

The Existence and Constraints of Marriage Registration for the Followers of *Sapta Darma* Belief in East Lampung

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Abstract: Indonesia has provided the institution in charge of marriage registration. However, the registration process does not always run effectively for a particular community. This article aims to shed light on the existence and obstacle of marriage registration faced by the followers of *Sapta Darma* belief in East Lampung. Data were collected through observation, documentation, and interview. Using a socio-legal lens, this article identifies consecutive facts impeding followers of the *Sapta Darma* belief in East Lampung from obtaining the legality for their marriages through state institutions. The organization of *Sapta Darma* believers has no internal institution which especially in charge of registering their marriage. They seem trapped and face a disproportionately negative stigma. Many of them do not have identity cards (KTP) as the basic requirement for the registration of their marriages. However, they continue to believe that their marriages are valid according to their faith and do not violate state law.

Keywords: *East Lampung; marriage registration; Sapta Darma.*

Abstract: Indonesia telah menyediakan lembaga yang bertanggung jawab atas pendaftaran pernikahan. Namun demikian, proses pendaftaran pernikahan tidak selalu berjalan efektif untuk komunitas tertentu. Artikel ini bertujuan untuk menjelaskan keberadaan dan hambatan pendaftaran pernikahan yang dihadapi oleh para pengikut Sapta Darma di Lampung Timur. Data dikumpulkan melalui pengamatan, dokumentasi, dan wawancara. Menggunakan lensa sosio-hukum, artikel ini mengidentifikasi fakta berturut-turut yang menghambat pengikut kepercayaan Sapta Darma di Lampung Timur untuk mendapatkan legalitas pernikahan mereka melalui lembaga negara. Organisasi Sapta Darma tidak memiliki institusi internal yang terutama bertugas mendaftarkan pernikahan mereka. Mereka tampak terjebak dan menghadapi stigma negatif yang tidak proporsional. Banyak dari mereka tidak memiliki kartu tanda penduduk (KTP) sebagai persyaratan dasar untuk pendaftaran pernikahan mereka. Namun demikian, mereka tetap percaya bahwa pernikahan mereka sah menurut keyakinan mereka dan tidak melanggar hukum negara.

Keywords: *Lampung Timur; pendaftaran pernikahan; Sapta Darma.*

Introduction

Indonesia is a state of law. It means that the law becomes a fundamental reference and guideline to protect and legalize all individual and collective interests.¹ The law, in this case, is not only the written law but also unwritten law. Unwritten law is commonly induced from the community or customary culture. Law originating from the community is recognized as customary law. Customary law is considered legal as long as it does not conflict with the Indonesian constitution.² Customary law is the law that exists in the archipelago that remains exist and enforced in society.³

The existence of customary law in Indonesia as living law is becoming inexorably marginalized.⁴ One of them is the customary law of the *Sapta Darma* believer in East Lampung. The community of *Sapta Darma* belief has inherited customary law from their ancestors. It is arguably believed and followed as the norm within the community of *Sapta Darma* believers. In the customary law, there is a rule for the marriage process. This rule is simply adhered to by this community. It means that the marriage of *Sapta Darma* community is mainly carried out according to the customary law. The marriage of the *Sapta Darma* community is not registered with authorized institutions such as the Office of Religious Affairs (KUA) and the Civil Registry Office. As a result, the legality of their customary marriages becomes a concern.

According to Indonesian marriage law, a valid marriage is registered with an authorized institution. This is following Article 1 (2) of the 1974 Marriage Law (UUP), which states: "Every marriage is

¹M. Anwar Nawawi, Habib Shulton, A. Fatul Mu'in, "Hak Perempuan Disabilitas dalam UU. No. 1 Tahun 1974 tentang Perkawinan: Perspektif Convention on The Rights of Persons With Disabilities (CRPD)," *Yurisprudencia: Jurnal Hukum Ekonomi* 6, no. 2 (2020).

²Yanis Maladi, "Eksistensi Hukum Adat dalam Konstitusi Negara Pasca Amandemen," *MIMBAR HUKUM* 22, no. 3 (2010).

³Lastuti Abubakar, "Revitalisasi Hukum Adat Sebagai Sumber Hukum dalam Membangun Sistem Hukum Indonesia," *Jurnal Dinamika Hukum* 13, no. 2 (2013), p. 319.

⁴*Ibid.*

recorded in accordance with applicable laws and regulations.”⁵ In the meantime, Government Regulation No. 9 of 1975 contains provisions establishing the implementing agency for marriage registration. The Government Regulation states in Article 2 Paragraphs (1) and (2) that marriage registration for Muslim Indonesian citizens is carried out by Marriage Registrar Officers as defined in Law Number 32 of 1954 concerning Marriage Registration, Divorce, and Refer.⁶ Meanwhile, marriage registration for non-Muslims is handled by the Marriage Registrar at the Civil Registry Office.⁷ Due to difficulties and administrative constraints, the Sapta Darma indigenous community's marriage process has been carried out outside the two institutions mentioned above.⁸

One of the obstacles is the existence of Law No. 1/PNPS/1965 concerning the Prevention of Religious Abuse (Blasphemy), which states that the religions embraced by Indonesians are Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism (Confucius).⁹ The provisions of this law establish the concepts of "official religion" and "unofficial religion,"¹⁰ and because Sapta Darma is considered an unofficial religion, it faces difficulties

⁵Article 1 Paragraph (2) Law. 1 of 1974 concerning Marriage. See also Muhammad Jihadul Hayat, “Historisitas dan Tujuan Usia Minimal Perkawinan dalam Perundang-Undangan Keluarga Muslim Indonesia dan Negara Muslim,” *Journal Equitable* 3, no. 1 (2018), pp. 49–63.

⁶Article 1 Paragraph (1) and (2) Government Regulation no. 9 of 1975. See also Siti Djazimah and Muhammad Jihadul Hayat, “Pelaksanaan Kursus Pranikah di Kota Yogyakarta: Urgensitas, Efektivitas Hukum, dan Tindakan Sosial,” *Al-Ahwal: Jurnal Hukum Keluarga Islam* 11, no. 1 (2019), p. 59.

⁷Abdul Helim, ‘Membangun Fikih Progresif Mazhab Indonesia (Eksistensi Pencatatan Akad Nikah dalam Hukum Perkawinan Islam Indonesia),’ AICIS 12 TAHUN 2012, 5-8 Nopember 2012, Surabaya, 2758,” n.d.

⁸Interview with one of the traditional leaders of the Sapta Darma Belief Community (initial SJ), on December 13, 2020.

⁹Uli Parulian Sihombing, “Penafsiran Atas Makna Agama di dalam Undang-Undang Dasar 1945 Menurut Putusan Mahkamah Konstitusi Nomor 97/PUU-XIV/2016 dan Nomor 140/PUU-VII/2009,” *Jurnal Konstitusi* 16, no. 4 (January 2020), p. 177.

¹⁰M Syaf’ie, “Ambiguitas Hak Kebebasan Beragama di Indonesia dan Posisinya Pasca Putusan Mahkamah Konstitusi,” *Jurnal Konstitusi*, vol. 8, (May 2016), p. 678.

registering marriages. Whereas all forms of customary marriage are not legally recognized as legal forms unless they are registered with government agencies. To ensure legal certainty, the state requires marriages to be registered with an authorized institution. Simultaneously, the traditional marriage law system is preserved as an ancestral legacy.

This article examines the system of registering marriages for the follower of the *Sapta Darma* belief, which is still carried out traditionally and does not syncron the state's regulations. Unregistered marriage practice brings a systemic impact on the community of the believers related to the fulfillment and protection of their rights, such as inheritance rights and joint property in the event of a divorce. This difficulty is experienced by the community who live in the legal process to the court institution. Because their marriages are not registered, they do not have the legal legality of the state's official version.

Several researchers have studied customary marriages related to indigenous communities. Nisak, Triyono, and Sukirno studied marriages in *Karuhun Urung (AKUR)* indigenous people, whose marriages were only carried out through a traditional procession. *AKUR* organization also has difficulty managing and registering with the Civil Registration Office.¹¹ Hendrik examines regulations in the field of marriage, which, according to him, are not well understood by local government officials, regional institutions, and society in general. This creates difficulties for the community and the *Sapta Darma* community in managing population administration issues, funeral services, providing gathering facilities, administering marriage records, and providing education rights services.

Meanwhile, Agung Basuki Prasetyo, who researched the *Samin Sedulur Sikep* community, explained that the marriage process in this community was also carried out according to custom without being reported to the Civil Registry. This customary marriage ultimately impacts the child when the child wants to claim his inheritance rights

¹¹Agung Basuki Prasetyo, "Akibat Hukum Perkawinan yang Tidak Dicatatkan Secara Administratif Pada Masyarakat Adat," *Administrative Law and Governance Journal* 3, no. 1 (2020), p. 1257.

in court.¹² On the other hand, Putu Tagel explains in his research that marriage registration is critical for a family because it serves as legal proof of a state-recognized marriage.¹³

In connection with the studies above, this article focuses more on the obstacles experienced by *the Sapta Darma community in East Lampung Regency* in registering marriages in government institutions. In addition, this paper also analyzes the existence of marriage registration in the *Sapta Darma* community. The data in this study were extracted and obtained through observation, interviews, and documentation. The author has long observed the phenomenon of traditional marriage in the *Sapta Darma* community regarding their marriage practices. These data are equipped with bibliographic sources. To dig deeper into the data, the author has also conducted interviews with a number of *Sapta Darma* traditional leaders regarding the history, practice of marriage, and the community's obstacles in recording marriages to obtain valid information and data related to the phenomena studied. The marriage of the *Sapta Darma* community and the obstacles faced in this paper are studied and analyzed using a socio-legal approach. With this approach, it is possible to know the obstacles and problems faced in obtaining the legal marriage of the *Sapta Darma* community and its legal consequence and at the same time.

Sapta Darma's Teachings and Beliefs in East Lampung

Sapta Darma was founded by Hardjosapoero on December 27, 1952 in Kediri, East Java.¹⁴ Since then, he has changed his name to Sri Gutomo's Great Role Model. He is also often called Pak Sepuro. After the Great Role Model Sri Gutomo died on December 16, 1964,

¹²Agung Basuki Prasetyo, "Akibat Hukum Perkawinan yang Tidak Dicatatkan, p. 257, <https://doi.org/10.14710/alj.v3i1.23-34>.

¹³Dewa Putu Tagel, "Pelaksanaan Pencatatan Perkawinan Pada Dinas Kependudukan dan Pencatatan Sipil," *Vjyabara Duta* 14, no. 2 (2020), p. 84.

¹⁴Precisely in Gang Koplakan, Desa Pandean, Kecamatan Pare, Kediri, Jawa Timur. Look Hani Zain Fathuri, "Praktik Perkawinan Penganut Aliran Sapta Darma di Kabupaten Ponorogo dalam Prespektif Undang-Undang Nomor 1 Tahun 1974", *Skripsi on Islamic Family Law Study Program, Faculty of Shari'ah Institut Agama Islam Negeri Ponorogo*, (2018).

the leadership of Sapta Darma then moved to Yogyakarta and was led by a woman named Sri Suwartini, who was later given the title *Panutan Agung Sri Patangan*.¹⁵

It is unknown precisely when the *Sapta Darma* belief began in East Lampung Regency. However, according to a prominent *Sapta Darma* believer (not willing to be named), this belief was brought into East Lampung by the Javanese in the 1980s through the transmigration program.¹⁶ Meanwhile, the leader of Sapta Darma in East Lampung Regency itself is led by Mr. Wakijo. As of 2016, this cult had 30 followers.¹⁷ The *Sapta Darma* belief has primary teachings called *Tujuh newarah* Sacred Obligations. *Tujuh newarah* are:¹⁸

1. *Setija tubu marang Allah Hyang Maha Agung, Maha Rokhim, Maha Adil, Maha Wasesa, dan Maha Langgeng* in the sense of being loyal and trusting to Allah the Most Great, Most Merciful, Just, All Powerful, and Eternal.
2. *Kanthe djudjur lan sutjining ati kudu setija anindakake angger-angger ing Negarane*, namely being honest and pure in heart in carrying out state laws.
3. *Melu tjawe-tjawe atjantjut tali wanda andjaga adeging Nusa and Bangsane*, namely willing to play a role (roll up sleeves) to uphold the homeland and nation.
4. *Tetulung marang sapa bae jen perlu, kanthe ora nduweni pamrih apa bae kadjaba mung rasa welas lan asih*, in the sense of being willing to help anyone without any strings attached, but out of love.

¹⁵Andriawan Bagus Hantoro dan Abraham Nurcahyo, "Studi Perkembangan Aliran Kebatinan Kerohanian Sapta Darma di Kabupaten Magetan Tahun 1956-2011", *Agastya*, vol. 04, no. 02, (2014), p. 60.

¹⁶Interview with one of the leaders of the Sapta Darma Believer Trust (initial SJ), on December 13, 2020.

¹⁷Data on the Flow of Religion in the Province of Lampung, the Regional Office of the Ministry of Religion of the Province of Lampung, in <https://lampung.kemenag.go.id/files/lampung/file/file/SubbagHukum-KUB/hvkw1459757092.pdf>

¹⁸Reni Tiyu Wijayanti, "Pola Perilaku Religius Aliran Kepercayaan Masyarakat Kerokhanian Sapta Dharma di Desa Brengkel Kecamatan Purworejo Kabupaten Purworejo", *Pendidikan, Bahasa, Sastra, dan Budaya Jawa Universitas Muhammadiyah Purworejo*, vol. 03, no. 03, (2013), p. 54.

5. *Wani urip kanthi capitajan saka kekumatane dewe*, that is dare to live on complete confidence in one's strength.
6. *Tanduke marang warga bebrajan kudu susila kanthi alusing budi pakarti tansah agawe pepadang lan mareming lijan*, in the sense that life in society must be based on morality and accompanied by subtle character.
7. *Jakin jen kahanan donja iku ora lasting tansah owah gingsir (hanjakera callingingan)*, in the sense of believing that this world is not eternal, but changes like *cokro manggilingan*.

The belief system of *Sapta Darma* is the result of cultural development, the fruit of reflection, and the ancestors' philosophy, which later became the community's custom. This belief has been believed and preserved by some people until now. Most *kebatinan* (spirituality) schools make customs such as *Sapta Darma* teaching that is firmly held, lived, and practiced.¹⁹

One of *Sapta Darma*'s most distinctive religious practices is the prayer facing east. East is referred to in Javanese as *Wetan* or *Kawitan*. That is the direction in which all life begins, such as the sun and moon rising in the east. Worship in the *Sapta Darma* belief is carried out by prostrating to the east. The prostration is performed three times, each time with a different prayer. The first prostration is performed by reading "Yang Maha Suci Yang Maha Kuasa"; the second is performed by saying "Yang Maha Suci Nyuwun Sepuro (Appoloz) Yang Maha Kuasa"; and the third is performed by saying "Yang Maha Suci Mertobat (repent) Yang Maha Kuasa." One of the trusted figures of *Sapta Darma*, East Lampung Regency, said, in an interview:

"When I was little, I often saw my Grandfather and Grandmother when prostrating to the east. They sat on a piece of white rhombic cloth. This is the teaching of *Sapta Darma*,"²⁰

¹⁹Akrim Mariyat, *Ajaran Beberapa Aliran Kebatinan*, (Ponorogo: Darussalam Press, 1997), p. 111.

²⁰Interview with one of the trusted figures of Penghayat *Sapta Darma* (initial SJ), on December 13, 2020.

After prostrating, the adherents of *Sapta Darma* then have a moment of silence, namely by being silent and emptying their minds to meet or unite with their Lord. According to one of the leaders of *Sapta Darma*, “it is during this moment of silence that we can feel *manunggaling kawulo Gusti*, namely the union of the human soul with God. It is like the philosophy of “empty is content and content is empty.” The practice of silence is done by sitting cross-legged: the right hand above covers the left hand below.

The Practice of Marriage within the Community of *Sapta Darma* believers

According to SR (*Sapta Darma* figure), the trust of the marriage seeker of the *Sapta Darma* is a personal right to form a family. It is a process of vertical relationship with God.²¹ Thus, the principle of marriage was adhered to by adherents of *Sapta Darma*. In this case, the community *Sapta Darma* believers have their own principles, namely:²²

1. Principle of no coercion; prospective husband and wife must like and love each other. There is no pressure or coercion from any party. The
2. Principle of agreement of both people; the marriage that is carried out must fulfill the principle of blessing from the parents of two husband and wife candidates.
3. The principle of *elutrogamy* forbids marriage between the bride and groom of different religious beliefs so that people who believe in *Sapta Darma* are only allowed to marry fellow adherents of the *Sapta Darma* belief. The bride and groom must follow or believe in one of the schools of belief. In other words, the main requirement for marriage for a believer is to have a Membership Card or be registered as a believer as proof that the person is a believer.²³

²¹Interview with *Sapta Darma* (SJ) Penghayat figures, 26 February 2021.

²²Lutfiyanti Andromeda, “Perkawinan Penghayat Kepercayaan *Sapta Darma* di Surabaya (Studi Efektivitas Pencatatan Perkawinan Menurut Lawrence M. Friedman)”, Postgraduate Thesis Universitas Islam Negeri Sunan Ampel Surabaya, 2020), pp. 60–62.

²³Interview with *Sapta Darma* (SJ) Penghayat figure, 26 February 2021.

4. The principle of *monogamy*; this marriage principle forbids men who believe in polygamy or having more than one wife.

The four principles of marriage in the *Sapta Darma* community as mentioned above are most relevant and in accordance with the principles of marriage in Islamic law and also the Marriage Law, namely the principle of no coercion, the principle of parental consent, and the principle of similarity in religion or belief.²⁴ The thing that slightly distinguishes the principle of marriage in *Sapta Darma* belief with the provisions of the legislation in Indonesia is that although both adhere to the principle of monogamy, in the sense that a male partner can only marry one woman, the two differ in terms of its application. If the customary law of *Sapta Darma* interprets this as something mandatory, in the sense that a man can only have one wife and no more, then in Indonesian marriage law, it is still possible to have more than one wife.²⁵

For adherents of the *Sapta Darma* belief who want to get married, several conditions must be met, namely: (1) both husband and wife candidates must have a *Sapta Darma* Membership Card (*KTA*); (2) both the bride and groom must be present in one place; (3) provide a new white cloth of 1x2 meters, for *Pasujudan*; (4) collect two pieces of 3x4 photos as guide documentation; (5) both prospective bride and groom must be able to perform prostration, and if one or both parties have not performed prostration, then it must be guided first at least 15 days before the implementation; (6) there must be witnesses and elders in *Sapta Darma* Trust; (7) carried out in front of religious leaders.²⁶

From the provisions of the terms of marriage in *Sapta Darma* society as mentioned above, there are similarities with the terms of

²⁴Article 6 Paragraph 1 Law No. 1 of 1974 concerning Marriage.

²⁵Article 3 of the Marriage Law states that a woman may only have one husband. However, in Article 4 Paragraphs (1 and 2), the Indonesian marriage law opens the opportunity for a husband, under certain conditions, to have more than one wife.

²⁶ Sekretariat Tuntunan Agung Kerohanian *Sapta Darma*, *Sejarah Penerimaan Wahyu Wewerab Sapta Darma dan Panutan Agung Sri Guatama*, cet. 1 (Yogyakarta: Semesta Press, 2020), p. 23.

marriage regulated in Islamic provisions. The similarity lies in the conditions that the marriage of the *Sapta Darma* community requires that it be carried out in one place, meaning that when the bride and groom perform the *qabul* (consent), one assembly is required. These provisions are the same as the provisions in Islam. In Islam, the conditions for the *qabul*, the scholars agree to require one assembly to carry out the *qabul*. Thus, if the *qabul* is not performed in a single assembly, the marriage contract is considered invalid. Additionally, the conditions for the presence of witnesses in the marriage process are also the same as those in Islamic teachings.

Meanwhile, the obligation for the bride and groom to prostrate on white cloth and also the obligation to have a *Sapta Darma* KTA is unique. This is intended to establish the bride and groom's identity as *Sapta Darma* adherents. This is identical to the provisions in the law that marriage is only valid if it is carried out by a partner whose religion is the same.²⁷

When all the requirements have been met, the marriage process can be carried out immediately. In this case, there are three stages in the *Sapta Darma* traditional marriage process.²⁸ The first stage is preparation. The *Sapta Darma* community marriage implementation can be carried out at home or in a traditional belief house (*Sapta Darma* studio house). However, it is inevitable that before the officers or guides carry out their duties, the two priests are required to perform prostration first, which is an hour before the marriage ceremony is commenced. The process of prostration in the marriage ritual of *Sapta Darma* adherents is mandatory. The direction of sitting for the bride and groom and residents who will follow the prostration is facing east. The two prospective brides and grooms sit on a white cloth measuring 1x 2meters. The bride is on the left while the groom is on the right.²⁹

²⁷Article 2 Paragraph (1) Law No. 1 of 1974 concerning Marriage.

²⁸Lutfiyanti Andromeda, "Perkawinan Penghayat Kepercayaan *Sapta Darma* di Surabaya."

²⁹The seats for the two prospective brides and grooms are at the very front, next to witnesses and parents. Behind the bride and groom followed by residents who will follow the prostration. The seat of the officer or guide is in front of the bride and groom, facing west. The seating of the guests adjusts to the situation.

The second stage is the opening silence process. The marriage ceremony begins with an opening silence. It is then followed by the following sequences: the handover of the bride and groom and administrative completion, guiding questions, prostration together, Presetya promises, declaration of the marriage's validity by guidance or officers, debriefing or spiritual advice by guidance or officers, closing silence, distribution of *mori* studio to the bride and groom, and finally, delivery of congratulations to the bride and groom. *The third* stage is *pasetya* promise pledge. After principles and conditions of marriage have been fulfilled, it is followed by the pronouncement of the *Pasetya* promise spoken by the bride and groom. The sentence is “Allah Hyang Maha Agung, Allah Hyang Maha Rokhim, Allah Hyang Maha Adil.”³⁰ After this sentence is pronounced, it is continued with the sentence: “We both (pronounce their names) *prasty*a in front of the Almighty:

- a. *Kanthi jujur lan sucining ati winit dinten punika kula sagah netepi kewajiban minongko jodo bebrayan kulo;*
- b. *Kanti jujur lan sucining ati sagah netepi darmaning warga Kerokhanian Sapta Darma nindakaken sedaya ajaranipun;*
- c. *Sadaya punika awit saking pitedah saba kanugrahaning Hyang Maha Kuasa;*
- d. *Makaten prasetya kula kekalih mugi Hyang Maha Kuasa tansah maringi pangayoman, ketentreman lan kebahagiaan.*

After the stages of marriage are completed, including saying the *prasty*a promise, then the leader of the followers closes and stipulates that this marriage is valid. The closing sentence is stated in the expression “*Kanti punika upacara Perkawinan kula nyatakaken syah miturut Kerokhanian Sapta Darma*”.³¹

The Existence of Customary Marriages of Sapta Darma Communities

Indigenous peoples' unwritten law is a law that evolved from the community itself. The law that was born from this community is

³⁰*Ibid.*

³¹Persada Pusat, *Anggaran Dasar dan Anggaran Rumah Tangga Sapta Darma* (Yogyakarta: Persatuan Warga Sapta Darma, 2010), p. 35.

believed and practiced as the customary norms of the community.³² These norms include beliefs, social norms, and also kinship norms. In the matter of marriage, indigenous peoples also have their own norms that are believed and practiced by their followers. This also applies to the Sapta Dharma belief. The marriage practice of the Sapta Dharma community, which refers to their customs and beliefs, is still practiced and preserved to this day. People who live in Sapta Dharma believe that the teachings of their ancestors must be preserved because they are sacred, including in matters of marriage. The practice of customary marriage is believed to be true by its followers and does not conflict with any norms because their marriage is carried out by fulfilling a number of conditions and pillars that have been set. As a result, their marriage is considered valid according to the laws and customs of their respective faiths.

Several terms and conditions in the marriage of the Sapta Dharma community, as explained above, include: (1) there must be a male and female bride; (2) there are witnesses, (3) there are both parents of the bride and groom, and (4) there is the head of the community of people who get married. In terms of substance, the terms and pillars of marriage for the community of *Sapta Dharma* adherents have complied with the belief's customary law provisions. However, the customary marriage system of the *Sapta Dharma* community cannot be justified to be legal by state law because of the formal requirements. A marriage is only considered valid if the marriage has been registered with the authorized institution (KUA or Civil Registration Office), as explained in Article 2 Paragraph (1) of the Marriage Law. This provision confirms that a valid marriage is a marriage that has met both material and formal requirements.³³

Regarding the marriage phenomenon of indigenous people who believe in *Sapta Dharma*, Supriadi stated that the marriage was only valid according to local customs. However, the marriage becomes legally flawed when dealing with state law because it is not officially registered with the government agency. When the married couple

³²Joejoen Tjahjani, "Kajian Hukum Adat Dari Perspektif Sosiologi Hukum," *Jurnal Independent* 8, no. 1 (2020).

³³Dian Mustika, "Pencatatan Perkawinan dalam Undang-Undang Hukum Keluarga di Dunia Islam," *INOVATIF: Jurnal Ilmu Hukum* 4, no. 5 (2011), p. 60.

wants to fight for their civil rights, they will face administrative-legal problems because the marriage was not registered.³⁴

The phenomenon of the unregistered marriage of the *Sapta Darma* community is not entirely born from the community of followers of *Sapta Darma*. They seem not to understand the importance of an authentic marriage certificate (marriage book) issued by an official institution. However, this is more due to a number of obstacles faced by them, as explained later. There has been no step of *affirmative action* from the government, which regulates the legality of the official who is authorized to register traditional marriages and is registered with the Directorate of Trust, Ministry of Culture and Tourism. Another constraint is that not all community adherents have Identity Cards (KTP). The religion column is not filled or wittingly left empty for adherents of *Sapta Darma*, who have an ID card. This is because the Local Government or Sub-District/Village still perceives that people who believe in *Sapta Darma* adhere to an unofficial religion. In this case, the state only recognizes six official religions, namely Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism, while *Sapta Darma* does not include in the official state religion category. However, the *Sapta Darma* belief in East Lampung still exists today. The existence of the belief and customary law of *Sapta Darma* adherents in East Lampung shows that it is a belief and the rule of law that lives and is carried out by its adherents.³⁵

Sapta Darma's continued existence in East Lampung is a result of the community's commitment to Pancasila values. Even Pancasila's values are incorporated into the teachings of his life. The community's existence and survival in Indonesia are due to the harmony of *Sapta Darma's* principles of life with Pancasila. Pancasila is one of the points contained in the teachings of *Wewarah Pitu*, which they have firmly held as a way of life that leads to prosperity in the world and the hereafter. The members of *Sapta Darma* community believe that the values contained in *Pancasila* contain the values of the

³⁴Online.com, "Pencatatan Perkawinan Penghayat Kepercayaan Masih Terkendala."

³⁵Tjahjani, "Kajian Hukum Adat Dari Perspektif Sosiologi Hukum", p. 5.

teachings of virtue which include, among other things, Belief in One Supreme God, just and civilized humanity, the value of unity, and social justice. *Pancasila* is the ideology of the Indonesian nation-state. The planting of *Pancasila* in the teachings of *Wewarah Pituadhere* is also meaningful as a symbol or evidence of implementation shown by the people who support *Sapta Darma* belief in maintaining harmony and unity and the unity of the Indonesian nation. This is also related to the cultivation of the spirit of nationalism. Besides having a symbolic meaning, *Pancasila* in the teachings of *Sapta Darma* is also not just a basic norm. *Pancasila* is interpreted by them as an added value that is not only memorized but also revered, much like the holy verse of the five *Pancasila* points included in the 1945 Constitution.³⁶

Sticking to the values of *Pancasila* contributes to the existence of this belief. It is also guaranteed by law in Article 18 Paragraph (2) of the 1945 Constitution (Second Amendment), as noted below.

"The state recognizes and respects customary law community units and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia as regulated in of the Republic of Indonesia. Constitution."³⁷

In law No. 6 of 2014, it is mentioned that traditional village is recognized by the state through the Article 103 letter D and E.

"Settlement of disputes custom based on customary law in indigenous villages in the region in line with the principle of the right of human rights by deliberation; as well as holding peace sessions for customary village courts following statutory provisions."³⁸

According to state law, the state stipulates that a legal marriage is a marriage registered by a state institution, which has been regulated

³⁶Fathur Rozy dkk., "Konstruksi Sosial Masyarakat Penganut Sapta Dharma dalam Memegang Teguh Nilai Pancasila", *Jurnal Perspektif* Vol. 4 No. 1 (Mei 2020), p. 25.

³⁷Article 18 Paragraph (2) of the 1945 Constitution as a result of the Second Amendment. See also Joejoen Tjahjani, "Kajian Hukum Adat dari Perspektif Sosiologi Hukum", p. 228.

³⁸Joejoen Tjahjani, "Kajian Hukum Adat", p. 228.

in the applicable legislation. However, there are still many people who carry out the marriage process without referring to the rules set by the government, especially related to the administrative aspect. In this case, many people do not register their marriages in government institutions that are indeed appointed and authorized to register marriages. This is due to the plurality of customs or traditions in marriage in this country, resulting in legal dualism in society, both of which have different sides. Nevertheless, the state still has an obligation to protect and safeguard the rights of people who live in *Sapta Darma* belief when their human rights are not fulfilled due to the customary marriage system that is not registered with government institutions.

Obstacles of Marriage Registration for the Followers of *Sapta Darma* Belief

The procedure for recording marriages for *Sapta Darma* community members in East Lampung has only been carried out by custom. Marriages have not been officially registered through government agencies such as the Civil Registry. If referring to the Marriage Law in force in Indonesia, a legally valid marriage is a marriage that is carried out and registered by an authorized government agency.³⁹

According to Indonesian law, marriages performed in accordance with the *Sapta Darma* belief should be reported immediately to the Office of Religious Affairs (KUA) or the Civil Registry Office no later than 60 days after the customary marriage. The report should also attach a certificate of customary marriage signed by a religious leader.⁴⁰ This is because the organization of *Sapta Darma* believers does not appoint a leader of the adherents to be the registrar of the customary marriage. Unregistered marriages bring a serious impact on the husband and wife and their children. The unregistered marriage practice has implications for legal uncertainty for children born from the marriage. According to Supriadi, couples

³⁹Liky Faizal, "Akibat Hukum Pencatatan Perkawinan," *ASAS: Jurnal Politik, Hukum, Ekonomi dan Kebudayaan Islam* 8, no. 2 (2018).

⁴⁰Sukirno, "Rekonstruksi Pencatatan Perkawinan Bagi Penghayat Kepercayaan Komunitas Adat," *Jurnal Hukum Progresif* 7, no. 2 (2019), p. 129.

who want to get married should first notify the leaders of the believers appointed by the Association of Believers. However, marriages have only been carried out according to local customs so far. This marriage is valid according to custom. However, when dealing with state law, the marriage becomes legally flawed. They face legal problems when they want to fight for their civil rights because their marriage is not officially registered with the institution that is authorized to do so.⁴¹

However, the unregistered marriage of *Sapta Darma* believers is not without reason. They generally find difficulties registering their marriage at the government marriage registration agency legally. This is due to several things, including:⁴² *First*, there is no legal regulation from the government that regulates which officers are authorized to record traditional marriages and are registered with the Directorate of Trust, Ministry of Culture and Tourism. On the other hand, the organization that adheres to *Sapta Darma* also does not appoint a *penghulu* (marriage administrator) who has the authority to record and sign traditional marriages. *Penghulu*, who are appointed on an ad hoc basis, is also not registered to be determined by the Directorate of Trust at the Ministry of Culture. This is because there is no government regulation that specifically regulates these technical matters.⁴³

Second, there is a stigma from the majority that the followers of the *Sapta Darma* belief are *animists*. This stigma fostered the mindset that the *Sapta Darma* adherent community is not religious, infidel, or primitive. Even though the people who believe in *Sapta Darma* only carry out the spiritual culture of their ancestors, the sect still believes in the existence of God Almighty. The negative stigma that judges adherence to the *Sapta Darma* belief non-religious or infidels is not a simple matter. It is a perspective that proliferates perceptions and discrimination against the human rights of the *Sapta Darma* believers.

⁴¹Hukum Online.com, "Pencatatan Perkawinan Penghayat Kepercayaan Masih Terkendala," 2009.

⁴²*Ibid.*

⁴³Herman Hendrik, "Permasalahan dalam Pelayanan kepada Penghayat Kepercayaan terhadap Tuhan Yang Maha Esa", *Inovasi*, Vol 16, No. 1 (2019), 37.

This was stated by one of the prominent *Sapta Darma* followers in East Lampung Regency (initials JH). He said:

"The basic problem with the existence of this negative stigma is the way people view adherents of the belief system and the low tolerance for this minority group. This negative stigma has been deeply rooted in the minds and perspectives of the general public, which is difficult to remove"⁴⁴

According to the follower, who requested anonymity, the negative stigma associated with followers of the *Sapta Darma* belief is felt by other groups of believers as well. They are often ostracized by the majority of society. Although adherents of this belief have never interfered with other religious groups, negative stigma has been lingering in the minds of the general public for so long that it is difficult to remove. When this negative stigma is labeled to the *Sapta Darma* belief group, there are many negative things, including political rights and public services, that are often neglected.⁴⁵

Third, not all *Sapta Darma* adherents have an Identity Card (KTP). This is because the local government or sub-district/village perceives people who believe in *Sapta Darma* as people who do not adhere to an official religion recognized by the state. The state only recognizes six religions, while the ancestral beliefs are not categorized as official religions. When the religious column on the ID card is blank, it is not uncommon for *Sapta Darma* followers to not get services regarding the legality of legal administration. Even the Central Indonesian Ulema Council (MUI) regretted the decision of the Constitutional Court (MK) No. 97/PUU-XIV/2016 regarding the inclusion of the religion column, the religion of the believer. According to the Central MUI, the Constitutional Court acted hastily because its decision equated religion's position with the flow of belief. The Constitutional Court's decision explained that "the state must ensure that every believer in Indonesia can fill in the religion column in the Identity Card (KTP) and Family Card (KK). Through this

⁴⁴Interview with one of the traditional leaders of the *Sapta Darma* Belief Community (initial SJ), on December 13, 2020.

⁴⁵*Ibid.*

decision, adherents of a belief have the same legal standing as followers of six religions.⁴⁶

In addition, there is also Law No.1/PNPS/1965 concerning the Prevention of Abuse and/or Blasphemy of Religion. Indonesia is Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism (Confucius). The contents.⁴⁷

Although the Constitutional Court, through its decision Number 97/PUU-XIV/2016 concerning the Examination of the Population Administration Law, has decided on equality for all citizens without exception, unfortunately, there is no harmonization of the population administration system nationally.⁴⁸ This negatively impacts the people who believe in *Sapta Darma* to get public services and civil rights. One of the difficulties faced is when they want to register a marriage officially. This is as expressed by one of the adherents of the *Sapta Darma* belief:

“... There are many adherents who want to revise their ID cards. When meeting with officers, many officers did not know the results of the Constitutional Court's decision on civil rights for believers' beliefs. So it really depends (officers) too. Many officers are not uniform in understanding the results of the Constitutional Court's decision. So it is very dependent on the authorities in the field. There are even officers who have a stigma against followers so that they seem unwilling to serve. There are those who personally know the rules and the results of the Constitutional Court's decision but are impressed 'oh, the

⁴⁶Kristian Erdianto, "MK: Hak Penganut Kepercayaan Setara dengan Pemeluk 6 Agama", <https://nasional.kompas.com/read/2017/11/07/11495511/mk-hak-penganut-kepercayaan-setara-dengan-pemeluk-6-agama>. Access 13 September 2018.

⁴⁷Syafi'ie, "Ambiguitas Hak Kebebasan Beragama," p. 678.

⁴⁸Peri Gustiranda Gomgom T. P Siregar, Rudolf Silaban, "Kebangkitan Hak-Hak Sipil Penghayat Kepercayaan Parmalim Pasca Pasal 61 Ayat (1) Putusan Mahkamah Konstitusi Nomor 97/PUU-XIV/2016 Di Kota Medan," *JURNAL RECTUM* 2, no. 2 (2020), pp. 80–83.

form is out, it hasn't been printed' 1001 reasons because maybe they don't understand.”⁴⁹

From the explanation above, it can be seen that the followers of the *Sapta Darma* belief experience many obstacles and problems in registering marriages, and this ultimately has implications for the absence of legal certainty, especially for their wives and children when they have to deal with the law. This is adequately detrimental to the wife and children. When their household faces problems, they cannot claim their rights to court, such as child custody, joint property rights for women (wives), and inheritance rights because they do not have legal evidence that is recognized by the state. In addition, the absence of authentic evidence of parental marriage makes it difficult for them to take care of the Child's Birth Certificate, obtain access to education, health services, social assistance, and several other public services.⁵⁰ In addition, children will also experience a psychological burden because they are considered illegitimate children or children of adultery, often bearing unfair treatment and bad stigma in society. The absence of authentic evidence of marriage registration also causes marriages to be prone to divorce and infidelity.⁵¹

Conclusion

Based on the study above, the following conclusions are obtained. *First*, the teachings and legal rules of *Sapta Darma* remain embraced by some people in East Lampung. The existence of the *Sapta Darma* community in East Lampung depends on how they hold the values of Pancasila. Politically, they are aware that they should not conflict with the state ideology. Socially, the *Sapta Darma* believers are polite, friendly, and social-minded intending to soften the resistance

⁴⁹Interview with one of the traditional leaders of the *Sapta Darma* Faith Community (inisl K), December 13, 2020.

⁵⁰Habib Shulton Asnawi, “Politik Hukum Putusan MK Nomor 36/PUU-X/2012 dalam Upaya Mengembalikan Kedaulatan Negara dan Perlindungan HAM,” *Jurnal Konstitusi*, 2013, p. 241, <https://doi.org/10.31078/jk1324>.

⁵¹Habib Shulton Asnawi, “Dasar Hukum Hakim Mahkamah Konstitusi dalam Memutuskan Perkara No.46/PUU-VIII/2010 Tentang Status Hukum Anak di Luar Nikah (Perspektif Hukum Islam dan Hak Asasi Manusia),” *Fikri: Jurnal Kajian Agama, Sosial Dan Budaya* 1, no. 1 (2016), 48.

from the majority. In the context of marriage, they believe that their marriage practices are not against national law. *Second*, the *Sapta Darma* community in East Lampung has experienced problems in the process of registering their marriages in state institutions. These obstacles are linked to three facts. (1) The organization of *Sapta Darma* believers has not appointed a specific figure/person to serve as the head of the community in charge of registering the marriages of its members. (2) Many people stigmatize the *Sapta Darma* believers as animists. This negative stigma strengthens the assumption that the *Sapta Darma* believers have not followed any (official) religions. This fertilizes the delicate situation for the *Sapta Darma* believers because they feel excluded from the majority in certain conditions. (3) Not all followers of *Sapta Darma* have Identity Card (KTP). This condition makes it difficult for them to meet the administrative requirements for registering their marriage.

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