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# The Urgency of Religious Marriage Registration in Population Administration Regulations for Legalization and Granting Permits

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**Abstract:** The purpose of this study is to further analyze the urgency of recording interfaith marriages in population administration regulations for legalization and licensing. The research method used is a normative legal research method with a statutory approach. The results of this study found that the registration of interfaith marriages is an important aspect to ensure the formal legality and protection of the civil rights of couples, such as inheritance rights, joint property, and child status. However, interfaith couples often face legal obstacles because population administration regulations do not explicitly accommodate interfaith marriages. As a result, they often have to resort to the courts to obtain legalization. The role of the court is crucial in granting permission for registration, although decisions vary depending on the interpretation of the judge. While some are successful, the process still poses legal and social challenges for couples.

Keywords: : Marriage Registration; Interfaith Marriage; Population Administration Regulations

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#### 1. Introduction

Marriage is one of the most important events in human life. Considered sacred by many, marriage is not only a formal agreement between two individuals, but also involves spiritual and social dimensions that affect the inner and outer bonds of both parties. When two people marry, they form a new family that carries rights and obligations governed by law, religion, and social norms. In addition, marriage also connects the two families of both parties, which often expands the scope of social relations between them.<sup>1</sup>

In Indonesian civil law, the validity of a marriage is determined by official registration at the Office of Religious Affairs (Kantor Urusan Agama, KUA) for Muslim couples or at the Civil Registry Office (Kantor Catatan Sipil, KCS) for other religions.<sup>2</sup> This registration is considered an important requirement for a marriage to be legally recognized. If it is not recorded, even though the marriage has been religiously performed according to the applicable procedures, the status of the marriage is not valid in the eyes of state law. This shows the importance of the administrative aspect in maintaining the validity of a marriage in Indonesia.<sup>3</sup>

Marriage also provides legal protection to both parties involved, as well as to the children resulting from the marriage. This legal protection covers the rights and obligations arising from the marital relationship, including inheritance rights, the right to maintenance, and the right to childcare. The legal protection is divided into two types, namely preventive and repressive. Preventive protection aims to prevent violations of marital rights, while repressive protection aims to resolve conflicts that occur after these rights have been violated.

However, in the context of multicultural and multireligious Indonesia, marriage does not always run smoothly. One of the major challenges faced in the Indonesian legal system is the issue of interfaith marriage. Interfaith marriages are often contentious, both in terms of positive law and religious law. Indonesia is a country consisting of various ethnicities, religions and races, with diverse cultural backgrounds. This diversity sometimes creates complexity in relationships between individuals, including in terms of choosing a life partner.<sup>4</sup>

In the Indonesian legal system, Law No. 1/1974 on Marriage explicitly states that marriage is only valid if it is conducted in accordance with the laws of religion and

<sup>&</sup>lt;sup>1</sup> A. Hidayati, "Yuridis Pencatatan Perkawinan Beda Agama (Tinjauan Terhadap Pasal 35 Undang-Undang Nomor 24 Tahun 2013 Tentang Administrasi Kependudukan)," Jentera Hukum Borneo (download.garuda.kemdikbud.go.id, 2022)

<sup>&</sup>lt;sup>2</sup> U. B. Razali and SH SHI, "Mengakhiri Polemik Pencatatan Perkawinan Beda Agama Dan Keyakinan," Koran Bhirawa (pakudus.go.id,

<sup>2023),</sup> https://pakudus.go.id/images/stories/2023/pdf/Artikel/Mengakhiri\_Polemik\_Pencatatan\_Perkawinan\_Beda\_Agama\_dan\_Keyakinan.pdf.

<sup>&</sup>lt;sup>3</sup> Nur Atika, Ishaq Ishaq, and Muhammad Faisol, "Tinjauan Yuridis Dalam Kepastian Hukum Pencatatan Perkawinan Beda Agama," *Al Qalam: Jurnal Ilmiah Keagamaan Dan Kemasyarakatan* 18, no. 2 (2024): 1361–71.

<sup>&</sup>lt;sup>4</sup> M. Ryan Dhermawan, Henry Aspan, and Yasmirah Mandasari Saragih, "Pelaksanaan Fungsi Dinas Kependudukan Dan Catatan Sipil Kota Binjai Dalam Pencatatan Perkawinan Beda Agama," *JURNAL RECTUM: Tinjauan Yuridis Penanganan Tindak Pidana* 4, no. 2 (2022): 421–29.

belief of each bride and groom. Article 2 paragraph (1) of the law states that "Marriage is valid if performed according to the laws of each religion and belief." This means that marriages conducted by couples of different religions will not be considered valid by the state if they do not fulfill the religious provisions adhered to by both parties. This is reinforced by the provisions in the Compilation of Islamic Law (KHI) which stipulates that the marriage of a Muslim with a non-Muslim is prohibited.

However, the social reality in Indonesia shows that interfaith marriages still occur, both openly and secretly. There are several factors behind the occurrence of interfaith marriages in Indonesia. First, social interactions are increasingly open in modern society.<sup>5</sup> With promiscuity, love relationships between individuals from different religious backgrounds are difficult to avoid. Second, the lack of early religious education is also a contributing factor. Many individuals grow up without getting a deep understanding of religion, so they do not question religious differences in choosing a life partner.

The third factor is parental background. Couples who come from families with different religious backgrounds tend not to see religious differences as an obstacle to marriage. They may see examples from their parents who live harmoniously despite having different beliefs, so they feel confident to do the same. Fourth, individual freedom in choosing a partner is also an important factor. In this modern era, freedom to choose a partner is a value that is upheld, and many people prioritize feelings of love over religious rules or social norms.<sup>6</sup>

Nonetheless, couples who want to marry differently often face legal obstacles. One of the biggest obstacles is that interfaith marriages are not legally recognized by the state. To overcome this, some couples try to find legal loopholes so that their marriage can be recognized. Some common methods are for one of the parties to temporarily convert, so that the marriage can take place according to the religious law of one of the parties. Once the marriage is over, the converted party usually returns to their original religion. Another common method is to get married abroad, where the laws are more flexible when it comes to interfaith marriages.<sup>7</sup>

In addition, interfaith couples can also apply for a court order to obtain permission to register their marriage. This is regulated in Law No. 23/2006 on Population Administration, specifically Article 35 which regulates marriage registration. Based on this provision, interfaith couples can register their marriage after obtaining a court order. However, not all courts grant this request. Some courts have rejected the registration of interfaith marriages on the grounds that such marriages are contrary to the applicable law.

<sup>&</sup>lt;sup>5</sup> Dany Try Hutama Hutabarat, Komis Simanjuntak, and Syahrunsyah Syahrunsyah, "Pengelabuan Hukum Perkawinan Atas Perkawinan Beda Agama," *Jurnal lus Constituendum* 7, no. 2 (2022): 322–34.

<sup>6</sup> A. Yunitasari and Y. Reykasari, "Pencatatan Perkawinan Beda Agama Berdasarkan Perspektif Teori Keadilan," *Indonesian Journal of Law and ...*, 2024, https://journal.pubmedia.id/index.php/lawjustice/article/view/3036.

<sup>&</sup>lt;sup>7</sup> D. Andriani, S. Sahruddin, and M. Y. Fathoni, "Pencatatan Perkawinan Beda Agama," *Private Law*, 2023.

For example, in Constitutional Court Decision No. 68/PUU-XII/2014, the Court rejected an application to test the constitutionality of Article 2 of Law No. 1/1974 on Marriage submitted by five applicants. They applied for the Constitutional Court to grant freedom for interfaith couples to marry without being subject to the rules of their respective religions. However, the Constitutional Court firmly rejected the petition, and emphasized that marriage is only valid if it is conducted in accordance with religious law.

On the other hand, some district courts in Indonesia have granted applications for permission to register marriages of different religions. One example is Pontianak District Court Decision Number 12/Pdt.P/2022/PN Ptk. In this case, an interfaith couple consisting of a Muslim man and a Catholic woman applied for marriage registration. The court granted the application with the consideration that the marriage could not be performed in accordance with their respective religious rituals, and marriage registration was necessary to obtain legal recognition.

The different verdicts in various courts show that the issue of interfaith marriage is still a controversial topic in Indonesia. Although positive law prohibits interfaith marriages, social reality shows that many couples continue to marry in various ways, both legally and illegally. This is also reinforced by the trend of interfaith marriage among public figures, especially artists, who are sometimes in the media spotlight. This phenomenon may influence people's views on interfaith marriage, and may lead to an increase in the number of interfaith marriages in the future.<sup>8</sup>

In addition, although Law No. 1/1974 on Marriage expressly prohibits interfaith marriages, this regulation may need to be reviewed in light of the times and the increasingly complex dynamics of Indonesian society. One possible solution is to create a clearer and more transparent legal mechanism for handling interfaith marriages, so that couples who wish to marry with different beliefs can do so without having to break the law or find loopholes in existing regulations.<sup>9</sup>

Overall, the issue of interfaith marriage in Indonesia reflects the tension between religious and state law, and between traditional and modern values in society. Although the current laws tend to be conservative when it comes to interfaith marriage, the need for legal review and reform may become more urgent in the future, in line with Indonesia's social and cultural changes.

#### 2. Method

The research method used is a normative legal research method by conducting a statutory approach<sup>10</sup> that examines the applicable legal rules related to the urgency of

<sup>&</sup>lt;sup>8</sup> M. A. Naufan, PERKAWINAN BEDA AGAMA BERDASARKAN UU NO 1 TAHUN 1974 TENTANG PERKAWINAN DI DINAS ADMINISTRASI KEPENDUDUKAN DAN PENCATATAN ... (digilib.uns.ac.id, 2022), https://digilib.uns.ac.id/dokumen/detail/94259/.

<sup>&</sup>lt;sup>9</sup> A. Rizki, A. Hanapi, and Z. Zubaidi, "PENCATATAN PERKAWINAN BEDA AGAMA DALAM TINJAUAN HUKUM KELUARGA ISLAM DI INDONESIA," AHKAMUL USRAH: Jurnal S2 Hukum Keluarga Dan ..., 2023.

<sup>&</sup>lt;sup>10</sup> S. H. I. Jonaedi Efendi, S. H. Johnny Ibrahim, and M. M. Se, *Metode Penelitian Hukum: Normatif Dan Empiris* (Prenada Media, 2018).

recording interfaith marriages in Law Number 23 of 2006 justifying the authorization and granting permission to record interfaith marriages.

# 3. The Importance of Religious Marriage Registration

Marriage registration is one of the most important aspects of married life in Indonesia. In addition to serving as a document that validates the marriage bond administratively, marriage registration also has significant legal implications for the couple, the children born from the marriage, and the property acquired during the marriage. However, in the context of interfaith marriage, marriage registration becomes a complex issue. In Indonesia, marriage law is regulated by Law No. 1/1974 on Marriage, which stipulates that marriage is only valid if it is conducted in accordance with the religious laws of each party. This poses challenges for couples with religious differences, especially as some religions, including Islam, prohibit interfaith marriages.<sup>11</sup>

Nonetheless, marriage registration remains very important, including for couples of different religions. Marriage registration ensures that the relationship between husband and wife is officially recognized by the state, which allows the couple to enjoy important legal rights, such as inheritance rights, parenting rights, alimony rights, and other rights associated with marital status. Without marriage registration, the relationship between husband and wife will not be legally recognized, and this can result in various legal and administrative problems later on. For example, children born from unregistered marriages will not have a clear legal status as legitimate children, which may affect their rights in terms of inheritance and legal protection.

In addition, marriage registration has an important function in protecting the civil rights of interfaith couples. In the context of state law, marriage registration is an official recognition of the marriage bond that gives the couple legal status. <sup>12</sup> This is important because without registration, interfaith couples cannot access various legal rights granted to married couples, such as the right to register children as legitimate family members, the right to joint property, the right to receive inheritance, and other legally recognized rights. In other words, marriage registration is a legal instrument that provides legal certainty and protection for married couples and their children.

However, while the importance of marriage registration is widely recognized, interfaith couples often face obstacles in registering their marriages in Indonesia. One of the main obstacles is the provision in the Marriage Law which requires that marriages must be conducted in accordance with the religious laws of each party. For couples belonging to different religions, this can be an obstacle as not all religions

<sup>&</sup>lt;sup>11</sup> M. Zeinudin and A. Santoso, "Rekontruksi Hukum Perkawinan Beda Agama Dalam Perspektif Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan Dan Undang-Undang Nomor 24 Tahun ...," *Jurnal Jendela Hukum*, 2021, https://ejournalwiraraja.com/index.php/FH/article/view/1333.

<sup>&</sup>lt;sup>12</sup> A. Maulana, "Pencatatan Perkawinan Dalam Permendagri Nomor 109 Tahun 2019 Tentang Formulir Dan Buku Yang Digunakan Dalam Administrasi Kependudukan," *Islamic Law: Jurnal Siyasah*, 2022, http://ejurnal.iaipd-nganjuk.ac.id/index.php/law/article/view/542.

allow marriage to a person belonging to another religion. For example, under Islamic law, a Muslim is prohibited from marrying a non-Muslim, except under certain exceptions. This makes it difficult for interfaith couples to obtain legal recognition of their marriage, especially if they wish to maintain their religious beliefs.<sup>13</sup>

In practice, there are several ways that interfaith couples often go about overcoming this problem. One common way is to get married abroad, where the laws of the country where the marriage takes place are more flexible in regulating interfaith marriages. Upon returning to Indonesia, the couple can register their marriage at the Civil Registry Office using proof of the marriage that was performed abroad. While this allows the couple to gain legal recognition of their marriage, the process is often costly and not always easily accessible to lower-middle-income couples.

Another common method is to apply to the court for an interfaith marriage decree. In some cases, the court may grant permission to register an interfaith marriage, although this process is not always easy and depends on the discretion of the judge handling the case. However, this is considered one of the legitimate solutions for interfaith couples who wish to register their marriage in Indonesia. The court may consider a variety of factors, including the religious background of the couple, the desire to retain each other's religious beliefs, as well as the interests of any children that may be born from the marriage.

In addition, interfaith couples also face challenges in terms of social and cultural acceptance. In Indonesia, marriage is considered a bond that involves not only two individuals, but also two extended families. <sup>14</sup> Therefore, interfaith marriages often face rejection from families or communities who feel that the marriage does not conform to prevailing religious or cultural norms. This rejection can create significant social pressure for the couple, which can ultimately influence their decision to continue or cancel the marriage plan. In some cases, interfaith couples choose to change their religious beliefs as a solution to gain legal recognition of their marriage, although this step is often taken with the heavy heart of having to abandon their religious beliefs.

Despite the legal and social challenges faced by interfaith couples, it is important to understand that marriage registration is not just an administrative matter. Marriage registration is a form of human rights protection provided by the state to each of its citizens, including couples who adhere to different religions. By registering a marriage, couples have access to various legal rights that are necessary to protect their interests and those of any children that may be born from the marriage. In addition,

<sup>&</sup>lt;sup>13</sup> Muharrir Muharrir, Jefrie Maulana, and Muhammad Nahyan Zulfikar, "Kekuatan Hukum Surat Edaran Mahkamah Agung Nomor 2 Tahun 2023 Tentang Petunjuk Bagi Hakim Dalam Mengadili Perkara Permohonan Pencatatan Perkawinan Antar-Umat Yang Berbeda Agama Dan Kepercayaan," *Ius Civile: Refleksi Penegakan Hukum Dan Keadilan* 7, no. 2 (2023): 70–81.

<sup>&</sup>lt;sup>14</sup> Dewa Putu Tagel, "PELAKSANAAN PENCATATAN PERKAWINAN PADA DINAS KEPENDUDUKAN DAN PENCATATAN SIPIL," VYAVAHARA DUTA 14, no. 2 (2019): 84–98, https://doi.org/10.25078/vd.v14i2.1256.

marriage registration also assists the state in ensuring that all marriages that take place in its territory are legally recognized and in accordance with applicable provisions.<sup>15</sup>

In this context, it is important for Indonesian policymakers to consider the needs of interfaith couples and find solutions that allow them to register their marriages without compromising their religious beliefs. One step that could be taken is to introduce more flexible rules in the Marriage Law or expand the authority of the courts to grant permission to register interfaith marriages. Thus, interfaith couples would no longer need to seek legal loopholes or solemnize marriages abroad to obtain legal recognition of their marriages.

It is also important to raise public awareness of the civil rights of interfaith couples. Greater social acceptance of interfaith marriage can help reduce the social pressures that couples and their families often face. Education on the importance of marriage registration as a form of legal protection should be increased, especially among communities with conservative views on interfaith marriage. By doing so, interfaith couples will not only gain legal recognition, but also the social support they need to build a harmonious married life.

# 4. Impact of Law No. 23/2006 on Religious Marriage

Interfaith marriage in Indonesia has long been a controversial topic and has caused debate in various circles, both from a legal, social, religious and cultural perspective. Differences in beliefs between couples who want to marry often cause obstacles that are not easy to overcome, especially considering the complexity of the legal rules governing marriage in Indonesia. One of the relevant laws in this context is Law No. 23/2006 on Population Administration. This law has an important impact on the recording and legal recognition of interfaith marriages, although it does not yet fully provide clear legal certainty for couples in this situation. In this discussion, we will take an in-depth look at how Law No. 23/2006 affects interfaith marriages in Indonesia, as well as its impact on the rights of the couples involved. <sup>16</sup>

Law No. 23/2006 was passed with the aim of regulating population administration in Indonesia, which includes recording births, deaths, marriages, divorces, and other matters related to a person's civil status. In the context of marriage, this law confirms that marriage registration is an obligation that must be carried out so that a marriage can be legally recognized by the state. Article 34 paragraph (1) of Law No. 23/2006 states that every marriage that is valid according to the law of religion and belief must be registered in the Population Administration Information System (SIAK). However,

<sup>&</sup>lt;sup>15</sup> D. R. C. Dewi, "Pekawinan Beda Agama (Studi Undang-Undang No. 1 Tahun 1974 Tentang Perkawinan Dan Undang-Undang No. 23 Tahun 2006 Tentang Administrasi Kependudukan) ...," AL-AQWAL: Jurnal Kajian Hukum Islam, 2022, http://e-journal.iainfmpapua.ac.id/index.php/alaqwal/article/view/259.

<sup>&</sup>lt;sup>16</sup> G. Hanifah et al., "Inkonsistensi Peraturan Perundang-Undangan Dalam Memandang Keabsahan Perkawinan Beda Agama," *Cross-Border*, 2022, http://journal.iaisambas.ac.id/index.php/Cross-Border/article/view/1246.

while marriage registration is mandatory, the law does not explicitly regulate how the state should handle interfaith marriages, which poses a number of challenges for couples of different religions.

One of the main impacts of Law No. 23/2006 on interfaith marriages is the legal uncertainty faced by interfaith couples in terms of marriage registration. As stipulated in Law No. 1/1974 on Marriage, a marriage in Indonesia is only valid if it is conducted in accordance with the religious laws and beliefs of each party. Therefore, if the religion of one of the partners does not allow interfaith marriage, the marriage cannot be legally performed according to religion. This becomes a dilemma for couples who still want to maintain their religious beliefs but also want their marriage to be legally recognized by the state. Without legal recognition, the couple will not get the legal rights that they should enjoy, such as inheritance rights, child custody rights, and rights to joint property.<sup>17</sup>

Law No. 23/2006 has had a positive impact in terms of administrative registration of legal marriages, but it has not addressed the fundamental problem of interfaith couples who face obstacles in obtaining religious validation of their marriages. As a result, many interfaith couples in Indonesia are forced to seek other alternatives to solemnize their marriages and obtain legal recognition. One common solution is to marry abroad, where the laws of that country are more flexible in regulating interfaith marriages. After marrying abroad, the couple can register their marriage at the Civil Registry Office in Indonesia by bringing a valid proof of marriage from the country where the marriage took place. While this provides a way out for interfaith couples, the process is often costly and not always accessible to all.

In addition to marrying abroad, interfaith couples can also apply to the court for a determination that their marriage is valid and can be registered by the state. In some cases, courts have granted permission to register an interfaith marriage on the grounds that the couple's human rights must be protected. Judges may consider a variety of factors in deciding these cases, including the couple's religious background, their desire to maintain their respective faiths, as well as the interests of any children that may be born from the marriage. This court decision provides a small opening for interfaith couples to obtain legal recognition of their marriage, although the process is not always easy and can take a long time.<sup>18</sup>

Although there are several legal avenues that can be pursued by interfaith couples, the impact of Law No. 23/2006 on the rights of these couples is still not fully adequate. One of the main problems faced by interfaith couples is the lack of legal certainty in

<sup>&</sup>lt;sup>17</sup> I. D. Kurniawan, S. Suyatno, and H. Ayu, "Kebijakan Pencatatan Perkawinan Beda Agama," *Jurnal Penelitian Serambi ...* (journal.uniba.ac.id, 2023), https://journal.uniba.ac.id/index.php/SH/article/download/748/508.

<sup>&</sup>lt;sup>18</sup> D. L. Salsabila, *Kekuatan Hukum Mengikatnya SEMA Nomor 2 Tahun 2023 Dengan Undang-Undang Administrasi Kependudukan Dalam Pencatatan Perkawinan Beda Agama* (repository.uksw.edu, 2024), https://repository.uksw.edu/handle/123456789/34157.

terms of marriage registration. Law No. 23/2006 confirms that marriage registration must be conducted in accordance with the provisions of religious law, but provides no further explanation on how the state should handle marriages that are not valid according to religion but are still desired by couples of different religions. This lack of clarity creates confusion among interfaith couples who wish to register their marriages, and often forces them to seek other means that are not always easy or accessible for all couples.

In addition to the legal impact, Law No. 23/2006 also has a social impact on interfaith marriages. In societies that place great importance on religious and cultural values, interfaith couples often face rejection from their families or surrounding communities. This rejection can arise due to the assumption that interfaith marriages violate prevailing religious or social norms. Even if the couple manages to get their marriage legally recognized, the social pressures they face are often equally challenging. In some cases, couples choose to change their religious beliefs as a solution to obtaining legal recognition of their marriage, although this decision is often taken with a heavy heart.

Law No. 23/2006 does not fully take into account the social impact faced by interfaith couples. While the law provides clear guidance on civil registration, it does not do enough to protect the rights of interfaith couples from the social pressures they face. Therefore, it is important for the government and policymakers to consider the need for a more inclusive approach in addressing interfaith marriages, both from a legal and social perspective.<sup>19</sup> Public education on the civil rights of interfaith couples and the importance of respecting different beliefs can help reduce the social pressures faced by these couples.

One step that could be taken to improve the situation is to revise Law No. 23/2006 or introduce a new regulation that specifically addresses the registration of interfaith marriages. Such a regulation should provide greater legal certainty for interfaith couples, ensuring that they can register their marriages without compromising their religious beliefs. It should also provide adequate legal protection for interfaith couples, so that they can enjoy the same rights as other married couples who are legally recognized by the state.<sup>20</sup>

Law No. 23/2006 has had a positive impact in terms of administrative registration of legal marriages, but it has not addressed the fundamental problem of interfaith couples who face obstacles in obtaining religious validation of their marriages. As a result, many interfaith couples in Indonesia are forced to seek other alternatives to

<sup>&</sup>lt;sup>19</sup> Zaidah Nur Rosidah, "Laporan Penelitian Implikasi Yuridis UU Nomor 23 Tahun 2006 Tentang Administrasi Kependudukan Terhadap Legalitas Perkawinan Beda Agama (Studi Pencatatan Perkawinan Beda Agama Di Kantor Catatan Sipil Kota Surakarta)," accessed February 10, 2025, http://eprints.iain-surakarta.ac.id/4213/1/A.2.1.%20LAP%20PENELITIAN%202013.pdf.

<sup>&</sup>lt;sup>20</sup> N. Atika, I. Ishaq, and M. Faisol, "Tinjauan Yuridis Dalam Kepastian Hukum Pencatatan Perkawinan Beda Agama," *Al Qalam: Jurnal Ilmiah ...*, 2024, https://jurnal.stiq-amuntai.ac.id/index.php/al-qalam/article/view/3431.

solemnize their marriages and obtain legal recognition. One common solution is to marry abroad, where the laws of that country are more flexible in regulating interfaith marriages. After marrying abroad, the couple can register their marriage at the Civil Registry Office in Indonesia by bringing a valid proof of marriage from the country where the marriage took place. While this provides a way out for interfaith couples, the process is often costly and not always accessible to all.<sup>21</sup>

In addition to marrying abroad, interfaith couples can also apply to the court for a determination that their marriage is valid and can be registered by the state. In some cases, courts have granted permission to register an interfaith marriage on the grounds that the couple's human rights must be protected. Judges may consider a variety of factors in deciding these cases, including the couple's religious background, their desire to maintain their respective faiths, as well as the interests of any children that may be born from the marriage. This court decision provides a small opening for interfaith couples to obtain legal recognition of their marriage, although the process is not always easy and can take a long time.

Although there are several legal avenues that can be pursued by interfaith couples, the impact of Law No. 23/2006 on the rights of these couples is still not fully adequate. One of the main problems faced by interfaith couples is the lack of legal certainty in terms of marriage registration. Law No. 23/2006 confirms that marriage registration must be conducted in accordance with the provisions of religious law, but provides no further explanation on how the state should handle marriages that are not valid according to religion but are still desired by couples of different religions. This lack of clarity creates confusion among interfaith couples who wish to register their marriages, and often forces them to seek other means that are not always easy or accessible for all couples.

In addition to the legal impact, Law No. 23/2006 also has a social impact on interfaith marriages. In societies that place great importance on religious and cultural values, interfaith couples often face rejection from their families or surrounding communities. This rejection can arise due to the assumption that interfaith marriages violate prevailing religious or social norms. Even if the couple manages to get their marriage legally recognized, the social pressures they face are often equally challenging. In some cases, couples choose to change their religious beliefs as a solution to obtaining legal recognition of their marriage, although this decision is often taken with a heavy heart.<sup>22</sup>

<sup>&</sup>lt;sup>21</sup> Sarah Azzura Harahap, Tri Lisiani Prihatinah, and Haedah Faradz, "Penetapan Pencatatan Perkawinan Beda Agama Pasca Surat Edaran Mahkamah Agung Nomor 2 Tahun 2023 Tinjauan Yuridis Terhadap Putusan Pengadilan Negeri Jakarta Utara (Nomor: 423/Pdt. P/2023/Pn. Jkt. Utr)," Soedirman Law Review 6, no. 2 (2024): 133–43.

<sup>&</sup>lt;sup>22</sup> M. Octaris Chairulsyah Nim, "Kajian Yuridis Pencatatan Perkawinan Antar-Umat Berbeda Agama Di Indonesia," Jurnal Fatwa Hukum 7, no. 4, accessed October 4, 2024, https://jurnal.untan.ac.id/index.php/jfh/article/view/86109.

Law No. 23/2006 does not fully take into account the social impact faced by interfaith couples. While the law provides clear guidance on civil registration, it does not do enough to protect the rights of interfaith couples from the social pressures they face.<sup>23</sup> Therefore, it is important for the government and policymakers to consider the need for a more inclusive approach in addressing interfaith marriages, both from a legal and social perspective. Public education on the civil rights of interfaith couples and the importance of respecting different beliefs can help reduce the social pressures faced by these couples.<sup>24</sup>

One step that could be taken to improve the situation is to revise Law No. 23/2006 or introduce a new regulation that specifically addresses the registration of interfaith marriages. Such a regulation should provide greater legal certainty for interfaith couples, ensuring that they can register their marriages without compromising their religious beliefs. It should also provide adequate legal protection for interfaith couples, so that they can enjoy the same rights as other married couples who are legally recognized by the state.

#### 5. Conclusion

Law No. 23/2006 on Population Administration has had a significant impact on the registration of interfaith marriages in Indonesia, but has not fully provided legal certainty for couples who wish to maintain their respective religious beliefs. The lack of clarity regarding the rules for registering interfaith marriages has resulted in couples experiencing obstacles in obtaining legal recognition, which has implications for the loss of civil rights such as inheritance rights, child custody rights, and rights to joint property. While there are workarounds such as marrying abroad or applying to the courts, these solutions are often complicated and expensive. In addition, social pressure from society is also a challenge that interfaith couples must face. Therefore, revised laws and new, more inclusive regulations are needed to provide legal certainty, protect the rights of interfaith couples, and reduce the social discrimination they experience. Public education on the civil rights of interfaith couples is also crucial to increase public acceptance of interfaith marriage.

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