

## POLITICS OF RECOGNITION: A RELATIONSHIP BETWEEN ORANG LOM AND STATE FOR CIVIL RIGHTS SERVICES (STUDY IN AIR ABIK, BELINYU DISTRICT, BANGKA BELITUNG ISLANDS)

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### ARTICLE INFO

Received: 27-04-2021

Accepted: 23-10-2021

Published: 27-10-2021

Volume: 4

Issue: 2

DOI:

<https://doi.org/10.33019/berumpun.v3i1.54>

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### KEYWORDS

*Politics of Recognition, Orang Lom, Civil Rights, Bangka Belitung*

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### ABSTRACT

Adherents of ancestral religions stand in two entities as indigenous peoples and as citizens after the Constitutional Court Decision Number 96 of 2016 provided hope for believers as citizens to express their communal identity. This research aims to find out the form of relationship between *Orang Lom* and the state to civil rights services and to see the efforts made by *Orang Lom* to gain recognition from the state so that they have access to civil services. The approach in this study put forward Axel Honneth's political theory of recognition by dissecting it through the elements of subjectivity, objectivity, and solidarity that developed in the practice of civil rights services for the Mapur Lom Tribe. This study utilized a descriptive qualitative method with a case-study approach in the Mapur Indigenous Community of *Orang Lom*, Belinyu District, Bangka Belitung. The data collection technique was conducted through observation, in-depth interviews, and literature studies. Moreover, data analysis applied various sources, both from key informants and secondary data. The data analysis was performed by using an interactive model in the form of data reduction, data presentation, and conclusion. The results showed that the relationship between *Orang Lom* and the state seemed more administrative in nature on the basis of the prevailing laws and regulations regarding civil service and population administration. At this time, *Orang Lom* can put their belief in God Almighty in the column of National ID Card, but traditional marriage has not been recognized so that it has an impact on children's birth certificates and education services. In terms of the funeral of the adherents of folk religions, they do not receive any rejection from the community while for the organization's administration, the existence of the Mapur Customary Institution of *Orang Lom* receives recognition from *Majelis Luhur Kepercayaan Indonesia*.



## 1. INTRODUCTION

The accepted ancestral religion arose from the collective womb of indigenous peoples, as did each rule. Adherents of ancestral religion come from adherents of beliefs and indigenous peoples. However, not all adherents and indigenous peoples practiced to ancestral religion, because most of them refuse to be called adherents of the ancestral religion, of course with various considerations. The practice of their customs/beliefs, for example, is called culture, not religion. (Maarif, 2018). For adherents of the original religion, the main function of religion is to guide human life in order to obtain a worldly life and the hereafter. Religion is interpreted to teach love to fellow humans (vertical relationships), and fellow creatures of God, nature, plants, animals, to inanimate objects (Mulkan, 2001). The existence of local religion is a determining part in the process of transformation and change, although it is often considered as a deviation (Efendi, 2001).

Entities adhering to ancestral religions as citizens have rights and obligations. Each individual or group shows characteristics that are different from other identities. This ability to distinguish is inseparable from objects outside and inside that are different from one another. Identity as an ancestral religion is being challenged by formal religion, although currently adherents of the ancestral religion can already recognize their religion in the ID card. This policy is enshrined in the Constitutional Court's Decision stating that article 61 paragraph 1 and article 64 paragraph 1 of the Population Administration Law are contrary to the 1945 Constitution. So far, believers have been given two choices when they want to fill in the religion column on their ID cards. First, fill in the ID card column with a religion recognized by the government, or leave the column blank. Post-Constitutional Court Decision Number 97/PUU-XIV/2016 is like an oasis in the midst of a crisis of recognition of the existence of ancestral religion.

Bangka Belitung has 1 city and 6 regencies. Bangka Induk Regency has 7 sub-districts. One of them is Belinyu District. Belinyu District is the second largest district and has the second largest population with an area of 546.50 km<sup>2</sup>. Belinyu District is with the Natuna Sea in the north, in the east with Riau District, and in the west with Teluk Kelabat. The population of Belinyu District reaches 38,681 people. Belinyu District consists of 3 sub-



districts, 5 definitive villages, and 31 hamlets. (Bangka Belitung Regional Office of Religion Ministry). The Lom people are in Air Abik Hamlet in Gunung Muda Village. This hamlet is 20 km from the capital of Belinyu District. Most of the Lom people of Bangka Belitung still adhere to the ancestral religion, often referred to as *igami maras*. This belief makes the Lom people still believe in myths and mystics. Belief in the Seventh Bridge and the existence of physical objects such as trees, stones, and animals are considered to have the power to influence life. This practice is seen as a cult based on local wisdom. The Lom people have a traditional leader who is trusted to care for the traditions and beliefs of their ancestors. (Cholilah, 2015).

The adherents of this ancestral religion are also citizens who inhabit a territorial area in two different hamlets, namely Air Abik in Gunung Muda Village and Pejam in Gunung Pelawan Village, Belinyu District, Bangka Belitung Regency based on local wisdom that is maintained to this day. Based on Belinyu in Numbers 2018, there are approximately 300 adherents of ancestral religion in this area in Air Abik and 81 people in Pejam. The Lom people are indigenous people who are often referred to as the indigenous tribes of Bangka Island. It is called Lom because it has not embraced an official religion, so if it has embraced a religion it will be said that it is not Lom or Lah. Historically, this term appeared in the Dutch colonial era as a form of population classification (Haryadi, Dwi, et al, 2011). Accordingly, Soerjono Soekanto stated that the "Lom Tribe or Lom People" are Bangka Malays. In the historical perspective of the people of Bangka, at first the Lom people spread almost all over the island of Bangka. The Lom people are a local ethnic group that is described as a community that has not embraced religion or has no religion. (Janawi in Salfutra, 2019)

After the decision of the Constitutional Court Decision Number 97/PUU-XIV/2016 there are fundamental problems in the implementation of policies for the Lom people of the Bangka Belitung Islands. Based on the research findings, it is shown that in the practice of changing religion in the ID Card column, changes in population data cannot be carried out by the Lom. This situation is caused by the belief that the Lom people believe and hold it has not been officially registered and recognized by the State. This research is intended to produce



a study on civil rights services for adherents of ancestral religions as citizens. Observing the practice of accepting or rejecting adherents of ancestral religions in the struggle to get equal treatment for civil rights. The politics of recognition that developed throughout the existence of adherents of ancestral religions in the Bangka Belitung Islands. This study also aims to find out the efforts made by the Lom people to get recognition by the state, so that they have access to civil services.

## 2. LITERATURE REVIEW

The study of indigenous peoples by looking at ancestral religious entities is an interesting and relevant study in the political spirit of recognition. Some of the results of previous studies that were used as references in this research as stated by Reko Dwi Salfutra, et al in 2018 in a constitutional journal with the title "Implementation of the Constitutional Court Decision Number 97/PUU-XIV/2016 for the Lom people in the Bangka Belitung Islands". The results showed that the Lom people have not been able to include their beliefs in the religion column, considering that the ancestral beliefs of the Lom people have not been officially registered and are not recognized by the state. The tendency of the Lom people to fill in one of the official religions in the ID card. The Lom people also want to maintain the culture and traditions that have been passed down from generation to generation. Unfortunately, this study does not explain the efforts of the Lom people in fighting for their civil rights.

A study on the Lom people was also carried out by Iskandar Zulkarnain, et al in 2018 in the journal Sodality Vol. 6 No. 3 December, with the title "Silencing Political Voices Recognition of Indigenous Peoples in a Political Economy Perspective". The conclusion in this study reveals that efforts to silence the political voice of the Lom people's recognition through domination over social memory. This system works in an effort to obscure history, weaken the spirit of community resistance with legal mechanisms, and eliminate legal recognition of indigenous communities. Based on this, it becomes interesting to know the Lom people's perspective on recognition by the state. For this reason, this then becomes the basis for conducting research on the civil rights services of the Lom people. This study is an effort to understand the existence of the Lom people in the life of the nation and state.



### 3. METHODOLOGY

This study uses a qualitative research method with a case study approach to the struggle of the Lom People. This method was applied to explore in depth the data in the field based on the understanding of the informants. First, the data obtained from the field was described in words according to the informant's statement, then the data was analyzed and narrated according to the words behind the informant's behavior that reflect the way of thinking, feeling, and acting (Creswell 2015). Data collection techniques were carried out through observation, interviews, and secondary data collection. For data analysis, the researchers utilized various sources, both from key informants and from secondary data. Data analysis was carried out with an interactive model in the form of data reduction, data presentation, and drawing conclusions. (Creswell, 2015). The focus of this research emphasizes the relationship between the Lom people and the state for the civil rights services and the Lom people's strategy to gain recognition from the state. Informants in this study included the administrators of the Mapur Customary Institution of Orang Lom (Customary Leaders and Organizational Management), community leaders, stakeholders, and the community. This study used the theoretical basis of political recognition from Axel Honneth with the perspective of love, solidarity, and rights in reading the struggle of the Lom people.

### 4. CONCEPTS

The relationship between the Lom tribe and the state in obtaining civil rights services is in accordance with identity. Stuart Hall mentions identity as something that is never perfect, always in process and built from within (Abdillah S, 2002). The word identity is a key word that can refer to any connotation: social, political, cultural, and so on. Identity, in certain situations, can mean anxieties, fears and egos. This occurs when the term identity is on the defensive.

This study uses the Political Theory of Recognition approach according to Axel Honneth in an effort to read and understand the dynamics of service to the civil rights of the Lom people. Politics of Recognition emphasizes that groups formed to fight for recognition are



based on the same fate and the same feelings. Honneth emphasizes on three important aspects in understanding society (Runesi, 2014), namely:

### 1. Subjective Area: Love

Love is the main medium for the creation of an acknowledgment for the subject in society. This recognition becomes the basis for the creation of self-confidence of social subjects. Hegel also emphasizes that love transcends family boundaries with the ability to reach out to others. Through this aspect, we will see efforts to build recognition of the Lom people as adherents of the ancestral religion. The social dynamics that occur are either acceptance or rejection as social subjects.

### 2. Objective Area: Law

If the love relationship emphasizes the aspect of recognizing one's identity, in formal legal relations or the law emphasizes equality or equality for every social subject. It created an acknowledgment of the subject of another subject as a legal subject. Through this, rights and obligations are distributed fairly, equitably in a community. Recognition of this subject can be divided into three categories, namely, first that civil rights to personal life, ownership, and freedom are guaranteed from illegal state intervention. Second, political rights as a guarantee in a democracy, and third, social rights can provide guarantees for individuals in the distribution of the political economy.

### 3. Social Area: Solidarity

This aspect emphasizes that the subject is placed in the right position, taking into account the supporting factors that encourage and develop the formation of social trust in society. This social trust is represented by the community from a diversity of identities.

## 5. RESULTS AND DISCUSSION

### A. Identity of the Mapur Orang Lom Traditional Institutions

The unitary area of Mapur is divided into three major areas, namely Tuing, Air Abik, and Pejam and is more popularly known as the Lom people. The development of the Mapur people is not entirely influenced by the rotation of customary law or tradition, but is



influenced by geographical, cultural, economic, political, and religious factors. The intersection of the Mapur people with the Malay Muslim community, ethnic Chinese, and other ethnicities has changed the customary law system that has been in effect and carried out for generations. The impact of social interaction gives influence and changes in the customary system in the Mapur area.

Based on traditional chronicles, ethnological studies, and archeology, Mapur is composed of fragments of oral speech from various traditional chronicles. One of the materials that have been successfully compiled from the history of Mapur is the customary law window which is called the code of conduct of the Mapur people or more simply called the rules of behavior of the Mapur indigenous peoples with the local name "*pantang larang*" which regulates daily life, farming or farming, hunting, building houses, relationships with nature, plants, and animals, as well as rules regarding the territory of sacred restrictions between humans and the unseen world and magical powers. There are several divisions of life that are regulated in the customary law of Mapur, even today some of them are still applied by the Lom or Mapur people in Air Abik and Pejam (Deqy, 2014). Mapur customary law regulates several divisions of life, including:

1. Code of ethics for human relations with forests and nature (Forest Division)
2. Code of ethics in farming (Field Division)
3. Code of ethics in the river (River Division)
4. Code of ethics at sea (Sea Division)
5. Code of ethics for human relations with animals (Animal Division)
6. Code of ethics in the arts (Arts Division)
7. Code of ethics in attitude (Attitude Division)
8. Code of ethics in daily life concerning birth and death (Life Division)
9. Code of ethics in traditional medicine (Traditional Medicine Division)

Some of the Lom people are already religious, such as embracing Islam and Christianity, although they are only symbolic, limited to being listed on their Identity Cards (KTP), but they do not carry out worship as required by their religion (Zulkarnain, 2009). In the Lom



tradition, it is common for parents who are still "Lom" (not yet embracing the official state religion) to become "Lah" (embracing one religion) after their child has embraced a religion. Changes in the spiritual identity of the Lom can also be caused when their wives embrace religion, usually the husband follows the wife's religion. However, there is something of a dilemma when the death of a parent who is still Lom cannot be held by his child who is already Lah. Then all family members may not be Lah people, there must be one who is still Lom to regenerate offspring (Chollillah, 2019).

The Mapur Customary Institution of Orang Lom consists of three important elements, namely the first board of supervisors (protectors) including the Regent and Deputy Regent of Bangka, Chairman of the DPRD of Bangka, and Chairman of LAM Bangka. Second, the marwah assembly includes the traditional leader, the head of the village, ritual leaders, and customary witnesses. Third, the daily management includes the chairman, secretary, treasurer, the field of customs, the field of public relations, the field of facilities and infrastructure, the field of environmental protection and preservation. At a glance, the Mapur Customary Institution of Orang Lom adapts to the modern organizational model.

## B. Civil Rights Services

There are 68 family heads (KK) who believe in the Lom people, so there are around 300 people who live in Air Abik of the 68 families. The number of residents who have included Belief in God Almighty in the ID card is about 25 families. The reason most of the adherents of faith have not included belief in the ID card is suspected to be because the recognition of marital status in the family card column is still unclear. For now, the marital status of believers in the family card is written as unmarried or unmarried. This condition has implications for children's birth certificates and educational services for children, because there is an assumption that the marriage system that occurs is unregistered marriage. Dilemmas in the field of education occur during the acceptance period of students, the adherents of faith are faced with obstacles because there is an emptying of religion in the child's identity. The strategy used by adherents of belief is to hide behind popular religion by choosing one of the official religions recognized by the state even if it is forced. The



children of believers who are accepted in school actually receive religious education from one of the official religions.

After the decision of the Constitutional Court Number 97/PUU-XIV/2016, then followed by Regulation of Ministry of Education and Culture Number 27 of 2006 concerning education services for belief in God Almighty, this can be interpreted as progress. However, it is necessary to see that this is not just a regulation, but it must be ensured that educational services reach contextual implementation in accordance with the educational service needs of believers. Referring to Article 2 paragraph (1), it is regulated that every student who believes in faith has the right to fulfill religious education or belief by following the provisions of the legislation governing the curriculum. Article 2 paragraph (2) and paragraph (3) also states that every student has the right to receive educational content, including this competition and the basics, syllabus, lesson plans, learning textbooks, textbooks, and educators or trustees.

The regulation indirectly acts as a uniform practice of a single entity for believers, while believers have various values and principles in believing in their beliefs. In addition, believers also have limitations in Human Resources. This condition then has implications for "coercion" to study one of the official religions recognized by the state. The situation experienced by children of believers in Air Abik in the world of education is a form of discriminatory practice regarding the opportunity to receive education provided by the state. Loss of opportunity to access these rights can be seen as a form of loss of recognition as citizens.

This neglect of citizenship rights is an important note related to the recognition of citizens in the context of human rights. Recognition is important because it is related to human status as rights holders based on the nobility of human dignity. At the same time, it is also related to the obligation of the state towards citizens to provide legal status for citizens in accessing civil rights (Bielefeldt, 2019). The stagnation in accessing education for believers is a prolonged difficulty. This condition then makes the adherents of the faith "forced" to follow state administration procedures in order to open the faucet of freedom in



enjoying educational services. In this position, adherents of faith become a vulnerable group, as if they have no power to compete with the applicable regulations.

Fulfillment of citizenship rights is an effort to fulfill formal rights that must be carried out by the state to citizens, with the aim of reducing social marginalization and bureaucratic complexity in order to eliminate the gap between formal rights and the realization of citizenship rights (Barenschot, et al, 2019). For this reason, the state must then be able to bridge the fulfillment of citizenship rights with the hope that the regulations created do not intend to hinder efforts to fulfill citizens' rights to civil services. Recognition of the existence of believers must be placed not only as a good thing that applies within themselves, but as a vital human thing (Suharno, 2015).

In another dimension regarding civil services related to health, population data collection as recipients of assistance from the government includes the Family Hope Program (PKH) scheme, Social Assistance during the COVID-19 pandemic, and opportunities in politics so far have been accommodated by the village government. In practice there is no attempt to negate the existence of believers, although in the *pilkadus* (election of hamlet's head) contestation there is no desire from believers to be involved due to limited human resources. In general, the rituals of believers in Air Abik are relatively smooth and conducive, the community accepts the existence of believers. The tolerance that is built between fellow residents has relatively never experienced conflicts related to differences in religion or beliefs held by the villagers.

The social relations of the Lom people and the surrounding population show that social life is going well without any conflict. Believers of faith have the right to vote and are elected at the moment of the *pilkada*, *pilkadus*, although believers of faith admit that they still have limited human resources to be involved in the *pilkadus* contestation. Believers of faith are also involved as recipients of assistance from the government, even though they have left the religion column on their ID cards blank. The obstacles faced are more on population administration, so the classic way is taken by moving or choosing one of the official religions recognized by the government to facilitate administrative affairs in other sectors such as education, health, employment.



Believers are allowed to fill in the religion column on each ID Card, but there are still omissions in civil registration because based on applicable rules, there must be an official institution that oversees believers. This condition then made believers to take the initiative to build an institution called the Mapur Customary Institution of Orang Lom. In an effort to form traditional institutions, believers in faith build networks with academics and stakeholders as part of strengthening the existence of believers.

### C. The Struggle for Recognition of the Identity of Believers

After the Decision of the Constitutional Court 97 of 2016 concerning the inclusion of trust in the ID card, it became a new spirit for the community to express themselves. However, it turns out that the decision has not fully resolved the problem at the grassroots level. Believers in fighting for their identity to be legally recognized have to go through a long and winding road. The path taken is to meet the requirements of state administration. Although this situation is actually contrary to the human status as holders of KBB rights, which are free from state administrative procedures, this is necessary so that believers in the faith obtain legal status as legal entities.

The identity carried by the Lom people is a believer, apart from being an indigenous people. This condition is a reality if one does not want to be called a double minority. Stuart Hall mentions identity as something that is never perfect, always in process and built from within (Abdillah S, 2002; 27-28). The word identity is a key word that can refer to any connotation: social, political, cultural, and so on. Identity, in certain situations, can mean anxieties, fears and egos. This occurs when the term identity is on the defensive. Because identity is not something final, or something that is constantly changing, Jean Baudrillard doubts the existence of a definite identity in an object that has been attached to exist (its originality) because all of them have undergone deconstruction events. In the plurality of a subject will lose its identity, "in the desert one loose one's identity" (Baudrillard, 1988; 47).

The existence of the Lom people is manifested in the practice or ritual of belief which is still carried out until now. Believers of the faith are required to be registered, in order to gain recognition from the state, thus impacting the opportunity to obtain civil rights services.



Efforts made by the Lom people by registering a community of believers to the state through coordination with the Indonesian Supreme Council of Trust (MLKI). For this reason, it is necessary to prepare administrative documents that are required for registration, including the structure of customary institutions, community leaders, values and principles of people living in beliefs, customary or communal areas. This strategy is pursued with the aim of gaining recognition from the state as citizens who adhere to beliefs, not religions. The approach used by believers is similar to the approach used by the state, there is no other alternative that the Lom people can take.

The struggle for recognition of the existence of the Mapur Customary Institution of Orang Lom can be seen by borrowing the framework of the political theory of recognition from Axel Honneth which emphasizes three key aspects, namely first, Believers of faith establish good relations with the surrounding community who have previously embraced a formal religion. The communication that exists in Air Abik prioritizes mutual respect and respect for differences in religious or belief choices, because there is a cultural adhesive that then accommodates differences between communities. Second, in the practice of democracy in the Air Abik is a form of decision making by prioritizing deliberation. The surrounding community recognizes the existence of believers in the belief that there is no separation barrier against believers. Third, the solidarity that was built in the Lom people's traditional institutions because they felt unfair treatment in obtaining population administration and educational services, so they decided to register the Mapur Customary Institutions of Orang Lom. Believers are of the view that by being registered, it will open up more opportunities to show cultural existence.

In the process of registering traditional institutions, adherents of faith have received support from both academics and relevant stakeholders who have a renewed spirit in an effort to recognize the existence of believers in particular in Bangka Belitung, although there are some parties who do not support the intentions of believers. The community that is built is a place that makes humans as goals in relationships, and not as means (Etzioni in Kurniawan; 2020). The spirit that is built in the Orang Lom community puts forward cultural strength, that self-existence must be fought for by accommodating the rights of believers.



Efforts to fight for legality are also accompanied by challenges in dealing with issues regarding efforts to maintain living space from the expansion of oil palm plantations. No doubt these conditions also have an impact on the solidarity of believers in the struggle for the registration of customary institutions. However, believers who remain committed in the initial spirit of the struggle have the view that this condition is a motivation to further demonstrate the existence of believers.

The Constitutional Court's decision and other regulations regarding believers should be appreciated. However, it is not without notes, if you look at the implementation level, the existing regulations can actually be seen as an effort to fulfill the administrative rights of citizens. Recognition of administrative rights at the surface level does seem to solve the problem, but there is a neglect of the right to freedom of religion or belief by uniforming the identities of believers. The form of uniformity that can be seen clearly is that de facto we must admit that there are so many different identities of believers. There are Parmalim in North Sumatra, Kaharingan in Kalimantan, Arat Sabulungan in Mentawai, Sapta Dharma and the White Cross of the Archipelago in Java.

After the Constitutional Court's decision regarding the permission to include trust in the ID card column, it turned out that it did not solve the problem, where there was an attempt to view believers in belief as a single entity. However, every believer has a locality, so it is necessary to see the expression and actualization of the believer in his community, even in the public sphere. The Constitutional Court's decision is de jure recognition of rights, although the context of the dynamics that occur in believers also varies. The dynamics that occur in believers are in the form of a struggle for living space that leads to agrarian conflicts, the fading of cultural traditions.

Uniformity in the religion column with the mention of believers in God Almighty contradicts the allowed mention of official religion in the ID card. This condition indicates that the state still has not taken a firm stance, or has concerns about the recognition of the practice of Freedom of Religion/Belief. The regulations created have not been fully able to open up space for believers to exist in the public sphere.



## 6. CONCLUSION

The role of customary institutions has stagnated in solving problems faced by indigenous peoples in terms of limited human resources that have an impact on changing the mindset and orientation of the Lom people's life. The traditional institutions of the Lom people undergo social changes in maintaining the traditional life inherited from their ancestors due to contact with more modern life. The prohibition on logging and mining for tin has been ignored by the community in order to increase income. The composition of human resources becomes a dilemma and a problem when dealing with things that disturb the existence of the Lom people.

The Lom people's customary institutions have been registered with the Indonesian Supreme Council of Faith (MLKI). This is a new hope in confirming the true identity of the Lom people as believers in God Almighty. It is also a glimmer of hope for civil rights to be accommodated in both population administration and education services. However, the problem faced by believers in the Air Abik is the threat of the community's living space from the onslaught of oil palm plantation expansion. Unexpectedly, this condition is a new problem in the agrarian sector which makes the Lom people worry about living space in the future. Recognition of the existence of adherents of belief is more of a formal administrative approach that even tends to be binding. The existence of adherents of faith is limited, because they are faced with fulfilling the formal requirements for population administration. After the Constitutional Court's decision and accompanying regulations related to believers, it can be interpreted as a decision that emphasizes the fulfillment of administrative rights only. It is said so because the existing regulations are precisely an effort to make the legal status of citizens. With the legality of a clear citizen, it is considered worthy to get services from the state.

## ACKNOWLEDGEMENT

The team kindly thank to the Research and Community Service Institute (LPPM) of the Universitas Bangka Belitung which has funded this research activity through the DIPA of the Universitas Bangka Belitung 2021. The writing of this article is undertaken to fulfill the mandatory research outputs in the PDTF scheme. In addition, the authors would also like to

140

Bahjatul Murtasidin, Michael Jeffri Sinabutar, Bob Morison Sigalingging  
Vol. 4 No. 2 October 2021

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thank to all the informants who had assisted in the process of extracting data during the research process.

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