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## Fulfillment of Civil Rights for Beliefs in Bangka District

Rafiq Sari<sup>a</sup>, Tiara Ramadhani<sup>b</sup>, Darwance<sup>c</sup>

<sup>a</sup>. Faculty of Law, Universitas Bangka Belitung, Indonesia, Email : [rafiqasari01@gmail.com](mailto:rafiqasari01@gmail.com)

<sup>b</sup>. Faculty of Social and Political Sciences, Universitas Bangka Belitung, Indonesia, Email: [tiaramadhani30@yahoo.com](mailto:tiaramadhani30@yahoo.com)

<sup>c</sup> Faculty of Law, Universitas Bangka Belitung, Indonesia, Email: [darwance@yahoo.co.id](mailto:darwance@yahoo.co.id)

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### Abstract

Adherents trust, at first no protected by law positive in Indonesia, with birth Decision Court Constitution No. 97/PU-XIV/2016 related Constitution Administration population. This thing give positive impact for adherents trust namely, protection and recognition by Indonesian law to adherents devotee trust, one related with recording marriage. Valid something marriage from adherents trust implications for rights civil law on child status as well as problem inheritance later. Destination from study this for knowing validity from marriage devotee trust in Bangka Regency based on law positive as well as fulfillment rights civil for adherents trust. Study this conducted with use method law juridical empirical through researching materials References as well as studies cases that develop in the community adherents trust. The results of the research produced in Bangka Regency are still there is marriage from devotee unreliable trust registered so that result in they no get rights civil law, such as right for get inheritance. Study this is very important conducted because still there is adherents trust whose marriage not yet legitimate nationally so that no protected rights civil from the parties, so that study this is very important done.

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## INTRODUCTION

Indonesia is a country consisting of various ethnic groups. In Indonesia, diversity has shaped various types of thriving culture<sup>1</sup>. One form of diversity among ethnic groups in Indonesia is the existence of adherents of the ancestral religion born before Indonesia's independence, such as Brother Sikep in Central Java, Sunda Wiwitan in West Java, Permalim in North Sumatra, Adat Mapur in Bangka Regency, and many other adherents of ancestral religions in Indonesia. After Indonesia's independence, there were a number of Indonesian people who classified themselves as adherents of a trust or ancestral religion that did not include one from The six official religions (Islam, Catholicism, Protestant Christianity,

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<sup>1</sup> Nicola Colbran, *Tantangan Yang Dihadapi Masyarakat Adat Dalam Mewujudkan Hak Dan Kepercayaan* (Yogyakarta: Pusham UII, 2017).

Hinduism, Buddhism, and Confucianism) are recognized by the Indonesian state. After a long struggle from ancestral religion or known with devotee trust to get recognition by one country through approved constitutional judicial review Constitution Number 23 of 2006 concerning Administration Population, listener trust could include his belief in the National Identity Card, whereas before there was a material test here, devotee trust adherents could not include his belief in the religion column, which could cause discrimination for them.

Historically, not all adherents of a belief have openly declared themselves to be adherents of a belief due to various considerations, one of which is that the existence of adherents of a belief has not been acknowledged in the eyes of Indonesian state law. They are a group of citizens who demand recognition and state service for their civil rights based on their diversity which so far has been neglected and violated. So far, they have been required to identify themselves, marry and so on based on a religion that has been recognized by the state, even where they do not believe in the official religion. They are victims of state discrimination against official religion or rather in the name of "religious politics"<sup>2</sup> to this day. Religious adherents in Indonesia, their teachings refer to divinity which is not based on religious teachings that have been recognized by the state<sup>3</sup>. So it can be concluded that in social life and behaving morally in daily life and worshiping God, adherents of belief do not adhere to certain religious teachings.

Indonesia is a country whose people are made up of various ethnic groups, nations, cultures, and customs, as well as various beliefs that have been passed down through generations, resulting in different rules for each trust. The Lord created different types of men, each with the goal of passing on descendants through marriage. Marriage is a bond born and inner among men with a woman as their wife, with the goal of a happy family based on Almighty God's will <sup>4</sup>. A marriage is declared legitimate if it is conducted according to the laws of each religion and belief. Marriage is an incidentally very important legal concept with various consequences; as a result, the law meticulously arranges problem marriages <sup>5</sup>. Devotee trust is part of an Indonesian citizen whose marriage is subject to Law No. 1 of 1974,

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<sup>2</sup> Samsul Maarif et al, *Merangkul Penghayat Kepercayaan Melalui Advokasi Inklusi Sosial* (Yogyakarta: CRCS UGM, 2019).

<sup>3</sup> Safirah Oktaviana & Nindia Putri Prameswari, "Keabsahan Dan Akibat Hukum Perkawinan Penghayat Kepercayaan Pasca Terbitnya Putusan Mahkamah Konstitusi Nomor 97/PUU-XIV/2016," *Notaire* 4, no. 2 (2021): 448, <https://doi.org/https://e-journal.unair.ac.id/NTR/article/view/26214>.

<sup>4</sup> Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan" (1974).

<sup>5</sup> Munir Fuady, *Konsep Hukum Perdata* (Jakarta: Rajawali Pers, 2014).

so that marriage devotee can be declared legal in the eyes of applicable law implementation must be in accordance with regulation applicable legislation. In 2019, President Joko Widodo legalized marriage for people who do not adhere to a recognized religion in Indonesia, in other words, for adherents of the faith contained in Government Regulation Number 40 of 2019 concerning the Implementation of Law Number 24 of 2013 concerning Population Administration.

Despite already established regulations and applicable laws, many marriage devotees believe their trust is invalid under Indonesian law. Marriage devotee trust is frequently controversial in life because it is illegal under applicable law. In relation to whether or not marriage devotee belief exists, Indonesian law affirms that everyone has the right shape family and can pass on descendants through legal marriage. The provisions concerning marriage in the 1974 Constitution state that something is legitimate if conducted according to the laws of each religion and belief, and that every marriage must be recorded.

Recording a marriage becomes an important element for validity in implementation. This thing aims to protect citizens, provide legal certainty for husband, wife, and children in a family, and protect marriage-related rights such as inheritance rights, birth certificate rights, and so on. Marriage is noted according to applicable legislation, according to article 2 paragraph 2 of Law Number 1 of 1974 concerning Weddings could be interpreted as indicating that recording marriages conducted through procedures that have been set into law is positive in Indonesia. So that the rights of the husband, wife, and children in a legally recognized marriage can be protected by the state. According to the explanation above, it is the writer's motivation for researching and discussing civil fulfillment rights for adherents of trust in Bangka Regency. The author believes that by studying this interesting and readily available novelty law in marriage devotee trust, one can better understand how to determine the validity of marriage devotee trust in Bangka Regency based on positive law as well as civil rights fulfillment for adherents trust.

The study of law, both juridical and empirical, is used to investigate this. According to Abdulkadir Muhammad, study law juridical empirical is study law related implementation from provision normative law in action on an incident the law that happened in something Public <sup>6</sup>. Studying juridical empirical means studying the field in which the author is researching legal rules and combining that research with data gathered in middle society. An

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<sup>6</sup> Abdulkadir Muhammad, *Hukum Dan Penelitian Hukum* (Bandung: Citra Aditya Bakti, 2004).

approach to legislation and an approach to conceptualization are used in method study <sup>7</sup>. Ingredients of the law used are relevant and applicable laws and regulations, with the middle problem researched. collection technique, ingredient, and law used in study. This is a qualitative study of literature.

## **VALIDITY MARRIAGE DEVOTEE TRUST**

Adherents of trust are a group of citizens whose "religion or belief" has been defined and treated differently in the past. Their faith was deemed primitive and in need of modernization. Adherents believe, or as it is also known, the ancestral religion, which is considered a culture where necessary; however, it is considered communist and atheist, so there is a need to migrate to a religion that has been authorized by the state. Since the reformation, ancestral religion has grown in popularity. According to Maarif, ancestral religion, also known as "practice animist," "magic," "custom," "culture," and other terms, is not appropriate in public discourse or literature. For example, we could see how to meditate, make offerings, and the existence of rituals involving mountains, forests, rivers, and many other things in practice. Adherents of devotee beliefs that are spread in various regions of Indonesia identified and registered themselves in state institutions, including the Ministry of Religion, the Ministry of Education and Culture, and the Attorney General's Office, through the Coordinating Board Supervision Stream Society (Bakorpakem), whose number is always increasing, and they always experience enhancement from time to time. According to the most recent data from the Directorate of Trust to Almighty God and Tradition, the number of centrally registered trusts is as high as 182, and it is closer to 1,000 in the regions.

Devotees trust Merapu, the chairman group known as Rato, in Southwest Sumba, East Nusa Tenggara, to tell them about their life experiences; as followers. They trust Merap to tell them they are the first to be mocked without bringing charges against him, accused as infidels, adherents. In school, they forced these perverted, primitive children to choose another religion. For they are listeners, and trust is one of the ancestors' inheritances, so there is a need to guard and preserve, so that the community they live in exists and is sustainable; for if they leave, it is sin, and life has no meaning <sup>8</sup>. The word Merapu means ancestors, which is related to the ancestral spirits who are revered because they are the chiefs of the tribe

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<sup>7</sup> Johnny Ibrahim, *Teori Dan Metodologi Hukum Normatif* (Malang: Publishing 57, 2006).

<sup>8</sup> Samsul Maarif et al, *Op.Cit.*

and act as intermediaries between humans and the creator<sup>9</sup>. Merapu has principles that can reach all levels of human life. So it can be concluded that the Merapu belief is a belief that developed on the island of Sumba, including East Sumba, which worships God through the intermediary of ancestral spirits or ancestors<sup>10</sup>.

Another story: for group devotee trust in Purwokerto, Central Java, they always wonder why they are not recognized by the state throughout their lives; they believe that the trust they embrace is not contrary to Pancasila values; they study about trusting Almighty God One, virtuous sublime, respecting tall humanity, and the culture of their noble ancestors. All that has been done is to do nothing that contradicts Indonesian laws and regulations, and there is none from ancestors' actions for those who are annoying the general order<sup>11</sup>. Their parents have followed as well as fought for Indonesia's independence; they also inherit the spirit of the Indonesian nation, but the state refuses to acknowledge the existence of the ancestral beliefs or religions their parents embrace, and even discriminates against the group's existence. For they must associate with one of the religions recognized by the state in order to obtain rights as Indonesian citizens; however, if they reject it, they must disregard its rights as Indonesians<sup>12</sup>.

Mapur customs is trusted by residents of Bangka Island, Province of Bangka Belitung Islands. According to Sutedjo Sujitno, the Mapur tradition in Bangka is trusted as the first race to occupy Bangka Island; they came to Indonesia about 40,000 years ago. The Indonesian mainland is still a unified land with the Asian and Sunda continents<sup>13</sup>. The Bangka people consist of a number of ethnic groups, among them Chinese, Malay, Mountain People, and Sea People. Mapur is administratively located in Air Abik Village, Belinyu District, Bangka Regency. They are distinct as a community custom when compared to Bangka society in general. They have distinct dialects of language and culture; however, in terms of livelihood, they are not significantly different from other Bangka people. They have their own dialectics of language, their own culture, but in terms of livelihood, they are not

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<sup>9</sup> Johanis Putratama Kamuri, "Menimbang Posisi Penganut Kepercayaan Marapu Di Hadapan Pemerintah Negara Kesatuan Republik Indonesia," *Societas Dei: Jurnal Agama Dan Masyarakat* 7, no. 1 (April 30, 2020): 73, <https://doi.org/10.33550/sd.v7i1.129>.

<sup>10</sup> Renatha Swasty, "Mengenal Marapu, Kepercayaan Masyarakat Sumba terhadap Tuhan," Medcom. id, 2023, <https://www.medcom.id/pendidikan/news-pendidikan/8N0xLpEN-mengenal-marapu-kepercayaan-masyarakat-sumba-terhadap-tuhan>.

<sup>11</sup> Samsul Maarif et al, *Op.Cit.*

<sup>12</sup> Samsul Maarif et al, *Pasang Surut Rekognisi Agama Leluhur Dalam Politik Agama Di Indonesia* (Yogyakarta: CRCS UGM, 2017).

<sup>13</sup> Sutedjo Sujitno, *Legenda Dalam Sejarah Bangka* (Jakarta: Publishing, 2011).

much different from other Bangka people. The Mapur people are often referred to as the Lom people. This mention was due to the fact that initially most of them were domiciled in the Mapur area<sup>14</sup>. The Mapur tribe is the oldest tribe on Bangka Island. According to legend, their ancestors came from the Majapahit Kingdom, as well as descendants from Vietnam. There are Mapur people who embrace Islam and Christianity, but this is only symbolic so that they have an identification card or also called a resident card<sup>15</sup>, one of the goals is to be able to go to school and get rights that are recognized by the government. Mapur still adheres to the teachings of their ancestral beliefs, and respects nature very much. For them the mountains, forests, and whatever is in the heavens and on earth have spirits that unite with their ancestors, these spirits guard and oversee human life<sup>16</sup>.

As a country of law, the State of Indonesia has policies in place to ensure orderly administration and the avoidance of future problems, one of which is related to marriage. Marriage is a critical stage in human development. Marriage will result in the birth of a generation of descendants as well as a successor nation. Marriage is defined in article 1 of Law Number 1 of 1974 (hereinafter referred to as the Constitutional Marriage) as "a bond born and an inner relationship between a man and a woman as husband and wife with a destination of a happy and eternal family based on the will of Almighty God". Whereas valid marriage is defined in article 2 paragraph 1 of the Law of Marriage as being conducted in accordance with the law of each religion and belief, verse 2 explains that each marriage is recorded in accordance with regulation legislation.

One effect of legally regulated marriage is devotee trust in society. With glass state eyes, marriage devotee trust is regarded as a problem. Because no one is registered in the Office of Civil Records, country-looking at marriage devotees trust no one as legitimate by country or law in Indonesia. As a result of the law, children born from marriage adherents trust no legal in the eyes of Indonesian law, as he has no civil connection with his father, resulting in one of the distributions inheritance. As a result, many public adherents believe that written parent religion or belief in one of six religions recognized by the Indonesian state, one of which is for marriage, is legal in the eyes of Indonesian state law.

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<sup>14</sup>Ensiklopedia Dunia, "Suku Mapur," Universitas Stekom Pusat, 2023, [https://p2k.stekom.ac.id/ensiklopedia/Suku\\_Mapur](https://p2k.stekom.ac.id/ensiklopedia/Suku_Mapur).

<sup>15</sup> Janawi, "Agama Adat Suku Mapur Bangka: Studi tentang Sistem Kepercayaan dan Budaya Orang Lom", (Disertasi, UIN Sunan Kalijaga, 2016).

<sup>16</sup> Jamilah Cholillah, "Orang Lom: Masalah Sosial Dan Ancaman Kearifan Lokal Dalam Tinjauan Sosiologi," *Society* 3, no. 2 (December 1, 2015): 59–72, <https://doi.org/10.33019/SOCIETY.V3I2.49>.

As a state of law, Indonesia regulates all continuity incidents that are important to the community, including case marriage. One of the most important processes in human life is marriage, speak about marriage no only concerning. Personal matters second couple husband and wife but also family (second split party) and society because marriage is something sacred, every religion always connects marriage rules to religious rules. Existence and devotee trust continue to exist until this moment. The settings, however, are still not in line with the rules for other special related marriages. The not yet rule is the law that protects marriage devotee trust, resulting in marriages performed by follower trust that have not yet been registered with the relevant agency, i.e., the Office of Records Civil, rendering their marriages null and void. Marriage was only practiced by custom. It has been confirmed that Constitution Number 24 of 2013 relating to Changes to Law Number 23 of 2006 relating to Administration Population is incidentally important for devotee trust. This, I believe, has a positive impact on the trust of marriage adherents. Then next with existence Regulation Government Number 40 of 2019 about Implementation Change on Constitution Number 23 of 2006, whose contents arrange related authority and implementation process in civilian implementation recording, changed with Constitution Number 24 of 2013. The requirements and procedures for recording marriage for devotee trust are outlined in Chapter VI of the Rules of Government Number 37 of 2007. It is stipulated that marriage for devotee trust be performed in front of the leader of the devotee trust who has been appointed and determined by the organization devotee registered trust in the agency in charge of construction technical trust to Almighty God One who is the leader of the devotee trust.

After issued, Decision Court Constitution Number 97/PUU-XIV/2016 states that marriages performed by adherents of trust are registered in the Office of Records Civil. This has a positive impact on adherents' trust, which initially does not receive legal protection from the Indonesian state, with the exception of the performance thing recording marriage, which has implications for the validity of marriage for them. As a result, we may conclude that something valid about the marriage couple has a very close relationship with the status of the child born from the marriage, as well as being related to the child's later inheritance. To marriage adherents, the belief that is carried out in accordance with applicable rules could result in a legal certainty with a Quote Deed Marriage issued by the competent authority.

Long struggle and devotee trust resulted in the Post-Decision Court Constitution. During this time, one of them gains the same legal status as Indonesia, namely, similarity to

adherents of other religions who have been recognized by the state. Marriages performed by believers are presumed to be legal if registered by law-abiding Indonesia, according to the Constitution Administration Population. Depending on the level of trust among followers, the impact of recording marriage can be seen in child status or generation from marriage. In general, a child born through existence deed marriage from a competent authority will receive both deed birth and existence card family. As a result, it is possible to conclude that the child born from the belief that his parents' marriage was registered made the child legitimate and recognized in the eyes of Indonesian state law. Before the existence of the Decision Court Constitution, children born from a couple's devotee trust had only a civil relationship with their mother and her family, but not with their father and his family.

## **FULFILLMENT RIGHTS CIVIL FOR ADHERENTS TRUST**

The life cycle can begin with birth and end with death. Someone's death has ramifications for the individual, family, community, and environment. The law concerning parties, family, and treasured relics of the deceased is the law concerning automatic consequences that has an impact on relationships. The law of inheritance governs a person's connection to a deceased person. Inheritance law governs the rights and obligations associated with the property of someone who has died and passed it on to living family members. The law of inheritance in Indonesia is pluralistic, which means that the law of inheritance in Indonesia varies depending on the deceased's customs, beliefs, and religions.

Right citizen is the authority that each citizen possesses to do something in accordance with applicable laws and regulations, so right citizen is something special for a citizen to be treated in accordance with privileges <sup>17</sup>. In reality, not all citizens have equal access to their rights. Discrimination in someone's background, such as discrimination based on race, ethnicity, or religion, is one of the causes. Indonesia is a pluralistic country, and if no one acts quickly to find solutions to the street cut-off problem, it will become a serious problem. As an example, devotees trust. Devotee trust: this is a group of Indonesian minorities who face discrimination simply for existing. The struggle of devotees' trust in Indonesia to obtain his rights has been long and difficult, so be born decision court

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<sup>17</sup> Fajar Khaswara, et al, "Pengakuan Agama Lokal Sebagai Bentuk Pemenuhan Hak Warga Negara," *Jurnal Riset Agama* 1, no. 3 (2021): 199–211, <https://doi.org/10.15575/jra.v1i3.15174>.



constitution, even though this occurs until after post-decision court constitution discrimination is still permanent, they obtain.

As stated earlier, the Court Constitution makes decisions on application lawsuits based on public trust. The Decision Court Constitution is an achievement for devotee trust in Indonesia to get confession by law positive, which includes permission for devotee trust to include them in the religion column on the identity card. However, this is only a limited sign administration population, and they have yet to fully exercise their rights as Indonesian citizens. Fullfilling every citizen's rights is a very basic thing for every citizen to do. Even the 1999 Constitution states that the basic man has certain rights attached to his nature and existence as a creature of the Almighty God One, as well as his obligatory grace, which is respected by its height and protected by every person, state, law, and government.

Article 29 paragraph 2 of the 1945 Constitution states that "the state guarantees the independence of each population to practice their respective religions and to worship according to their religion and beliefs". Freedom should be a religious right owned by every adherent's follower, who believe that basic humans who do not have it can sue. There are several restrictions on religious freedom, including, first, restrictions for the sake of public security; second, restrictions to protect society's health; third, restrictions to protect society's morals; and fourth, restrictions to protect fundamental freedom and freedom of others <sup>18</sup>.

According to the room scope of devotee trust, religious Indonesian society is classified as a minority. They have existed there since long before Indonesia's independence, but they remain in the minority when compared to adherents of other religions in Indonesia. They seek similarity with the law, the government, and Indonesian society through various forms of struggle. Minorities believe that group minorities can have social influence. Influence born in a specific time period and have an impact on personal acceptance of a minority group. In theory, this also explains why an influential minority requires time to change the public majority's perspective. Good interaction between devotee trust and adherents of the majority religion is critical, because this is one way for them to get to know each other and avoid misunderstandings in society.

Couples who marry have rights and obligations, such as copy love, respect, mutual help each other give help to the good born or inner, and as the husband, he must protect his child and his wife, and as the wife, she must obey the husband, and they have the right to do

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<sup>18</sup> *Ibid.*

the deed law. The Constitution establishes the rights and obligations of parents and children. Marriage, rights, and responsibilities are outlined in Constitution Number 35 Years 2014. Changes to Law Number 23 of 2022 Concerning Child Protection, including the right of children to live, grow flowers, be protected from violence and discrimination, have the right to be named, worship according to their religion and beliefs, receive education, and many other rights. Article 28 E, paragraph 2, and article 29 of the 1945 Constitution state that every Indonesian citizen has the right to free belief, expression of thoughts, and attitudes, and that the state guarantees the independence of each population to hug their respective religions and worship according to their religions and beliefs. However, in practice, this is still difficult to achieve because discrimination persists in middle-class social settings. As for example, in the world of education, in order to get similarity rights and avoid discrimination, appreciation and trust include identity, which is wrongly recognized as one religion by the state of Indonesia. The importance of similarity is correct for all citizens, regardless of race or religion. So that every citizen gets rights according to what has been determined by regulations and legislation,

## CONCLUSION

Marriages of adherents of a belief are valid if they are carried out in front of a leader of adherents of a belief who have received a letter of assignment or in other words have been registered with the competent authority and registered with the Civil Registry Office. However, in practice, there is still discrimination against adherents of beliefs rather than adherents of religions that have been recognized by the state. Believers of faith should have the same rights as citizens of other religions, because in principle everyone has the right to live freely to embrace their own beliefs so as to create a good and peaceful environment without discrimination from any party.

It is very important, the validity of a marriage for everyone, in order to get legal protection and clarity of their marital status, clarity of the status of their descendants born from the marriage so that they can be said to be legitimate children both in the state and in social life. The significance of the validity of this marriage is that the children who are born get inheritance rights from the father, because if the parents' marriage is not valid in the eyes of Indonesian positive law, then the child will only get civil rights from the mother's side. A marriage of adherents of a belief that is legal in the eyes of the law will receive legal

protection, concrete evidence so that there are no obstacles in defending the rights of husband and wife and children born in the marriage.

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