

Interfaith Marriage Before and After the Issuance of Supreme Court Circular Letter Number 2 of 2023 in Indonesia

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ABSTRACT

A marriage is considered valid if conducted according to the respective laws and beliefs (Article 2 paragraph 1), and marriages must be registered according to the applicable laws (Article 2 paragraph 2) of Law Number 1 of 1974, which has been amended by Law Number 16 of 2019 concerning Marriage. Law Number 1 of 1974 does not recognize interfaith marriages but only recognizes mixed marriages, which are marriages between citizens of different nationalities, one of whom is an Indonesian citizen. The applicable religious laws in Indonesia allow marriages to be conducted within one religion, with exceptions for interfaith marriages under specified conditions. However, interfaith marriages are found in society. The issue is how interfaith marriages were conducted before and after the issuance of Supreme Court Circular Letter Number 2 of 2023, which is in effect in Indonesia. Research findings show that before the issuance of SCCL Number 2 of 2023, the Indonesian marriage law prohibited interfaith marriages, and requests for marriage registration could be made through the District Court. After the issuance of SCCL Number 2 of 2023, interfaith marriages remain prohibited, and requests for interfaith marriages cannot be submitted to the District Court anymore. Consequently, interfaith marriages can no longer be registered.

Keywords: marriage, interfaith, SCCL Number 2 of 2023

INTRODUCTION

Marriage has been a fundamental need for humanity from ancient times to the present day. The purpose of marriage is to procreate and legalize the relationship between a man and a woman according to religious and state laws. Marriage also entails the accumulation of joint assets or communal property, which belongs jointly to the husband and wife. It is a bond between a man and a woman that establishes the relationship as husband and wife, aiming to build and sustain a household to have offspring in accordance with the provisions of religious law. Marriage must be founded on feelings of love and compassion to maintain the integrity of the household, bringing happiness both in this world and the hereafter. Marriages not rooted in love and compassion are prone to divorce.

The Marriage Law, specifically Law Number 1 of 1974, as amended by Law Number 16 of 2019 concerning Marriage, aims to regulate harmonious, happy, and enduring domestic relationships, filled with love and affection, to create a home based on Article 2 paragraph (1) of Law Number 1 of 1974, as amended by Law Number 16 of 2019 concerning marriage, which states that a marriage is valid if conducted according to the laws of each religion and belief. Furthermore, paragraph (2) states that marriages must be registered according to the prevailing regulations. According to Article 2 paragraph (1) of Law Number 1 of 1974 concerning Marriage, the validity of a marriage depends on whether it is conducted according to religious

laws and beliefs. Conversely, marriages conducted against the stipulations of religious laws and beliefs render the marriage invalid.[\[1\]](#)

The juridical legality of a marriage is evidenced by a marriage certificate issued by the marriage registrar. For Muslims, marriage registration is conducted at the local Office of Religious Affairs (Kantor Urusan Agama), while for non-Muslims, it is done at the Civil Registry Office (Kantor Catatan Sipil). Marriage registration signifies the authentic proof of the marital bond between a husband and wife. The purpose of registering a marriage is to provide legal certainty, legal order, and legal protection for the marriage itself. Marriage registration is a formal requirement for the validity of a marriage under state law and administrative requirements for marriage.[\[2\]](#)

In Law Number 23 of 2006 concerning Population Administration, it is stipulated that “Every resident is obligated to report population events and important events they experience to the implementing agency by fulfilling the necessary requirements in Population Registration and Civil Registration.” According to Article 3, society is obliged to report population events and other important events, including interfaith marriages, to the local Population and Civil Registry Office.

Interfaith marriages are not regulated in Law Number 1 of 1974 because Article 2 paragraph 1 stipulates that a marriage is valid if conducted according to the laws of each respective religion and belief. Interfaith marriages must be registered with the marriage registrar, with marriages involving Muslims registered at the Office of Religious Affairs and those involving non-Muslims registered at the civil registry office. Interfaith marriages are not addressed in Law Number 1 of 1974.[\[3\]](#)

According to Article 36 of Law Number 23 of 2006 concerning Population Administration, marriages that cannot be proven with a marriage certificate will be registered after a court decision. However, after the issuance of Supreme Court Circular Letter No. 2 of 2023 dated July 17, 2023, regarding Instructions for Judges in Adjudicating Cases of Marriage Registration Applications between Individuals of Different Religions and Beliefs, district courts will no longer approve applications for interfaith marriage registration. Therefore, interfaith marriages can no longer be registered at the civil registry office.

Mixed marriages, as recognized in Law Number 1 of 1974 concerning Marriage, have a narrower definition compared to mixed marriages regulated in the Regulation on Mixed Marriages (GHR), contained in Staatsblad 1898-158. Mixed marriages addressed in Law Number 1 of 1974 concerning Marriage refer to marriages between citizens of different nationalities, specifically an Indonesian citizen marrying a foreign national.[\[4\]](#)

Article 66 of Law Number 1 of 1974 concerning Marriage stipulates that everything related to marriage with the enactment of Law Number 1 of 1974 concerning Marriage, provisions regarding marriage regulated in the Civil Code (Kitab Undang-Undang Hukum Perdata or KUHPerdata), the *Huwelijks Ordonantie Christen Indonesia S. 1933 No. 74*, the Regulation on Mixed Marriages (*Regeling op de Gemengde Huwelijken S. 1898. 158*), and other regulations governing marriage are declared null and void as long as they have been regulated in Law Number 1 of 1974.

Interfaith marriages are not regulated in Law Number 1 of 1974 concerning Marriage, and since the issuance of Supreme Court Circular Letter Number 2 of 2023 dated July 17, 2023, parties engaging in interfaith marriages, if applying for the registration of interfaith marriages, must do so through the District Court and the High Court since the issuance of SCCL Number 2 of 2023, which came into effect on July 17, 2023. Parties engaging in interfaith marriages can no longer apply for registration through the courts.

Article 56 paragraph 1 of Law Number 1 of 1974 states that marriages between two Indonesian citizens or between an Indonesian citizen and a foreign national are valid if conducted according to the laws of the

country where the marriage took place and do not violate the provisions of the Marriage Law. Furthermore, Article 56 paragraph (2) of Law Number 1 of 1974 concerning Marriage states that “within 1 (one) year after the husband and wife return to Indonesian territory, proof of their marriage must be registered at the Marriage Registration Office in their place of residence.” Law Number 1 of 1974 concerning Marriage does not regulate interfaith marriages because, based on Article 2 paragraph (1), a marriage is valid if conducted according to the laws of each respective religion and belief. Article 40 of Law Number 1 of 1974 concerning Marriage prohibits marriages between a woman and a man under certain conditions: a) if the woman is still bound by marriage to another man, b) if the woman is still in the waiting period (iddah) with another man, c) if a woman is not of the Islamic faith. Thus, based on Article 2 paragraph 1 and Article 40 of Law Number 1 of 1974, interfaith marriages are prohibited.[\[5\]](#)

Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law or KHI, Article 44 states: A Muslim woman is prohibited from marrying a man who is not of the Islamic faith. Based on Article 44 of KHI, it is clear that the Compilation of Islamic Law does not allow interfaith marriages.[\[6\]](#)

Law Number 23 of 2006 concerning Population Administration explains: “Every resident is obliged to report Population Events and Important Events experienced by them to the Implementing Agency by fulfilling the requirements needed in Population Registration and Civil Registration.” Article 36 of Law Number 23 of 2006 concerning Population Administration stipulates that marriages that cannot be proven with a marriage certificate will be registered after a court decision.

After the issuance of Supreme Court Circular Letter Number 2 of 2023, interfaith marriages can no longer be requested for marriage registration through the court. Various laws in Indonesia prohibit interfaith marriages and no longer allow marriage registration.

Despite the legal provisions in Indonesia not regulating interfaith marriages, there are still instances where individuals, driven by love, engage in interfaith marriages. For example, before the issuance of SCCL Number 2 of 2023, interfaith marriages could still be registered by applying to the District Court. An example case is the decision of the Central Jakarta District Court Number 115/PDT.P/2023/PN.JKT.PST regarding an interfaith marriage application submitted by Joshua Evan Anthony, born in Jakarta on April 11, 1995, an Indonesian citizen residing at Jl Kepu Barat No. 34 BL Rt.010, Rw 002 Kemayoran Jakarta Pusat, a student by occupation hereinafter referred to as Applicant I, and Stefany, born in Bandung on April 6, 1997, a Muslim, an Indonesian citizen, residing at Jl HR Mangun Diprojo gg Puncak Buntu LK II, RT 002, RW.000, Kel Bumi Kedamaian, Kec Kedamaian, Bandar Lampung city, a student by occupation, hereinafter referred to as Applicant II. The interfaith marriage was conducted at a church in West Jakarta on March 3, 2023. The Central Jakarta District Court granted the applicants' request for the registration of the interfaith marriage at the Civil Registration Office in Central Jakarta.

After the issuance of SCCL Number 2 of 2023, individuals who engage in interfaith marriages can no longer register their marriages by applying for marriage registration through the court. Based on the background of the problem above, the following issues are formulated: (1) What are the legal provisions regarding interfaith marriages before the issuance of Supreme Court Circular Letter Number 2 of 2023? (2) What are the legal provisions regarding interfaith marriages after the issuance of Supreme Court Circular Letter Number 2 of 2023?

RESEARCH METHODOLOGY

This research utilizes a research method known as empirical juridical research. Empirical juridical research is an approach or method within the legal domain that combines juridical and empirical elements in analysis and research. This approach aims to understand and explain the law from a legal perspective while also employing a scientific method based on empirical data and facts. According to Abdul Kadir Muhamad,

empirical juridical research can be defined as “research that begins by analyzing secondary data first, followed by research on primary data in the field.”^[7]

The data collected through the aforementioned methods are first systematically clarified. Subsequently, the data are sorted and organized into categories for interconnection testing. In technical terms, the data analysis method mentioned is: Descriptive-analytical method, which involves the process of arranging and interpreting data, systematically analyzing or dissecting a concept or the relationship between concepts. In this research, qualitative analysis is conducted, namely observing and grouping the data obtained from the research results and linking each collected data with certainty principles or legal principles related to interfaith marriage issues in Indonesia.

RESEARCH RESULTS AND DISCUSSION

1. Before the Issuance of Supreme Court Circular Number 2 of 2023

Indonesia’s society is characterized by diverse ethnicities, cultures, regional languages, and religions, yet bound by Pancasila’s principle of “Bhineka Tunggal Ika” (Unity in Diversity). This diversity is unified by Pancasila as the ideology and worldview of the Indonesian nation. The symbol of “Bhineka Tunggal Ika” found on the Garuda bird symbolizes Indonesia’s unity in diversity. Indonesian society navigates various differences in regional languages, cultures, worldviews, religions, and interactions among individuals in social life.

One aspect of this diversity is the adherence to various religions and beliefs, including Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism. In society, interfaith marriages are observed. Interfaith marriages, according to the laws in Indonesia before the issuance of Supreme Court Circular Letter Number 2 of 2023, can be observed through Law Number 1 of 1974 concerning Marriage, the religious laws existing in Indonesia, Law Number 23 of 2006 as amended by Law Number 24 of 2023 concerning Population Administration.

Law Number 1 of 1974, as amended by Law Number 16 of 2019 concerning Marriage, applies nationally and does not regulate interfaith marriages. Article 2 paragraph (1) of Law Number 1 of 1974 concerning Marriage states that a marriage is valid if conducted according to the laws of each respective religion and belief. Therefore, marriages not conducted according to the laws of each respective religion and belief are considered invalid, and thus cannot be registered according to state law.

Marriages conducted within a single religion do not pose a problem because, in accordance with Law Number 1 of 1974 concerning Marriage, such marriages are valid and can be registered. For Muslims, marriage registration is conducted at the Office of Religious Affairs, while for non-Muslims, it is done at the Civil Registry Office. Marriage registration serves as proof of marriage, and in case of any issues arising within the marriage, they can be resolved through the court system. For Muslims, marriage-related issues are resolved through the Religious Court, while for non-Muslims, they are resolved through the District Court.

Marriages that are not registered cannot have issues resolved through the court system and must be settled outside of the judiciary. Problems may arise when parties to a marriage disagree on which legal provisions to follow. Law Number 1 of 1974, as amended by Law Number 16 of 2019 concerning Marriage, does not regulate interfaith marriages. Despite this, there are still instances of interfaith marriages in society. Whether an interfaith marriage is deemed valid or not is determined by the religious laws and beliefs of the individuals involved.

Interfaith marriages, according to the religious laws applicable in Indonesia, are considered a natural

occurrence. The legal provisions regarding interfaith marriages in Islamic Law are considered to be in line with divine norms. Marriage is considered an act ordained by religion to be carried out. In Islamic Law, marriage is a command to be fulfilled as a means of fulfilling the biological needs of humans as creatures created by the Almighty God.

Conducting marriages according to Islamic law aims to establish a legitimate family and to procreate, leading to a happy life both in this world and the hereafter, under the auspices of divine love and approval. In Islamic law, marriage is carried out when an individual has reached the age of maturity, which can be determined by physical growth and mental readiness to enter married life. [8]

The purpose of marriage in Islamic Law is to form a harmonious, affectionate, and loving family (Article 3 of the Compilation of Islamic Law). The goal of marriage can be achieved when the husband and wife are of the same faith and love each other. Achieving the purpose of marriage becomes difficult when there is a difference in religion between the parties involved in the marriage.

According to Islamic Law, the purpose of marriage can be realized when the husband and wife share the same religious beliefs because both parties adhere firmly to the teachings of Islam. Conversely, if the husband and wife belong to different religions, it can lead to various problems within the family, such as practicing religious rituals, educating children, and conducting other household activities, as they may not share the same beliefs. In principle, Islamic Law does not regulate interfaith marriages.

In Presidential Instruction Number 1 of 1991 regarding the Compilation of Islamic Law, Article 4 states that "Marriage is valid if conducted according to Islamic law in accordance with Article 2 paragraph (1) of Law Number 1 of 1974 concerning Marriage." Furthermore, Article 40 states that it is prohibited to conduct marriages under certain circumstances, such as when the woman is still bound by another marriage, is in the waiting period (iddah) with another man or is a non-Muslim woman.

Article 44 states that a Muslim woman is prohibited from marrying a man who is not a Muslim, while Article 61 states that incompatibility due to differences in religion or religious dissent cannot be used as a reason to prevent a marriage.

Upon examining the legal provisions contained in the articles of Presidential Instruction Number 1 of 1991 regarding the Compilation of Islamic Law, which is one of the sources of Islamic Law, it is evident that interfaith marriages are clearly prohibited.

Furthermore, according to Catholicism, marriage is considered a sacrament based on the teachings of the Roman Catholic Church (Ephesians 5: 25-33), which emphasizes mutual love, respect, and submission between husband and wife. A husband is instructed to love his wife as he loves himself, just as Christ loved the church.

Marriage in Catholicism is a covenant between a man and a woman to establish a household together, blessed by God, where both spouses are considered children of Christ who have been baptized and elevated to the sacrament. Catholic marriage is based on monogamy, permanence, and sacramentality, meaning that marriage is intended to last a lifetime and is considered holy.

For a marriage to be valid in Catholicism, it must be blessed by a Church official and attended by two witnesses who meet the marriage requirements. These requirements include mutual consent, absence of coercion, minimum age requirements, no prior marriage, adherence to Catholicism, absence of certain prohibitions, and compliance with Church regulations.

In summary, according to Catholic doctrine, marriages outside of Catholicism are considered invalid.

However, the Catholic Church can grant dispensations allowing a Catholic to marry a non-Catholic under certain conditions, including a commitment to maintain faith and raise children in the Catholic Church. It is forbidden to conduct marriage ceremonies according to other religions.

In Catholicism, a marriage is valid if it is conducted before a bishop, parish priest, or priest. If an interfaith marriage is conducted without following Catholic procedures, it is considered invalid. In Catholic teachings, interfaith marriages are permissible as long as the marriage ceremony is conducted according to Catholicism, and children born from interfaith marriages must be raised in the Catholic faith.

In Protestant Christianity, marriage is considered a sacred union established by God. It is a holy institution governed by divine laws. Marriage is a lifelong partnership where husband and wife, united in God's love, support each other, obey, embrace humanity, and share the burdens of marriage together. The purpose of marriage is to help, complement, and complete one another, thereby achieving material and spiritual happiness through love and divine grace.

Protestant churches believe that marriage is valid when conducted according to both state and divine laws. State laws regulate marriage registration with the Civil Registry Office, while Protestant religious laws require both spouses to be unmarried, of legal age, attended by witnesses, and witnessed by the congregation. Protestantism does not prohibit its followers from marrying adherents of other religions. Therefore, the church does not forbid its members from marrying people of other faiths. Protestantism regulates interfaith marriages to ensure that they are conducted according to Protestant Christianity, and children from interfaith marriages are raised in the Christian faith. The rules regarding interfaith marriage in Catholicism and Protestant Christianity are the same.

In Hinduism, marriage is considered sacred. It is a sacrament (samskara) that begins from birth (gharbadana) until death (Antyasti). Marriage aims to establish a permanent, happy family and to procreate.

A Hindu marriage is valid if it is conducted according to Hindu religious laws and rituals, as prescribed in Dharma (religion) and adhering to Dharmic principles. A marriage not performed according to religious laws is considered invalid. A marriage is deemed valid when it meets the requirements stipulated in Hindu law. Marriage requirements in Hindu law are outlined in the Manusmriti, which include being conducted before a Brahmin or religious officiant, adherence to Hindu law, and both spouses being Hindu believers.

Interfaith marriages are not valid, unless the non-Hindu party has been converted and acknowledged as a follower of Hinduism. Marriages must be based on mutual consent, without mental illness, with the man being at least 18 years old and the woman at least 15 years old, without close blood relations, with parental consent, or consent from relatives acting as guardians appointed by the King or the government. When considering the requirements for a valid Hindu marriage, it is evident that interfaith marriages are not possible according to Hinduism.

Marriage in Buddhism is considered a sacred bond based on love and compassion. The purpose of marriage is to form a happy family blessed by the Supreme Buddha/God Almighty, Buddhas, and Bodhisattvas. In the Nakulapitar Vagga, advice is given to the couple Nakulapitar: "If the husband and wife have a strong intention to make each other happy in this life and the next, the main requirement is that they both must have Saddhavanta, meaning they both must have firm faith in the Triple Gem (Triratna), and the husband and wife are obliged to be generous and wise." This is further emphasized by the interview conducted by the author with Mr. Richard Suhendra, the Administrator of Padumuttara Temple, stating that for harmonious living, four elements must be fulfilled: same faith (Saddha), same morality (Sila), same generosity (Caga), and same wisdom (Pannya). Therefore, for a harmonious marriage, the couple must have the same faith, meaning they must share the same belief.

The requirements for marriage in Buddhism are that both parties agree, love each other, are at least 21 years old, have no blood or milk relations, are not bound by marriage to anyone else, so marriage in Buddhism requires both parties to have faith in the Triple Gem.

Before the reform era, only five religions were recognized: Islam, Catholicism, Protestantism, Hinduism, and Buddhism. Currently, there are six recognized religions in Indonesia: Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism. Confucianism is a monotheistic religion that believes in one God, commonly referred to as Tian, God Almighty, or Shangdi (Supreme God). Marriage in Confucianism can be found in Book LI JI Chapter XLI: 1 & 3 regarding Hun Yi (the truth of marriage ceremonies), which states that the purpose of the marriage ceremony is to unite the seeds of goodness/love between two individuals from different families, upwards manifested in devotion to God and ancestors (Zong Miao) and downwards continuing the generation. In Confucianism, marriage ceremonies are conducted according to religious law, where the two prospective spouses who will enter into marriage visit a religious leader who will bless them, and the marriage ceremony of Liep Gwan (worship) is held in front of the Tian altar and the Confucian Prophet. Upon completion of the Liep Gwan ceremony, the two spouses are officially married.

Marriage is a physical and spiritual bond between a man and a woman aimed at forming a happy family (household) and continuing the lineage based on the Almighty God. The foundation of marriage according to Confucianism is monogamy. Marriage requires the consent of both parties. Both prospective spouses must not be bound to others. Both prospective spouses must make a statement of faith or affirmation of faith.

The implementation of the Liep Gwan ceremony must be attended by both parents of the parties. If one or both prospective spouses do not meet the requirements in this marriage law, the marriage ceremony may be canceled or rejected. In Buddhism, interfaith marriages are not recognized, only marriages within the same faith are acknowledged.

Interfaith marriage in Indonesia is not an easy process to undertake, as it clashes with the laws of each religion and the state. Consequently, couples of different faiths who wish to marry often do so outside the country. Couples who marry abroad will receive a marriage certificate from the local Indonesian representative office (KBRI). Upon returning to Indonesia, couples who have had an interfaith marriage abroad must register their marriage at the Civil Registry Office, after which the Civil Registry Office will issue a Certificate stating that a Foreign Marriage has been performed.

Registration of interfaith marriages at the Civil Registry Office does not constitute recognition or acknowledgment of the interfaith marriage by the state. The state only confirms that an interfaith marriage has been performed abroad. The recent legal development regarding interfaith marriages involves the Supreme Court decision Number 1400 K/Pdt/1986, where couples of different beliefs can request a court decision. The Supreme Court ruling states that the Civil Registry Office may conduct interfaith marriages because the office's duty is to record, not to validate.

In Law Number 1 of 1974, as amended by Law Number 16 of 2019 concerning Marriage, there is no provision for interfaith marriages. Article 2 paragraphs (1) and (2) state that a marriage is valid if conducted according to the laws of the respective religions and beliefs and registered according to the prevailing regulations. If the laws of the respective religions and beliefs are followed, then the marriage is valid. Conversely, if the marriage does not comply with the laws of the respective religions and beliefs, then according to Law Number 1 of 1974, it is invalid and cannot be registered.

Government Regulation Number 9 of 1975 Article 10 paragraph 2 states that the Marriage Law only applies to marriages between two people of the same religion. Based on Article 10 paragraph 2 of Government Regulation Number 9 of 1975, it is clear that the Marriage Law does not regulate interfaith marriages. The

Marriage Law applicable in Indonesia only regulates marriages between people of the same religion.

However, Article 35 letter a of Law Number 23 of 2006 concerning Population Administration Marriage, for the sake of population administration, interfaith marriages can be conducted before the Officer of the Population and Civil Registry Office, witnessed by two witnesses, and registered in the marriage register, after which a Certificate of Interfaith Marriage will be issued.

The interfaith marriage certificate proves that an interfaith marriage has been conducted before the Population Officer and Civil Registry Office following the decision of the District Court to grant the request for interfaith marriage submitted by the applicants. The South Jakarta District Court granted the request of interfaith couples after the applicants proved that they mutually agreed to solemnize the interfaith marriage, were deeply in love, and had obtained permission from both parents.

However, this does not mean that marriages with different religions cannot be realized within the country. In essence, according to Supreme Court decision Number 1400 K/Pdt/1986, couples of different faiths can request a court decision. This jurisprudence states that the Civil Registry Office may conduct interfaith marriages because the office's duty is to record, not to validate. However, not all Civil Registry Offices are willing to accept interfaith marriages. Civil Registry Offices willing to accept interfaith marriages will record such marriages as non-Islamic marriages. Couples can still choose to marry according to their respective religions. This can be done by finding religious leaders with different perceptions willing to marry the couple according to their respective religious teachings, for example, with an Islamic marriage contract and Christian blessings.

However, this approach is also not easy because few religious leaders and civil registry offices are willing to marry couples of different faiths. Ultimately, the last resort often used by interfaith couples in Indonesia to legalize their marriage is to temporarily submit to one of the religious laws. Usually, the issue that arises is friction among families regarding whose beliefs should be used for validation. According to Article 35 letter a of Law Number 23 of 2006 concerning Population Administration, interfaith marriages are conducted based on a decision of the District Court. Interfaith marriages can be recorded at the Office of the Population and Civil Registry.

Article 28 B paragraph (1) of the 1945 Constitution guarantees everyone the right to form a family and continue their descendants through a valid marriage, which is consistent with Article 29 of the 1945 Constitution. Interfaith marriages can be conducted based on Article 35 letter a of Law Number 23 of 2006 concerning Population Administration. In the explanation of Article 35 letter a, it is stated that marriages determined by the Court are marriages between people of different religions and beliefs that allow for the registration of interfaith marriages after a court decision. Furthermore, interfaith marriages are conducted as a respect for individuals' human rights to embrace their respective religions and beliefs.

An example of an interfaith marriage case recorded based on a court decision under Article 35 letter a of Law Number 23 of 2006 is Decision Number 115/PDT.P/2023/PN.JKT.PST submitted by the interfaith couple Jhosua Evan Antony, a Christian residing in Kemayoran Central Jakarta, and Stefany Wulandari, a Muslim residing in Bandar Lampung, who agreed to solemnize an interfaith marriage. The applicants submitted their request to the Jakarta Central Population and Civil Registry Office to conduct an interfaith marriage but were rejected and advised to obtain a court decision first. The applicants solemnized their marriage at the Indonesian Bible Fellowship Church on March 3, 2023.

Based on Article 21 of Law Number 1 of 1974 concerning Marriage, in conjunction with Article 35 of Law Number 23 of 2006 concerning Population Administration as amended by Law Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration, permission must first be obtained from the District Court judge, in this case, the exclusive jurisdiction of the Central

Jakarta District Court. Referring to the applicants' ability to register the interfaith marriage after a decision from the Central Jakarta District Court. The panel of judges of the Central Jakarta District Court granted the applicants' request in its entirety, allowing the registration of the applicants' interfaith marriage at the Jakarta Central Population and Civil Registry Office.

2. Interfaith Marriages After the Issuance of Supreme Court Circular Number 2 of 2023

Supreme Court Circular Number 2 of 2023, dated July 17, 2023, regarding Guidelines for Judges in Adjudicating Cases of Registration of Marriages Between People of Different Religions and Beliefs states:

1. A valid marriage is a marriage conducted according to the laws of each respective religion and belief, as stipulated in Article 2 paragraph (1) and Article 8 letter f of Law Number 1 of 1974 concerning Marriage.
2. The court does not grant requests for the registration of marriages between people of different religions and beliefs.

Supreme Court Circular Number 2 of 2023 is addressed to the Chairpersons/Heads of Courts of Appeal and the Chairpersons/Heads of First Instance in all of Indonesia. With the issuance of Supreme Court Circular Number 2 of 2023, individuals who conduct interfaith marriages can no longer apply for the registration of interfaith marriages at the Population and Civil Registry Office.

Supreme Court Circular Number 2 of 2023 concerning Guidelines for Judges in Adjudicating Cases of Registration of Marriages Between People of Different Religions and Beliefs (SEMA Number 2 of 2023), issued on July 17, 2023, aims to provide certainty and legal enforcement in adjudicating requests for the registration of marriages between people of different religions and beliefs.

The Supreme Court refers to Law Number 1 of 1974 concerning Marriage, and SEMA Number 2 of 2023 is considered to override Law Number 23 of 2006 concerning Population Administration. This is because judges will no longer be able to grant decisions to register interfaith marriages. This means that with the existence of SEMA Number 2 of 2023, Law Number 23 of 2006 concerning Population Administration Article 35 letter a is overridden. In the explanation of Article 35 letter a, "Marriages determined by the Court" refers to marriages conducted between people of different religions. This means that interfaith marriages cannot be registered unless there is a court decision.

After the issuance of SEMA Number 2 of 2023, Indonesian citizens intending to conduct interfaith marriages can still be registered as long as they are conducted overseas, in countries that accept interfaith marriages and allow marriage registration. Those conducting interfaith marriages abroad must register their marriages at the Population and Civil Registry Office within one year of returning to Indonesia.

Article 37 of Law Number 23 of 2006 concerning Population Administration states that Indonesian citizens who marry abroad are obliged to register their marriages with the competent authority in the respective country and report it to the Local Representative of the Republic of Indonesia. If the host country does not register the marriage, the marriage registration is done at the local representative office of the Republic of Indonesia. Upon returning to Indonesia, within one year of arrival, they are obligated to register their interfaith marriage conducted abroad at the Population and Civil Registry Office.

Interfaith marriage in Indonesia is not an easy undertaking due to conflicts with the laws of each religion and the state. Consequently, couples of different faiths often choose to marry abroad. Upon their return to Indonesia, they can register their marriage at the civil registry office to obtain a Certificate of Reporting for Overseas Marriages.

CONCLUSION

After analyzing the problem formulation, the following conclusions are formulated:

1. Legal provisions regarding interfaith marriages before the issuance of Supreme Court Circular Number 2 of 2023 did not regulate or prohibit interfaith marriages. However, interfaith marriages could be recorded by submitting a request to the District Court.
2. Legal provisions regarding religious marriages after the issuance of Supreme Court Circular Number 2 of 2023 still do not regulate or prohibit interfaith marriages and no longer allow applications for marriage registration to be submitted to the District Court, thus interfaith marriages cannot be registered.

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4. Marnadalena Hanifa, "Perkawinan Beda Agama Ditinjau dari Undang Undang Nomor 1 Tahun 1974 tentang Perkawinan", *Suomatera Law Review*, E-Jurnal, Kopertis 10 Volume 2 Nomor 2 Tahun 2019, hlm 299.
5. Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan.
6. Undang-Undang Nomor 23 Tahun 2006 tentang Administrasi Kependudukan

FOOT NOTES

[1] Pasal 2 ayat (1) Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan.

[2] Pasal 2 ayat (2) Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan.

[3] Pasal 3 Undang-Undang Nomor 23 Tahun 2006 tentang Administrasi Kependudukan

[4] Pasal 57 Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan.

[5] Marnadalena Hanifa, "Perkawinan Beda Agama Ditinjau dari Undang Undang Nomor 1 Tahun 1974 tentang Perkawinan", *Suomatera Law Review*, E-Jurnal, Kopertis 10 Volume 2 Nomor 2 Tahun 2019, hlm 299.

[6] Abdurrahman, "*Kompilasi Hukum Islam*", CV Akademika Pressindo, Jakarta, 2004, hlm 123.

[7] Abdul Kadir Muhammad, "*Hukum dan Penelitian Hukum*", Citra Aditya, Bandung, 2004, hlm. 134

[8] Asro Sosroatmodjo dan Wasit Aulawi, *Hukum Perkawinan di Indonesia*, Bintang Bulan, Jakarta, 1981, hlm. 29.