

Juridical Review of Interreligious Marriage in Pilangkencengvillage

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Abstract. The purpose of this study is to determine the legal basis, issues and implications of freedom of marriage in the Marriage Act under Article 2(1) of UUP No. 1 of 1974. A valid marriage is a marriage contracted in accordance with religious beliefs. Law and law become faith. This study is a qualitative study and adopts an empirical normative approach. Data sources come from community leaders in Pilanken strata villages, legal regulations, and various documents on the legality of interfaith marriages under Islamic and positive law. Data collection techniques in the form of interviews and recording techniques. As a result of this study, the application for an interfaith marriage license was approved by the Molifen District Court. By agreeing to the proposal. The law does not explicitly prohibit interreligious marriages. This leads to different interpretations in society. Article 2(1) of the Marriage Law No. 1 of 1974 must be considered in deciding a case, according to him a marriage is valid if it is carried out according to religious law and beliefs.

Keywords: Interfaith Marriage, Juridical, Interfaith Marriage Permit, Court Decision

1. Introduction

Indonesian society is a diverse society, especially in terms of race or ethnicity and religion. The result of this diversity is that things are different from a life perspective, from a human interaction perspective. There are several government The dominant religions in Indonesia are Christianity, Islam, Catholicism, Protestantism, Buddhism, Hinduism and Confucianism. This social interaction opens up the possibility of building relationships that extend into marriage. The marriage culture and rules of a society or country are inextricably linked to sociocultural and environmental influences and social interactions. Marriage is a phenomenon that is very important for an individual's life because is sometimes considered not only as a secular event but also as a sacred event based on the magical psychological effects of mutual trust. Now that they are married, there is an internal and external relationship between the bride and groom, and there is a kinship relationship between members of both parties. Marriage creates a bond of rights and obligations. Marriage issues are not only personal issues of the person you marry, but also a subtle religious issue that is inseparable from personal spirituality. As for religion, almost every religion in the world has

its own rules for marriage, so in principle there are laws, and when you get married you must abide by the rules of the religion you believe in. In view of the importance of such marriages, the government promulgated the Marriage Act No. 1 of 1974, which came into effect on October 1, 1975, and to implement the provisions of the Marriage Act No. 1 of 1974, Government Regulation No. 9 of 1975. The regulation and codification of Sharia law (KHI) and special regulations for the Muslim residents of Indonesia. According to Article 1 of the Marriage Policy Number 1 of 1974 explains: "The union of a man and a woman is for a harmonious goal., physical and spiritual union (family), based on independent faith in Almighty God." Apply to the District Court for a judgment to obtain Permission to conduct interfaith marriages. The district court ordered resident agencies to register the marriage of an interfaith couple. Basically, there are still some families who perform interfaith marriages between Muslims and non-Muslims. The marriage was sanctioned by applying to the courts, including the Molifen District Court, for an order authorizing the interfaith marriage to be solemnized in front of staff at the Molifen Registry. Their wedding took place following the promulgation of Law No. 1 of 1974 and Government Decree No. 9 of 1975 implementing the Marriage Law No. 1 of 1974.

The marriage law itself, according to its official interpretation, only recognizes marriages between two people of different genders based on the same religion and belief. In a pluralistic society like Indonesia, marriage between individuals of different religions is entirely possible. Laws and regulations after 1974 led to the unification of marriage laws and regulations. Based on the above, the author is interested in understanding some of the issues that arise in marriages between Indonesian Islamic and non-Islamic citizens, as well as how marriages between Indonesian citizens of different religions are actually realized and what is the legally married. These marriages are based on a compilation of the Marriage Act and Islamic Law. The existence of inter-religious marriage will lead to fundamental differences in marriage, and I am afraid that there will be problems that are difficult to solve in the future, For example, regarding the rights and responsibilities of men and women, inheritance and childcare. However, if parents have different principles and beliefs, how can these parents raise their children's core religion? The existence of marriages of different religious beliefs can lead to huge differences in marriages. Difficult issues may arise in the future such as, for example, the rights and responsibilities of men and women, inheritance and childcare. But how do these parents teach their children basic religious beliefs if they have different principles and beliefs? Additionally, if two people of different religious beliefs divorce, the question arises of which court will hear the divorce case, and what about estate issues if one of your partners dies? This inheritance question raises whether a child born in an interfaith marriage is entitled to inherit from a father or mother who is of a different religious faith than the child. Because interfaith marriage can only cause trouble, many people are against interfaith marriage.

Therefore, the study is purpose-targeted legal basis, problems and impacts caused by free marriage through official marriage policies according to Article 2(1) UUP No. 1 of 1974 is that the marriage is held to religious laws and beliefs. However, in the process of its

implementation, the phenomenon of infidel intermarriage often appears. This study uses qualitative research with an empirical normative approach. Sources of data were obtained from community leaders in Pilangkenceng village, laws and regulations, and various documents related to the legality of interfaith marriages according to sharia law and statutory law. Data collection techniques in the form of interviews or interviews and literature studies. The analytical method used is descriptive analysis method. From this research it is known that interfaith marriages carried out in the village of Pirangkenzen are carried out in two religious processions so that they are considered valid according to the two religious beliefs of the bride and groom. Then, register the marriage at the Civil Registry (KCS) using a marriage certificate issued by the district court. The formulation of the research problem is: (1) What is the legal basis used to grant or reject interfaith marriage permits? (2) Are there any implications for granting or refusing interfaith marriage permits?

2. Method

This study is a qualitative study using an empirical normative approach. Data sources come from community leaders in Pilanken strata villages, legal regulations, and various documents on the legality of interfaith marriages under Islamic and positive law. Data collection techniques and recording techniques in the interview or interview format. The analysis method adopts descriptive analysis method. According to Sugiono (Sugiono, 2005), qualitative research is research aimed at studying the condition of natural objects, using the researcher as the key tool. The data obtained consists of primary and secondary data? In order to obtain results that meet the researcher's expectations, data collection techniques are required, particularly interviews, journals and articles, and documentation techniques regarding the title of the study. Primary data is data obtained directly from Pilangkenceng community leaders through interviews that have been conducted. In the interview, the questions asked had been prepared beforehand as a guide so that the interview was directed. However, these questions can change according to the circumstances during the interview. Secondary data is data obtained through library research which explains the provisions regarding interfaith marriage.

3. Results and Discussion

Mating policy manages the basic foundation through. Policy Number 1 of 1974 explains that marriage consists of uniting individuals of different types with the aim of creating a harmonious life. eternal family ties. through faith in God. where through Pancasila, whose initial relationship is belief in the Almighty God, which means dominant. Close relationship with religion or spirituality and therefore marriage is not just a physical or spiritual relationship element, and it's work, which is very important. Creating a happy family and procreating offspring are also the goals of marriage. Educating and raising children is the right and obligation of parents. As far as the validity of a marriage and its registration is concerned, an official marriage if it is in accordance with the policies of their

religion and each belief refer to the legal provisions applicable to that religious group and belief, provided that the law is not inconsistent with or has no other provisions. The author explains this in section 2 of the Marriage Act No. 1 of 1974. Article 2, paragraph 1, of the Marriage Law No. 1 of 1974 states that there is no marriage outside the laws of any religion or belief.

Therefore, it is impossible for a Muslim to marry in violation of the laws of his religion. The same goes for Christians, Catholics, Hindus and Buddhists in places like Indonesia. The religious laws and beliefs referred to are not only the laws of the Bible or the beliefs formed in a Christian church or community unit that believes in one Supreme God, but also includes all legal provisions. Indonesian marriage is managed through policy No. 0.1 of 1974 explaining that marriage unites individuals with the aim of realizing a harmonious life. marriage between couples of different religious rules are invalid or under law. The marriage policy prohibits people from different religions religious beliefs from marrying, which has led to different interpretations in society. Some people believe that marriages that do not comply with religious rules are invalid. or under law. At the same time, there are people who hold different views. Marriage between couples of different religious beliefs is legal as long as it is through individual beliefs. The official interpretation of the marriage law itself only recognizes people of the opposite sex who wish to marry in a marriage between two people based on the law of the same religion and belief.

According to Didik Harianto S.H, there are 4 (four) ways that interfaith couples can take so that their marriage can take place:

1. Marriage is done according to each religion
2. Temporary submission to one of the religious laws Marriage is done abroad.
3. Marriage is done by asking for a court decision

Some materially well-off people may not care because they can get married in another country. But what about a mediocre economy? There are two ways to approach interfaith marriage. First, one party can change their religious beliefs, but this means hiding the law because what actually happens is circumventing the law and violating the provisions of the Marriage Act No. 1 of 1974. However, after marriage, both parties returned to their respective religions. Secondly, as per Supreme Court Decision No. 1400/K/Pdt/1986, registries are allowed to conduct inter-religious marriages. The Supreme Court held that there is an empty law the regulation of inter-religious marriages was unreasonable because if inter-religious marriages continued without legal resolution, it would share which bad effects is the smuggling of socio-religious values and laws, so the Supreme Court must be able to determine its legal status. The Supreme Court provided a legal solution for interfaith marriages through Supreme Court Decision No. 1400/K/Pdt/1986. It provides that the Registry may accept inter-religious marriages as candidates for both parties as it is the only institution authorized to conduct human marriages. Not a Muslim. This decision is a legal solution to fill the legal gaps that are not clearly provided for in the Marriage Law. Supreme Court Judgment No. 1400/K/Pdt/1986 serves as case law and therefore can be used for legal purposes regulating interreligious marriages in Indonesia. According to the case law

mentioned above, an inter-religious marriage can be performed in a registry office by registering the marriage in the registry office.

Even if the Supreme Court rules, the registration authority may still rule that marriages that violate the provisions of Act No. 1 of 1974 cannot be registered through decree of Article 21 of the Marriage Law. If this happens, the Registry will issue a written refusal, which will then be forwarded to the court to decide whether the refusal is appropriate, or vice versa, where the court can decide whether the marriage can be registered. The court granted the request for an inter-religious marriage certificate because the Marriage Act No. 1 of 1974 did not clearly and unambiguously regulate inter-religious marriages. At the same time, the law does not explicitly prohibit this behavior interfaith marriages, resulting in a legal vacuum. In practice, interfaith marriages can be conducted in accordance with one of these, either religious law or the faith of the husband or future wife. This means that one of the other candidates follows or follows one of their partner's religious laws or beliefs. As part of an inter-religious marriage, an application for an inter-religious marriage can be submitted to the Registry. For Muslims, this is interpreted to mean that one of the parties intends to enter into a non-Islamic marriage. It is therefore understandable that applicants no longer care about their religious identity after submitting their application. Therefore, Article 8(f) of Law No. 1 of 1974 no longer constitutes an obstacle to the acceptance of an application, no longer based on the identity of two potential partners belonging to different religions, but on the provisions of the law.

The status of one of the religions or beliefs of a potential partner. Regarding inter-religious marriages in Indonesia, the Population Management Law No. 23 of 2006 contains relevant provisions. Article 35 of Law No. 23 of 2006 and its explanation states that the court will dissolve marriages between people of different religions. This law should end the confusion that has arisen now regarding the recognition of religious marriages in Indonesia. This retreat is for couples who want to get married. Often when they get married in a foreign country or in Indonesia, they often change their religion temporarily or permanently so that their marriage can last. Sometimes they get married twice, for example, first in a church and then in the Office of Islamic Religious Affairs. The Madiun District Court considered a number of considerations to comply with a request for a marriage license whose beliefs do not align, some of which piqued the writer's interest, including:

1. Law No. 1 of 1974 on Marriage does not regulate inter-religious marriages. The law also does not expressly prevent marriage, which leads to legal confusion.
2. Sections 10 (1, 2) and 16 (1) of the Human Rights Act No. 39 of 1999 provide that everyone has the right to marry, found a family and have children of their own free will. him, as it were. and provisions of law.

Religious courts use Article 10(1) of Law No. 48 of 2009 on Courts to adjudicate on documents for the right to marry between religions. The regional court has the power to investigate, judge and decide the request for authorization based on article 10, paragraph 1 of Law no. 48 of 2009 explains the refusal to take further action because the law is not clear or clear. However, when he judges, he must use it to examine it and judge it. The law of

marriage does not say that the person marrying and marrying must have a religion and belief, and the marriage status regulated by this law does not indicate that the wife and the man marrying have the same belief. It was concluded that religious similarities and religious differences between the bride and groom are not material to the validity of the marriage. Regarding the marriage status of the Marriage Act, if the bride has different religious beliefs, there is no problem starting a family if the bride has different religious beliefs. The reason why the petitioner decided to apply for an interfaith marriage license with his future wife is because they have been lovers for many years and both of them, as well as mothers that the petitioner's father and his future wife, want to get married and that he is not. interfaith marriage. mutual restrictions. What happened in the petitioner's country was that an adult Muslim man wanted to register his marriage with a Catholic woman and his marriage was a valid and public practice, a customary practice without any restrictions. connected with religious or life conflicts. , as a method to build solidarity and tolerance.

Interfaith and registered marriages are common in Indonesian society. In its order, the Court required the officers of the Population and Civil Status Service to enter into marriages that could not take place, because the Population and Civil Status Office no longer has the normative and empirical authority to do so and there are no representative available. get married. Can be married. The legal concept of court decisions is based not only on the theory of truth, but also on the theory of justice. Another concept of justice. In evaluating decisions, one must be able to demonstrate and develop a correct sense of justice. The court ruled on the request for a marriage certificate, noting that the validity of the marriage must be based on the religious beliefs of both parties. In this case, the beggar and the betrothed support two (two) different religions. This means that there are two (two) people who follow different religions. The judge understood section 2(1) of the Marriage Act that every marriage is celebrated in accordance with the law and religious beliefs. As this provision shows, the issue of marriage falls under the jurisdiction of religious organizations, and no religion, whether Islamic or Christian/Catholic, approves the existence of interfaith marriages. . However, state authorities only register marriages under Article 2(2) of the Marriage Act No. 1 of 1974, which states that "every marriage shall be registered according to relevant laws and regulations". Some people worry that marriage between two religions is invalid, but they are still two different religions, this practice can be said to be illegal in religion and the crime is the same as adultery. If these parties later have children, the status of the children of these parties can be called illegitimate children because they were born from an illegal relationship and are also illegitimate children according to religious law. There is no religion that allows its followers to marry according to other religious marriage procedures. He also banned interfaith marriages. According to the Fatwa No. 04/MUNAS VII/MUI/8/2005 of the Indonesian Ulema Council regarding interfaith marriages, interfaith marriages are illegal and invalid, according to Kaul Mu, marriages between Muslim men and Muslim women are Yes, Ahlul Kitabtamad is illegal. and is invalid. Marriage, established by Article 1 of Law No. 1 of 1974, is a physical and spiritual bond between a man and a woman as husband and wife with the aim of building a happy and eternal family (family) based on faith in the Most High based on God. That is, marriage

cannot contradict God, as can be seen from the religious teachings of the parties. If every religion prohibits interfaith marriages, then marriages concluded by parties of different religions will be invalid depending on the religion.

However, Article 2, Paragraph 1 of Law No. 1 of 1974 on Marriage provides that

“Marriage is lawful if concluded in accordance with religious law and faith.” According to this article: It is clear that interreligious marriages are not possible. There is no single religion that allows marriage between people of different religions. From the presentation and interpretation of Article 2(1) of the Marriage Act No. 1 of 1974, it can be concluded whether this depends entirely on the religious precepts and beliefs of the persons wishing to marry. This means that a marriage that violates the provisions of religious law is automatically considered invalid under the Marriage Act and has no legal effect as a marriage contract. Moreover, giving permission to different religions is not a big problem. The Marriage Act does not regulate the rights and responsibilities of men and women in interracial marriages. Decree No. 1 of 1974 or Islamic Law (Law No. 1 of 1991) applies to all rights and obligations of husband and wife in simple or mixed marriages (different religions). The rights and obligations of husbands and wives are regulated by Law no. Pursuant to Chapter 6, Articles 30 to 34, No. 1 of 1974 and Chapter XII, Articles 77 to 84 of the Sharia Law.

4. Conclusions

From the description above, several conclusions can be drawn, including:

1. The application for a permit for interfaith marriage is granted by the Madiun District Court. By approving the marriage application, the judge fills a legal void. Because the law does not specifically prohibit interfaith marriages, lead to different interpretations in society. Article 2(1) of the Marriage Law No. 1 of 1974 must be considered in deciding a case, according to him a marriage is valid if it is carried out according to religious law and beliefs. That the validity of marriage must be based on religion. It can also be understood in the interpretation of the law of the Supreme Court of the Republic of Indonesia Decision No. 1400/K.Pdt/1986, it is understandable for those who have entered into interfaith marriages that they have been neglected. is one of their religions.
2. There are no implications arising from the application for a permit for interfaith marriage.

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