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Interfaith Marriage in Kuningan and Jakarta: State Intervention and Human Rights

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Abstract

The purpose of this paper is to analyse the similarities and differences in the perspectives of various institutions in Kuningan and Jakarta and examine these views from a human rights perspective. The background of this study is the issue of legal uncertainty surrounding interfaith marriages. On one hand, it is prohibited, and the other hand it is permitted but made difficult. This research is significant as it addresses the phenomenon of interfaith marriages, which the Indonesian government has ambiguously responded to. On one hand, such marriages are permitted but made excessively difficult; on the other hand, they are prohibited but ultimately recognized. This paper employs a sociological-juridical research methodology with a comparative approach. Fieldwork was conducted in two cities, Kuningan and Jakarta, using interviews with interfaith couples and officials from local RAO, CRSO, RC, and DC. The novelty of this paper lies in its identification of human rights violations based on empirical evidence. The comparative findings from the two cities reveal that the current legal framework governing marriage in Indonesia fails to reflect certainty and justice. Furthermore, interfaith marriage remains a significant and unresolved issue in the country.

Keywords: *Human Rights; Interfaith Marriage; Intervention; State*

1. INTRODUCTION

Indonesia is a state characterised by pluralism across various aspects: tribe, ethnicity, race, and religion (officially recognised and unofficially practiced[1]). The population can be categorised into exclusive and inclusive groups. Exclusive groups tend to isolate themselves from engaging in activities with people from other cultural backgrounds,[2] fearing that external influences may threaten or erode their cultural identity. Consequently, they often resist socialising with individuals who differ from them. In contrast, inclusive groups represent communities that are open to and capable of adapting to other cultures, more manageable to build relationships with people from diverse backgrounds, fostering an inclusive environment characterised by openness, mutual respect, and a welcoming attitude toward all differences, creating a harmonious and enriching social atmosphere.[3]

In the millennial era,[4] technological advancements have resulted in more transparent and limitless social interactions. In other words, social interactions are no longer as exclusive

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[1] The dichotomy between "official religion" and "unofficial religion" terms arose in response to the accommodation of six religions explicitly recognised by the Indonesian government, as outlined in the Elucidation of Article 1 of Presidential Decree Number 1/PNPS of 1965 on Prevention of Abuse and/or Blasphemy of Religion. These religions include Islam, Catholicism, Christianity, Hinduism, Buddhism, and Confucianism. Additionally, one more belief system, the Penghayat Kepercayaan was acknowledged following the Constitutional Court Verdict Number 97/PUU-XIV/2016. Consequently, "official religion" refers to these seven recognised religions.

[2] Tomáš Sirovátka dan Petr Mareš in Rusydan Fathy, "Modal Sosial, Konsep, Inklusivitas Dan Pemberdayaan Masyarakat," *Jurnal Pemikiran Sosiologi* 6, no. 1 (2019): 1–17, https://doi.org/https://doi.org/10.22146/jps.v6i1.47463.

[3] Lenoir in Muhammad Reza Hudaya et al., "Empowering The Papring Community Through The Jemparing Wangi Program Towards Social Transformation," *Indonesian Journal of Social Responsibility Review* 1, no. 2 (2022): 109–20, https://prospectpublishing.id/ojs/index.php/IJSRR/article/view/60.

[4] Tapscott stated that the millennial era is characterized by a society that values freedom, embraces personalization, relies on instant access to information, thrives in innovative learning and working environments, actively engages in collaboration, and hyper technology. See: Kalfaris Lalo, "Menciptakan Generasi Milenial Berkarakter Dengan

as they were in the past. Improved communication and transportation access have made it easier for individuals to interact socially without distinguishing between religions, increasing the likelihood of interfaith marriages. This trend is closely tied to societal developments in the millennial era causing *self-disclosure*, marked by greater openness to suggestions and criticism, objectivity, and adaptability to new situations.[5] The development of this society is not directly proportional to the construction of law, which tends to show a decline. Instead of reducing, the state increases the burden society must bear.

Interfaith marriage remains a contentious legal phenomenon that has long been debated without the establishment of a comprehensive regulatory framework to resolve the issue. For instance, Nasrul's research[6] explains various views of Islamic scholars regarding interfaith marriage, ranging from those who strictly forbid it to those who provide leniency with certain conditions. This study highlights the differing perspectives among Islamic scholars (for instance, in Indonesia, the Indonesian Ulema Council (IUC) and Muhammadiyah[7]). This article provides open thinking in dealing with interfaith marriages based on inclusivity because, within the scope of one religion, there are still differences, let alone involving various religions, which certainly have different perspectives too, so it is impossible to provide solutions from just one religious perspective.

A subsequent study by Markus analysed Verdict Number 26/Pdt.P/2020/Pn.Pwt. using the framework of the latest Marriage Law (Law Number 16 of 2019 on Revision of Law Number 1 of 1974 on Marriage). The study highlights that the current Marriage Law remains inadequate in accommodating regulations for interfaith marriages. The minimum measure to ensure legal certainty is through court rulings.[8] However, this study provides vague and unclear recommendations, stating that society needs an umbrella act, and judges must read the laws and regulations carefully to avoid confusion. This paper argues that reliance on court rulings as a minimum solution has become increasingly difficult to uphold following the issuance of the Supreme Court Circular Letter (SCCL) 2-2023. This paper sees the need for changes or revocation of policy that make it difficult for interfaith couples to achieve justice. This article considers the need for changes or revocation of policy regulations that make it difficult for interfaith couples to achieve justice.

Research by Fenecia highlights the persistence of narrow perspectives that fail to consider Indonesia's pluralistic society's historical and sociological realities. From the conclusion of this study, appears to convey regret if a judge were to "grant" a court order for an

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Pendidikan Karakter Guna Menyongsong Era Globalisasi," *Jurnal Ilmu Kepolisian* 12, no. 2 (2018): 68–75, https://doi.org/https://doi.org/10.35879/jik.v12i2.23.

[5]R Willya Achmad W et al., "Potret Generasi Milenial Pada Era Revolusi Industri 4.0," *Focus : Jurnal Pekerjaan Sosial* 2, no. 2 (2019): 187–97, https://doi.org/https://doi.org/10.24198/focus.v2i2.26241.

[6]Nasrul, Muhammad Yusuf, and Muslim Mubarok, "Pernikahan Beda Agama Tinjauan Fikih dan Tantangan Kehidupan Multikultural Di Indonesia," *CENDEKIA : Jurnal Ilmu Pengetahuan* 4, no. 3 (2024): 243–52, https://doi.org/https://doi.org/10.51878/cendekia.v4i3.3050.

[7]Miftakul Bil Ibad, "Perkawinan Beda Agama Perspektif Majelis Ulama Indonesia Dan Muhammadiyah," *Al-Hukama* 9, no. 1 (2019): 195–230, https://doi.org/https://doi.org/10.15642/alhukama.2019.9.1.195-230.

[8]Elia Juan Markus, Rr Ani Wijayati, and L Elly AM Pandiangan, "Analisis Pelaksanaan Perkawinan Beda Agama Di Indonesia," *Jurnal Hukum To-Ra : Hukum Untuk Mengatur Dan Melindungi Masyarakat* 9, no. 1 (2023): 24–37, https://doi.org/https://doi.org/10.55809/tora.v9i1.194.

interfaith marriage, implying noncompliance with SCCL 2 of 2023.[9] This research does not notice aspects of human equality that have the same rights and freedoms, forgets the existence of views that allow interfaith marriages to take place, interprets religious norms narrowly, does not care about the independence of judges who should not be intervened and does not understand that the SCCL is not a source of law. This paper argues that such expressions support the restriction and undermining of judicial independence. Judges, however, must uphold their integrity and maintain independence from external pressures, including the influences within their institutions.

As a development, this paper goes beyond merely analysing legal texts grounded in abstract assumptions. The distinguishing feature of this research lies in its fieldwork, which delves into firsthand information and direct experiences from primary sources. The study focuses on interfaith marriage in Kuningan and Jakarta, which were chosen as representations of regions with high social pluralism. Kuningan, particularly the Cigugur area, is known for its strong tradition of tolerance among diverse religious communities, while Jakarta, as the capital city, serves as a melting pot for people from various regions and even other countries. The research emphasizes the experiences of interfaith couples and the responses of the Religious Affairs Office (RAO), Civil Registry Service Office (CRSO), Religious Court (RC), and District Court (DC) in both locations.

The lack of accommodation for interfaith marriages in the Marriage Law creates a gap between the legal text and facts. The issues are the marriage validity and registration. The validity of marriage, as outlined in Article 2 paragraph (1) Law Number 1 of 1974 on Marriage (Marriage Law), must encompass the -seven official- religions. Therefore, the validity of interfaith marriages should also be evaluated in the context of these seven religions. The government cannot create legal provisions that adopt only one perspective, especially since marriage is traditionally understood as a union between individuals of the same religion. The registration of marriages, as stipulated in Article 2 paragraph (2) Marriage Law, requires the marriage registration institution to register all marriages conducted by citizens -the civil registry office functions as a marriage registrar, not a marriage validator.[10] In Indonesia, there is dualism the RAO is responsible for registering marriages held according to Islam as mentioned in Article 2 paragraph (1) Government Regulation Number 9 of 1975 on Implementation of Law Number 1 of 1974 on Marriage (GR 9-1975), while paragraph (2) GR 9-1975 states that the CRSO handles the registration of marriages held according to religions other than Islam.

There are still differing opinions regarding whether couples of different religions can build families, as mandated by the constitution (Article 28 paragraph (1) Constitution of 1945) and laws (Article 10 Law Number 39 of 1999 on Human Rights -hereinafter called Human Rights Law). This paper will examine the issue from a human rights perspective.

[9]Evelyn Fenecia, Shenti Agustini, and Winda Fitri, "Kepastian Hukum Sema Nomor 2 Tahun 2023 Terhadap Pencatatan Perkawinan Antar-Agama Dalam Bingkai Kebhinnekaan Indonesia," *PAMALI: Pattimura Magister Law Review* 4, 2 (2024): 128–40, https://doi.org/10.47268/pamali.v4i2.2192.

[10]Koerniatmanto Soetoprawiro, *Hukum Kewarganegaraan Dan Keimigrasian Indonesia* (Jakarta: Gramedia Pustaka Utama, 1994), 140-141.

Additionally, it will explore the status and validity of interfaith marriages that have already occurred. If an interfaith couple marries, the question arises whether their marital status is recognized by state law. The emergence of these issues highlights the tendency of the state to have a narrow view of who is permitted to marry and who is prohibited. The problem lies in the various interpretations by legal and religious experts, which results in uncertainty surrounding the legal provisions on interfaith marriages. It creates injustice because each agency has a different perspective, resulting in some interfaith marriages being recognized and others not being recognized. Whether or not the marriage is recognized will undoubtedly impact the status of the couple concerned, the status of the child, inheritance rights, and other rights related to family rights.

Based on this, the significance of this study is twofold. First, it will examine the views on interfaith marriage in Kuningan and Jakarta. It is necessary to uncover the differences in policies and attitudes exhibited by bureaucrats at the RAO and CRSO, as well as judges at the local RC and DC, and to highlight the challenges faced by interfaith couples. Second, the study will discuss these views from a human rights perspective. It aims to identify potential systematic human rights violations through positive law in the implementation of interfaith marriages, as practised by local RAO, CRSO, RC, and DC.

2. METHOD

This paper systematically, factually, and accurately explains the phenomenon of interfaith marriage[11] in Indonesia, precisely in Kuningan and Jakarta at this time (millennial era).[12] The research method employed is sociological juridical, as it examines the laws and regulations and how these laws are viewed and understood by the public. To collect the primary data, field research was conducted through interviews with interfaith couples, state officials involved in marriage licensing, such as RAO and CRSO, and judges at RC and DC. A literature study was also conducted to collect secondary data, including laws and regulations, books, scholarly works, news articles, and other sources. Both primary and secondary data were then processed using a comparative approach and analysed qualitatively from a human rights perspective.

3. RESULTS AND DISCUSSION

3.1 Perspectives on Interfaith Marriage in Kuningan and Jakarta

According to Aslami's research, the Indonesian Conference on Religion and Peace (ICRP) has successfully assisted 1,566 couples by 2022,[13] and Nurfazila's research shows an increase to 1,655 couples.[14] It shows that the phenomenon of interfaith marriage is estimated to be unstoppable. In addition, the data is recorded in only one institution,

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[11]This paper examines the status of a group of people, an object, a set of conditions, a system of thought, or a class of events in the present. See: Moh. Nazir, *Metode Penelitian* (Bogor: Ghalia Indonesia, 2003), 54.

[12]This paper describes things in a particular area and at a particular time. See: Salim H.S. and Erlies Septiana Nurbani, *Penerapan Teori Hukum Pada Penelitian Tesis Dan Disertasi* (Jakarta: Rajawali Pers, 2016), 9.

[13]Airis Aslami, Djanuardi, and Fatmi Utarie Nasution, "Keabsahan Perkawinan Beda Agama Ditinjau Dari Undang-Undang Perkawinan Dan Hukum Islam," *ULIL ALBAB: Jurnal Ilmiah Multidisiplin* 2, no. 10 (2023): 4572–83, https://doi.org/https://doi.org/10.56799/jim.v2i10.2201.

[14]Nurfazila, "Kontroversi Pernikahan Beda Agama Di Indonesia," *Sakena: Jurnal Hukum Keluarga* 9, no. 2 (2024): 56–64, https://journals.fasya.uinib.org/index.php/sakena/article/view/648.

meaning many interfaith marriages still have not been counted.

In Kuningan, particularly in Cigugur,[15] many individuals are involved in interfaith marriages. An example is the couple AS (male, Penghayat Kepercayaan) and IM (female, Islam), who married in 2009, held a Penghayat Kepercayaan wedding, and maintained their respective religious statuses. However, the difference in the religion column on their identity cards (IC) became an obstacle to administrative registration at the Kuningan CCRSO. As a result, IM decided to change the religion listed on her IC, despite not changing her religion, to facilitate the registration of their interfaith marriage.[16]

The following experience is from the couple RS (male, Islam) and LE (female, Catholic), who married in 2012, held a Catholic wedding, and maintained their respective religious. They encountered rejection beginning at the Neighbourhood Association (NA) level due to religious differences in their ICs. Despite the pastor declaring their marriage valid, as evidenced by the marriage certificate, CRSO officers continued to refuse to register their marriage, arguing that it was considered a "secret (*siri*) marriage".[17] As a result, RS and LE's marriage has not yet been registered at the local CRSO. The failure to register RS and LE's marriage resulted in multiple losses for their families, starting from the clarity of their status, which was still registered as "single" rather than "married", impacting the status of their children to the inheritance system. This issue is not isolated; Rama Anom, the successor to the leader of Sunda Wiwitan in Cigugur, stated that many residents of Cigugur (approximately 50 interfaith couples), particularly adherents of Penghayat Kepercayaan, have also faced rejection for marriage registration by the Kuningan CRSO.[18]

According to YI,[19] a civil registration officer at the Kuningan CRSO, registering an interfaith marriage is impossible, as it contradicts Article 2 paragraph (1) Marriage Law. "It can be registered only if it is a legal marriage, specifically same-faith marriage. The IC must be attached as part of the administrative documentation, so the religious information on their ICs must match", explained YI. Moreover, because of the potential of *murtad*, the Kuningan CRSO firmly restricts the registration of interfaith marriages. They follow the fatwa issued by IUC but will comply if the central government declares no issue by registering interfaith marriages.

The Cigugur RAO and Kuningan RC share the same perspective on interfaith marriages. HR,[20] an employee of the Cigugur RAO, explained that all marriages registered in the Cigugur RAO involve couples of the same religion, not interfaith marriages. Even though

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[15]Cigugur is one of the areas in Kuningan Regency whose people live harmoniously amidst religious differences. These religious differences exist not only between families but also within families. It means that religious differences are often found in every family in the Cigugur community. The advantage of the Cigugur community is the harmony and high tolerance between one resident and another. Unlike most residents, religious differences are not used as seeds of conflict tension. Instead, all residents work together in every daily activity and spiritual celebrati.. Marpuah, "Toleransi Dan Interaksi Sosial Antar Pemeluk Agama Di Cigugur, Kuningan," *Harmoni* 18, no. 2 (2019): 260–81, https://doi.org/https://doi.org/10.32488/harmoni.v18i2.309.

[16]The interview was conducted on Sunday, May 7th, 2023.

[17]The interview was conducted on Sunday, May 7th, 2023.

[18]The interview was conducted on Tuesday, May 9th, 2023.

[19]The interview was conducted on Monday, May 8th, 2023.

[20]The interview was conducted on Monday, May 8th, 2023.

they claim to have married, one of them is not Muslim, and the marriage cannot be registered because that would be against religious rules, because that person would have apostatized (*murtad*). Similarly, ZL,[21] a judge at the Kuningan RC, emphasized that the RC cannot validate interfaith marriages. In addition to referring to Marriage Law and Population Administration Law,[22] the RC also adheres to the IUC fatwa, which prohibits interfaith marriage, rendering such marriages invalid. "At the Kuningan RC, it was agreed to uphold Pancasila, religious values, and the rule of law. The human rights recognized in Indonesia are fundamental rights based on religion, and they must align with religious rules. We must not allow religious rules to be compromised for human rights, allowing what is forbidden to become permissible", he concluded.

In contrast to the previous opinion, a judge of the Kuningan DC, BL,[23] views interfaith marriage not as pure interfaith marriage but as a submission to one religion. Referring to the Marriage Law, a marriage must be valid according to the religious laws of the individuals involved. If an interfaith marriage is declared valid by the spiritual leader who officiated, the marriage is entitled to be registered at the CRSO, as the CRSO's role is to register, not to validate the marriage. "For the CRSO who refuse to register interfaith marriages, the possibility because they apply the precautionary principle", he assumed.

Article 2 paragraphs (1) and (2) Marriage Law can be interpreted cumulatively or separately. Paragraph (1) addresses the validity of marriage based on religion, while paragraph (2) pertains to legal validity, specifically through marriage registration. When comparing the stance of a CRSO willing to register interfaith marriages conducted abroad, it is not based on religion but rather on the foreign law that validates and has already registered such marriages. Religion is not considered when applying foreign law. "That's the issue", he added. In response, BL asserts that the law should be dynamic, it must evolve by societal developments and correctly identify the relevant society. In essence, the state should accommodate interfaith marriages, but with limitations. Human rights are not to be interpreted in the broadest sense and marriage should still align with the principles of religion, as article 10 paragraph (2) Human Rights Law states.

The case in Jakarta, drawn from the experience of a couple, MM (male, Islam) and NT[24] (female, Catholic), who 2017 held an Islamic marriage, highlights a significant issue. Despite the marriage being legalized by a registrar and witnesses, it was still rejected for registration by the local CRSO (East Jakarta). The CRSO made two suggestions: first, to recommend that one of them convert to the other's religion and then re-marry, or second, to marry abroad if they wished to remain in their respective faiths. Ultimately, in 2019, they held their second marriage in Australia at considerable expense. The CRSO subsequently registered their interfaith marriage without questioning the differences in their religions. MM criticised, because their age has reached adulthood, which means they

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[21]The interview was conducted on Tuesday, May 9th, 2023.

[22]Law Number 23 of 2006 on Population Administration (Population Administration Law) as amended by Law Number 24 of 2013 on Amendment to Law Number 23 of 2006 on Population Administration.

[23]The interview was conducted on Tuesday, May 9th, 2023.

[24]The interview was conducted on Sunday, May 14th, 2023.

are seen as people who can be responsible for their actions, even past the minimum age for marriage, which includes the partner's emotional, mental, psychological, and physical readiness.[25] It means that if they want to question their parents' permission,[26] they have no problem because their parents agree to their (interfaith) marriage. In addition, in Islam, Muslim men are allowed to marry Catholic (read: Christians) women who are classified as *Ahlul Kitab* as it is said so in the Quran (Al-Maidah verse 5).[27]

The experience of the couple LH (male, Christian) and AV (female, Islam) presents a different scenario. In 2011, they conducted their marriage in two ceremonies: an Islamic and a Christian ceremony. The marriage was declared valid by the religious leaders who officiated the ceremonies (the registrar and the priest), and the local CRSO accepted the registration without questioning the religious differences listed on their ICs. Similarly, another couple, S (female, Islam) and H (male, Catholic), who had been in an interfaith marriage for 30 years, held two ceremonies: a Catholic ceremony followed by an Islamic ceremony. Their marriage was also successfully registered at the local RAO.[28] The convenience that interfaith couples once experienced is increasingly difficult to obtain today. It is evident from the statement of AS,[29] an employee at the RAO Tebet, who noted that the Marriage Law does not regulate interfaith marriages. According to Article 2, paragraph (1) of the Marriage Law, interfaith marriages are not permissible.

However, an open stance was demonstrated by South Jakarta CRSO, which had registered of interfaith marriages. MN, from CRSO South Jakarta, explained that all registered interfaith marriages based on the South Jakarta DC decisions. The issuance of marriage certificate refers to Article 35 letter a Population Administration Law, which mandates that the registration of marriages also applies to those determined by the court. South Jakarta CRSO affirmed that it respects and complies with court decisions that have permanent legal force, as stipulated in Article 7 paragraph (2) letter l Government Administration Law.[30] MN emphasized that South Jakarta CRSO's role is solely to register what has become a court ruling. Regarding interfaith marriages that were previously accepted without a court ruling, he explained that there had been a change in the legal rules.[31]

Similarly, the perspective shared by HY, a judge from South Jakarta DC, emphasizes the legal vacuum surrounding the regulation of interfaith marriages. He argued that the state must intervene to ensure legal certainty and protect the rights of its citizens. He believes "through court decisions, at least legal legality can be provided, particularly for their

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[25]Rini Heryanti, "Implementasi Perubahan Kebijakan Batas Usia Perkawinan," *Jurnal Ius Constituendum* 6, no. 1 (2021): 120–43, https://doi.org/http://dx.doi.org/10.26623/jic.v6i1.3190.

[26]As is well known, parents are responsible for raising, caring for, and guiding their children until they reach adulthood and can be accountable for themselves. Hilmawati Usman Tenri Beta and Muhammad Habibi Miftakhul Marwa, "Konsep Tanggung Jawab Hukum Orang Tua Terhadap Perkawinan Anak," *Jurnal USM Law Review* 6, no. 3 (2023): 1090–1108, https://doi.org/http://dx.doi.org/10.26623/julr.v6i3.6823.

[27]Meliyani Sidiqah, "Wanita Ahlul Kitab Dan Hukum Menikahinya Di Indonesia," *Jurnal USM Law Review* 6, no. 3 (2023): 1150–69, https://doi.org/http://dx.doi.org/10.26623/julr.v6i3.7823.

[28]The interview was conducted on Sunday, May 14th, 2023.

[29]The interview was conducted on Monday, May 15th, 2023.

[30]Law Number 30 of 2014 on Government Administration.

[31]The interview was conducted on Tuesday, May 16th, 2023.

children in the future". Furthermore, many judges in various regions adopt a similar approach (allowing interfaith marriages) and base their decisions on the legal vacuum in the Marriage Law. As a result, the *Gemengde Huwelijken Regeling* (GHR) continues to be considered applicable to interfaith marriages. According to HY, protecting citizens based on their free will is the primary consideration.[32]

AH, from the South Jakarta RC, expressed the view that individuals entering into interfaith marriages bear personal responsibility rather than placing the burden on the state. He cited an example from Islamic law, where parents can file a marriage prevention petition. However, he noted that if the individuals involved are determined to marry and decide to do so, it is ultimately their free will. "Parents do not have the authority to interfere with a person's decision to enter into an interfaith marriage, as every *mukallaf* (legally accountable) individual is personally responsible for their actions, a logical consequence of their choices and decisions", he explained.[33]

Based on the analysis of field data from the two locations, this paper identifies the following findings: a. The RAOs in Kuningan and Jakarta exhibit similar stances grounded in Islamic teachings that prohibit interfaith marriages (*haram*). They disregard interpretations that permit interfaith marriage; b. The CRSO in South Jakarta demonstrates a more open stance than that of the CRSO in Kuningan (including East Jakarta). South Jakarta's CRSO interprets the provisions of Article 2 paragraphs (1) and (2) Marriage Law separately, while Kuningan's CRSO applies them cumulatively; c. Kuningan RC view interfaith marriages as prohibited under both religious and state law. Conversely, Jakarta RC adopt a more open perspective, separating state jurisdiction from individual matters; and. d. Jakarta DC appear more receptive than their counterparts in Kuningan. Jakarta DC considers international conventions on human rights, acknowledges the legal vacuum in the Marriage Law, and recognizes the relevance of the GHR. Meanwhile, Kuningan DC views human rights through the lens of Eastern customs and religious principles. Despite these differences, regions share a common aspiration: the urgent need for the Marriage Law to accommodate interfaith marriages.

State intervention in interfering with the private matter of citizens regarding interfaith marriages is systematically structured - the initial regulations in effect during the Dutch colonial era protected interfaith couples. The first step in this process was the gradual erosion of these protections, culminating in the elimination of the substance of interfaith marriages from the current Marriage Law. The second step was to mandate that the CRSO require one of the couple's religions to be officially recognized through a statement letter. The third step involved formulating a requirement for a court ruling for interfaith marriages to be registered. As many citizens could still pursue the court ruling route, a fourth agenda was introduced, namely, directing the DC to issue instructions to judges to reject all applications for the registration of interfaith marriages. Thus, it can be argued that

[32]The interview was conducted on Wednesday, May 17th, 2023.
[33]The interview was conducted on Thursday, May 18th, 2023.

the state has committed systematic human rights violations through policies that are "tied" to citizens, effectively treating them as "dead objects" devoid of rights and freedoms.

3.2 Perspectives on Interfaith Marriage in Kuningan and Jakarta in Human Rights Perspectives

The rejection shown by the state towards interfaith marriage is pronounced because it involves Islam and is based on absolute beliefs, so the standardized understanding of marriage is also an understanding based on the Islamic perspective. In essence, Islamic teachings have prescribed marriage to establish a happy household, both physically and mentally, and to live in harmony.[34] However, in reality, belief cannot be a guarantee of the realization of the purpose of marriage; not all couples who have the same faith live harmoniously, in harmony, and peacefully; sometimes, the lives of couples with different religions are more harmonious, in harmony, and peaceful.[35]

The varying attitudes of the RAO, CRSO, RC, and DC in addressing the phenomenon of interfaith marriages highlight significant issues within existing policies. The reality that many citizens' marriages go unrecognized due to religious differences appears to contradict Indonesia's identity as a legal state that has ratified numerous international legal instruments related to human rights. Indonesia positions itself as a nation committed to upholding humanitarian values; however, this commitment falters when addressing interfaith marriages. Such an approach contradicts the principle of human rights, which are universal,[36] inherent,[37] and inalienable[38] even by the state. From the experiences of several interfaith couples, this paper identifies at least four key issues that warrant attention.

First, regarding religion, the state, and human rights. Religion serves as a guide for humans in organizing their lives[39] and fulfilling their responsibilities to God. All religious teachings aim to bring goodness and benefit to humanity,[40] but the extent to which individuals absorb and practice the teachings of their religion depends on their capacities and experiences.[41] Religion is fundamentally a matter of the heart (faith) rather than ratio, encompassing a subjective dimension tied to each individual's belief system, which is inherently difficult to standardize or assess. How individuals believe in and practice their

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[34]Oxsis Mardi and Fatmariza Fatmariza, "Faktor-Faktor Penyebab Keterabaian Hak-Hak Anak Pascaperceraian," *Jurnal Ius Constitutum* 6, no. 1 (2021): 182–99, https://doi.org/http://dx.doi.org/10.26623/jic.v6i1.3282.

[35]Siti Nur Baetillah, "Perkawinan Beda Agama Dan Implikasinya Terhadap Pen[illegible]kan Hukum Keluarga Di Indonesia," *JURNAL MIM: Jurnal Kajian Hukum Islam* 1, no. 1 (2023): 65–79, https://ejournal.stai-mifda.ac.id/index.php/jmkhi/article/view/140.

[36]Achmad Suhaili, "Hak Asasi Manusia (HAM) Dalam Penerapan Hukum Islam Di Indonesia," *Al-Bayan: Jurnal Ilmu Al-Qur'an dan Hadist* 2, no. 2 (2019), https://doi.org/https://doi.org/10.35132/albayan.v2i2.77.

[37]Josina Augustina Yvonne Wattimena and Vondaal Vidya Hattu, "Ketahanan Pangan Masyarakat Adat Sebagai Wujud Pemenuhan Ham Dalam Masa Pandemi Covid-19," *Sasi* 27, no. 2 (2021): 247–66, https://doi.org/10.47268/sasi.v27i2.448.

[38]Bonny Ibhawoh, "Inalienable Dignity: Writing Counterhegemonic Universal Human Rights Histories," *Ethnohistory* 70, no. 2 (2023): 187–99, https://doi.org/https://doi.org/10.1215/00141801-10266858.

[39]Muhammad Iqbal Affandi, "Manusia Dan Kebutuhan Beragama," *Al-Amal: Jurnal Manajemen Bisnis Syariah* 1, no. 1 (2024): 10–18, https://journal.staittd.ac.id/index.php/ai/article/view/52.

[40]Teresia Noiman Derung et al., "Fungsi Agama Terhadap Perilaku Sosial Masyarakat," *In Theos: Jurnal Pendidikan Dan Theologi* 2, no. 11 (2022): 373–80, https://doi.org/https://doi.org/10.56393/intheos.v2i11.1279.

[41]See: Manin[illegible]n Hutasoit, "ALDERSGATE: Pentingnya Pengalaman Bagi Iman," *Jurnal Teologi Anugerah* 12, no. 1 (2023): 45–53, https://ejurnal.methodist.ac.id/index.php/jta/article/view/2884.

religion is shaped by their unique encounters with the Divine.[42] Therefore, no one should impose their standard of truth on another. Similarly, the state has no authority to intervene in the personal relationship between an individual and God. While the state is responsible for ensuring that individuals' rights are protected and upheld, it cannot encroach on its citizens' beliefs and spiritual lives, as these are private matters. As emphasized by Liona Nanang Supriatna, such interference constitutes a violation of human rights. Religion and belief are deeply personal matters between humans and their Creator, and public law (state law) must refrain from intruding upon this private domain.[43]

The cases in Kuningan and Jakarta are just a glimpse of the broader reality, where many citizens' civil rights remain unprotected by the state despite the guarantees provided in Article 28 B paragraph (1) Constitution 1945 and Article 10 Human Rights Law. This situation also fails to reflect the principles of *Pancasila*, particularly its first principle, "Belief in the One and Only God". This principle is not a principle to dictate specific religious beliefs, enforce a particular concept of divinity, or legitimize the exclusive truth of any single religion. Instead, it embodies the idea of coexistence within a pluralistic society, as envisioned by Soekarno, who described it as the values of divinity that are cultured and civilized. The first principle is a foundation for how divine values are expressed and practised in societal and state life. As elaborated by Mohammad Hatta, this principle serves as a basis for truth, justice, goodness, honesty, and brotherhood, aiming to nurture a sense of humanity and unity.[44] A spirit of cooperation provides a strong moral foundation for a life rooted in divinity, fostering harmony within a society characterized by diverse religions and beliefs.[45]

It suggests that Indonesian society upholds the belief that everything in the world is a manifestation of a single supreme power, namely the God. Consequently, the divine values serving as the foundation for state governance do not originate from any particular religion or belief but are derived from the universal principles shared by various religious teachings and beliefs.[46] Unfortunately, the true meaning of the first principle has been misunderstood. Many people interpret it as a reinforcement of their religious teachings (rather than the essence of divinity itself), leading to the perception that various aspects of life should be assessed solely through the lens of their particular religious beliefs. As a result, the validity of spiritual teachings from other faiths is frequently dismissed or invalidated.

As a result of the arbitrary "restriction" of human freedom in the name of religion, a pressing need for protection arises for citizens in interfaith relationships. These individuals,

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[42]Sylvester Kanisius Laku, "Iman Dan Rasionalitas," in *Agama Dan Kesadaran Kontemporer*, ed. Uji Prastya and Putra Indra Oktano, 5th ed. (Yogyakarta: Kanisius, 2023), 51.

[43]Liona Nanang Supriatna in Ady Thea DA, "Dekan FH Unpar: KUHP Baru Lebih Buruk Ketimbang KUHP Kolonial Belanda," HUKUMONLINE.com, 2022, https://www.hukumonline.com/berita/a/dekan-fh-unpar--kuhp-baru-lebih-buruk-ketimbang-kuhp-kolonial-belanda-lt639622b8355ec/?page=1.

[44] Arief Hidayat, "Indonesia Negara Berketuhanan," Mahkamah Konstitusi Republik Indonesia, 2023, https://www.mkri.id/public/content/infoumum/artikel/pdf/artikel_14_02_arief_hidayat.pdf.

[45]Rizaldy Purnomo Putra, "Analisa Konsep Universalitas Nilai Islam Dan Pancasila (Studi Pemikiran Yudi Latif)," *Potret Pemikiran* 23, no. 2 (2019): 99–112, https://doi.org/http://dx.doi.org/10.30984/pp.v23i2.995.

[46]Hidayat, "Indonesia Negara Berketuhanan."

as citizens, possess fundamental rights and freedoms when making life choices. Human rights are inherent to every individual, and they are based on their dignity as human beings. Favourable laws do not grant these rights, nor can other individuals revoke them.[47] The principle of human rights recognizes that each individual naturally possesses intelligence and free will, which endow them with inherent rights and obligations. These rights flow directly from the core of human nature, making them universal and inviolable. They cannot be arbitrarily abolished, as they are intrinsic to human existence.[48] Humans and freedom are intrinsically linked, as human presence and existence are acknowledged only when their freedom is also recognized; thus, freedom is inherent to human existence.[49]

Universal Declaration of Human Rights (UDHR)[50] stipulates: 1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to find a family. They are entitled to equal rights as to marriage during marriage and at its dissolution; 2. Marriage shall be entered into only with the free and full consent of the intending spouses.[51] Furthermore, the International Covenant on Civil and Political Rights (ICCPR) reinforces this principle, explicitly emphasizing that no marriage shall be entered into without the free and full consent of the intending spouses.[52] These international legal instruments highlight the fundamental value of marriage as a human right and underscore the need for its protection against discrimination and coercion.

As a ratifying country, Indonesia is legally obligated to guarantee and protect human rights and implement such guarantees and protections without delay. It includes the state's duty to facilitate marriages without discriminating against its citizens based on religious differences. Civil rights are fundamental and must be protected immediately. Among these are the right to freedom and equality,[53] encompassing the right to enter marriage and establish a family freely. Indonesia is responsible for upholding the principles of the UDHR and other human rights instruments by striving to advance and regulate human rights. It includes ensuring that individuals enjoy their civil and political freedoms and freedom from fear and want, thereby honouring its commitment to international human rights standards.[54]

Marriage is a timeless institution and has long served as the cornerstone of societal structures across the globe. While marriage is an ancient practice, it has evolved to reflect

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[47]Amran Suadi, *Filsafat Hukum: Refleksi Filsafat Pancasila, Hak Asasi Manusia, Dan Etika* (Jakarta: Kencana, 2019), 165. Bandingkan dengan Law Number 39 of 1999 on Human Rights, Article 1 number 1.

[48]Koerniatmanto Soetoprawiro, *Bukan Kapitalisme Bukan Sosialisme: Memahami Keterlibatan Sosial Gereja*, 5th ed. (Yogyakarta: Kanisius, 2007), 123.

[49]Meliyani Sidiqah, "Rethinking Religious Freedom in the Frame of the First Principle of Pancasila and Human Rights Law," *Jurnal Akta* 11, no. 4 (2024): 1150–71, https://doi.org/http://dx.doi.org/10.30659/akta.v11i4.41139.

[50]UDHR is the first declaration that contains the first catalogue of human rights. It is evidence of the international community's recognition of human rights. While the UDHR was not initially intended to cause legal consequences, it has, in practice, become a reference point for many countries, which adopt its provisions as the minimum standard for protecting and enforcing human rights within their jurisdictions.

[51]Universal Declaration of Human Rights (1948), Article 16.

[52]International Covenant on Civil and Political Rights (1966), Article 23 paragraph (3).

[53]Suadi, *Filsafat Hukum: Refleksi Filsafat Pancasila, Hak Asasi Manusia, Dan Etika*.

[54]See: Law Number 11 of 2005 on Ratification the International Covenant on Economic, Social and Cultural Rights (Kovenan Tentang Hak-Hak Ekonomi, Sosial Dan Budaya) (2005), General Elucidation.

society's changing needs and values, including the growing acceptance of interfaith marriages. As an institution, marriage is highly regarded by society and safeguarded by legal frameworks. This article focuses on marriages establishing a legally recognized relationship between husband and wife. Each country has the sovereignty to define marriage and stipulate its validity requirements, often conferring legal, economic, and social benefits to the parties involved. However, when a legal system refuses to acknowledge a marriage, it denies access to these benefits. Thus, the right to marry is not automatically granted but often requires significant effort, especially for those who face systemic barriers to legal recognition of their unions.[55]

While the state has the authority to regulate marriage, it does not to discriminate between relationships it deems acceptable and those it does not. Instead, the state is responsible for meeting every citizen's personal needs without bias. All citizens, regardless of gender-possess an equal right to marriage without religious restrictions. Men and women alike have the freedom to choose their spouses without interference. This principle aligns with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), specifically Article 16 letter b, which guarantees the right to choose a spouse freely and to enter into marriage only with free and full consent.

In addition, Article 28 B paragraph (1) Constitution 1945 and Article 10 paragraph (1) Human Rights Law affirm that everyone has the right to form a family and continue their lineage through a legal marriage. This right is further reinforced by Article 10 paragraph (2) Human Rights Law, which asserts that a legal marriage can only take place based on the free will of each party. The right to free will is one of the rights that cannot be restricted under any circumstances (nonderogable rights).[56] It means that the state does not have the authority to limit an individual's freedom to marry someone of their choosing.

The state must not intentionally disregard these rights and freedoms; instead, it has a positive obligation to protect and ensure their active fulfilment. Indonesia must uphold the principles of equality and non-discrimination. The core idea of contemporary human rights is that all individuals are born free and equal in dignity and rights. Equality demands equal treatment, where individuals in similar circumstances must be treated the same, and individuals in different circumstances must be treated accordingly. If everyone is equal, there should be no discriminatory treatment - regardless of race, skin colour, gender, language, religion, political opinion or other beliefs, nationality, property ownership, birth status, or any other status.[57]

The essence of state intervention in interfaith marriage lies in the free[58] will inherent in an individual's right to marry. The right to freedom in forming a family is a fundamental right

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[55] Lena Larsson Lovén and Agneta Strömberg, eds., *Ancient Marriage in Myth and Reality* (Newcastle: Cambridge Scholars Publishing, 2010), 1.

[56] The Constitution of 1945, Article 28 I paragraph (1).

[57] Rhona K.M. Smith et al., *Hukum Hak Asasi Manusia*, ed. Knut D. Asplund, Suparman Marzuki, and Eko Riyadi (Yogyakarta: Pusat Studi Hak Asasi Manusia Universitas Islam Indonesia, 2015), 39-40.

[58] Free: 1. Having legal and political rights; enjoying political and civil liberty <a free citizen> <a free populace>. 2. Not subject to the constraint or domination of another; enjoying personal freedom; emancipated <a free person>. 3.

that cannot be reduced or denied under any circumstances (nonderogable rights).[59] Nonderogable rights are absolute, meaning they cannot be restricted or revoked by anyone, including the state. Therefore, when the state mandates that marriages must occur between individuals of the same religion, it infringes upon an individual's freedom to marry. This restriction can be seen in the legal framework of Article 2 paragraph (1) Marriage Law, which imposes coercion on interfaith couples to align their religions by requiring one party to convert. In other words, the state is compelling individuals to change their religion. Meanwhile, the guarantee of freedom of religion is explicitly stated in Article 18 UDHR[60] and Article 18 ICCPR[61] which affirm an individual's right to worship or refrain from worship according to their beliefs. Whoever has the freedom to carry out worship and not to carry out worship according to what he/she believes.[62] As a country that adheres to a democratic system, Indonesia must protect and fulfil the right to freedom of religion, utilizing all resources to ensure the realization of this right.[63]

Article 29 paragraph (2) Constitution 1945[64] further emphasizes that the state's role is not to interfere with religion but to protect its citizens' rights to practice their faiths. Moreover, the state must preserve and recognize their status (personal[65] and legal[66]) during important life events[67] including marriage.[68] When citizens wish to undergo such significant events, like marriage, they are entitled to protection and guarantees as mandated by law concerning their personal and legal status.

Characterized by choice, rather than by compulsion or constraint <free will>. 4. Unburdened <the land was free of any encumbrances>. 5. Not confined by force or restraint <free from prison>. 6. Unrestricted and unregulated <free trade>. 7. Costing nothing; gratuitous <free tickets to the game>. See: Henry Campbell Black, *Black's Law Dictionary*, ed. Bryan A. Garner, 11th ed. (St. Paul, MN: Thomson Reuters, 2014), 734.

[59]Law Number 39 of 1999 on Human Rights, Article 4.

[60]Article 18 UDHR menyatakan bahwa everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

[61]Article 18 ICCPR menyatakan bahwa everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest, his religion or belief in worship, observance, practice and teaching. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice

[62]Meliyani Sidiqah, "Friday Prayer for Women and Right to Worship," *Jurnal Ius Constituendum* 9, no. 3 (2024): 411–27, https://doi.org/http://dx.doi.org/10.26623/jic.v9i3.9232.

[63]Sidiqah, "Rethinking Religious Freedom in the Frame of the First Principle of Pancasila and Human Rights Law."

[64]Article 29 paragraph (2) Constitution of 1945 states that the state guarantees the freedom of every citizen to embrace their religion and to worship according to their faith and beliefs.

[65]Personal status is defined as characteristic and descriptions which determine an individual's personal and identity as well as the assignments of the person in society that are legally related to the self and are not related to occupational and social status of the person. Example: citizenship. See: Abasat Pour Mohammad, Behnam Ramazani, and Mahdi Mohammad Zad, "Personal Status and Exceptions of the National Law Enforcement Regarding It," *Estação Científica (UNIFAP)* 7, no. 1 (2017): 61–70, https://doi.org/https://doi.org/10.18468/estcien.2017v7n1.p61-70.

[66]Jack Balkin defines legal status as a "characteristic that has been entirely created by law such as a social security beneficiary; characteristics the individual and his relationship to the law. Example: marital status. See: "Simple Definition of Legal Status," Blog Flávia Rita, 2023, https://blog.flaviarita.com/simple-definition-of-legal-status/. Legal status is defined by law as the relative position or standing of things, especially persons in a society. See: "Legal Status," Vocabulary.com Dictionary, 2023, https://www.vocabulary.com/dictionary/legal status.

[67]Important events are significant occurrences in a person's life, including birth, death, stillbirth, marriage, divorce, child recognition, child validation, adoption, name changes, and changes in citizenship status. See: Law Number 23 of 2006 on Population Administration, Article 1 number 17.

[68]Law Number 23 of 2006 on Population Administration, General Consideration (a).

Koerniatmanto Soetoprawiro argued that citizens, as members of the state, have a reciprocal relationship of rights and obligations with the state.[69] The state has the right to regulate citizens because they are entrusted with fundamental rights protected by the state. In return, citizens have the right to receive protection related to these rights. Therefore, the state must ensure citizens' security, which includes the right to marry freely and to access public services. Citizens possess administrative rights that cannot be differentiated. This principle is reflected in Article 35 Population Administration Law and its Elucidation, which states that marriage registration must also apply to marriages determined by the court, including interfaith marriages.[70] The state provides a legal pathway for interfaith couples to obtain a court decision; however, some judges still reject such requests, preventing them from fully exercising their rights.

Indonesia is increasingly living amid a philosophy of religious education that only justifies its religion, unwilling to accept the truth of other faiths that trigger claims such as believers-*kafir* and Muslims-murtad, which influence the way society views other faiths. As has happened in history, in Constantine's time, Christianity tended to absolutise itself as the "soul of the entire nation" of the West, which, as a result, various religious views that differ from the official views of Christianity tend to be seen as deviations or heresies.[71]

In a Pancasila state, the government does not regulate religion but provides space, protection, guarantees, and encouragement for its citizens to adhere to the principles of their respective beliefs. Regarding interfaith marriages not recognised by the state, Franz Magnis-Suseno argued that the state cannot mandate marriages based on the rules of a particular religion as Pancasila upholds the values of religious freedom and belief. He emphasized that the state has no right to impose the marriage rules of one religion on its citizens.[72] Citizens are entitled to protection and guarantees from the state in conducting marriages, including interfaith marriages, because the state is responsible for providing legal functions that are valid under state law, even when they do not adhere to the requirements of a specific religion. Ideally, Indonesia should separate the concept of marriage validity under religion from its legal framework.

The Supreme Court Decision No. 1400 K/Pdt/1986 stated that it is unjustifiable to leave social reality and needs legally unresolved due to a legal vacuum. Allowing such issues to persist without resolution could negatively impact both social and religious life, potentially violating social, spiritual, and/or legal norms. The Marriage Law contains no provisions explicitly prohibiting marriage based on religious differences between prospective spouses.

The state can be accused of leading its citizens to become dishonest people It is inseparable from the marriage regulations implemented by agencies related to marriage by forcing the

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[69] Maslan Abdin, "Kedudukan Dan Peran Warga Negara Dalam Masyarakat Multikultural," *Jurnal Pattimura Civic* 1, no. 1 (2020): 17–25, https://ojs3.unpatti.ac.id/index.php/jpc/article/view/1681.

[70] Law Number 23 of 2006 on Population Administration, Elucidation of Article 35 (a).

[71] I. Bambang Sugiharto and Agus Rachmat W., *Wajah Baru Etika & Agama* (Yogyakarta: Kanisius, 2000), 145.

[72] Redaksi Solopos.com, "PERKAWINAN BEDA AGAMA: Franz Magnis Suseno: Negara Tak Bisa Paksa Perkawinan Harus Seagama," SOLOPOS.com, 2014, https://www.solopos.com/perkawinan-beda-agama-franz-magnis-suseno-negara-tak-bisa-paksa-perkawinan-harus-seagama-558886.

religion in the IC to be the same, which instead pressures citizens whether one party converts first to change the religion in the IC but then converts back to the original religion after marriage, or only changes the religion in the IC without converting. It is feared to give rise to accusations of identity falsification at the IC to fulfil marriage requirements.[73] As a result, interfaith couples are often accused of legal deception[74] or evasion of law.

Second, regarding the degradation of human rights protection in interfaith marriage, the first issue is the absence of interfaith marriage provisions in the Marriage Law. During the Dutch colonial era, various laws were implemented in Indonesia according to different groups. To provide legal protection to individuals in society, the government established a regulation called *Regeling op de Gemengde Huwelijk* (stbl. 1898 No. 158), or the *Gemengde Huwelijken Regeling* (GHR), which accommodated mixed marriages. According to Article 1 GHR, mixed marriages are those between people in Indonesia subject to different laws. These differences could be related to citizenship, place of residence, ethnicity, or religion.[75] Article 7 paragraph (2) GHR emphasizes that differences in religion, nationality, or descent do not hinder marriage.[76] Therefore, under the provisions of the GHR, mixed marriages based on differences in citizenship, nationality, descent, or religion were still considered valid.

However, the provisions on mixed marriages (including interfaith marriages) regulated in the GHR have been cast into doubt since the enactment of the Marriage Law. There is a notable contrast between the provisions on mixed marriages in the GHR and those in the Marriage Law. The definition of mixed marriages in the Marriage Law is narrower and more specific. Article 57 Marriage Law defines mixed marriages as those between two people who, in Indonesia, are subject to different laws due to differences in citizenship, with one party being an Indonesian citizen. The distinction is clear: the GHR's scope for mixed marriages is broad, with no restrictions, as highlighted in Article 7 paragraph (2) GHR. In contrast, the Marriage Law defines mixed marriages narrowly, focusing solely on differences in citizenship, with one party being an Indonesian citizen. It means a marriage between an Indonesian citizen man and a foreign woman, or an Indonesian citizen woman and a foreign man, would be considered a mixed marriage under the Marriage Law.[77]

The elimination of the substance of interfaith marriage in the Marriage Law has effectively removed the protection of human rights for interfaith couples. These individuals no longer receive guarantees and protection from the state regarding their right to enter into marriage freely. The existence of interfaith marriages, a phenomenon that has long been present, appears to have been annulled in a pluralistic society. According to formulation in the Civil

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[73]Mohammad Akbar Sudarso and Surahmad Surahmad, "Keabsahan Dan Akibat Hukum Perkawinan Yang Dilaksanakan Dengan Pemalsuan Identitas," *Jurnal USM Law Review* 7, no. 2 (2024): 716–28, https://doi.org/http://dx.doi.org/10.26623/julr.v7i2.8971.

[74]Dany Try Hutama Hutabarat, Komis Simanjuntak, and Syahrunsyah, "Pengelabuan Hukum Perkawinan Atas Perkawinan Beda Agama," *Jurnal Ius Constituendum* 7, no. 2 (2022): 321–34, https://doi.org/http://dx.doi.org/10.26623/jic.v7i2.5383.

[75]Sudargo Gautama, *Hukum Antar Golongan: Suatu Pengantar* (Jakarta: Ichtiar Baru – Van Hoeve, 1980)., 130.

[76]Gemengde Huwelijken Regeling (GHR) Stbl. 1898 No. 158 (1898).

[77]K. Wantjik Saleh, *Hukum Perkawinan Indonesia* (Jakarta: Ghalia, 1982), 46.

Code, marriage is viewed purely as a civil relationship[78] or binding relationship between husband and wife. In the eyes of the law, a valid marriage is determined by whether both material and formal requirements for marriage are met. According to Article 81 Civil Code, a religious ceremony may only occur if the couple can prove to a religious official that their marriage has already been conducted before a civil registry officer. It means that the state prioritizes the validity of marriage according to state law first, providing legal recognition of the event. As for religious ceremonies, this is a personal matter for each couple. The state does not intervene in whether a religious ceremony is conducted or in determining what type of religious ceremony should take place. The state does not have a position on religious differences regarding marriage, and there is no ambiguity in how marriage, including interfaith marriages, is interpreted under these regulations.

This approach contrasts with the provisions in the Marriage Law. The validity of a marriage is primarily based on its validity according to religious laws, and only then does the state offer legal legitimacy through registration. The state intervenes in determining what religious ceremonies each party in the marriage must perform, and marriage registration can only take place after the religious ceremony, provided the respective religious leaders validate it. Although Articles 2 paragraphs (1) and (2) Marriage Law are intended to be separate provisions, many, including Kuningan RAO, CRSO, RC, and East Jakarta RAO, and CRSO, treat the two provisions cumulatively. These authorities view marriage as valid only if both parties share the same religion.

The second issue is the loss of the GHR's existence following the Marriage Law's enactment. Upon closer examination, Article 66 Marriage Law clearly states that for marriage and matters related to marriage based on this law (Marriage Law), the provisions of the Civil Code (*Burgerlijk Wetboek*), the Indonesian Christian Marriage Ordinance (*Huwelijk Ordonantie Christen Indonesia Stb. 1933 No. 74*), the Mixed Marriage Regulation (*Regeling op de Gemengde Huwelijken Stb. 1898 No. 158*), and other regulations governing marriage are declared invalid to the extent that the Marriage Law has addressed them. According to these provisions, all marriage regulations that were in effect before the enactment of the Marriage Law are rendered null and void "to the extent that they have been regulated in this law". However, since the Marriage Law does not address interfaith marriages, it can be interpreted that the regulations concerning interfaith marriage that were in effect before the enactment of the Marriage Law remain valid.

Thus, the phenomenon of interfaith marriages that have existed in society until now is still governed by the GHR. It aligns with the view of Wantjik Saleh, who noted that only provisions in existing regulations addressed in the new law (Marriage Law) are invalid. Matters that are not regulated by the new law and do not conflict with it can still be applied.[79] It is evident in the practices of CRSO and RC in South Jakarta, which continue to provide legal legitimacy to interfaith marriages based on the ongoing provisions of interfaith (mixed) marriages in the GHR, rather than the Marriage Law.

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[78]The Indonesian Civil Code (1847), Article 26.
[79]Saleh, *Hukum Perkawinan Indonesia*., 13.

There is also SCCL Number 231/PAN/HK.05/1/2019, dated January 30, 2019, which orders all CRSOs in Indonesia to state that the state does not recognize interfaith marriages and cannot be registered. However, if the marriage is conducted according to the religion of one of the partners and the other partner converts to the religion of the other partner, the marriage may be registered.[80] Implementing this rule is making a statement letter from one of the parties of an interfaith couple stating that they are willing to submit to their partner's religion.[81] It is often also called temporary submission to one of the religious laws.[82]

Even more extreme, SCCL Number 2 of 2023, issued on July 17th, 2023, essentially directs judges to focus on the validity of marriages between individuals of the same religion and to deny applications for the registration of interfaith marriages.[83] This SCCL is an order that undermines the judge's decision-making autonomy. Judges with legal grounds to grant a request are pressured to reject it. The state has restricted the judge's ability to provide legal reasoning, including that informed by their conscience. Meanwhile, judges must uphold their integrity and maintain independence from external pressures, including those from public opinion or internal institutional influences.[84]

Third, the issue of unification in marriage law. The government's firm stance against interfaith marriages is evident in its efforts to establish "perfect laws that can lead its citizens to heaven". However, this stance contradicts societal realities. The truth of God (as taught in religion), which involves a direct vertical relationship between humans and God, cannot be equated with human truth (practised through religious teachings), which involves a horizontal relationship among humans. While God is perfect and eternal, human truth is temporary and imperfect. Therefore, the validity of state law need not be tied to divine commandments. State law must be regarded as a product of imperfect humans, which should be corrected and adjusted to meet the evolving needs of society.[85] Legal provisions that hinder interfaith marriages must ultimately be revised to align with current societal needs, namely the protection of the fundamental rights of interfaith couples, including easy access to legal recognition of their marriages, with all the associated legal consequences.

The government must recognize that the Marriage Law is not a final legal product. Thus, it is crucial to review the law to ensure it remains relevant to the demands of the times and societal developments while respecting the human rights inherent in every individual in society. This is evident from the overlapping legal provisions that often contradict one another. t aligns with the view expressed by Tristam Pascal Moeliono, who stated that the

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[80]"Supreme Court Circular Letter Number 231/PAN/HK.05/1/2019," 2019.

[81]Ari Tri Wibowo, "Sahnya Perjanjian Kawin Dalam Perkawinan Beda Agama Di Indonesia," *Yurispruden: Jurnal Fakultas Hukum Universitas Islam Malang* 6, no. 1 (2023): 83–106, https://doi.org/https://doi.org/10.33474/yur.v6i1.17013.

[82]Siti Nur Fatoni and Iu Rusliana, "Pernikahan Beda Agama Menurut Tokoh Lintas Agama Di Kota Bandung," *Varia Hukum* [illegible]. 1 (2019): 95–114, https://doi.org/https://doi.org/10.15575/vh.v1i1.5139.

[83]See: Supreme Court Circular Letter Number 2 of 2023 on Guidelines for Judges in Adjudicating Cases of Applications for Registration of Marriage between Different Religions and Beliefs.

[84]Meliyani Sidiqah, "Independence of Judges and Public Opinion," *Sociological Jurisprudence Journal* 6, no. 2 (2023): 133–43, https://doi.org/https://doi.org/10.22225/scj.6.2.2023.133-143.

[85]Tristam P. Moeliono, "Negara Hukum Yang Berke-Tuhanan Dan Pluralisme (Sistem) Hukum Di Indonesia," *Lex Publica* 3, no. 2 (2017): 535–54, https://journal.appthi.org/index.php/lexpublica/article/view/61.

Indonesian government has failed to unify the law. One area of resistance to unification is in the family sector, particularly marriage law, which has not yet achieved unification. Tristam emphasized that while unification is a noble ideal, it is not practical in a diverse society like Indonesia.[86]

The bureaucracy and the complex interfaith marriage registration system demonstrate that the state actively complicates and even prohibits interfaith marriages in Indonesia. The government's lack of preparedness to accept interfaith marriages is evident at the official level, which, in turn, is used to galvanize mass support against them. In reality, many religious figures are inclusive regarding interfaith marriages, but this opportunity is effectively "closed" by the Indonesian government, which remains steadfast in its refusal to accommodate such marriages. For example, Father Yohanes Purba Tantomo stated that the Marriage Law must uphold two interrelated fundamental rights: the right to choose one's religion and the right to marry the person of one's choice. Indonesian bishops support interfaith marriages, and the Catholic Church in Indonesia does not require children from mixed marriages to enter the Church. Any law that forces citizens to convert to another religion to marry their partner is problematic, and any law that restricts interfaith marriages is discriminatory.[87]

According to Daniel Yusmic P. Foekh, the state should not remain passive but must actively engage in cases of interfaith marriages, as the state is expected to be fair and just by acknowledging and respecting the diverse religious and belief systems held by Indonesian citizens. For example, recording interfaith marriages is a crucial administrative measure to protect the rights of citizens, including the rights of children born from interfaith unions. Daniel also offered two suggestions for registering interfaith marriages at the RAO or the CRSO. The employees at both the RAO and CRSO are tasked with recording the report provided by the couple that they have entered into marriage. After registration, interfaith couples are issued an Interfaith Marriage Book for those registered at RAO or an Interfaith Marriage Certificate for those registered at CRSO.[88]

Forth, social discrimination between the rich and the poor in interfaith marriages arises due to the overlapping provisions of Article 2 paragraphs (1) and (2) Marriage Law, along with Articles 35 and 37 Population Administration Law, and Articles 14 and 15 RMHA 12-2010.[89] This overlap ultimately undermines the second principle of Pancasila.

For CRSOs that refuse to register interfaith marriages, Article 2 paragraphs (1) and (2) Marriage Law are interpreted cumulatively, as demonstrated by the Kuningan CRSO. On

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[86]Tristam Pascal Moo in adminukdc, "Unifikasi Hukum Nasional Indonesia: Cita-Cita Mulia Tetapi Tidak Praktis Diterapkan," Universitas Katolik Darma Cendika: Program Studi Ilmu Hukum, 2019, https://hukum.ukdc.ac.id/unifikasi-hukum-nasional-indonesia-cita-cita-mulia-tetapi-tidak-praktis-diterapkan/.

[87]Ryan Dag "Indonesia Should Allow Interfaith Marriage, Say Bishops," UCAnews Union of Catholic Asian News, 2014, https://www.ucanews.com/news/prohibiting-interfaith-marriage-violates-rights-indonesian-bishops/72470.

[88]RAKYATCIREBON.ID, "Salah Satu Hakim Konstitusi Ingin Sahkan Nikah Beda Agama, Tawar 4 Kebijakan Alternatif Untuk Buku Nikah," RakyatCirebon.id, 2023, https://rakyatcirebon.disway.id/read/652468/salah-satu-hakim-konstitusi-ingin-sahkan-nikah-beda-agama-tawarkan-4-kebijakan-alternatif-untuk-buku-nikah.

[89]"Regulation of the Minister of Home Affairs Number 12 of 2010 on Guidelines for Marriage Registration and Reporting of Certificates Issued by Other Countries," 2010.

the other hand, CRSOs that accept the registration of interfaith marriages interpret Article 2 paragraphs (1) and (2) Marriage Law as separate provisions, as seen in the South Jakarta CRSO. In light of Article 35 (a) Population Administration Law, wealthier individuals can take the court decision route, which involves substantial costs, making this option less accessible to the poor. Consequently, the poor will likely face significant difficulties in pursuing this route.

Furthermore, Articles 14 and 15 RMHA 12-2010 and Article 37 Population Administration Law state that Indonesian citizens with a civil registration certificate issued by another country must report to the CRSO upon returning to Indonesia. The CRSO will then issue a Reporting Certificate (RC) as the basis for updating population data (registration). However, this option will not be accessible to the poor, as conducting an interfaith marriage abroad involves significant financial costs. The highlighted issue lies in the CRSO's willingness to register interfaith marriages conducted abroad without questioning religious differences, whereas interfaith marriages conducted domestically, due to religious differences, are met with complications or outright rejection. The cases of MM and NT illustrate this discrepancy mentioned above.

The state eliminates equality between the poor and the rich in the context of interfaith marriages. The state discriminates against interfaith couples based on their economic capabilities, effectively humanizing the rich while disadvantaging the poor. The poor are further burdened by "unreasonable" legal regulations. Marriage rights are only accessible to interfaith couples who can afford the court fees or can marry abroad. Indirectly, the state provides legal protection to the wealthy but not the poor. The rich are granted justice, while the poor endure suffering. Meanwhile, both the poor and the rich are human beings created by God who deserve to be treated equally and fairly by their dignity and status.

Two types of discrimination can be identified in the context of interfaith marriage: direct discrimination and indirect discrimination. Direct discrimination occurs when one person is treated differently (less favourably) than another.[90] For example, interfaith couples experience different treatment from local CRSOs; some have their marriages registered, while others face outright rejection, or some have their applications for court rulings accepted while others are denied. Indirect discrimination occurs when the law or its practical application results in discrimination, even if it is not intended.[91] For instance, interfaith couples who marry abroad can easily register their marriage, but interfaith marriages conducted within the country face unnecessary obstacles or outright rejection.

This situation contradicts the second principle of "just and civilized humanity". The second principle implies that all humans are civilized beings entitled to equal justice before God. All humans are equal; therefore, everyone must be treated according to their dignity and status as human beings universally endowed with the same rights and obligations, regardless of gender, wealth, ethnicity, race, tribe, or religion. It means that the state should

[90]Smith et al., *Hukum Hak Asasi Manusia*, 40.
[91]Smith et al.

treat its citizens equally, without distinction of religion, and should recognize the equality of dignity, status, rights, and obligations of all citizens as human beings, God's creations. To ensure justice, interfaith couples should be treated the same as couples of the same religion, as they are humans deserving of equal treatment.

4. CONCLUSION

The results of field research comparing the views and attitudes of RAO, CRSO, RC, and DC in Kuningan and Jakarta in handling interfaith marriages reveal that the current construction of marriage law in Indonesia fails to reflect certainty and justice. It also indicates systematic human rights violations through positive law arising from the excessive subjective interpretations held by each party involved. Therefore, the state must accommodate interfaith marriages within the Marriage Law or, at the very least, recognize the validity of the GHR. Furthermore, research findings from Kuningan and Jakarta indicate that interfaith marriages remain a significant issue in Indonesia, triggering numerous human rights violations against interfaith couples, both directly and indirectly. Consequently, the state must amend Article 2 paragraph (1) Marriage Law by distinguishing the validity of marriages under state law from the validity under religion. How an individual adheres to the marriage rules of their faith is a personal responsibility to God in their capacity as a creation of God. In contrast, the legal validity of a marriage pertains solely to an individual's obligations as a citizen to the state, not God.

BIBLIOGRAPHY

Abdin, Maslan. "Kedudukan Dan Peran Warga Negara Dalam Masyarakat Multikultural." *Jurnal Pattimura Civic* 1, no. 1 (2020): 17–25. https://ojs3.unpatti.ac.id/index.php/jpc/article/view/1681.

adminukdc. "Unifikasi Hukum Nasional Indonesia: Cita-Cita Mulia Tetapi Tidak Praktis Diterapkan." Universitas Katolik Darma Cendika: Program Studi Ilmu Hukum, 2019. https://hukum.ukdc.ac.id/unifikasi-hukum-nasional-indonesia-cita-cita-mulia-tetapi-tidak-praktis-diterapkan/.

Affandi, Muhammad Iqbal. "Manusia Dan Kebutuhan Beragama." *Al-Amal: Jurnal Manajemen Bisnis Syariah* 1, no. 1 (2024): 10–18. https://journal.staittd.ac.id/index.php/ai/article/view/52.

Aslami, Airis, Djanuardi, and Fatmi Utarie Nasution. "Keabsahan Perkawinan Beda Agama Ditinjau Dari Undang-Undang Perkawinan Dan Hukum Islam." *ULIL ALBAB: Jurnal Ilmiah Multidisiplin* 2, no. 10 (2023): 4572–83. https://doi.org/https://doi.org/10.56799/jim.v2i10.2201.

Baetillah, Siti Nur. "Perkawinan Beda Agama Dan Implikasinya Terhadap Penegakan Hukum Keluarga Di Indonesia." *JURNAL MIM: Jurnal Kajian Hukum Islam* 1, no. 1 (2023): 65–79. https://ejournal.stai-mifda.ac.id/index.php/jmkhi/article/view/140.

Beta, Hilmawati Usman Tenri, and Muhammad Habibi Miftakhul Marwa. "Konsep Tanggung Jawab Hukum Orang Tua Terhadap Perkawinan Anak." *Jurnal USM Law Review* 6, no. 3 (2023): 1090–1108. https://doi.org/http://dx.doi.org/10.26623/julr.v6i3.6823.

Black, Henry Campbell. *Black's Law Dictionary*. Edited by Bryan A. Garner. 11th ed. St. Paul, MN: Thomson Reuters, 2014.

Blog Flávia Rita. “Simple Definition of Legal Status,” 2023. https://blog.flaviarita.com/simple-definition-of-legal-status/.

DA, Ady Thea. “Dekan FH Unpar: KUHP Baru Lebih Buruk Ketimbang KUHP Kolonial Belanda.” HUKUMONLINE.com, 2022. https://www.hukumonline.com/berita/a/dekan-fh-unpar--kuhp-baru-lebih-buruk-ketimbang-kuhp-kolonial-belanda-lt639622b8355ec/?page=1.

Dagur, Ryan. “Indonesia Should Allow Interfaith Marriage, Say Bishops.” UCAnews Union of Catholic Asian News, 2014. https://www.ucanews.com/news/prohibiting-interfaith-marriage-violates-rights-indonesian-bishops/72470.

Derung, Teresia Noiman, Maria Mandonza, Gathan Aryasena Suyatno, and Alexius Mete. “Fungsi Agama Terhadap Perilaku Sosial Masyarakat.” *In Theos: Jurnal Pendidikan Dan Theologi* 2, no. 11 (2022): 373–80. https://doi.org/https://doi.org/10.56393/intheos.v2i11.1279.

Fathy, Rusydan. “Modal Sosial: Konsep, Inklusivitas Dan Pemberdayaan Masyarakat.” *Jurnal Pemikiran Sosiologi* 6, no. 1 (2019): 1–17. https://doi.org/https://doi.org/10.22146/jps.v6i1.47463.

Fatoni, Siti Nur, and Iu Rusliana. “Pernikahan Beda Agama Menurut Tokoh Lintas Agama Di Kota Bandung.” *Varia Hukum* 1, no. 1 (2019): 95–114. https://doi.org/https://doi.org/10.15575/vh.v1i1.5139.

Fenecia, Evelyn, Shenti Agustini, and Winda Fitri. “Kepastian Hukum Sema Nomor 2 Tahun 2023 Terhadap Pencatatan Perkawinan Antar-Agama Dalam Bingkai Kebhinnekaan Indonesia.” *PAMALI: Pattimura Magister Law Review* 4, no. 2 (2024): 128–40. https://doi.org/10.47268/pamali.v4i2.2192.

Gautama, Sudargo. *Hukum Antar Golongan: Suatu Pengantar*. Jakarta: Ichtiar Baru – Van Hoeve, 1980.

Gemengde Huwelijken Regeling (GHR) stbl. 1898 No. 158 (1898).

H.S., Salim, and Erlies Septiana Nurbani. *Penerapan Teori Hukum Pada Penelitian Tesis Dan Disertasi*. Jakarta: Rajawali Pers, 2016.

Heryanti, Rini. “Implementasi Perubahan Kebijakan Batas Usia Perkawinan.” *Jurnal Ius Constituendum* 6, no. 1 (2021): 120–43. https://doi.org/http://dx.doi.org/10.26623/jic.v6i1.3190.

Hidayat, Arief. “Indonesia Negara Berketuhanan.” Mahkamah Konstitusi Republik Indonesia, 2023. https://www.mkri.id/public/content/infoumum/artikel/pdf/artikel_14_02_arief_hidayat.pdf.

Hudaya, Muhammad Reza, Nandya Erlisa Galis, Muhammad Naufal Aditya Fahmi, Andy Yudha Hutama, Gatot Sudarsono, and Titis Puspita Dewi. “Empowering The Papring Community Through The Jemparing Wangi Program Towards Social Transformation.” *Indonesian Journal of Social Responsibility Review* 1, no. 2 (2022): 109–20. https://prospectpublishing.id/ojs/index.php/IJSRR/article/view/60.

Hutabarat, Dany Try Hutama, Komis Simanjuntak, and Syahrunsyah. “Pengelabuan Hukum Perkawinan Atas Perkawinan Beda Agama.” *Jurnal Ius Constituendum* 7, no. 2 (2022): 321–34. https://doi.org/http://dx.doi.org/10.26623/jic.v7i2.5383.

Hutasoit, Manimpan. “ALDERSGATE: Pentingnya Pengalaman Bagi Iman.” *Jurnal Teologi Anugerah* 12, no. 1 (2023): 45–53. https://ejurnal.methodist.ac.id/index.php/jta/article/view/2884.

Ibad, Miftakul Bil. “Perkawinan Beda Agama Perspektif Majelis Ulama Indonesia Dan Muhammadiyah.” *Al-Hukama* 9, no. 1 (2019): 195–230.

https://doi.org/https://doi.org/10.15642/alhukama.2019.9.1.195-230.
Ibhawoh, Bonny. “Inalienable Dignity: Writing Counterhegemonic Universal Human Rights Histories.” *Ethnohistory* 70, no. 2 (2023): 187–99. https://doi.org/https://doi.org/10.1215/00141801-10266858.
International Covenant on Civil and Political Rights (1966).
Laku, Sylvester Kanisius. “Iman Dan Rasionalitas.” In *Agama Dan Kesadaran Kontemporer*, edited by Uji Prastya and Putra Indra Oktano, 5th ed. Yogyakarta: Kanisius, 2023.
Lalo, Kalfaris. “Menciptakan Generasi Milenial Berkarakter Dengan Pendidikan Karakter Guna Menyongsong Era Globalisasi.” *Jurnal Ilmu Kepolisian* 12, no. 2 (2018): 68–75. https://doi.org/https://doi.org/10.35879/jik.v12i2.23.
Law Number 23 of 2006 on Population Administration (2006).
Law Number 39 of 1999 on Human Rights (1999).
Lovén, Lena Larsson, and Agneta Strömberg, eds. *Ancient Marriage in Myth and Reality*. Newcastle: Cambridge Scholars Publishing, 2010.
Mardi, Oxsis, and Fatmariza Fatmariza. “Faktor-Faktor Penyebab Keterabaian Hak-Hak Anak Pascaperceraian.” *Jurnal Ius Constituendum* 6, no. 1 (2021): 182–99. https://doi.org/http://dx.doi.org/10.26623/jic.v6i1.3282.
Markus, Elia Juan, Rr Ani Wijayati, and L Elly AM Pandiangan. “Analisis Pelaksanaan Perkawinan Beda Agama Di Indonesia.” *Jurnal Hukum To-Ra : Hukum Untuk Mengatur Dan Melindungi Masyarakat* 9, no. 1 (2023): 24–37. https://doi.org/https://doi.org/10.55809/tora.v9i1.194.
Marpuah. “Toleransi Dan Interaksi Sosial Antar Pemeluk Agama Di Cigugur, Kuningan.” *Harmoni* 18, no. 2 (2019): 260–81. https://doi.org/https://doi.org/10.32488/harmoni.v18i2.309.
Moeliono, Tristam P. “Negara Hukum Yang Berke-Tuhanan Dan Pluralisme (Sistem) Hukum Di Indonesia.” *Lex Publica* 3, no. 2 (2017): 535–54. https://journal.appthi.org/index.php/lexpublica/article/view/61.
Mohammad, Abasat Pour, Behnam Ramazani, and Mahdi Mohammad Zadeh. “Personal Status and Exceptions of the National Law Enforcement Regarding It.” *Estação Científica (UNIFAP)* 7, no. 1 (2017): 61–70. https://doi.org/https://doi.org/10.18468/estcien.2017v7n1.p61-70.
Nasrul, Muhammad Yusuf, and Muslim Mubarok. “Pernikahan Beda Agama Tinjauan Fikih Dan Tantangan Kehidupan Multikultural Di Indonesia.” *CENDEKIA : Jurnal Ilmu Pengetahuan* 4, no. 3 (2024): 243–52. https://doi.org/https://doi.org/10.51878/cendekia.v4i3.3050.
Nazir, Moh. *Metode Penelitian*. Bogor: Ghalia Indonesia, 2003.
Nurfazila. “Kontroversi Pernikahan Beda Agama Di Indonesia.” *Sakena: Jurnal Hukum Keluarga* 9, no. 2 (2024): 56–64. https://journals.fasya.uinib.org/index.php/sakena/article/view/648.
Pedju, Rizaldy Purnomo. “Analisa Konsep Universalitas Nilai Islam Dan Pancasila (Studi Pemikiran Yudi Latif).” *Potret Pemikiran* 23, no. 2 (2019): 99–112. https://doi.org/http://dx.doi.org/10.30984/pp.v23i2.995.
RAKYATCIREBON.ID. “Salah Satu Hakim Konstitusi Ingin Sahkan Nikah Beda Agama, Tawarkan 4 Kebijakan Alternatif Untuk Buku Nikah.” RakyatCirebon.id, 2023. https://rakyatcirebon.disway.id/read/652468/salah-satu-hakim-konstitusi-ingin-sahkan-nikah-beda-agama-tawarkan-4-kebijakan-alternatif-untuk-buku-nikah.
“Regulation of the Minister of Home Affairs Number 12 of 2010 on Guidelines for

Marriage Registration and Reporting of Certificates Issued by Other Countries," 2010.
Saleh, K. Wantjik. *Hukum Perkawinan Indonesia*. Jakarta: Ghalia, 1982.
Sidiqah, Meliyani. "Friday Prayer for Women and Right to Worship." *Jurnal Ius Constituendum* 9, no. 3 (2024): 411–27. https://doi.org/http://dx.doi.org/10.26623/jic.v9i3.9232.
———. "Independence of Judges and Public Opinion." *Sociological Jurisprudence Journal* 6, no. 2 (2023): 133–43. https://doi.org/https://doi.org/10.22225/scj.6.2.2023.133-143.
———. "Rethinking Religious Freedom in the Frame of the First Principle of Pancasila and Human Rights Law." *Jurnal Akta* 11, no. 4 (2024): 1150–71. https://doi.org/http://dx.doi.org/10.30659/akta.v11i4.41139.
———. "Wanita Ahlul Kitab Dan Hukum Menikahinya Di Indonesia." *Jurnal USM Law Review* 6, no. 3 (2023): 1150–69. https://doi.org/http://dx.doi.org/10.26623/julr.v6i3.7823.
Smith, Rhona K.M., Njäl Høstmælingen, Christian Ranheim, Satya Arinanto, Fajrul Falaakh, Enny Soeprapto, Ifdhal Kasim, et al. *Hukum Hak Asasi Manusia*. Edited by Knut D. Asplund, Suparman Marzuki, and Eko Riyadi. Yogyakarta: Pusat Studi Hak Asasi Manusia Universitas Islam Indonesia, 2015.
Soetoprawiro, Koerniatmanto. *Bukan Kapitalisme Bukan Sosialisme: Memahami Keterlibatan Sosial Gereja*. 5th ed. Yogyakarta: Kanisius, 2007.
———. *Hukum Kewarganegaraan Dan Keimigrasian Indonesia*. Jakarta: Gramedia Pustaka Utama, 1994.
Solopos.com, Redaksi. "PERKAWINAN BEDA AGAMA: Franz Magnis Suseno: Negara Tak Bisa Paksa Perkawinan Harus Seagama." SOLOPOS.com, 2014. https://www.solopos.com/perkawinan-beda-agama-franz-magnis-suseno-negara-tak-bisa-paksa-perkawinan-harus-seagama-558886.
Suadi, Amran. *Filsafat Hukum: Refleksi Filsafat Pancasila, Hak Asasi Manusia, Dan Etika*. Jakarta: Kencana, 2019.
Sudarso, Mohammad Akbar, and Surahmad Surahmad. "Keabsahan Dan Akibat Hukum Perkawinan Yang Dilaksanakan Dengan Pemalsuan Identitas." *Jurnal USM Law Review* 7, no. 2 (2024): 716–28. https://doi.org/http://dx.doi.org/10.26623/julr.v7i2.8971.
Sugiharto, I. Bambang, and Agus Rachmat W. *Wajah Baru Etika & Agama*. Yogyakarta: Kanisius, 2000.
Suhaili, Achmad. "Hak Asasi Manusia (HAM) Dalam Penerapan Hukum Islam Di Indonesia." *Al-Bayan: Jurnal Ilmu Al-Qur'an Dan Hadist* 2, no. 2 (2019). https://doi.org/https://doi.org/10.35132/albayan.v2i2.77.
"Supreme Court Circular Letter Number 2 of 2023 on Guidelines for Judges in Adjudicating Cases of Applications for Registration of Marriage between Different Religions and Beliefs," 2023.
"Supreme Court Circular Letter Number 231/PAN/HK.05/1/2019," 2019.
The Constitution of 1945 (1945).
The Indonesian Civil Code (1847).
Universal Declaration of Human Rights (1948).
Vocabulaty.com Dictionary. "Legal Status," 2023. https://www.vocabulary.com/dictionary/legal status.
W, R Willya Achmad, Marcelino Vincentius Poluakan, Didin Dikayuana, Herry Wibowo,

and Santoso Tri Raharjo. “Potret Generasi Milenial Pada Era Revolusi Industri 4.0.” *Focus : Jurnal Pekerjaan Sosial* 2, no. 2 (2019): 187–97. https://doi.org/https://doi.org/10.24198/focus.v2i2.26241.

Wattimena, Josina Augustina Yvonne, and Vondaal Vidya Hattu. “Ketahanan Pangan Masyarakat Adat Sebagai Wujud Pemenuhan Ham Dalam Masa Pandemi Covid-19.” *Sasi* 27, no. 2 (2021): 247–66. https://doi.org/10.47268/sasi.v27i2.448.

Wibowo, Ari Tri. “Sahnya Perjanjian Kawin Dalam Perkawinan Beda Agama Di Indonesia.” *Yurispruden: Jurnal Fakultas Hukum Universitas Islam Malang* 6, no. 1 (2023): 83–106. https://doi.org/https://doi.org/10.33474/yur.v6i1.17013.

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