As explained in the discussion above, weaknesses certainly require improvement, one of which is through scientific studies that discuss and find solutions to overcome the problem of regulating religious rights and freedoms for adherents of local religions in the Indonesian constitution. Hence, the author attempts to provide a regulatory model solution based on the law that once governed the archipelago during the Majapahit era. This step was taken because the authors believe that a regulatory model rooted in national tradition and culture will be more applicable in Indonesia. In addition, the election of Majapahit was intended to maintain the unique legal tradition of the archipelago in giving respect and recognition to adherents of local religions. This tradition had existed since this country was not yet independent.

28 Jufri, "Persoalan Hukum Pengakuan Hak-Hak Penganut Aliran Kepercayaan Di Bidang Administrasi Kependudukan." 461-474.

1. Model of Regulation of the Right to Religious Freedom for Local Religious Believers in the Majapahit Constitution

As stated by P. J. Veth, quoted by Slamet Muljana, the Muslim people settled peacefully around the capital city in the golden era of Majapahit. It could be proven by the existence of ancient historical sites in the form of the *Troloyo tomb complex*, which was believed to be a Muslim burial complex. The Troloyo tomb complex provided evidence that Majapahit was a country that respected diversity and could live in harmony, tolerance, and pluralism. It was only possible to find these ancient facts in the central government of a country if the country had a tradition of harmonious people's lives. It was because the country respected all differences in human origins, including differences in religion.²⁹

These diverse people showed that the Majapahit people were more advanced than the Indonesians today in respecting differences, being tolerant, and living in harmony among fellow human beings without discriminatory *barriers* based on differences in race or ethnicity, and religion. In the Majapahit era, the existence of various religions did not cause the country to be divided and dissolved in battle. However, these religions united to bring Majapahit to the peak of greatness and glory. Such conditions have proven that the archipelago people were humanist, polite, and tolerant. They did not recognize religious clusters as currently occurred, which arise the state's official and unofficial religions or had not been officially recognized as a religion by the state.

Majapahit's success in realizing inter-religious harmony was due to the regulatory model in the constitution that treated all religions equally. There was no tendency to discriminate against one religion, either discrimination related to the recognition of that religion's status or discrimination in fulfilling the rights of its people in performing rituals of worship as taught by these religions.

29 Slamet Muljana, *Tafsir Sejarah Nagara Kretagama* (Yogyakarta: LKiS Pelangi Aksara, 2012). 154.

The intended constitution in this discussion is the *Nagarakretagama* Constitution, considered by some to be the constitution in force in Majapahit, especially during the reign of Hayam Wuruk, who ruled on the Majapahit throne from 1350 to 1389 A.D. This *Nagarakretagama* Constitution, as the Majapahit Constitution, was initially coined by Purwadi, who considers that *Nagarakretagama* can be qualified as a constitution as the modern concept of the constitution is understood nowadays.

Purwadi further argues that the basis for mentioning *Nagarakretagama* as a constitution is based on the content or material, which consists of 1) the constitutional system in Majapahit is fundamental, such as the power of kings, ministers, central and regional relations, relations between the state and the people, and others; 2) human rights guarantees in the form of religious rights and freedoms, rights to welfare and other rights; 3) the division and limitation of absolute state power, such as judicial power, division of power between the central and regional governments (subordinate countries), and others; 4) the territory of the state.³⁰

Some of Purwadi's arguments above have the same constitutional content described by J. G. Steenbeek. In his view, the contents of the constitution consist of 1) a constitutional system of a fundamental nature; 2) a guarantee of human rights; 3) regulation of the distribution and limitation of absolute state power.³¹ Based on this, *Nagarakretagama* meets the criteria for a constitution.

Harmonious life between religious people was a characteristic of the archipelago people long before the formation of the Indonesian nation. It was even before the inception of the idea of pluralism and human rights in the West.³² According to

Agus Sunyoto, the archipelago people could live in harmony amid their differences. Both differences were caused by ethnicity, race, and religion.

Particularly in terms of religious harmony, Agus explains that the archipelago is one of the few countries in the world that can live in rhythm and harmony amid the diversity of religions practiced by its people. This harmonious life between adherents of different religions has been carried on since Ancient Mataram ruled the archipelago around the 8th century to the 11th century A.D. One proof of this harmony was the historical marriage between Rakai Pikatan, who adheres to Hinduism, and Princess Pramodawardhani, who believes in Mahayana Buddhism. The marriage of two people of different religions shows that the differences in their religion are not a barrier to creating a harmonious, peaceful, and tolerant life between their respective adherents.

Historical evidence regarding the holding of the marriage can be found in several small inscriptions on the Plaosan Lor Temple site. On one of these inscriptions, the names Rakai Pikatan and Putri Pramodawardhani were written, proving the occurrence of this marriage.³³ Several other short inscriptions at Plaosan Lor Temple mention Rakai Pikatan and the prefix *anumoda* (a holy gift) also reinforces this evidence. These inscriptions indicate that at that time, there had been a collaboration or marriage between Rakai Pikatan from the Sanjaya Dynasty and Pramodawardhani from the Sailendra Dynasty.³⁴ Some of these inscriptions can be seen in the image below.

30 Purwadi, "Sistem Tata Negara Kerajaan Majapahit," *Jurnal Konstitusi* 3, no. 4 (2006): 164–68.

31 Dahlan Thaib; Jazim Hamidi; Ni'matul Huda, *Teori Dan Hukum Konstitusi* (Jakarta: Rajawali Pers, 2015). 28.

32 HM. Nasruddin Ch, *Strategi Kebudayaan; Titik Balik Kebangkitan Nasional* (Malang: Universitas Brawijaya Press, 2012). 97.

33 Andry Hikari Damai, "Toleransi Beragama Pada Masa Mataram Kuna," in *Prosiding Seminar Nasional Bahasa Dan Budaya IV* (Denpasar, 2019), 24–28.

34 Boechari, *Melacak Sejarah Kuno Indonesia Lewat Prasasti* (Jakarta: Kepustakaan Populer Gramedia, 2018).

Figure 1. Inscriptions of Plaosan Lor Temple



Source: Andry Hikari Damai, *Religious Tolerance in the Ancient Mataram Period*, 26.

The successor kingdoms continued the harmony of inter-religious life presented by the Ancient Mataram Kingdom above until Majapahit reigned over the archipelago. Majapahit provides an example of typical tolerance of the archipelago, where religion did not conflict. These religious differences became a substantial factor contributing to the rise of Majapahit. It means that the diversity of religions in Majapahit made this country reach the peak of its glory.³⁵

It is believed that Majapahit's harmonious relationship with its religious communities is attributable to its constitution, allowing its citizens to choose, believe, and adhere to any religion they choose and to perform all religious rituals. In addition, Article 81 paragraph (1) of the *Nagarakretagama* Constitution states that the king seeks to establish three religions simultaneously. It means that in this provision, the religions adopted by the Majapahit people get full recognition and attention from the king.

Furthermore, Article 81 paragraph (3) of the *Nagarakretagama* Constitution states that the king's enforcement of religious rights and freedoms can be maximized by religious leaders and fully implemented by everyone in Majapahit, from the nobles to the ordinary people. This provision also explains that religious life in the Majapahit era was harmonious, calm, and far from conflict because the state fully guaranteed it.

35 Agus Sunyoto, *Atlas Walisongo; Buku Pertama Yang Mengungkap Wali Songo Sebagai Fakta Sejarah*, VII (Tangerang Selatan: Imania, 2017). 32.

The purpose of this provision is for people to follow the teachings of their respective religions without interfering with those of other religions. The main principle of Majapahit's religious policies, as evidenced by Agus Sunyoto, was to encourage commitment to the religion that had been adopted. This attitude of commitment to the teachings of his religion will keep people away from attitudes that harm followers of other religions.³⁶ The behavior of commitment to religion will lead to a peaceful life by not looking down on followers of other religions.

Agreeing with Agus Sunyoto, two prominent historians in Indonesia gave the same interpretation of religious life in Majapahit. In Slamet Muljana's perspective, the purpose of the king's existence in fostering a religion in Majapahit was not to discriminate among the various religions in Majapahit. All existing religions were recognized as having the right to be embraced by their respective adherents. Because of this recognition, religious life in Majapahit ran in harmony and peace.³⁷

If understood in depth, the fact of inter-religious harmony in Majapahit has been described so beautifully by Mpu Tantular in his book entitled "*Sutasoma*". In this literary work, Prapanca mentions that although the Majapahit people embrace several religions, the truth is that these religions are still one. The Majapahit government bridged the gap between religious people. In this case, different religions work together in social and political life. Majapahit emphasized that these different religions have one goal: to create a peaceful life and avoid all the damage that occurs in the world.³⁸

Regarding the state policy in bridging the unification of religions in Majapahit, Tantular wrote his explanation in the *kakawin Sutasoma* manuscript in *Pupuh 139.5*, which states, "*Rwaneka*

36 Sunyoto. 35.

37 Muljana, *Tafsir Sejarah Nagara Kretagama*. 157.

38 Dwi Woro R. Mastuti; Hastho Bramantyo, *Sekilas Tentang Kakawin Sutasoma; Pengantar Pembahasan Buku Kakawin Sutasoma* (Jakarta: Komunitas Bambu, 2009). 71.

dhatu winuwus wara Buddha Wiswa, bhineka rakwa ring apan kena parwanosen, mangkang Jinatwa kalawan Siwatatwa Tunggal, Bhinneka Tunggal Ika tan hana dharma mangrwa".³⁹

Based on the translation by Dwi Woro R. Mastuti and Hastho Bramantyo, the translation of this *pupuh* is⁴⁰

"It is said that the forms of Shiva and Buddha are different,

They are indeed different, but how can we recognize the difference at one glance,

Because the truth taught by Buddha and Shiva is one,

They are indeed different, but essentially the same because there is no ambiguous truth."

The Tantular poem excerpt above enlightens that in the Majapahit era, besides the state providing rights and freedom for its people to believe in a religion, this country also tried to convince all its people so that these differences did not become an excuse for the people not to get along in harmony among the Majapahit people. Religious differences were only differences in patterns of belief and worship. The goal was to bring humanity to perfection in life, achieve peace and prosperity, and avoid all forms of *evil*.⁴¹ Therefore, there was no need to assume or claim which religion was the truest and which was wrong.

The regulation of religious rights and freedoms above is interesting because it does not distinguish religion and belief. Indeed, in the Majapahit era, according to Agus Sunyoto, the existence of local religions such as *Kapitayan* and others was more secure than the current policies implemented by the Indonesian government. In Majapahit, the local religion (Javanese religion) was guaranteed to be trusted and believed in by its followers and adherents.⁴² It could be proven by

the Regulation of Article 82 paragraph (1) of the Nagarakretagama Constitution, which states that the state guarantees the continuity of all religions adhered to by the Majapahit people.

The affirmation of the recognition of the existence of the "six dharmas" above is intended to describe the diversity of religions embraced by the Majapahit people. The six dharmas were all religions embraced by the Majapahit people, including Hindu-Shiva, Hindu-Brahma, Buddhist, and several local religions guaranteed by the state. In this case, Majapahit did not give any difference in treatment between religion and belief. The flow of belief at this time occupied a respectable position and was on par with major religions, such as Hinduism and Buddhism.⁴³

Among the forms of acknowledgment of all religions believed by the Majapahit people, including the local religion, are the religious facilities or institutions (*dharmayaksa*) given by the state. This institution functioned to provide religious teaching according to the religion embraced by each of its people and became an institution for solving all problems related to spiritual law. The provision of religious facilities is divided into four types of institutions. *First, the Dharmayaksa ring Kacewan (kasaiwan)* specialized in dealing with all matters relevant to the Shiva religion. This institution was tasked with providing religious teachings in the field of the Hindu-Shiva religion and solving all social problems related to the law of that religion.

Second, Dharmayaksa ring Kasogatan, which managed all matters related to Buddhism. This institution was tasked with providing religious teachings in Buddhism and solving all social problems related to the law of Buddhism.⁴⁴ *Third, the Dharmayaksa ring Herahaji* was a religious institution owned by local religious believers. This institution was also commonly referred to as "*Dharma Ipas Karsyan*".⁴⁵ This

39 Dwi Woro R. Mastuti; Hastho Bramantyo. 71.

40 Dwi Woro R. Mastuti; Hastho Bramantyo.

41 Muhammad Dahlan, "Perlindungan Hukum Atas Hak Konstitusional Para Penganut Agama-Agama Lokal Di Indonesia," *Arena Hukum* 10, no. 1 (2017): 20–39, <https://doi.org/http://dx.doi.org/10.21776/ub.arenahukum.2017.01001.2>.

42 Sunyoto, *Atlas Walisongo: Buku Pertama Yang*

Mengungkap Wali Songo Sebagai Fakta Sejarah. 39.

43 Jufri, "Perbandingan Pengaturan Hak Kebebasan Beragama Antara Indonesia Dengan Majapahit." 396–417.

44 Muljana, *Tafsir Sejarah Nagara Kretagama*. 157.

45 Supratikno Rahardjo, *Peradaban Jawa: Dari Mataram*

religious institution was mandated to provide religious teachings to local religious believers still embraced and believed by the Majapahit people. It was also mandated to resolve all legal and social problems related to the applicable laws according to these local religions.

Fourth, Raja Pandhita, a religious institution devoted to fostering and providing teaching to the followers of the Islamic religion, began to emerge and develop in Majapahit. In addition, according to Agus Sunyoto, this institution also functions as an institution for resolving all legal issues related to Islamic sharia. This institution began to be established with the presence of the Muslim people in Java.

Although various historical sources stated that the presence of Islam in Java had existed since the 7th century A.D., Islam spread massively throughout Java during the Walisongo era around the 14th century A.D. Walisongo is an association or network of scholars who spread Islam in Java using the cultural acculturation method. Walisongo teaches Islam through various local arts and traditions to attract people to embrace Islam.⁴⁶ Apart from that, Walisongo's success in preaching Islam was also due to the strong network and coordination between scholars to promote Islam.⁴⁷

The existence of Walisongo with Sunan Ampel as the central figure shows that the religious institution "Raja Pandhita" headed by Sunan Ampel can foster the lives of Muslims. In addition, the concept of fostering this institution has also succeeded in producing a cadre of ulema. This cadre will later become the forerunner to the formation of the Walisongo ulema association. The majority of Walisongo members are students

of Sunan Ampel.⁴⁸

The four kinds of religious institutions provide a valuable lesson: Majapahit gave freedom to adhere to a religion and provided complete religious services and facilities for the survival and life of religious zeal. In addition, the facilitation of local religions through religious institutions (*Dharmayaksa ring Herahaji*) indicates that Majapahit never discriminated between religions (local religions) held by its people. Moreover, Islam was not regarded as a threat to Majapahit, so this new religion was still well-facilitated, like its predecessors.

Religious equality in the context of local religions in Majapahit can also be found through various archaeological findings in the form of many temple buildings dedicated to adherents of local religions.⁴⁹ This sacred building is located in a remote area and is quite far from the center of the Majapahit government. The existence of this religion is commonly known as "Gramadewata", which is the name for adherents of local religions in Majapahit.⁵⁰ The existence of local religious sacred buildings and local spiritual institutions (state institutions) in Majapahit is a sign that Majapahit has implemented equal policies for each religion, including local religions.

The existence of these religious institutions, if conceptualized in the context of the current state of Indonesia, can be aligned with the functions currently held by the Ministry of Religion (Kemenag). In general, the two models of religious institutions have the same task: to foster their citizens' spiritual life. However, the two have several differences, as described in the following table.

Kuno Hingga Majapahit Akhir (Jakarta: Komunitas Bambu, 2009). 162.

46 Yuliyatun Tajuddin, "Walisongo Dalam Strategi Komunikasi Dakwah," *Addin* 8, no. 2 (2014): 367–90, <https://doi.org/http://dx.doi.org/10.21043/addin.v8i2.602>.

47 Achmad Syafrizal, "Sejarah Islam Nusantara," *Islamuna: Jurnal Studi Islam* 2, no. 2 (2015): 235–53, <https://doi.org/https://doi.org/10.19105/islamuna.v2i2.664>.

48 Nur Hamiyatun, "Peranan Sunan Ampel Dalam Dakwah Islam Dan Pembentukan Masyarakat Muslim Nusantara Di Ampeldenta," *Dakwatuna: Jurnal Dakwah Dan Komunikasi Islam* 5, no. 1 (2019): 38–57, <https://doi.org/10.36835/dakwatuna.v5i1.321>.

Table 3: Differences in Religious Institutions between the Republic of Indonesia and the Majapahit Kingdom

No	Kind of Difference	Republic of Indonesia	Majapahit Kingdom
1	Institutional Structure	Each religion is gathered in one institution, the Ministry of Religious Affairs. In its development, a directorate that supported each religion was formed.	Each religion has its institutions, according to the religion that existed at that time.
2	Religion Coverage	This category includes only religions recognized by the state but does not include local religions.	In Majapahit, all religions, including the original religion, were encouraged since there were no religious differences at that time.
3	Legal Settlements	Religious courts are not included in the authority of the Ministry of Religious Affairs because there is already an independent judiciary that specifically resolves religious issues.	Each religious institution is given the authority to resolve issues of religious law that occur among religious adherents.

Sources: Arranged by authors based on various references.

Different treatment of religion and belief will only create jealousy and horizontal conflict in people. Regardless of one's perception and assessment of belief, its adherents still regard it as a religion that binds to all its religious rules and teachings. Thus, there is no need to distinguish between religion and belief.

Majapahit's acknowledgment of the belief system, as mentioned above, sharply differs from the Indonesian state's recognition of the existence of the current belief system. The state, which is formatted as a unitary state (NKRI) and boasts the motto "*Bhinneka Tunggal Ika*", turns out to be giving very discriminatory treatment to the existence of a belief system by calling it cultural teaching and having nothing to do with religion. Indeed, all adherents of this belief believe in and consider their beliefs as religion. In this condition, the state has denied and ignored the rights of citizens to believe in religion.

According to Agus Sunyoto, this distinction in recognition of religion and belief (local religion) is due to the personality or character of the Indonesian leaders. They were still influenced by the teachings and doctrines of colonialism and considered foreign products superior to local products. The colonizers created the Indonesian people's character, so they thought the quality of local products was low. In other words, if you look at the attitude and character of the Indonesian people, who until now have always valued

something that comes from outside Indonesia and sometimes underestimate any products or ideas domestically produced, then Sunyoto's words ring true.

It also spread the notion that local religions were not included in the category of religion but were only cultural products. This statement was then confirmed in various ways, including by defining the word "religion", which made the position of local religion even more squeezed and unable to meet the criteria set out in the definition of religion. Therefore, none of the local religions are regarded as a religion that has compelled its adherents to merge with religions approved by the state. It results in internal turmoil caused by sharp differences in religious teachings and practices. Of course, this is due to state policy which provides arrangements that differentiate between recognized religions and those not recognized by the state. It is stipulated in Regulation of the Minister of Religious Affairs Number 9 of 1952 concerning the Standardization of Religion.

Based on constitutional theory, the *Nagarakretagama* Constitution has implemented one of the most critical elements of the content of the constitution in the form of upholding the principles of recognition, guarantee, and enforcement of human rights, especially the rights of citizens to choose, believe, and adhere to their religion and the right to worship according to the

teachings of their religion.⁵¹ It is stated to be maximal because, in this constitution, the state recognizes all forms of religion that its people believe in. The state does not distinguish between religion and belief (local religion). All religions are still considered equal and given their religious rights to the fullest.

However, it must also be acknowledged that the development of state guarantees and recognition of religious rights and freedoms has been maximized. The 1945 Constitution after the fourth amendment provided more detailed arrangements than several constitutions before the amendments were made. In other words, Suparman Marzuki stated that the model for regulating freedom of religion in the Indonesian constitution is very responsive to the need to uphold the principles of the rule of law and democracy in Indonesia.⁵²

The development of these regulations has also given birth to various legal products under the constitution. These products regulate efforts to guarantee rights and freedom of religion and enforce the law on these freedoms. The state is given the authority to be actively involved in law enforcement efforts if the existence of these rights is violated and their fulfillment is limited.⁵³ Thus, the political law established by the 1945 Constitution regarding freedom of religion does not only seek to guarantee the fulfillment of the right to adhere to religion. It also seeks to uphold the principles of freedom of religion through state institutions.

The most significant contribution of the *Nagarakretagama* Constitution to the 1945 Constitution of the Republic of Indonesia was its pursuit of fulfilling and ensuring equal treatment for all religions and beliefs. The state's treatment of religion and belief in all forms is a denial of the rights of citizens in religion. Whatever the 'label' that the state attached to the flow of belief, its adherents still regard this belief as a religion. Hence, there was no need to distinguish between religion and belief within the framework of the United State of Indonesia (NKRI), which recognized the diversity of its people, including diversity in religion.

CONCLUSION

The lack of open access for local religious believers to follow and practice their spiritual teachings was a flaw in the Indonesian Constitution's paradigm governing the rights and freedom of religion. The Republic of Indonesia's 1945 Constitution has a legal framework that distinguishes religion from local religion. Due to this disparity in regulation, local religion might be treated as a teaching and cultural notion rather than a component of religion under the constitution. As a result of such measures, local religious believers face discrimination, particularly when they exercise their human rights to hold to and follow their religious beliefs.

In Majapahit, the model for regulating the rights of religious believers was not to distinguish the religions. Local religions still had an equal position in the constitution. This equality included the right to adhere to a religion and participate in religious rituals. In addition, this constitution also provided a model of guidance for adherents of religions in Majapahit as part of regulating their rights and freedoms. Through equalizing positions and the concept of spiritual development in the Majapahit Constitution, religious rights and freedoms were regulated to make this country tolerant, harmonious, and free from religion-based conflicts.

51 Muwaffiq Jufri, "Pembatasan Terhadap Hak Dan Kebebasan Beragama Di Indonesia," *Jurnal Ilmiah Pendidikan Pancasila Dan Kewarganegaraan* 1, no. 1 (2016): 40–47, <https://doi.org/10.17977/um019v1i12016p040>.

52 Suparman Marzuki, "Politik Hukum Hak Asasi Manusia Tentang Kebebasan Beragama Pasca Orde Baru," *Jurnal Hukum Ius Quia Iustum* 26, no. 2 (2019): 215–37, <https://doi.org/10.20885/iustum.vol26.iss2.art1>.

53 Muhammad Amin Putra, "Eksistensi Lembaga Negara Dalam Penegakan Hak Asasi Manusia Di Indonesia," *Fiat Justisia: Jurnal Ilmu Hukum* 9, no. 3 (2016): 256–92, <https://doi.org/10.25041/fiatjustisia.v9no3.600>.

However, the regulatory models in the two constitutions above have met the criteria set out in several international human rights law instruments regarding the importance of a state guaranteeing the rights and freedom of religion for every citizen. These norms indicate that guarantees for human rights are being sought by the two countries, particularly in the field of religion.

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