

Rights of Children from Interfaith Marriages: Child Registration Case in Semarang, Indonesia

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Abstract

This paper investigates the rights of children born into interfaith marriages, focusing on child registration in Semarang, Indonesia. In a multicultural society like Indonesia, children from interfaith unions face complex legal and social challenges. This study explores the nuances of child registration in Semarang, addressing the legal framework, social dynamics, and implications for children's rights. Beginning with an overview of Indonesia's legal context, the paper emphasizes the importance of civil registration in establishing a child's legal identity and access to rights and services. It examines the hurdles encountered by interfaith families in navigating registration procedures, including issues of parental consent, religious affiliation, and administrative barriers. The study also delves into the social aspects of child registration in Semarang, analyzing how cultural norms, religious beliefs, and community attitudes shape the registration process and affect children's legal recognition. Challenges such as social stigma, discrimination, and bureaucratic inefficiencies are



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highlighted as obstacles to obtaining birth certificates and official documentation for children from interfaith backgrounds. Furthermore, the paper discusses the implications of insufficient child registration for children's rights, emphasizing the importance of equal treatment and legal recognition for all children, regardless of their parents' religious affiliations or cultural backgrounds. By examining the child registration case in Semarang, Indonesia, this study contributes to broader discussions on the rights of children from interfaith marriages and advocates for inclusive policies and practices. Addressing legal and social barriers to registration and promoting interfaith dialogue can ensure that every child enjoys their fundamental rights and opportunities for a fulfilling future.

KEYWORDS *Right of Children, Interfaith Marriage, Civil Registration, Child Protection*

Introduction

In Indonesia, a nation known for its rich cultural diversity, interfaith marriages have become increasingly common. However, the legal and social landscape surrounding the rights of children born from such unions remains complex and often contentious.¹ Nowhere is this more evident than in Semarang, a vibrant city where the intersections of religion, law, and tradition shape the lives of its inhabitants.²

¹ Christina M. Cerna, "Universality of Human Rights and Cultural Diversity: Implementation of Human Rights in Different Socio-Cultural Contexts." *Human Rights Quarterly* 16, no. 4 (1994): 740-752; Melissa Crouch, "Proselytization, religious diversity and the state in Indonesia: The offense of deceiving a child to change religion." *Proselytizing and the Limits of Religious Pluralism in Contemporary Asia*. (Singapore: Springer Singapore, 2013), pp. 17-40.

² Arief Akhyat, *The Ideology of Kampung: A Preliminary Research on Coastal City Semarang*. (Yogyakarta: Gadjah Mada University, 2006); B. D. Setianto, "Civil Society Governance. The Role of Civil Society in Shaping Semarang Environmental Governance". *Dissertation*. (Semarang: Universitas Katolik Soegijapranata, 2021). See also Johannes Widodo, "Morphogenesis and hybridity of Southeast Asian

The diverse religious landscape in Indonesia fosters an awareness of tolerance among its populace, contributing to social harmony. Tolerance serves as a societal defense mechanism in response to religious pluralism and diversity.³ This harmony has precipitated an increase in interfaith marriages, colloquially termed as *mixed marriages* or *interfaith marriage*. In addition, interfaith marriages pose unique challenges, particularly concerning the legal recognition and registration of children.⁴ In Indonesia, where religion plays a significant role in personal and civic life, the registration of a child's religious affiliation is a crucial step in ensuring their access to rights and services. However, when parents belong to different faiths, navigating this process becomes fraught with obstacles.⁵

Despite Indonesia having legal provisions governing interfaith marriages, such as Article 2 of Law No. 1 of 1974 concerning Marriage, and the stipulations outlined in Article 40 letter c and Article 44 of the Compilation of Islamic Law (KHI), as well as Constitutional Court Decision No. 68/PUU-XII/2014, ambiguity persists regarding the permissibility of marriages between individuals of differing faiths.⁶

coastal cities." *Southeast Asian Culture and Heritage in a Globalising World*. (London: Routledge, 2016)., pp. 79-92.

³ Yudhi Kawangung, "Religious moderation discourse in plurality of social harmony in Indonesia." *International Journal of Social Sciences and Humanities* 3, no. 1 (2019): 160-170; Muhammad Aras, and Alexander AS Gunawan. "Traditional and Conventional Social Communication Processes for Increasing Tolerance and Harmonization of Inter-Religious Communities in Indonesia." *Humaniora* 10, no. 3 (2019): 227-231.

⁴ Ermi Suhasti, Siti Djazimah, and Hartini Hartini. "Polemics on Interfaith Marriage in Indonesia between Rules and Practices." *Al-Jami'ah: Journal of Islamic Studies* 56, no. 2 (2018): 367-394.

⁵ Mohamad Abdun Nasir, "Religion, law, and identity: contending authorities on interfaith marriage in Lombok, Indonesia." *Islam and Christian-Muslim Relations* 31, no. 2 (2020): 131-150; Bayu Dwi Widdy Jatmiko, Nur Putri Hidayah, and Samira Echaib. "Legal Status of Interfaith Marriage in Indonesia and Its Implications for Registration." *Journal of Human Rights, Culture and Legal System (JHCLS)* 2, no. 3 (2022): 166-177; Fathol Hedi, Abdul Ghofur Anshori, and Harun Harun. "Legal Policy of Interfaith Marriage in Indonesia." *Hasanuddin Law Review* 3, no. 3 (2017): 263-276.

⁶ See Diana Farid, et al. "Interfaith Marriage: Subjectivity of the Judge in Determination of No. 454/ptd. p/2018 Surakarta District Court." *Al-Istinbath*:

Nevertheless, instances of interfaith marriages remain prevalent, in contravention of the Marriage Law. According to data from the Indonesian Conference on Religion and Peace (ICRP), 1,425 cases of interfaith marriages were documented in Indonesia, highlighting the incomplete realization of legal regulations pertaining to such unions within society.⁷

Internal and external factors contribute to this disparity, including emotional attachment to a partner, individual diversity, and instances of premarital pregnancy. External factors encompass the level of autonomy afforded by familial or environmental influences in partner selection.⁸

For instance, marriage is a customary practice in the Sendangmulyo District, Semarang.⁹ In the context of Catholicism and Islam, marriages are typically solemnized through a marriage contract, which entails an agreement facilitated by the woman's guardian and formalized through the *qabûl* (consent) of the prospective couple, conducted in the presence of two or more adult witnesses.

The legal framework governing marriages in Indonesia stems from Law Number 1 of 1974 concerning Marriage. This law was officially

Jurnal Hukum Islam 7, no. 2 November (2022): 347-362; Muhammad Husni Abdullah Pakarti, "Putusan Hakim Pengadilan Negeri Surakarta Terhadap Perkawinan Beda Agama Yang Legal Secara Hukum Negara." *Mutawasith: Jurnal Hukum Islam* 5, no. 2 (2022): 99-110; Umar Haris Sanjaya, "Interpretation of Interfaith and/or Belief Marriage by Judges: Disparity and Legal Vacuum: Penafsiran Perkawinan Beda Agama dan/atau Kepercayaan Oleh Hakim: Disparitas dan Kekosongan Hukum." *Jurnal Konstitusi* 20, no. 3 (2023): 536-555.

⁷ See Rosdiana Rosdiana, and Ahmad Bahtiar. "Preferences of Children's Religious Interfaith Marriages: Case Study in The International Conference on Religion and Peace (ICRP)." *Justicia Islamica* 17, no. 2 (2020): 205-222; Noryamin Aini, Ariane Utomo, and Peter McDonald. "Interreligious marriage in Indonesia." *Journal of Religion and Demography* 6, no. 1 (2019): 189-214.

⁸ See Jabes Pasaribu, Yunardi Kristian Zega, and Desetina Harefa. "Responsif Gereja Terhadap Pernikahan Beda Keyakinan." *Vox Dei: Jurnal Teologi dan Pastoral* 3, no. 1 (2022): 46-61; Ayub Mursalin, "Legalitas perkawinan beda agama: Mengungkap disparitas putusan pengadilan di Indonesia." *Undang: Jurnal Hukum* 6, no. 1 (2023): 113-150.

⁹ Irma Putri Fatimah, and Amirudin Amirudin. "Agama dan pernikahan pasangan beda agama di Sendangmulyo Semarang." *Endogami: Jurnal Ilmiah Kajian Antropologi* 3, no. 1 (2019): 1-8.

promulgated on January 2 of that year and subsequently enforced on October 1, following the issuance of Government Regulation of the Republic of Indonesia Number 9 of 1975 concerning the Implementation of Marriages. Thus, Law Number 1 of 1974 constitutes the primary legislation governing marriages in Indonesia.¹⁰

The Marriage law has been formally enacted and is now established as positive law throughout Indonesia. Beyond encapsulating conceptual frameworks, this legislation also embodies principles and furnishes a legal framework for marriages. This statute functions as a comprehensive guide, applicable across various facets of Indonesian culture. Conversely, while some countries permit inter-religious unions, the issue of inter-religious marriages remains contentious in Indonesia. Both explicit and implicit prohibitions on such marriages continue to evoke debate and disagreement.¹¹

Nonetheless, the Catholic Church permits couples to proceed with their Marriage if they desire to do so and remain committed to their religious beliefs. A blessing Mass is conducted to formalize the marriage, even if the couple has exchanged vows beforehand. This practice is open to individuals of any religious affiliation seeking the Church's blessing. The preparation for such unions typically involves a prenuptial process initiated approximately a year before the wedding. This period allows prospective brides and grooms to deepen their understanding of each other. Given the enduring significance of the Catholic faith, couples are encouraged to engage in thorough and open communication, embracing the Church's reverence for Marriage as a sacred and cherished institution.¹²

¹⁰ Muhammad Ihsan Firdaus, "The legalization of interfaith marriage in Indonesia (between universalism and cultural relativism)." *The Easta Journal Law and Human Rights* 1, no. 2 (2023): 64-72; M. Yakub Aiyub Kadir, and Fachrian Rzuki. "Interfaith Marriage in Indonesia: a Critique of Court Verdicts." *Yuridika* 38, no. 1 (2023): 171-190.

¹¹ Sri Wahyuni, et al. "The registration policy of interfaith marriage overseas for Indonesian citizen." *Bestuur* 10, no. 1 (2022): 12-21; Ratno Lukito, "The enigma of legal pluralism in Indonesian Islam: the case of interfaith marriage." *Journal of Islamic Law and Culture* 10.2 (2008): 179-191.

¹² See Larry R. Petersen, "Interfaith marriage and religious commitment among Catholics." *Journal of Marriage and the Family* (1986): 725-735; James D. Davidson, and Tracy Widman. "The Effect of Group Size on Interfaith Marriage

The objectives of this study encompass a comprehensive analysis of the civil registration system pertaining to children born from interfaith marriages in Semarang City. Firstly, the research endeavors to gauge the efficacy of implementing statements of responsibility for children in such unions as a preventive measure against mismanagement during the civil rights registration process.¹³ This entails an examination of how these statements influence administrative practices and safeguard the rights of children within the legal framework of Semarang City.

Secondly, the study aims to identify and dissect administrative obstacles encountered during the registration of children from interfaith marriages in Semarang City. By delving into the bureaucratic intricacies and operational challenges, the research seeks to provide insights into the specific barriers that impede a smooth registration process. Understanding these hurdles is crucial for devising targeted strategies to streamline registration procedures and ensure equitable treatment for all children, regardless of their parents' religious backgrounds.¹⁴

Lastly, the research endeavors to generate actionable recommendations aimed at enhancing the overall civil registration system in Semarang City. Special emphasis will be placed on proposals geared towards improving the civil registration rights of children born from interfaith marriages and mitigating the potential for mismanagement or discriminatory practices.¹⁵ These recommendations will be informed by a

Among Catholics." *Journal for the Scientific Study of Religion* 41, no. 3 (2002): 397-404.

¹³ Mahadi Abdullah, et al. "Analisis Perkawinan Beda Agama di Kota Semarang: Sebuah Telaah Setelah Dikeluarkannya Sema Nomor 2 Tahun 2023." *Causa: Jurnal Hukum dan Kewarganegaraan* 1, no. 4 (2023): 71-80.

¹⁴ Muhyidin Ayu Zahara, "Pencatatan Perkawinan Beda Agama (Studi Komparatif Antara Pandangan Hakim PA Semarang dan Hakim PN Semarang Terhadap Pasal 35 Huruf (a) Undang-Undang Nomor 23 Tahun 2006 Tentang Administrasi Kependudukan)." *Diponegoro Private Law Review* 4, no. 3 (2019): 1-15; Muhammad Ashsubli, "Undang-Undang Perkawinan Dalam Pluralitas Hukum Agama (Judicial Review Pasal Perkawinan Beda Agama)." *Jurnal Cita Hukum* 3, no. 2 (2015): 289-302.

¹⁵ Abdul Halim, and Carina Rizky Ardhani. "Keabsahan Perkawinan Beda Agama Diluar Negeri dalam Tinjauan Yuridis." *Jurnal Moral Kemasyarakatan* 1, no. 1 (2016): 67-75; Fakhurrizi M. Yunus, and Zahratul Aini. "Perkawinan Beda

thorough analysis of the existing system and guided by principles of fairness, inclusivity, and respect for religious diversity. By addressing these objectives, the study aims to contribute towards the development of a more robust and equitable civil registration system that upholds the rights of all children in Semarang City, irrespective of their familial or religious circumstances.

The primary focus of this research is to address instances of maladministration in Semarang City and promptly ensure the realization of registration rights for children born from interfaith marriages. Civil registration stands as a pivotal component of legal infrastructure safeguarding individual rights, particularly ensuring children's access to entitled services and benefits. However, in the context of interfaith marriages, administrative challenges often impede the fulfillment of these fundamental rights. Thus, this study seeks to identify and mitigate such barriers to ensure equitable access to civil registration services for all children, irrespective of their parents' religious affiliations.

A study conducted by UNICEF on "*Birth Registration and the Right of Every Child to Acquire a Nationality*" underscores the critical importance of birth registration as the initial step in guaranteeing children's rights.¹⁶ This research underscores the detrimental effects of lacking birth registration, such as hindering access to essential education and healthcare services for children. In the Indonesian context, prioritizing efforts to prevent maladministration and ensure the enforcement of civil registration rights is imperative to safeguard the rights of children born from interfaith marriages.

This research makes a significant contribution to the field of science by investigating methods for preventing maladministration in ensuring the civil registration rights of children born from interfaith marriages in Semarang City. Through an in-depth examination of the efficacy of

Agama dalam Undang-Undang Nomor 23 Tahun 2006 Tentang Administrasi Kependudukan (Tinjauan Hukum Islam)." *Media Syari'ah: Wahana Kajian Hukum Islam dan Pranata Sosial* 20, no. 2 (2020): 138-158.

¹⁶ See Jonathan Todres, "Birth registration: an essential first step toward ensuring the rights of all children." *Human Rights Brief* 10, no. 3 (2003): 32-35; Marta Santos Pais, "Birth registration: right from the start." *UNICEF Innocenti Digest* 9 (2002): 1-32.

Statement of Child Responsibility and the identification of administrative hurdles, this study offers insights into legal and administrative dimensions while offering actionable recommendations for enhancing the civil registration framework. These findings not only deepen comprehension of pertinent issues but also furnish practical guidance for stakeholders, researchers, and practitioners, thereby bolstering efforts to safeguard children's rights and mitigate maladministration in forthcoming endeavors.

This research delves into societal and individual behaviors aligned with the norms established by pertinent legal regulations. Specifically, it examines the efficacy of the Child Responsibility Statement Letter in Semarang City in mitigating abuse in the administration of civil registration rights for children born from interfaith marriages.

General Discussion about Interfaith Marriage

A. Understanding Interfaith Marriage

In Indonesia, marriage is relatively straightforward for couples who share the same religious affiliation or beliefs. However, it poses challenges for those with differing religious backgrounds or beliefs, such as a Hindu marrying a Catholic or a Muslim marrying a non-Muslim. The Government of the Republic of Indonesia officially recognizes Buddhism, Confucianism, Islam, Hinduism, Catholicism, and Protestantism, underscoring the nation's rich religious diversity. Interfaith marriage, a union between individuals of different faiths, merges two distinct sets of religious norms, potentially leading to complexities in navigating religious practices within the family unit to foster enduring happiness. Despite Indonesia's religious pluralism, the Marriage Law lacks clear provisions addressing interfaith marriages, leaving room for interpretation by scholars and practitioners.¹⁷

¹⁷ M. Nur Kholis Al Amin, "Perkawinan Campuran Dalam Kajian Perkembangan Hukum: Antara Perkawinan Beda Agama Dan Perkawinan Beda Kewarganegaraan di Indonesia." *Al-Ahwal: Jurnal Hukum Keluarga Islam* 9, no. 2 (2017): 211-220; Wahyuni, "Kontroversi Perkawinan Beda Agama di Indonesia." *Jurnal Hukum Islam* 8, no. 1 (2010): 64-78.

According to Rusli and R. Tama, interfaith marriage is the sacred bond between a man and a woman, each adhering to distinct religious beliefs, who come together despite their religious differences. They advocate for a law that establishes the prerequisites and protocols for such marriages, aimed at fostering a harmonious and everlasting familial relationship rooted in faith in the Almighty.¹⁸

¹⁸ Rusli Rusli and R Tama. *Perkawinan Antar Agama dan Masalahnya*. (Bandung: Pionir Jaya, 1986). Furthermore, it is emphasized that in Indonesia, interfaith marriages can pose significant challenges due to the country's diverse religious landscape and the strong influence of cultural and religious norms. One of the primary issues is the legal framework surrounding marriage, which often requires couples to adhere to specific religious ceremonies and obtain approval from religious authorities. This can be complicated for interfaith couples, as they may face obstacles in fulfilling the requirements of both partners' religions. Moreover, societal and familial pressures play a significant role, with families sometimes strongly opposing interfaith unions due to concerns about preserving cultural or religious traditions. This can lead to strained relationships, emotional stress, and even social ostracization for the couple. Additionally, the issue of child upbringing often arises, as interfaith couples may struggle to decide which religious beliefs and practices to impart to their children. This dilemma can lead to tensions within the family and may require delicate negotiations to find a suitable compromise. Furthermore, discrimination and stigmatization against interfaith couples are not uncommon in Indonesia, particularly in more conservative communities where adherence to religious norms is strictly enforced. Despite these challenges, some couples successfully navigate the complexities of interfaith marriage by fostering open communication, mutual respect, and seeking support from progressive religious leaders or community organizations advocating for tolerance and acceptance. *See also* Tengku Erwinsyahbana, "Aspek Hukum Perkawinan Antar Agama dan Problematika Yuridisnya." *Refleksi Hukum: Jurnal Ilmu Hukum* 3, no. 1 (2018): 97-114; Nur Asiyah, "Kajian Hukum Terhadap Perkawinan Beda Agama Menurut Undang-Undang Perkawinan dan Hukum Islam." *Jurnal Hukum Samudra Keadilan* 10, no. 2 (2015): 204-214; Prasetyo Ade Witoko, and Ambar Budhisulistiyawati. "Penyelundupan Hukum Perkawinan Beda Agama di Indonesia." *Jurnal Hukum dan Pembangunan Ekonomi* 7, no. 2 (2019): 251-257.

In the same context, interfaith marriage, as delineated by Md Zahidul Islam¹⁹, Claramar²⁰, Heiss²¹, and Nurcholish²² involves the intricate interplay of both internal and external dynamics between a man and a woman from divergent religious traditions. They advocate for upholding and cherishing these religious disparities within the marital union, viewing them as opportunities for unity. Their vision is to cultivate a blissful and everlasting family unit grounded in reverence for the divine. In addition, Abdurrahman²³, and Dollahite, et.al²⁴ posit that interfaith marriages occur when individuals subscribe to disparate religious doctrines and hold divergent philosophical perspectives.

Based on the preceding explanation, an interfaith marriage is a union between two individuals of distinct religious backgrounds who are united through marriage. The acknowledgment and accommodation of diverse religious beliefs, coupled with the commitment established through the marital bond, constitute the essential components encapsulated within the definition of an interfaith marriage.

The absence of explicit regulations regarding interfaith marriages in Indonesian marriage law leaves a significant legal gap. As outlined in Article 2, paragraph (1) of the Marriage Law, a marriage is deemed valid if conducted in accordance with the beliefs and convictions of the parties involved. This provision implies that the tenets of each religion are

¹⁹ Md Zahidul Islam, "Interfaith marriage in Islam and present situation." *Global Journal of Politics and Law Research* 2, no. 1 (2014): 36-47.

²⁰ Aphrodite Clamar, "Interfaith marriage: Defining the issues, treating the problems." *Psychotherapy in Private Practice* 9, no. 2 (1991): 79-83.

²¹ Jerold S. Heiss, "Interfaith marriage and marital outcome." *Marriage and Family Living* 23, no. 3 (1961): 228-233.

²² Ahmad Nurcholish, "Interfaith marriage in the constitution and the Islamic law dynamics in Indonesia." *Al-Mawarid: Jurnal Hukum Islam* 15, no. 1 (2015): 123-142.

²³ Abdurrahman Abdurrahman. *Kompendium Bidang Hukum Perkawinan: Perkawinan Beda Agama dan Implikasinya*. (Jakarta: Badan Pembinaan Hukum Nasional Kementerian Hukum dan HAM RI, 2011).

²⁴ David C. Dollahite, Loren D. Marks, and Hilary Dalton. "Why religion helps and harms families: A conceptual model of a system of dualities at the nexus of faith and family life." *Journal of Family Theory & Review* 10, no. 1 (2018): 219-241.

inherently integrated into the legal framework governing marriage.²⁵ However, a critical consideration arises regarding whether the religious doctrines of each party permit interfaith marriages. For instance, Islamic law prohibits women from marrying non-Muslim men (Al Baqarah [2]: 221)²⁶, while Christian doctrine prohibits unions between individuals of differing faiths (II Corinthians 6:14–18)²⁷.

²⁵ Kadriah Kadriah, Teuku Saiful, and Muhammad Naufal Hidayat. "Interreligious Marriage According to Indonesian Legislation." *1st International Conference on Law and Human Rights 2020 (ICLHR 2020)*. Atlantis Press, 2021; Zandy Wulan Ayu Widhi Prameswari, and Erni Agustin. "Indonesian Marriage Law Reform: The Way to Strengthen the Protection of Children's Rights against Child Marriage." *Journal of Southeast Asian Human Rights* 2, no. 1 (2018): 286-301.

²⁶ In Surah Al-Baqarah (Chapter 2), Verse 221 of the Quran, Allah addresses the topic of marriage and the importance of choosing a spouse who shares one's faith. The verse can be translated as follows: "And do not marry polytheistic women until they believe. And a believing slave woman is better than a polytheist, even though she might please you. And do not marry polytheistic men [to your women] until they believe. And a believing slave is better than a polytheist, even though he might please you. Those invite [you] to the Fire, but Allah invites to Paradise and to forgiveness, by His permission. And He makes clear His verses to the people that perhaps they may remember." This verse highlights the prohibition of Muslims marrying polytheists unless they embrace Islam. It emphasizes the importance of faith compatibility in marriage, suggesting that believing partners are preferable even if they may seem less attractive or pleasing to the worldly desires. The verse also underscores the gravity of associating with those who invite to disbelief, warning of the consequences of following such paths. Overall, it emphasizes the significance of faith and the guidance of Allah in choosing a spouse and living a righteous life. *See also* Muhammad Asrul Syam, "Pernikahan Beda Agama dalam Tafsir Bugis: Studi Penafsiran AGH. Daud Ismail atas QS Al-Baqarah [2]: 221 dan QS al-Mā'idah [5]: 5." *Jurnal Moderasi* 1, no. 1 (2021): 67-82; Prahasti Suyaman, "Tinjauan Sosiologis Al-Quran Surah Al-Baqarah Ayat 221 Tentang Pernikahan Beda Agama." *Mutawasith: Jurnal Hukum Islam* 4, no. 2 (2021): 116-127; M. Husnul Khulukil Asyrof, Anwar Sa'dullah, and Abdul Wafi. "Penafsiran Surat Al-Baqarah Ayat 221 Dan Al-Maidah Ayat 5 Tentang Pernikahan Beda Agama Perspektif Empat Madzhab." *Jurnal Hikmatina* 5, no. 2 (2023): 96-103.

²⁷ In II Corinthians 6:14–18, which is part of the New Testament of the Bible, the apostle Paul addresses the Corinthians regarding the importance of maintaining spiritual purity and avoiding entanglements with unbelievers. The passage can be understood as follows: "14 Do not be yoked together with unbelievers. For what do righteousness and wickedness have in common? Or what fellowship can light have

The absence of legal clarity regarding marriage for couples of different religions stems from the prohibitions delineated in Article 2, paragraph (1) of the Marriage Law, Article 40 letter c, and Article 44 of the Compilation of Islamic Law (KHI), in conjunction with Constitutional Court Decision No. 68/PUU-XII/2014.²⁸

with darkness? 15 What harmony is there between Christ and Belial? Or what does a believer have in common with an unbeliever? 16 What agreement is there between the temple of God and idols? For we are the temple of the living God. As God has said: 'I will live with them and walk among them, and I will be their God, and they will be my people.' 17 Therefore, 'Come out from them and be separate, says the Lord. Touch no unclean thing, and I will receive you.' 18 And, 'I will be a Father to you, and you will be my sons and daughters, says the Lord Almighty.'" In these verses, Paul uses various metaphors to illustrate the incompatibility between believers and unbelievers. He likens it to trying to yoke together animals of different kinds, which would result in an unequal partnership and potentially hinder spiritual growth. Paul emphasizes the stark contrast between righteousness and wickedness, light and darkness, Christ and Belial (a term used for the devil or forces of evil), believers and unbelievers, and the temple of God and idols. He encourages believers to separate themselves from the ways of the world and to live lives of holiness and dedication to God. By doing so, believers can experience the intimate relationship with God promised in the Scriptures, being adopted as His sons and daughters. *See also* Jessica Silfanus, "Perkawinan Beda Agama Secara Alkitabiah dalam Masyarakat Pluralisme." *The Way: Jurnal Teologi dan Kependidikan* 8, no. 1 (2022): 82-95; Jefri Andri Saputra, "Cinta Yang Sepadan Dalam Perspektif Endogami: Sebuah Pembacaan Tradisi Terhadap Narasi 2 Korintus 6: 14-7: 1." *KAMASEAN: Jurnal Teologi Kristen* 3, no. 1 (2022): 18-39; Victoria Woen, "Pandangan Alkitab Mengenai Pernikahan Yang Tidak Seiman." *Excelsis Deo: Jurnal Teologi, Misiologi, dan Pendidikan* 4, no. 1 (2020): 51-60.

²⁸ Islamiyati Islamiyati. "The implication of the Indonesian Constitutional Court Decision No. 68/PUU/XII/2014 on Evasion of Law of Interfaith Marriage Under Islamic Law." *The First International Conference On Islamic Development Studies 2019, ICIDS 2019, 10 September 2019, Bandar Lampung, Indonesia*. 2019; Najichah Najichah. "Reconstruction of Islamic Family Law in Indonesia Through Constitutional Court Decisions." *Walisongo Law Review (Walrev)* 4, no. 2 (2022): 221-256; Zaka Firma Aditya, Abdul Basid Fuadi, and Rizkisyabana Yulistiyaputri. "The Role of Islamic Law in Enriching the Decisions of the Indonesian Constitutional Court." *Frontiers* 2 (2023): 24-29; Nofrizal Nofrizal, et al. "Implications of Supreme Court Jurisprudence No. 1400k/Pdt/1986 on Marriage Different Religions." *Unram Law Review* 6, no. 1 (2022): 31-45.

In interfaith marriages involving Muslims, the permissibility for Muslim men to marry non-Muslim women hinges on the religious affiliation and beliefs of the women in question. According to Islamic law, Muslim men are allowed to marry women who adhere to monotheistic religions such as Christianity and Judaism, or those who embrace the concept of monotheism or the Samawi religion. The *Samawi* religion is commonly understood as monotheism, emphasizing belief in one God. This allowance is predicated on the assumption that these women share foundational beliefs in the divine that align with Islamic principles. However, Islamic law expressly prohibits Muslim men from marrying women who do not adhere to monotheistic beliefs, including those who practice polytheistic religions or reject the concept of one God.²⁹

Conversely, Islamic law imposes strict prohibitions on Muslim women marrying men who do not belong to the Muslim faith. This prohibition is rooted in various interpretations of religious texts and aims to uphold the religious identity of the family and community. If a Muslim woman finds herself in an interfaith marriage with a non-Muslim man, Islamic jurisprudence offers her two primary options. Firstly, she may patiently await her husband's conversion to Islam, thus rendering the marriage permissible under Islamic law. Alternatively, if her husband remains unwilling to convert, she may choose to seek a divorce in order to marry a Muslim man and maintain her religious beliefs and practices.³⁰

These guidelines underscore the significance of religious compatibility and the preservation of religious identity within Islamic

²⁹ Alex B. Leeman, "Interfaith Marriage in Islam: An Examination of the Legal Theory Behind the Traditional and Reformist Positions." *Indiana Law Journal* 84, no. 2 (2009): 743-771; Ahmad Azmi Perkasa Alam, "Interfaith Marriage Perspective of Fiqh Law and Positive Law." *NUSANTARA: Journal of Law Studies* 1, no. 1 (2022): 33-39; Imran Hayat, and Tahira Basharat. "A critical study on the principles of interfaith marriages: A perspective of classical discourse of Islam." *Pakistan Journal of Islamic Research (PJIR)* 20, no. 1 (2019): 1-12.

³⁰ Shahzadi Pakeeza, "The Interfaith Marriages and Its Effects in the Light of Islamic Law." *Epistemology* 5, no. 1 (2018): 81-94; Ayesha Farooq, and Muhammad Sultan Shah. "Interfaith Marriages: in The Light of Islamic and Sociological Perspectives." *Al-Qanṭara* 9, no. 1 (2023): 219-240.

marriages, particularly concerning unions involving Muslim individuals and individuals from different religious backgrounds.

B. Legal Provisions for Interfaith Marriages According to Laws and Regulations in Indonesia

Interfaith marriages in Indonesia entail the union of two individuals with divergent religious affiliations. Despite Indonesia's reputation as a predominantly Muslim nation, its constitution guarantees freedom of religion to all citizens. Consequently, regulations governing interfaith marriages require meticulous oversight to safeguard the rights and responsibilities of couples who enter into such unions with differing religious convictions.³¹

A pivotal aspect of the legal framework governing interfaith marriage in Indonesia is the involvement of the Ministry of Religion. As stipulated in Law Number 1 of 1974 concerning Marriage, the Ministry of Religion holds the authority to grant permission for marriages between individuals of different religious backgrounds. This process entails obtaining approval from the respective religious leaders to whom the couple adheres. Couples intending to marry must submit an application to the Ministry of Religion, accompanied by essential documents, including permission letters from each religious leader and certificates from the prospective bride and groom. This meticulous procedure ensures that both parties genuinely consent to and comprehend the implications of entering into an interfaith marriage.

The Ministry of Religion may impose additional requirements, which vary depending on the regulations in each region. While interfaith marriages are generally acknowledged in Indonesia, certain provinces or

³¹ Aldi Subhan Lubis, and Zaini Muhawir. "The Dynamics of Interreligious Marriage in Indonesian Religious and Legal Perspectives." *ARRUS Journal of Social Sciences and Humanities* 3, no. 1 (2023): 43-51; Rosdiana Rosdiana, Ummu Hanah Yusuf Saumin, and Masayu Mashita Maisarah. "Legitimacy on Inter-Faith Marriages: An Analysis of the Role of Religious Councils on the Legal Policy in Indonesia." *Abkam: Jurnal Ilmu Syariah* 19, no. 1 (2019): 81-96.

districts may enforce supplementary rules or procedures that couples must adhere to.

A crucial legal aspect of interfaith marriages pertains to the official recognition of the union. According to Law Number 1 of 1974, marriages that meet all specified requirements are legally recognized throughout Indonesia, irrespective of religious disparities. However, it's essential to note that this recognition applies exclusively to marriages that comply with all legal prerequisites.

Moreover, another pivotal aspect concerns the legal rights and responsibilities of interfaith couples. It is imperative for them to honor and acknowledge each other's rights and duties in accordance with their respective religious beliefs. These considerations encompass various aspects, including participation in religious ceremonies or specific religious observances, as well as prenuptial agreements delineating the rights and responsibilities of partners in their daily lives.

Interfaith marriages must also take into account relevant laws and regulations pertaining to child custody and inheritance provisions. These legal frameworks often incorporate religious considerations, which can significantly impact the rights and duties of parents towards their children, as well as the inheritance entitlements of those children. Thus, navigating these legal intricacies is essential for interfaith couples to ensure the equitable resolution of matters related to familial responsibilities and inheritance.

In Indonesia, interfaith marriages underscore the nation's commitment to upholding religious freedom and providing legal protection to all individuals, regardless of their choice to marry partners with differing religious beliefs. While existing regulations offer a foundational framework, ongoing efforts to refine and adapt legal provisions to align with the evolving societal dynamics are imperative. A comprehensive comprehension of the rights and responsibilities inherent in interfaith marriages, coupled with consistent legal recognition, is essential for ensuring optimal protection for each individual as they navigate married life.

Interfaith marriages are governed by Marriage Law Number 1 of 1974. Article 2 of this law underscores the significance of considering the religious beliefs and customs of both the bride and groom in determining

the validity of the marriage. The Constitutional Court has clarified that the fulfillment of religious criteria by each prospective spouse is pivotal for validating a marriage, with Article 2 paragraph (2) serving merely administrative purposes. Additionally, Article 57 of the Marriage Law indicates that previous prohibitions on marriage no longer apply as long as they are regulated within the current legal framework. Conversely, Article 66 of the Marriage Law does not address mixed marriages involving various types of religious unions.

General Discussion Regarding Marriage Registration

A. Definition of Marriage Registration

Marriage registration constitutes a formal and legal procedure aimed at documenting the establishment or continuation of a marital union within a particular jurisdiction. This process is overseen by governmental authorities, such as the Civil Registry office in Indonesia, with the objective of creating an official record of matrimonial events involving two individuals.

Within the regulatory framework of marriage in Indonesia, marriage registration assumes a pivotal role. Serving as an essential administrative measure, it exerts a profound influence on the legal rights and obligations of married couples. In this essay, we aim to explore the significance of marriage registration, elucidate its procedural aspects, and analyze its ramifications within Indonesia's legal and societal milieu. Marriage registration, as an official procedure, entails the formal documentation of an individual's marital status at the local Civil Registry office. The significance of this recording transcends mere administrative functions, extending to encompass various aspects of married life. Mandated by Law Number 1 of 1974 concerning Marriage, the registration of every marital union at the Civil Registry office is required within 30 days following the occurrence of the marriage ceremony.³²

³² See Sri Wahyuni, et al. "The registration policy of interfaith marriage overseas for Indonesian citizen." *Bestuur* 10, no. 1 (2022): 12-21; Bayu Dwi Widdy Jatmiko, Nur Putri Hidayah, and Samira Echaib. "Legal Status of Interfaith Marriage in

The process of marriage registration encompasses several essential stages. Initially, newlywed couples are required to initiate the registration procedure at their local Civil Registry office. Subsequently, they are tasked with completing a form and submitting requisite documentation, including birth certificates, domicile certificates, and certificates confirming the absence of prior marriages. During this phase, the validity of the marriage is scrutinized by a Civil Registry officer.

The significance of the marriage registration process is profound as it directly influences the legal status of the couple. Within a legal framework, marriage registration serves as official confirmation that the marital union is valid and duly recognized by the State. Furthermore, this registration serves as the foundation for acquiring a multitude of legal rights and obligations, spanning inheritance entitlements, insurance coverage, and access to social welfare benefits. Moreover, marriage registration establishes a robust legal framework governing familial rights and responsibilities. In scenarios involving divorce or the distribution of assets, the registered marriage serves as the primary reference point for the Court.³³

Couples who undertake the process of marriage registration benefit from heightened legal protection, as their rights are distinctly articulated and more readily upheld. Consequently, the registration of marriage not only safeguards the interests of the couple but also facilitates the efficient recognition and enforcement of their legal entitlements. The significance of marriage registration extends beyond the legal domain to encompass profound social implications. By generating a public marriage record, registration directly influences the societal perception and reputation of the married couple. It serves as an official endorsement from society, particularly in cultures that prioritize traditional family norms and values.

Indonesia and Its Implications for Registration." *Journal of Human Rights, Culture and Legal System (JHCLS)* 2, no. 3 (2022): 166-177.

³³ Y. Sonafist, and Henny Yuningsih. "Islamic Law, the State, and Human Rights: The contestation of Interfaith Marriage discourse on social media in Indonesia." *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (2023): 381-391; M. Thahir Maloko, et al. "Analyzing the prohibition of interfaith marriage in Indonesia: legal, religious, and human rights perspectives." *Cogent Social Sciences* 10, no. 1 (2024): 2308174.

Despite its importance, marriage registration in Indonesia faces various challenges. Many regions, especially rural areas, contend with low registration rates due to factors such as limited accessibility to Civil Registry offices, inadequate understanding of the significance of registration, and cultural influences. Enhancing public awareness regarding the importance of marriage registration is paramount to address these challenges effectively. Additionally, governmental initiatives aimed at improving accessibility and streamlining the registration process in regions with low registration rates are essential.³⁴

Marriage registration in Indonesia transcends mere administrative protocol, profoundly impacting both the legal and social landscapes. It signifies the official recognition of marriage as an institution by the State, furnishing married couples with a robust legal foundation. Augmenting public awareness regarding marriage registration holds the potential to foster a more orderly and enlightened society in managing marital relationships.

B. Marriage Registration in the National Marriage Law Based on Law Number 1 of 1974 concerning Marriage

Article 2, paragraph (2) of Law No. 1 of 1974 stipulates that all marriages must undergo registration in accordance with prevailing laws and regulations. When contextualizing this provision alongside Article 2, paragraph (1) of the same law, it becomes evident that marriages conducted in adherence to the tenets of various religions and beliefs must undergo formal registration through established procedures to attain legal

³⁴ Judith Koschorke, "Legal Pluralism in Indonesia: The Case of Interfaith Marriages Involving Muslims." *Legal Pluralism in Muslim Contexts*. (Leiden: Brill, 2019), pp. 199-229. See also Muhammad Habiburrahman, Moh Maskur, and Aini Shalihah. "Problematika Surat Edaran Mahkamah Agung Nomor 2 Tahun 2023 Tentang Pelarangan Pencatatan Nikah Beda Agama dalam Perspektif Hak Asasi Manusia." *Sosio Yustisia: Jurnal Hukum dan Perubahan Sosial* 3, no. 2 (2023): 223-241; Syamsul Bahri, "Dinamika Hukum Perkawinan Beda Agama dan Campuran di Dunia Islam dan Implementasinya di Indonesia." *Syaksia: Jurnal Hukum Perdata Islam* 23, no. 1 (2022): 101-114.

recognition. Fulfilling this requirement is imperative for a marriage to be deemed legally valid and accepted.³⁵ Law No. 1 of 1974 underscores that a marriage conducted in accordance with the religious laws and beliefs of the parties involved does not inherently possess legal status unless it is duly registered.³⁶

Registration of Interfaith Marriages

Interfaith marriages constitute a significant aspect of marriage regulations in Indonesia, a nation characterized by religious diversity mirroring the pluralistic nature of its society. The legal framework governing interfaith marriages in Indonesia is primarily grounded in Law Number 1 of 1974 concerning Marriage. Within this legislation, Article 2, paragraph (1) mandates that every marriage must be reported to the Marriage Registrar and documented in the Marriage register. This requirement extends to marriages involving individuals with differing religious affiliations.

In the context of interfaith marriages, prospective couples are obligated to seek permission from each religious leader representing the faiths embraced by the bride and groom. This prerequisite is outlined in Article 14 of Law Number 1 of 1974. Securing this permission serves as the initial step towards ensuring that the forthcoming marriage is duly recognized and endorsed in accordance with the provisions of the respective religions involved.

The registration of interfaith marriages can be completed at the local Civil Registry office. To initiate the process, the couple must submit an application to the office along with requisite documentation, including a permission letter from a religious leader, a certificate affirming the absence of prior marriages, and other identity documents. This procedural

³⁵ Yuni Juniarti, and Shindu Irwansyah. "Analisis Pencatatan Perkawinan Beda Agama di Indonesia menurut Undang-Undang No. 1 Tahun 1974." *Jurnal Riset Hukum Keluarga Islam* 2, no. 2 (2022): 71-76; Andi Syamsulbahri, and M. H. Adama. "Akibat Hukum Perkawinan Beda Agama Menurut Undang-Undang No. 1 Tahun 1974 Tentang Perkawinan." *AL-SYAKHSHIYYAH Jurnal Hukum Keluarga Islam dan Kemanusiaan* 2, no. 1 (2020): 75-85.

³⁶ Ahmad Nurcholish, "Pernikahan Beda Agama dan Jaminan Kebebasan Beragama di Indonesia." *Jurnal Hak Asasi Manusia* 11, no. 11 (2014): 165-220.

step is designed to ensure that the marriage is conducted in accordance with pertinent regulations and is legally recognized.³⁷

The significance of registering interfaith marriages lies in the legal protection afforded to the couple. Through official registration, the couple obtains tangible legal proof acknowledging their marital status. This documentation is essential for securing various legal rights and obligations, including inheritance rights, child custody arrangements, and other entitlements. By registering their marriage, the couple establishes a solid foundation for safeguarding their legal interests and ensuring equitable treatment under the law.

Interfaith marriages serve as a testament to the Indonesian Government's commitment to fostering tolerance and acknowledging religious diversity, in alignment with the foundational state principles of Pancasila. These principles underscore ideals of social justice, tolerance, and unity amidst diversity. Despite the existing regulations governing the registration of interfaith marriages, challenges persist in their effective implementation. Some regions across Indonesia continue to grapple with low rates of marriage registration, with factors such as accessibility to Civil Registry offices and comprehension of the registration process exerting notable influence.

To bolster the registration of interfaith marriages, sustained efforts are essential to disseminate information regarding relevant regulations and underscore the significance of official marriage registration. Additionally, it is imperative for the Government to ensure universal accessibility to the registration process, particularly for citizens residing in rural areas. The registration of interfaith marriages in Indonesia epitomizes the State's endeavor to establish equitable and inclusive regulations amid religious diversity. It transcends mere administrative procedure, symbolizing both

³⁷ Meliyani Sidiqah, "Legal Vacuum in Interfaith Marriage Rules in Indonesia." *IBLAM Law Review* 3, no. 1 (2023): 99-110. See also Zuriyati Zuriyati, Yaswirman Yaswirman, and Yasniwati Yasniwati. "Registration of Interfaith Marriages at the Civil Registry Office in Pekanbaru." *International Journal of Multicultural and Multireligious Understanding* 6, no. 5 (2019): 895-900; Ketut Sudiarmaka, et al. "Study of Balinese Customary Law on Inheritance Rights of Children From Interfaith Marriages." *Jurnal Komunikasi Hukum (JKH)* 9, no. 1 (2023): 529-539.

legal protection and formal acknowledgment from society and the State for interfaith unions, which increasingly represent a facet of Indonesia's multicultural social landscape.

Article 2 of Law Number 23 of 2006 governs Population Administration, providing a legal framework for various administrative matters. Prior to the enactment of this law, marriages between individuals of different religions often lacked legal certainty, posing challenges in obtaining official recognition from the State. Interfaith marriages typically lacked a marriage certificate, rendering them ineligible for legalization under conventional procedures. However, Article 34 of the Law addresses this issue by establishing a process for the legalization of interfaith marriages.

Under this provision, couples from different religious backgrounds seeking to register their marriage must first seek marriage determination from the District Court. Subsequently, they can proceed to register their marriage at the Civil Registry Office. This arrangement is consistent with the provisions outlined in Articles 20 and 21 of the Marriage Law, which authorize the Civil Registry Office to facilitate or conduct marriage ceremonies upon court order.³⁸

Furthermore, marriages between Muslims are recorded at the Religious Affairs Office (KUA), while marriages involving Christians, Catholics, and Buddhists are recorded at the Civil Registry Office. In certain instances of registering interfaith marriages, the submission of SPTJM (*Surat Pernyataan Tanggung Jawab Mutlak*, Statement of Absolute Responsibility) is required as part of the registration process, as observed in the practices of the Semarang City Civil and Population Registry Service.³⁹

³⁸ Dewi Andriani, Sahrudin Sahrudin, and M. Yazid Fathoni. "Pencatatan Perkawinan Beda Agama." *Private Law* 3, no. 2 (2023): 315-323.

³⁹ Rofik Samsul Hidayat, "Kontroversi SPTJM (Surat Pernyataan Tanggung Jawab Mutlak) dalam Permendagri Nomor: 109 Tahun 2019." *Jurnal Pendidikan Tambusai* 6, no. 1 (2022): 2409-2415; Salsa Devi Sisti Alifianti, et al. "Degradasi Otoritas KUA sebagai Lembaga Pencatatan Perkawinan Pasca Berlakunya SPTJM dalam Permendagri No. 9 Tahun 2016." *Ma'mal: Jurnal Laboratorium Syariah dan Hukum* 4, no. 1 (2023): 59-80.

The SPTJM, or Statement of Absolute Responsibility, serves as a solemn declaration made by the individual, guardian, or applicant, attesting to the accuracy of certain information with complete accountability, corroborated by two witnesses. Specifically, there are three types of SPTJM utilized in different contexts:

1. SPTJM Truth of Birth Data: This statement affirms the accuracy of a person's birth information, including details such as date and place of birth. It is provided by the biological parents, guardians, or applicants, with two known witnesses validating its veracity.
2. SPTJM Truth as a Husband and Wife Couple: This declaration confirms the marital status of an individual listed as part of a married couple in the Family Card (KK). The biological parents, guardians, or applicants, along with two witnesses, assert the truthfulness of this marital status.
3. SPTJM Truth as a Husband and Wife Couple: This statement reiterates the marital status of an individual, supported by the biological parents, guardians, or applicants, and attested to by two witnesses.

In each case, the witnesses involved in the Statement of Absolute Responsibility are individuals who have observed or are aware of the signing of the document, thereby validating its authenticity and the sincerity of the assertions made therein.

According to Minister of Home Affairs Regulation Number 9 of 2016, the SPTJM serves a specific purpose in the process of obtaining a child's birth certificate. Contrary to its usage in recording interfaith marriages, as the applicable law does not prescribe, the SPTJM is primarily utilized in cases where the birth certificate requirements cannot be met by the applicant.⁴⁰

Specifically, the regulation outlines that the SPTJM is employed in instances where the origin or whereabouts of the child's parents are unknown. In such circumstances, the applicant may submit an

⁴⁰ Mardalena Hanifah, "Perkawinan Beda Agama Ditinjau dari Undang-undang Nomor 1 Tahun 1974 Tentang Perkawinan." *Soumatara Law Review* 2, no. 2 (2019): 297-308; Anggreany Haryani Putri, and Andang Sari. "Akibat Hukum Perceraian Terhadap Anak Dari Perkawinan Beda Agama." *Jurnal Hukum Kenotariatan Otentik's* 1, no. 2 (2019): 150-164.

Investigation Report (*BAP*) from the police or utilize the SPTJM to provide accurate birth data, signed by the guardian or person responsible for the child. Additionally, if the applicant is unable to fulfill the birth certificate requirements from a doctor, midwife, or birth attendant when registering the child's birth, they must include the SPTJM to ensure the accuracy of the birth data provided.

Status of Interfaith Marriages Registered at the Semarang City Population and Civil Registry Service

In accordance with Instruction of the President of the Republic of Indonesia Number 1 of 1991 concerning the Compilation of Islamic Law, the registration of marriages follows specific protocols based on the religious affiliations of the parties involved. Marriages between Muslims are recorded at the KUA (Religious Affairs Office), while marriages involving non-Muslim religions are registered at the local Population and Civil Registry Office.

In practical terms, this means that marriages performed under different religious traditions, as proposed by various parties at the Population and Civil Registry Service of Semarang City, can only be registered as non-Islamic marriages, even if one of the individuals involved identifies as Muslim.⁴¹

The status of a non-Islamic registered marriage stems from specific regulations outlined in the Regulation of the Minister of Religion of the Republic of Indonesia Number 19 of 2018 concerning the Registration of Marriages. According to Article 2, Paragraph 1 of this regulation, marriages between Muslim individuals must be recorded in a Marriage Certificate, with Paragraph 2 specifying that such registrations are facilitated by the Head of the District KUA. Essentially, this regulation mandates that the KUA exclusively registers marriages conducted in accordance with Islamic practices.

⁴¹ Zakiyah Alatas, "Pelaksanaan Perkawinan Beda Agama Setelah Berlakunya Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan di Kabupaten Semarang". *Thesis*. (Semarang: Universitas Diponegoro, 2007).

Consequently, for interfaith marriages, the registration process occurs at the Semarang City Population and Civil Registry Service following a wedding ceremony adhering to the customs of the non-Islamic religion involved. This entails one party assimilating into the wedding procession of the other party's religion. For instance, if one party is Muslim and the other is not, the Muslim party would participate in a non-Islamic wedding ceremony, including the associated rituals and blessings, without undergoing a change in religious affiliation.

Analysis of the Law on Registration of Marriages of Different Religions at the Department of Population and Civil Registry of Semarang City

Ensuring the prevention of maladministration is paramount, especially in contexts such as the registration of interfaith marriages. In this domain, maladministration could manifest in various forms, including bureaucratic delays, erroneous documentation, or discriminatory practices. By upholding principles of transparency, accountability, and fairness, authorities can mitigate the risks of maladministration and ensure that the rights of citizens, particularly those in interfaith unions, are safeguarded. This underscores the importance of establishing robust mechanisms and protocols within civil administration to promote efficient and equitable service delivery, thereby fostering social cohesion and respecting the diverse religious landscape of the community.

The creation of a statement letter serves a crucial role in preventing maladministration, particularly in the context of interfaith marriages. Its primary aim is to underscore parental responsibility towards children born from such unions. Within this letter, couples can articulate their mutual agreement regarding their responsibilities, rights, and obligations concerning their children. Additionally, they can express their commitment to fulfilling all necessary administrative requirements. This proactive approach not only enhances transparency but also helps to establish a clear framework for the protection of children's rights and the smooth functioning of civil registration processes.

1. The importance of civil registration is the fundamental right of every individual and is the basis for granting civil and citizenship rights. Civil registration is a fundamental right of every individual and is the foundation for granting civil and citizenship rights. Civil registration is an administrative system that records various events in a person's life, such as birth, Marriage, divorce, and death. The articulation of the importance of civil registration in the context of human rights and citizenship can be described as follows:
2. Civil registration is an official way to identify and record the existence of individuals in society. Through birth registration, every individual obtains an official identity that allows them to be recognized and recognized by the Government and society.
3. Civil registration is the basis for granting civil rights, such as the right to vote, the right to own property, and other rights. Without official records, individuals may have difficulty obtaining and enforcing their rights in the eyes of the law and Government.
4. Civil registration is also an essential basis for determining a person's citizenship. Registration of birth, citizenship, and other events determines the legal relationship between individuals and the State, providing the legal basis for the rights and obligations of citizenship.
5. Official records through civil registration provide legal protection against illegal actions that violate individual rights. Marriage registration, for example, creates a legal basis for the rights and obligations of married couples.
6. Birth registration involves creating an official record of the child and providing protection against exploitation, kidnapping, and child abuse. Marriage and divorce registration also provides a legal basis for family rights and responsibilities.
7. Death registration creates an official record of the end of a person's life. This is important for administrative purposes, inheritance, and various rights and obligations related to the event of death.
8. Civil registration supports social and economic development by providing essential data for government planning and policy. Information from official records can be used to identify community needs and design development programs.

9. The fundamental right to be recorded in civil registration is essential to human rights. The right to have an official identity and access to health services, education, and other civil rights begins with accurate and complete civil registration.

The significance of civil registration cannot be overstated, as it constitutes a fundamental right accessible to every individual, forming the cornerstone for equitable civil and citizenship rights within society. In this regard, the Semarang City Government assumes a pivotal role in upholding and fulfilling civil registration rights. This responsibility encompasses oversight of the administrative procedures to ensure their seamless operation and to guarantee the fair and equal treatment of all community members in accessing their civil rights.

Based on this research at the Semarang City Population and Civil Registry Service highlights inconsistencies in the registration process for interfaith marriages, revealing deviations from existing regulations. These regulations, outlined in Law Number 23 of 2006 concerning Population Administration, delineate the procedures for registering such marriages:

1. Residents are required to report a valid marriage to the relevant implementing agency within 60 days from the date of the marriage, as stipulated by statutory regulations.
2. Upon receipt of the report mentioned in paragraph (1), civil registration officials are tasked with recording the marriage certificate in the marriage certificate register and issuing extracts from the marriage certificate.
3. Extracts from the marriage certificate, as outlined in paragraph (2), are provided to both the husband and wife.
4. The sub-district KUA is responsible for reporting marriages involving Muslim residents, in accordance with paragraph (1).

The findings suggest a need for adherence to these regulations to ensure the consistent and lawful registration of interfaith marriages within Semarang City.

According to Article 8, Paragraph (2), data regarding the registration of events, as outlined in Paragraph (4), must be submitted by the sub-district KUA to the implementing agency within 10 days following the completion of marriage registration. Importantly, the data

recording process specified in Paragraph (5) does not necessitate the issuance of a Civil Registration Deed quotation.

According to written regulations, the Semarang City Population and Civil Registry Service is authorized to register interfaith marriages upon receipt of a court order for prospective brides and grooms of different religions. However, findings from data analysis and interviews suggest discrepancies between regulatory requirements and actual registration practices. It has been observed that the Semarang City Population and Civil Registry Service has registered interfaith marriages without the requisite court order for brides of different religions.

Instead, interviews reveal that interfaith marriages have been registered solely based on the submission of a Statement of Absolute Responsibility (SPTJM) from the requesting party. The SPTJM serves as a formal declaration of absolute responsibility made by the individual, guardian, or applicant, corroborated by two witnesses. This statement encompasses various aspects, including the truth of birth data and the marital status of the individuals involved, each attested to by two known witnesses. Notably, witnesses in the Statement of Absolute Responsibility are individuals who have witnessed or are aware of the signing of the statement.

SPTJM itself, according to Minister of Home Affairs Regulation Number 9 of 2016 concerning the Acceleration of Increasing the Coverage of Birth Certificate Ownership, is used in making a child's birth certificate. The applicable law does not state that SPTJM is used to record interfaith marriages that have been performed. Based on the Minister of Home Affairs Regulation Number 9 of 2016, SPTJM has a function that is used to register the birth of a child whose origin or whereabouts of the parents are unknown, which is done by attaching an Investigation Report (BAP) from the police or using SPTJM for correct birth date signed by the guardian/person in charge. When registering a child's birth, if the applicant cannot fulfill the birth certificate requirements from a doctor/midwife/birth attendant, the applicant must attach the SPTJM for correct birth data.⁴²

⁴² See Dian Amelia, Ulfanora Ulfanora, and M. Iflah Febrizal. "Akibat Hukum Kartu Keluarga Bagi Pasangan Kawin Tidak Tercatat Menggunakan Surat Pernyataan

The utilization of SPTJM for registering interfaith marriages does not find mention in Law Number 23 of 2006 concerning Population Administration, nor is it outlined in the written requirements on the official website of the Semarang City Population and Civil Registry Service. As per the established protocol, the Semarang City Population and Civil Registry Service is mandated to adhere to the requirement of obtaining a court order for registering interfaith marriages. Analysis of data from the official website of the Directory of Decisions of the Supreme Court of the Republic of Indonesia indicates the absence of court decisions pertaining to interfaith marriages granted at the District Court in Semarang City. This underscores the necessity for ensuring compliance with existing regulations and procedural requirements for the registration of interfaith marriages.

The implementation of interfaith marriage registration at the Semarang City Population and Civil Registry Service does not align with the stipulations of Law Number 23 of 2006 concerning Population Administration and the written regulations of the Semarang City Population and Civil Registry Service. This is evidenced by the absence of court decisions on interfaith marriages issued by the Semarang City District Court, as reflected in data obtained from the official website of the Directory of Decisions of the Supreme Court of the Republic of Indonesia.

Furthermore, the practice of registering interfaith marriages without a court decision at the Semarang City Population and Civil Registry Service, solely based on the submission of a Statement of Absolute Responsibility (SPTJM), contradicts established legal protocols. It is crucial to note that the SPTJM is intended for the registration of a child's birth certificate and does not meet the conditions or criteria for registering

Tanggungjawab Mutlak Berdasarkan Peraturan Menteri Dalam Negeri Nomor 108 Tahun 2019 Tentang Persyaratan dan Tata Cara Pendaftaran Penduduk dan Pencatatan Sipil." *UNES Law Review* 6, no. 2 (2023): 4615-4627; Sri Nanang Meiske Kamba, and Nur Mohamad Kasim. "Dampak Kebijakan Surat Pernyataan Tanggung Jawab Mutlak Peraturan Menteri Dalam Negeri Nomor 9 Tahun 2016 Terhadap Pencatatan Perkawinan: Impact of The Policy Statement of Absolute Responsibility Regulation of The Minister of Homeland Number 9 of 2016 on Marriage Registration." *Jurnal Hukum PRIORIS* 11, no. 1 (2023): 15-34.

interfaith marriages. Thus, there is a clear discrepancy between the existing regulations and the implementation of interfaith marriage registration procedures at the Semarang City Population and Civil Registry Service.

The Semarang City Population and Civil Registry Service's utilization of the Statement of Absolute Responsibility (SPTJM) is ostensibly based on Minister of Home Affairs Regulation No. 9 of 2016. This regulation permits the unification of two individuals on one Family Card (*Kartu Keluarga*, or KK) and their Identity Cards (*Kartu Tanda Penduduk*, or KTP) under the status of *married* solely with the submission of an SPTJM. Consequently, their marriage is deemed administratively 'legal,' evidenced by the marital status indicated on their KTP or the absence of registration on the KK.

However, it's crucial to recognize that the legal status conferred by the SPTJM lacks legal validity and is not recognized by government agencies beyond the Ministry of Home Affairs. In essence, while the SPTJM may serve administrative purposes within the realm of the Family Card system, it does not hold legal weight and does not signify formal recognition of marriage by other governmental entities.

Interfaith marriages registered using the Statement of Absolute Responsibility (SPTJM) at the Population and Civil Registry Service of Semarang City, as revealed in interviews, present a concerning dilemma. In the event of unforeseen issues arising within the household of an interfaith marriage, the SPTJM cannot serve as a legal basis for recourse under relevant laws. Consequently, the Semarang City Population and Civil Registry Service has opted to persist in registering interfaith marriages using the SPTJM, absolving itself of any responsibility in the event of future marital conflicts.

Legal Status of Registration of Interfaith Marriages According to Legal Perspective in Indonesia

In the application of Law Number 1 of 1974, Article 2, paragraph 1 emphasizes the significance of adherence to religious laws as a fundamental criterion for the validity of marriage. This provision underscores that the validity of a marriage hinges upon compliance with

the laws and beliefs of each religion involved. Consequently, it becomes evident that, as stipulated by Law Number 1 of 1974, interfaith marriages are not considered valid within the context of the religions professed by the individuals involved.

As per the provisions outlined in Law Number 23 of 2006 concerning Population Administration and Regulation of the Minister of Home Affairs Number 12 of 2010 concerning Registration of Marriages and Reporting of Deeds Issued by Other Countries, regulations exist governing the registration of interfaith marriages. This signifies that interfaith marriages can indeed be solemnized and officially recorded, with the resulting certificate deemed valid provided all requirements are met in accordance with the pertinent laws and regulations.

According to these regulations, the registration of interfaith marriages necessitates a court ruling specifically addressing such unions. The legitimacy and validity of such court decisions hold significant weight, ensuring that interfaith marriages recognized by the law comply with established legal standards. These court rulings typically entail provisions wherein each party involved in interfaith marriage pledges to set aside their respective religious affiliations, affirming their commitment to the union despite religious differences.

In accordance with Law Number 23 of 2006 and Minister of Home Affairs Regulation Number 12 of 2010, court decisions concerning interfaith marriages carry mandatory or absolute weight. Consequently, in the absence of a court decision on interfaith marriages, registration of such unions cannot proceed, and the Civil Registry Service is mandated to await the court's decision before issuing a marriage certificate. However, contrary to these legal stipulations, the Semarang City Population and Civil Registry Service has been registering interfaith marriages without insistence on a court decision. This practice stands in direct violation of the aforementioned laws governing the registration of interfaith marriages. Consequently, the validity of the documents issued by the Semarang City Population and Civil Registry Service is cast into doubt.

The act of recording a marriage does not establish its validity; rather, it simply acknowledges the occurrence of the marriage event, making it purely administrative in nature. Therefore, the validity of a marriage is not contingent upon its registration but rather on adhering to

administrative regulations. Meanwhile, concerning the validity of marriage, Article 2, paragraph (1) of the Marriage Law explicitly stipulates that a marriage is deemed valid if conducted in accordance with the laws of respective religions and beliefs. Thus, from a purely fiqh perspective, marriage attains validity upon fulfilling the requisite requirements and pillars of the institution.

The Elucidation to Article 2, paragraph (1) of the Marriage Law further emphasizes that this provision leaves no room for marriages conducted outside the purview of each religion or belief's laws. Furthermore, applying Article 2 of the Marriage Law must be interpreted cumulatively, meaning that the components in Article 2 paragraph (1) and Article 2 paragraph (2) cannot be separated. Thus, it can be concluded that even though a marriage has been legally solemnized based on religious law, if it has not been registered with the authorized agency, either the Religious Affairs Office for Muslims or the Civil Registry Office for non-Muslims, then the Marriage has not been recognized as valid by the State.

Based on the description above, registered interfaith marriages can be valid according to state administration and law if implemented by the applicable laws and regulations. However, registered interfaith marriages are not valid according to the regulations of their respective religions⁴³. In practice, implementations still need to be implemented by applicable laws and regulations, especially in the Semarang City Population and Civil Registry Service. In its implementation, the requirements are not by the applicable law⁴⁴. Namely, there is no court decision, but registration is still carried out only with a Statement of Absolute Responsibility (SPTJM),

⁴³ Nur Asiyah, "Kajian Hukum Terhadap Perkawinan Beda Agama Menurut Undang-Undang Perkawinan dan Hukum Islam." *Jurnal Hukum Samudra Keadilan* 10, no. 2 (2015): 204-214. See also Ahmad Fuadi, and Devi Anggreni Sy. "Pernikahan Beda Agama Perspektif Hukum Islam dan Hukum Positif di Indonesia." *Jurnal Hadratul Madaniyah* 7, no. 2 (2020): 1-14; Made Widya Sekarbuana, Ida Ayu Putu Widiawati, and I. Wayan Arthanaya. "Perkawinan Beda Agama dalam Perspektif Hak Asasi Manusia di Indonesia." *Jurnal Preferensi Hukum* 2, no. 1 (2021): 16-21.

⁴⁴ Kaharuddin Kaharuddin, and Syafruddin Syafruddin. "Pernikahan Beda Agama dan Dampak Terhadap Pendidikan Agama Anak." *Sangaji: Jurnal Pemikiran Syariah dan Hukum* 4, no. 1 (2020): 53-81.

which in the regulations is only used for making birth certificates and is not a condition stated for registering marriages of different religions.

Regulatory marriage for couples who follow different religions does not have legal certainty, and this is because of the provisions formulated in the Compilation of Islamic Law (KHI) Article 40 (c) that Muslim men are not allowed to marry women who are not Muslim. This is also stated in Article 44, which states that a Muslim woman is prohibited from marrying a man who is not Muslim. The legal status of registering interfaith marriages is based on the Compilation of Islamic Law (KHI) article 40 (c) and paragraph 44. The registration status is invalid if the marriage process is carried out in an Islamic manner.

Conclusion

Based on the findings from the research, several crucial conclusions can be drawn regarding the registration of interfaith marriages at the Semarang City Population and Civil Registry Service. Firstly, it is evident that the implementation of registration regulations for interfaith marriages at the Semarang City Population and Civil Registry Service does not adhere to existing laws and regulations, notably those outlined in Law Number 23 of 2006 concerning Population Administration, specifically articles 34 and 35, as well as Minister of Home Affairs Regulation Number 12 of 2010, particularly articles 10 and 11, which govern Marriage Registration and Reporting deeds.

Contrary to established legal protocols, the Semarang City Population and Civil Registry Department persist in registering interfaith marriages without obtaining a court decision, opting instead to rely on the Statement of Absolute Responsibility (SPTJM). However, it is essential to underscore that the SPTJM lacks the requisite legal standing for registering interfaith marriages and cannot serve as a substitute for a court decision, as mandated by law. Furthermore, the legal status of interfaith marriages registered at the Semarang City Population and Civil Registry Service remains dubious, as the registration process fails to align with applicable laws and regulations. Given the absence of a court order for interfaith marriages recorded at the service, the validity of such registrations becomes questionable under the prevailing legal framework.

In conclusion, while interfaith marriages are legally recognized under existing laws and regulations if the requisite conditions are met, the registration process at the Semarang City Population and Civil Registry Service raises significant concerns regarding compliance with legal standards. The absence of court-issued orders for interfaith marriages registered at the service highlights a critical discrepancy between established legal requirements and actual registration practices.

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