



REINFORCEMENT PATTERN RELIGION, SOCIAL, AND MARRIAGE LAW FOR RESISTANCE FAMILY BAHA'I MINORITY IN INDONESIA

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DOI: 10.21154/justicia.v20i1.5183

Received: Feb 17, 2023

Revised: May 13, 2023

Approved: June 30, 2023

Abstract: The lives of minority groups have slightly different forms of interaction in religious aspects, social relations, and marriage law. Minority groups often experience discrimination in religious, social, and marriage administration services. This research provides an overview of religious patterns, social relations, and marriage law for the Baha'i minority group in Indonesia and the obstacles they face in interacting with general community groups. This research is qualitative research with a phenomenological approach. The participants in this study amounted to 10 people who were heads of families of the Baha'i group. The study's results found four crucial aspects of the life of the Baha'i community. First, the Baha'i group in religious life has three principles: the existence of the One God, the unity of all religions, and human unity. Second, the Baha'i group socially has no problems with the general public and can be socially accepted. Third, the Baha'i group in the legal aspect of marriage cannot access the legal registration of marriage. They perform inter-group marriages only and are only known to their group. Fourth, the obstacles experienced by the Baha'i group are more related to social and state rights services. The results of this study contribute theoretically to enriching and strengthening science and practically will reduce social problems in society, especially respect for minorities such as the Baha'i group.

Keywords: Civil Rights; Legal Marriage; Service; Social Relationship

Abstrak: Kehidupan kelompok minoritas memiliki bentuk interaksi yang sedikit berbeda dalam aspek keagamaan, relasi sosial dan hukum perkawinan. Kelompok minoritas seringkali mengalami diskriminasi dalam pelayanan hak keagamaan, sosial dan administrasi perkawinan. Penelitian ini memberikan gambaran tentang pola keagamaan, hubungan sosial dan juga hukum perkawinan bagi kelompok minoritas Baha'i di Indonesia dan kendala yang dihadapinya dalam berinteraksi dengan kelompok masyarakat umum.

penelitian ini merupakan penelitian kualitatif dengan jenis pendekatan fenomenologi. Partisipan dalam penelitian ini berjumlah 10 orang yang merupakan kepala keluarga kelompok baha'i. Hasil penelitian menemukan empat aspek penting dalam kehidupan masyarakat Baha'i. Pertama, kelompok Baha'i dalam kehidupan keagamaan mempunyai tiga prinsip yaitu adanya Tuhan yang Maha Esa, kesatuan semua agama dan kesatuan manusia. Kedua, kelompok Baha'i secara sosial tidak mempunyai permasalahan dalam hubungan dengan masyarakat umum dan bisa diterima secara sosial. Ketiga, kelompok Baha'i dalam aspek hukum perkawinan tidak dapat mengakses pencatatan hukum perkawinan secara sah. Mereka melakukan perkawinan antar kelompok saja dan hanya diketahui kelompoknya. Keempat, hambatan yang banyak dialami oleh kelompok baha'i lebih berhubungan dengan pelayanan hak secara sosial dan kenegaraan. Hasil penelitian ini berkontribusi secara teoritis memperkaya dan memperkuat keilmuan dan secara praktis akan mengurangi problematika sosial di masyarakat terutama menghargai terhadap minoritas seperti kelompok Baha'i.

Kata Kunci: Hak Sipil; Hukum Perkawinan; Pelayanan; Hubungan Sosial



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INTRODUCTION

Community life is a relationship formed by the interaction of existing small groups. The family is the minor social order and one of the most significant components of society, with religious differences occasionally leading to the value of fanaticism.¹ The family is the first location where someone learns and experiences information and experience on religious, social, and societal levels. This is a type of ideal order in a family sphere when society is the majority group in terms of religion, group, ethnicity, and race. Because Indonesia is a country that respects differences, the majority group enjoys excellent conditions for offering education and strengthening to their family members.²

This is not the case with minority community groups, which are smaller in size or number. Minority groups in specific groups of society often confront various challenges, including hostility based on religion, social, economic, and educational factors. The Baha'i minority community also faces violence and pressure from the

¹ Moh. Rosyid, "Moderate Muslim By Baha'i Religious Community: A Case Study In Pati Regency In Central Java," *al Qolam*, 37 no. 1 (January-June 2020), <https://doi.org/10.32678/alqalam.v37i1.2340>

² Paul Marshall, "The Ambiguities of Religious Freedom in Indonesia," *The Review of Faith & International Affairs*, 16, no. 1, (2018): 85-96, <https://doi.org/10.1080/15570274.2018.1433588>

majority group.³ They will be subjected to harsh conditions and limited access in all aspects. Minority groups face obstacles not just in religious affairs but also in social contact and fundamental public services, which are also neglected. This challenge undoubtedly necessitates strengthening all components of minority groups' home environments.

Many researchers have already conducted research on the theme of minority group studies, albeit from different perspectives. According to Fadhli's research, minority groups are typically vulnerable to becoming victims of human rights breaches. Hence legal protection is provided. Regarding human rights, this group is equal to other individual rights holders and has specific rights.⁴ Special rights are not special rights but rights granted to elevate the dignity of minority communities.⁵

Risdianto also did more studies, stating that the state must offer legal protection for minority communities in Indonesia.⁶ Polygamy and other marriage phenomena are heavily debated in Indonesian Islamic legal discourse.⁷ As seen by various rules and programs, the current government has made several steps to offer legal protection for minority groups. In Indonesia, legal protection for minority groups' human rights is governed by Articles 28 D and I of the 1945 Constitution and Article 3 paragraph (3) of Law No. 39 of 1999 Concerning Human Rights. As one of the Muslim intellectual luminaries who made significant contributions, KH Salahuddin Wahid campaigned for minority communities.⁸

In line with the above explanation, Sofanudin's research discovered that religious education should also be provided to minority populations. Despite having a firm legal foundation, not all schools can deliver religious education for minority populations as a form of constitutional rights protection.⁹ Some schools can

³ Amanah, *Baha'i: A Narrative of Minority Religion In Indonesia (A Case Study In Banyuwangi, East Java)*, (Yogyakarta: Center for Religious And Cross-Cultural Studies (CRCS) Gadjah Mada University, 2010).

⁴ Yogi Zul Fadhli, "Kedudukan Kelompok Minoritas Dalam Perspektif HAM dan Perlindungan Hukumnya Di Indonesia," *Jurnal Konstitusi* 11, no. 2 (2016): 352, <https://doi.org/10.31078/jk1128>.

⁵ Yusron Masduki et al., "Strengthening Religious Education for Family Resilience in Yogyakarta Muslim Minorities," *Conciencia* 20, no. 1 (2020): 28-39, <https://doi.org/10.19109/conciencia.v20i1.5686>.

⁶ Danang Risdianto, "Perlindungan Terhadap Kelompok Minoritas Di Indonesia Dalam Mewujudkan Keadilan dan Persamaan Di Hadapan Hukum," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 6, no. 1 (2017): 125, <https://doi.org/10.33331/rechtsvinding.v6i1.120>.

⁷ Nisa, E. *The Bureaucratization of Muslim Marriage In Indonesia*. *Journal of Law and Religion*, 33no. 2 (2018): 291-309. [doi:10.1017/jlr.2018.28](https://doi.org/10.1017/jlr.2018.28)

⁸ Asfa Widiyanto, "Salahuddin Wahid and The Defence of Minority Rights In Contemporary Indonesia," *Al-Jā mi'ah: Journal of Islamic Studies*, 52, no. 2 (2014), pp. 271-307, [doi: 10.14421/ajis.2014.522.271-307](https://doi.org/10.14421/ajis.2014.522.271-307)

⁹ Aji Sofanudin, "Kebijakan Kementerian Agama Dalam Pelayanan Pendidikan Agama Kelompok Minoritas," *Penamas* 32, no. 1 (2019): 503, <https://doi.org/10.31330/penamas.v32i1.284>.

provide full service, schools can only provide one religious service, and schools can only provide a portion of religious education.

The information above shows that minority groups have limited access to services and activities in religion, education, society, economy, and even politics. The Baha'i minority group is one among many affected by this issue.¹⁰ The Baha'i religion is an Iranian religion founded on the teachings of Baha'ullah. Around 1844, the Baha'i religion emerged. *Sang Bab* is the nickname for Baha'ullah or Mirza Husayn Ali, born in 1817 and died in 1892. He is considered a herald of presence and promise in the holy books of the Abrahamic religions. *Sang Bab* himself has the real name Sayyid Ali Muhammad.¹¹

Baha'ullah's teachings demand religious unity, God's truth unity, and human togetherness. According to Baha'i teachings, religion is a progressive revelation; while each religion has distinct names, they are ultimately the same. To appreciate and believe in all religions, Baha'is emphasize the existence of prophets as carriers of God's embodiment.¹²

In general, Baha'i teachings focus on the unity of all religions. God is compared to the sun so that everyone can perceive it differently. This distinct nature reflects the essence of each religion's theological beliefs.¹³ The Baha'i minority group has diverse doctrines, which causes a challenge in society. In some circumstances, the Baha'i minority faces difficulties in daily life due to a lack of acknowledgment from society and even the government. They face challenges in carrying out religious, social, and marital activities and accessing civil services. This study attempts to answer research questions about how the Baha'i minority group's models and patterns increase the resilience of their families in the face of adversity. The focus of this research will be to specialize in patterns of strengthening religion, social relations, and marriage laws for the Baha'i minority group in Indonesia. In Indonesia, the Baha'i religion has received quite a good response, as evidenced by the increasing number of adherents in several regions in Indonesia.¹⁴

¹⁰ Moh Rosyid, "Resolusi Konflik Umat Baha'i Dengan Muslim," *Jurnal Multikultural & Multireligius* 17, no. 2 (2018): 424-42.

¹¹ Kustini and Syaiful Arif, "Agama Baha'i Problematika Pelayanan Hak-Hak Sipil," *Harmoni* 13, no. 2 (2014): 84-98.

¹² Amanah Nurish, "Welcoming Baha'i: New Official Religion in Indonesia," *The Jakarta Post*, 2014.

¹³ Umi Rojati, "Manajemen Komunikasi Sosial Penganut Agama Baha'i Di Kota Bandung," *Communicatus: Jurnal Ilmu Komunikasi* 3, no. 1 (2019): 1-16, <https://doi.org/10.15575/cjik.v3i1.5033>.

¹⁴ Iman Pasu Purba, "Legal Protection for Baha'i Adherent in Indonesia," *Advances in Social Science, Education and Humanities Research*, vol 226, International Conference on Social Sciences (ICSS 2018).

This research employs a method that is qualitative with a phenomenological approach.¹⁵ Phenomenological research is discovering someone's direct experience in the context of specific events. The experience referred to in this study is that of the research subjects, who are Baha'i devotees. This study included ten individuals from various Baha'i communities in Indonesia. They comprise Baha'i devotees who serve as group leaders and ordinary members. This study retrieved data through early observation procedures and in-depth interviews. Before the interview, the parties who would be used as research subjects regarding their willingness were assessed. Initially, it was planned that around 25 people would become respondents, but of these targets, only twelve were willing to be interviewed, and the rest were not pleased for personal reasons. Furthermore, data collection was carried out using an interview guide instrument that had been made and an observation guide. Data analysis was carried out using three stages¹⁶ by the research procedures that Miles and Huberman formulated: data reduction, data presentation, and concluding data interpretation.¹⁷

THE EXISTENCE OF THE BAHA'I GROUP IN INDONESIA

Baha'i teachings are Baha'ullah teachings. After that, his sons Abdul Baha and Shoghi carried on his teaching. On May 23, 1844, Ali Muhammad, who has the title, *Bab*, first brought Baha'i teachings to Iran. He then declared himself to be a divine messenger.¹⁸

Bahaullah started the mission to preach the Baha'i religion in Akka, which lies on the border between Palestine and Israel. After Bahaullah's death, his son Abdul Baha carried on. Its propagation was carried out by traveling around Egypt, Europe, and America, generating a lot of interest from the world community, such that the teachings of Bahai became known and embraced by numerous groups of people between 1911 and 1913. This deployment aims to promote peace and social justice for all religious people.

Since the 1950s, the Baha'i religion has supposedly penetrated and thrived in Indonesia. At the time, Indonesia desperately needed medical workers. Doctors and

¹⁵ Hanif Cahyo Adi Kistoro, "Model of the Cultural Da'wah of the Sunan Gunung Jati and Its Relevance with the Current Da'wah of Islam," *Religia Jurnal Ilmu - Ilmu Keislaman* 24, no. 1 (2021): 100-118.

¹⁶ Lumaauridlo et al., "School Readiness Assessment: Study of Early Childhood Educator Experience," *Elementary Education Online* 20, no. 1 (2021): 468-78, <https://doi.org/10.17051/ilkonline.2021.01.041>.

¹⁷ Matthew B. Miles and A. Michael Huberman, *An Expanded Sourcebook Qualitative Data Analysis* (London: Sage Publications, Inc, 1994).

¹⁸ Kustini, *Baha'i, Sikh, Tao: Penguatan Identitas Dan Perjuangan Hak Sipil* (Jakarta: Penelitian dan Pelatihan Kehidupan Keberagamaan Kemenag RI, 2015), 31.

medical staff from Persia or Iran were among those brought in. However, the involvement of a Baha'i disciple, particularly Jamal Effendi, who came from Persia to India and Sri Lanka in 1875, cannot be isolated from the historical side of the propagation of Baha'i teachings.¹⁹ In 1878 and 1883, they traveled to Burma or Myanmar and Penang, Malaysia, accompanied by another follower, Mustafa Rum, from Turkey. Then they returned to Indian territory in 1884 in the Mardas area. In 1885, he sailed to Malacca and Java with other followers, namely Shamsu'din and Lapudodoo. After arriving in Batavia and having lived in the Pekojan area or Kampung Arab, they were allowed by the Dutch East Indies government to visit significant places, such as Ports in the area of Surabaya, Bali, Lombok, and even Sulawesi. He had lived in the Pare-pare region in Sulawesi. He was even given two students, namely: Nair and Bashir, from the King, Fatta Arongmatua Aron Rafan, and Queen, Fatta Sima Tana.²⁰

Their journey took them back to Malacca before continuing to other parts of Southeast Asia. Nair and Bashir were requested to assist the Baha'ullah family after returning to Akka. Many individuals accepted this teaching on the simple unity of the people. The result was that many people began to adhere to Baha'i teachings in every location visited; according to information gathered by Baha'i groups in the early twenty-first century, they had approximately eight million followers worldwide, dispersed across nearly 200 nations.

Baha'i development began to spread widely in numerous regions, including Jakarta, Central Java, and Yogyakarta. In East Java, specifically Banyuwangi, as well as in Sulawesi. The development of this teaching then stopped when President Soekarno banned the Baha'i community in Indonesia with Presidential Decree (Keppres) No. 264 of 1962, issued on September 6, 1962. This Presidential Decree prohibited not only the Baha'i community but also other communities judged to be contrary to religious beliefs at the time. Freemasonry institutions, Re-armaments, Lions Clubs, Rotary Clubs, and other organizations are also outlawed. This prohibition has the consequence of discriminating against and intimidating minority groups. After nearly 38 years of enforcement, this restriction was removed under

¹⁹ Jelle de Vries, "Jamal Effendi and Sayyid Mustafa Rumi in Celebes: The Context of Early Baha'i Missionary Activity in Indonesia," *Baha'i Studies Review* 14, no. 1 (2008): 23-37, https://doi.org/10.1386/bsr.14.23_1.

²⁰ Amanah Nurish, "'Diam Itu Melawan" Catatan Pinggir Komunitas Baha'i Di Banyuwangi Judul," *Jurnal al Hurriyah* 6, no. 1 (2008): 1-5.

President Abdurahman Wahid's rule via Presidential Decree No. 69 of 2000, dated May 23, 2000.²¹

Until the restriction is lifted, Baha'i organizations can do their activities in the community. Although, indeed, they do not have complete access in some areas. Baha'i believers in Indonesia are today scattered across numerous locations, including Jakarta, Bekasi, Bandung, Pati, Banyuwangi, Malang, Surabaya, Denpasar, Medan, Palopo, Pekanbaru, and the Mentawai Islands, according to data from the Ministry of Religion. It is predicted that there are 5,000 Baha'i adherents in Indonesia.

RELIGIOUS SOCIAL SYSTEM AND BAHAI GROUP MARRIAGE LAW

Religion is a guideline for human life used to understand God's²² teachings and apply these teachings to himself and his environment.²³ As a primary basis of culture, according to Sugiarto, it will be difficult for humans to leave their religion.²⁴

According to the Baha'i, God can be called according to the name understood by certain groups of people. For example, it is called the word Allah, Lord, *Tai Kamama*, *Gusti Allah*, and others. All religions are true and created by one source, namely the same God. They also made a holy book called *al-Aqdas*. There is also what is called *Al-Iqon*, *Loh-loh*, and others. Ritually, the Baha'is carry out the obligatory prayers three times and also fast for 19 days.²⁵

Baha'is believe in the afterlife. The spirits of the deceased continue to exist in other realms. The closer people are to God, the more they will go to heaven; nevertheless, the further people are from God, the more they will go to hell. Heaven is considered a happy place, whereas hell is considered secluded, remote, or empty. God alone creates good, according to Baha'i teachings. Evil is a state of vulnerability. Angels will be in charge of the good, while Satan will be in charge of the bad.²⁶

Baha'i is regarded as a separate and worldwide religion. Baha'is are not affiliated with any other religious group. The Baha'i religion seeks to achieve spiritual transformation and renew society based on God's oneness. All religions originate from the same God and celestial source, as does humanity's oneness.

²¹ See Presidential Decree No 69 of 2000.

²² Hanif Cahyo Adi Kistoro and Aminah Nur Latifa Sibarani, "Relevansi Konsep Nilai Petatah Petitih Sunan Gunung Djati Dalam Pendidikan Islam," *Jurnal Pendidikan Agama Islam Al-Thariqah* 4, no. 2 (2020): 24–40, [https://doi.org/10.25299/al-thariqah.2019.vol4\(2\).4125](https://doi.org/10.25299/al-thariqah.2019.vol4(2).4125).

²³ Nasrullah and Hanif Cahyo Adi Kistoro, "Nilai- Nilai Pendidikan Islam Dalam Ajaran Ki Hajar Dewantara," *Ekspose: Jurnal Penelitian Hukum Dan Pendidikan* 20, no. 2 (2021): 1269–78.

²⁴ Rifka Sina, *Aliran-Aliran Keagamaan Aktual Di Indonesia* (Jakarta: Badan Litbang dan Diklat Kementerian Agama Puslitbang Kehidupan Keagamaan, 2008).

²⁵ Nurish, "Welcoming Baha'i: New Official Religion in Indonesia."

²⁶ Kustini and Arif, "Agama Baha'i Problematika Pelayanan Hak-Hak Sipil."

Because the Baha'i community regards itself as a friend of all religions, religion must be a tool and source of peace and social harmony.²⁷

With this understanding comes the necessity for equality of being, prejudice elimination, leading cleanly and morally with a conscience, compulsory education for all, deliberation as a means of solving society's problems, economic settlements founded on spiritual ideals, and obedience to God and the government. The existence of this obedience then translates that Baha'i believers are not permitted to join political parties and are expected to obey all kinds of government.²⁸ All of these teachings are intended to maintain global harmony and peace. This is the foundation for the Baha'i community in carrying out social interactions in society.

There are several crucial aspects in the life of the Baha'i community relating to religious, social, and legal marriage patterns in the Baha'i group. "As a minority group in religious teachings, we always adhere to the basic teaching that as God's creatures, we must believe that all religions have the same source," claimed the first response. If we have trouble practicing religion, it is only because we do not grasp our teachings."²⁹

In keeping with the explanation above, the second responder likewise supported the implementation of religious ceremonies in the Baha'i community. "Members of the Baha'i group, because the construction of houses of worship requires various permits, it is not specifically possible to build them on their own," it was claimed. Thus, we run it in a specific location that has been agreed upon."³⁰

The third respondent said, "Not only in religious life but also in public relations, we are experiencing problems." We have constraints in obtaining services at the office, such as deeds, ID cards, and other letters. In Indonesia, we are not considered to be religious. It also makes obtaining rights harder for us. But we also follow our religion's teachings that we must obey and be obeyed by the government, so whatever occurs, we must accept."³¹

The fourth respondent reinforced this point by stating that our children at school face limits as well. For example, not all schools can give particular religious education to our children because schools cannot hire professional religious teachers. It's also unclear whether schools will accept our children because some schools ban them."³²

On the other hand, not only in the religious and social aspects but in terms of our marriage, this group also experienced many obstacles. This was expressed by respondent five, who stated that "we cannot marry someone outside our group

²⁷ Majelis Nasional Baha'i, *Agama Bahá'í* (Jakarta: Majelis Agama Baha'i Indonesia, 2015), 2.

²⁸ Baha'i, *Agama Bahá'í*.

²⁹ Informan K, *interviews*, June 9 2022.

³⁰ Informan SH, *interviews*, June 9 2022.

³¹ Informan M, *interviews*, June 12 2022.

³² Informan A, *interviews*, June 13 2022

because the civil registry does not wish to record anything other than according to the recognized legal religion. Ultimately, we also married into our group and were only recorded in our community.”³³

Even though many obstacles are faced in social life, in some areas, they can accept the Baha'i minority community. As the second and sixth respondents revealed, "Even though we feel isolated, actually in some places, there are also people who don't have a problem with us socially, which means that we can also be accepted and relate usually. Some even can marry members of other communities of different religions. However, this is also another problem that arises.

The outcomes of data collecting and analysis demonstrate that the Baha'i group continues to face discrimination and difficulty accessing public services in society. This is inextricably linked to the public's impression of not being a religious group recognized by the government. Furthermore, their group has been barred from carrying out its activities for centuries. Table 1 below explains the findings and critical aspects in further detail.

Table 1. The Community Life Aspects of Baha’i Group

Life Aspect	Activity	Obstacle	Support
Religion	Worship Ritual	There is no acceptance in building the worship house	The government policy in the form of the government regulation
Social	Civil Service	It cannot be done yet, especially in the administration supply	The government policy has existed, but it still does not reach the technical part of the field
Education	Education	Not all schools accept children from the Baha'i group	The government policy has existed, but it still does not reach the technical part of the field
The Marriage Law	Marriage	It cannot be recorded civilly yet	Government policy has existed, but it still does not reach the technical part of the field.

Source: by reseacher, 2022

According to the investigation findings, the life of the Baha'i minority group, in general, continues to face discrimination and barriers in their daily lives, particularly in the field of marriage law administration.

³³ Informan H, *interviews*, June 16 2022.

BAHA'I GROUP IN SOCIAL RELIGIOUS ASPECT

The Baha'i religion, in particular, has principles or teachings with 12 religious (theological) and social teachings. The forms of these principles or teachings are 1) the oneness of God; 2) religious unity; 3) human unity; 4) equal rights between women and men; 5) absence of prejudice; 6) world peace; 7) harmony of religion and science; 8) free pursuit of truth; 9) universal education; 10) the need for a unified language; 11) not to interfere in politics; And; 12) elimination of poverty and excessive wealth. The classification of these teachings is then contained in the obligatory legal form, namely obligatory Baha'i prayer, daily reading, prohibition of slander, carrying out Baha'i fasting, prohibition of consuming alcohol, prohibition of adultery, prohibition of gambling, and working as a form of worship.³⁴

In connection with the house of worship as a place to perform religious rituals to God, the Baha'i group also has a house of worship called *Mashriqul Adzkar*. This house of worship has the concept of the Nine Doors, which reflect the nine major world religions. This house of worship is also used for humanitarian vision according to the concept of the Baha'i religion.³⁵ The Baha'i religion no longer has religious authority after its leader dies. All are returned individually for embracing freedom.

The Baha'i religion adheres to a code of conduct called Baha'i administration. This administration is a universal operational system covering the people as God's service mechanism. God's guidance is channeled to large streams through a worldwide Hall of Justice and then continued to the national and region's most miniature local spiritual assemblies.³⁶ The joint places of worship agreed upon by this group are Mosque, a forum for deliberations between believers and assembly members, a program communication forum, a nineteen daily celebration committee, and the authority for legalizing marriages between Baha'i adherents. The spiritual assembly functions as a coordinating forum because the Baha'i group does not yet have a house of worship because, juridically, it is not yet a recognized religion. The Baha'i group has rituals, namely obligatory prayers consisting of three: long, medium, and short prayers. Long prayers are performed once every 24 hours, then medium prayers are performed thrice daily, namely morning, afternoon, and evening. Meanwhile, a short prayer is performed once in 24 hours in the middle of the day. Baha'is must choose these three types of prayer to perform each day.

³⁴ Kustini and Arif, "Agama Baha'i Problematika Pelayanan Hak-Hak Sipil."

³⁵ Hushmand Fathea'zam, *Taman Baru* (Jakarta: Majelis Rohani Nasional Baha'i Indonesia, 2009), 20-50.

³⁶ Fathea'zam, *Taman Baru*.

BAHA'I GROUP MARRIAGE LAW

All religions in Indonesia are guaranteed and protected by the state. Article 28 E paragraph (1) of the 45 Constitution states that everyone is free to embrace religion and worship according to their religion. Article 28 I Paragraph (2) also recognizes that the right to have a religion is a human right. Furthermore, Article 29 Paragraph (2) emphasizes that the state guarantees the freedom of each resident to embrace a religion. These articles guarantee the rights and freedom of religion for every citizen.

In the constitution, the term religion is not recognized, and religion is not recognized. The term religion is acknowledged in Law No. 23 of 2006 concerning Adminduk. However, Articles 61 and 64 of the Adminduk Law have never had a judicial review at the Constitutional Court (MK). In its decision, the Constitutional Court stated that the two articles contradicted the Constitution, which guarantees freedom of religion. The two articles discriminate against adherents of certain religions and beliefs. Thus, according to the constitution, laws, and regulations above, the Baha'i religion, including other religions such as Sikh, Taoist, Jewish, Aluktodolo, Merapu, Sundanese Wiwitan, and others, have the right to live in Indonesia. The state must respect, protect and serve by guaranteeing the fulfillment of their civil rights services. However, socially, the relationship between Baha'i groups has problematic problems.³⁷ The existence of a splintering stigma from Islamic teachings is what drives people, in general, not to be able to accept this community. Some of the rituals belonging to the Baha'i group are similar to Islamic teachings, so in general, they are also considered by the community to be a heretical group.

This notion later became the source of social issues and friction. Many people socially demand that this group be abolished, but government authorities in Indonesia consider and recognize its opinions. On the other hand, the head of the Baha'i group does not disclose such information to the public because they are also highly closed socially.

On the other hand, civil service as part of social services has not been universally welcomed by the Baha'i minority. Civil service cannot be carried out because government regulations do not reach the grassroots. For example, the religion column on the identity card or identity card (KTP) is blank. Meanwhile, other legal papers, such as birth certificates, frequently find writing in the "forced" option because the Baha'i religion is not recognized.

³⁷ Rojiati, "Manajemen Komunikasi Sosial Penganut Agama Baha'i di Kota Bandung."

The problem of social connections ethics, such as recognition and protection, indicates a community's acknowledgment and the state's fulfillment of civil rights guaranteed by the constitution. The freedom to include religion in the religion column on the National Identity Card (KTP) is one of the most important civil rights. However, until today, citizens of six religions have had access to these rights: Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism. That is, if Baha'is wish to work in government, they must be linked with one of the religions in which they do not believe. They have no choice but to affiliate to meet administrative requirements. This is seen in the identification cards of Baha'i devotees who choose one of the six recognized religions. Their religious identification cannot be recorded in the religion column on their KTP, resulting in marriage, birth, and even death registration discrimination. It doesn't end there; discrimination against citizens who practice a religion that isn't "recognized" has spread to various areas of government. In the education sector, for example, pupils from parents who adhere to Baha'i as a "recognized" religion or believe in something other than the faith have not received religious instruction services in public schools. The recognition of six religions is indicated in the Minister of Home Affairs' Circular Letter concerning Law Number 1/PNPS/1965 on the Prevention of Religious Misuse and Blasphemy.³⁸ Even though the Constitutional Court's judgment invalidated and ruled this provision unconstitutional.³⁹

In the legal aspect of marriage, the Baha'i group also cannot be legalized by civil registration. They only do what is religiously approved by the local spiritual assembly. The reason for the civil registration party was that there was no guidance from the central government, c.q the Ministry of Religion, to be able to register their marriage. Meanwhile, in the current condition, many young people from the Baha'i group are starting to marry other religions (interfaith). This risks giving children the right to determine their religion. Some then follow the religion a husband or wife embraces outside the Baha'i group. But many still adhere to the Baha'i religion when they carry out interfaith marriages.

Marriage is defined in the Bahá's teachings as uniting a man and a woman. The primary purpose is spiritual for the couple's harmony, friendship, and unity.

³⁸ Law No. 1/PNPS/1965 was originally a Presidential Stipulation which was later upgraded to the status of a statute through Law No 5 of 1969.

³⁹ The Khonghucu religion was banned in the New Order era based on Presidential Instruction No. 14 of 1967 concerning Chinese Religions, Beliefs and Customs. Only in 2000, President Abdurahman Wahid issued Presidential Decree No. 6 of 2000 which essentially revoked the Presidential Instruction on the prohibition of Khonghucu.

Marriage is mentioned in the Bahá's teachings as a source of happiness and safety, and the family is regarded as the core of human society's structure. Marriage is an eternal commandment from God. Divorce is legal, but only after a year of thorough consideration about whether to split or reconcile to find a solution to the problem. Before marrying, the two Bahá should learn about each other's character qualities and get to know each other. They must form an enduring relationship when they marry. Parents should not choose a spouse for their children. In practice, imposing parental limitations on mate selection is difficult. This is due to the obligation of parents to marry their children and their lofty desire to choose the right candidate for son-in-law/daughter-in-law, so parents, in this case, play a crucial role. When two Baha'is intend to marry, they must first get the approval of their parents, both parents and prospective in-laws. Both spouses are Baha'is, or one of the partners is not of the Bahá Faith (interfaith marriages are permitted). From a legal point of view, the Baha'i community faces a significant challenge because they cannot receive a marriage certificate or other marital administration services. Internally, they follow the internal marriage law enacted by the local or national spiritual assembly. This condition will undoubtedly impact many elements, including legal rights for Baha'i children, including the right to a birth certificate, which the child will use to enter education or school.⁴⁰ They were denied the ability to select a school. Only certain schools provide study space for them; even then, it depends on the teacher's or school leadership's policies.

CONCLUSION

According to the research, the dimensions of family protection and marital law for the Baha'i community are carried out internally. This is because of their socio-religious matters, marriage, and education difficulties. The religious strengthening pattern carried out by the Baha'i group offers conditions for understanding in the smallest area, namely the family. Furthermore, it gives psychological reinforcement in that when they meet many hurdles in society, and they embrace it as part of the Baha'i religion's teachings. In terms of social aspects, strengthening develops communication between group members regarding social interaction and marriage. They are more likely to provide understanding to families to marry fellow Baha'i members. Even if a person marries a member of another religion, the family will

⁴⁰ Puji Hartatik and Listyaningsih, "Persepsi Masyarakat Terhadap Kelompok Penganut Agama Bahai Di Desa Cebolek Kidul Kecamatan Margoyoso Kabupaten Pati," *Kajian Moral dan Kewarganegaraan* 7 no. 2 (2019): 361-375.

provide knowledge of the dangers and consequences. The problems that arise in the Baha'i community, particularly when they collide with societal realities, are then resolved internally and are regarded as part of the Baha'i religion's teachings.

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