

# **Beyond religious bureaucracy: sapta darma's marriage registration struggle in post-constitutional reform Indonesia**

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This study offers the first empirical analysis of how Indonesia's landmark Constitutional Court Decision No. 97/PUU-XIV/2016 transforms marriage registration rights for indigenous belief communities, focusing on Sapta Darma adherents in Kediri. Through qualitative case study methods—including 12 in-depth interviews, participant observation, and policy document analysis—this study reveals the dual strategy shift among marginalised believers: from forced religious impersonation (pre-ruling) to constitutionally empowered legal agency (post-ruling) and uncovers local governance innovation where Kediri District transcended bureaucratic inertia by operationalising rights through technical guidelines (Perda No. 6/2017). The study shows that the ruling delivers transformative legal justice by enabling ID card recognition (*aliran kepercayaan*), marriage registration, and birth certificate access, effectively resolving decades of administrative erasure. The local government response exemplifies rights-based policy entrepreneurship, institutionalising non-discriminatory service delivery. This alignment receives dual validation: universal human rights principles (equality and non-discrimination) and Islamic legal theory (*maslahah*; Quranic human dignity). This research contributes to global scholarship by demonstrating how constitutional rulings can catalyse bureaucratic reform for marginalised communities. It offers a transferable framework that integrates human rights and Islamic legal reasoning to advance minority citizenship in plural legal systems around the world.

Studi ini menawarkan analisis empiris pertama tentang bagaimana Putusan Mahkamah Konstitusi Indonesia No. 97/PUU-XIV/2016 mengubah hak pencatatan perkawinan bagi komunitas penghayat kepercayaan, dengan fokus pada penganut Sapta Darma di Kediri. Melalui metode studi kasus kualitatif—termasuk 12 wawancara mendalam, observasi partisipan, dan analisis dokumen kebijakan—kami mengungkap pergeseran strategi ganda di kalangan kelompok terpinggirkan: dari penyamaran agama yang dipaksakan (sebelum putusan) menuju agensi hukum yang diberdayakan secara konstitusional (setelah putusan), serta inovasi tata kelola lokal di mana Pemerintah Kabupaten Kediri melampaui inersia birokrasi dengan mengoperasionalkan hak melalui pedoman teknis (Perda No. 6/2017). Temuan menunjukkan bahwa putusan ini menghadirkan keadilan hukum yang transformatif, memungkinkan pengakuan pada KTP (*aliran kepercayaan*), pencatatan perkawinan, dan akses akta kelahiran—mengakhiri puluhan tahun penghapusan administratif. Respons pemerintah daerah mencerminkan kewirausahaan kebijakan berbasis hak, yang menginstitusionalisasi pelayanan non-diskriminatif; dan keselarasan ini memperoleh validasi ganda: prinsip hak asasi manusia universal (kesetaraan/non-diskriminasi) dan teori hukum Islam (*maslahah*; martabat manusia dalam Al-Qur'an). Studi ini menambah khazanah keilmuan global dengan menunjukkan bagaimana putusan konstitusi dapat memicu reformasi birokrasi bagi minoritas yang tak terlihat, sekaligus menyediakan kerangka kerja yang dapat ditransfer yang menggabungkan hak asasi manusia dan pemikiran hukum Islam untuk memperkuat kewargaan minoritas dalam sistem hukum yang plural di seluruh dunia.

**Keywords:** *Constitutional Court decision; Islamic law and minority rights; legal agency; marriage registration; Sapta Darma.*

## Introduction

The Constitutional Court's Decision No. 97/PUU-XIV/2016 marked a transformative moment in Indonesia's legal framework by granting followers of indigenous belief systems (*aliran kepercayaan*) the right to include their beliefs in the religion column of official identity documents such as the Family Card (*Kartu Keluarga or KK*) and Electronic Identity Card (e-KTP). This ruling, resulting from a judicial review of the Population Administration Law, addressed systemic discrimination that had long marginalised these communities and reinforced Indonesia's constitutional commitment to religious freedom and pluralism as outlined in Pancasila. Before this decision, identity cards for indigenous believers often displayed a blank or dash in the religion column, fostering stigma and misperceptions of irreligiosity. Additionally, unregistered marriages led to cascading civil rights issues, including the absence of birth certificates for children. The Court's interpretation equated indigenous beliefs with recognised religions, restoring constitutional rights to recognition, respect, and protection. This decision aligns with international human rights norms advocating freedom of religion for all (Butt, 2020; Nalle, 2021). Scholars argue that this decision not only promotes equality but also challenges entrenched socio-legal barriers, signalling a paradigm shift toward inclusive citizenship and cultural resilience in Indonesia's pluralistic society (Guyanie & Baskoro, 2021; Ichsan & Prasetyoningsih, 2020).

Scholarship on Constitutional Court Decision No. 97/PUU-XIV/2016 primarily focuses on its normative implications and constitutional interpretation. Research by Ichsan and Prasetyoningsih (2020) and Guyanie and Baskoro (2021) analyses the decision's alignment with constitutional principles and their impact on the recognition of indigenous beliefs, often debating compatibility with Islamic law and the 1945 Constitution. Another scholar explores the broader resurgence of indigenous religions post-recognition, such as the Ada' Mappurondo community in Sulawesi, emphasising cultural preservation and citizenship politics rather than administrative implementation (Hidayat, 2025). Similarly, socio-legal studies on marriage registration for indigenous communities highlight regulatory contradictions and propose affirmative action norms but rarely examine localised bureaucratic practices in depth (Colbran, 2010; Marshall, 2018; Nadriana & Utomo, 2022). Broader analyses of legal pluralism and human rights underscore persistent gaps between

constitutional guarantees and administrative realities (Butt, 2020; Magni, 2017; Nalle, 2021). These studies collectively reveal that while the court's ruling represents a milestone for religious pluralism, its practical implementation remains uneven, requiring further empirical inquiry into local governance and bureaucratic compliance.

However, few studies provide an instrumental case analysis of how the Constitutional Court ruling is implemented at the district level, particularly in regions with unique socio-cultural dynamics like Kediri. Research on Sapta Darma has largely addressed identity construction and civil rights discourse, but empirical investigations into marriage registration processes remain scarce. This study addresses this gap by offering a qualitative, field-based examination of Kediri's implementation of the ruling, focusing on bureaucratic responses, community strategies, and lived experiences of adherents. By situating Sapta Darma's struggle within the broader context of fragmented policy enforcement, this research contributes novel insights into the intersection of law, local governance, and minority rights in Indonesia (Danugroho et al., 2025). The study will enhance theoretical frameworks for legal empowerment by demonstrating how court rulings catalyse *street-level bureaucratic reform* for invisible minorities. They will offer a blueprint for rights implementation that policymakers can use in Indonesia's indigenous belief communities. This research will bridge Islamic legal discourse and human rights praxis, showing how these two areas can work together to protect the rights of minority citizens.

The main question is to what extent this decision impacts the individual involved. This issue is necessary to study for some reasons. First, few studies have been devoted to this issue. Second, the result of this study could encourage local governments to create regulations that reflect justice for all, especially minority group (Killian, 1996; Leonardelli & Brewer, 2001; Weiner' And & Wright, 1973). This study investigates a question by examining two interconnected dimensions: first, how the ruling influenced local bureaucratic practices and policy instruments for implementing marriage registration; and second, how Sapta Darma adherents adapted their strategies and navigated family and social pressures in response to the ruling.

## Method

This study employed a qualitative instrumental case study design (Stake, 1995) to investigate the implementation of Constitutional Court Ruling No. 97/PUU-XIV/2016 in Kediri, Indonesia. The case of Sapta Darma's struggle for marriage registration rights was selected for its revelatory potential in exposing systemic barriers faced by indigenous belief communities. The research aimed to capture the lived experiences of adherents and bureaucratic actors, as well as the socio-legal dynamics shaping policy implementation. Data collection was conducted between October 2022 and February 2023 using a triangulation approach. First, in-depth interviews were carried out with 12 purposively sampled participants, including five adherents married before and after the ruling, three spiritual leaders, and four civil registry officials. These interviews explored personal experiences, institutional practices, and perceptions of the ruling's impact. Second, participant observation was undertaken during three marriage registration processes and two communal rituals, documented through field notes guided by the SPQR framework (Situation, Purpose, Questions, Responses) (Emerson et al., 2011). Third, policy analysis examined relevant legal instruments, including PP 37/2007, PP 40/2019, and Perda Kediri No. 6/2017, alongside the Constitutional Court's decision.

**Table 1 Informant Data**

Initials	Gender	Interview Date	Description
AD	Male	12 Oct 2022	Sapta Darma adherent, married before ruling
SR	Female	18 Oct 2022	Sapta Darma adherent, married before ruling
TM	Male	25 Oct 2022	Sapta Darma adherent, married after ruling
YN	Female	02 Nov 2022	Sapta Darma adherent, married before ruling
PS	Male	10 Nov 2022	Sapta Darma adherent, married after ruling
WK	Male	15 Nov 2022	Spiritual leader, Sapta Darma community
LS	Female	22 Nov 2022	Spiritual leader, Sapta Darma community
HM	Male	29 Nov 2022	Spiritual leader, Sapta Darma community
AR	Male	06 Dec 2022	Civil registry official, Kediri
DN	Female	13 Dec 2022	Civil registry official, Kediri
FT	Male	20 Dec 2022	Civil registry official, Kediri
MS	Female	05 Jan 2023	Civil registry official, Kediri

The interview data presented in Table 1 were analysed using Grounded Theory methodology, as developed by Glaser and Strauss (2017), which emphasises inductive reasoning and theory generation from empirical data rather than testing pre-existing hypotheses. This approach was chosen because the study aimed to explore the lived experiences of Sapta Darma adherents and civil registry officials in the context of Constitutional Court Decision No. 97/PUU-XIV/2016, where existing theories were insufficient to explain localised bureaucratic practices. The analysis involved open coding, constant comparison, and memo writing to identify emerging categories and relationships, ultimately constructing a conceptual framework grounded in participants' narratives (Birks & Mills, 2011; Charmaz, 2013). To ensure relevance to the research objectives, participants were selected using a purposive sampling method. Twelve people participated, including eight Sapta Darma believers who tried marriage registration following the verdict and four civil registry personnel who were directly involved in enforcing the policy. Officials were contacted via formal letters and followed up with meetings at the Kediri Civil Registry Office, while community members were identified through Sapta Darma local networks and invited to join freely. Participants were expected to have direct experience with marriage registration processes after the verdict. All participants gave informed consent, and confidentiality was ensured through anonymised transcripts and pseudonyms.

The socio-legal lens complemented this process by situating individual experiences within broader institutional and normative structures, drawing on Friedman's Legal System Theory to interpret how law interacts with social realities (Febrian et al., 2020). This combined approach allowed the study to capture both micro-level experiences and macro-level systemic implications, aligning with calls for interdisciplinary legal research in pluralistic societies (Gover, 2020; Webley, 2010).

Data were analysed using Grounded Theory, employing open, axial, and selective coding to generate concepts inductively from the data (Glaser & Strauss, 2017). Constant comparison and memo writing aided category refining and theory development. This approach was chosen to capture localised bureaucratic adaptability and community agency outside of current socio-legal frameworks. The final conceptual model incorporates participants' narratives, which aligns with Charmaz's constructivist interpretation of

Grounded Theory (Charmaz, 2014). This rigorous analytical method ensures that the resulting framework adequately reflects the complex interplay of law reform, bureaucratic procedures, and community engagement.

### **Recognition of indigenous belief systems in state administration**

Kediri Regency is home to the *Aliran Kepercayaan* (Belief System) Sapta Darma, which has long existed and developed locally. While its presence was historically marginalised, adherents have recently become more open and integrated within the broader community. Sapta Darma continues to grow today, attracting followers both from Kediri City and Regency, as well as from across Indonesia.

The Constitutional Court's landmark ruling No. 97/PUU-XIV/2016 emerged from a judicial review of the Population Administration Law (Law No. 23/2006 as amended by Law No. 24/2013). Before this decision, identity cards for indigenous belief followers displayed a dash ("–") in the religion column, which bureaucratically equated them with "no religion". This exclusion created systemic barriers: marriages were often unregistered, leading to the absence of marriage and birth certificates, and perpetuating legal vulnerability. The Court declared that Articles 61 and 64 of the Population Administration Law were unconstitutional, affirming that followers of indigenous beliefs have equal constitutional rights to include their belief system in official identity documents such as the Family Card (KK) and Electronic Identity Card (e-KTP). This ruling thus mandated administrative recognition, aligning with Indonesia's constitutional principles of equality and freedom of belief (Harsyahwardhana, 2020; Wahanisa et al., 2024).

Before this ruling, Government Regulation No. 37 of 2007 provided technical guidelines for marriage registration among followers of indigenous beliefs. However, its implementation was highly problematic. While the regulation theoretically allowed belief-based marriages, civil registry officials often required couples to declare affiliation with one of the six state-recognised religions to process marriage certificates. This rigid interpretation forced many adherents into "religious mimicry", staging Islamic or Christian ceremonies solely for administrative compliance. Consequently, the regulation failed to eliminate discrimination and instead reinforced bureaucratic gatekeeping, leaving

indigenous communities in a state of legal precarity (Muslih & Furqon, 2021; Sulistyandari et al., 2023). The Kediri Regency Government welcomed Constitutional Court's decision, reflecting its commitment to ensuring that Sapta Darma followers receive equal rights, including marriage registration and formal recognition within governmental processes, on par with other citizens.

Politically, government performance is built on principles of public welfare, irrespective of religion, ethnicity, or other distinctions. This aligns with Islamic legal maxims, such as “a leader’s policy toward the people must be based on benefit” (*tasarruf al-imam ‘ala al-ra’iyyah manut bi al-maslaha*) (Al-Suyuti, 1983; Jasim, 2017). This principle obliges governments, regardless of system, to prioritise societal benefit. Deviation from this is both morally and politically untenable.

The Kediri Regency Government addressed this issue through regulations and public policies centred on communal interests. Public policy—deliberate actions by governments to address societal needs, operates at three levels: general, implementation, and technical (Handoyo, 2012). regulatory system emphasises social peace and respect for local values. Regent Regulation No. 25 of 2021 establishes processes for allocating village finances for the fiscal year 2021 and specifically encourages the reinforcement of religious values and local wisdom to foster social piety, as stated in Chapter 2, Article C (7)(d). Additionally, Local Regulation No. 6 of 2017 oversees the organisation of public order in accordance with the principle of harmony, as stated in Article 2(a), confirming the district’s commitment to maintaining social cohesion. Furthermore, Regent Regulation No. 7 of 2008 addresses population card services, allowing adherents of unrecognised religious systems to keep the religion section blank while still having full access to administrative services and database registration, as outlined in Article 3(2). Together, these policies demonstrate Kediri’s approach to combining administrative inclusivity with cultural and religious concerns.

In theory, policy has two aspects: first, policy is a social speech, not a single or isolated event. Thus, something produced by the government comes from all events in society and is also used for the benefit of society. Second, policy is an event that is generated either to reconcile the claims of conflicting parties or to create intensive joint action for parties who participate in creating goals but get irrational treatment in these joint efforts (Thoha, 2002).

From this perspective, the regulations issued by the Regent of Kediri primarily reflect two realities that exist in society. Therefore, public policies that align with societal interests and social realities will foster social harmony and order. This, in turn, will support regional development in either economic, social, cultural or religious fields.

Harmony principle in Local Regulation No. 6/2017 reflects Kymlicka's argument that majority cultures must cede symbolic dominance (Kymlicka, 1995). Framing public order around *harmony*, not religious homogeneity, legitimises pluralism as a civic virtue, transforming tolerance into *active coexistence*. In short, Kediri's Local Regulation No. 6/2017 anchors public order in "harmony" (*kerukunan*) rather than religious conformity. This reframing; first, decentralising majority dominance by rejecting religious homogeneity as a prerequisite for social cohesion, the regulation implicitly denies majority groups (e.g., orthodox Muslims) a monopoly over defining "public order". This aligns with Kymlicka's requirement that majority cultures must relinquish symbolic control over public norms (Kymlicka, 1995). Second, legitimising pluralism as a civic duty, in which "harmony" operationalises diversity as an *active social virtue*, not passive coexistence. The example includes Sapta Darma marriage rituals gain equal standing alongside Islamic rites in public administration. This, in turn, transforms tolerance from "*putting up with difference*" to "*institutionalising difference*." Third, creating space for non-dominant identities. The regulation's Article 2(a) treats indigenous beliefs (*aliran kepercayaan*) as intrinsic to the social fabric, not exceptions to be assimilated. This embodies Kymlicka's "polyethnic rights", institutional accommodation without forced cultural surrender.

This shift, from a traditional approach which includes the fact that minorities must assimilate to majority norms and tolerance as non-interference, mirrors Kymlicka's vision: "*The stability of a multiethnic state requires not just individual rights, but institutional recognition of difference*" (Kymlicka, 1995). By codifying "harmony" as pluralistic engagement, Kediri's regulation advances constitutional pluralism beyond legal compliance, making diversity a civic asset.

Furthermore, the Population Card Regulation (No. 7/2008) embodies Kymlicka's "polyethnic rights" (Kymlicka, 1995). By permitting Sapta Darma adherents to omit their religious affiliation on IDs while ensuring equal access to services, Kediri acknowledges

their non-dominant identity without succumbing to assimilationist pressure. This mirrors Kymlicka's demand for "institutional space" for cultural difference. In short, Kediri Government rejects procedural neutrality, which perpetuates majoritarian bias, by affirmatively adapting institutions to minority needs, precisely Kymlicka's prescription for liberal pluralism.

Pressman and Wildavsky's classic policy implementation theory (1984) warns that even well-designed policies fail without actor coordination across bureaucratic layers. Kediri's reaction to the Constitutional Court verdict exemplifies the ongoing struggle between national ambiguity and local adaptation. At the national level, Indonesia's constitutional guarantees of equality under Articles 28D and 28I, as well as its ratification of the ICCPR, lacked specific implementing rules for minority groups. The silence of Law No. 39/1999 produced a regulatory vacuum, reflecting what Pressman and Wildavsky refer to as "the complexity of joint action". Kediri, on the other hand, acted as a bridge, offering localised policies that served as adaptive mechanisms. For example, village finance allocations under Regulation No. 25 of 2021 concretised abstract pledges to "religious values" by incorporating non-recognised belief systems into practice. These measures enabled street-level officials to translate constitutional rights into actual services, demonstrating Pressman and Wildavsky's observation that "implementation defines policy".

The village fund clause's vague phrasing, "strengthening religious values", risked distortion during implementation. Without explicit mention of minority beliefs, officials could privilege majority religions—exposing the "implementation deficit" Pressman and Wildavsky attribute to discretionary interpretation. Pressman and Wildavsky's seminal work, *Implementation* (1984) reveals a truth: policy failure often stems not from ill intent, but from accumulated discretion across bureaucratic layers. Kediri's mandate to strengthen "religious values" (Regulation 25/2021, Art. C(7)(d)) epitomises this risk. Though designed to promote social harmony, the term's deliberate ambiguity created fertile ground for what Pressman and Wildavsky term "the dilution of intent through iterative interpretation."

### **The Sapta Darma belief system and the complexities of marriage administration in practice**

Sapta Darma is an indigenous belief system originating in Indonesia that emphasises spiritual harmony, moral purity, and devotion to God via seven main principles. Founded in

the mid-twentieth century, it promotes ideals like honesty, compassion, and respect for life by combining local traditions with global standards. Sapta Darma has a large following in Kediri, East Java, where devotees practise rites such as meditation and communal gatherings at local *padepokan* (spiritual centres). This validation not only supports Sapta Darma's spiritual identity, but it also highlights practical obstacles in transferring legal recognition into everyday life, particularly in subjects as fundamental as marriage registration.

Marriage is sociologically acknowledged as a pillar of social life, with emotional, cultural, and legal dimensions. Marriage registration has historically been plagued by administrative challenges in minority religious systems, such as the Sapta Darma (Andromeda, 2020). Before the Constitutional Court's decision, Sapta Darma members encountered major institutional and cultural impediments to formalising their unions. The experiences of three informants demonstrate the compromises and adaptive strategies used under these limits.

AD reported being married according to Islamic customs owing to pressure from local officials. The village chief claimed that placing Aliran Kepercayaan on identity cards, often denoted by a dash (" "), meant "no religion," creating administrative barriers to marriage registration. Similarly, YN performed a Muslim ceremony at the bride's family's request, but augmented it with Sapta Darma ceremonies, demonstrating the difficulty of registering belief-based weddings and the necessity to balance familial expectations with personal convictions. SR stated that they claimed to belong to a recognised religion to obtain formal registration, even though both partners held Sapta Darma beliefs. This concealment demonstrates the persistent influence of normative frameworks that favour state-recognised faiths over indigenous belief systems.

Collectively, these stories show how believers circumvented restrictive legal and social circumstances by strategic compliance and symbolic negotiation. These approaches, while providing administrative acknowledgement, frequently resulted in moral pain and identity compromise, demonstrating the contradiction between formal regulation and cultural diversity.

The analysis of informant data reveals three interconnected dimensions of complexity in obtaining legal recognition: bureaucratic rigidity combined with regulatory gaps, socio-familial pressures influencing individual choices, and identity dissonance compounded by

social stigma. These issues existed before the Constitutional Court's Decision No. 97/PUU-XIV/2016 and, while partially alleviated by the verdict, continue to manifest in nuanced ways in post-decision administrative and social situations.

### **1. Bureaucratic rigidity and regulatory gaps**

Prior to the Constitutional Court's Decision No. 97/PUU-XIV/2016, marriages among Sapta Dharma adherents were regulated under Government Regulation No. 37/2007, which failed to accommodate indigenous belief systems. Interviews revealed that civil registry officials commonly required couples to declare affiliation with one of the state-recognised religions to process marriage certificates. As informant 1 noted, "*The village head said if my ID shows 'Aliran Kepercayaan' or just a dash, it means 'no religion.' That makes registration impossible*".

This restrictive interpretation often compelled couples to adopt pragmatic strategies, such as staging Islamic or Christian ceremonies solely for administrative compliance. Informant 3 explained, "*We pretended to belong to a recognised religion. It was the only way to get the marriage registered*".

These accounts illustrate how bureaucratic norms operate as gatekeeping mechanisms, pressuring minority groups into temporary, compartmentalised conformity to navigate legal and social constraints.

### **2. Socio-familial pressures**

Beyond bureaucratic constraints, familial expectations further complicate the administration of marriage among Sapta Dharma adherents. AD described, "*My wife's family insisted on a Muslim ceremony. We agreed, but later held Sapta Dharma rituals privately*".

Such accounts underscore the enduring influence of kinship norms and cultural expectations on individual decision-making. Even after the Constitutional Court's ruling, these pressures remain salient. As PS, married in 2023, explained, "*I followed Islamic rites because of family pressure. I plan to change my ID later, but stigma is still strong*".

These narratives illustrate that legal reform alone is insufficient to dismantle deeply embedded social norms; notions of family honour and communal reputation continue to exert significant influence, shaping compliance strategies and identity negotiation within pluralistic legal contexts.

### **3. Identity dissonance and social stigma**

Identity dissonance and social stigma emerge as significant consequences of the pragmatic strategies adopted by Sapta Darma adherents, such as religious impersonation, dual ceremonial practices, and delayed identity document updates. These strategies represent an acculturative approach rather than full assimilation, wherein individuals engage with dominant institutional norms to secure legal recognition while privately maintaining their identity. This compartmentalisation, however, generates psychological tension and social discomfort. Informant narratives reveal experiences of anxiety and moral conflict, as TM expressed: *"It feels wrong to hide who we are, but without it, we can't get legal documents"*. Such accounts underscore the persistent interplay between structural constraints and identity negotiation within pluralistic legal contexts.

This pragmatic behaviour, conforming to bureaucratic requirements while maintaining personal convictions, reflects an acculturative strategy aimed at securing legal recognition (Gilmour et al., 2004; Verkuyten & De Wolf, 2002). Rather than full assimilation, individuals selectively adopt institutional norms imposed by the dominant culture to achieve specific objectives, such as obtaining marriage certificates or identity documents. The state bureaucracy functions as a gatekeeping mechanism within an unequal power structure, where compliance is often non-negotiable. Consequently, conformity becomes pragmatic and compartmentalised: individuals perform official compliance in administrative contexts while preserving their authentic identity within private or communal spaces. This strategic engagement underscores the tension between structural constraints and cultural autonomy, generating psychological and social dissonance.

Informant narratives reflect sentiments of uneasiness and moral discomfort, as one participant put it: *"It feels wrong to hide who we are, but without it, we can't get legal documents"* (WK). These experiences demonstrate that, notwithstanding the Constitutional Court's landmark ruling upholding the rights of people of many faiths, legal reform alone cannot destroy ingrained social practices. Post-ruling experiences show gradual change, such as identity upgrades and belief-based ceremonies, but chronic stigma continues to influence personal decisions. Achieving substantive equality involves both cultural acceptance and structural recognition. Sociologically, these compromises provide a long-term risk:

continued concealment may exacerbate internal conflict, destroy familial trust, and promote intergenerational alienation. Informants' divergent paths demonstrate the complicated interplay between law, identity, and social legitimacy.

For example, Informant 4 went into an Islamic marriage in 2023 owing to familial and social pressures, while intending to later change his identity documents to reflect his membership with an *Aliran Kepercayaan*. His example demonstrates the persistent power of stigma, even after formal recognition. In contrast, Informant 5 successfully registered a belief-based marriage during the same year, after a systematic procedure of amending identity documents and meeting local officials, demonstrating the ruling's practical practicality when supported by bureaucratic collaboration. Similarly, Informant 6 detailed altering her religious status in 2022 and celebrating a *Sapta Darma* marriage, calling the decision "liberating" and revolutionary for personal autonomy. Collectively, these narratives reflect both progress and persisting sociocultural tensions, demonstrating that, while legal frameworks have broadened legitimacy for belief-based practices, societal attitudes continue to be a major predictor of actual experience.

The Constitutional Court's decision represents a significant advancement in legal justice for *Aliran Kepercayaan* communities by enabling marriage registration and reducing the risk of identity erasure. From the perspective of Islamic legal theory, particularly the principle of *maslahah* (public interest), this ruling aligns with the objective of promoting societal benefit (*jalb al-masalih*), fostering psychological well-being, and ensuring equitable access to public services (Opwis, 2005). These findings reinforce prior research indicating that the decision enhances legal certainty and equal access to fundamental rights such as marriage registration. Legal certainty—an essential pillar of justice—requires that laws be clear, predictable, and consistently applied. Without such clarity, individuals face ambiguous procedures and discretionary enforcement, which disproportionately benefit those with resources or influence while marginalising vulnerable groups (Portuese et al., 2017). For communities adhering to indigenous beliefs, legal uncertainty has historically constituted a profound barrier, excluding them from rights related to marriage, inheritance, and citizenship. By establishing transparent and actionable standards, legal certainty transforms abstract equality into tangible access, empowering marginalised individuals to assert their

rights and demand accountability. In this way, structural clarity becomes a critical mechanism for achieving substantive equality within Indonesia's pluralistic legal framework.

### **Marriage legality of Sapta Darma adherents: strategies and the role of state-religious actors**

The Constitutional Court's landmark decision (No. 97/PUU-XIV/2016) constitutes a pivotal moment in advancing transformative justice for Indonesia's indigenous belief communities. In this context, transformative justice extends beyond the mere conferral of legal rights; it seeks to dismantle entrenched power asymmetries and institutionalised exclusion. Drawing on Nancy Fraser's tripartite framework of justice -redistribution, recognition, and representation- the ruling addresses material access to state services, validates indigenous identities within official records, and affirms participation in legal and political processes. For communities historically subjected to epistemic injustice through the imposition of monotheistic paradigms, the decision signifies structural change by mandating equal administrative recognition for *aliran kepercayaan*. This reform not only safeguards cultural continuity but also reconfigures socio-legal hierarchies, enabling active citizenship.

For Sapta Darma adherents in Kediri, the ruling theoretically ended decades of administrative erasure by permitting marriage registration under indigenous belief status. Yet, as this study demonstrates, the transition from formal legal empowerment to substantive socioreligious acceptance remains contested, revealing persistent gaps between constitutional ideals and lived realities at the grassroots level.

#### **1. *Pre-ruling: identity negotiation as a survival tactic***

Prior to 2017, Sapta Darma marriages existed in a liminal legal space. Although Government Regulation No. 37/2007 formally acknowledged belief-based unions, bureaucratic practices imposed de facto religious conformity. Informant accounts illustrate this dynamic. One participant recalled being instructed by the village head to "adopt" Islam or risk legal invisibility, a striking example of biopolitical exclusion, where the state's identity card regime symbolically equated indigenous beliefs with atheism. Drawing on Foucault's concept of biopower, documentation operates as a mechanism of classification

and control, rendering certain identities illegible within official systems. The use of a dash (“-”) in the religion column exemplifies symbolic violence, reducing indigenous identities to “non-existence”. Similarly, another informant described engaging in “religious mimicry”, performing a marriage under a state-recognised faith despite shared Sapta Darma convictions. Such practices reveal how bureaucratic norms extend state power into intimate spheres, compelling strategic conformity as a condition for accessing legal recognition.

This pragmatism reflects Verkuyten and De Wolf *acculturative adaptation*, a survival mechanism where minorities trade cultural authenticity for legal legibility (Verkuyten & De Wolf, 2002). Paradoxically, this “solution” bred new pathologies: marital dissonance, identity fragmentation, and generational trauma (Andromedia, 2020).

## **2. Post-ruling: fractured emancipation**

Following the Constitutional Court’s decision, Sapta Darma believers took diverse paths towards achieving marriage registration rights, revealing complicated sociolegal factors. Three distinct paths emerged. First, contingent compliance depicts incomplete adherence motivated by familial and social forces. Informant 4’s marriage was registered under Islamic law, but the individual did not update their identity documents. This hesitation demonstrates how family expectations and persistent shame can trump legally recognised rights, indicating the pervasive power of social norms even after judicial approval.

Second, full realisation refers to the successful implementation of constitutional rights. Informant 5’s experience indicates how cooperative street-level bureaucrats supported belief-based registration, which is consistent with Lipsky’s (1980) theory of bureaucratic discretion. Here, the proactive action of population office personnel served as a catalyst, allowing for formal recognition of rights and bridging the gap between law provisions and administrative practice. Finally, symbolic agency describes the psychological aspects of legal transformation. Informant 6’s decision to publicly change their identity documents is more than just administrative compliance; it conveys a sense of freedom and empowerment. For this individual, constitutional recognition was like “fresh air”, emphasising the transformational power of rights beyond their formal manifestation.

Collectively, these approaches demonstrate that legal reform alone does not ensure uniform results. Instead, the combination of social stigma, bureaucratic discretion, and

human agency determines the lived experience of minority belief communities in achieving their rights.

The concept of fractured emancipation illustrates the paradox between formal legal recognition and lived sociocultural realities. While the Constitutional Court's ruling theoretically dismantled barriers for Sapta Darma adherents, its emancipatory impact remains uneven, fragmented by social, religious, and bureaucratic forces. Informant 4's experience demonstrates that legal rights do not automatically translate into social legitimacy. The family's resistance is shaped by two interrelated factors. First, it is religious normativity. In communities where Islamic norms dominate, marriages conducted outside state-sanctioned Islamic procedures are perceived as deviant. This perception is not merely individual but reinforced by local religious authorities, such as KUA officials and village clerics, who continue to frame the Constitutional Court's decision as incompatible with Islamic jurisprudence. Second, there is honour and social cohesion: Families fear reputational harm within tightly knit communities. Non-compliance with religiously endorsed marriage norms signals moral laxity, exposing families to gossip, exclusion from communal rituals, and diminished marriage prospects for other members.

In essence, this fractured reality underscores the limitations of transformative justice when pursued solely through legal-formal mechanisms. Judicial rulings may alter the text of the law, but they do not automatically dismantle the normative ecology shaping everyday life. As long as religious and cultural authorities remain primary sources of legitimacy, emancipation will continue to be fragmented, recognised on paper yet constrained in practice.

**Legal protection of minority rights from the human right and Islamic law perspective**  
Persistent stigma, bureaucratic discretion, and familial pressures continue to undermine the full realisation of minority rights, despite formal legal reforms. Minority rights are a cornerstone of international human rights law, grounded in the principles of equality and non-discrimination. Instruments such as the International Covenant on Civil and Political Rights (ICCPR) guarantee freedom of thought, conscience, and religion (Article 18) and prohibit the denial of minority rights (Article 27), affirming that persons belonging

to minorities must enjoy their culture, language, and beliefs while participating fully in national life (Nationen, 2012). The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992) further emphasises states' positive obligations to protect minority identities through legal and institutional measures (Hannikainen, 2007). True equality is substantive, requiring not only formal recognition but also enabling conditions for minorities to exercise their rights free from coercion or stigma (Vieytez, 2024).

In Indonesia, constitutional guarantees under Articles 28D and 28I of the 1945 Constitution and Law No. 39/1999 on Human Rights affirm equality and freedom of belief. Ratification of the ICCPR through Law No. 12/2005 binds Indonesia to international standards (Taylor, 2020). However, scholars note that Law No. 39/1999 lacks explicit minority-rights provisions, creating gaps between normative commitments and enforcement (Barafi & Georges, 2020; Mustika & Sinaga, 2016). The Constitutional Court's Decision No. 97/PUU-XIV/2016 partially addressed this gap by mandating recognition of indigenous beliefs in identity documents, enabling access to marriage registration, birth certificates, and inheritance rights (Barafi & Georges, 2020; Ichsan & Prasetyoningsih, 2020).

The theoretical foundation of human rights rests on the principle of inherent dignity, as articulated in the *UN Charter* and reaffirmed in the ICCPR Preamble: "Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family" (McCradden, 2008). States cannot grant dignity; they must recognise and protect it. Minority rights encompass both individual and collective dimensions. Individually, persons must enjoy autonomy and equality, including freedom to practice, change, or reject faith (ICCPR Art. 18) and equal protection regardless of ethnicity or belief (ICCPR Art. 26). Collectively, minorities must sustain their identity, expressed through culture, tradition, language, and religion, requiring constitutional guarantees and positive state action (Arnold, 2017; Jovanović, 2005). Kediri's implementation of the Constitutional Court ruling exemplifies such action, granting institutional space for legally valid marriages, birth certificates, and inheritance claims (Bawono, 2026).

Effective minority protection requires both pillars simultaneously: first, affirmation of

individual freedoms through non-discrimination and equal access to public services; and second, support for collective agency, allowing identity, traditions, and rituals to flourish in the public sphere with dignity. In Kediri, a harmony-based policy architecture, such as *Regional Regulation No. 6/2017 on Public Order*, which frames public order while considering religious, social, and cultural norms, provides an administrative scaffold for public expression of local beliefs. At the city level, Mayor Regulation No. 6/2023 on *Guidelines for Maintaining Interfaith Harmony* complements this through collaborative mechanisms between government and society to sustain interreligious peace (Regional Regulation No. 6 of 2017 on Public Order, n.d., n.d.). Following the Constitutional Court's Decision No. 97/PUUXIV/2016, the entry "Belief in One Almighty God" can be recorded on national IDs for adherents of indigenous beliefs (including Sapta Dharma), opening access to marriage registration, birth certificates, and inheritance rights, thus recognizing ritual practice as a public expression of dignity, rather than a private eccentricity (Kediripedia, 2024). Interfaith forums (FKUB/PAUB) further strengthen the ecosystem of harmony through mediation and public education (Subakir, 2025).

These practices align with international standards. The ICCPR Articles 18 and 27 guarantee freedom of religion and minority cultural and linguistic rights. Additionally, the 1992 UN Minority Declaration emphasises positive State obligations to protect minority identities through legal and institutional measures, requiring substantive equality, not merely formal recognition (General Assembly resolution 47/135, 1992).

The Quran constructs minority status beyond mere numbers. When invoking *qillah* ("fewness"), such as in the passage on the *foremost*, "a multitude from the former [generations] and a few from the latter" (AlWāqi'ah 56:13–14), it denotes spiritual distinction rather than inferiority. In sociopolitical contexts, the Quran dignifies vulnerability: "Remember when you were few and oppressed in the land... then He sheltered you, strengthened you with His help, and provided good things so that you might be grateful" (AlAnfāl 8:26). Conversely, political power often stigmatizes minority existence: Pharaoh derides Moses' followers as "a small, contemptible band" (*shirdimah qalilūn*, AshShu'arā' 26:54), epitomizing the dynamics of *othering*. These Quranic frames align with human rights mandates on non-discrimination and effective participation for minorities.

Islamic jurisprudence provides a normative foundation for minority protection through principles of justice (*'adl*), public benefit (*maṣlahah*), and human dignity (*karamah*). The Quran (49:13) affirms human equality, while classical jurists developed mechanisms such as *'aqd al-dhimmah* to safeguard non-Muslim communities under Islamic governance (Emon, 2010). Contemporary scholarship argues that Islamic law, when interpreted through *maqāṣid al-shari'ah* (higher objectives of justice), supports inclusive citizenship and religious freedom (Ahmad & Muhammad, 2025). Modern approaches advocate religious moderation as a tool to harmonise Islamic principles with pluralistic state policies, ensuring minority rights without compromising faith-based norms (Kamali, 2015).

Islamic law (*fiqh*) institutionalises this ethic through the *dhimma* covenant. While historically applied to Jews and Christians (*ahl al-kitāb*), its principles extend to all non-Muslim minorities. First, religious autonomy: the prohibition of coercion (*lā ikrāha fī al-dīn*, Al-Baqarah: 256) is not passive tolerance but active liberty, the right to communal worship, legal self-governance, and ritual practice. Second, equal citizenship: classical scholars like Al-Qarāfi (d. 1285) asserted that non-Muslims possess equal rights to “life, property, and honour” as Muslims. He asserts: *“The blood, property, and honour of the dhimmi are inviolable like those of the Muslim. Oppressing them is a greater sin than oppressing a Muslim, for it violates both the rights of God and the rights of man”* (al-Qarāfi, 1995). Ibn Qayyim al-Jawziyyah (1997) mandated state protection against aggression, whether from rulers or mobs. This directly supports the argument that classical Islamic jurisprudence mandates equal protection for minorities. Contemporary scholars such as Al-Qaradāwī (1992) said that minorities enjoy equal social, political, cultural, economic, and religious rights.

Critically, these rights were neither charitable concessions nor pragmatic accommodations but divinely mandated obligations. The Prophet's declaration, “*People are children of Adam, and Adam was created from dust. The most noble among you before God is the most righteous*” (Sunan al-Tirmidhī, citing Al-Hujurāt: 13), grounds human equality in creation theology, nullifying hierarchies of race, power, or creed. Yet theoretical perfection clashes with historical practice. The *dhimma* system, while revolutionary in 7th-century Arabia, often ossified into institutionalised inequality under later caliphates—poll taxes (*jizya*), restrictions on church construction, and social stigmatisation. This gap between ideal and real frames a central

paradox: How can a faith affirming universal dignity perpetuate exclusion?

Contemporary scholars like Abdullahi Ahmed An-Na'im (1996) resolve this by distinguishing: sharia's ethical objectives (*maqāṣid*), such as protection of religion, life, intellect, lineage, and property, apply equally to all, and fiqh's historical codes: medieval juristic rulings reflected feudal contexts, not timeless commands. For him, Sharia is not a static legal code, but a universal ethical principle derived from the Quran and Sunnah, one that demands the protection of human dignity (*karāmah insāniyyah*), justice ('*adl*), and compassion (*rahmah*) without discrimination. Fiqh as a product of medieval *ijtihād*, reflects its feudal-era origins and perpetuates the power structures of that time. Kediri demonstrate that bureaucracy does not impose classical *fiqh*, allowing public space to serve as a stage for dialogue, where the marriage of Sapta Darma and Islam side by side. Kediri's recognition of Sapta Darma marriages aligns with sharia's spirit: ensuring that minority can access to marriage certificates fulfills the *maqāṣid* (objective) of preserving lineage (*nash*) and dignity (*karāmah*).

This discussion contributes to global debates about the relationship between Islamic legal theory, human rights, and minority status by operationalising Abdullahi Ahmed An-Na'im's difference between sharia as an ethical framework and *fiqh* as historically contextual jurisprudence. Kediri's bureaucratic practices align with the *maqāṣid al-shari'ah* values of protecting lineage (*nash*) and human dignity (*karāmah insāniyyah*), demonstrating how local governance can transform universal ethical principles into inclusive policy. This conclusion contradicts essentialist interpretations of Islamic law and provides a comparative model for integrating religious values with constitutional equality in plural legal systems. For international researchers, Kediri presents empirical evidence that minority rights implementation may be justified by both global human rights norms and Islamic normative ethics, resulting in a transferable framework for rights-based governance in Muslim-majority environments.

## Conclusion

This study demonstrates that the Constitutional Court's decision (No. 97/PUU-XIV/2016) significantly advanced the legal recognition of indigenous faith communities, enabling

Sapta Darma adherents to access marriage registration, identity documentation, and public services previously denied. However, the findings reveal that legal certainty does not automatically translate into social acceptance. Rights realisation remains a negotiated process shaped by bureaucratic discretion, familial pressures, and community attitudes. The alignment of Islamic *maslahah* with universal human rights principles further underscores that equal service is not merely administrative; it is foundational to human dignity.

The study emphasises the importance of structural and cultural reforms that go beyond judicial pronouncements. Policy implementation must include belief-system sensitivity training for civil and religious officials, interfaith cooperation to normalise diversity, and the empowerment of marginalised communities as change agents. These steps are critical for transforming constitutional rights into lived equality and strengthening Indonesia's pluralistic spirit.

This study's single case focus on Kediri limits the generalizability of its findings. Kediri's socio-cultural context, marked by Javanese syncretism and relatively progressive governance, may not reflect conditions in regions with stricter religious norms, such as Aceh. Additionally, the absence of comparative analysis across other indigenous belief communities and interfaith households constrains the scope of insights. Future research should adopt multi-site and ethnographic approaches to capture Indonesia's diverse implementation landscape.

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