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## Interfaith marriage in Indonesia: A normative analysis of legal arrangements and judicial practices

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### ABSTRACT

Interfaith marriage in Indonesia persists in inciting legal controversies due to disparate interpretations and implementations of regulations by the court. This article aims to analyze the legal framework regulating interfaith marriage in the Indonesian legal system, emphasizing statutory provisions and judicial decisions, while evaluating how discrepancies in the interpretation and application of these laws affect legal certainty and the protection of citizens' constitutional rights. This study utilizes normative juridical methodologies, incorporating legislative, conceptual, and case approaches, to analyze Law Number 1 of 1974 on Marriage, Law Number 23 of 2006 on Population Administration, Constitutional Court Decisions Number 68/PUU-XII/2014 and Number 24/PUU-XX/2022, as well as various district court rulings regarding the registration of interfaith marriages. The study's results reveal that, under Indonesian law, the validity of marriage is largely regulated by religious law, but the state retains authority over administrative issues to provide legal order and clarity. Prior to the implementation of rigorous judicial standards, the court used diverse interpretations, resulting in discrepancies in decisions and legal uncertainty. This conflict stems not from an absence of standards but from inconsistencies in legal enforcement. The Constitutional Court has affirmed that restrictions on interfaith marriage do not violate constitutional rights when based on religious beliefs and Article 28j of the 1945 Constitution of the Republic of Indonesia. The issuance of Supreme Court Circular Letter Number 2 of 2023 has improved normative legal clarity; nonetheless, the subsequent obstacle lies in the consistency of its application in judicial practice.

**Keywords:** constitutional rights; court decision; interfaith marriage; interpretation of the judge; legal certainty

## 1. INTRODUCTION

The Republic of Indonesia, as a Unitary State, is formally recognized as a rule-of-law state according to Article 1, paragraph (3) of the Republic of Indonesia Constitution from 1945. The concept of the rule of law asserts that legality underlies the legitimacy of all actions performed by state authority, guaranteeing that power is used not arbitrarily but is limited and directed by applicable legal norms (Ismoyo et al., 2025). In this context, law functions as a regulatory instrument and a safeguard of legal clarity, equity, and the systematic and accountable protection of individual rights (Tarigan, 2024).

Conversely, Indonesia has significant social diversity in terms of race, culture, and religion. This variance affects intricate social processes and directly shapes the development and execution of the national legal framework (Komala et al., 2025). The state's acknowledgment of six religions—Islam, Protestant Christianity, Catholicism, Hinduism, Buddhism, and Confucianism—demonstrates that Indonesia's national legislation is fundamentally connected to the diversity of its society (Bimasakti, 2025). Marriage law is a notably delicate domain of law, as it intersects with religious standards, state laws, and cultural behaviors (Ananda, et al., 2025).

In Islamic doctrine, marriage is seen as a holy institution that unites men and women, including a commitment to devotion and moral accountability to God. The purpose of marriage is to create a healthy, enduring, and spiritually meaningful family while fulfilling human nature as a social entity (Mirwan, 2025). The state regulates marriage via “Law Number 1 of 1974 concerning Marriage, effective October 1, 1975, in conjunction with Government Regulation Number 9 of 1975 as its implementing regulations. This proposal seeks to harmonize marriage laws for all Indonesian citizens.

Nevertheless, social reality demonstrates that interfaith marriage continues to exist throughout the varied Indonesian population. This position raises legal concerns since Article 2, paragraph (1) of the Marriage Law asserts that the validity of marriage depends on the religious beliefs and convictions of each individual. This legislation significantly limits interfaith marriage and prompts a discourse over the presence of legal uncertainty or imprecise laws pertaining to it (Islamiyati, 2016).

Interfaith marriage has always presented issues within Indonesian family law, both before to and after the enactment of the Marriage Law. Notwithstanding legislative developments, some persons contend that the regulation of interfaith marriage remains unclear, perhaps enabling the practice of legal smuggling. This issue concerns the validity of a marriage and substantially affects the legal status of offspring, the rights and obligations of partners, inheritance issues, and population governance (Erwinyahbana, 2018).

The dispute was subsequently assessed via a constitutional review process. In Decision Number 68/PUU-XII/2014, the Constitutional Court firmly denied the request to review the Marriage Law's Article 2 paragraph (1) in its entirety. The Court affirmed that the state had the authority to regulate marriage based on religious, moral, public order, and legal grounds, holding that these limitations do not violate the human rights principles included in the constitution (Setiyanto, 2016).

In contrast, international human rights treaties, such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), uphold the right of every person to marry and have a family (Setiyanto et al., 2024). Within the domain of Indonesian constitutional law, certain rights are not absolute. Article 28J of the 1945 Constitution explicitly authorizes the state to restrict human rights in order to preserve religious values, morality, public order, and legal clarity. Therefore, the right to marry should be construed within a religious-constitutional framework, rather than only through the perspective of Western liberal human rights (Amelia et al., 2023).

The situation becomes further complex when a disagreement arises between the Marriage Law and Law Number 23 of 2006 concerning Population Administration. Article 35 of the Population Administration Law establishes a framework for court-ordered marriage registration, which some judges see as a legal basis for validating interfaith marriage registrations. This interpretation ultimately resulted in a contention on the district court's decision on the application for the registration of interfaith marriages (Mursalin, 2023).

This inconsistency is evident in judicial practice. The Makale District Court Decision No. 2/Pdt.P/2022/PN. Mak and the Pontianak District Court Decision No. 12/Pdt.P/2022/PN.Ptk sanctioned the application for the registration of interfaith marriages, using Article 35 of the Population Administration Law as the principal basis for their determination. Decision No. 71/Pdt.P/2017/PN issued by the Blora District Court. Bla, conversely, rejected a similar petition by reading Article 2 paragraph (1) of the Marriage Law a contrario, contending that the validity of marriage is only governed by religious law, as affirmed by the Supreme Court in Cassation Decision Number 1977 K/Pdt/2017.

The approach to population control laws aimed at legitimizing interfaith marriage has received much academic critique. This methodology is considered inadequate under both Islamic jurisprudence and statutory law, as it neglects the fundamental principles of Marriage Law, the Compilation of Islamic Law, and the Constitutional Court Decision Number 68/PUU-XII/2014, which clearly establishes religion as the standard for the legitimacy of marriage. Thus, the behavior is seen as a deviation from the hierarchy of legal norms.

In light of these conditions, the Supreme Court issued Circular Letter Number 2 of 2023, explicitly instructing the court to abstain from adjudicating requests for the registration of interfaith marriages. This SEMA is as an internal guideline to foster uniformity in judicial practice and improve legal clarity. However, post-SEMA practices reveal ongoing judicial discord, exemplified by the North Jakarta District Court's Determination Number 423/Pdt.P/2023/PN. Jkt.Utr, which continues to sanction petitions for interfaith marriage registration in defiance of Supreme Court directives” (Yonathin & Gunadi, 2025).

This incident underscores a notable disparity between the Supreme Court's judicial philosophy and the conduct of the subordinate courts. The notion of legal consistency and clarity within the national judiciary has been undermined. The discrepancy in court verdicts regarding interfaith marriage cases—both before and after the issuance of SEMA Number 2 of 2023—illustrates that the core problem lies not in conflicts of human rights, but in the neglect of the hierarchy of judicial norms and principles. This situation may create legal uncertainty, inconsistencies in the protection of individuals' constitutional rights, and diminish the Supreme Court's position as the foremost judicial authority in maintaining national legal coherence.

Notwithstanding Constitutional Court Decisions No. 68/PUU-XII/2014 and No. 24/PUU-XX/2022, which uphold the religious foundation of marital legitimacy, as well as the Supreme Court Circular Letter (SEMA) No. 2 of 2023 directing courts to deny requests for interfaith marriage registration, numerous district courts—including the North Jakarta District Court (Decision No. 423/Pdt.P/2023/PN.Jkt.Utr)—persist in granting such applications. This ongoing issue highlights a structural contradiction between substantive marriage law and its administrative interpretation, rather than a normative vacuum.

This study contributes to the discourse by illustrating that judicial inconsistency in interfaith marriage cases arises from conflicting interpretations of moral hierarchy and the constraints of administrative power, rather than from constitutional vagueness. It elucidates the doctrinal distinctions between the legitimacy of marriage and civil registration under the Indonesian legal framework.

Articulation of the Issue: What is the legal framework for interfaith marriage within the Indonesian legal system as delineated by legislation, regulations, and judicial rulings? How do varying interpretations and implementations of the law by courts in interfaith marriage cases influence legal certainty and the safeguarding of people's fundamental rights?

## **2. RESEARCH METHOD**

This study utilizes a normative juridical approach, namely, legal research that relies on legal texts as the principal source. This study uses doctrinal legal research to analyze written legal norms and court decisions that regulate and interpret interfaith marriage in Indonesia. This technique evaluates the consistency and legal certainty of interfaith marriage arrangements in compliance with laws, regulations, Constitutional Court decisions, and established judicial procedures. From this perspective, law is a mandatory normative principle that supports the creation and execution of court decisions.

Research methodologies employed comprise statutory, case law, and conceptual methods. Law 1 of 1974, addressing marriage, together with Law 16 of 2019, Law 23 of 2006, on population administration, and Supreme Court Circular Letter 2 of 2023, are all examined using the statutory approach.

This study examines four important district court rulings on interfaith marriage registration: Decision No. 71/Pdt.P/2017/PN of the Blora District Court.Bla; Makale District Court Decision No. 2/Pdt.P/2022/PN.Mkl; Pontianak District Court Decision No. 12/Pdt.P/2022/PN.Ptk; North Jakarta District Court Decision No. 423/Pdt.P/2023/PN.Jkt.Utr. The examples were deliberately chosen to illustrate divergent judicial methodologies—encompassing both approvals and rejections—and to document the doctrinal transition before and after the release of SEMA No. 2 of 2023. The investigated period extends from 2017 to 2023, enabling an evaluation of interpretive patterns across several regulatory stages. The case method examines judicial rulings on applications for the registration of interfaith marriages, including both approvals and rejections, particularly those rendered before the enactment of SEMA. The conceptual framework simultaneously examines the notion of legal certainty and the safeguarding of individuals' constitutional rights via the lenses of constitutional law and family law.

The data sources for this study include primary legal documents (legislation, regulations, court rulings), secondary legal resources (monographs, academic journals, previous research results), and tertiary legal materials (legal dictionaries, legal encyclopedias). This study used normative qualitative analysis to examine legal materials. All collected primary and secondary legal materials were analyzed by investigating the interaction of norms, the hierarchy of laws and regulations, and the coherence of legal application in court rulings. This study seeks to ascertain the congruence between *das sollen* (normative requirements in regulations and Constitutional Court rulings) and *das sein* (the implementation methods of district courts in interfaith marriage cases).

### **3. RESULTS AND DISCUSSION**

#### **3.1. Legal Regulation of Interfaith Marriage in the Indonesian Legal System**

Marriage is defined in Article 1 of Law Number 1 of 1974 regarding Marriage as the joining of a man and a woman's bodies and souls as partners in a sacred union, with the goal of building a joyful and lasting family centered on divine unity. This definition emphasizes that, in the Indonesian legal system, marriage is not only a civil transaction but also has an inherent religious dimension. The notion of the One Godhead acts as the fundamental standard that confers legitimacy to marriage.

Marriage is lawful when performed in conformity with the precepts of each individual religion and belief system, as stated in Article 2, paragraph (1) of Law Number 1 of 1974. This clause states that religious law, and not governmental recognition, determines the validity of a marriage. In Indonesia, marriage is not recognized by the legal system unless it is based on the religious beliefs and practices of the spouses.

Islamic law explicitly governs the restriction of interfaith marriage. No Muslim may marry a non-Muslim, according to Article 40 of the Islamic Legal Code. This provision states that interfaith marriages are deemed illegitimate in Islamic law, as they fail to satisfy the legal stipulations specified in Article 2, paragraph (1) of the Marriage Law.

Law Number 1 of 1974 does not specifically govern the implementation and registration of interfaith marriage. The lack of a definite pattern is often seen as a specific condition that allows for interpretation. This circumstance motivates some individuals to engage in interfaith weddings abroad, particularly in nations that permit such unions.

Article 56 of Law Number 1 of 1974 governs the acknowledgment of marriages conducted overseas, provided they comply with the stipulations of the Marriage Law and are duly documented upon the spouses' return to Indonesia. The expression "does not contravene the stipulations of this law requires careful interpretation in conjunction with Article 8, letter f of the Marriage Law, which forbids marriages considered illegal by religious belief. Article 56 cannot validate the acknowledgment of interfaith marriages that fundamentally contravene religious law.

Law Number 23 of 2006 about Population Administration governs the registration of weddings to provide systematic management and safeguard the legal status of the inhabitants. Article 2 of this Act

asserts the entitlement of every person to population documentation and administrative legal certainty. The recording role in this situation is administrative and does not authenticate the validity of a marriage.

Marriage registration under court authority is governed by Articles 34 and 35 of the Population Administration Law. The court's definition of marriage, as stated in Article 35, includes the joining of people of different religions. The district court's ruling on the legality of interfaith marriage is occasionally based on this provision.

The use of population control legislation to validate interfaith marriage presents significant issues within the legal framework. The Population Administration Law lacks the competence to ascertain the legitimacy of marriage; it only governs the registration process. The use of Article 35 to justify interfaith marriage alters the interpretation of Article 2, paragraph (1) of the Marriage Law, conflating the realm of religious legitimacy with the administrative framework.” This scenario engenders normative discord and induces discrepancies in judicial rulings regarding interfaith marriages.

The legal regulation of interfaith marriage within the Indonesian legal system is explicit and has established a coherent legal framework when analyzed methodically and hierarchically. Article 2, paragraph (1) of Law Number 1 of 1974 unequivocally affirms the legitimacy of marriage in accordance with religion and belief-based legal doctrines. This standard is decisive rather than procedural, as it evidences the existence of a legal marriage connection.

The Population Administration Law does not provide a new validity framework; it simply offers a method for documenting legal occurrences that are legitimate under substantive law. Article 35 of Law Number 23 of 2006 should not be construed as a standard for the validity of interfaith marriage, since the role of registration in administrative law is declarative rather than constitutive. The contrary viewpoint results in category mistakes by conflating administrative law with personal status law.

This framework is constitutionally reinforced by the decisions of the Constitutional Court in 2014 (68/PUU-XII) and 2022 (24/PUU-XX). The Court explicitly determined that the state does not possess the power to adjudicate the validity of marriage but may only oversee its administrative aspects. Consequently, within the legal framework, interfaith marriage lacks a foundation of normative legitimacy, whether from statutory law or constitutional provisions.

### **3.2. Disparity in Judges' Interpretations in Interfaith Marriage Cases**

The difference in judicial decisions denotes diversity in court views concerning identical case types and issues. This circumstance undermines the court's fundamental purpose of delivering justice and legal clarity (Abdurrachman et al., 2020). When several conflicting opinions are rendered on similar matters, the public views the court as an inconsistent institution, incapable of delivering legal clarity to individuals seeking justice.

The inconsistency in interfaith marriage law rulings has significant ramifications because it directly affects individuals' personal status, including marital legitimacy, children's status, and civic rights and duties (Mursalin, 2023). The inconsistency of judgments diminishes the law's predictability, causing uncertainty about the legal consequences of comparable conduct. This situation erodes the principle of legal equality and weakens the authority of the judiciary (Tarnama & Prasetyo, 2026).

Legal studies indicate that the variance in judicial rulings is not singularly derived but is rather shaped by several elements. Internal variables, such as a judge's educational background, professional experience, and sensitivity to values, can affect the formulation of legal issues. The element of legal substance is also crucial, particularly when the standards governing an issue are subject to several interpretations or lack strong establishment. Legal interpretation aspects are essential characteristics because judges possess discretion in comprehending the link between rules. Judges' rulings are influenced by religious, social, and political issues, particularly in situations that directly engage moral ideals and public opinion.

The variability in verdicts is intrinsically connected to the principle of judicial independence established in the Constitution and Law Number 48 of 2009 concerning Judicial Power. The autonomy of judges is essential for maintaining the rule of law and ensuring justice. In the absence of independence, judicial authority may be vulnerable to external interference. Nonetheless, judicial autonomy is not

unconditional liberty. This autonomy is limited by the constitution, statutory regulations, norms, and ethical standards that regulate the court (Fahmiron, 2016). Consequently, judicial discretion in case adjudication must not yield outcomes that contravene established legal standards or undermine the integrity of the legal system (Setyanegara, 2013).

The legal doctrine of *res judicata pro veritate habetur* asserts that every judicial ruling is regarded as true and authoritative. This concept is crucial for preserving legal stability and guaranteeing consistency in the implementation of the law among judges (Fathor & Widiarto, 2024). The uniformity of rulings is essential for establishing legal certainty. Inconsistent judicial rulings on identical cases undermine this assumption, hindering law enforcement from attaining justice, utility, and legal certainty simultaneously.

Efforts to address inequities in decision-making need the establishment of legal standards that are clear, unambiguous, and consistent. When legislation permits significant interpretative latitude without stringent judicial standards, inconsistency in rulings is unavoidable (Arifa & Gultom, 2023). The Supreme Court's function as the custodian of legal unity is paramount in this setting. The Indonesian legal system acknowledges policy tools, namely, circulars, alongside laws and regulations. Circular letters are policy directives based on the concept of *freies ermesen*, or discretion, allowing state authorities to act in circumstances where statute law is insufficiently defined or ambiguous (Firmansyah & Evendia, 2024). The Supreme Court Circular Letter (SEMA) mandates judges and the judiciary to execute their judicial responsibilities.

“Article 79 of Law No. 14 of 1985, which pertains to the Supreme Court, establishes the power of the Court to issue SEMA. This article advocates for the Supreme Court to enhance legislation governing the administration of equitable trials, especially in areas inadequately covered by current rules. This jurisdiction includes both the Supreme Court Regulations (PERMA) and SEMA as obligatory internal normative documents.

Supreme Court Decision Number 1400/K/Pdt/1986 is a frequently cited early legal decision. The Civil Registry Office may now record unions between people of different faiths, as the Supreme Court ruled that Law Number 1 of 1974 does not expressly forbid such unions. This perspective later provided a basis for some judges to see the absence of a strict prohibition as a chance for judicial discretion to authorize interfaith marriage via administrative measures (Permata & Khuluq, 2024).

An analogous interpretive trend has arisen in the Pontianak District Court's Determination Number 12/Pdt.P/2022/PN.Ptk. The court authorized the applicant, who identifies as both Muslim and Catholic, to register his marriage at the Civil Registry Office. The court emphasized the importance of administrative registration while neglecting to verify compliance with the legal requirements of marriage as defined by religious law. This process creates ethical difficulties, particularly for Muslims, as the Compilation of Islamic Law explicitly forbids marriage between a Muslim and a non-Muslim, as articulated in Article 40 of the KHI (Aksa et al., 2024).

The disparity in judicial rulings on interfaith marriage registration is shown by the Makale District Court Decision Number 2/Pdt.P/2022/PN.Mkl and the Blora District Court Decision Number 71/Pdt.P/2017/PN. Blah. The two verdicts addressed analogous issues concerning the registration of interfaith marriages between Muslim women and Christian men; however, they yielded contradictory results. This discrepancy illustrates the variance in judicial judgments about the legal foundations governing interfaith marriage in Indonesia.

In the Makale District Court, Decision Number 2/Pdt. P/2022/PN.Mkl, the petitioners—Muslim women (MA) and Christian men (YD)—entered into a customary marriage and sought registration with the Population and Civil Registration Office. The court approved the request, citing Article 35 of Law Number 23 of 2006 on Population Administration as the primary legal foundation.” This clause is seen as granting the court the authority to adjudicate the registration of marriages based on judicial determination.

The court's ruling established that Law No. 1 of 1974 regarding Marriage and Government Regulation No. 9 of 1975 did not expressly recognize religious differences as a barrier to marriage. The absence of a stringent prohibition is seen as a legal void that judges must rectify through judicial interpretation. This methodology is underpinned by Article 10, paragraph (1) of Law Number 48 of 2009 regarding Judicial Power, which forbids judges from dismissing cases on ambiguous legal grounds,

alongside the principle of *ius curiae novit*, mandating judges to possess comprehensive legal expertise and to apply the law correctly. The court cited the Legal Fatwa of the Registrar of the Supreme Court Number 231/PAN/HK.05/1/2019 and the jurisprudence of the Supreme Court Number 1400 K/Pdt/1986, which assert that differing opinions between prospective spouses do not obstruct marriage.

Conversely, the Bora District Court Decision Number 71/Pdt.P/2017/PN. Bla has a radically different technique. The petitioner, a Muslim lady (NOBS), and a Christian man (YA) sought the court's authorization to enter into an interfaith marriage. The court denied the application, citing Article 2, paragraph (1) of Law Number 1 of 1974 regarding Marriage as the primary legal authority. This law stipulates that the legitimacy of marriage is solely dictated by the religious convictions and tenets of each couple.

This perspective is substantiated by Article 44 of the Compilation of Islamic Law, which explicitly forbids Muslim women from marrying non-Muslim males. The court cited Islamic philosophy from the Qur'an, specifically Al-Baqarah 2:221, and Christian theology from the New Testament, Corinthians 6:14, supporting the ban on interracial marriage. The Constitutional Court Decision No. 68/PUU-XII/2014 delineates the constitutional foundation for the state's authority in regulating marriage, consistent with religious, moral, and public order principles (Syofyan, 2023). The Supreme Court affirmed the Bora District Court's verdict in Cassation Decision Number 1977 K/Pdt/2017, holding that the legitimacy of marriage must adhere to religious laws and beliefs.

An examination of the two perspectives indicates that the fundamental cause of the disagreement is the differing judicial frameworks regarding the relationship between marriage laws and population control statutes. The Makale District Court Decision considers administrative registration as a method of legitimizing marriage, whereas the Bora District Court Decision contends that registration is acceptable only if the marriage is religiously valid. This mismatch has significant legal implications for legal certainty, as two contradictory rulings emerge from the same case subject.

The discrepancies in verdicts on interfaith marriage cases stem from both judicial independence and differing views on the hierarchy of criteria and limits of state administrative authority in marriage legislation. This highlights the need for rigorous judicial standards to maintain legal uniformity and to avoid the recurrence of conflicting decisions in similar situations (see Table 1).

**Table 1. Comparison of District Court Decisions on Interfaith Marriage Registration**

Court	Legal Basis Used	Outcome	Doctrinal Issue
Makale (2022)	Art. 2(1) Marriage Law	Rejected	Religious validity as constitutive requirement
Makale (2022)	Art. 2(1) Marriage Law	Approved	Administrative registration treated as legitimizing
Pontianak (2022)	Art. 35 Population Admin Law	Approved	Administrative approach prioritised
North Jakarta (2023)	Art. 28B Constitution	Approved	Administrative approach prioritised

The doctrinal analysis yields three key findings. First, under the normative hierarchy of Indonesian marriage regulation, religion remains the decisive criterion for marital validity, while population administration law positions registration as a declarative administrative procedure rather than a constitutive source of legality. Second, the root of judicial discrepancy lies in competing interpretations of whether Article 35 of the Population Administration Law can operate as a substantive legal basis to legitimize interfaith marriage or merely provides an administrative pathway for recording a marriage, the validity of which must be determined elsewhere. Third, post-SEMA No. 2 of 2023, judicial practice remains fragmented, as some district courts continue to grant registration petitions, exposing a persistent tension between internal judicial policy instruments intended to standardize outcomes and the principle of judicial interpretive independence.

### **3.3. Implications of Disparity in Decisions on Legal Certainty and Protection of Constitutional Rights**

The discrepancy in court decisions on interfaith marriage cases substantially erodes legal certainty, a fundamental principle of the rule of law. "According to the Republic of Indonesia Constitution of 1945,

Article 1, paragraph (3), Indonesia is a rule-of-law state that demands normative accuracy, consistent application of the law, and predictable judicial outcomes. Inconsistent court decisions on the same matter undermine the law's function as a behavioral standard and a mechanism for societal regulation. This situation creates uncertainty regarding the legal consequences of such actions.

The disparity in decisions significantly impacts the protection of individuals' basic rights. Article 28B, paragraph (1) of the 1945 Constitution of the Republic of Indonesia explicitly protects the freedom to form a family and procreate. However, this guarantee is not definitive. Article 28J of the 1945 Constitution specifically stipulates that the exercise of human rights is subject to legislative limitations based on morality, religion, security, and public order. This constitutional framework suggests that the protection of constitutional rights must be viewed as a balance between individual freedoms and the fundamental foundations of the national legal system.

Constitutional Court Decisions Number 68/PUU-XII/2014 and Number 24/PUU-XX/2022 are crucial in the constitutional interpretation of Indonesian marriage legislation. The Constitutional Court specifically allocates the legality of marriage to religious organizations and their regulations, with the state's role limited to administrative duties, such as registration. The constitutional framework shall serve as the authoritative and mandatory reference for all judicial organizations. Departures from the Constitutional Court's rulings do not constitute alterations in the protection of human rights but rather infringements against the foundations of constitutional supremacy and the coherence of the legal system" (Amelia et al., 2023).

The ramifications of judgment disparity become more intricate concerning noncompliance with Supreme Court Circular Letter Number 2 of 2023. This circular functions as a judicial policy tool derived from the Supreme Court's discretionary power to guarantee the administration of equitable and consistent justice. Conceptually, SEMA does not possess a hierarchical status among laws and regulations; rather, it exerts binding authority internally for judges and the legal system. SEMA's role is not to establish new standards but to validate and standardize the application of existing norms due to ongoing interpretative discrepancies in court practice.

SEMA Number 2 of 2023 explicitly instructs the court to reject petitions for the registration of interfaith marriages. This provision affirms Article 2, paragraph (1), and Article 8, letter f of the Marriage Law, and supports the decision of the Constitutional Court. SEMA functions as a remedial instrument to rectify discrepancies in judicial rulings and to guarantee the uniform enforcement of marriage law throughout the legal framework.

North Jakarta District Court Decision Number 423/Pdt. P/2023/PN. Jkt. Utr represents a notable deviation from conventional judicial norms. The panel of judges in the case sanctioned the application to register interfaith marriages, in direct violation of the express prohibition established by SEMA Number 2 of 2023, which prohibits the district court from evaluating and permitting such petitions. The judge's reasoning underscores the essential right of individuals to form a family, as specified in Article 28B paragraph (1) of the 1945 Constitution, while excluding the constitutional constraints delineated in Article 28J from the legal evaluation (Yonathin & Gunadi, 2025).

This example exemplifies the tension between *das Sollen* and *das Sein* within the legal context of marriage. The rule is defined by Law Number 1 of 1974 in combination with Law Number 16 of 2019 regarding Marriage, the Constitutional Court Decision, and SEMA Number 2 of 2023, which increasingly limits the approval and registration of interfaith marriages. The essence of life is shown in judicial systems that continue to uphold record requests by emphasizing individual substantive justice, even when it contradicts established normative ideals.

The decision of the North Jakarta District Court is fundamentally connected to the historical backdrop of the Supreme Court's jurisprudence, namely Decision Number 1400 K/Pdt/1986, which authorized the civil registration of interfaith marriages. This jurisprudence was established prior to the constitutional amendment by the Constitutional Court and the enactment of SEMA Number 2 of 2023. Dependence on antiquated procedures to authenticate interfaith marriage registration, disregarding modern legal developments, may lead to inconsistencies and anomalies within the national legal system.

Failure to comply with SEMA Number 2 of 2023 swiftly erodes legal coherence, reduces judicial uniformity, and jeopardizes the credibility of the Supreme Court as the highest judicial authority. The fundamental problem lies not in the conflict between law and human rights, but in the legal system's failure to guarantee consistency in the application of standards and adherence to judicial norms. The uniform application of SEMA is crucial for restoring legal clarity, maintaining the integrity of the national legal system, and reinforcing the Supreme Court's authority as a guardian of legal unity.

The varied interpretations and implementations of the law by courts in interfaith marriage cases compromise legal clarity, resulting in conflicting judgments on similar issues. The decisions of the Makale District Court and the Pontianak District Court illustrate an administrative-progressive approach that considers Article 35 of the Administrative Law as the basis for legitimacy, while the Blora District Court employs a normative-constitutional viewpoint by highlighting Article 2 paragraph (1) of the Marriage Law.

This disparity stems not only from judicial independence but also from differences in legal systems. Some judges saw recording as a means to tackle social challenges, while others consider themselves guardians of the judicial system's integrity. This model of fragmentation diminishes the law's predictability, leading to uncertainty about individuals' personal status, marriage legality, and civil consequences.

The claim that the difference in the verdict acts as protection for constitutional rights is not entirely correct. Article 28B, paragraph (1) of the 1945 Constitution articulates the freedom to form a family, which is explicitly restricted by Article 28J, mandating that legislative constraints be based on religious principles and public order. The Constitutional Court's decision has established a constitutional balance between the two provisions, thus restricting the court of first instance from using any constitutional authority to deviate.

The failure to comply with Supreme Court Circular Letter Number 2 of 2023, namely in the North Jakarta District Court Decision Number 423/Pdt.P/2023/PN. Jkt. Utr, indicates that the core problem is not a human rights conflict but a crisis of judicial compliance. Disregarding institutional principles threatens the consistency of judgments and diminishes the Supreme Court's role as the guardian of legal integrity.

Supreme Court Circular Letters (SEMA) serve as internal judicial policy tools established under Article 79 of Law No. 14 of 1985 concerning the Supreme Court. Although SEMA lacks the hierarchical authority of legislation, it imposes administrative obligations on judges within a judicial framework. Judicial independence, as stipulated by Law No. 48 of 2009, allows for interpretive discretion. Nonetheless, this discretion functions within the parameters of the constitutional hierarchy and institutional coherence.

Consequently, departures from SEMA do not inherently undermine judicial independence but rather evoke concerns about institutional consistency and normative discipline within the court.

#### **4. CONCLUSION**

The legal basis for interfaith marriage within the Indonesian legal system is well-defined and free from legal uncertainty. Article 2, paragraph (1) of Law Number 1 of 1974, in combination with Law Number 16 of 2019, specifically states that the validity of marriage is determined by the religious laws and beliefs of each couple. This provision serves as a conclusive standard for determining the validity of a marital union. Law Number 23 of 2006 concerning Population Administration does not establish a new legal framework; it merely regulates registration as an administrative outcome of a marriage previously acknowledged under substantive law. The Constitutional Court Decision Number 68/PUU-XII/2014 and Decision Number 24/PUU-XX/2022 assert that the state does not possess the authority to determine the validity of marriage, but only has the jurisdiction to regulate its administrative aspects. Thus, under the legal framework, interfaith marriage lacks a basis for normative validity in both statutory law and constitutional rules.

The diverse interpretations and applications of the law by courts in interfaith marriage cases undermine legal clarity and the safeguarding of people's fundamental rights. This divergence in rulings stems from varying judicial methodologies, particularly between those prioritizing administrative elements and those emphasizing religious principles. Such disunity undermines the law's capacity for clarity because people are unable to foresee the legal repercussions of similar behavior. This discrepancy arises not only

from judicial independence but also from varying viewpoints on the order of criteria and the constraints of legislative power in governing marriage law.

The viewpoint that regards the inconsistency in rulings as a protection for human rights is inherently misguided. The right to form a family, as delineated in Article 28B paragraph (1) of the 1945 Constitution, is not absolute. Article 28J of the 1945 Constitution specifies bans based on religious, moral, security, and public order grounds. The Constitutional Court has evaluated these regulations and issued a conclusive and binding decision. The failure of the court of first instance to adhere to the Constitutional Court's ruling and the Supreme Court's Circular Letter Number 2 of 2023 cannot be considered a means of human rights enforcement; rather, it represents a violation of constitutional supremacy, legal uniformity, and judicial coherence. The primary issue with interfaith marriage is not human rights, but rather judicial noncompliance that jeopardizes legal certainty.

District court judges must contextualize judicial independence within the framework of adherence to the hierarchy of constitutional norms and rulings. It is crucial to distinguish between the validity of marriage as a legal matter and registration as an administrative issue. Progressive interpretations that overlook the principles of legitimacy may undermine legal clarity and promote systematic inequality in the judiciary.

### **Ethical Approval**

Not Applicable

### **Informed Consent Statement**

All participants were apprised of the study's goal, and informed permission was secured prior to data collection. Participation was optional, and all replies were maintained in confidence and used only for scholarly research reasons.

### **Authors' Contributions**

YF conceptualized the study, designed the normative juridical research framework (legislative, conceptual, and case approaches), compiled and analyzed the primary legal materials (Law No. 1/1974, Law No. 23/2006, Constitutional Court Decisions No. 68/PUU-XII/2014 and No. 24/PUU-XX/2022, and selected district court rulings), and drafted the manuscript. PAW contributed to the legislative and doctrinal analysis, supported the review and synthesis of Constitutional Court reasoning and Article 28J-based limitations, and strengthened the articulation of legal certainty issues. LS assisted in collecting and classifying relevant judicial decisions, conducted comparative reading of district court practices on interfaith marriage registration, and supported interpretation of patterns of inconsistency in enforcement. VH contributed to the conceptual analysis on constitutional rights protection and administrative authority in marriage registration, refined the discussion section, and provided critical revision of arguments. S assisted in integrating the implications of Supreme Court Circular Letter No. 2 of 2023 into the analysis, reviewed coherence and compliance with legal writing standards, and performed final editing. All authors have read and approved the final version of the manuscript.

### **Disclosure Statement**

No potential conflict of interest was reported by the author(s).

## **Data Availability Statement**

The data presented in this study are available on request from the corresponding author due to privacy reasons.

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