



Legal Protection for Indigenous Peoples of Early Sundan (Sunda Wiwitan): A Case Study of Discrimination Against Religious Status in Cigugur, Kuningan

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ABSTRACT

Sunda Wiwitan is an indigenous belief system of the Sundanese people, still practiced today, particularly in the Kanekes region. Its adherents often face discrimination in legal and social aspects, such as difficulties in administrative documentation, access to public services, and religious recognition. These challenges affect their social status in society. This study aims to analyze the forms of discrimination experienced and evaluate the effectiveness of legal protection provided by the state. The research uses a juridical-empirical approach, examining the effectiveness of legal norms through social realities. The findings reveal that, although legal frameworks exist to recognize indigenous beliefs, their implementation has not fully ensured fair protection. Therefore, regulatory enhancement and public education are necessary to improve the social status and guarantee the constitutional rights of Sunda Wiwitan adherents as equal citizens.

INTRODUCTION

According to Soerojo Wignjodipoero, Customs are a reflection of the personality of a nation, which reflects the nation's soul from generation to generation. Therefore, every country in the world has different customs, and none are the same. This inequality makes customs a vital element that provides identity for a nation. In Indonesia, customs are owned by various regions and diverse ethnic groups, although they have something in common, namely Indonesianness. Therefore, the Indonesian nation's customs are often called "Bhinneka Tunggal Ika." This custom is not static, but always develops and moves along with the process of evolution and development of Indonesian civilization (Wignjodipoero, 2021).

According to Van Vollenhoven, customary rules only have a legal nature if the customary principles of behavior by the community are considered appropriate and binding on the inhabitants and there is a general feeling that the customary chiefs and other legal officers should maintain these principles. In addition, V Vollenhoven's opinion also states that customary law is a law that does not derive from the principles created by the Dutch East Indies government and applies to indigenous peoples and Oriental-Foreign peoples. Furthermore, it is argued that distinguishing between customary and customary law refers to the element of sanctions, so not all customs are customary law. Only sanctioned customary practices can be classified as customary law (Marzuki, 2020).

According to Dr. Supomo, customary law is a law that is not recorded in legislative regulations (unstatutory law), which is followed and supported by the community based on the belief that these regulations have legal force. In the context of Indonesian law, in order to avoid misunderstandings, the term customary law is used as a synonym for laws that are not written in legislative regulations, laws that develop as conventions in state legal entities (such as parliaments, provincial councils, and so on), laws that arise from judge-made laws, and laws that live as customary rules that are maintained in people's lives both in cities and villages (Custom law).

Sunda Wiwitan is a belief that was embraced by the Sundanese people in ancient times. This belief is a form of original belief that comes from the traditions of the Sundanese people – the need to strengthen identity to ensure the Sunda Wiwitan tradition can survive. However, indigenous peoples who adhere to the Sunda Wiwitan beliefs have identity differences from non-indigenous peoples. One example that reflects this discrepancy is the case of the recognition of the identity of the Sunda Wiwitan belief, which occurred in Cigugur Village, Kuningan. The indigenous people of Sunda Wiwitan have long fought for the recognition of their identity, including the inclusion of religion in their Identity Card (KTP). Based on Law No. 24 of 2013 concerning Population Administration, every citizen has the right to include their trust in their identity card. It is part of the identity recorded in the population and legally recognized by the state. Thus, including trust in the ID card also plays a role in identity.

From various explanations of customary law, it can be concluded that in the context of Indonesian law, customary law is used as a synonym for unwritten law and living law, referring to the customary rules that are maintained and coexist with people's lives in cities and villages. Meanwhile, in writing this journal, the author will discuss the condition of the right to trust identity for the indigenous people of Sunda Wiwitan, especially making identity cards such as Identity Cards (KTP) and other authentic documents.

LITERATURE REVIEW

Sunda Wiwitan Culture

Local history is rich in values and meanings that can be learned by the people of West Java, specifically the history related to the teachings of Sunda Wiwitan. Many people believe that Sunda Wiwitan is a religion/belief in ancestral spirits or the spirits of one's ancestors held by the Sundanese of old. That notion is too narrow; in fact, Sunda Wiwitan encompasses not only a religion and belief but also concerns environmental management and social systems. The Sundanese of Sunda Wiwitan organize community life in a way that allows for harmonious coexistence with nature and fellow humans. The word 'wiwitan' or its root word 'kawit' means origin, while Sunda Wiwitan refers to the original or authentic Sunda. The belief system in a society today, in an all-digital era, can form itself, meaning that societal trust is formed naturally. The belief system is a way of life that a community adheres to as it carries out its socio-religious activities. The Sundanese people, as an ethnic group that still exists in Indonesia today, have an interesting and unique original belief system, namely Sunda Wiwitan. Sunda Wiwitan is a valuable teaching that can be practiced by the Islamic community, especially in Indonesia, in the digital era (the era of disruption 4.0). This is based on several reasons. First, the Sundanese people, as one of the second-largest tribes in Indonesia after the Javanese, have a pattern and model of religiosity that is high, engaging, and unique. Second, the pattern of religiosity presented by the Sunda Wiwitan community in the 4.0 era included polite attitudes and behavior, as well as servitude, referred to as "Sang Hyang Kersa," in the form of prose. Third, the pattern that is preserved in the religiosity that exists in Sunda Wiwitan, today in the 4.0 era (digital/disruption), can influence various aspects of the lives of Sundanese people. As a result, Sundanese religiosity in the 4.0 era remains relevant (Rayana, 2021).

By referring to the variety of cultures that have emerged and flourished in Indonesia, the author aims to explore the depth of 'belief' in God through the respective cultural and spiritual expressions and the rituals performed by people who hold this belief (kepercayaan). Because of the influence of 'Western' beliefs brought into Indonesia by the colonialists in the past, the life of the people believing in God from within their own local beliefs, together with the diversity of their cultures and spiritualities, seems to have been marginalised. What is needed is a sort of new paradigm to view and value the local beliefs in the face of the so-called 'official religions' in Indonesia. This greater appreciation for the local people's beliefs is in line with the growing awareness of the plurality of

societies in this land. Efforts to recognise and understand the essence and values of the system of local beliefs are of great importance. The author attempts to explore how the doctrines of the Sunda Wiwitan belief system develop by examining the historical aspect of Manusia Sunda ('Sundanese human being') within its religious context and related elements within this system of belief. What is most important for the adherents of Sunda Wiwitan is not so much the frequency of praying to or worshipping God as the effort of every individual to maintain the attitude and deeds as a human being that keep the harmony of relation with the other human beings, the surrounding nature with all its contents, and God (Indrawardana, 2014).

The Karuhun leave a message for them to not harm nature and to live in harmony with their fellow human beings. To demonstrate their obedience to Karuhun's mandate, they apply the local wisdom of Sunda wiwitan in their daily lives. The mandate of Karuhun became the guiding principle of life for the Kampung Naga community. Damaging nature is forbidden for Kampung Naga's people; besides that, in their social life, they have to obey the Hirup Sauyunan principle with other people. There are customary sanctions for those who break customs. Karuhun's mandate has shaped Kampung Naga's people to live in harmony not only with humans but also with nature. The local genius of Sunda Wiwitan, as depicted in the historical story of the Kampung Naga community, is an important character value to study in Social Science (Wiradimaja et al., 2018).

Baduy-style Islamic is pronounced with syahadat and practiced with tapa to maintain and preserve the natural heritage, karuhun. The Tapa of Baduy works in the fields to plant rice as a form of practicing Islamic teachings, by mating the goddess of rice with the earth. Baduy's action was guided by the pikukuh, custom, following the buyut, taboo. Religious teachings, tapa, pikukuh, and buyut have shaped the simple personalities Baduy people in maintaining the Kanekes natural conservation. Thus, welfare and peace can be felt by mankind. What are Sunda Wiwitan beliefs? How does Sunda Wiwitan practice their religious ritual? This paper attempts to answer the previous questions in religious studies that describe the system of religion and religious rituals, Sunda Wiwitan. From the perspective of religious phenomenology, the phenomena are studied using a direct observation method and in-depth interviews. One of the findings illustrated that the Baduy people's faith and obedience to God are evident in their actions, such as taking care of forests, rivers, and mountains, which enables them to live in harmony. Their faith is not based on memorizing or interpreting old religious scriptures. Furthermore, worship rituals are practiced by working in the fields under custom rules, guidance, and by abiding by taboos to ensure a successful harvest and prosperity for the people. Worship is not intended to become a respected man or benefactor. This is the Sunda Wiwitan people with a life perspective of maintaining the Kanekes' natural conservation (Wahid, 2011).

Legal Certainty Theory

Gustaf Radbruch, in the concept of "Standard Priority Teachings," states that there are three basic ideas or goals of law: justice, utility, and legal certainty. Radbruch argues that "legal certainty means the conditions under which the law functions as a mandatory rule." Law plays a crucial role in creating legal certainty, as it aims to establish order in society. Adhering to this view, Radbruch states that the principle of distributive justice is not about who is treated equally and unequally; rather, the similarity or inequality has already been established. Finally, Radbruch stated that distributive justice is only related to relationships between human beings, not to different types of treatment of human beings; therefore, distributive justice is not related to punishment, for example, whether thieves should be hanged. Murderers should be hanged to death, or thieves should be fined, while murderers should be imprisoned (Marzuki, 2021).

Fulfillment of children's rights from minority groups is still a significant issue regarding the implementation of the Law on Child Protection. Minority groups with their basis on indigenous religion is interestingly known in terms of how far they fulfil their children's rights. Sunda Wiwitan group in Cireundeu Cimahi, West Java, is a minority group that still experiences children's rights fulfillment problem. As a result of a qualitative approach, this article seeks to explore children's rights fulfillment in this community. The results show that the rights of children of Sunda Wiwitan Cireundeu are not completely ignored. Their right to express their identity, have education, welfare, and health services, and be free from bullying has been fulfilled. However, their civil rights seem to be ignored. It creates some problems, such as children with no birth certificate, two types of ID cards (KTP), unwanted birth certificate entries, and abuse of the birth certificate provision. Through the Department of Population and Civil Registration of Cimahi City, the Ministry of Home Affairs should pay attention to standards in managing civil rights documents for members of the Sunda Wiwitan Cireundeu. (Putra et al., 2021)

In Article 1 paragraph (2) of the Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 on Child Protection, it is stated that child protection is provided to fulfill children's rights so that they can live, grow, develop, and participate optimally under the dignity and worth of humanity. In addition, this is to ensure that children receive protection from violence and discrimination. Child protection refers to the efforts and activities of all layers of society in various positions and roles, who are fully aware of the importance of children for the nation's future continuity. When they have reached maturity in their physical, mental, and social development, it will be time to replace the previous generation (Belgradoputra et al., 2023)

METHODOLOGY

The research method used in this study Empirical Juridical Approach is an approach that is carried out based on the primary legal material, namely the Law by examining theories, concepts, principles, and laws and regulations, then the researcher will conduct an in-action observation, namely by looking at the

application of the law in society. Legal theory with an Empirical Juridical approach is a legal theory that focuses on sociological aspects, allowing researchers to assess the effectiveness of law based on social phenomena present in society.

This research is an empirical juridical law study conducted through case research and interviews with the resource person, Mrs. Juwita, a Traditional leader in Cigugur, Kuningan, on the rules and concepts. The author uses a method by collecting materials obtained from literature data in the form of (1) Primary legal materials, namely, mandatory information containing legal rules. (2) Secondary legal materials, namely books of academic works related to theories and research results. (3) Tertiary legal materials, namely information that provides instructions and explanations about primary and secondary legal information, such as internet media and articles. (4) Research Object, which was carried out on November 11-25, 2024, at Paseban Tri Panca Tunggal, Cigugur, Kuningan Regency.

RESEARCH RESULTS AND DISCUSSION

Forms of Religious Status Discrimination Experienced by the Sundanese Wiwitan Indigenous People in Cigugur, Kuningan

One form of discrimination that the Sunda Wiwitan Customs often face is administrative discrimination and social discrimination related to the non-listing of their beliefs in official documents, such as Identity Cards (KTP), birth certificates, which can have an impact on access to education, employment, marriage letters, and other public services. In Indonesia, the religion column usually only includes religions officially recognized by the state, namely Islam, Christianity (Protestant and Catholic), Hinduism, Buddhism, and Confucianism. The Sunda Wiwitan faith, which does not fall into the category of recognized religions, often receives administrative discrimination and social discrimination, and does not get free space in making administrative documents.

In terms of public services related to population administration, the Sundanese Wiwitan Indigenous People often experience difficulties in accessing adequate administrative services. Non-indigenous peoples who are not familiar with Sunda Wiwitan often do not know that their beliefs have values and traditions that must be respected, so the administrative procedures carried out do not reflect recognition of their beliefs.

In addition, social discrimination against Sunda Wiwitan beliefs in population administration also occurs due to policies that do not favor diversity. For example, Sunda Wiwitan adherents who want to obtain a birth certificate or identity card are sometimes hampered by requirements that require them to fill in the religion column in accordance with the official religion recognized by the state (Aisyah et al., 2024).

The belief of Sunda Wiwitan in this list of recognized religions causes its adherents to feel marginalized and not recognized for their existence. On a broader level, social discrimination against Sunda Wiwitan beliefs can also be influenced by social stigma and negative labeling because the Indigenous People

of Sunda Wiwitan are often considered "non-religious" or "deviant" by some communities because they do not adhere to one of the religions officially recognized by the state. As for the obstacles in making official documents and access, such as registering documents for marriage, employment, and also difficulties in registering for school because the religion column is mandatory to fill in, it isn't easy to create access requirements for health services. The Sunda Wiwitan belief is often considered a primitive or ancient, which is not in line with the development of the times or the existing major religions. This stigma not only comes from individuals who do not understand the belief, but can also reflect a broader ignorance in society, including among state administration officials.

Legal Protection for Indigenous Peoples in the Face of Discrimination based on Religious Status

Indonesia is a country that recognizes the existence of various religions and beliefs, which have been reflected in the basis of the country's philosophy and regulated in the constitution. However, it is undeniable that the state of religion and beliefs in Indonesia carries out a classification. This can be seen from the lack of comprehensive recognition of religions. The criminal threat stated in the latest article, namely Article 302 of the Criminal Code of 2023, which replaces Article 156a of the old Criminal Code, states "Every person who publicly expresses hostility, hatred, degrading religion or belief with the intention that others do not adhere to any religion or belief concerned, shall be sentenced to a maximum prison sentence of 5 years or a maximum fine of 50 million".

Article 29, paragraph 2 of 1945 explains that the State of Indonesia guarantees that every citizen has the freedom to embrace their chosen religion or belief. The latest law in guaranteeing freedom of belief is Law No. 1 of 2023 of the Criminal Code concerning Crimes Against Religion, Belief, and Religious Life/Belief. Therefore, the Indigenous people of Sunda Wiwitan can implement legal protection efforts to deal with any discriminatory behavior committed by outside communities related to the freedom of belief they hold.

Efforts to Prevent Acts of Discrimination on the Religious Status of Indigenous Peoples in Cigugur Kuningan, West Java

In the Constitutional Court Decision Number 97/PUU-XIV/2016, for people who adhere to Sunda Wiwitan's teachings, this policy allows them to include their identity in official documents (Rifqi & Drajat, 2024). It noted that the implementation of this policy faced technical and social challenges, influenced by indigenous peoples' rejection of the term "Believers," which was considered not to reflect the Sundanese Wiwitan spirituality fully. Research (Widiana et al., 2021) shows that the state's efforts to protect the civil rights of believers in Indonesia began through the Constitutional Court Decision Number 97/2016, which marked the first step to eliminate discrimination in population administration records. However, implementing this policy requires an approach tailored to the characteristics of the region and the local community,

especially for the Sunda Wiwitan community, which strongly preserves its ancestral traditions and heritage.

From a technical point of view, one of the main challenges is the readiness of the regional administrative infrastructure. Although the government has established policies through central regulations, its implementation often requires adjustments to the civil registration application system, which is not yet fully ready to accommodate new changes. For example, the existing e-ID card recording system is still unable to support the inclusion of the identity of "Believers" without causing technical problems in the registration process. In addition, the implementation of regulations supporting these policies is uneven across regions, and mismatches between central regulations and regional technical readiness often slow down their implementation, resulting in difficulties for indigenous peoples to list their identities officially. Socio-cultural barriers are also an important factor in the implementation of this policy.

Based on research, people view Sunda Wiwitan as a distinctive religion and cannot be equated with the term "Believers." This term is considered to reduce their spiritual meaning to mere administrative labels. The Sunda Wiwitan religion, which means "early Sundanese," represents the indigenous beliefs of the people related to the reverence for their ancestors, which is manifested in the reverence for the Domas Statue. This belief is based on a monotheistic doctrine that honors the spirits of ancestors and recognizes the Sanghyang Keresia, the supreme power known as the Almighty. As part of an ancient customary tradition, this belief became the spiritual basis of the people, who felt responsible for the balance of the universe and the continuation of human life. In their religious practice, people often perform tapa to respect nature and maintain the earth's harmony.

Based on the interview results, a number of community members expressed their rejection of including their identities as believers in the religion column on the e-ID card and Family Card. The sources in the article confirmed that they objected if their identity was recorded as a "believer." They argue that the teachings of Sunda Wiwitan have existed long before the emergence of the term or organization "believers," so they chose not to make an e-ID card. Interestingly, between 1970 and 2013, people could still include the Sunda Wiwitan religion in their population documents however, since the enactment of Law Number 24 of 2013 concerning Population Administration, which only recognizes the six official religions of Islam, Catholicism, Christianity, Hinduism, Buddhism, and Confucianism in the religion column in their e-ID cards has been blanked during the period 2013–2017 (Widiana et al., 2021).

As a country with a democratic system that adheres to the principle of pluralism, Indonesia should ensure that every individual, including adherents of the Sunda Wiwitan faith, has the same rights regarding recognition and protection of their religious identity and beliefs. In the context of population administration, recognizing the Sunda Wiwitan beliefs as part of Indonesia's cultural and spiritual diversity is essential to maintaining a sense of justice and equality.

In addition, it is also important to increase public awareness of the importance of respecting diversity. Social discrimination against the Indigenous people of Sunda Wiwitan can be overcome not only by government policies but also by changing attitudes at the community level. Increasing tolerance and understanding of Sundanese Wiwitan beliefs can reduce the negative stigma that often attaches to them and encourage creating an inclusive and harmonious environment.

CONCLUSION AND RECOMMENDATIONS

Social discrimination against the trust of the indigenous Sundanese Wiwitan people in population administration is a serious problem that must be addressed immediately. This discrimination is rooted in ignorance, systemic injustice, and social stigma that is often unaware of by most of society. To create a more inclusive and equitable population administration system, the government needs to revise existing policies and provide legitimate recognition for Sundanese Wiwitan beliefs, as well as increase public understanding of diversity. Thus, the indigenous people of Sunda Wiwitan can feel appreciated, recognized, and get equal rights in society and the state as well as the implementation of legal protection for indigenous peoples which can be used as a way for indigenous Sundanese people to get the right to their religious identity in the identity card in Indonesia.

ADVANCED RESEARCH

Future research should focus on reducing discrimination against the beliefs of the Indigenous Sundanese Wiwitan people. A more diversity-friendly policy and clear legal recognition of their faith identity are needed. Legal protection must be applied concretely, including the inclusion of a person's religious identity on their ID card. In addition, increasing public understanding and the number of public service officers is crucial to removing stigma and encouraging equal services. With this step, the Sundanese can feel safe, respected, and receive equal recognition in community life.

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