Analysis of Interfaith Marriage Legalized by The Central Jakarta District Court (Determination Number 155/Pdt.P/2023/PN.Jkt.Pst)

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Abstract
The concept of interfaith marriage is not uncommon in Indonesian society, which is diverse in terms of race, ethnicity, culture, and religion. Law Number 1 of 1974 Governing Marriage governs marriages in general, however, it makes no distinctions for marriages based on specific religions. This paper examines the Central Jakarta District Court's rulings on interfaith unions and how they relate to the relevant legal statutes. This study uses a descriptive qualitative approach to analyze data gathered from primary legal sources, such as court decisions. The purpose of the analysis was to determine if the Central Jakarta District Court's ruling accords with Law Number 1 of 1974's Article 2 Paragraph 1 on marriage. The court granted the request for an interfaith marriage based on the Population Administration Law's Article 35 letter a and the Supreme Court's decision in Case Number 1400 K/PDT/1986, according to study findings. Despite taking into account both legal and societal factors, the judgment falls short of meeting all of Law Number 1 of 1974's conditions for a valid marriage. This research contributes to our understanding of Indonesian interfaith marriages and the future direction of family law. It is crucial to have more debates and analyses regarding the legitimacy of interfaith unions as well as to pass legislation that addresses this matter. To facilitate just interfaith weddings, coordination between religious, legal, and social organizations must also be taken into account.

Keywords: marriage, different religion, family law

A. INTRODUCTION

1. Background of the Problems
The nation of Indonesia is very unique because of its many distinct ethnicities, tribes, and religions. Aside from these distinctions, the Unitary State of the Republic of Indonesia views diversity as a necessary prerequisite for bringing differences together within the bounds of unity. Thus, Amir (2019) characterizes Indonesian society as pluralistic. This pluralism leads to variances in what each individual requires in terms of their physical and spiritual requirements. In addition to acknowledging the six (six) official religions of Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism, Indonesia also acknowledges the many native beliefs practiced by the region's tribes.

In Indonesia, interfaith marriage frequently brings up a number of advantages and disadvantages that illustrate how intricately laws, religious doctrine, and social conventions interact. Interfaith marriage is viewed by proponents of pluralism and individual freedom as an example of the tolerance and diversity that
define Indonesian society. They contend that this type of union is a human right, in which every person has the unrestricted ability to select their life partner, independent of religious or philosophical disagreements. Conversely, some people are against it, frequently due to deeply held religious beliefs or customs. The group believes that long-standing religious traditions and values are being challenged by interfaith marriage. They fear that this kind of marriage could lead to disputes about values, discord in the home, and difficulties with childrearing. As a result, interfaith marriage in Indonesia becomes a complicated subject where sociocultural, legal, and religious factors combine and frequently lead to divergent opinions in the community.

The laws that govern a nation or society are unaffected by social interaction, culture, or environment. Legal requirements governing marriage are crucial. This is mentioned in Law No. 1 of 1974, which has since been amended to Law No. 16 of 2019 concerning marriage and serves as the foundation for the laws pertaining to marriage that this nation has enacted. This rule allows all societal groupings in Indonesia to be married freely. Furthermore, marriage is mentioned in various statutes including Government Regulation No. 9 of 1975. Marriage practices are also influenced by religious rules and customs (Palandi, 2013). Legal marriage is governed by Law Number 1 of 1974, which outlines the formal and material conditions that must be satisfied in order to consummate a marriage (Humbertus, 2019). Through social affiliation, people become more involved with one another and the community at large, reducing the boundaries that once separated them.

A couple's status in marriage can be improved by mutual love and attraction that arises from such intense engagement (Eoh, 1996). When a confrontation like this happens, they must understand and be reminded of their differences, especially when it comes to their inflexible religious beliefs. Some people choose to wed by first requesting permission from the court to perform the marriage ceremony according to the several religions that the bride and groom have chosen in order to defy social standards. Paragraph 1 of Article 2 of the 1974 Marriage Law.

If a marriage is conducted in accordance with each religion's and belief's laws, it is considered valid (Arifin, 2019). Research on the Central Jakarta District Court Determination Number 155/Pdt.P/2023/PN.Jkt.Pst, which permits marriages between individuals of diverse religious backgrounds, is of interest to the author. It is anticipated that this research will improve our comprehension of the judge's legal considerations when making the decision and whether or not they are compliant with the legislation in force. Additionally, it is anticipated that the findings would contribute to future improvements in family law and enhance the discourse on interfaith marriage in Indonesia.

2. Research Objectives

The specific purpose of this study is to comprehend and evaluate the legal factors that led to the Central Jakarta District Court's decision to permit interfaith marriage, particularly with regard to case number 155/Pdt.P/2023/PN.Jkt.Pst.

3. Scope of the Problem

Making a problem statement is crucial for researchers, given the background information. Consequently, this gives the problem the following formulation. Whether Article 2 Paragraph (1) of the 1974 Marriage Law is violated by Central Jakarta District Court Decision Number 155/Pdt.P/2023/PN.Jkt.Pst, and what factors led the court to make this conclusion.

4. Research Methods

The research methodology employed in this study was descriptive. Expectedly, this study focuses on the sociocultural, legal, and religious aspects that influence the decision to permit interfaith marriage in Indonesia.
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qualitative research. Determining the value or economic benefits of social data that cannot be quantified or shown by quantitative means is the primary goal of qualitative research (Sugiyono, 2019). Nevertheless, according to differing viewpoints, the primary goal of qualitative research is to comprehend the phenomena being studied, including behavior, perception, motivation, and action (Moleong, 2017). Data on potential endorsements for the Central Prosecutor's District Court's research of interfaith marriages and anticipated developments in family law were gathered using descriptive qualitative methodologies.

Acts, court rulings, and other legal documents will be consulted in order to support this investigation. To make sure that the allegations made in the Central Jakarta District Court and Article 2 Paragraph (1) of Law Number 1 of 1974 concerning Marriage do not contravene any laws, an analysis will be conducted.

B. DISCUSSION I

1. Definition of Marriage

Marriage can be understood as the joining of two individuals to create a joyful, everlasting family according to God's plan. According to Law Number 1 of 1974 about Marriage, which defines marriage as a legal, holy tie between religion and spiritual lifestyle, the state recognizes the concept of marriage. External and spiritual members are not considered in this perspective. The goal of marriage is to comprehend the moral and ethical principles required to create a devoted community. Adults are obligated and entitled to keep the child in this situation. Conventional wisdom holds that marriage is defined as a close, loving relationship between two persons of different genders; these relationships are referred to as the outer and inner bounds. This bond is publicly acknowledged by the parties involved as well as by the wider public. By using a marriage contract in line with Islamic law or other religious customs, marriage validates the kinship that unites a married couple from birth.

Marriage is a spiritual connection made possible by two people's sincere desire to live as a pair and their consent (Amir, 2019). The first stage in a close relationship is to aid benefit, which is the aim of both candidates. It is crucial to realize that sincerity and the love of two key individuals must form the cornerstone of a marriage. The term "forced marriages" also refers to unions consummated with the assistance of coercion or pressure from outside parties. This is founded on the objective, which is to create two individuals who are steadfastly honest and devoted to one another under all conditions. As a result, marriage is a partnership that prioritizes both internal and external factors, where a man and a woman develop close friendships and rely on formal agreements and souls (Saleh, 1976). Ensuring that both applicants are prepared for marriage and determining whether there is a liking or liking in the marriage are very crucial.

2. The Legality of Marriage According to Law Number 1 of 1974 concerning Marriage

If Law No. 1 of 1974 is not the foundation of a marriage, it is not regarded as lawful. The goal of marriage, according to Article 1 of Law Number 1 of 1974, is to bind two people in a way that cannot be broken. Thus, in order to accomplish this, the bride and groom need to adhere to all applicable rules and guidelines outlined in Law Number 1 of 1974 (Abdurrahman & Syahrani, 1978).

a. A marriage is considered legal if it is performed in accordance with the religious laws and beliefs of each spouse.

b. Every marriage must be recorded in accordance with applicable laws and regulations.

It is further explained that a person's religious beliefs and laws are not involved in marriage. This is in accordance with Article 29 of the 1945
Constitution, which states that:

a. The nation is based on the Almighty God.

b. The nation guarantees the freedom of every resident to convert and worship in accordance with their religion and beliefs.

As stated in Article 2 of the First Paragraph of Law Number 1 of 1974 concerning Marriage, marriage is governed by the laws of their individual faiths and beliefs. Following the religious and culturally mandated rituals for marriage, the couple completes a marriage registration form created by a marriage registration agency.

3. Interfaith Marriage

Although the marriage laws does not define interfaith marriage in the context of religion, experts can make use of a number of meanings. An inner birth partnership involving men and women of diverse religious backgrounds is known as an interfaith marriage (Rahmawati, 2020). In order to create a peaceful and long-lasting community founded on God's teachings, this led to the creation of two distinct laws governing the conditions and rituals of marriage (Eoh, 1996).

In addition to including a personal relationship between two people, interfaith marriage in Indonesia comes with its own set of difficulties because of the country's marriage laws. Interfaith marriage is becoming more common these days, despite the fact that it is illegal in many states. As stated in Ramulyo (2009)'s Article 2 paragraph (1) of the Marriage Law, a marriage is deemed lawful if it is performed in compliance with each partner's personal religious laws and beliefs. That is to say, weddings between people of different religions are not recognized by the law as legitimate. The purpose of the Marriage Law's Article 2 Paragraph 1 is to lessen potential disputes from interfaith marriages. In line with Pancasila principles and the 1945 Constitution, this law embraces the marriage concept based on religious law compliance. Furthermore, constraints on marriage are outlined in Article 2 paragraph (1) and Article 8 subf of the Marriage Law, meaning that the implementation of interfaith marriage mostly rests on the religious laws that each prospective husband and wife abides by. (Hanifah, 2019)

In order to create a welcoming and moral household in line with God's teachings, interfaith marriage is defined as an inner birth link between a man and a woman who follow various religions and respect their differences (Rufaida et al., 2022). Additionally, Abdurrahman clarified that accords among religious groups are solely applicable to members of the same faith (Abdurrahman & Syahrani, 1978). Interfaith marriage, according to some of these definitions, is a union of two individuals with dissimilar religious beliefs. The two primary elements of an interfaith marriage vow are religious divergences and a strong bond.

C. DISCUSSION II

1. Analysis of Interfaith Marriage Cases Legalized by the Central Jakarta District Court

The Central Jakarta District Court (PN Jakpus) accepted an application for interfaith marriage between JEA, a Christian, and SW, a Muslim (Billiocta, 2023). This decision is based on Article 35A of Law No. 23 of 2006 concerning Population Administration and Supreme Court Decision No. 1400 K/PDT/1986, which permits interfaith marriages with court approval. According to Article 35 Letter A of the Population Administration Law, "Marriage established by the Court" refers to marriage between people of different religions. This decision was taken to recognize fundamental religious
freedom for individuals, as mentioned in a 2006 report by the U.S. Administration on Religious Freedom.

When registering marriages, the Population and Civil Registration Office (Disdukcapil) usually uses court rulings or expressly rejects interfaith marriages. "The parties whose marriage is rejected, have the right to apply to the Court in the county where the marriage registrar who made the refusal is domiciled to give a decision by submitting the refusal certificate at top," states Law No. 1 of 1974’s Article 21(3), which states that a couple whose marriage application is rejected has the right to apply to the Court in the county where the rejecting marriage is registered, along with the rejection letter. Judges may take into account a number of factors when recognizing interfaith marriages, such as:

**a. Social aspect**

1) Marriage is a relationship between two individuals and also between one individual and society. Article 1 of Law Number 1 of 1974 concerning Marriage affirms that the purpose of marriage is to form a happy and harmonious family and society. This shows that the state does not necessarily prohibit marriage between individuals of different religions.

2) Given the diversity of Indonesian society, many individuals marry couples who have different religions.

3) In order to protect the interests of the whole community and ensure legal certainty, marriages between individuals of different religions can be registered in institutions.

4) Carried out to prevent consequences that may harm the general public or to counter deviant religious practices that are contrary to accepted values and harmful to the population, such as polygamous practices and similar acts.

**b. Juridical Aspect**

1) Article 27 of the 1945 Constitution, which declares that "All citizens have equal standing in law and government and are obliged to uphold that law and government with no exception," was taken into consideration by the Supreme Court in its judgment 1400 K/PDT/1986. In actuality, Law No. 1 of 1974 does not forbid marriage on the grounds of religious discrimination, as stipulated by Article 27 of the 1945 Constitution, which ensures legal equality amongst all people. This idea is also consistent with the spirit of Article 29 of the 1945 Constitution, which declares that every person has the right to practice their religion freely and to profess their faith in whichever way they see fit. (MARI, 1999).

2) In the 1945 Constitution, Article 29, Paragraph 2, it is written, "The State respects the freedom of every citizen to profess his own religion and worship according to his religion and belief." Thus, the state grants its inhabitants the freedom to select their religion and place of worship, as this article states. It is forbidden for the government to interfere, oppose, harass, or prevent anyone from following their religious beliefs. In the Politics of Freedom of Religion and Belief Law, Budiyono outlined the procedures that the state must follow in order to establish and uphold freedom of religion and belief. The objective is to establish a harmonious, peaceful, and politically free community. (Bayu, 2023).

3) Religiously diverse couples may file a case with the court, as demonstrated by Supreme Court Decision No. 1400 K/Pdt/1986, which declares that "Religious differences between prospective husbands and
wives are not prohibitions on marriage between them." Because Disdukcapil's purpose is to record and register marriages rather than to legalize them, the judge came to the conclusion that the organization can register interfaith marriages.

As per the Human Rights Law 39 of 1999, Article 10 Paragraph 1, "Everyone has the right to form a family and continue offspring through legal marriage.” Thus, in order to procreate, every citizen has the right to establish connections with their wives. The judge came to the conclusion that marriage should not be prohibited since it is an essential component of human dignity. Therefore, based on social and religious standards, courts have the authority to offer instruction about the practice of other religions. According to available evidence, interfaith marriage does not diminish the previously listed marital qualities (Saputra, 2023). Every marriage must be conducted in conformity with each person's personal religious convictions, according to this article. The acceptance of interfaith marriages does not imply that all interfaith marriages will be accepted automatically. The court continues to take the law, social factors, and societal interests into account while making rulings. A number of considerations are taken into account, including the goal of marriage, societal and individual objectives, and relevant legal guidelines. Following the court approval procedure and taking into account the previously indicated factors, the Central Jakarta District Court made the decision to acknowledge and record the interfaith marriages of JEA and SW. The choice gives the couple legal guarantees in addition to honoring religious freedom and an individual's ability to pick their spouse. By taking into account constitutional principles and religious freedom, the Central Jakarta District Court has contributed to the realization of justice, equality, and harmony in the context of interfaith marriage. Having interfaith marriage recognized and protected by the law contributes to the development of an accepting and courteous society that values religious diversity.

D. CONCLUSIONS AND SUGGESTIONS

1. Conclusions

This study shows that interfaith marriage is a common occurrence in Indonesian society, which is diverse in terms of culture, religion, ethnicity, and ethnicity. This plurality permits marriages between individuals from many tribes, customs, and beliefs. Law Number 1 of 1974 Governing Marriage governs marriage in general; nevertheless, it makes no mention of regulating marriage between adherents of other religions. A legal document known as the Central Jakarta District Court determination uses a statutory technique to refer to the population administration statute in order to depict social reality. According to the analysis, the court approved JEA and SW's request for an interfaith marriage based on Article 35 letter an of the Population Administration Law and Supreme Court Decision Case Number 1400 K/PDT/1986. The provisions of article 35, which states that marriage registration as mentioned in article 34 applies to: a. marriage determined by the Court, wherein the explanatory part of the article affirms that what is meant by Marriage determined by the Court is marriage between people of different religions, provided the Judge's reasoning for issuing the Determination.

2. Suggestions
Given the research's findings, it would be appropriate to suggest that the government and pertinent organizations take a second look at the interfaith marriage laws. In order to address concerns pertaining to interfaith marriage and the framework of legal harmonization, particularly with the Law on Population Administration, Law No. 1 of 1974 on Marriage should be revised. It is indisputable that an individual's degree of faith and adherence to their religion is a private affair that shouldn't require intervention from other parties, much less official authority.

BIBLIOGRAPHY


