

Legality of Interfaith Marriages in Indonesia: Legal Review, Implementation Management, and Psychological Impact on Families

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ABSTRACT

This study aims to analyze the legality of interfaith marriage in Indonesia, including legal review, implementation management, and psychological impact on the family. The research method used is library research with a qualitative research approach. The study results show that policy recommendations must include changes to marriage laws, increasing public awareness, and education about the importance of tolerance and inclusivity in a multicultural society like Indonesia. The convoluted recording process and the inconsistency between state law and religious law are the main challenges that must be overcome. The implementation of the legality of interfaith marriage in Indonesia is still experiencing bureaucratic rigidity and a lack of coordination between related institutions. This creates administrative barriers that often prevent interfaith couples from obtaining official recognition of their marriage. Couples of different religions and their families experience significant psychological impacts, including social stigma, identity conflicts, psychological distress, and difficulties in educating children. This indicates the need for greater psychological and social support for interfaith couples

Keywords:

Marriage, Law,
Management,
Psychological

INTRODUCTION

Indonesia is a country with high religious diversity. Consisting of six officially recognized religions (Islam, Protestant Christianity, Catholicism, Hinduism, Buddhism, and Confucianism), the social life of Indonesian people is often heavily influenced by strong religious values and customs. This diversity, while being a cultural asset, also brings its own challenges in terms of religious practices, including marriage (Abdelnour, M. G., 2020).

Marriage in Indonesia is regulated by Law Number 1 of 1974 concerning Marriage. This law states that marriage is valid if it is carried out according to the laws of each religion and belief. This means that every marriage must be in accordance with the religious teachings of the bride and groom. This law is designed to accommodate religious diversity in Indonesia, but it also restricts marriage between couples of different religions because each religion has different marriage terms and procedures.

Religion plays a very significant role in the lives of Indonesian people. In many religions, marriage is not only a social contract but also a sacred bond blessed by God. Therefore, many religious communities have strict rules about who can marry and how they are performed. In some communities, interfaith marriage is considered invalid or discouraged, as it can cause conflicts of faith and difficulties in daily religious practice.

The Constitutional Court's Decision No. 68/PUU-XII/2014 rejected the material test related to the article that regulates the legality of interfaith marriage, reinforcing the position that marriage must be in accordance with the laws of their respective religions. This decision reaffirms the view that state law supports religious provisions

in the case of marriage, and does not provide a clear solution for interfaith couples (Eck, D. L, 1993).

Although Indonesian law does not explicitly regulate interfaith marriage, many couples have found ways to legalize their relationship. Legal and social uncertainty about interfaith marriage can cause significant psychological distress to couples and their children. They often face social stigma, family conflicts, and challenges in raising children with clear religious identities (Connolly, J, 2009). It emphasizes the need for a more inclusive approach and regulations that provide legal protection and certainty for interfaith couples in Indonesia (Hermansyah, Y, 2024).

The background of the legality of interfaith marriage in Indonesia reflects the complexity of the interaction between law, religion, and culture. While laws and judicial decisions reinforce religion's position in determining the validity of marriage, social practices demonstrate the need for flexibility and adaptation to the realities of an increasingly pluralistic society. The need for more inclusive regulations and greater social support is key to ensuring the well-being of all parties involved in interfaith marriages.

Some interfaith couples choose to temporarily convert as a solution so that their marriage can be legally recognized by the state. This practice often raises moral dilemmas and internal conflicts, as well as raises questions about the sincerity and legitimacy of the conversion (Çiğdem, R, 2015). Some couples choose to get married in a country that allows interfaith marriage and then register their marriage in Indonesia. Although this solution is legal, the re-listing process in Indonesia is often complicated and requires a lot of money. In addition, the legal status of marriage can still be questioned in the context of religious law in Indonesia.

The issue of the legality of interfaith marriage in Indonesia reflects the complexity of the interaction between state law and religious law, as well as the significant social and psychological impact on couples and their families. The absence of clear regulations, legal dualism, refusal of registration by KUA, the practice of temporary conversion, and legal uncertainty are some of the main issues that must be faced. A more inclusive approach and more comprehensive regulations are needed to provide legal protection and certainty for interfaith couples in Indonesia.

Research on the legality of interfaith marriage in Indonesia has been carried out by various academics and legal practitioners. Some of these studies examine the legal, social, and psychological aspects of this phenomenon. Research (Indrayanti, K. W., Suharningsih, S., Ruba'i, M., & Aprilianda, N, 2017), *The Legality of Interfaith Marriage in Indonesia*. This study examines legal policies related to interfaith marriage in Indonesia and analyzes concrete cases that occur. Purnama highlighted the unclear regulation and its impact on interfaith couples. Research by Herniwati (2015), *on Interfaith Marriage in a Positive Legal Perspective in Indonesia*. This thesis discusses the positive legal interpretation of interfaith marriage and how religious law affects the implementation of marriage in Indonesia. Herniwati also explored alternative solutions for couples of different religions.

Previous research on the legality of interfaith marriage in Indonesia shows that this issue is very complex and touches various legal, social, and psychological aspects. The absence of clear regulation, legal dualism, and social pressure are the main focus in many studies. Alternative solutions taken by interfaith couples, as well as the psychological impact on the family, are also important topics that are often explored in this literature.

The novelty of this study lies in a thorough interdisciplinary approach, comparative legal analysis, regional case studies, and a focus on psychological impacts and support interventions for families of different faiths. By integrating these various perspectives, this research can provide a more comprehensive and practical insight into the legality of interfaith marriage in Indonesia, as well as provide innovative and inclusive policy recommendations.

METHOD

The research method in this study is library research with a qualitative approach. Library research, or literature research, is a research method that uses written sources or library materials as the object of study (Creswell, 2009; Sugiono, 2015). The research data source uses books and journals related to legal texts, sociology, psychology, and books that specifically discuss interfaith marriage.

The data collection tools in this study are observation and documentation. Meanwhile, the data analysis carried out is content analysis, namely by examining the content from various sources to find themes, patterns, and relationships between the legal, administrative, and psychological aspects of interfaith marriages. The library research method on the legality of interfaith marriage in Indonesia involves collecting data from various literature sources, critical analysis of the data, and integrating findings to provide a comprehensive overview of this issue. By using a systematic and interdisciplinary approach, this research can provide comprehensive and practical insights into the challenges and solutions for interfaith couples in Indonesia.

RESULTS AND DISCUSSION

1. Legal Review of the Legality of Interfaith Marriage in Indonesia

A legal review of the legality of interfaith marriage in Indonesia shows that although existing laws provide a strong framework, many interfaith couples face significant challenges in legalizing their marriages. The absence of clear and consistent regulations, legal dualism, and administrative and social challenges are major issues. More inclusive policy changes and public education are needed to ensure that the rights of interfaith couples are respected and protected.

Law Number 1 of 1974 concerning Marriage does not provide explicit provisions regarding interfaith marriage. Article 2 Paragraph 1 which states that marriage is valid if it is carried out according to the law of each religion creates legal ambiguity and uncertainty for couples of different religions. The absence of clear regulations forces interfaith couples to look for alternatives that are often illegal or not officially recognized. This reflects the lack of responsiveness of the law to the social reality of an increasingly pluralistic society (Nisa, E. F, 2011).

There is an urgent need to reform the marriage law to make it more inclusive and responsive to the dynamics of Indonesia's multicultural and multireligious society. Legal dualism in Indonesia, which includes state law and religious law, often causes conflicts, especially in the case of interfaith marriages. Dominant religious law can ignore the principles of human rights and religious freedom (Liddle, R. W, 1996).

The dominance of religious law in marriage creates a conflict between the legal principles of the state that are supposed to guarantee freedom of religion and the belief of each individual (International Crisis Group, 2010). This results in discrimination against interfaith couples who cannot marry according to their beliefs. To overcome this conflict, a more secular legal approach is needed in marriage matters, which

prioritizes human rights and religious freedom. The refusal by the Office of Religious Affairs (KUA) to register interfaith marriages because it is not in accordance with Islamic law is a form of administrative discrimination that violates the civil rights of citizens. The refusal to register by the KUA is not only an administrative obstacle but also a form of discrimination that violates the constitutional right of citizens to marry. There is a need for institutional reform in KUA and other civil registration bodies to ensure that the rights of interfaith couples are respected and protected.

The practice of temporary conversion as a solution for interfaith couples poses ethical and legal dilemmas, and can affect the integrity of religion and individual beliefs (Nisa, E. F, 2023). The practice of temporary conversion not only raises ethical dilemmas but also raises legal problems related to the legality of conversion. This shows that current legislation does not provide a realistic and dignified solution for interfaith couples. Rather than forcing couples to convert temporarily, the law should provide a legal and permanent mechanism for recognizing interfaith marriages.

Marriage abroad as an alternative solution shows that the Indonesian legal system fails to provide adequate protection and recognition for interfaith couples (Richmond, H, 2015). Although marriages conducted abroad can be re-registered in Indonesia, the process is often complicated and expensive, creating legal uncertainty and financial burdens for couples. There needs to be procedural reforms that allow couples of different religions to marry in Indonesia without having to look for solutions abroad, which should be the basic right of every citizen.

The lack of attention to the psychological and social impacts faced by interfaith couples and their children reflects an imbalance in an overly legalistic approach to law without considering the human aspect. The social pressures and stigma faced by couples and children from interfaith marriages can negatively impact their psychological well-being. The law is supposed to protect all citizens from this kind of discrimination and social pressure. A more holistic approach to the law is needed, which focuses not only on legality but also on the psychological and social well-being of interfaith couples and families.

The current inability of the law to accommodate interfaith marriage shows the lack of inclusive and responsive policies to religious diversity in Indonesia. More inclusive policies are needed that recognize and respect religious differences, and provide equal protection for all couples, regardless of their religion.

Policy recommendations should include changes to marriage laws, increased public awareness, and education on the importance of tolerance and inclusivity in a multicultural society like Indonesia. A critical analysis of the legal review of the legality of interfaith marriage in Indonesia shows that current regulations are inadequate and often discriminatory. The dominance of religious law, the refusal to register by the KUA, and the practice of temporary conversion reflect the lack of fair and inclusive legal protection for interfaith couples. More inclusive and responsive legal reforms are needed to ensure that the rights of interfaith couples are respected and protected, as well as to reduce negative psychological and social impacts.

2. Management of the Implementation of the Legality of Interfaith Marriage in Indonesia

Couples of different religions who want to get married in Indonesia must undergo a registration procedure that involves couples taking care of marriage licenses from their respective religious authorities. For non-Muslim couples, registration is carried out at the Population and Civil Registration Office. For Muslim couples, recording is

carried out at KUA. The registration process often faces bureaucratic rigidity, where the registration authority refuses to marry a couple of different religions because it is not in accordance with applicable religious law. The lack of coordination between the KUA and the Population and Civil Registration Office can lead to couples having to face convoluted procedures and longer time to complete the administration of their marriage.

Couples choose to get married in a country that allows interfaith marriage and then register their marriage in Indonesia. Marriages performed abroad are generally legally recognized in Indonesia after registration, although this process can be expensive and requires extra effort. The management of the implementation of the legality of interfaith marriage in Indonesia faces various administrative and social challenges (Salahuddin, et.al, 2023). The complicated and often discriminatory record-keeping process reflects the need for legislative and procedural reforms to accommodate interfaith couples. Better coordination between relevant institutions, public education, and support from NGOs is needed to ensure that the rights of interfaith couples are respected and protected (Hermansyah, Y, 2024). With a more inclusive and responsive approach, these challenges can be overcome and create a more tolerant and inclusive environment for all citizens.

The procedure for registering interfaith marriages in Indonesia is often complex and bureaucratic, requiring couples to go through several convoluted administrative stages. This complexity reflects the rigidity of the bureaucracy that is inefficient and unresponsive to the needs of the community. Many couples are stuck in a long and unclear process, which hinders their right to legally marry. Inconsistencies in the implementation of procedures in different regions indicate a lack of clear and uniform standards. This creates legal uncertainty for interfaith couples who want to get married.

The refusal by the KUA to register interfaith marriages causes discrimination against couples of different religions, because Islamic law does not recognize such marriages. This rejection is a form of systemic discrimination that violates the principle of equality before the law. It also demonstrates the inability of the legal system to protect human rights and religious freedom. This rejection makes it clear that there is a conflict between state law that is supposed to be neutral and inclusive and religious law that is more exclusive. This shows the need for legal reform to harmonize the two legal systems.

The practice of temporary conversion as an administrative solution poses ethical and legal dilemmas and affects the integrity of religion and individual beliefs (Vinick, B., & Reinharz, S. (Eds.), 2024). This practice reflects a deep ethical dilemma, as it forces individuals to pretend to embrace another religion just to meet administrative requirements. This can damage personal trust and spiritual integrity. This practice also raises legal issues regarding the legality of the conversion, which can be questioned later on. This shows that these solutions are unsustainable and inadequate.

Marrying abroad as an alternative demonstrates the inability of the Indonesian legal system to provide adequate solutions for interfaith couples. The process of getting married abroad can be expensive and complicated, creating additional financial and administrative burdens for couples. It is unfair to couples who should be able to marry in their own country. Although marriages performed abroad can be recorded in Indonesia, this process often creates legal uncertainty and uncertainty of social acceptance in Indonesia.

Variations in the implementation of laws related to interfaith marriage in various regions show inconsistencies in the application of laws and policies. Differences in the application of laws in various regions create legal inconsistencies that result in uncertainty for couples of different religions. This shows the need for uniform and consistent standards throughout Indonesia. The influence of local culture and norms in the implementation of the law shows that the country's law has not fully accommodated the plurality and cultural diversity of Indonesian society.

The role of institutions such as the KUA and the Population and Civil Registration Office is often not proactive and lacks coordination in facilitating the registration of interfaith marriages. These institutions are often not proactive in finding solutions for interfaith couples, demonstrating a lack of initiative and innovation in overcoming administrative barriers. The lack of coordination between the KUA and the Population and Civil Registration Office exacerbates the problem, resulting in a slow and inefficient recording process.

Existing policies are not inclusive enough and are not responsive to the complex and diverse social realities in Indonesia. Current policies tend to be discriminatory and do not take into account the needs of interfaith couples. This shows a lack of understanding and attention to the rights of individuals of different religions. There is an urgent need for policy reforms that are more inclusive and responsive to religious and cultural diversity in Indonesia. Policies must be designed to protect and respect human rights and religious freedom (Wieringa, 2006).

The management of the implementation of the legality of interfaith marriage in Indonesia still faces many significant challenges. The complexity of the recording procedure, rejection by the KUA, the practice of temporary conversion, and variations in implementation in various regions show that the current legal and administrative system is inadequate and discriminatory. More inclusive and responsive legal and policy reforms are needed to ensure that the rights of interfaith couples are respected and protected, and to create a more tolerant and equitable environment for all citizens.

3. Psychological Impact on the Family Legality of Interfaith Marriage in Indonesia

Couples of different religions often experience stigma and social pressure from the surrounding environment, both from family, friends, and the wider community. Stigma against interfaith marriage can lead to social isolation and psychological distress on their spouses and families. This discrimination can affect their mental and emotional well-being (Yinger, 1967). Social pressures can affect relationships between couples, families, and the surrounding community, creating tensions and conflicts that affect the family's overall psychological health.

Interfaith couples often experience identity and value conflicts, especially related to religious, cultural, and moral practices. Differences in religion and values can create internal and external conflicts in the family, especially related to children's education, religious celebrations, and outlook on life. Children from interfaith marriages may experience identity crises and value confusion, as they are exposed to different values from both parents. Interfaith couples often face challenges in educating their children, especially related to religious understanding, religious rituals, and religious identity. Children may experience confusion or difficulty understanding the two different religions taught by both parents. Children may also have difficulty identifying themselves in a religious context and find it difficult to be accepted by certain religious communities.

Interfaith couples often experience dual roles and responsibilities, especially related to religious rituals, celebrations, and different family demands (Nisa, 2011). Dual responsibilities can put psychological pressure on the couple, especially if they feel they have to meet the expectations of both families. Role conflicts in the family can also arise, where couples find it difficult to balance their duties and responsibilities, especially in the context of religion and culture.

The psychological impact of the legality of interfaith marriage can have a negative impact on the mental health of individuals and the well-being of families as a whole. Interfaith couples may experience high levels of stress and anxiety due to social pressure, identity conflicts, and dual roles. Some individuals may experience depression or social isolation because they feel misunderstood or unaccepted by their environment. This psychological impact can also affect the relationship between couples, resulting in tension, conflict, and in extreme cases, divorce.

Policy recommendations and actions needed to address the psychological impact of the legality of interfaith marriage in Indonesia include: (a) Education and Socialization. Broader education and socialization about religious tolerance, inclusivity, and appreciation for cultural diversity. (b) Psychological Support. Provision of psychological support and counseling services for interfaith couples to overcome stress, identity conflicts, and other psychological pressures. (c) Human Rights Advocacy. Better advocacy and protection of human rights, including the right to marry and live a happy family life without discrimination. (d) Institutional Cooperation. Increased cooperation between government agencies, religious institutions, and NGOs in promoting inclusivity and supporting interfaith couples. (e) Legal Reform. Inclusive and fair legal reforms to accommodate interfaith marriage without causing injustice or discrimination. With these measures, it is hoped that the negative psychological impact on interfaith couples and their families can be better managed, thus creating a more harmonious, inclusive, and supportive environment for all individuals in society.

CONCLUSION

The legality of interfaith marriage in Indonesia still faces various complicated administrative and legal obstacles. The convoluted recording process and the inconsistency between state law and religious law are the main challenges that need to be overcome. The implementation of the legality of interfaith marriage in Indonesia is still experiencing bureaucratic rigidity and lack of coordination between related institutions. This creates administrative barriers that often prevent interfaith couples from obtaining official recognition of their marriage. Couples of different religions and their families experience significant psychological impacts, including social stigma, identity conflicts, psychological distress, and difficulties in educating children. This indicates the need for greater psychological and social support for interfaith couples. Overall, the study highlights the need for more inclusive legal and implementation management reforms, better coordination between relevant institutions, and the provision of psychological and social support services to address the negative psychological impacts experienced by interfaith couples and their families in Indonesia. With these measures, it is hoped that the Indonesian people can create a more inclusive, fair, and supportive environment for all individuals, regardless of differences in religion or belief.

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