



Religious Freedom for Indigenous Religions: A Case Study of Sapta Dharma Cemetery

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Abstract

This study aims to analyze the encounter of cemetery cases related to Sapta Dharma indigenous religion and how it deals with the state's regulation on the religious freedom in terms of expression and negotiation with the participants including the society as the victim, the local government, and the dynamic interaction among them. The framework of religious freedom by Elizabeth Shakman Hurd on Believing in Religious Freedom and the discourse of Human Rights and Religion within the debates by Rosalind. I. J. Hackett used to analyze the data. This study found that the case of cemetery in Sapta Dharma in some villages which are located in the region of Brebes Central Java underlines a significant notion on the expression of religious freedom for the Indigenous Religion. Religious freedom in the case of the needs of cemetery in Sapta Dharma also attaches the idea of majority and minority. Sapta Dharma as the minority and Islam as the majority of religion in Brebes create another standing point on the notion that minority is always in contact with such discrimination and oppression. Negotiation and mediation are two important things in putting off the case.

Keyword:

Religious Freedom, Sapta Dharma Cemetery, Negotiation

Introduction

The position of state in taking control toward religion within a society in Indonesia underlines the significant role in terms of conceptual and practical framework of religiosity. In a conceptual aspect, the state creates

such categorization on lists for religion itself. It implies an institution in establishing the so-called religion when it qualifies the standards made by state. How the state puts such a definition on religion is the point in this discourse. Since this definition influences the aspect where the state makes the standard on its category, in what kind of belief that fits to the categorizations underpins the important discussion in the religious affairs? This statement is in line with Elizabeth's argument, "Belief is the defining feature of religion." (Elizabeth 2012: 1). With this in mind, regarding the standard of religion, the existing of God, prophecy, scripture, followers of belief are on the list of feature while the absence of those categories for a particular religion is considered as a non-religion. Meanwhile, the practical aspect is also influenced by the conceptual belief and theological framework as well. In brief, the state has an authority in managing the religious stuff within a society.

In contact with the state's authority on religious affair, it is clearly stated in the constitutional law, section 29 in 1945: (1) The State is based on a belief in one supreme God and (2) The State guarantees the independence of every person to embrace their religion and to worship according to his religion or belief. These verses indicate that the ideology of Indonesia in terms of religiosity and its activity rest on the supreme God. Every single person as a citizen is in obligatory to embrace one of the recognized religions by the state such as Islam, Christianity, Catholicism, Buddhism, Hinduism, and Confucianism. Each citizen also has the right to worship in accordance with his religious affiliation without restriction and force from the others including from the state. This idea relates to the idea of religious freedom. In brief, this issue is ideally confirmed and clarified by the state as a part of human rights.

Furthermore, it needs to be taken into account that religious freedom takes more spot in discussion in real life. The rights of embracing one particular religion, the rights of worship, and the rights of religious

expressions implemented in using such religious stuff and symbol in the daily activity have become a certain proposition in particular social matter. The state's decision including the regulations on religious matters in validating the six official religions which are known as world religions confronts the other object of religion, in this case is indigenous religion.

The existence of indigenous religions in several parts of Indonesia could not be eluded in the condition where the world religions have come above the surface of population. Indeed, the world religions cannot replace them in terms of affiliation and cultural domination. The facts prove that some indigenous religions still take possession of growth and amount of followers. One of them is the case of indigenous religion called Sapta Dharma which is still growing quite rapidly.

The ideal roles of the state in the context of religion and society are to protect, respect, and fulfill the society needs and rights. Conversely, those roles have less nothing to do with equality and equal treatment concerning discrimination, especially in the case of religious affairs. Since Sapta Dharma is not categorized as a recognized religion in Indonesia, this issue is significantly demanding to be critically analyzed. The present paper will focus on the dynamic interaction of religious freedom between the state as having the top authority in terms of regulation and law and the actor of belief in religious affiliation of Sapta Dharma.

A religious freedom becomes the general issue in this paper. There are many issues regarding the context of religious freedom that are also tightly related to human rights. They are for instance; a right of education, to worship, to express opinion in public, etc. To specify the focus, I take the case of cemetery in Sapta Dharma indigenous religion in the region of Brebes, Central Java.

As a matter of fact, the followers of Sapta Dharma have less access in the public sphere including the access of proper funeral when its members pass away. Some cases have occurred which lead directly to a

conflict between the society and the local government. The background is due to the fundamental reason concerning the affiliation of Sapta Dharma which is not institutionally legalized as an official religion of the state. In my assumption, this issue can be included in the category of religious freedom in such expression underlying the right of Indonesian citizen as well as the religious people when it deals with the case of death.

Furthermore, this paper will analyze the encounter of cemetery cases related to Sapta Dharma indigenous religion and how it deals with the state's regulation on the religious freedom in terms of expression and negotiation with the participants including the society as the victim, the local government, and the dynamic interaction among them. In line with this, the framework of religious freedom discussed by Elizabeth Shakman Hurd on her article, "Believing in Religious Freedom" and the discourse of Human Rights and Religion within the debates by Rosalind. I. J. Hackett will be used to analyze the data. Hence, I argue that this kind of conflict can be addressed as one of the government's failure in fulfilling the right of its citizen in terms of having the rights of religious freedom especially in the case of cemetery. In addition, another assumption is that the issue of cemetery in Sapta Dharma Indigenous Religion is another problem in the form of religious freedom which is neglecting the position of official religions as the object of the matter. It means that the official religions here play a significant role in causing the absence of indigenous religion in the public sphere through such discrimination.

The Case of Sapta Dharma Cemetery

Looking at the slight historical background, Sapta Dharma was established by Hardjosapoero in 1952, in Pare Kediri East Java. Its establishment was based on a spiritual revelation which was gotten in December 27 by Arjo Sopuro, the real name of Hardjosapoero.¹ The

1 <http://saptadarma.org/pages/wewawah.html>, last accessed in June 4, 2015

revelation is consisted in seven theological aspects as the foundation of its religiosity which covers the spiritual and practical element of the followers' relationship with God and mankind. Over time, these types of beliefs are spread out all over Indonesia. One of them is in the regency of Brebes, Central Java. The approximation of its population is 1,200 people.² This data shows that Sapta Dharma could demonstrate its existence in the amount of growth and performance.

The issue of cemetery in Sapta Dharma indigenous religion takes focus in Brebes Region. Some cases were found there that exhibits a critical conflict among the followers as the local inhabitant and the local government as the stake holder of every single regulation made in the performance of civil law. The first case is found at the setting of Siandong Village, Larangan district, Brebes (Anwar 2014a). The case happened in 2014. In the narration, Jaodah, one of the followers of Sapta Dharma, had passed away on Monday, December 8 at 10.00 AM. She was forced to be buried in the yard next to her home. This case is due to the fundamental reason regarding her status of religion, Sapta Dharma, which is not recognized officially by the state. Even though the family of the victim has tried to negotiate with the local government in order to get the space in the public graveyard, it unfortunately did not work.

Another reason which triggers the first case is about the conception of minority. When it comes to the idea of minority, the majority plays an influential role in managing the authoritative land and also social regulation. It has nothing to do and deal with the existence of minority as experienced by this kind of Indigenous Religion. Obviously, Sapta Dharma is categorized as the minority under the majority of Islam, the religion which is embraced by most of the people in this area. The denial treatment can be known from one of the evidence on the report

² <http://jurnal.elsaonline.com/?p=66#more-66>, Last accessed in June 3, 2015

information from the news below:

“This rejection is due to an exclusive reason that TPU (public graveyard) in Siandong is merely used for the public funeral, in this case referring to the Muslim members as the majority. Other than that is not allowed.”³ (Tempo.co, accessed on April 17, 2015)

Another evidence is stated by Carlim (45), one of the followers of Sapta Dharma as well as the leader of Sapta Dharma community in the sub-district of Cikandang, Brebes, Central Java. He narrates that there are many problems which are often experienced by the believers of Sapta Dharma in his area especially in terms of education and cemetery. He said, “The matter of education and cemetery are the problematic case for Sapta Dharma believers.” (Thursday 4/12) (Anwar 2014b). Carlim saw this evidence when his nephew passed away. The funeral and burial processes which initially would be held in the public graveyard, Cikandang, did not get the permission from the local government due to the reason that the public graveyard belongs to Muslim community while Carlim’s nephew is not a Muslim.

The following case also happened in the same region but in the different district which is in Sigentong Village. The problem tends to be quite similar with the previous one. The Sapta Dharma Indigenous Religion just does not get access to public cemetery. To follow this, the local government in collaboration with the other authoritative people such as the Muslim leaders who have great influences in the area makes such a compulsion regarding the issue of cemetery.

“The members of Sapta Dharma in Sigentong Village, Wanasari, Brebes Region, were forced by the local government, the police officer, and also Religious Affair Officer to create their own funeral. According to the commandment from the local government in the district level and also the local

3 Personally translated by the author.

Muslim leaders, people who are affiliated in Sapta Dharma Indigenous Religion are not allowed to entomb in the public graveyard that belongs to the Muslim community.”⁴

Hence, in response to the act of the local government and the leaders in the village, the members of Sapta Dharma organize a private assembly to find out the solution for the case of their cemetery. In accordance with the source gotten, finally, a decision to empower the members’ contribution in earning the fund is the final result from their discussion. It is one of the solutions which could be done in order to overcome the conflict. Therefore, from this effective action, Sapta Dharma indigenous religion in Sigentong Village finally could have their own cemetery.

“The members of Sapta Dharma soon confabulate and produce a certain result and decision regarding the funeral place. The decision is every single follower of Sapta Dharma in Sigentong Village, is sincerely asked to give contribution of money without determining the exact number for each. It aims at collecting the fund to purchase a land and make it as a burial place for Sapta Dharma members. By the 2012, the followers of Sapta Dharma in Sigentong village have their own cemetery place which is located nearby the public graveyard of Sigentong.”⁵

Other obscure issue which is still regarding the building of Sapta Dharma’s graveyard is about the local government’s response. The establishment of the cemetery has nothing to do with the government help in terms of funding. Sapta Dharma with the community really strives hard to fulfill the need of money in realizing the project of cemetery land. It could be seen from one of the people’s statement in clarifying the issue.

4 Personally translated by the author. <http://jurnal.elsaonline.com/?p=66#more-66>, last accessed in June 4 2015

5 Personally translated by the author, <http://jurnal.elsaonline.com/?p=66#more-66>, Last accessed in June 4, 2015.

“The government did not give or provide even a little contribution of money to create Sapta Dharma’s graveyard. The followers of Sapta Dharma build it themselves,” said Waras, one of the members of Sapta Dharma who showed the location of the cemetery which is approximately 300 meters from his home.” (Anwar 2014c)

Furthermore, the other narrative also indicates that the conflict of cemetery of Sapta Dharma Indigenous Religion is very problematic. Not too far from the situation of Sapta Dharma in Sigentong Village, the members of Sapta Dharma in Sikancil Village, Larangan district, also should create their own cemetery in 2009. This case is caused by the rejection from the Muslim Community toward the corpses who belong to Sapta Dharma Indigenous Religion not to have a burial process in the public graveyard. Consequently, most of the victim at the past decided to treat their family who passed away in their own private yard, in front of the house. This activity is one of their acts in preventing a long process of debate with the local government.

To some extent, if I take a kind of assumption toward the cases narrated above, the world religions take off the position of Indigenous Religion, in this case Sapta Dharma, in dealing with its expression in religious freedom. This assumption underlines the specific issue in which Indigenous Religion as the objective discourse has nothing to do with the legalization and recognition as what the world religions could have.

Similar cases happened in four areas; Siandong, Sigentong, Cikandang and Sikancil Villages which are located in the same region, Brebes, Central Java, could give the evidence of the absence of expression in the case of religious freedom which also has a tight relation with the aspect of human rights.

The Analysis of Sapta Dharma Conflict on Funeral Process

In this part, the present study will explore the analysis in regard to the case of cemetery in Sapta Dharma Indigenous Religion. Elizabeth Shakman Hurd provides an account of believing in religious freedom with the important feature of defining the faith itself in the context of religiosity. Let us take one analysis on how she puts the narrative of religious freedom in such a definition in the contextualization. One of Elizabeth's words on the religious freedom is that, "It is a story of human progress and emancipation, of transforming conditions of religious oppression to liberate individuals" (P.1). The substantial meaning within this statement implies that religious freedom significantly refers to human need in the actualization of upturn for getting the space in terms of individual requirement or communal necessity for particular aspects of life. Those things can be depicted in the stage of emancipation in purpose to move from the oppressed situation toward the liberation either individually or as a community. Therefore, the idea of progress in the aspect of religious freedom positions the context of transformation in the top level of the execution.

In contact with the interpretative aspect above, when we come to the case of cemetery as the point of the conflict in the state of religious freedom, the state becomes the actor making the regulations as well as the restrictions toward the community of Sapta Dharma. Its action is to create limitations for minority in demonstrating their emancipation. This phenomenon is also caused by the majority which has the high power in rising up the voice under the discrimination of minority. If we put the case to the analysis, the limited space to express their existence as a citizen in Brebes region to have their opportunity to be recognized the religious identity becomes the first assumption. Then, it calls the acknowledgment from the government and the society in general especially from the majority to be treated equally in terms of having funeral process. Afterwards, it

supports the absence for the negotiation in terms of response as the solutions when the public rejects the members of Sapta Dharma to have burial process in the public graveyard owned by the village.

To some extent, taken from several cases on cemetery process which experienced by the members of Sapta Dharma in some districts in Brebes, Central Java, I map three landmarks on how the issue is going to be put in the stage of analysis. These landmarks are based on the story of rejection on burial process for Sapta Dharma members, the negotiation with the local government and other figures in charge, and the following response on how this problem is brought about the surface for a solution. Indeed, these kinds of ideas give a depiction on the complexity between the relation of religion and human rights. According to Hackett in his text on the issue concerned, "Religion and human rights both share complex existences as concepts, constructs, and as instantiations." (Hackett 2005: 15). Indeed, this statement supports the idea of dynamic interaction of both religion and human rights in their own circle communication.

First of all, it is about the idea of minority and majority within a religiosity. In this concern, minority refers to the followers of Sapta Dharma while the majority refers to Muslim community. To analyze it, Hackett states in his essay about this idea which mentions that, "There is a strong focus on minority religions, since this type of religious organization is more (and more) subject to limitations and repression (Hackett 2005). From this statement, let us see firstly the status of Sapta Dharma itself which is still debatable about the existence even the legalization as the Indigenous Religion. Obviously, a minority often deals with such discriminations in terms of limitation and repression. A limitation to show off in the public sphere and the repression on the certain social issue due to a critical identification are the substantial matter. At first, the Indigenous religion of Sapta Dharma is less recognized by the state as well as the society. Its existence is even positioned as a deviant. It refers

to what Hackett is emphasizing at the type of religion itself. The type of religious affiliation determines at what position the follower is, either the subject of the oppression or vice versa. Therefore, the initial recognition from the society in general as well as the government in particular has become problematic in the way of the following acknowledgment as well as the treatment they get.

The second one is on the follow up of the case of the renouncement of this kind of indigenous religions, such as Sapta Dharma. It is about the state's treatment and regulation toward Sapta Dharma when they propose to get the rights in practicing their religious and social activities. Taking the case of cemetery process as the central conflict in this paper, it could be seen from how the local government gives such policy toward the members of Sapta Dharma, especially for the members who have just passed away. There is no good reaction which directs the conflict to the clear solution provided by the government. The members of Sapta Dharma cannot do their best either in conducting their activities due to the existing restriction. This statement can be proved from one of the narrative above when the local government put their position in giving no fast treatment for the citizen's corpse. Even, they tend to take the majority's assumption in regard to religious affiliation. Consequently, the members of Sapta Dharma are excluded from the space of public graveyard. Therefore, they were forced to be buried in the private yard nearby their family's home.

“Indigenous religions are commonly subject to exclusion or negative treatment. Lacking institutional mechanisms to represent themselves in the public sphere they may be dismissed as ‘culture’ and therefore not subject to the protections afforded to recognized religious groups (Hackett forthcoming; Mutua 1999). Likewise, their practices may be considered to be anti-social, inhumane or a threat to public health (Quashigah and Obiora 1999); (Hackett 2005: 13).

The supporting argument stated by Hackett above could also indicate the situation of indigenous religion which tends to be always a subject of lacking good treatment either from the state or the society in general.

The last one regarding the analysis of the case of cemetery process in Sapta Dharma is about an act of negotiation as the manifestation of striving for human rights fulfillment. This aspect affiliates many kinds of participants such as the members of Sapta Dharma as the subject as well as the object of this case, the local government as the form of state's control, and the people in general including the figure in society or the religious institution leaders. If we see from the previous narrative, the final execution that the members of Sapta Dharma take in order to overcome the conflict of cemetery in every single place is by purchasing land for Sapta Dharma graveyard. It is a kind of idea or local negotiation among the members of Sapta Dharma by neglecting the authority of state. It is because the local government put off its policy and solution for this conflict. Therefore, empowering the members' contribution and effort is in a way the best solution for them.

Conclusion

To some extent, the case of cemetery in Sapta Dharma in some villages which are located in the region of Brebes Central Java underlines a significant notion on the expression of religious freedom for the Indigenous Religion. Even though the state plays an important role for every single regulation and policy in the society, the fact that it does not always qualifies the real condition where many cases become a conflict that is problematic in away. This kind of situation often confronts the idea of human rights in terms of its limitation and restriction.

The problem of burial process which is experienced by some of the followers of Sapta Dharma deals with this kind of limitation and

restriction. The limitation can be seen from how the state does not provide the space for the members of Sapta Dharma to get the equal access as what the world religions have, in this case is Islam as the dominant religion, in dealing with such regulation and civil law. The restriction also can be seen from the prohibition to have the cemetery process in the public graveyard. This prohibition comes from society in public which is also supported by the local government implemented by the people in charge and the religious leaders. These cases are due to a fundamental reason concerning the religious status of Sapta Dharma that is constitutionally not categorized as the official religion on the state's legalization.

Religious freedom in the case of the needs of cemetery in Sapta Dharma also attaches the idea of majority and minority. Sapta Dharma as the minority and Islam as the majority of religion in Brebes create another standing point on the notion that minority is always in contact with such discrimination and oppression. Negotiation and mediation are two important things in putting off the case. Therefore, from the narrative of the story, the followers of Sapta Dharma eventually make a private policy to overcome the case of cemetery by empowering the members' contribution in building the graveyard for Sapta Dharma community.

In brief, the failure of state in managing the diversity in terms of religion freedom for the existence of Indigenous Religion, Sapta Dharma, has come to the surface of discussion. It can be demonstrated from the case of cemetery which is according to the data gotten, the state implemented in the local government gives the less contribution as the solution in terms of negotiation and mediation between the members of Sapta Dharma and the case that invites the other participants and the society in general. It is very difficult to understand that the state does not provide mediation in regard to human rights concerning religious freedom while in Pancasila as the pillars of our country, believing in the God as the first important level, means that Sapta Dharma is actually also in line with this aspect.

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