

# Constitutional Guarantee for Indonesian Citizens as Practitioners of a Belief System

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**Abstract:** Article 29, Paragraph (2) of the 1945 Constitution of the Republic of Indonesia guarantees freedom for every citizen to embrace a religion and/or belief system. This constitutional basis ensures that adherents of religions and beliefs are granted an equal position. However, legal issues arose when Law of the Republic of Indonesia Number 24 of 2013, concerning Amendments to Law Number 23 of 2006 regarding Population Administration, discriminated against residents who adhered to beliefs by leaving the religion column blank for Family Cards and Electronic KTPs (Article 61, Paragraphs (1) and (2), and Article 64, Paragraphs (1) and (5) of the Population Administration Law). This research utilizes normative legal research methodology. The legal product was ultimately reviewed by the Constitutional Court, which acknowledged the presence of adherents of religious beliefs in the column of Electronic ID Card.

**Keywords:** Constitutional Rights, Believers, Constitutional Court Decision

**Abstrak:** Pasal 29 Ayat (2) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 menjamin kebebasan bagi setiap warga negara untuk memeluk suatu agama dan/atau kepercayaan. Dasar konstitusional ini memastikan bahwa pemeluk agama dan kepercayaan diberikan kedudukan yang setara. Namun permasalahan hukum muncul ketika Undang-Undang Republik Indonesia Nomor 24 Tahun 2013 tentang Perubahan atas Undang-Undang Nomor 23 Tahun 2006 tentang Administrasi Kependudukan mendiskriminasi warga yang menganut kepercayaan dengan mengosongkan kolom agama untuk Kartu Keluarga dan KTP Elektronik (Pasal 61 Ayat (1) dan (2), dan Pasal 64 Ayat (1) dan (5) UU Administrasi Kependudukan). Penelitian ini menggunakan metodologi penelitian hukum normatif. Produk hukum tersebut akhirnya diuji oleh Mahkamah Konstitusi yang mengakui adanya penganut aliran kepercayaan di kolom KTP Elektronik.

**Kata kunci:** Hak Konstitusional, Orang Percaya, Keputusan Mahkamah Konstitusi

## Introduction

The logical consequence of recognizing the rule of law<sup>1</sup> is that the State of Indonesia adheres to the principle of Constitutional Supremacy, which means that the Constitution or the Basic Law of the Republic of Indonesia 1945 (hereinafter referred to as the UUD NRI 1945) is the supreme law that guarantees all rights and obligations of citizens within the

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<sup>1</sup> Article 1 Paragraph (3) of the Constitution of the Republic of Indonesia (UUD NRI) 1945. The provision is the result of the third amendment to the 1945 Constitution, ratified by the People's Consultative Assembly of the Republic of Indonesia on November 10, 2001.

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constitution. One of the rights for Indonesian citizens in the field of religion is the recognition of the freedom for individuals to embrace their chosen religion and belief.

The Constitution or the Basic Law, as the fundamental law of a country, represents the highest law or principle of sovereignty for a nation. Constitutional power puts the Constitution or the Basic Law at the top of the hierarchy of laws, making it the highest, fundamental law and the basis for authorizing lower or derivative forms of law.<sup>2</sup>

The acknowledgment and constitutional assurances engender various rights for citizens across multiple domains, which carry legal ramifications. These include the entitlement of citizens to possess a Family Card (hereinafter referred to as KK) and an electronic Identity Card (hereinafter referred to as KTP-el). To address population administration matters, the Indonesian government enacted legislation known as Republic of Indonesia Law Number 23 of 2006, concerning Population Administration. This law has been subsequently amended by Republic of Indonesia Law Number 24 of 2013, introducing modifications to Law Number 23 of 2006. Hereafter, this legislation will be referred to as the Population Administration Law.

Nevertheless, challenges arise when adherents of specific beliefs in Indonesia perceive the existence of legal discrimination through the provisions outlined in Article 61, Paragraph (1) and (2), as well as Article 64, Paragraph (1) and (5) of the Population Administration Law.

Paragraph (1): "The Family Card (KK) contains information regarding the KK Number Column, the full name of the Household Head and Family Members, National Identification Number (NIK), Gender, Address, Place of Birth, Date of Birth, Education, Occupation, Marital Status, Family Relationship Status, Nationality, Immigration Documents, and Parent's Names." Paragraph (2): "Information regarding religion, as referred to in Paragraph (1), for residents whose religion is not recognized as an official religion according to the provisions of the legislation or for adherents of beliefs, may be left blank but will still be served and recorded in the population database."<sup>3</sup>

Paragraph (1): "The electronic Identity Card (KTP-el) displays the image of Garuda Pancasila and the Map of the Unitary State of the Republic of Indonesia. It contains the following population data elements: NIK, name, place and date of birth, gender, religion, marital status, blood type, address, occupation, nationality, passport photo, validity period, place and date of issuance of the KTP-el, and the cardholder's signature." Paragraph (5): "Population data elements regarding religion, as referred to in paragraph (1), for residents whose religion is not recognized as an official religion according to the provisions of the legislation or for adherents of beliefs, may be left blank but will still be served and recorded in the population database."<sup>4</sup>

According to the aforementioned provisions, individuals adhering to diverse beliefs throughout Indonesia can still avail themselves of population administration services,

<sup>2</sup> Jimly Asshiddiqie, *Konstitusi dan Konstitusionalisme di Indonesia*. Jakarta: Sinar Grafika, 2010, p. 18-19.

<sup>3</sup> Article 61 Paragraph (1) and (2) of The Republic of Indonesia Law Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration.

<sup>4</sup> Article 64 Paragraph (1) and (5) of The Republic of Indonesia law Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration.

specifically in obtaining Family Cards (KK) and electronic Identity Cards (KTP-el). Nevertheless, adherents of beliefs in Indonesia continue to experience concerns regarding legal discrimination due to the omission or absence of a religion column in these two legal instruments of population administration (KK and KTP-el). This discrepancy arises despite their belief that their religious convictions do not negate or diminish the constitutional rights safeguarded by the Constitution of the Republic of Indonesia in 1945.

With such legal provisions, some adherents of beliefs in Indonesia perceive a contravention of their constitutional rights resulting from the application of the Population Administration Law in relation to the aforementioned articles. As a consequence, adherents of beliefs in Indonesia have been motivated to initiate a judicial review of the Population Administration Law before the Constitutional Court (hereinafter referred to as the MK).

## Research Method

This is a normative legal research, a scientific study in the field of law based on norms or positive legislation. This research examines the application of regulations concerning the recognition of beliefs, ranging from the constitution to regulations related to the status of beliefs in the identity card (KTP), which are eventually linked to several relevant legal principles and developments in the legal field.

## Result and Discussion

### Legal Regulations in Relation to Practitioners of Beliefs in Indonesia

Mahfud MD (Coordinating Minister for Political, Legal, and Security Affairs of the Republic of Indonesia and now appointed as the Acting Minister of Administrative and Bureaucratic Reform) stated that Indonesia is not a religious state. He claims that the appropriate term should be a Nation-State based on belief in God (*religious national state*).<sup>5</sup> Thus, the Indonesian government confers upon its citizens the freedom to adopt and adhere to their chosen religious and spiritual beliefs. Undoubtedly, the acknowledgment and establishment of such a framework carry profound implications for adherents of various faiths and beliefs within the Indonesian context.

In this context, a more profound discussion is required concerning the understanding of religion and belief. According to Herbert Spencer, religion is the recognition that everything is a manifestation of a Power that transcends our knowledge. Meanwhile, Mustafa As-Siba'i defines religion as a system (*nidzam*) that encompasses matters of belief (*aqidah*) and worship, connecting all of humanity and uniting its adherents into a spiritually unified community (*ummat*) driven by a sense of spiritual unity (*ma'nawiyah*).<sup>6</sup> In addition, Soerjono Soekanto states that religion can be classified into three categories: (1) belief in spiritual matters; (2) a set of beliefs and spiritual practices considered as an end in themselves; and (3) ideologies related to supernatural phenomena.<sup>7</sup>

Moreover, according to Kamil Kartapradja, the belief system refers to the beliefs and convictions held by the Indonesian people beyond the realm of established religions, and does belong to any specific religious category. There are two types of belief systems: 1.

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<sup>5</sup> Ika, *Mahfud MD Tegaskan Indonesia Bukan Negara Agama*. <http://ugm.ac.id/id/berita/16888-mahfud-md-tegaskan-indonesia-bukan-negara-agama>. 2018, accessed on January 27, 2021.

<sup>6</sup> Fauz Noor, *Berpikir Seperti Nabi*, cet. 1. Yogyakarta: LKiS Yogyakarta, 2009, p. 449.

<sup>7</sup> Soerjono Soekanto, *Kamus Sosiologi*. Jakarta: PT. Raja Grafindo Persada, 1998, p.34

Traditional and animistic beliefs without philosophical foundations or mystical teachings; 2. Groups of believers with philosophical teachings accompanied by mysticism. These groups are known as "spiritual groups" which, in their development, eventually identify themselves as practitioners of the belief in the Oneness of the Supreme Being.<sup>8</sup>

Whereas, according to Basri Barmanda, the Chairman of the Law and Legislation Division of the Indonesian Ulema Council (MUI), religion and belief are two distinct entities. Religion refers to those that have scriptures (holy books), prophets, messengers, and a system of teachings, whereas belief encompasses the belief in the One Almighty God.<sup>9</sup>

Based on the aforementioned understanding, it becomes apparent that a fundamental distinction exists between religion and belief. Consequently, the framers or drafters of the constitution must have a strong basis for explicitly mentioning and distinguishing them, while concurrently acknowledging and guaranteeing them for their respective adherents in Indonesia. The constitutional implications stemming from the explicit recognition and differentiation of religion and belief within the Indonesian constitution yield legal ramifications, notably the principle of equality before the law extended to adherents of belief systems throughout the nation.

Laws and regulations, which are governed by the 1945 Constitution of the Republic of Indonesia (UUD NRI), should be formulated and enacted while adhering to the foundational provision of Article 29 Paragraph (2). Thus, the principle of legislation mandates that subordinate regulations must not contradict higher-level regulations (laws must not contradict the constitution). However, the hierarchical principle of legislation must be examined and proven in court proceedings (through judicial review in the MK).

The belief systems in Indonesia are part of the nation's history which are resulted from the cultural and philosophical development of our ancestors, which are believed with continuous preservation. These belief systems subsequently evolved into customs and traditions upheld with continuous practice.<sup>10</sup> Belief systems are philosophical perspectives that acknowledge the existence of the One Almighty God but are not based on the teachings of the officially recognized six religions in Indonesia such as Islam, Catholicism, Protestant Christianity, Hinduism, Buddhism, and Confucianism.<sup>11</sup>

The framers/creators of the constitution have been aware of the diversity in the Republic of Indonesia (hereinafter referred to as the NKRI). This diversity pertains not only to ethnicity, race, language, and religion but also encompasses the belief systems embraced by the Indonesian population. This study will eventually reveal the existence of adherents of belief systems to indicate their presence and therefore the state recognition of their existence and protection of their constitutional rights are required.

In East Sumba, an island in the Sumba region, there lived a belief system known as Marapu. The East Sumba community filed a petition for the examination of the Population Administration Law, claiming approximately 40,000 (forty thousand) practitioners of the Marapu belief system in their area out of a total population of 21,000 (twenty-one thousand)

<sup>8</sup> Hilman Hadikusuma.(1993). *Antropologi Agama*. Bandung: Citra Aditya Bakti. p. 85-86.

<sup>9</sup> Devira rastiwi, *MUI: Agama dan Kepercayaan Tak Sama, Aneh kalau Satu Kolom di KTP*. <http://m.liputan6.com/news/read/3230007/mui-agama-dan-kepercayaan-tak-sama-aneh-kalau-satu-kolom-di-ktp>. 2018, accessed on July 7, 2022.

<sup>10</sup> Moh Bhayu Surya Andika, *Perlindungan Hukum Terhadap Hak Konstitusional Warga Negara Penganut Kepercayaan*. Journal of the Study of Al-Quran and Law (Syariat), November 2019, Vol. V, No. 2. p. 283-284.

<sup>11</sup> Feby Yuanita, *Tinjauan Yuridis Terhadap Aliran Kepercayaan Dihubungkan dengan Pasal 29 Ayat 2 UUD 1945*, Online Journal of Students of Faculty of Law, University of Riau, October 2015, Vol. 2, Number 2, p. 5

individuals. In addition, in the Toba Somasir Regency of North Sumatra, a belief system called Parmalin exists with numbers of practitioners claimed to be of 373 (three hundred seventy-three). Furthermore, Medan, North Sumatra also has a belief system called Ugamo with 40 (forty) practitioners.<sup>12</sup>

The latest data indicates approximately 187 Believer Group of faith movements spread across 13 provinces throughout the territory of the Republic of Indonesia. The Director of Faith in the One Almighty God and Traditions from the Ministry of Education and Culture (Kemendikbud) even conducts guidance and ensures whether the teachings of worshiping the One Almighty God exist or not. Kemendikbud acts as a facilitator to ensure that believers of faith receive educational services.<sup>13</sup>

Facts and data have indicated the actual existence of a population that follows faith-based movements, providing evidence that the framers of the 1945 Constitution/UUD NRI were aware of this and made efforts to provide legal protection for religious and belief practitioners in Indonesia.

The legal principle of Hierarchy serves as the foundation for the preparation of legislation in Indonesia, as stated in Article 5 letter c of Law Number 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning the Formation of Legislation. "In the formation of legislation, it must be based on the principle of Good Legislation Formation, which includes: a). clarity of purpose; b). appropriate institutional or regulatory authorities; c). conformity between types, hierarchy, and substance; d). enforceability; e). utility and effectiveness; f). clarity of wording; and g). transparency."

Legal products, such as laws, formulated by authorized institutions may be formulated without taking into account the aforementioned provisions. Therefore, the state/government provides legal space for citizens to challenge laws in the Constitutional Court if their constitutional rights are allegedly violated due to the implementation of a law. This study specifically pertains to the examination of Article 61 Paragraphs (1) and (2), as well as Article 64 Paragraphs (1) and (5) of the Population Administration Law in relation to the 1945 Constitution of the Republic of Indonesia.

### **The Constitutional rights of citizens violated due to the implementation of Article 61, Paragraphs (1) and (2), and Article 64, Paragraphs (1) and (5) of the Population Administration Law**

Discussions in relation to the constitutional rights of citizens concerning the enforcement of Article 61, Paragraphs (1) and (2), as well as Article 64, Paragraphs (1) and (5)

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<sup>12</sup> The data regarding the practitioners of these belief systems were obtained from the principal petitioner, who also acted as the petitioner in the examination of the Population Administration Law at the Constitutional Court (MK). For more details, please refer to the Decision of the Constitutional Court Number 97/PUU-XIV/2016 regarding the Examination 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 in relation to the 1945 Constitution of the Republic of Indonesia.

<sup>13</sup> Moh Nadlir. (2017). *Ada 187 Kelompok Penghayat Kepercayaan yang Terdaftar di Pemerintah*. <https://nasional.kompas.com/read/2017/11/09/12190141/ada-187-kelompok-penghayat-kepercayaan-yang-terdaftar-di-pemerintah?page=all#page2>. Accessed on July 7, 2022, with the following details of registered belief systems according to the government: 12 groups in North Sumatra, 1 group in Riau, 5 groups in Lampung, 1 group in Banten, 14 groups in DKI Jakarta, and 7 groups in West Java. 53 groups in Central Java, 25 groups in Jogjakarta, 50 groups in East Java, 8 groups in Bali, 2 groups in West Nusa Tenggara, 5 groups in East Nusa Tenggara, 4 groups in North Sulawesi.

of the Population Administration Law have taken place since the law's promulgation and implementation. Practitioners of faith-based movements are still able to undergo administrative procedures for the issuance of Family Cards (KK) and Identity Cards (KTP el), but the religion column in these population documents is left empty (blank/without any information/written with a dash "-"). This has resulted in several disadvantages experienced by believers of faith-based movements in Indonesia, at least from three constitutional perspectives (juridical, economic, and sociological).

First, the constitutional loss from a juridical/legal perspective. The legal constitutional rights of citizens are also violated by attempting to associate their constitutional rights with their position before the law (equality before the law). How can equality before the law be experienced by practitioners of faith-based movements if their belief is not stated in their population documents, even though constitutionally, Article 29, Paragraph (2) of the 1945 Constitution of the Republic of Indonesia explicitly guarantees the freedom of every individual to embrace their religion and belief.

The constitution explicitly mentions two things: religion and belief. Based on the interpretation of the constitution, there should be no differentiation in the treatment of religious and belief systems in Indonesia. This includes the matter of leaving the religion column empty on family identity cards (KK) and national identity cards (KTP) for adherents of certain beliefs. Apart from the lack of equal treatment before the law, the potential implementation of this article also intersects with the provision that citizens should not face restrictions or exclusion based on their religion or belief, ultimately leading to acts of discrimination.

Discrimination is any limitation, harassment, or exclusion, whether direct or indirect, based on human distinctions such as religion, ethnicity, race, group, social status, economic status, gender, language, political beliefs, resulting in the reduction, deviation, or elimination of the recognition, implementation, or exercise of human rights and basic freedoms, both individually and collectively, in the fields of politics, economics, law, social affairs, culture, and other aspects of life.<sup>14</sup>

Regarding the aforementioned legal basis, there is a correlation with constitutional losses seen from a juridical perspective, more precisely referred to as "discrimination" against adherents of belief systems. This correlation arises due to the presence or absence of the religion column in the population administration documents such as family identity cards (KK) and national identity cards (KTP) for practitioners of belief systems. The explicit form of discrimination is legitimized through a regulation/legal product, namely the provisions of Article 61 Paragraph (1) and (2), Article 64 Paragraph (1) and (5) of the Population Administration Law.

Secondly, there are constitutional losses from an economic perspective. Adherents of belief systems also face potential constitutional losses, even though they still receive population administration services in the form of family identity cards (KK) and national identity cards (KTP), with the exception of the religion column being left blank/unfilled/indicated with a dash (-). Many of them face rejection when applying for jobs, as well as when dealing with debts and financial institutions/leasing companies or

<sup>14</sup> Article 1 Number (3) of the Republic of Indonesia Law Number 39 of 1999 concerning Basic Human Rights states that in this law, adherents of belief systems are also guaranteed their fundamental rights, and the state provides special guarantees, particularly regarding practitioners of belief systems from the perspective of Human Rights. Also, refer to Article 22 Paragraph (2), "the state guarantees the freedom of every person to embrace their religion and belief."

banks. Quite a few of them (practitioners of belief systems) do not gain trust or credibility because certain parties doubt the commitment of practitioners of belief systems due to the presence of empty data in their family identity cards (KK) and national electronic identity cards (el KTP).

Despite the fact that the civil registration process can still be carried out by adherents of certain beliefs in the civil registration office, many of them with strong convictions prefer not to undergo the population administration process (Family Card and Electronic ID Card) because the religion column is left blank. This has constitutional and economic implications. For instance, due to this situation, adherents of certain beliefs are unable to be included in the government's assistance recipient database or participate in registering for the Social Security Administration (BPJS). They also face difficulties in obtaining a driver's license, opening a bank account, and other official and legal documents.

Thirdly, there are constitutional losses from a social/sociological perspective. These losses are deeply felt by practitioners of certain belief systems. Many of them claim to be labeled as atheists,<sup>15</sup> when proposing the Application for Population Administration Examination. Hence, due to such negative stigma (living alongside religious communities, in the minority and tend to be avoided), adherents of certain beliefs finally summon their courage to challenge the Population Administration Law by taking it to the Constitutional Court (MK).

Unfortunately, with the three reasons mentioned above, the government seems unable to find an appropriate solution and fails to provide valid arguments or even refute those reasons. Legally, there is no fundamental justification for the regulation of using a dash (-) or leaving the religion column blank for practitioners of certain belief systems, as guaranteed by the Constitution under the 1945 Constitution of the Republic of Indonesia.

The Constitutional Court Decision Number 97/PUU-XIV/2016 regarding the Examination of Law Number 23 of 2006 on Population Administration as amended by Law Number 24 of 2013 on Amendments to Law Number 23 of 2006 on Population Administration, read on October 18, 2017, has resulted a new situation, particularly for practitioners of certain belief systems in Indonesia.

The new situation is an implementation of the provisions stated in Article 61, Paragraph (1) and (2), Article 64, Paragraph (1) and (5) of the Population Administration Law. The Constitutional Court (MK) declares that interpretations regarding religion that are deemed contradictory to the 1945 Constitution of the Republic of Indonesia do not have legally binding force, provided they do not involve beliefs. This constitutional interpretation provides space for the recognition of practitioners of certain belief systems who have not received maximum recognition from the government thus far.

The decision of the Constitutional Court created new laws, especially for population administration (family cards and electronic ID cards), regarding the religion column which was previously left blank/not filled/given a dash (-) for practitioners of beliefs in Indonesia. With the new law from the Constitutional Court's decision (interpreted as contradicting the 1945 Constitution as long as it does not include beliefs), a new situation arises where the religion column is no longer left blank but can be filled with the information about beliefs and the belief in the One Almighty God. After the Constitutional Court's decision Number

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<sup>15</sup> The general definition of atheism is a philosophical viewpoint that does not believe in the existence of God or gods/goddesses, or the rejection of the concept of atheism.

97/PUU-XIV/2016, there are now several types/diversity of religious information filled in the ID cards, as seen in the following image. Image 1. 2.<sup>16</sup>



The Minister of Home Affairs, through the Directorate General of Population and Civil Registration, has apparently followed up on the Constitutional Court's decision, namely the filling of the religion column with the information about beliefs and belief in the One Almighty God. There are two forms currently circulating and printed and obtained by practitioners of belief systems in Indonesia.

The changed situation is in line with what practitioners of belief systems have wanted to include their beliefs in the religion column. However, the religion column should be replaced with the information about beliefs, and the belief column should be filled with the information about belief in the One Almighty God or directly written with the name of their belief system. This is necessary because in reality, religion and belief are different. Moreover, after the Constitutional Court's decision Number 97/PUU-XIV/2016, the government, through the Director of Belief in the One Almighty God and Tradition at the Ministry of Education and Culture, has conducted data collection on several groups of belief system practitioners in Indonesia.

The Ministry of Home Affairs will need to issue a Ministerial Regulation (Permendagri) in the future regarding the follow-up to the Constitutional Court's decision Number 97/PUU-XIV/2016, which will serve as a basis for Civil Registration in Indonesia and as the foundation for changing the identity system in the religion column (family cards and electronic ID cards) by replacing it with the identity of beliefs. This regulation is a follow-up regulation to the Constitutional Court's decision Number 97/PUU-XIV/2016 regarding the interpretation of the religion column being the same as belief.<sup>17</sup> Based on

<sup>16</sup> The images were obtained from reliable news portal. See the following link for further details <http://nasional.tempo.co/amp/1178325/begini-prsedur-obtaining-ktp-for-belief-practitioners>. Accessed on July 7, 2022. Also see <https://amp.tirto.id/kemendagri-akomodir-usul-mui-soal-format-ktp-penghayat-kepercayaan-cDvg>. Accessed on July 7, 2022. The image and personal identity on the ID card are intentionally covered to protect the relevant individual's personal data.

<sup>17</sup> The expectation of the issuance of legal products related to the follow-up actions on Constitutional Court Decision Number 97/PUU-XIV/2016, in the field of Legislation, is also referred to as delegated legislation. Delegated legislation, or the delegation of statutory regulations, essentially involves the delegation of more detailed or explicit regulations from a higher level to a lower level (from higher organs/institutions to lower ones). In this case, the Ministry of Home Affairs' regulation (Permendagri) serves as delegated legislation



research findings, this is the necessary action to provide legal certainty and equality for followers of religions and beliefs in Indonesia, especially for population administration purposes.

## Conclusion

Belief systems do exist in Indonesia. And, the constitution provides constitutional protection for the followers of religions and beliefs based on Article 29, Paragraph (2) of the 1945 Constitution. Religion and belief are two different things but both receive recognition and constitutional protection. Prior to the Constitutional Court's decision, the constitutional rights of belief system followers were often violated, such as discrimination, difficulties in finding employment, atheism stigma, and other forms of constitutional harm. The Constitutional Court's decision with Number 97/PUU-XIV/2016 has an impact on filling the religion column with the information about beliefs or belief in the One Almighty God.

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concerning the implementation of Article 61 Paragraphs (1) and (2), Article 64 Paragraphs (1) and (5) of the Population Administration Law, in conjunction with Constitutional Court Decision Number 97/PUU-XIV/2016.

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