

LEGAL VACUUM GOVERNING THE USE OF KIRPAN FOR SIKHS BASED ON RELIGIOUS RIGHTS AND NATIONAL CONSTITUTION

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ABSTRACT

Abstract: This research raises issues related to the protection of the right to state freedom for Indonesian citizens according to Indonesian national law. Specifically, this research discusses the history of the arrival of the Sikhs and the use of Kirpan in the public space as one of the teachings of the Sikh Religion which is mandatory for Sikhs to follow wherever and whenever. The regulation on the use of Kirpan is still unclear and ambiguous, so there is no legal certainty that protects Sikhs. Sikhs who wish to own and use a Kirpan are required to obtain a permit with the competent authority according to predetermined administrative requirements. However, this only applies to Sikhs who are over 17 years old, while Sikhs who are not yet 17 years old cannot obtain this permit. This has resulted in Sikhs who are under 17 years of age not receiving legal protection in exercising their religious rights. With this legal vacuum, the implementation of human rights in Indonesia is imperfect and not in accordance with Pancasila and the 1945 Constitution of the Republic of Indonesia. This research was conducted using normative juridical methods through literature studies and seeking expert opinion. This study uses a historical approach and a conceptual approach regarding the entry of the Sikh Religion and its teachings. This research is based on primary legal materials in the form of laws and regulations, international regulations, and judge's decisions, as well as secondary legal materials in the form of books, journals, and theses which contain previous research. The legal materials were obtained through library research. The type of analysis used is qualitative, namely by interpreting or interpreting the legal material obtained. The method of interpretation used is the method of grammatical interpretation and the method of historical interpretation. The results of this study state that the Indonesian government must make a law and regulation on the regulation of the use of weapons as a symbol of a religion such as Kirpan without any magical or heritage elements. This is for the sake of implementing religious freedom for Indonesian citizens in Indonesia.

Keywords: Vacuum Governing; Religious Rights; National Constitution

Introduction

Indonesia is a state of law that upholds the recognition and guarantee of human rights. This is recognized and stipulated in the 1945 Constitution of the Republic of Indonesia. The guarantee of human rights consists of the right to life, the right not to be tortured, the right to freedom of person, thought and conscience, the right to religion, the right not to be enslaved, the right to be recognized as a person and equal before the law, and the right not to be prosecuted on the basis of retroactive laws, and others.

Freedom of religion is also regulated by the national constitution. Freedom of religion is stated in Article 29 paragraph (2) of the 1945 Constitution of the Republic of Indonesia,

namely "The state guarantees the independence of each resident to embrace their respective religions and to worship according to their religion and belief." This legal basis is the basis for the recognition of religion in Indonesia.

Indonesia itself has six recognized religions consisting of Islam, Catholic Christianity, Protestant Christianity, Hinduism, Buddhism, and Confucianism. However, there are still many religions or beliefs that have not been recognized by the Indonesian Government, namely Sikhism (23 million), Juche (19 million), Spiritualism (14 million), Judaism (14 million), Baha'I (6 million), Jainism (4 million), Shinto (4 million), Cao dai (3 million), Tenrikyo (2.4 million), Unitarian - Universalism (800 thousand), Rastafarism (700 thousand), Scientology (600 thousand), and Zoroaster (150 thousand). (Rambe, 2014).

Based on this data, the Sikh religion has the largest number of adherents and has spread throughout the world, including Indonesia. Sikhism is one of the 12 Classical Religions and originated in Punjab, India. Sikhism is a pantheistic religion that believes in one God (Zuhry, 2013) Onkar is a symbol that represents a supreme reality and cannot be compared to anything else. It is this term Ik Onkar (There is Only One God) that forms the basis of the Sikh belief in One God who is One with the name "Waheguru".

The Sikh religion was born with the arrival of the first Guru. Guru itself has the definition of a chosen human being who obtains revelation from God about religion for himself and his mission has the purpose of conveying that revelation to others. (Keene, 2006) Starting with Guru Nanak Dev Ji who was born in Nankana Sahib, about 40 kilometers from Lahore in 1469 AD. Guru Nanak was born into a Hindu family and had a revelation while bathing in the river Bein (Ravi) in the morning before dawn. Guru Nanak Dev Ji disappeared and was thought to have drowned in the river. However, Guru Nanak Dev suddenly reappeared with a radiant face and a holy light on his head. During the dive he was said to be facing God and was getting a direct call from God not to be tempted by worldly life. Guru Nanak Dev disappeared for three days and appeared on the fourth day.

After receiving a revelation from God, the then 30-year-old Guru Nanak Dev Ji gave up all his possessions and started traveling around the country as a preacher of Sikhism to spread his belief in one God. (Prithi Pal Singh, 2006) Guru Nanak Dev Ji's ideology was the non-recognition of the caste system and the promotion of equality among people.

The teachings of Guru Nanak and nine subsequent Gurus are recorded in the Sikh religious holy book called "Guru Granth Sahib". The place of worship for Sikhs is called Gurdwara or "gate to the Guru". In Sikhism, the religious leader is called Giani Ji. The Sikh religion also teaches about service to Waheguru and humanity as Waheguru's creation known as Seva.

For example, in the Gurdwara there is also the term "Guru Ka Langar". Guru Ka Langar is a form of service to fellow human beings as a form of God's creation by providing food after religious ceremonies are completed and regardless of background, origin, religion, ethnicity, race, and others. Guru Ka Langar teaches how to share with others based on the principles of equality and equity.

Sikhism is the most contemporary (modern) religion in the world. Sikh means disciple and Sikha means follower, this religion was created with the aim of bringing equality and peace. The Sikh religion is practiced by ethnic Punjabis and was brought to Indonesia in the 1800s with high populations on the islands of Sumatra and Java. The majority of ethnic Punjabis follow the Sikh religion. Sikhs do not come in groups, they come individually on a small scale..

The Sikhs were not a group brought in by the Dutch as laborers on their plantations, but as nomads who aimed to improve their economic conditions by looking for a new place. Initially they arrived at a place called Deli on Sumatra Island (currently Deli Serdang Regency, around Medan City in North Sumatra) which then spread to several areas outside Sumatra Island.

The Sikhs who came to Indonesia had entered during colonialism from the Dutch until Indonesia's independence and continued until today. Generally, they became traders and workers. After growing very rapidly, Sikhs in Medan City felt the need for formal education to support the quality of human resources and as an international-based learning place by using more than one language besides Indonesian, namely Punjabi and English (optional) which are included in the learning curriculum.

The school was finally built in 1931 by the request of the Indian captain, Ranjit Singh, which was the first English-speaking Indian school in Medan city called Khalsa English School located in the neighborhood of the Indian community. In the 1960s, the Chinese and Indian schools were phased out and the school became a public school. Khalsa School, which had been established since 1931, was closed by the school management in 1992 due to internal problems.

Khalsa School not only has students from the Sikh faith, but also from all religions regardless of ethnicity, race or religion. Khalsa School alumni are not only Punjabis, but also other tribes in Indonesia have studied there. There are a number of important figures who have visited this place such as the first Prime Minister of India, Jawaharlal Nehru and India's charismatic figure, Indira Gandhi.

Apart from education, Sikhs also contribute to advancing other fields such as economics, sports, even politics and humanity. For example, there are Dalip Singh, Gurnam Singh, and Charanjit Singh as national track athletes. Dalip Singh emerged around 1950 from the Jogja area with a heyday until 1956.

Furthermore, there is Gurnam Singh as a former Indonesian runner who won three gold medals in running at the fourth Asian Games in Jakarta in 1962, respectively in the marathon, 5000 and 10000 meters. Finally, there is Charanjit Singh who has broken records in Bangkok and lasted until 1979, namely the 800m running record and the 4 x 100m running record.

Next, there is Harbrinderjit Singh in the field of human rights and socio-economics. He has served as Director of the Partnership for Governance Reform and won the Global Award from Priyadarshni Academy, India as an Indian descendant outside India who made a contribution to the country he lived in. His long career has contributed greatly to Indonesia.

Among others, he was an expert at the Department of Plantations (1983-1985), Head of the Community Studies Section of the Bureau of Foreign Cooperation, Secretariat General of the Department of Agriculture (1985-1990), Head of the Bureau of State-owned Enterprises Administration (1994), Expert Staff to the Minister of Agriculture on Commodity Development and Trade (1990-1996), Executive Director of the Center for Agricultural Policy Studies (CAPS) (1997-present), Advisor to the Coordinating Minister for Economic Affairs on Poverty Reduction (February 2001), Head of the Poverty Reduction Coordinating Agency (March 2001-October 2001), Director of the Partnership for Governance Reform and Special Envoy of the President for Poverty Reduction.

In addition to the names above, there are still many names of Sikhs who are famous and have contributed such as Binder Singh in the world of football, Sukhdev Singh in the world of cinema, and many more. Today, Sikhs have spread all over Indonesia. Almost every major city has Sikhs. Sikhs are easily recognized by their surname identity of Singh (male) and Kaur (female) taught by Guru Gobind Singh Ji the last Guru who ended the prophetic period continued by Guru Granth Sahib Ji.

Sikhs are also required to adhere to the Panj Kakkar which consists of the Kesh (no cutting of all body hair and must be kept clean regularly), Kangha (a comb-shaped cleaning tool used to comb long hair to keep it neat and clean), Kirpan (a small dagger-like sword worn diagonally on the body of Sikhs as a symbol of self-dignity, purity, freedom, and equality with the aim of providing self-protection both for oneself and for the protection of others), Kirpan (a small dagger-like sword worn diagonally on the body of Sikhs as a symbol of self-dignity, purity, freedom, and equality with the aim of providing self-protection both for oneself and for the protection of others), Kachera (a modesty garment functioned like pants on the inside with a drawstring tied tightly around the waist to facilitate movement during battle and as a form of respect for everyone's dignity and equal rights), Kara (shaped like a bracelet worn on the hand of every Sikh to always remember God and as self-identity).

The Panj Kakkar is a mandatory lime item worn by every Sikh following the teachings of Guru Nanak Dev Ji to Guru Gobind Singh Ji, especially in 1699. (Nasution, 2021).

Therefore, wherever the Sikhs are without exception they are obliged to obey the Panj Kakkar, including in Indonesia. The problem is that the use of Kirpan in Indonesia has not been regulated in a clear legal rule.

In Indonesian legislation, there is Emergency Law No.12 of 1951 which is still valid today. The law prohibits the use of weapons in public spaces with certain exceptions. Of course, this violates the religious rights of Sikhs in Indonesia because the Kirpan is categorized as a physical dagger-like weapon and must be worn wherever Sikhs are, including in public spaces.

The ban and legal vacuum certainly also violates human rights which include freedom of religion under the Constitution. (1945). With the myriad of contributions that Sikhs have made to the Indonesian state and as Indonesian citizens, there should be a legal certainty that guarantees the rights of Sikhs in religion remain safe and protected by the Indonesian constitution and legislation.

Research Method

Type of Research

This research is a type of normative juridical research by using expert opinions, using previous research, and other literature sources related to the legal vacuum due to the absence of concrete rules that apply to regulate the use of Kirpan for Sikhs.

Research Approach

This research uses the historical approach method and concept approach in analyzing the problem formulation. This is because the formulation of this research problem departs from the history of the Sikhs and the concept of its teachings that relate to national law as the basis of law for Indonesian citizens.

Types of Legal Materials

The types of legal materials used in this research are primary and secondary legal materials. Primary legal materials are in the form of laws and regulations, international regulations, and judges' decisions. Secondary legal materials are books, journals, and theses containing previous research.

Legal Material Search Technique

The legal material search technique used in this research is through library research on legal materials contained in the Faculty of Law library, Universitas Brawijaya and internet searches to find other journals and international regulations.

Legal Material Analysis Technique

The technique of analyzing legal materials used in this research is qualitative, namely by interpreting or interpreting the legal materials obtained. The interpretation method used is the grammatical interpretation method and the historical interpretation method to interpret a legal vacuum.

Result and Discussion

History of Sikhs in Indonesia

People of Indian origin have been in contact with the archipelago since early AD with the elite in Indonesia. (Zuhry, 2013) Through this relationship, Hinduism and Buddhism developed in Indonesia. In Indonesia, there were two kingdoms that were heavily influenced by India, namely the Srivijaya and Majapahit kingdoms.

South Asians, particularly Tamils and Punjabis have migrated to Indonesia, at least since the Dutch colonial period. The Indians are scattered almost throughout Indonesia and the most in North Sumatra with a total of around 2,799 people with the majority coming from the Tamil tribe and Sikhs. (Rambe, 2014).

There are approximately 928 Indians living in Jakarta (from the Sindhi and Sikh communities). There is a reason for the change of citizenship of these Indians from Foreign Citizens to Indonesian Citizens, namely the opportunity for naturalization. In 1978, the government gave the opportunity to all foreigners to become Indonesian citizens at no cost and did not need to follow the naturalization process so that people of descent who had been in Indonesia for generations could become Indonesian citizens.

Based on the census conducted in 2000, the number of Indians is around 34,685 people, around 22,047 (64%) live in North Sumatra, while in Jakarta only 3,632 (11%). The majority of their economic activities are in the textile business and sports equipment business. The Sikhs in Jakarta are mostly from Medan City who work as businessmen and entrepreneurs. (Nyoman, 1988).

The Sikh center in Jakarta is the Pasar Baru Sikh Gurdwara. Prior to the arrival of the Sikhs from Medan City, there were already two Gurdwara in Jakarta, namely the oldest in Tanjung Priok and Pasar Baru. In its development, there was a Sikh named Balwant Singh who donated his land to build a Gurdwara in the Ciputat area. Furthermore, there are Santog Singh and Major Kumar who founded Gurdwara in the Ciledug area, Tangerang City.

Sikhs in Indonesia are descendants of Indians who are now Indonesian-born. Since long ago, Sikhs of Punjabi descent worked as traders in the Tanjung Priok area, North Jakarta. The Sikhs in Tanjung Priok have a need for a Gurdwara to carry out their religious activities so they built a Gurdwara and inaugurated in 1925 which is located on Jl. Jeparu 4 Tanjung Priok.

In addition to entering Medan City and DKI Jakarta, the Sikhs also spread to Palembang City. The origin of the Sikhs first entered Palembang City through Sungai Gerong, Banyuasin Regency around 1940-1950s. The arrival of the Sikh religion in Palembang City was brought by a Chief Inspector who worked at the American-owned Stan Fax (oil) company named Inspector Massa Singh (Suharyanto, 2017).

In order to fulfill the needs of a place of worship or Gurdwara as a place to carry out spiritual activities, Inspector Massa Singh gave up his residence in Kampung Bali to be used as a place of worship and after retiring, the Massa Singh family no longer lives in Palembang.

Furthermore, around 1974 came the Krisna family who came from Sindh Province, Pakistan and were Hindus who believed in the bearer of the Sikh religion (Guru Nanak). Although all of Krisna's family were Hindus, they allowed the upper part of his house with a size of 4x12 M to be used as a place of worship for Sikhs even though the building was not permanent and made of wood.

After Krisna passed away, his family is no longer domiciled in Palembang City, but the place is still used as a place of worship for people who adhere to the Sikh religion. This is because the Sikhs in Palembang City do not yet have a gurdwara which is a Sikh worship center.

Sikhs really need the existence of Gurdwara to carry out religious activities such as Kirtan. Kirtan is an activity to glorify God found in the holy book Guru Granth Sahib. (Imron, 2015) In the meeting also took place lectures and sermons (Katha) which is a spiritual watering for Sikhs about religion with historical themes and talking points.

The implementation of worship for Sikhs is usually held at the Gurdwara every week, as well as in Palembang City. Although the Sikhs in Palembang City are very few in number and do not yet have a gurdwara, they still exist because they always hold regular meetings every Sunday at Krishna's house on Jln. 11 Ilir Palembang.

If there are no administrators or priests (Giani) to carry out the Sikh holidays in Palembang, they can bring them from Jakarta. Sikhs in Palembang City currently number 8 family heads, consisting of around 40 people. Furthermore, of these 40 people, there are 15 Hindus and 25 Sikhs. The relationship between these two different communities has always been well established due to the sense of solidarity of fellow ethnicities from India / Punjab.

The Sikh religion is currently under the auspices of PHDI (Parisada Hindu Dharma Indonesia) so that in the religion column in the ID card, Sikhs are considered as Hindus because there is no religious legality (legalization) from the government. Although they do not get their civil rights by the government as Sikhs, but related to other administrative matters such as marriage registration or to obtain birth certificates there

are no obstacles or feel difficulties, this is certainly because the Sikh religion is under the auspices of PHDI.

How is the use of Kirpan regulated in accordance with the religious rights of Sikhs under national law?

In the teachings of the Sikh religion, there are many teachings that serve as guidelines for Sikhs. According to the book entitled "Why Am I A Sikh", there are several things that form the basis of a Sikh's life including several strict prohibitions set by Guru Ji, namely:

- a. Kaisa dhi be adhbee (hair clipper);
- b. Kootha Khana (eating slaughtered meat with recitation of other religious prayers);
- c. Sura, Bhang, Tembako dhi warto (alcohol, drugs and tobacco);
- d. Pan Istri Sang (adultery)(Tarsem Singh, 2020).

In the teachings of the 5th Guru (Guru Arjun Dev Ji), there is a verse that states that all are my friends and I have no enmity with anyone, it also says that I am not good but no one is bad. (Tarsem Singh, 2020) This comes from the initial reading of the scripture, viz:

- a. Ek Onkar, God is one;
- b. Satnam, his name is true;
- c. Karta Purakh, the creator of everything;
- d. Nirpour, fearlessness;
- e. Nirvair, without enemies;
- f. Akal Murad, neither birth nor death;
- g. Ajuni Saephan, not self-occurring;
- h. Gur Prashad, can be understood through grace (Guru).

There are also meanings among the principles that exist in the Sikh religion are:

- a. Ham nehik cengge bura nehik koe, I'm not good but there are no bad ones;
- b. Jin prem kie lin hi prab paya, who practices loving-kindness only he attains the divine Lord;
- c. We are divine beings, shining from one kirana light, etc.

In addition, there are also teachings of Panj Kakkar that have not been regulated in national law. For example, there are still many restrictions on the use of Kara as one part of Panj Kakkar for Sikhs in the world of work or education, it is not uncommon for Sikhs to be required to give up the Kara.

Similar to the use of Kara, the use of Kirpan is also still not regulated in national law as a religious weapon and gaining legality. In Law No. 12 of 1951 concerning the Use of Sharp Weapons which is still in effect today, there is a prohibition on the possession of sharp weapons listed in Article 1, namely whoever, without the right to enter Indonesia makes, receives, tries to obtain, hands over or tries to hand over, controls, carries, has supplies on him or has in his possession, stores, transports, hides, uses, or removes from

Indonesia a firearm, ammunition or an explosive, shall be punished by death or life imprisonment or a maximum temporary imprisonment of twenty years. (Watak, 2018).

The article describes the prohibition on the use and possession of sharp weapons. However, there is an exception in Article 2 which states that the prohibition does not include weapons that have the purpose of being ancient or miraculous (*merkwaardigheid*), nor is it a weapon that remains unusable or is made in such a way that it cannot be used.

Kirpan cannot be categorized as jewelry because it is not worn as a form of body adornment. It also cannot be categorized as an occupational tool as it is not used in any occupation for Sikhs. In addition, Kirpan is also not used as a magical object which is considered as an object that has values beyond the human mind and is believed to have a power (Robby, 2020).

In addition, the Kirpan also cannot be categorized as an heirloom as it is not passed down from generation to generation, but is required to be used by every Sikh. Therefore, Kirpan does not fulfill the category of objects that are excluded from the prohibition of the use of sharp weapons by Law No. 12 Year 1951.

Meanwhile in the UK, there was a case related to the use of Kirpan. A lawyer named Jaskeerat Singh Gulshan, was prevented from entering the courthouse for wearing his Kirpan simply because he practiced his faith. Starting from April 8, 2021, Gulshan was requested by the Witness Support Service to attend Ealing Magistrates' Court to provide emotional and moral support for a close relative who had been a victim of crime and assist him in giving evidence for the Crown against the accused.

He was barred from entering the court building due to the size of his Kirpan. She was discriminated against, treated like a criminal, and forced to go against her religious values and remove her Kirpan because she was over 6 inches tall. Gulshan has never been discriminated against before or denied entry to the courthouse because of the size of his Kirpan. She also fulfilled her civic duty by doing two weeks of Jury Service in the court with the same Kirpan but it was not a problem (KESUMA, 2019).

As a result of the discrimination faced by Gulshan, she has filed a Judicial Review application with the Royal Court to challenge the outdated policy put forth by HMCTS. It is the only step that can be taken against the discrimination that she faces in a modernized country like the UK.

Unlike the UK, Singapore has legalized Kirpan and is regulated in their laws and regulations. The use of Kirpan has been regulated since April 1, 2012 in Singapore Police Force which contains "Singaporean law has made allowances to ensure Sikhs can carry the kirpan in public, without compromising security, by observing the following criteria which were officially implemented since 1 April 2012. The blade should not be more

than six inches (approximately 15 cm). The blade should be blunted or dulled. It is to be always sheathed and not openly displayed. It should be worn under the dress” (Faizah, Rosadi, Pratama, & Dharmawan, 2023)

In Indonesia itself, the use of Kirpan has not been regulated as a weapon for religious symbols. To be able to use Kirpan in public spaces, Sikhs must apply for a sharp weapon ownership permit to the police. The permit application requires administrative requirements for Sikhs to be over 17 years old. (Saprida, 2019). Such permission is not granted to children or adolescents below 17 years of age.

Whereas there has never been a case of misuse of Kirpan by Sikhs. This certainly violates the religious freedom of Sikhs in Indonesia. Therefore, there is a need for new laws and regulations governing the use of weapons as a symbol of a religion in public spaces freely in order to guarantee the religious rights of Indonesian citizens as mandated by Pancasila and the 1945 Constitution of the Republic of Indonesia.

Discussion

History of Sikh entry in Indonesia

Their economic condition by looking for a new place. Initially they arrived at a place called Deli on the island of Sumatra (currently Deli Serdang Regency, around Medan City in North Sumatra) which then spread to several areas outside the island of Sumatera (Rezky, 2021).

After growing very rapidly, the Sikhs in Medan City felt the need for formal education to support the quality of human resources and as an international-based learning place by using more than one language besides Indonesian, namely Punjabi and English (optional) which are included in the learning curriculum.

The school was finally built in 1931 by the request of the Indian captain, Ranjit Singh, which was the first English-speaking Indian school in Medan city called Khalsa English School located in the neighborhood of the Indian community. In the 1960s, the Chinese and Indian schools were phased out and the school became a public school. Khalsa School, which had been established since 1931, was closed by the school management in 1992 due to internal problems.

Besides entering Medan and DKI Jakarta, Sikhs also spread to Palembang City. The origin of the Sikhs first entered Palembang City through Sungai Gerong, Banyuasin Regency around 1940-1950s. The arrival of the Sikh religion in Palembang City was brought by a Chief Inspector who worked at the American-owned Stan Fax (oil) company named Inspector Massa Singh. In order to fulfill the needs of a place of worship or Gurdwara as a place to carry out spiritual activities, Inspector Massa Singh gave up his residence in Kampung Bali to be used as a place of worship and after retiring, the Massa Singh family no longer lived in Palembang (Fitriani, Pane, & Utami, 2023).

Furthermore, around 1974 came the Krisna family who came from Sindh Province, Pakistan and were Hindus who believed in the bearer of the Sikh religion (Guru Nanak). Although the entire Krisna family is Hindu, they allowed the upper part of their house with a size of 4x12 M to be used as a place of worship for Sikhs even though the building is not permanent and made of wood.

After Krisna passed away, his family is no longer domiciled in Palembang City, but the place is still used as a place of worship for people who follow the Sikh religion. This is because the Sikhs in Palembang City do not yet have a gurdwara which is a Sikh worship center.

How is the regulation of the use of Kirpan in accordance with the religious rights of Sikhs with national law?

In Law No. 12 of 1951 concerning the Use of Sharp Weapons which is still valid today, there is a prohibition on the possession of sharp weapons listed in Article 1, namely whoever, without the right to enter Indonesia makes, receives, tries to obtain, hands over or tries to hand over, controls, carries, has supplies on him or has in his possession, stores, transports, hides, uses, or removes from Indonesia a firearm, ammunition or an explosive, shall be punished with death or life imprisonment or a maximum temporary imprisonment of twenty years (Nasution, 2021).

It certainly makes it difficult for Sikhs to use the Kirpan in public. It also violates the religious freedom of the Sikhs. Of course, Law No. 12 of 1951 needs to be revised because it is not relevant to the development of religion today, especially religion in Indonesia. Although the Sikh religion is still under the auspices of Parisada Hindu Dharma Indonesia (PHDI), the religious freedom of the Sikhs must still be guaranteed by the state as individuals who have religious human rights. Therefore, Law No. 12 of 1951 needs to be revised like the rules in Singapore (Singapore Police Force) which exclude some weapons used in daily religious activities not just worship.

Conclusion

The arrival of Indians in Indonesia began with entry in the Sumatra region. They came with the aim of improving the economy with the new fate that would be lived. Most of them worked as businessmen and entrepreneurs. Then, after the development of the Sikhs finally spread throughout Indonesia starting from the movement of Medan people to Jakarta to Palembang and established a Gurdwara as their worship center there. Finally in 1978, the Indonesian government gave freedom to everyone who had been in Indonesia for generations to enter as Indonesian citizens without going through the naturalization process so that currently all Sikhs have been recognized as Indonesian Citizens.

The use of Panj Kakkar is an obligation for Sikhs in practicing their religion in accordance with Guru Ji's teachings. However, the use of Kirpan as a form of Panj Kakkar in public spaces does not yet have definite and clear rules so that the legality of using Kirpan is still ambiguous. Kirpan is also not an exempted object according to Law No. 12/1951 because it is not included as an object of jewelry, work tools, magical, or heirlooms, but rather as a category of symbolic weapons of a religious community. To be able to have the legality of storing and using Kirpan, Sikhs must apply for or obtain a Police license. However, this only applies to Sikhs who are above the age of 17, while Sikhs below the age of 17 are still not eligible to apply for the license. Therefore, it certainly violates the religious freedom of the Sikhs as there is a legal vacuum regarding the regulation of the use of Kirpan.

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