

The Ugamo Malim Minority Religion in Indonesia: Rights Violation and Inefficiency of Legal Framework to Protect Its Identity

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Abstract

Even though Ugamo Malim (Malim Religion) is the original religion of the Batak ancestor in Indonesia, most Batak people have abandoned it and converted to the imported religions such as Christian and Islam. Ugamo Malim is considered not to believe in God are only spirit (Mula Jadi Nabolon) worshipers. Due to state recognition of religion is categorical requirements in Indonesia, it loses the opportunity to gain legal identity, employment, and opportunities as civil servants. Indeed, Law No. 1 PNPS 1965 on Blasphemy Law excludes Ugamo Malim as one of Indonesia's official religions, except Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism. This article is socio-legal research, discusses discrimination and rights violations of the Ugamo Malim from minority and discrimination theories by using related legal material to discuss the problems. The author argues that the legal framework's inefficiency in protecting its identity and analyzing whether this cultural identity will disappear and warn minorities in the future.

Keywords: 1. Ugamo Malim; 2. violation; 3. unofficial religion; 4. identity.

Introduction

Besides its diverse ethnic and linguistic group, Indonesia is home to various tribal religions and belief systems. As just over 87% of Indonesians are Muslim, 9.87% are Christian, 1.69% are Hindu, 0.72% are Buddhist, and 0.56% practice other faiths (World Population Review, 2020). The only 0.56% of minorities consist of folks religion, tribal belief, or religious sects such as *Kejawen*, *Ugamo Malim*, *Sunda Wiwitan*, etc. Whereas, *Ugamo Malim* adherents are estimated merely 6,000 people and spread throughout the country (Sirait, 2017). *Ugamo Malim* (Malim Religion) is one of the hundreds of Indonesia's traditional religions that do not receive legal recognition by the state, especially from those who do not know and understand *Malim* Religion (Aulia 2017). The Batak community group, not Christian or Muslim, however belonging to a faith school and still revere the *OmpuMulajadiNabolon*, *Batara Guru*, *Soripada*, *DebataAsiasi*, and spirits ancestors. This group is named

adherents of the Malim religion or the religion of the king Batak; its followers are called Parmalim (Simanjuntak, 2009). The Parmalim (*Ugamo Malim*), according to the Law No. 1 PNPS 1965 on Blasphemy Law, is not recognized as a religion by the state. The Parmalim is a belief system instead of a religion. Hence, it does not get full protection from the state. The state guarantees maximum freedom to state recognized religions only, and on the other hand, discrimination and limitations of the Ugamo Malim minority's rights occur. Consequently, the substance and its existence have declined because Ugamo Malim followers abandoned this belief and chose to convert to a religion recognized by the state and fear being called an irreligious person.

Research Methodology

To achieve this article's objectives, the authors use socio-legal research and discuss discrimination and rights violations of the Ugamo Malim from minority and discrimination theories by using related legal material to discuss the problems. The authors start with the definition of the Parmalim belief system, and the history of the *Parmalim* indigenous religion and discuss the traditional instruments concerning protecting these rights. The authors also describe the situation of the *Parmalim* in terms of religious life, the problems, and the state's treatment, whether it takes any measures to maintain religious diversity in its territory. The authors also describe the state's responsibility to uphold the right to freedom of religion regarding the fact that Indonesia is a party to several international covenants.

Moreover, the authors analyze if the religionization policies can reasonably protect the *Parmalim* adherents from professing and practicing their belief. This research aims to understand why Ugamo Malim faces discrimination that leads to the loss of Batak's culture. This objective is best to achieve by examining the Ugamo Malim premise and its performative relatedness to Batak's culture. Specific reference will be made on the correlations between Ugamo Malim restriction on freedom and the decline of Ugamo Malim's existence, leading to the loss of identity.

The article consists of five parts. Part I elucidates research background. Part II provides Methodology. Part III explains Theoretical Review and Framework. Part IV Result and discussion. Part V offers a possible solution in the conclusion and recommendations for future reference.

Literature Review

Previous scholars define interrelatedness between religion, culture, and identity from different angles and perspectives. Geertz made the most influential ideas on the interconnectedness of culture and religion. He states that religion is a cultural system (Geert, 1973). Religion integrates culture, tradition, identity, or religion as artistic expression (Angerler, 2016; Law, 2015; Boyer 2001). Religion's importance is central to the identity and a critical dominant identity formation (Coleman & Collins, 2004). Some scholars claim that loss of faith is a loss of identity.

Though Ugamo Malim is increasingly abandoned, especially by modern Batak people, however, there are many things to be learned from its ways, specifically how to maintain the relationship between humans and creator and appreciate God's creation. Ugamo Malim's teachings adjust human relations with God (*DebataMulajadi Na Bolon*) and regulate human relations because they contain values, norms, and guidelines full of meanings (Situmorang 2017). Parmalim is also a belief, religion, or identity of some Batak people (Wildan 2016).

Because the *Parmalim* is not state-protected and supported by religion (Renaldi, 2014), it formally uses as culture (Woodward, 2011), this has undoubtedly contributed to discrimination. Based on Presidential Decree No. 1 PNPS 1965, state is perpetuating a system of faith-based on political recognition, and the religious role is to differentiate one citizen from another (Renaldi 2017). This difference leads to interpretation, which considers the belief system of the Parmalim is not a religion rather than a tribal religion.

Discussion

The Parmalim Belief System

Ugamo Malim comes from two words, namely "*Ugamo*" and "*Malim*." The word Ugamo means a pile or *Pelean* (collection or concoction of various objects made as offerings). Potions or Pulungan items made offerings that came to be called Ugamo or religion. Simultaneously, the word Malim means *ias* (clean) or *pita* (holy). Thus, etymologically in Batak language, Ugamo Malim' 's understanding is a collection or contribution of immaculate or sacred conclusions or objects of concoction.

Meanwhile, according to Ugamo Malim' 's terms, ugamo or religion is a way of meeting between humans and *Debata* (God) through sacred and holy offerings (*pardomuannihajolmaontuDebatamarhite pelean naias*). People who hold Ugamo Malim are called *Parugamo Malim* (Ugamo Malim) or commonly abbreviated as *Parmalim*. It means someone who is following the teachings of the Malim or the witch's life who is fulfilling the ingredients of the offerings (*pelean*) based on the instructions of God or *DebataMulajadiNabolon* (Gultom, 2010).

The Malim religion, which is called *Ugamo Malim* in the Batak language, is the original Batak religion. The original Batak religion did not have its name, but it emerged at the end of the nineteenth century, an anti-colonial movement. *Ugamo Malim* is a "local" native religion among the Toba Batak people. Lumbanraja (2017) claims that *Ugama Malim* is an original religion of this country, instead of imported. *Ugamo Malim* followers are Batak people living in Toba Samosir District, North Tapanuli, and other areas such as Simalungun District, Dairi District, and Central Tapanuli Regency (Wikipedia, 2020).

The *Parmalim* believes in the one and only God that has grown and developed in North Sumatra since ancient times. "*Lord DebataMulajadiNabolon*" is the creation of people, heaven, earth, and all the contents of the universe worshiped by *Ugamo Malim* ("Parmalim").

Initially, Parmalim was a spiritual movement to maintain the threatened customs and beliefs of ancient people due to the new religion brought by the Dutch. The Malim religion worships *DebataMulajadiNabolon* as the creator of life and demands that its adherents return to the Batak culture (Titah, 2017). This movement then spread the Batak land into political action or 'Parhudamdam,' which united the Bataks against the Dutch. The movement emerged around 1883 or seven years before the death of Sisingamangaraja XII, with its pioneer Guru SomalaingPardede.

Ugamo Malim has prostration and surrenders to God, Patik in the form of teachings about Orders and Prohibitions according to God's will. Poda Hamalimon as an example of thinking to act and behave towards others and nature and "Tona" as God's mandate delivered to Humans (Titah 2007). Parmalim conducts a routine ritual of worship every Saturday (Marari Sabtu) as a form of gratitude, worship, and glorifying *MulajadiNabolon*, the

creator of heaven and earth. In addition to Marari Sabtu. Parmalim also carried out various rules for Ugamo Malim worship, such as "Pameleon Bolon" as a thanksgiving ritual for life held in the fifth month (Sipaha Lima), the practice of forgiveness of the sins of "Mangan Napaet" in the 12th month, and celebration the birth of God's messenger for humanity at the second and third days of the first month "Sipaha Sada" on the Batak calendar (Titah 2007).

- a. *Mararisabtu* is a ritual of worship performed by Malim people (Parmalim) every Saturday, which aims as gratitude or what has been given by DebataMulajadiNabolon. This service is held in every place Malim Worship, also known as Bale Partonggoan. The Mararisabtu ritual starts around 10:30 WIB (Toba Samosir time). This worship is binding for all Malim wherever they are. So with that, on that day, all Malim people must be present at Bale Partonggoan.
- b. *Mangan Napaet* is a Batak term meaning "eating bitter foods." The Mangan Napaet represents ritual worship in the teachings of Ugamo Malim; the Mangan napaet is an acknowledgment of error in the past. The procession of prayer takes place a day before entering the year transition in the ugamomalim calendar. This ritual performance is around noon by eating bitter foods and refining from eating or drinking (fasting), even smoking for 24 consecutive hours, and ending the next day in the sun's position just above the head (around noon). The types of food consumed by the Malim during the *Mangan Napaet* ritual include anggiranggir seeds, papaya leaves, etc. Next, the next day, after holding back for 24 hours later, return together, the Malim gathered to eat as a sign that the detention period had ended.
- c. *Sipaha Sada* is a day commemorating the birth of the God Simarumbulubosi, which coincides with the second day (arisuma) and the third day (arianggara), which falls on Sipaha Sada month (first month). In connection with the birthday of the God Simarimbubosi, who fell on the second and third day of Sipaha Sada, the Sipaha Sada ritual is as a commemoration of the Batak New Year, at Bale PasogittHutatinggi for two days, attended by all Parmalim residents. Sipaha Sada ritual procession mix with Batak musical instruments such as hasapi, gondang, and others. The Sipaha Sada ritual is almost in line with the practice of Mangan Napaet; if Mangan Napaet is performed right at the end of the Batak year, then the first day (Artia) for Sipaha Sada Month becomes an intermediary with the commemoration of Sipaha Sada.

- d. *Sipaha Lima*, at Ugamo Malim, is a worship activity that is held once a year and is fit for three consecutive days, which falls on the 12th (Boraspatinitangkup), 13rd (SingkoraPurasa), and the 14th (Samisarapurasa) on the fifth day of the month (Sipaha) Lima) in Batak management. *Sipaha Lima* is a thanksgiving ritual for what DebataMulajadiNabolon had given the previous year. This annual event centered at Bale PasogittHutatinggi, Laguboti, which is followed by all Malim people because, in Ugamo Malim, this ritual is the largest, so it presents many arranged offerings.
- e. Martutuhaek is a ritual to welcome the birth of a baby in the teachings of Ugamo Malim. This ritual worships the acceptance of the spirit of Tondi, with the understanding that Debata has lowered his soul for each baby newborn (Human). Martutuhaek is held on the 30th day after the baby's birth and gives the newborn baby's name.
- f. Pasahat Tondi, in the Batak language, is divided into Pasahat and Tondi, while Pasahat means "to convey," and Tondi means "Spirit" of the deceased. Especially in the teachings of the ritual ugamo Malim Pasahat Tondi is very meaningful as the surrender or return of the spirit (Tondi) of a human to the Creator DebataMulajadiNabolon.
- g. Pardebataan, or Mardebata, is a ritual performed by religious Malim people for particular purposes, which are useful. The term Mardebata means "Debata worship" or Pardebataan " God worship." This ritual is especially a cult for Debata (God) through Pelean or offerings and mixes with GondangSabangunan and Gondang Hasapi. Also, a way for Parmalim citizens who have violated the Patik in ugamo Malim or other serious violations related to his Parmaliman status is then used as a media to promise not to do anything violates the Patik or Uhum.
- h. Mamasumasu is a term that means "blessing marriage," where Ihutan or Ulu Pungan still leads the ceremony. Mamasumasu implementation, usually performed at Bale Pasogitt or Bale Parsantian. Regarding the rules of the bride, that both must be citizens of Parmalim. If the prospective husband is not from the Parmalim community, then it will not be a problem.

The Parmalim, a Religion or Spirit Worshippers

Since the last few decades, *Ugamo Malim* (Parmalim Religion) has been controversial among the Batak people, whether *Ugamo Malim* as a religion or a cult. For Batak, who embraces modern religions such as Christian and Islam, Ugamo Malim is considered a devil worshiper, even a man-eater (Gatra, 2016).

However, both from the procedures for performing rituals and their characteristics, Parmalim is a religion.

In terms of the belief system, Ugamo Malim believes in MulajadiNabolon (God the Creator), as the creator of man and everything in the universe. They are also familiar with the concept of the holy book. However, in Parmalim, the "holy book" is oral, consisting of teachings and guidelines which are memorized and passed down from generation to generation. They also understand heaven and hell's concepts, believing that there is a reward for excellent and destructive behaviors. They also know what can and cannot do in his teachings. Parmalim forbids pigs, dogs, cats, and other wild animals and blood (Gatra 2016). Religion as "a unified system of beliefs and practices relative to sacred things, that is to say, set apart and forbidden, beliefs and practices which unite into one single moral community, called a church, all those who adhere to them" (Jones 1986).

Legal Framework Applicable to Ugamo Malim

The 1945 Indonesian Constitution provides some norms that guarantee the rights to freedom of religion or belief. The first freedom is about choosing religion or belief that is practically uncontradictory to public morals and order. The second is the state's guaranty to manifest both internal and external freedom without intervention from any party. It means that the Parmalim members have the same right to freedom of religion or belief as stated in the article 1 paragraph (3), article 28D paragraph (1), article 27 paragraph (1), article 29 paragraph (2), and article 28I paragraph (2) of the 1945 Indonesian Constitution as other religions.

Specifically, Indonesia is neither a secular nor a theocratic state, but it is a religious nation-state (Lestari, 2018). State neither impose specific religious laws nor is Islamic law, the majority religion adopted by its people. Indonesia is not based on one religion but protects followers of religions to carry out religious teachings as human rights. Besides, the Indonesian Constitution's preamble does not permit the establishment of a theocratic state and prohibits the government from identifying, or otherwise supporting, particular religion. The 1945 Indonesian Constitution encompasses provisions that emphasize complete legal equality of its citizens regardless of their faith and creed and prohibits any religion-based discrimination. It also provides safeguards-albeit limited ones to a religious minority.

Furthermore, Article 29 of the Constitution gives "all persons the freedom of religion or belief and provides an obligation to the state to guarantee this freedom. This provision is fully supported by article 28E of the Indonesian Constitution, which guarantees freedom to profess religion and worship according to it and the freedom to associate and gather concerning their faith. Article 28E paragraph 1, 2, and 3 of the 1945 Indonesian Constitution explicitly state that:

- 1) Every person shall be free to choose and to practice the religion of his/her choice, to choose one's education, to choose one's employment, to choose one's citizenship, and to choose one's place of residence within the state territory, to leave it and to return to it subsequently.
- 2) Every person has the right to freedom of faith and expresses his/her views accordingly.
- 3) Every person shall have the right to the freedom to associate, to assemble, and to express opinions.

Specifically, freedom of religion and belief is regulated as follows:

1. The 1945 Constitution Article 28 E, paragraph (1): Everyone is free to embrace religion and worship by his/her belief. Paragraph (2): Everyone has the right of freedom to believe and express their thoughts and attitudes by their conscience.
2. The 1945 Constitution Article 29, paragraph (2) states that The State guarantees each other's freedom to embrace their respective religion and worship by their faith and belief.
3. Law No. 12/2005 on Ratification of the International Covenant on Political Civil Rights Article 18 paragraph: (1): Everyone has the right to freedom of thought, conscience, and religion. Article 18 paragraph (2) states that no one can request privilege because they must adhere to or accept their religion or belief by their choice.
4. Law No. 39/1999 on Human Rights Article 22 paragraph (1): Every person is free to embrace their respective religion and worship according to their faith and belief. Article 22 paragraph (2): The state guarantees each person's freedom to embrace their religion and worship following their religion and belief.
5. Law No. 1/PNPS/1965 jo. 5/1969 on Prevention of Rescue and Blasphemy of Religion, in the explanation of Article 1: "Religions embraced by the population of Indonesia are Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism (Ali, 1992).

Though these six religions are state's recognized religions and guaranteed as stipulated by article 29, paragraph 2 of the 1945 Constitution, the mention of the six beliefs about how to request the release of legal status regarding religions still contains many problems in Indonesia. These provisions guarantee freedom of religion to everyone; however, some conditions favor states recognized religion such as Islam, Christianity, Buddhism, Hinduism, and Kong Hu Chu than indigenous faiths. The Presidential Decree No. 1/1965, in its explanation, stated that Islam, Christianity, Catholicism, Hinduism, Buddhism, and Kong Hu Chu are only state-recognized religions, whereas belief system such as Parmalim is not a religion.

State's Denial on the Parmalim's Rights to Identity

Guarantees freedom of religion by the state do not necessarily guarantee the implementation of religious freedom in practice. The release of faith for *Ugamo Malim* followers is only rhetoric due to the state's lack of willingness to give equal space to Indonesia's religions or beliefs. Also, lack of understanding and information on Parmalim makes them often become targets of discrimination in education; they are victims of state administration because their religion to be deviant and often considered heretical. Racism occurs in almost all aspects of Parmalim life, including discrimination in education, getting a job as a civil servant, marriage procedures, and even in the funeral or after death.

The Parmalim student forced to follow another religious teaching

In general, elementary schools to public high are government-funded schools. This support is explicitly regulated in article 6, paragraph 1 of Law 20/2003 on the National Education System, stating that children aged 1-18 years must attend primary and secondary education. Religious subjects are compulsory from elementary school through high school in Indonesia. This equality is justified by the Government in the national education law that: "Religious education is education that provides knowledge and shapes the attitudes, personalities, and skills of students in practicing teachings of religion, which is carried out at least through subjects/courses in all pathways, levels, and types of education." (Government Regulation No. 55 Year 2007 on Religious Education).

However, this raises a problem since not all schools have this facility and religious teachers are only available for six official or recognized religions. In other words, the government-owned schools only have spiritual teachers from

the faiths recognized by the government, and the students whose religion is outside the six recognized religions are obliged to follow religious teachings outside their religion or belief. Simultaneously, no Parmalim spiritual teacher at school, students from Ugamo Malim are obliged to attend one of the religious subjects, either Christian or Islamic or religious teachings that are not by their beliefs. Not all policy implementers know the law; there is also an element of stereotypes from policy implementers who think that belief is heretical, atheist, even communist. Only the official religions recognized by the state are taught in schools. Students with other than six religious backgrounds do not allow to teach their religion at school. This means that schools discriminate based on student beliefs: it also means that schools discriminate against other religious beliefs.

The children of Parmalim and the UgamoBangso Batak Community (UBB) were forced to choose another religious education. U.S Embassy& Consulate in Indonesia (2016) reported that Adherents of the faith said they were forced to send their children to attend religious education classes in one of the 6 officially recognized religions. They were told to buy books of worship which Christian children used when they worshiped at church (Assifa 2016). They were often ridiculed 'trivially' by their friends, and the teachers did not provide them. The school also still requires choosing one religion for the need to study religion and religious values because Parmalim religious education has not been facilitated in schools. Consequently, social identity, which is part of the student self and individual and cannot be maintained because there is no government choice.

Discrimination to obtain Marriage Certificate

Discrimination is not limited to education but also the civil rights of citizens of fellow believers to obtain marriage certificate. It is a bit burdensome for followers of the faith regarding the marriage registration procedure because marriage must be carried out through a modern organization and has members in three districts/cities (Law No. 40 year 2019). This restriction is what becomes an obstacle for the Ugam Malim community to obtain a marriage certificate. This is a barrier for adherents of the Parmalim community trust to obtain a marriage certificate. This matter is not in line with the Guidelines for Empowerment of Believers in God Almighty, which was published by the Directorate of Belief in God Almighty, the year 2009.

Thus that the laws and regulations are regulating the registration of marriage does not contain an affirmative action clause or not provide reinforcement or ease, but make it difficult and weaken the position indigenous communities, in terms of the constitution and the Human Rights Law, have emphasized the need to provide special treatment for equality and justice.

Discrimination in employment

Discrimination, which is unprofitable, also closes the Parmalim chances of getting employment. The impact of not including believers' names in the religion column on the Identity Card (KTP) or Family Card (KK) has a significant and systematic effect on the follow-up of the citizens' constitutional rights. Every job applicant must include religion in the available religion column. However, because Ugamo Malim is not in the religion column, they automatically cannot participate in the selection for Civil Servants. The civil servant recruitment system is now available through an online system, including a religious column that closes the opportunity for them to register. It is no wonder if they lose before competing or left out before competing.

For instance, Charles is a smart and intelligent young man from Ugamo Malim aspiring to be a police officer but refused because his religion is not the state's recognized religions. To learn that believing in 'the one true God' is a mandatory condition for becoming a policeman in Indonesia (Wits, 2019).

Funeral Discrimination

Because the religion column is so crucial in identity, there are implications related to marriage, death, and inheritance if the religion column is empty. When religion is not listed in the religion column, it is difficult to identify and resolve problems, especially marriage, death, and burial. As a result, followers of faiths such as Ugamo Malim continue to experience discrimination from birth to death.

Usually, in Indonesia, public burial places are only divided into two or three blocks, namely Islamic, Christian, and Buddhist blocks. The PondokRanggon Public Cemetery, one of the largest in Jakarta, is only divided into three blocks: the Islamic block, the Christian block, and the Buddhist block (Susanto 2019). So it is challenging to locate the corpses of followers of other faiths and religions. The family funeral of the applicant was rejected at any public cemetery (Constitutional Court of the Republic of Indonesia, 2016). The Parmalim often find it challenging to get a funeral with unclear religious

reasons. The term "infidel" is just a small example that they have to account for because there are differences with the community at large.

Conclusion

Ugamo Malim is a traditional Batak religion that is not Muslim or Christian but a belief that worships the god Ompu Mula Jadi Nabolon and the ancestors' spirits. This belief is not recognized as an official religion by the state so that its adherents face difficulties and are discriminated against because they do not attach their faith to the religion column provided. It causes the followers of Ugamo Malim to be discriminated against and lose their identity from birth to death.

The government needs to uphold equal rights as citizens and not discriminate against Ugamo Malim just because it is not recognized as an official religion by the state. Further research needs to be carried out to investigate further Ugamo Malim, who lost his identity because the government did not officially recognize his religion.

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