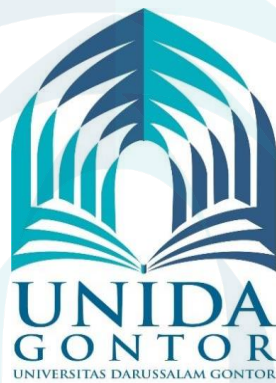


**CONSTITUTIONALITY OF ADHERENTS OF LOCAL
RELIGIONS (AN ANALYTICAL STUDY OF THE VALUES OF
ADHERENTS OF LOCAL RELIGIONS IN THE INDONESIAN
CONSTITUTION)**



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1446 H / 2025 M**

UNIVERSITAS DARUSSALAM GONTOR

**CONSTITUTIONALITY OF ADHERENTS OF LOCAL RELIGIONS
(AN ANALYTICAL STUDY OF THE VALUES OF ADHERENTS OF
LOCAL RELIGIONS IN THE INDONESIAN CONSTITUTION)**

THESIS

Presented to the University of Darussalam Gontor in Fulfillment of
Requirements for Completing the Undergraduate Program of
Comparative Study of Religions

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1446 H / 2025 M



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ABSTRAK

KONSTITUSIONALITAS PENGHAYAT KEPERCAYAAN (STUDI ANALISA NILAI-NILAI PENGHAYAT KEPERCAYAAN DALAM KONSTITUSI INDONESIA)

Kausar Rahmat

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Indonesia menjamin kebebasan beragama dan berkepercayaan bagi penghayat kepercayaan sesuai dengan Pancasila dan UUD 1945. Meskipun hak-hak mereka diakui dalam konstitusi dan diperkuat oleh Putusan MK No. 97/PUU-XIV/2016, masih ada berbagai kendala yang dihadapi, terutama dalam bidang administrasi, pendidikan, dan hak sipil. Selain itu, penerapan kebijakan publik terkait hal ini juga mengalami banyak hambatan. Oleh karena itu, diperlukan langkah-langkah konkret untuk menelusuri nilai-nilai yang diakui dalam konstitusi Indonesia, sehingga penghayat kepercayaan tetap dapat eksis dalam kerangka kewarganegaraan meskipun di tengah berbagai tantangan.

Penelitian ini bertujuan untuk menganalisis nilai-nilai penghayat kepercayaan dalam konteks konstitusi Indonesia dengan menggunakan teori kebebasan beragama (*religious freedom*).

Metode penelitian ini adalah studi kepustakaan, dengan pendekatan analisis kualitatif deskriptif. Dengan mengumpulkan dan menganalisis data-data seperti buku, jurnal, artikel, manuskrip, berita, serta dokumen negara yang relevan dengan penelitian ini.

Hasil penelitian ini menjelaskan bahwa Penghayat kepercayaan memiliki kedudukan konstitusional yang dijamin oleh UUD 1945, terutama dalam hal kebebasan beragama dan berkepercayaan. Putusan Mahkamah Konstitusi Nomor 97/PUU-XIV/2016 serta berbagai regulasi turunannya telah memperkuat pengakuan atas hak-hak sipil mereka, termasuk pencantuman identitas kepercayaan dalam dokumen kependudukan, akses pendidikan, dan layanan publik. Selain itu, penghayat kepercayaan berperan dalam menjaga nilai spiritual, hak asasi manusia, serta kearifan lokal yang selaras dengan prinsip Pancasila. Meski masih menghadapi tantangan implementasi dan resistensi birokrasi, pemerintah terus berupaya memastikan hak warga negara bagi penghayat kepercayaan dalam kehidupan berbangsa dan bernegara.

Penelitian ini memiliki beberapa batasan, oleh karena itu perlu dilakukan kajian lebih lanjut mengenai nilai-nilai yang terkandung dalam Penghayat Kepercayaan serta integrasinya ke dalam sistem hukum negara. Langkah ini akan membantu memahami dengan lebih mendalam mengenai alasan-alasan dan konsekuensi dari kehadiran sistem kepercayaan dalam konteks konstitusi secara lebih komprehensif.

Kata kunci: Penghayat kepercayaan, Nilai-nilai, Konstitusi

ABSTRACT

CONSTITUTIONALITY OF ADHERENTS OF LOCAL RELIGIONS (AN ANALYTICAL STUDY OF ADHERENTS OF LOCAL RELIGIONS VALUES IN THE INDONESIAN CONSTITUTION)

Kausar Rahmat

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Indonesia guarantees freedom of religion and belief for adherents of local religions by Pancasila and the 1945 Constitution. Although their rights are recognized in the constitution and reinforced by Constitutional Court Decision No. 97/PUU-XIV/2016, there are still various obstacles faced, especially in the fields of administration, education, and civil rights. Moreover, the implementation of public policies related to this issue also faces many obstacles. Therefore, concrete steps are needed to trace the values recognized in the Indonesian constitution, so that adherents of local religions can continue to exist within the framework of citizenship despite various challenges.

This research aims to analyze the values of adherents of local religions in the context of the Indonesian constitution using the theory of religious freedom.

The research method is a literature study, with a descriptive qualitative analysis approach. By collecting and analyzing data such as books, journals, articles, manuscripts, news, and state documents relevant to this research.

The results of this study explain that Adherents of local religion have a constitutional position guaranteed by the 1945 Constitution, especially in terms of freedom of religion and belief. The Constitutional Court Decision Number 97/PUU-XIV/2016 and its various derivative regulations have strengthened the recognition of their civil rights, including the inclusion of belief identities in population documents, access to education, and public services. In addition, Adherents of local religion play a role in preserving spiritual values, human rights, and local wisdom that align with the principles of Pancasila. Although still facing implementation challenges and bureaucratic resistance, the government continues to strive to ensure the rights of citizens for Adherents of local religion in national and state life.

This research has some limitations, therefore it is necessary to conduct further studies on the values contained in Penghayat Kepercayaan and its integration into the state legal system. This step will help to understand more deeply the reasons and consequences of the presence of the belief system in the context of the Constitution more comprehensively.

Keywords: Adherents of local religions, Values, Constitution

To Honorable,

Dean of Faculty of Ushuluddin

University of Darussalam Gontor-Ponorogo

Bismillahirrahmanirrahim,

Assalamu'alaikum Warahmatullahi Wabarakatuh

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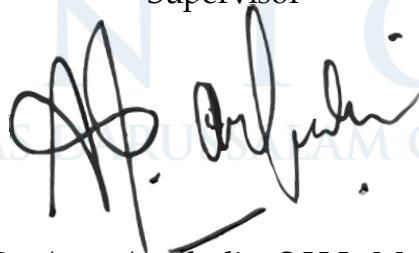
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This thesis has been processed and corrected to fulfill the Comparative Study of Religions degree license requirement in the Faculty of Ushuluddin, University of Darussalam Gontor. Therefore, I Request that the thesis could be examined soon.

Wassalamu'alaikum Warahmatullahi Wabarakatuh

Ponorogo, 16th of February 2025 M
17th of Sya'ban 1446 H

Supervisor



Dr. Asep Awaludin, S.H.I., M.Ag.



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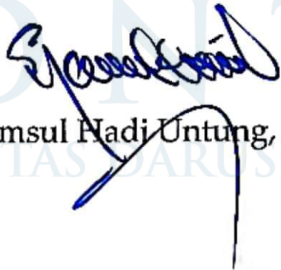
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Wassalamu'alaikum Warahmatullahi Wabarakatuh

Ponorogo, 23th of February 2025 H
24th of Sya'ban 1446 M

Dean of Faculty of Ushuluddin


Syamsul Hadi Untung, M.A., M.L.S.

DECISION OF THE EXAMINER TEAM

To committee hold the thesis examination in partial fulfillment of the requirements for the degree of licentiate in Comparative Study of Religions in the Faculty of Ushuluddin, University of Darussalam Gontor on:

Day/date : Wednesday, 26th of February 2025 M/
27th of Sya'ban 1446 H

Place : SAA office department

The thesis Written by :

Name : Kausar Rahmat

Faculty/Department : Ushuluddin/Comparative Study of Religions

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The Title : Constitutionality of Adherents of Local Religions (An Analytical Study of The Values of Adherents of Local Religions in The Indonesian Constitution)

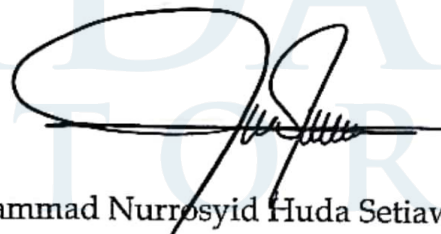
I decided to grant him a pass in the thesis examination. Hence, He is eligible to be awarded the degree of licentiate in Comparative Study Of religions in the Faculty of Ushuluddin, University of Darussalam Gontor.

Chief of Examination Board,



Dr. Asep Awaludin, S.H.I., M.Ag.

Secretary,



Muhammad Nurrosyid Huda Setiawan, M. A.

1 Examiner : Dr. Yuangga Kurnia Yahya, M. A.

2 Examiner : Muhammad Nurrosyid Huda Setiawan, M. A.

DECLARATION

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The Title : Constitutionality of Adherents of Local Religions (An Analytical Study of The Values of Adherents of Local Religions in The Indonesian Constitution)

This thesis initially belongs to my work and does not belong to any other researcher with a different degree. Furthermore, this thesis is not a work published before, except for some parts with their original references.

Otherwise, if it is found that this thesis is plagiarism, I am ready to be ceased academically.

Ponorogo, 26th of February 2025 M
27th of Sya'ban 1446 H

Writer,



Kausar Rahmat

MOTTOES

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا
وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَىٰكُمْ إِنَّ اللَّهَ عَلِيمٌ
خَبِيرٌ

(Q.S: Al-Hujurat: 13)

وَلَنْ تَرْضَىٰ عَنْكَ الْيَهُودُ وَلَا النَّصَارَىٰ حَتَّىٰ تَتَّبِعَ مِلَّتَهُمْ
قُلْ إِنَّ هُدَىٰ اللَّهِ هُوَ الْهُدَىٰ وَلَئِنْ اتَّبَعْتَ أَهْوَاءَهُمْ بَعْدَ الَّذِي
جَاءَكَ مِنَ الْعِلْمِ مَا لَكَ مِنَ اللَّهِ مِنْ وَلِيٍّ وَلَا نَصِيرٍ

(Q.S: Al-Baqarah: 120)

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DEDICATION

To my beloved family, my father Rahmat, my mother Etik Haryanti, and my sister Insannia Rahmat-you are the light that brightens my steps, the hugs that always strengthen me, and the prayers that never stop accompanying me. Father, thank you for your wisdom and steadfastness that became a compass in every journey of my life. Mom, your love and sacrifice are the greatest strength that has brought me to this point. My beloved sister, thank you for your encouragement and support that always makes me believe that I am capable. This thesis is not only about my hard work and struggle but also about your love and sincerity that made it possible. To you, with all my love and gratitude, I dedicate this achievement.



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All praises to Allah SWT, the most Merciful and Beneficent, who has given us countless lives, enjoyment, opportunities, experience, and happiness. Do not forget Prophet Muhammad *Sallallahu 'Alaihi wa Sallam*, as leader of the faithful, whose exemplary example motivates us to always strive hard in God's way and provide aid in the apocalypse day.

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4. Dear Dr. Muttaqin, S.H.I., M.Ag., as the Head of the Comparative Study of Religions Department at the University of Darussalam Gontor.
5. Honourable supervisor, Dr. Asep Awaludin, S.H.I., M.Ag., for his worthy

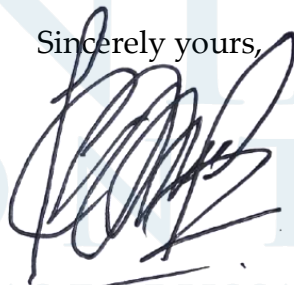
guidance and suggestions in supervising this thesis.

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7. To my beloved friends, thank you for every support, encouragement, and invaluable togetherness. You are the light in the dark, the laughter amid fatigue, and the strength when you are about to give up. This thesis becomes more meaningful because of your presence.

I pray to Allah to hold them accountable for their actions, forgive their sins, grant them success, and reward them with the best and most joyful outcomes. May Allah bless them, support their efforts, and make this humble thesis beneficial and meaningful to readers, particularly researchers. Lastly, the researcher extends her heartfelt respect and gratitude to all her companions for their support and help in completing this thesis. May Allah grant them great rewards both in this life and the hereafter.

Ponorogo, 16th of February 2024 M
17th of Sya'ban 1446 H

Sincerely yours,



Kausar Rahmat