

Ambiguities in the Implementation of Human Rights Protection for Sunda Wiwitan Adherents: A Critical Review

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Abstract

Amid various social and legal challenges, critical philosophical perspectives offer valuable tools for analysis and resolution. Such perspectives may also be applied to the situation experienced by adherents of Sunda Wiwitan in Kuningan Regency, West Java. This study focuses on the following research question: How can the critical views of selected philosophers be utilized to address the ambiguity in the implementation of human rights protection for Sunda Wiwitan adherents in Kuningan Regency following Constitutional Court Decision No. 97/PUU-XIV/2016? This research employs critical thinking approaches derived from Paul Ricoeur, G. W. F. Hegel, Jeremy Bentham, and Charles Taylor. In social, national, and state life, the interpretation of laws and regulations, international conventions, and social phenomena must consider the interests of all stakeholders without excluding minority groups. Such interpretation should be directed toward achieving the common good and a better shared life. State administrative officials, in performing their respective functions, should be guided by integrity and authenticity. Through integrity and authenticity, state officials are not easily swayed by currents that promote attitudes inconsistent with the Constitution. In this way, the fundamental rights of all citizens can be effectively protected.

Introduction

Freedom of religion constitutes one of the central issues addressed in Constitutional Court Decision No. 97/PUU-XIV/2016, in which the Court granted the petitioners' request for judicial review of Article 61 paragraphs (1) and (2), as well as Article 64 paragraphs (1) and (5) of Law No. 23 of 2006 in conjunction with Law No. 24 of 2013 concerning Population Administration (Constitutional Court of the Republic of Indonesia, 2016).

The decision produced significant implications, particularly regarding the regulation that previously allowed the religion column on family cards and identity cards to be left blank. This change marked an important development in Indonesia's population administration system (Government of Indonesia, 2013; Constitutional Court of the Republic of Indonesia, 2016).

Various analyses emerged in response to the ruling. One view suggested that the decision would strengthen recognition of indigenous belief systems and increase the number of adherents formally recorded, due to administrative facilitation and equal treatment with officially recognized religions. However, constitutional recognition should not be understood merely as a formal legal outcome but as a process requiring consistent implementation (United Nations Human Rights Committee, 1993).

Despite symbolic recognition—such as the acknowledgment of the Seren Taun tradition by state institutions—acts of intolerance and discrimination against the Sunda Wiwitan community persist (Amindoni, 2020; Farakhiah & Irfan, 2019). This contrast reveals ambiguity in the protection of human rights for adherents of indigenous belief systems.

Against this background, this study examines how critical philosophical perspectives can help overcome ambiguity in the implementation of human rights protection for Sunda Wiwitan adherents in Kuningan Regency following Constitutional Court Decision No. 97/PUU-XIV/2016.

Constitutional and International Guarantees of Freedom of Religion and Belief

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Indonesia is a state based on law that constitutionally guarantees freedom of religion, belief, worship, and association. These guarantees are explicitly articulated in Article 28E of the 1945 Constitution of the Republic of Indonesia (Government of Indonesia, 1945).

Furthermore, Article 28I of the Constitution affirms that freedom of religion and freedom of conscience are non-derogable human rights that cannot be reduced under any circumstances (Government of Indonesia, 1945).

Article 29 of the Constitution further provides that the state guarantees every resident the freedom to adhere to their respective religion and belief and to worship accordingly (Government of Indonesia, 1945).

At the international level, Indonesia ratified the *International Covenant on Civil and Political Rights* through Law No. 12 of 2005. Article 18 of the ICCPR guarantees freedom of thought, conscience, and religion, including the freedom to adopt and manifest a religion or belief, individually or collectively (United Nations Human Rights Committee, 1993). These provisions affirm that freedom of religion or belief constitutes a protected human right under both national and international law.

Discrimination against the Sunda Wiwitan Community

Discrimination against adherents of indigenous belief systems continues to occur in Indonesia. One notable example is the prohibition imposed by the Kuningan Regency government on the construction of a burial site for members of the Adat Karuhun Urang (AKUR) Sunda Wiwitan community, justified by the absence of a building permit and concerns regarding religious use (Amindoni, 2020; Amnesty International, 2020).

Despite Constitutional Court Decision No. 97/PUU-XIV/2016, administrative discrimination persists, particularly in matters related to civil registration, such as birth certificates and marriage records (Farakhiyah & Irfan, 2019).

Land disputes also reflect ongoing marginalization. In 2017, conflicts over ancestral land ownership resulted in court decisions perceived as disregarding the customary law of the Sunda Wiwitan community (Billiocta, 2017).

Further discrimination occurred when burial sites were sealed by local authorities, despite being located on privately owned land. Official press releases indicate that local government actions were influenced by pressure from majority religious institutions (Government of Kuningan Regency, 2020). Additionally, discrimination has affected children in educational settings, where they are sometimes compelled to follow religious instruction inconsistent with their beliefs, contrary to international human rights standards (United Nations Human Rights Committee, 1993).

These practices indicate systemic discrimination against the Sunda Wiwitan community.

Critical Perspectives

To address this ambiguity, social phenomena are interpreted as texts using Paul Ricoeur's hermeneutical framework of prefiguration, configuration, and refiguration (Sumaryono, 2018; Zhang, 2021). Prefiguration refers to lived experiences of all stakeholders, configuration involves creative synthesis through dialogue, and refiguration represents the application of renewed understanding to social life.

From Hegel's perspective, truth is understood as the whole, and freedom is actualized through a rational constitutional state that guarantees liberty while requiring obedience to law (Magnis-Suseno, 1993). Discriminatory regional regulations thus reflect deviations from constitutional rationality (Widyarsono, 1991).

Utilitarianism, as articulated by Jeremy Bentham, emphasizes maximizing happiness for the greatest number; however, this approach risks marginalizing minorities if not accompanied by explicit safeguards for minority rights (Magnis-Suseno, 1997). Consequently, utilitarian reasoning must be complemented by human rights considerations.

Charles Taylor's concepts of integrity and authenticity emphasize moral responsibility in decision-making. Integrity requires decisions based on principled reasoning rather than group interests, while authenticity demands fidelity to deeply held moral convictions rather than conformity to majority pressures (Taylor, 1989; Magnis-Suseno, 2001).

Taylor further argues that despite diverse moral sources, modern societies share commitments to human dignity, equality, freedom, and justice (Taylor, 1989). These commitments provide a normative foundation for protecting minority belief systems such as Sunda Wiwitan.

Conclusion

Drawing on Hegel's concept of the rational state, the Republic of Indonesia represents the embodiment of its citizens' freedom and is therefore obligated to uphold constitutional guarantees for all citizens, including adherents of indigenous belief systems (Magnis-Suseno, 1993).

Based on Ricoeur's hermeneutics, legal interpretation must consider the interests of all stakeholders, including minorities, and be oriented toward the common good (Sumaryono, 2018). From a utilitarian perspective, public benefit must encompass all citizens without neglecting minority rights (Magnis-Suseno, 1997). In line with Charles Taylor's philosophy, state administrators and law enforcement officials must act with integrity and authenticity to ensure constitutional fidelity and protect human dignity (Taylor, 1989).

Through these approaches, the fundamental rights of all citizens can be effectively protected.

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