
Solution for Recording Interfaith Marriages Following Supreme Court Circular (SEMA) Number 2 of 2023 in Indonesia

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ABSTRACT: This research aims to explore the solutions for recording marriages following the issuance of Supreme Court Circular (SEMA) Number 2 of 2023. According to the law, a marriage is valid if it meets the cumulative elements of Article 2, paragraphs (1) and (2), which require that it be in accordance with religious and belief systems and recorded according to regulations. Conversely, a marriage is invalid if it does not comply with religious and belief laws, resulting in the inability to register it. Before the issuance of the SEMA, interfaith marriages could be registered at the Civil Registry Office by submitting a registration application to the local District Court. However, after the issuance of this circular, such registration is no longer possible. The research method adopts a normative juridical approach, delving into literature data, particularly legislation. Despite the new regulations, interfaith marriage registrations can still occur, as judges may base their decisions on the Population Administration Law rather than the Marriage Law. Article 56, paragraph (1) of the Marriage Law essentially requires Indonesian citizens to comply with the marriage law, leaving no room for interfaith marriages. Therefore, to prevent registrations by judges at all court levels, it is necessary to reconstruct the Population Administration Law and require that one of the parties adheres to the religion and/or beliefs of their partner.

Keywords: Marriage registration, Interfaith marriage, Valid Marriage.



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INTRODUCTION

Marriage is a fundamental aspect of human rights. The state guarantees every citizen the right to form a family and have children through a marriage that is legally valid according to both religious and state laws. As beings created by Almighty God, humans marry to establish a household and have children. In Indonesia, marriage is regulated by the Marriage Law, Law No. 1 of 1974, which was amended by Law No. 16 of 2019. Article 1 states that marriage is a physical

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and spiritual union between a man and a woman as husband and wife, aimed at forming a happy and eternal family (household) based on the belief in Almighty God. Furthermore, Article 2, paragraph (1) declares that a marriage is valid if it is conducted according to the couple's religion and beliefs. Every marriage must be recorded in accordance with the prevailing regulations.

Although the current marriage law in Indonesia does not regulate interfaith marriages, such marriages are still found within the community. Article 2, paragraph (1) and Article 8, letter f of Law No. 1 of 1974 clearly state that a marriage is valid if conducted according to religious and belief laws. Essentially, the religious laws applicable in Indonesia do not permit interfaith marriages.

To determine the validity of an interfaith marriage, state law defers to religious and belief laws. While some interpretations of religious law do not prohibit interfaith marriages, it is generally advised that marriages be conducted within the same religion to avoid potential issues in managing household life.

Circular Number 2 of 2023 regarding Guidelines for Judges in Adjudicating Cases of Registration of Marriages between Different Religious and Belief Communities was issued on July 17, 2023, and signed by the Chief Justice of the Supreme Court, Muhammad Syarifudin. This circular is addressed to the Chief/Head of the Court of Appeal and the Chief/Head of the Court of First Instance throughout Indonesia. In adjudicating requests for the registration of marriages, judges must adhere to the following:

1. Article 2, paragraph (1), and Article 8, letter of Law Number 1 of 1974 concerning Marriage, stipulating that a marriage is valid when conducted according to the laws of each respective religion and belief.
2. The court shall not approve applications for the registration of marriages between individuals of different religions and beliefs.

Before the implementation of the SEMA, interfaith marriages were already a common occurrence. For instance, in 2022, a marriage between a Muslim woman and a non-Muslim man took place in a church in Semarang, Central Java, marking the 1,424th interfaith marriage (Febriani, 2022). According to the Deputy Minister of Religious Affairs of Indonesia, Zainut Tauhid Sa'adi (Andayani, 2022), this marriage was explicitly not recorded at the local Office of Religious Affairs (KUA). Previously, such marriages could be registered by submitting an application to the District Court. However, following the issuance of SEMA Number 2 of 2023, the registration of interfaith marriages is no longer permitted.

Nevertheless, an approval for the registration of an interfaith marriage between GABA, a Catholic, and RYA, a Protestant, was granted by Yuli Efendi, a judge at the North Jakarta District Court. He permitted the applicants to have their interfaith marriage recorded at the Office of Population and Civil Registration in North Jakarta and ordered the officials at the Office of Population and Civil Registration in North Jakarta to record the applicants' interfaith marriage in the Marriage Registration Register on 8 August 2023. In his decision, the judge

referenced Article 35(a) of the Population Administration Law and Article 50(3) of the Indonesian Minister of Home Affairs Regulation Number 108 of 2019 (mab/fra, 2023).

This research addresses the issue of how to manage the registration of interfaith marriages following the issuance of SEMA No. 2 of 2023. The aim is to find a solution for the legitimacy of interfaith marriage registrations that have occurred and will continue to occur in the future.

To formulate a resolution to the controversy surrounding the registration of interfaith marriages in Indonesia, it is essential to align the existing legislation, including the Marriage Law, the Population Administration Law, and other relevant regulations. If the problem lies within the Population Administration Law and the regulations of the Ministry of Home Affairs, then these rules should be reconstructed and harmonised with the Marriage Law.

METHOD

Soejono Soekanto differentiates between two types of legal research: normative legal research and empirical legal research (Soekanto, 2013). Soerjono Soekanto and Sri Mamuji, in their book as referenced by Salim and Erlies Septiana Nurbani, state that normative legal research, also known as library research, relies solely on library materials or secondary data. In this context, the researcher tends to use a normative legal approach, which involves examining laws, regulations, and other literature-based studies (Septiana, 2022).

Normative legal research utilises library materials or secondary data. The objects of normative legal research include legal norms, legal principles, legal systematics, legal synchronisation, and comparative law. Data from library research constitutes secondary data and consists of primary legal materials, secondary legal materials, and tertiary legal materials.

In normative legal research, legal materials are obtained from library research as follows: *Firstly*, primary legal materials are the main sources with binding authority, including Law No. 1 of 1974 on Marriage, Law No. 16 of 2019 on the Amendment to Law No. 1 of 1974 on Marriage, Government Regulation No. 9 of 1975 on the Implementation of Law No. 1 of 1974, Islamic Law and the Compilation of Islamic Law, Law No. 23 of 2006 on Population Administration, SEMA No. 2 of 2023 on the Application for Registration of Interfaith Marriages, and the Regulation of the Minister of Home Affairs No. 108 of 2019. *Secondly*, secondary legal materials consist of books and expert opinions related to marriage in general and interfaith marriage in particular.

Approaches in legal research include the statute approach, case approach, historical approach, comparative approach, and conceptual approach (Marzuki, 2014). In this study, a statute approach is utilized to examine and analyses various laws and regulations. These include Law No. 1 of 1974 on Marriage, Law No. 16 of 2019 on the Amendment to Law No. 1 of 1974 on Marriage, Law No. 23 of 2006 on Population Administration, the Compilation of Islamic Law,

and SEMA No. 2 of 2023 concerning Guidelines for Judges in Adjudicating Applications for Registration of Interfaith Marriages.

Data was obtained from various legal libraries, existing literature possessed by the author, and websites. This data was then qualitatively analysed, not based on calculations or quantities, but rather to provide a descriptive overview of the researched subject.

RESULT AND DISCUSSION

Regulations of Interfaith Marriages in Indonesia.

The current national laws regulating marriage in Indonesia do not address interfaith marriages. The applicable marriage law in Indonesia, Law Number 1 of 1974, only covers marriages between citizens of different nationalities. Despite the fact that interfaith marriages are not regulated by the current marriage law in Indonesia and cannot be recorded following Supreme Court Circular Number 2 of 2023, such marriages are still found within the society. Law Number 1 of 1974 on Marriage, Article 2, Paragraph (1), states that a marriage is valid if conducted according to the laws of religion and belief. Marriages that do not conform to religious and belief laws, based on Article 2, Paragraph (1), are invalid.

Furthermore, Article 2, Paragraph (2) states that marriages must be registered. For those who are Muslim, registration is conducted at the Office of Religious Affairs, whereas for non-Muslims, marriage registration is conducted at the Civil Registry Office.

Regarding interfaith marriages from the perspective of national law, Article 2, Paragraph (1) of the Marriage Law stipulates that a marriage is valid if conducted according to the laws of religion and belief. Marriages that do not conform to religious and belief laws are invalid. The validity of interfaith marriages, therefore, depends on the respective religious and belief laws.

Marriages that are deemed invalid cannot be registered. Prior to the issuance of Supreme Court Circular Number 2 of 2023, although national marriage laws did not address interfaith marriages, such marriages could still be registered by submitting an application to the local District Court Chief.

However, following the issuance of Supreme Court Circular Number 2 of 2023, the Supreme Court prohibited all judges in District Courts as well as High Courts in Indonesia from granting requests for the registration of interfaith marriages. Consequently, interfaith marriages can no longer be registered.

Marriage is an administrative event in the lives of people. According to Article 3 of Law Number 23 of 2006 concerning Population Administration, the community is encouraged to register such population events. Based on Article 3 of Law Number 23 of 2006 concerning Population Administration, interfaith marriages are one form of population event that requires registration.

This provision in Article 3 contradicts Supreme Court Circular Number 2 of 2023 and the Marriage Law, Article 2, Paragraph (1).

Article 2, Paragraph (1) of Law Number 1 of 1974 concerning Marriage states that a marriage is valid if conducted according to one's religious beliefs and practices. Article 8, Letter f prohibits individuals from entering into marriage if it is prohibited by their religious laws or other regulations. A marriage is deemed valid if it complies with Article 2, Paragraph (1), and Article 8, Letter f of Law Number 1 of 1974 concerning Marriage.

Based on Article 2, Paragraph (1) of Law Number 1 of 1974, a marriage that is not conducted in accordance with religious beliefs and practices is considered invalid. Furthermore, Article 2, Paragraph (2) requires that every marriage be recorded according to applicable laws and regulations. National marriage laws do not regulate interfaith marriages; they only determine the validity of a marriage if conducted according to religious beliefs and practices.

National marriage laws only govern the registration of Muslim marriages at the Office of Religious Affairs and non-Muslim marriages are registered at the Civil Registry Office. Prior to the issuance of Supreme Court Circular Number 2 of 2023, interfaith marriages could be registered at the Civil Registry Office by submitting an application to the District Court. However, after the issuance of Supreme Court Circular Number 2 of 2023, the registration of interfaith marriages is no longer possible.

Recording marriages is important as evidence of population events experienced by the community, as stated in Article 3 of Law Number 23 of 2006 concerning Population Administration. Marriage registration is crucial to fulfill the administrative requirements needed to create birth certificates, family cards, and related documents.

The regulation of recording interfaith marriages in Indonesia is addressed in Article 35, Letter a jo. Explanation of Article 35 of Law Number 23 of 2006 concerning Population Administration ("Population Administration Law") as amended by Law Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration (Tobing, 2017).

Article 34 of the Population Administration Law states:

“(1) Valid marriages based on legal regulations must be reported by residents to the relevant implementing agency at the location of the marriage within 60 (sixty) days from the date of marriage. (2) Based on the report mentioned in paragraph (1), the Civil Registry Officer records it in the Marriage Act Register and issues a Marriage Certificate Extract. (3) The Marriage Certificate Extract as mentioned in paragraph (2) is provided to both the husband and wife. (4) Reporting as mentioned in paragraph (1) is done by Muslim residents to the Office of Religious Affairs at the sub-district level. (5) Data from the recording of events as mentioned in paragraph (4) and in Article 8, Paragraph (2) must be submitted by the Office of Religious Affairs at the sub-district level to the implementing agency within 10 (ten) days after the marriage recording is conducted. (6) The results of recording data as mentioned in paragraph (5) do not require the issuance of a Civil Registry Certificate Extract. (7) At the

sub-district level, reporting as mentioned in paragraph (1) is done at the implementing agency's Technical Implementation Unit."

Article 35 of the Population Administration Law:

Marriage registration as stipulated in Article 34 also applies to: *a. Marriages established by the court; and b. Marriages of Foreign Nationals conducted in Indonesia at the request of the respective Foreign National.*

Explanation of Article 35, Letter a of the Population Administration Law: The term "Marriages established by the court" refers to marriages conducted between individuals of different faiths.

Interfaith Marriage According to Experts and Religious Law

1. According to Legal Experts Interfaith marriage

According to Abdul Hafidz, is a marriage between two followers of different religions, with one adhering to Islam and the other to a non-Muslim faith. According to Himan Hadikusuma, a mixed marriage between religions occurs when a man and a woman of different faiths enter into marriage while maintaining their respective religions. Although their religions share a common direction, there are differences in the implementation of religious practices and beliefs (Sulistiani, 2015).

2. According to Religious Law

a. Islamic Law

Based on Article 2 of the Compilation of Islamic Law (KHI), marriage is a strong contract or a sacred covenant intended to obey Allah's command, and its implementation is considered an act of worship. The purpose of marriage, according to Article 3 of the KHI, is to realize a harmonious, affectionate, and merciful household.

Marriage is a religious command aimed at fulfilling the biological needs of humans as creations of the Almighty God. Executing marriage in Islamic Law is the implementation of Islamic sharia so that individuals can have legitimate descendants and a happy family life, both in this world and the hereafter, under the auspices of love, compassion, and divine approval (Aulawi, 1981).

Article 4 of the Compilation of Islamic Law (KHI) states that a marriage is valid if conducted according to Islamic Law, in accordance with Article 2 paragraph (1) of Law Number 1 of 1974 concerning Marriage.

According to Article 4 of the KHI, Islam does not recognize interfaith marriages. If there is a difference in religion, the non-Muslim party must convert to Islam and follow the provisions of Islamic Law outlined in the Compilation of Islamic Law.

Interfaith marriages in Islamic Law do not achieve the goal of creating a family that is harmonious, affectionate, and merciful. Article 40 of Presidential Instruction Number 1 of 1991 regarding the Compilation of Islamic Law (KHI) prohibits the solemnization of marriage between a man and a woman when the woman is not of the Islamic faith. According to Article 40 of the KHI, Islamic Law does not recognize the existence of interfaith marriages.

Islamic Sharia prioritizes marriage when individuals have reached the age of maturity, considering physical growth, mental readiness, and the ability to financially support family life. The purpose of marriage in Islamic Law is to procreate, create a happy, prosperous, peaceful, and loving household. It aims to realize a family life that is harmonious, affectionate, and merciful (Article 3 of the Compilation of Islamic Law). The goals of marriage can be achieved when the husband and wife share the same faith. Achieving the goals of marriage becomes challenging when the marriage involves individuals of different faiths.

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The assertion in the Islamic Law Compilation is reinforced by the Fatwa of the Indonesian Council of Ulama (Majelis Ulama Indonesia or MUI), Number 4/MUNAS VII/MUI/8/2005 regarding Interfaith Marriages (Liha, 2023). The MUI's decision on interfaith marriages in that fatwa explains: "(1) Interfaith marriages are forbidden (haram) and invalid; (2) Marriage between a Muslim man and a woman of the People of the Book (*abl al-kitab*), according to the *qaul mu'tamad* (strong opinion), is forbidden (haram) and invalid." This means that in case of differing opinions among scholars, if the state has regulated it, the state's regulations take precedence.

b. According to Catholicism

In the teachings of Catholicism, marriage is considered a sacrament (the sacrament of marriage is a marital vow exchanged and solemnized by two baptized individuals in the name of the Father, the Son, and the Holy Spirit). They pledge to be faithful to each other until death separates them and commit to mutually respect and love each other.. The Roman Catholic Church bases its doctrine on Ephesians 5:25-33: "Wives, submit yourselves to your own husbands as you do to the Lord. For the husband is the head of the wife as Christ is the head of the church, his body, of which he is the Savior. Now as the church submits to Christ, so also wives should submit to their husbands in everything. Husbands, love your wives, just as Christ loved the church and gave himself up for her to make her

holy, cleansing her by the washing with water through the word, and to present her to himself as a radiant church, without stain or wrinkle or any other blemish, but holy and blameless."

Likewise, husbands are to love their wives as they love their own bodies. Anyone who loves their wife loves themselves. After all, no one ever hated their own body, but they feed and care for their body, just as Christ does for the church, because we are members of his body. For this reason, a man will leave his father and mother and be united to his wife, and the two will become one flesh. However, each one of you also must love his wife as he loves himself, and the wife must respect her husband.

In Catholicism, marriage is a covenant in which a man and a woman form a lifelong partnership. Directed by their inherent nature towards the well-being of the spouses and the procreation and education of children, the sacrament of marriage between baptized individuals is elevated by Christ the Lord.

Catholic marriage is characterized by monogamy, permanence, and sacramentality, signifying that, according to Catholic doctrine, marriage is eternal and individuals are meant to marry only once in their lifetime. In the Catholic faith, a valid marriage is one that is performed, solemnized, and blessed by a Church official, attended by two witnesses, and fulfills the conditions of marriage, one of which is being Catholic.

There are 12 prohibitions that serve as obstacles to solemnize a marriage or prohibitions that can render a marriage invalid, as follows (Hadikusuma, 1990):

- 1) The age of the prospective groom is not yet 16 years and the prospective bride is not yet 14 years (Canon 1083:1)
- 2) Impotence that existed before the marriage (Canon 1084:1)
- 3) There is an existing previous marital bond (Canon 1085:1)
- 4) One of the prospective spouses is not Catholic (Canon 1086)
- 5) One of them has received sacred ordination (Canon 1087)
- 6) Has taken a vow of chastity in a religious institution, monk/nun (Canon 1088)
- 7) Abduction of a woman (Canon 1098)
- 8) Involvement in the crime of murder (Canon 1090)
- 9) Living together publicly, for example, between a man and his mother or daughter, a woman with her father or son (Canon 1093)
- 10) Prospective spouses have a blood relationship in a direct line up or down, whether legitimate or illegitimate (Canon 1091:1-4)

- 11) Both prospective spouses have a close relationship (Canon 1092)
- 12) Both prospective spouses have an adoption relationship in a direct or collateral line up to the second degree (Canon 1092)

If observed closely, in point d, one of the prospective spouses not being Catholic is explicitly stated. Based on this, it is clear in the Catholic faith that marriages between individuals of different religions are prohibited, rendering the marriage invalid.

However, in the Catholic Church, bishops can grant dispensation by allowing a Catholic to marry someone of another religion, with specific conditions outlined in Canons 1125 and 1126, namely (Ictiyanto, 2003):

- 1) The Catholic party declares a willingness to avoid the danger of defecting from the faith and gives an honest promise that they will do everything in their power to ensure all their children are baptized and educated in the Catholic Church.
- 2) Regarding the promises to be made by the Catholic party, the other party should be informed in due time, in such a way that it is clear they are genuinely aware of the commitments of the Catholic party.
- 3) Both parties should be provided with an explanation of the essential nature and goals of marriage that cannot be excluded by either of them.
- 4) Concerning the conduct of the marriage, it is prohibited to perform marriage ceremonies according to another religion either after or before Canonical validation.

With the conditions outlined in Canons 1125 and 1126, it can be concluded that even with dispensation allowing interfaith marriages, individuals involved, including children, must adhere to the Catholic faith. Non-Catholic parties must adopt the nature of a Catholic marriage.

A marriage is considered valid if conducted in the presence of a Bishop, Parish Priest, or Priest. Therefore, if there is an interfaith marriage where one party is Catholic, the religious ceremony must still follow the Catholic faith. If not conducted according to Catholic rites, the marriage becomes invalid.

From the above explanation, interfaith marriage in the Catholic faith is essentially discouraged. Even with dispensation, interfaith marriages must be conducted according to Catholic rites, and the children resulting from the marriage must adhere to the Catholic faith. Catholics engaging in interfaith marriages are required to maintain their religion, and their children are not allowed to renounce their beliefs.

c. According to the Protestant

Faith The Christian religion teaches that marriage is a sacred union established by God. They view marriage as a holy ordinance set by God. Marriage is a lifelong partnership that encompasses the entirety of life, requiring men and women to become one – one in the love of God, one in love, one in obedience, one in experiencing humanity, and one in bearing the burdens of marriage (Ichtiyanto, 2003).

The purpose of marriage according to the Protestant faith is so that through marriage, a man and a woman can assist each other, complement each other, and perfect one another. This way, material and spiritual happiness can be achieved in the love and grace of God. The Protestant Christian Church believes that for a marriage to be valid, it must be conducted in accordance with both state laws and God's laws. According to state law, the marriage must be recorded at the Civil Registry Office to be legally recognized, while according to religious law, one of the requirements is that both spouses must be Protestant Christians.

However, the Protestant church cannot deny that its followers live together with people of other religions. That is why the church does not prohibit its followers from marrying someone of a different religion, with the condition that, similar to the Catholic faith, the non-Protestant party is willing to marry in the church, and their children are raised in the Christian faith.

Interfaith marriage is discouraged according to Protestants, as stated in Corinthians 6: 14-18: "Do not be yoked together with unbelievers. For what do righteousness and wickedness have in common? Or what fellowship can light have with darkness?" This forms the basis for the prohibition of interfaith marriage in the Protestant faith, indicating that it is not permissible.

d. According to Hinduism

Hinduism regards marriage as a sacred institution. Marriage is considered a *samskara* (sacrament), one of numerous sacraments that encompass the processes from birth (*gharbadana*) to funeral rites (*antyashti*). The purpose of marriage in Hinduism is to establish a primary, eternal, and joyful family, as well as to bring forth offspring, known as *purusa*.

The validity of marriage according to Hinduism is when it is conducted in accordance with the laws and rituals of Hinduism, governed by Dharma (religion), and must adhere to Dharma. If a marriage is not conducted according to the religious laws, the consequence is that the marriage is considered invalid. Both prospective spouses must adhere to the Hindu religion. If there is a difference in religion between the prospective bride and groom, the marriage is not valid, unless the non-Hindu party has been formally accepted (approved) as a follower of the Hindu religion.

e. Marriage according to the Buddhist religion

Marriage according to the Buddhist religion is seen as a sacred bond that should be lived with love and compassion as taught by Buddha. The purpose of marriage according to the Buddhist religion is to form a family (a happy household blessed by *Sanghyang Adi Buddha*/The Almighty, *Buddhas*, and *Bodhisattvas-Mahasattvas* (Hadikusuma, 1990).

In *Nakulapitar Vagga*, there is advice directed to the *Nakulapitar* couple: "If husband and wife have a strong intention to bring happiness to each other, both in this life and the next, the main condition that must be fulfilled is that they must have Saddhavanta, meaning they both have firm faith in the Triple Gem (*Triratna*). The conditions for marriage according to Buddhist law are that both spouses must have faith in the Triple Gem. In the context of the Buddhist religion, interfaith marriages are prohibited; if such a marriage occurs, the partner who does not follow the Buddhist faith must adhere to Buddhist marriage rituals.

f. According to the Confucian Religion

In the post-reform era since 1998, there has been rapid progress in the development of Human Rights, including freedom of religion. During this period, there is a significant moment for the Confucian community in Indonesia. Before the reform era, only five religions were officially recognized, namely Islam, Catholicism, Protestantism, Hinduism, and Buddhism. However, after the reform era in Indonesia, six religions are officially recognized, including Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism.

Confucianism is a monotheistic religion that believes in one God commonly referred to as *Tian*, the Almighty God, or *Shangdi* (the Supreme Deity). In Confucianism, marriage is discussed in the LI JI Book XLI: 1 & 3, concerning Hun Yi (the truth of the meaning of the marriage ceremony). It states that the marriage ceremony aims to unite the seeds of goodness/love between two individuals from different families; above to manifest devotion to God and ancestors (*Zong Miao*), and below to continue the generation (Kristanti, 2010).

Similar to other recognized religions in Indonesia, individuals adhering to Confucianism follow the rules of their religion when conducting marriage ceremonies. Confucianism prohibits interfaith marriages.

Returning to the legal provisions of marriage as regulated in Article 2, paragraph (1), a marriage is considered valid if conducted according to the laws of religion and belief. According to the prevailing religious laws in Indonesia, the validity of marriage is based on the shared religion and belief of both parties. Religious laws do not permit interfaith marriages, as they can lead to various problems such as differences in religious practices and challenges in raising children. This makes it difficult to achieve the purpose of marriage outlined in Law Number 1 of 1974, which is to establish a happy and lasting family based on the Almighty God.

After the issuance of Supreme Court Regulation No. 2 of 2023, interfaith marriages cannot be recorded anymore. However, in society, instances of such marriages are still found. The

author suggests a solution based on Article 56, paragraph 1 of Law Number 1 of 1974 concerning marriage, which states that marriages conducted outside the territory of Indonesia between two Indonesian citizens or between an Indonesian citizen and a foreign citizen are valid if conducted according to the laws applicable in the place where the marriage is held and do not violate the provisions of this Law for Indonesian citizens.

Furthermore, Article 56, paragraph 2 states that within 1 year after returning to Indonesia, the marriage certificate must be registered at the Civil Registry Office. The registration of marriage is crucial as evidence of the marriage's occurrence. Additionally, in accordance with Article 3 of Law Number 23 of 2006 concerning Population Administration, the community is encouraged to register events in their lives. Interfaith marriage is one such event experienced by an individual in their life, and registering it serves as proof to the public that an interfaith marriage has taken place.

The registration of interfaith marriages is essential to protect the interests of children born from such marriages, particularly as a requirement for obtaining a birth certificate. Interfaith marriages conducted outside the country where they are allowed may not pose financial challenges for Indonesian citizens with the means to afford it. However, the situation becomes a concern for those who lack financial resources, as they may face difficulties in arranging and conducting interfaith marriages abroad.

The reality in society is that, to have their marriage recorded, both couples in interfaith marriages follow the implementation regulations of one of the partners. For instance, in a case where a Muslim man and a non-Muslim woman (Christian) enter into an interfaith marriage, the Muslim man must adhere to the Christian marriage ceremony, but they still maintain their respective religions. In such cases, the author believes, from a legal perspective, that the marriage registration can be done at the Civil Registry Office because the marriage is conducted according to the Christian faith. However, from a religious legal standpoint, the validity of the marriage is subject to the laws of each party's respective religion, while the state defers to individual religious laws.

CONCLUSION

The solution for registering interfaith marriages after the issuance of Supreme Court Circular Number 2 of 2023 cannot be based on Article 56, Paragraphs (1) and (2) of the Marriage Law because these provisions have clearly set limits, requiring Indonesian citizens to abide by the laws and regulations in force. Therefore, the solution lies in two aspects: *Firstly*, the ongoing polemic lies within the Population Administration Law, especially in Article 35, which needs to be reconstructed to align with the content of the Marriage Law and the Supreme Court Circular. *Secondly*, since most religions in Indonesia do not permit interfaith marriages, if such an event occurs, one of the partners should submit to or follow the religious law or beliefs of their spouse. This approach ensures that there will be no further issues regarding the registration of interfaith marriages. In other words, the solution leans towards a positivist approach.

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Law Number 1 of 1974 as amended by Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage

Law Number 23 of 2006 concerning Population Administration

Presidential Instruction of the Republic of Indonesia Number 1 of 1991 concerning the Dissemination of the Compilation of Islamic Law

Supreme Court Circular Number 2 of 2023 regarding the Prohibition of Registration of Interfaith Marriages for Judges at Various Levels of Courts.

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