

## The Effectiveness Of Government Regulation Concerning Marriage Recording For Baduy Banten Believers

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### ABSTRACT

The aim of this research is to know some descriptions of the situation, conditions, circumstances, and realities of population administration management and marriage registration in the Baduy community. Then another goal is to know how the role of the government is to overcome this. The specific target to be achieved from this research is to ensure that the Baduy community can complete their population administration and be more maximal in registering their marriage to the KUA and having a marriage certificate as a manifestation of obedience to Law Number 1 of 1974, especially Article 2 paragraph 1 and paragraph 2 and National Law. For more than 40 years, believers of faith have been discriminated against and cannot legally register their marriage because they have to marry based on one of the religions recognized by the state. A few moments later Joko Widodo issued Government Regulation (PP) Number 40 of 2019 concerning Implementation of Law No. 23 of 2006 concerning Population Administration, one of which recognizes and regulates the procedures for marriage between religious believers. The issuance of this PP eliminates the discrimination that has so far been experienced by believers. Believers of faith experience discrimination to get population services as Indonesian citizens (WNI). This raises various problems in the form of discrimination in making e-ID cards, registration of marriage certificates, and others. The research method used is by using the juridical normative and sociological normative approaches. Juridical Normative in the form of discussion of several laws and regulations made by the government which are enforced to regulate population administration and marriage registration for believers. Sociological Normative Research on law constructs law as a system of statutory regulations that have existed so far constructed in a society's behavior. The research specification used is descriptive analytical which aims to describe, analyze, and systematically analyze certain facts. The data in this study were collected and compiled in a narrative form and then analyzed qualitatively. Sources of data used in this study were obtained from Library Research. This study also uses primary and secondary data sources which are analyzed using qualitative methods, with data collection techniques from literature studies and field studies to Baduy. Interviews and observations were conducted to obtain the necessary data. The results of the study show that Government Regulation Concerning Marriage

Recording For Baduy Banten Believers has not been effective. Socialization from all parties regarding this Government Regulation to the KUA leader of the Ciboleger area and the Banten Baduy people must be carried out because even though the government has facilitated Population Administration and marriage registration for believers in Government Regulation Concerning Marriage Recording For Baduy Banten Believers, in reality this has not been effective.

**Keyword:** *Baduy, Beliefs, Sunda Wiwitan, Marriage, Islamic Law.*

### **ABSTRAK**

Tujuan yang ingin dicapai dari penelitian ini adalah agar dapat diketahui beberapa gambaran tentang situasi, kondisi, keadaan, dan realita pengurusan administrasi kependudukan dan pencatatan perkawinan yang ada di masyarakat Suku Baduy. Kemudian tujuan lainnya adalah agar dapat diketahui bagaimana peran pemerintah untuk mengatasi hal tersebut. Target khusus yang ingin dicapai dari penelitian ini adalah mengupayakan agar masyarakat Baduy bisa melengkapi administrasi kependudukannya dan juga bisa lebih maksimal dalam mencatatkan perkawinannya ke KUA dan memiliki akta nikah sebagai perwujudan ketaatan pada ketaatan pada Undang-undang Nomor 1 tahun 1974 khususnya Pasal 2 ayat 1 dan ayat 2 dan Hukum Nasional. Selama lebih dari 40 tahun penghayat kepercayaan didiskriminasi dan tidak dapat mencatatkan perkawinannya secara resmi karena harus menikah berdasarkan salah satu agama yang diakui oleh negara. Beberapa saat kemudian Joko Widodo menerbitkan Peraturan Pemerintah (PP) Nomor 40 Tahun 2019 tentang Pelaksanaan UU No. 23 tahun 2006 tentang Administrasi Kependudukan yang salah satunya mengakui dan mengatur tata cara perkawinan antar penghayat kepercayaan. Terbitnya PP ini menghilangkan diskriminasi yang selama ini dialami penghayat kepercayaan. Penghayat kepercayaan mengalami diskriminasi untuk mendapatkan layanan kependudukan sebagai warga negara Indonesia (WNI). Hal tersebut memunculkan beragam masalah berupa diskriminasi dalam pembuatan e-ktip, pendaftaran akta nikah, dan lain-lain. Metode penelitian yang digunakan yaitu dengan menggunakan pendekatan Yuridis Normatif dan Normatif Sosiologis. Yuridis Normatif berupa pembahasan terhadap beberapa undang-undang dan peraturan yang dibuat oleh pemerintah yang diberlakukan untuk mengatur administrasi kependudukan dan pencatatan perkawinan bagi penghayat kepercayaan. Penelitian Normatif Sosiologis tentang hukum mengkonstruksikan hukum sebagai suatu sistem peraturan perundangan yang selama ini ada lalu dikonstruksikan dalam sesuatu perilaku masyarakat. Spesifikasi penelitian yang digunakan adalah Deskriptif Analitis yang bertujuan untuk menggambarkan, menelaah, dan menganalisis secara sistematis suatu fakta tertentu. Data dalam penelitian ini dikumpulkan dan disusun dalam bentuk naratif lalu dianalisis secara kualitatif. Sumber data yang digunakan dalam penelitian ini diperoleh dari Penelitian Kepustakaan (*Library Research*). Penelitian ini juga menggunakan sumber data primer dan sekunder yang dianalisis menggunakan metode kualitatif, dengan teknik pengumpulan data Studi Pustaka dan Studi Lapangan ke Baduy. Wawancara dan observasi dilakukan untuk bisa mendapatkan data yang diperlukan. Hasil penelitian menunjukkan bahwa Peraturan Pemerintah Tentang Pencatatan Perkawinan Bagi Penghayat Kepercayaan belum berlaku efektif. Sosialisasi dari semua pihak tentang Peraturan Pemerintah tersebut kepada Penghulu KUA daerah Ciboleger dan masyarakat Suku Baduy Banten mesti dilakukan karena meskipun pemerintah telah memfasilitasi Administrasi Kependudukan dan pencatatan perkawinan bagi penghayat kepercayaan dalam Peraturan Pemerintah Tentang Pencatatan Perkawinan Bagi Penghayat Kepercayaan akan tetapi pada realitanya hal tersebut belum berlaku efektif.

**Kata Kunci:** *Baduy, Penghayat Kepercayaan, Sunda Wiwitan, Perkawinan, Hukum Islam.*

## **Introduction**

Marriages between adherents of faiths have a long and steep journey to be recognized by the state. The problem arises because their belief is not recognized by the state in the marriage law. They are followers of the belief in God Almighty. It is in this status as an observer that their marriage is not recognized by the state. Marriage couples from religious faiths try to have their marriages registered at the Population and Civil Registry Office. However, there are still government bureaucracies that have not yet accepted the registration of marriages from belief groups, even though normatively the belief system is clearly recognized by the state. With the existence of the 2006 Population Administration law, it is also very clear that it discusses the rules and procedures for recording population administration for faiths including in matters of marriage. Article 34 paragraph 1 explains that a legal marriage based on the provisions of statutory regulations must be reported by residents to the Implementing Agency at the place where the marriage took place no later than sixty days from the date of marriage.<sup>1</sup>

Continuing from the above, the reality of the problems that occur in society is very different from those in theory, for example in some areas that are still thick with culture, such as in the Baduy area. The existence of Islamic law in the Baduy area can be seen in the various activities of the Baduy tribe that are in direct contact with Islamic law. This Baduy is located in Leuwidamar District, Rangkasbitung Regency, Banten. Baduy consists of Kampung Gajebo, Cikeusik, Cibeo, and Cikertawana. The geographical condition where the Baduy tribe lives and does activities is a village

called Kanekes Village. Administratively, the Baduy tribe inhabits the Kendeng Mountains, Leuwidamar District, Lebak Regency, Banten Province.<sup>2</sup>

Judging from its geographical location, this Baduy is located at the coordinates 6 ° 27'27 " - 6 ° 30'0" North Latitude and 108 ° 3'9 " - 106 ° 4'55" East Longitude.<sup>3</sup> Mentioning them as Baduy (Baduy people) as is commonly done by the outside community is actually not what they like. They prefer to call themselves Kanekes, Rawayan people, or more specifically by calling their home villages such as Cibeo people, Cikartawana people, Tangtu people, or Panamping people.<sup>4</sup>

In addition, people outside Baduy usually give natural names with the term Baduy, such as the mention of the mountain in the Baduy region as Mount Baduy and there is a river which is also known as the Baduy River.<sup>5</sup>

Continuing from the above, there is an interesting phenomenon in the Baduy community for those who change religions. When they change their faith to become followers of Islam, then automatically the rules of Puun apply that the Baduy who convert to Islam, must leave the Baduy village and consequently they have to spend a certain amount of money to Puun as 'fine money' because they have converted to Islam. This term according to them is called ngebokor. Continuing from this, there are customary provisions that must

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<sup>1</sup> Shaleh Harus, *Latar Belakang Umat Islam Menerima Pancasila Sebagai Asas Tunggal* (Aquarius, 1984).

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<sup>2</sup>Nazia Maulia Amini, "Interaksi Sosial Wanita Pekerja Baduy No Title," *Jurnal Pendidikan Lingkungan dan Pembangunan Berkelanjutan* XIX, no. No. 1 (2018): 27.

<sup>3</sup>R. Cecep Eka Permana, *Mitra Seajar Pria dan Wanita dari Inti Jagat: Sebuah Kajian Antropologis* (Jakarta: Pusat Penelitian Kemasyarakatan dan Budaya Lembaga Penelitian Universitas Indonesia, 1998).

<sup>4</sup>Garna, *Masyarakat dan Kebudayaan Baduy I* (Bandung: Jurusan Antropologi Fakultas Sastra Unpad, 1974).

<sup>5</sup>Edi S. Ekadjati, *Kebudayaan Sunda: Suatu Pendekatan Sejarah* (Jakarta: Pustaka Jaya, 2009).

be fulfilled and then negotiated by several Islamic preachers, which in the end the policy is minimized by Baduy customary leaders, although it is not clearly eliminated. Evidence of the success of the negotiations can be seen, because there is one family, namely Muhammad Sadi's family, from Gerendeng village, who can survive in his village even though he has become a Muslim, because so far Sadi has been one of the village leaders.<sup>6</sup>

Inner Baduy is called Tangtu and Outer Baduy is called Panamping and Dangka. The Baduy Dangka are the people with the most intensive Islamization activities. The closeness of the Baduy to Islam is actually due to their old tradition of Sundanese Wiwitan teachings which are commonly referred to as the Sunda Wiwitan Slam Religion. However, Islam in the Sundanese Wiwitan Slam is still simple and syncretic. Even though Baduy Dangka mostly embraces Islam, the relationship between Baduy Tangtu, Baduy Panamping, and Baduy Dangka is still good and there is good religious tolerance as well.<sup>7</sup>

In fact they call Sundanese outside Kanekes as Sundanese Eslam, namely Sundanese who are Muslim and are considered *urang are* or *dulur are*. This expression clarifies the recognition of the ethnic position of the Kanekes people as a Sundanese ethnic group and what distinguishes them is only the religious system because they do not adhere to Islam. Even though the Baduy Cicakal Girang people are already Muslim, their Islam is still considered less than perfect because it is still mixed with the beliefs of their ancestors, namely Sunda Wiwitan, therefore they

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<sup>6</sup>Kiki Muhamad Hakiki, "Ke-Islaman Suku Baduy Banten: Antara Islam dan Slam Sunda Wiwitan," *Jurnal Refleksi* 14, no. 1 (2015): 37, <http://journal.uinjkt.ac.id/index.php/refleksi/article/view/9576>.

<sup>7</sup>Hakiki.

are often considered new followers of Islam.<sup>8</sup>

Continuing from what the author has mentioned above, for more than 40 years, adherents of beliefs have been discriminated against and cannot officially register their marriages because they have to marry based on one of the religions recognized by the state, including the Baduy Banten community. Then a few moments later Joko Widodo issued Government Regulation (PP) Number 40 of 2019 concerning Implementation of Law No. 23 of 2006 concerning Population Administration, one of which recognizes and regulates the procedures for marriage between religious believers. The issuance of this PP eliminates the discrimination that has so far been experienced by believers. As we know, believers of faith experience discrimination to get population services as Indonesian citizens (WNI). This raises various problems in the form of discrimination in making e-ID cards, registration of marriage certificates, and others. Because of this, many followers of the faith are forced to pretend to embrace a state-recognized religion in order to legalize the facility. Based on this background, the authors wrote this study. This research explains the effectiveness of Government Regulation concerning Population Administration, especially in terms of recording marriages for Believers. The author takes a research study on Population Administration and the recording of marriages of the Baduy tribe of Banten.

### **Research Methods**

This research uses the juridical normative legal research method. This research is descriptive analytical and uses primary data sources and secondary data sources. Descriptive in this study is a description of the situation, conditions, circumstances, and realities of

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<sup>8</sup>Hakiki.

population administration management and marriage registration in the Baduy community. Then analyzed what is the problem in order to find a solution to the problem. Sources of data used in this study were obtained from Library Research.

The juridical normative in this study is a discussion of several laws and regulations made by the government that are enforced to regulate population administration and marriage registration for believers. Sociological Normative Research on law constructs law as a system of statutory regulations that so far has been constructed in a society's behavior. Sociological research on law observes how the law lives in the community and what characterizes the behavior of a community in an area in an aspect of social life to then be described, compiled, and analyzed descriptively to get a complete picture of the relationship between interests. and all the values held and believed by the people in the area.<sup>9</sup>

Analytical descriptive in this research is research that aims to create a systematic, factual, and accurate picture of the facts, properties, and relationships of the phenomena being investigated. The data in this study were collected, classified, and arranged in a narrative form and then analyzed qualitatively.<sup>10</sup>

This study aims to obtain a description of the conditions of the inner and outer Baduy communities in terms of population administration and marriage registration. This study also used primary data sources and secondary data which were analyzed using qualitative methods, with data collection techniques from literature studies and field studies to Inner and Outer Baduy. Interviews and observations were carried out in order to

obtain the necessary data. The data obtained through field research and literature studies are analyzed normatively qualitatively to obtain clarity on the issues to be discussed, namely the merger as an effort to increase awareness of the Baduy community in managing population administration and registration of marriages in the context of building community obedience to National Law and law.

The author conducts interviews with sources and informants so that they get valid data and information because the document sources about Baduy are very limited and very few.

## **Discussion**

### **A. National Recognition of Beliefs**

Previously, marriages of Believers in God Almighty could not previously be registered at the Office of the Population and Civil Registry, although there have been regulations governing marriages between adherents of the faith. The debate on whether or not the government can accept the registration of marriages for adherents of a religious belief is basically a very simple issue and it all comes down to the interpretation of religion and belief in the marriage law that regulates religion and belief. Even though it looks simple, it will be very fatal if this is misinterpreted. The basis of the Indonesian State, namely Pancasila, which places the first precept, namely God Almighty. The basis of the State which emphasizes belief is very urgent. The core content of each precept, it can be said that among the five precepts, the one and most difficult and complex is the precepts of Godhead, because so far these precepts have caused a lot of problems and debates. The boundaries of the essence of the precepts of the Supreme Lord Deity are wide enough to be able to place all religions and beliefs in them. Likewise with our highest constitution, namely the 1945

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<sup>9</sup>Yulianto Achmad Mukti Fajar, *Dualisme Penelitian Hukum Normatif dan Empiris* (Yogyakarta: Pustaka Pelajar, 2010).

<sup>10</sup>Soerjono Soekanto, *Metodologi Research* (Yogyakarta: Andi Offset, 1998).

Constitution. In chapter XA on Human Rights (HAM) article 28A states that everyone has the right to live and has the right to defend his life and life.<sup>11</sup>

Furthermore, Article 28B paragraph 1 states that everyone has the right to form a family and continue their offspring through a legal marriage. Then in paragraph 2 states that every child has the right to live, grow and develop and has the right to protection from violence and discrimination. Still in Article 28D paragraph 1 states that everyone has the right to just recognition, guarantee, protection and legal certainty as well as equal treatment before the law. Article 28E paragraph 1 explains that everyone is free to embrace a religion and worship according to their religion, choose education and teaching, choose a job, choose citizenship, choose a place to live in the territory of the country and leave it, and have the right to return. In verse 2 it is also explained that everyone has the right to freedom of belief, to express thoughts and attitudes, according to their conscience. In verse 3 it explains that everyone has the right to freedom of association, assembly and expression. Furthermore, Article 28I paragraph 1 explains that the right to life, the right not to be tortured, the right to freedom of thought and conscience, the right to religion, the right not to be enslaved, the right to be recognized as a person before the law, and the right not to be prosecuted on the basis of applicable law retroactive, is a human right that cannot be reduced under any circumstances. Paragraph 2 explains that every person has the right to be free from discriminatory treatment on any basis and is entitled to protection against such discriminatory treatment. Article 28J states that everyone is obliged to respect the human rights of others in an orderly life in society, nation and state.

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<sup>11</sup>Notonagoro, *Pancasila Dasar Palsafah Negara* (Jakarta: Pancuran Tujuh, 1974).

Furthermore, in chapter XI which discusses religion in article 29 verse 1 it explains that the State is based on the One Godhead. In verse 2 it is explained that the State guarantees the freedom of each resident to embrace his own religion and to worship according to his religion and belief. The explanation of the article above states that the belief of the Indonesian people is in God Almighty. Then article 18 explains that everyone has the right to freedom of thought, inner realization and religion. This right includes freedom to exchange religions or beliefs, as well as freedom to adhere to one's religion and belief, either alone or in congregation with other people, both in public and within one's own environment.<sup>12</sup>

#### **B. Government Regulation concerning Population Administration and Marriage Registration for Beliefs of the Baduy Community**

For decades, religious believers have been unable to legally marry, so they cannot have ID cards and cannot have family cards as they should. Their children are also not considered as children of a legal marriage. Then not only that because other chain problems arise. With the issuance of Government Regulation Concerning Marriage Recording For Baduy Banten Believers, at least the state will no longer discriminate against believers. Government Regulation Concerning Marriage Recording For Baduy Banten Believers is a revision of the previous Government Regulation on Population Administration issued during the Susilo Bambang Yudhoyono era. In this latest Government Regulation, believers of faith can carry out a marriage in front of a leader of the believer and register their marriage at the Population and Civil

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<sup>12</sup>Pringgodigdo, *Tiga Undang-Undang Dasar* (Jakarta: Pembangunan, 1981).

Registration Service in the Regency or City. With this registration, believers of faith can obtain a marriage certificate that is recognized by the state.

Continuing from the above, the Baduy people have indeed chosen to become a traditional society that is anti-modernization. This choice is in accordance with their beliefs, namely Sunda Wiwitan. Even though it is like that, they still respect and keep in good touch and communicate with the modern society around them. In order to bridge traditional life and their modern surroundings, they created an institutional structure that combines traditional structures with the national government structure. One of the Puun said, 'misguided modernization, will only make us lazy and not grateful for God's gift. We can forget about the earth and its contents, when we feel ourselves modern and great'.<sup>13</sup> Because culture functions as a learned and expected ways of life, which are equally followed by members of a particular community group, as well as the Baduy people.<sup>14</sup>

The Baduy principle in maintaining harmony between fellow humans and treating nature wisely is the legacy of their ancestors since hundreds of years ago. From the past until now the Baduy residents have remained enduring and are free from the touch of technology and apart from modern life. This phenomenon of the Baduy tribe illustrates the stickiness of the value system adopted by the local community as something good and must be maintained in regulating the pattern of individual social relations even in

regulating the relationship of men and women in the domestic sector.<sup>15</sup>

The Baduy tribe is one of the many tribes in Indonesia that are able to maintain the beliefs of their ancestors in a declining manner. Preservation of their belief system is reflected in religious events. Beginning Sundanese beliefs which means ancestral teachings that are hereditary and rooted in respect for ancestors or ancestral spirits as well as the worship of the spirits of natural forces (commonly referred to as animism). Although most aspects of these teachings are original hereditary traditions, but in the subsequent development of these ancestral teachings are also slightly influenced by some aspects of the teachings of Hinduism, Buddhism, and also influenced by the teachings of Islam.<sup>16</sup>

According to the history of some time back, an ustadz and Muslim figure in Cicakal Girang, that the history of the establishment of this Cicakal Girang was caused by the distance that had to be traveled by the Baduy people if they were to record their marriages. For this reason, the Baduy customary institution submitted a request to the Sultan of Banten to place a Muslim citizen to be assigned to the Kanekes area. The request for the customary institution was then responded to by the Sultanate of Banten, so a Muslim family was sent to help the Baduy traditional institution in taking care of the administration of the Baduy's marriage. Ki Sahum was the first person assigned by the Sultan to register marriages in Kanekes.<sup>17</sup>

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<sup>13</sup>Septiana Dwiputri Maharani, "Perempuan dalam Kearifan Lokal Suku Baduy," *Jurnal Filsafat* 19, no. 3 (2009): 209, <https://jurnal.ugm.ac.id/wisdom/article/view/3435/9400>.

<sup>14</sup>Abdul Syani, *Sosiologi dan Perubahan Masyarakat* (Bandar Lampung: PT Dunia Pustaka Jaya, 1995).

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<sup>15</sup>Maharani, "Perempuan dalam Kearifan Lokal Suku Baduy."

<sup>16</sup>Nazia Maulia Amini, "Interaksi Sosial Wanita Pekerja Baduy," *Jurnal Pendidikan Lingkungan dan Pembangunan Berkelanjutan* XIX, no. 1 (2019): 29, <http://journal.unj.ac.id/unj/index.php/plpb/article/view/6318>.

<sup>17</sup>Hakiki, "Ke-Islaman Suku Baduy Banten: Antara Islam dan Slam Sunda Wiwitan."

This is evidence that the Baduy people in terms of recording their marriage administration obey the law, even though in fact, after conducting interviews, it turns out that only a few of the Baduy people have registered their marriages and the majority of them do not have a marriage book / marriage certificate. In connection with the foregoing, in the case of frequent use or use of a custom in an area, this is inseparable from the influence or doctrine of the elders or respected people in that area, besides they themselves also believe that they deserve to be carry out these customs. In some areas in Indonesia there are some people who have their own clans or groups, they have their own clan or group line of identity. Continuing from this, the connection with marriage is that these clans or groups enter a custom that must be carried out by their followers or their relatives, this is shown to preserve the customs of their own clan, because it gives birth to a generation that will continue their customs. or their culture.<sup>18</sup> Then in the process of traveling there must be violations that occur against these customary regulations, because in a regulation there must be violations especially in terms of customary regulations. In line with this, according to Ter Haar, a dispute or a dispute that has long been going on between two relatives or their clans.<sup>19</sup>

As it is known that the marriage of the Muslim Baduy community was witnessed by a marriage registrar employee or Naib as the leader. As for the dowry or offerings, namely in the form of betel, poleng cloth, and money as much as possible. Marriages in Baduy are still carried out based on matchmaking and witnessed by shamans

or kokolot according to the institution adat (tangkesan). Unlike the Muslim Baduy, in the Baduy Tangtu community, marriage is only done in the Baduy custom. Then in Baduy Panamping, usually after the traditional marriage is completed, the groom, accompanied by one of his relatives, goes to amil in Cicakal Girang village. In Cicakal Girang village where most of the population is Muslim. The existence of this Islamic village in Baduy is considered necessary for the Baduy community as a form of marriage legalization that has been carried out. The majority of Baduy people have different beliefs from Muslims in general, but in the narrative tradition but he still refers to the rules applied by Islam, namely the registration of marriages that have been in the Compilation of Islamic Law).<sup>20</sup>

This is a good thing because the Baduy people live in the territory of the Indonesian state, so they are required to obey the laws that have been made and enforced in the territory of the Indonesian state. Regarding the administrative registration of marriage, it is in accordance with the Compilation of Islamic Law Article 5 paragraph 1 which states that in order to ensure orderliness of marriage for the Muslim community, every marriage must be recorded. Then in paragraph 2, the registration of the marriage is carried out by the employee registering the marriage as regulated in Law No. 22 of 1946 in conjunction with Law No. 32 of 1954. Then it is also mentioned in Article 6 paragraph 1 which states that to comply with the provisions of Article 5, every marriage must be carried out before and under the supervision of a Marriage Registration Officer. Then in paragraph 2 it is stated that marriages that are carried out

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<sup>18</sup>Imam Sudiyat, *Hukum Adat ;Sketsa Asas* (Yogyakarta: Liberty, 1981).

<sup>19</sup>Ter Haar, *Asas-Asas dan Susunan Hukum adat* (Jakarta: Pradnya Paramita, 1974).

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<sup>20</sup>Muhamad Muslih, "Perbandingan Prosedur Perkawinan Adat Baduy Dengan Kompilasi Hukum Islam," *Kanun Jurnal Ilmu Hukum* 21, no. 3 (2019): 437, <https://doi.org/10.24815/kanun.v21i3.14302>.



outside the supervision of the Marriage Registration Officer have no legal force. Then Article 7 paragraph 1 states that a marriage can only be proven by a Marriage Certificate made by a Marriage Registration Officer.<sup>21</sup>

This phenomenon is interesting because when the researcher interviewed one of the elder figures in Outer Baduy, the Baduy community, both Outer Baduy and Inner Baduy, had no longer registered their marriages for various reasons. Therefore, researchers are interested in examining more deeply related to these problems.

The Baduy community has chosen to be a traditional society that is anti-modernization. This choice is in accordance with their beliefs, namely Sunda Wiwitan. Even though it is like that, they still respect and keep in good touch and communicate with the modern society around them. In order to bridge traditional life and their modern surroundings, they created an institutional structure that combines traditional structures with the national government structure.

Believers cannot legally marry, so they cannot have a KTP and cannot have a family card as they should. Their children are also not considered as children of a legal marriage. Then not only that because other chain problems arise. With the issuance of Government Regulation Concerning Marriage Recording For Baduy Banten Believers, at least the state will no longer discriminate against believers. Government Regulation Concerning Marriage Recording For Baduy Banten Believers is a revision of the previous Government Regulation on Population Administration issued during the Susilo Bambang Yudhoyono era. In this latest Government Regulation, believers of

faith can carry out a marriage in front of a leader of the believer and register their marriage at the Population and Civil Registration Service in the Regency or City. With this registration, believers of faith can obtain a marriage certificate that is recognized by the state.

The marriage registration of a couple who adheres to a belief has always created problems. Civil Registry officials, judiciary officials and legal experts have responded differently. On the other hand, the article in Law no. 1 of 1974 which regulates the issue of marriage registration raises multiple interpretations. It is not clear whether the marriage of the saga group can be registered or not. The following article attempts to describe and analyze the situation of legal uncertainty in marriage registration for the followers of Indonesia as well as to provide an alternative solution to the problem.

So far, believers of faith have experienced discrimination to get population services like other Indonesian citizens (WNI). Various problems arise from this discrimination. In getting around a rule, something bad always happens. One of them is believers who are forced to pretend to embrace a religion that is recognized by the state. This is despite the fact that followers of this belief have embraced a hereditary belief for thousands of years, long before religions recognized by the state entered the archipelago.

This cornered some parties and felt sad because for decades they could not be legally married, so they could not have ID cards and family cards as they should. Their children are not considered children of legal marriages and other chain problems arise.

Government Regulation Concerning Marriage Recording For Baduy Banten Believers is a revision of the previous Government Regulation on Population Administration issued under President Susilo Bambang Yudhoyono.

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<sup>21</sup>Direktorat Pembinaan Peradilan Agama Islam, *Kompilasi Hukum Islam* (Dirjen Pembinaan Kelembagaan Islam Departemen Agama, 2001).

In this latest Government Regulation, believers of faith can carry out a marriage in front of a leader of the believer and register their marriage at the Population and Civil Registration Service in the Regency / City. With this registration, believers of faith can obtain a marriage certificate that is recognized by the state. Government Regulation Concerning Marriage Recording For Baduy Banten Believers was signed by Jokowi on May 23, 2019. The PP is named Implementer of Law Number 23 of 2006 concerning Population Administration as Amended by Law Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration. There are obstacles that surround the community of believers. The obstacle is when someone wants to register their marriage, but the religious leaders have not registered as an organization. Because in the PP since 2007 as well as in the present, the leader of the community must come from a registered organization.

In this government regulation, it is stated that the marriage of the believers is carried out in the presence of a leader of the believers whose organization has been registered with the ministry. Then the marriage is recorded by the related institution as a marriage that is legal in the eyes of the law. Since 2007, the marriages of the believers have been carried out in the population and civil registration office, however, there are still obstacles that surround the community of believers. The obstacle is when someone wants to register their marriage, but the religious leaders have not registered as an organization. Those who want to get married and register them can still be assisted by religious leaders from registered organizations.

This government regulation recognizes and regulates the procedures for marriage between religious believers. Chapter IV contains procedures for

recording marriages for those who believe in God Almighty. In Article 39 paragraph 1 it reads, "Marriage with sects is carried out in the presence of leaders of the belief in God Almighty." Furthermore, in Article 40 paragraph 1 it is stated that the registration of marriages of believers in God Almighty shall be carried out at the Regency / Municipal Dukcapil Office. The time given is given no later than 60 days after the marriage. Then in Article 40 paragraph 2 it is stated that the registration of marriages of believers in God Almighty as referred to in paragraph (1) shall be carried out with the following provisions: "Civil Registration Officers at the Population and Civil Registration Service of the City regency or UPT of the Population and Civil Registration Service of the City regency, provide a marriage registration form to a married couple. "

## **Closing**

### **A. Conclusion**

The government has issued Government Regulation (PP) Number 40 of 2019 concerning Implementation of Law No. 23 of 2006 concerning Population Administration, one of which recognizes and regulates the procedures for marriage between religious believers. Previously, religious followers experienced discrimination to get population services like other Indonesian citizens (WNI). For more than 40 years, believers of faith have been discriminated against and cannot legally register their marriage because they have to marry based on one of the religions recognized by the state. This eliminates various problems in the form of discrimination in making e-ID cards, registering marriage certificates, and others. Because of this, many followers of the faith are forced to pretend to embrace a state-recognized religion in order to legalize the facility.

After conducting interviews with several parties concerned, this regulation was deemed ineffective because it was not maximal in terms of its announcement and enforcement because there were still many abuses in this regard. The follow-up is the need for outreach from all parties regarding this Government Regulation to the leader of the KUA in the Ciboleger area and the people of the Baduy Banten tribe.

## B. Suggestion

With the existence of people who do not register their marriages, counseling or similar activities must be held in order to increase awareness of the Baduy community in obeying Law Number 1 of 1974 concerning marriage, especially Article 2 paragraph 1 and paragraph 2. In order to create order in offspring, inheritance, recording, population census, and impacting other important matters. Because Government Regulation Concerning Marriage Recording For Baduy Banten Believers has recognized and regulated the procedures for marriage between believers. The issuance of this PP eliminates the discrimination that has so far been experienced by believers. Believers of faith experience discrimination to get population services as Indonesian citizens (WNI).

## Bibliography

Amini, Nazia Maulia. "Interaksi Sosial Wanita Pekerja Baduy." *Jurnal Pendidikan Lingkungan dan Pembangunan Berkelanjutan* XIX, no. 1 (2019): 29. <http://journal.unj.ac.id/unj/index.php/plpb/article/view/6318>.  
— — —. "Interaksi Sosial Wanita Pekerja Baduy No Title." *Jurnal Pendidikan Lingkungan dan Pembangunan Berkelanjutan* XIX, no. No. 1 (2018): 27.  
Direktorat Pembinaan Peradilan Agama Islam. *Kompilasi Hukum Islam*. Dirjen

Pembinaan Kelembagaan Islam Departemen Agama, 2001.  
Ekadjati, Edi S. *Kebudayaan Sunda: Suatu Pendekatan Sejarah*. Jakarta: Pustaka Jaya, 2009.  
Garna. *Masyarakat dan Kebudayaan Baduy I*. Bandung: Jurusan Antropologi Fakultas Sastra Unpad, 1974.  
Haar, Ter. *Asas-Asas dan Susunan Hukum adat*. Jakarta: Pradnya Paramita, 1974.  
Hakiki, Kiki Muhamad. "Ke-Islaman Suku Baduy Banten: Antara Islam dan Slam Sunda Wiwitan." *Jurnal Refleksi* 14, no. 1 (2015): 37. <http://journal.uinjkt.ac.id/index.php/refleksi/article/view/9576>.  
Harus, Shaleh. *Latar Belakang Umat Islam Menerima Pancasila Sebagai Asas Tunggal*. Aquarius, 1984.  
Maharani, Septiana Dwiputri. "Perempuan dalam Kearifan Lokal Suku Baduy." *Jurnal Filsafat* 19, no. 3 (2009): 209. <https://jurnal.ugm.ac.id/wisdom/article/view/3435/9400>.  
Mukti Fajar, Yulianto Achmad. *Dualisme Penelitian Hukum Normatif dan Empiris*. Yogyakarta: Pustaka Pelajar, 2010.  
Muslih, Muhamad. "Perbandingan Prosedur Perkawinan Adat Baduy Dengan Kompilasi Hukum Islam." *Kanun Jurnal Ilmu Hukum* 21, no. 3 (2019): 437. <https://doi.org/10.24815/kanun.v21i3.14302>.  
Notonagoro. *Pancasila Dasar Palsafah Negara*. Jakarta: Pancuran Tujuh, 1974.  
Permana, R. Cecep Eka. *Mitra Sejajar Pria dan Wanita dari Inti Jagat: Sebuah Kajian Antropologis*. Jakarta: Pusat Penelitian Kemasyarakatan dan Budaya Lembaga Penelitian Universitas Indonesia, 1998.  
Pringgodigdo. *Tiga Undang-Undang Dasar*. Jakarta: Pembangunan, 1981.  
Soekanto, Soerjono. *Metodologi Research*. Yogyakarta: Andi Offset, 1998.

Sudiyat, Imam. *Hukum Adat ;Sketsa Asas*.  
Yogyakarta: Liberty, 1981.

Dunia Pustaka Jaya, 1995.

Syani, Abdul. *Sosiologi dan Perubahan  
Masyarakat*. Bandar Lampung: PT