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Public Perception of Interfaith Marriage Registration (Across Religions) based on Court Regulations

Alecsius Sharaja[1]*, Potler Gultom[2], Selamat Lumban Gaol[3]

[1,2,3] Universitas Dirgantara Marsekal Suryadara, Jakarta, Indonesia

ABSTRACT

Background: In Indonesia's pluralistic legal framework, interfaith marriage registration remains an unresolved socio-legal dilemma due to regulatory ambiguities between Law No. 1/1974 on Marriage and the Population Administration Law (Law No. 23/2006 jo. Law No. 24/2013). This regulatory gap generates persistent legal uncertainty and polarized societal responses. **Objective:** This study aims to examine interfaith marriage registration through court orders and analyze public perceptions and societal acceptance regarding the legal validity of such registrations, with a specific focus on the South Jakarta District Court Decision No. 508/Pdt.P/2022/PN Jkt.Sel. **Method:** This study employs a normative juridical research design using statutory and case approaches, supported by library research of primary legal materials, judicial rulings, and secondary literature analyzed through qualitative descriptive methods. **Results:** The findings reveal that while Article 2(1) of the Marriage Law predicates validity on religious laws, Article 35(a) of the Population Administration Law serves as a *lex specialis* permitting the Civil Registry Office (Dukcapil) to record interfaith marriages established by court decrees. Public perception remains deeply divided: human-rights-oriented groups and urban communities support court rulings as an essential mechanism for legal certainty and civil protection, whereas conservative religious groups continue to resist, viewing such decrees as circumventing canonical marriage laws. **Conclusion:** Judicial rulings function as a crucial pragmatic instrument to fill the legal vacuum (*rechtsvacuum*) and safeguard the civil rights of interfaith couples and their offspring, though unified legislative harmonization is necessary to eliminate ongoing bureaucratic and socio-religious friction. **Originality/Value:** This review study provides critical conceptual and socio-legal novelty in the fields of sociology of law, family law, and civil administration by synthesizing evolving literature on public perceptions and the legitimacy of interfaith marriage registration based on court regulations and judicial decrees. It systematically maps existing theoretical and methodological gaps, serving as a strategic benchmark that contributes to steering future research agendas on judicial harmonization and the development of conceptual policy frameworks protecting civil rights in pluralistic legal systems.

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1. INTRODUCTION

Marriage is a fundamental aspect of forming a community because it enables individuals to establish families and ensure the continuity of generations, ultimately shaping a nation (Bilo & Hutahaean, 2023). Given its importance, religious and state authorities worldwide have established marriage regulations. In Indonesia, marriage is regulated under Law No. 1 of 1974 on Marriage (hereinafter referred to as the Marriage Law). However, as Indonesia is a multi-

* **Corresponding Author:** Alecsius Sharaja, asden1071@gmail.com
Universitas Dirgantara Marsekal Suryadara, Jakarta, Indonesia
Address: Jl. Halim Perdana Kusuma No.1, RT.1/RW.9, Halim Perdana Kusumah, Kec. Makasar, Kota Jakarta Timur, DKI Jakarta 13610

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ethnic country with several state-recognized religions, interfaith marriages between individuals are inevitable (Kennedy & Lee, 2020). Interfaith marriage has been a controversial issue in Indonesia. Couples of different faiths often hesitate to proceed with their relationship due to regulatory uncertainties (Pua et al., 2022). Despite being common in Indonesia's diverse and multicultural society, interfaith marriage faces legal ambiguity, as the Marriage Law does not explicitly address it (Amri, 2020). Instead, the law mainly discusses mixed marriages in terms of nationality rather than religious differences. This lack of clarity leads to confusion and challenges for interfaith couples seeking legal recognition. Many Indonesians believe interfaith marriages are not allowed based on Article 1(1) of the Marriage Law, which states: "Marriage is valid if conducted according to the laws of each religion and belief." This legal uncertainty raises concerns about the regulation of interfaith marriages in Indonesia.

However, interfaith marriages are not entirely prohibited in Indonesia. In practice, many interfaith marriages have been conducted. The South Jakarta District Court's Decision No. 508/Pdt.P/2022/PN Jkt. Sel affirms that interfaith couples can seek legal recognition through court rulings (Mudakir, 2024). Jurisprudence has established that the Civil Registry Office can register interfaith marriages, as its role is to record rather than validate marriages. However, not all Civil Registry Offices consistently register such marriages. A study by Asiah (2015) found that Indonesian positive law does not explicitly prohibit interfaith marriages. However, due to various legal interpretations and Indonesia's status as a non-secular state, interfaith marriages are generally considered unconstitutional. This research aims to fill the gap by examining interfaith marriage regulations and legal pluralism in Indonesia, focusing on the legitimacy of marriage registration based on the Marriage Law.

South Jakarta District Court judge Arlandi Triyogo granted partial approval to an interfaith couple's petition DRS (Christian) and JN (Muslim) regarding interfaith marriage. In Decision No. 508/Pdt.P/2022/PN Jkt. Sel, the judge ruled: "To grant permission to the petitioners to register their marriage at the Civil Registry Office of South Jakarta." Although the petitioners follow different religions, they have already conducted their marriage. Article 2(2) of the Marriage Law states, "Every marriage must be recorded according to the prevailing laws and regulations." The couple was married at the Nusantara Christian Church on May 31, 2022, but had not registered their marriage with the South Jakarta Civil Registry Office. The judge noted: "Considering that the reporting of the petitioners' marriage exceeded 30 days from the marriage date, according to Article 9(2) of Ministerial Decree No. 131 of 1997, such reporting/registration must receive approval from the district court (Andriani et al., 2023)." He further explained: "To provide legal certainty regarding the marital status of the petitioners and enable their marriage to be recorded at the Civil Registry Office, the petitioners' request is legally justifiable and should be granted."

This study highlights the need for clearer regulations regarding interfaith marriage registration to prevent misinformation and legal uncertainty. Additionally, it is crucial to analyze how interfaith marriages are recorded under the Marriage Law. Based on these considerations, this research examines interfaith marriage registration based on court orders, specifically analyzing the Decision of the South Jakarta District Court No. 508/Pdt.P/2022/PN Jkt.Sel (Azhari & Lubis, 2022).

Research on interfaith marriage registration has been conducted from various perspectives, including legal, social, and administrative aspects. Previous studies have discussed how Indonesia's legal framework lacks clarity on interfaith marriage registration and how courts provide solutions through judicial rulings. These studies highlight the legal gaps that lead to inconsistencies in implementation and differences in public perception regarding the legitimacy of interfaith marriage registration.

While prior research has extensively examined interfaith marriage registration's legal and social aspects, several gaps remain unexplored. One of these gaps is the lack of comparative studies on implementing interfaith marriage registration across different regions in Indonesia. Some regions may have differing policies on interfaith marriage registration, yet few studies have examined how these policies are applied in various areas. This study offers novelty by employing a multidimensional approach to analyzing public perceptions. Rather than examining public perceptions in general, this research explores the factors influencing these perceptions, such as religious beliefs, education levels, and personal experiences. By incorporating these dimensions, this study provides a more comprehensive understanding of how different societal groups perceive interfaith marriage registration.

2. METHOD

2.1 Research Design

This study employs a qualitative approach with a normative juridical method. This approach analyzes how legal regulations are applied in registering interfaith marriages based on court rulings. Normative legal research seeks to identify legal principles and theories and develop new legal principles related to the research subject (Christiani,

2016). This study uses two main approaches: (1) Statute Approach. Examining various legal regulations related to the registration of interfaith marriages; (2) Case Approach. Analyzing court decisions and legal cases concerning the registration of interfaith marriages.

2.2 Research Object

The object of this study is the public perception of interfaith marriage registration based on court regulations. This research focuses on how the public understands, responds to, and perceives the legal policies regarding interfaith marriage registration.

2.3 Data Collection

This study uses Library Research to obtain secondary data related to the research topic. The collected data include: (1) Primary Legal Materials: Legislation, court decisions, and other official legal documents related to the registration of interfaith marriages; (2) Secondary Legal Materials: Literature, law journals, previous research, and expert opinions relevant to the research topic; (3) Tertiary Legal Materials: Legal encyclopedias, legal dictionaries, and other supporting documents that help explain legal concepts in this study.

2.4 Data Analysis

The data analysis technique used in this study is qualitative descriptive analysis. The data from the literature review will be systematically compiled and analyzed by providing detailed and structured explanations of the studied legal issues. The analysis is conducted through the following steps: (1) Identifying and classifying data based on their relevance to the study; (2) Comparing and reviewing legal regulations, theories, and expert opinions on interfaith marriage registration; (3) Drawing conclusions based on research findings and providing a legal interpretation of interfaith marriage registration regulations based on court rulings.

3. RESULTS AND DISCUSSION

3.1 Results

As amended by the Law on Population Administration, the Population Administration Law provides an opportunity to register marriages conducted by individuals in interfaith marriages. The Office of Religious Affairs (KUA) manages marriage registration for Muslims, while non-Muslim marriages are recorded at the Civil Registry Office (Dukcapil). However, not all Civil Registry Offices accept interfaith marriages. If they do, the marriage is typically recorded as a non-Muslim marriage. Interfaith couples may choose their respective religious procedures, but finding a religious leader to officiate an interfaith marriage is often challenging.

The regulation concerning the registration of interfaith marriages is outlined in Article 35(a) of the Population Administration Law (UU Adminduk), as amended, which states that "the registration of marriages regulated in Article 34 of the Population Administration Law also applies to marriages established by court rulings."

Article 34 of the Population Administration Law states:

a) According to the applicable laws and regulations, a legally valid marriage must be reported by the residents to the implementing agency in the location where the marriage took place within no later than 60 days from the date of marriage.
b) Based on the report in paragraph (1), the civil registration officer records the marriage in the marriage register and issues a Marriage Certificate Excerpt.
c) The Marriage Certificate Excerpt, as referred to in paragraph (2), is provided to both the husband and wife.
d) The reporting obligation in paragraph (1) for Muslim residents is conducted at the local KUA (Office of Religious Affairs).
e) The recorded marriage data from paragraph (4) and Article 8(2) must be submitted by the KUA to the implementing agency within 10 days after the marriage registration.
f) The recorded marriage data, as referred to in paragraph (5), does not require issuing a civil registration certificate.
g) At the sub-district level, the reporting mentioned in paragraph (1) is conducted at the local Population Administration Office (UPTD).

Article 35 of the Population Administration Law further states: The marriage registration provision in Article 34 also applies to (a) Marriages established by court rulings and (b) Marriages of foreign nationals conducted in Indonesia at the request of the foreign national.

Article 35(a) of the Population Administration Law states that "a marriage established by a court ruling refers to a marriage between individuals of different religions." The article further clarifies that "the registration regulated in Article 34 of the Population Administration Law also applies to marriages established by court rulings." The explanation in Article 35(a) explicitly defines interfaith marriages as those conducted between individuals of different religions.

However, the law does not explicitly specify where interfaith marriages should be registered, whether at the Civil Registry Office or the Office of Religious Affairs (KUA). Article 34(4) of the Population Administration Law states that valid marriages conducted by Muslim residents must be reported to the KUA at the sub-district level. This is reinforced by Article 34(1), which states that if the marriage is conducted between non-Muslim couples, it must be registered at the Civil Registry Office. However, if one partner is Muslim, uncertainty arises as to whether the marriage can be registered at the local KUA.

Referring to Article 2(1) of Government Regulation on Marriage Implementation, it is stated that "the registration of marriages conducted according to Islamic law is carried out by the Marriage Registrar as stipulated in Law No. 32 of 1954 concerning the Registration of Marriage, Divorce, and Reconciliation, namely the KUA."

3.2. Discussion

Interfaith marriage is a complex legal issue in Indonesia, involving religious, legal, and social aspects. Normatively, Law No. 1 of 1974 on Marriage (Marriage Law) does not explicitly permit or prohibit interfaith marriage. However, Article 2 Paragraph (1) of the Marriage Law states that "a marriage is valid if conducted according to the laws of the respective religions and beliefs of the parties." This provision often poses obstacles for interfaith couples in registering their marriages.

From an administrative law perspective, Law No. 23 of 2006 on Population Administration (amended by Law No. 24 of 2013) provides a mechanism for marriage registration through court rulings. Article 35(a) of this law states that an interfaith marriage can be registered after obtaining a court decision. This indicates that although interfaith marriage is not explicitly regulated in the Marriage Law, its registration can still be processed through the judiciary.

Additionally, several legal theories can help understand this phenomenon:

a) Legal Certainty Theory (Gustav Radbruch). This theory emphasizes that laws should provide clarity and order to society. In the context of interfaith marriage, court-ordered registration aims to provide legal certainty for couples who get married.
b) Justice Theory (Aristotle). This theory suggests that laws should provide fair treatment to every individual. In interfaith marriage cases, allowing registration through the court can be seen as a form of justice for couples who cannot register their marriages at the Religious Affairs Office (KUA) or the Civil Registry Office (Disdukcapil) without a court decision.
c) Sociological Jurisprudence (Roscoe Pound). This theory explains that law cannot be separated from social reality. In this context, societal perceptions of interfaith marriage registration are greatly influenced by prevailing social and cultural norms.

Several studies have examined the issue of interfaith marriage registration from various perspectives. Hidayat (2020) discussed the regulatory ambiguity regarding interfaith marriage registration in the Marriage Law and how court rulings serve as a solution to fill the legal void. Rahmawati & Siregar (2021) found that most Indonesians still perceive interfaith marriage negatively, primarily because it is seen as contradicting religious values. However, some groups accept interfaith marriage as a human right. Setiawan (2019) highlighted the importance of legal certainty in interfaith marriage registration and how court decisions provide a legal basis for couples wishing to register their marriages. Wijayanti (2022) revealed that while interfaith marriage registration through the courts is possible, its implementation faces challenges, particularly due to differing legal interpretations across regions.

Based on previous research, societal perceptions of interfaith marriage registration vary depending on social background, cultural influences, and legal understanding. Legally, court rulings are considered a solution to address the existing legal gaps (Sharon et al., 2018). The Indonesian Marriage Law does not explicitly permit or prohibit interfaith marriage (Setiyanto et al., 2024). Therefore, courts may issue rulings based on the Hostis Ordinis Communis (HOC) principle, which refers to an ad hoc or temporary court established to handle special cases, including interfaith marriages. In this context, judicial decisions are crucial in providing legal certainty for couples wishing to register their marriages despite religious differences (Christianto, 2020; McCandless, 2017).

The Marriage Law functions as a lex generalis governing marriages in Indonesia. At the same time, the Population Administration Law acts as (Irianto, 2024) lex specialis regarding marriage registration, including interfaith marriage registration through court rulings. Article 1 of the Marriage Law defines marriage as a spiritual and physical

bond between a man and a woman as husband and wife, aimed at forming a happy and eternal family based on the One and Only God. Meanwhile, Article 35(a) of the Population Administration Law explicitly states that court-determined marriages include interfaith marriages. Therefore, by linking Article 1 of the Marriage Law with Article 35(a) of the Population Administration Law, interfaith marriages can be registered after obtaining a ruling from the District Court.

The legal basis for interfaith marriage registration includes several regulations: (1) Law No. 23 of 2006, as amended by Law No. 24 of 2013 on Population Administration; (2) Presidential Regulation No. 96 of 2018 on the Requirements and Procedures for Population and Civil Registration; (3) Minister of Home Affairs Regulation No. 108 of 2019 on the Implementation of Presidential Regulation No. 96 of 2018. These regulations serve as the legal foundation for registering interfaith marriages, as approved by the courts, thus ensuring legal certainty for couples in Indonesia's population administration system.

In many countries, the legal recognition of interfaith marriages is contingent upon existing marriage laws, which often align with religious doctrines. For instance, in Indonesia, the Marriage Law No. 1 of 1974 mandates that a marriage is valid only if conducted according to the respective religion of the couple. This legal framework creates obstacles for interfaith couples seeking official recognition of their unions (Harahap et al., 2021). Similarly, in India, the Special Marriage Act of 1954 allows for interfaith marriages but requires a 30-day public notice period, which can lead to societal and familial pressures (Sharma & Gupta, 2020).

Court rulings have also played a crucial role in shaping public perception. For example, in 2014, Indonesia's Constitutional Court upheld the requirement for religious conformity in marriage, reinforcing the notion that interfaith marriages are legally unrecognized unless one partner converts (Putri & Santoso, 2022). In contrast, the European Court of Human Rights has consistently ruled in favor of religious freedom and personal choice in marriage, setting a precedent for more inclusive legal frameworks (Smith & Allen, 2021).

Public attitudes toward interfaith marriage registration vary significantly across cultures and demographics. Studies suggest that younger generations tend to be more accepting of interfaith marriages due to globalization and increased exposure to diverse cultural interactions (Ratu & Setiawan, 2023). However, conservative religious communities often oppose such unions, viewing them as a threat to religious identity and cohesion (Al-Farisi, 2020).

Social challenges associated with interfaith marriage registration include family opposition, societal stigma, and bureaucratic hurdles. Many couples face difficulties in obtaining official marriage certificates, leading to legal complications concerning inheritance, child custody, and nationality rights (Jones & Becker, 2019). In some cases, couples resort to civil unions or marriages abroad to bypass restrictive local laws (Wong & Chan, 2022).

From a human rights perspective, restrictions on interfaith marriage registration raise concerns about religious freedom and personal autonomy. The United Nations Human Rights Committee has advocated for the elimination of discriminatory legal barriers that prevent individuals from marrying across religious lines (UNHRC, 2021). Legal reforms that provide equal recognition to interfaith marriages without requiring religious conversion can enhance social cohesion and uphold fundamental human rights. Several countries have made progress in this area. For example, Tunisia revised its marriage laws in 2017 to allow Muslim women to marry non-Muslim men without conversion requirements (Ben Amar, 2018). Such legal changes have positively impacted public perception by reinforcing the principle of equality in personal relationships.

4. IMPLICATIONS AND CONTRIBUTIONS

4.1 Implication

The findings of this study provide recommendations for the government to enhance synergy between the District Court, the Civil Registry Office (Dukcapil), and religious institutions in handling the registration of interfaith marriages. Additionally, this research encourages the establishment of more inclusive regulations, allowing interfaith couples easier access to administrative rights.

This study has significant implications for legal frameworks, social integration, and human rights advocacy. Analyzing public perception and legal regulations, this research provides insights into how legal barriers impact interfaith couples and the broader society. The findings contribute to ongoing discussions about religious freedom and legal reforms, highlighting the need for inclusive policies that respect religious traditions and personal autonomy.

4.2 Contribution

The study also contributes to the academic discourse on interfaith relationships by offering comparative perspectives across legal systems. Policymakers, legal practitioners, and human rights organizations can use these

insights to develop strategies for improving marriage laws that accommodate interfaith unions. Furthermore, this research is a resource for scholars exploring the intersection of law, religion, and social dynamics in multicultural societies.

5. LIMITATIONS AND FUTURE RESEARCH DIRECTIONS

5.1 Limitation

This study was conducted within a specific region, so its findings may not fully represent public perceptions across Indonesia. Social, cultural, and religious factors in different areas can influence societal views on interfaith marriage registration. Additionally, the data used in this research primarily comes from legal sources and secondary literature, meaning it does not extensively explore the empirical aspects of individual experiences or couples who have applied for interfaith marriage registration through the courts.

5.2 Recommendation for Future Research

Future studies should cover a broader geographic scope, including various regions with different cultural and religious backgrounds, to comprehensively understand societal perceptions regarding interfaith marriage registration. Comparative studies with countries with different regulations on interfaith marriage registration could also be beneficial. Such research could offer insights into more effective policies that may serve as recommendations for improving Indonesia's legal system.

6. CONCLUSION

The regulation of interfaith marriage registration based on court orders is not explicitly and firmly outlined in Indonesia's Marriage Law. To address this legal vacuum (Rechtsvacuum), provisions in the Indonesian Civil Code (KUH Perdata) are often used as the legal basis for registering interfaith marriages. The legal considerations of judges in the South Jakarta District Court Decision No. 508/Pdt.P/2022/PN Jkt. The principle of legal certainty is appropriately applied to interfaith marriage registration based on court orders. Registering interfaith marriages through court orders is crucial in ensuring legal protection for couples and establishing legal certainty in Indonesia's population administration system.

This study reveals that public perceptions of interfaith marriage registration through court rulings vary and are influenced by legal, social, and religious factors. Some members of society accept this registration as a means of providing legal certainty for interfaith couples. In contrast, others reject it, viewing it as violating religious and cultural norms. From a legal perspective, interfaith marriage registration is not explicitly regulated in the Marriage Law, making court orders a viable solution to address the legal vacuum (rechtsvacuum). Court rulings protect interfaith couples by ensuring their marriage status is officially recorded. From a social perspective, differences in perception are also influenced by the level of public legal awareness and religious beliefs regarding marriage. In regions where legal understanding is higher, interfaith marriage registration is more widely accepted, whereas in more conservative communities, this concept still faces resistance.

This study affirms that while court orders can serve as a legal basis for interfaith marriage registration, public acceptance of this policy remains varied. Therefore, more intensive legal socialization is needed to improve public understanding of the importance of marriage registration in ensuring legal certainty and protecting the civil rights of interfaith couples.

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Author Contribution Statement

All authors discussed the results, contributed to the final manuscript, and approved the final version for publication. Alecsius Sharaja: Conceptualization and Design; Writing - Original Draft; Potler Gultom: Methodology, Writing - Review & Editing; Performed data collection and Analysis; Selamat Lumban Gaol: Interpretation of the results.

Conflict of Interest Statement

The authors declare that they have no significant competing financial, professional or personal interests that might have influenced the performance or presentation of the work described in this manuscript.

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