

## Legal Harmonization of Interfaith Marriage Registration in Indonesia: An Islamic Law Perspective

Zaitun Abdullah<sup>1</sup>, Suryanto Siyo<sup>2</sup>, Nor Akhmal Hasmin<sup>3</sup>

Faculty of Law, Pancasila University, Indonesia<sup>1,2</sup>

Faculty of Law, Universiti Teknologi MARA, Shah Alam, Selangor, Malaysia<sup>3</sup>

Email: [zaitunabdullah@univpancasila.ac.id](mailto:zaitunabdullah@univpancasila.ac.id)

**Abstract:** *The registration of interfaith marriages involving Muslim and non-Muslim couples remains a controversial issue in the Indonesian legal system due to the differences in regulations between the Marriage Law and the Population Administration Law, particularly regarding District Court decisions permitting such marriage registration. This study aims to analyze the comparative provisions of the two laws and examine how legal interpretation can harmonize them from an Islamic legal perspective. This normative legal research uses statutory, conceptual, and case-based approaches by analyzing legislation, court decisions, and Islamic legal principles. The results indicate that, according to Islamic law, interfaith marriages involving Muslim couples do not meet the substantive requirements for a valid marriage. Meanwhile, the Population Administration Law only regulates the administrative aspects of marriage registration and cannot be interpreted as a basis for granting legitimacy to marriages that are substantively invalid under applicable religious law. Therefore, judges need to apply a systematic and harmonious legal interpretation in interpreting the relationship between the Marriage Law and the Population Administration Law to achieve legal certainty while respecting religious norms. This research contributes to the development of family law in Indonesia by offering a harmonious interpretative framework in resolving normative conflicts regarding the registration of interfaith marriages.*

**Keywords:**  
Interfaith  
marriage  
Registration;  
marriage law;  
Population  
administration  
law.

<https://doi.org/10.19109/muqaranah.v10i1.34436>

## INTRODUCTION

Indonesia recognizes religious diversity as one of the fundamental principles of its constitutional and legal order. However, this pluralistic framework has generated complex legal issues concerning the registration of interfaith marriages, particularly those involving Muslim and non-Muslim couples. In Indonesia, religion plays a dominant role in shaping marital relationships and the legal regulation of marriage.<sup>1</sup> The contestation of legal norms governing marriage has also contributed to shifts in legal interpretation and social practices relating to marriage. This complexity arises because the validity of a marriage is determined by the parties' religious beliefs and the religious laws applicable to them, creating legal uncertainty in the recognition and registration of interfaith marriages.

The institutionalization of marriage in Law 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage (Marriage Law) aims to provide legal certainty. Article 2 paragraph (1) expressly stipulates that “a marriage is valid if it is conducted according to the laws of the respective religion and beliefs of the parties”. This provision establishes religious law

<sup>1</sup> Puput Rama Dona et al., “Perkawinan Beda Agama Perspektif Hukum Islam Dan Surat Edaran Mahkamah Agung Nomor 2 Tahun 2023,” *Muqaranah* 8, no. 2 (December 30, 2024): 124–36, <https://doi.org/10.19109/hn84qh63>.

as the primary legal basis for determining the validity of marriage in Indonesia and form the normative foundation for assessing the legality of interfaith marriage involving Muslim spouses.

Despite the provision, the registration of interfaith marriages remain controversial because article 35 (a) of Law Number 23 of 2006 concerning Population Administration as amended by Law Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration (Population Administration Law) regulates: "Marriage registration as intended in Article 34 also applies to marriages determined by the Court." Then in the explanation of Article 35 letter a it reads "What is meant by marriage determined by the court decision is a marriage between people of different religions."

The central legal issue arises because Indonesia marriage law determines the validity of marriage based on the parties' respective religious law. For Muslims, marriage is not merely a civil institution but also a religious institution governed by Islamic law. Article 2 of the compilation of Islamic Law defines marriage as *mistaqan ghalidzan* (a solemn covenant) performed in obedience to Allah. Consequently, the validity of an interfaith marriage involving Muslim spouses cannot be assessed solely from the perspective of administrative registration but must also satisfy the substantive requirement of Islamic law. Because Islam views marriage as not only a worldly affair but also a form of worship.

One of the requests for registration of interfaith marriages involved a Muslim bride which was granted by the North Jakarta District Court as stated in Decision Number 422/PDT.P/2023/PN.Jkt.Utr set for 7 August 2023 with the Applicant are David Jonathan Susanto is Catholic and Ayu Gemie Nastitie is Muslim. The judge in his legal considerations: "that in the Marriage Law Number 1 of 1974 it is stated that a marriage is valid, if it is carried out according to the laws of each respective religion and belief, and besides that, every marriage must be recorded according to the applicable laws and regulations. Considering that in Article 36 of Population Administration Law, it is stated that: "For marriages that cannot be proven by a Marriage Certificate, marriage registration is carried out after a court decision."

Although judicial practice demonstrates continuing interpretative challenges in the registration of interfaith marriages involving Muslim spouses, most previous studies have primarily examined the validity of such marriages from the perspective of Islamic law. For example, Akhmad Faroh Hasan et al.,<sup>2</sup> in their study entitled *Interfaith Marriage in Indonesia's Law: A Comparative Study of Tafsir Al-Misbah and Al-Maraghi*, concluded that both *Tafsir Al-Misbah* and *Tafsir Al-Maraghi* permit marriage between a Muslim man and a woman from the *Ahl al-Kitab*, while prohibiting marriage between a Muslim man and a polytheist woman, as well as marriage between a Muslim woman and a non-Muslim man, whether from the *Ahl al-Kitab* or polytheist communities. From the perspective of Indonesian law, only these prohibitions are consistent with the Marriage Law and the Compilation of Islamic Law, whereas the permissibility of marriage between a Muslim man and a woman from the *Ahl al-Kitab* is considered incompatible with the prevailing Indonesian legal framework governing marriage.

---

<sup>2</sup> Akhmad Faroh Hasan et al., "Interfaith Marriage in Indonesia's Law: A Comparative Study of Tafsir Al-Misbah and Al-Maraghi," *PETITA: Jurnal Kajian Ilmu Hukum Dan Syariah* 10, no. 1 (2025): 322–37, <https://doi.org/https://doi.org/10.22373/petita.v10i1.458>.

M. Beni Kurniawa et al.,<sup>3</sup> in their studies entitled Disparity In Court Decisions Related To Interfaith Marriage Legalization an Analysis of Decision Number 2/Pdt.P/2022/PN.Mak and Number 71/Pdt.P/2017/PN.Bla, concluded that The disparity in judicial decisions concerning interfaith marriage, particularly between Decision No. 2/Pdt.P/2022/PN Makale and Decision No. 71/Pdt.P/2017/PN Blora, was attributed to two principal factors. First, the substantive legal issue arising from the overlap between Law No. 1 of 1974 on Marriage and Law No. 23 of 2006 on Population Administration. Second, the judges applied different methods of statutory interpretation. The Makale District Court held that the Marriage Law does not expressly prohibit interfaith marriage and that Article 35 of the Population Administration Law provides a legal basis for its registration. In contrast, the Blora District Court adopted an *a contrario* interpretation of Article 2 (1) of the Marriage Law, concluding that a marriage conducted in contravention of the parties' respective religious laws is not legally valid and To resolve the normative conflict concerning interfaith marriage, it is necessary to revise Article 35 of the Population Administration Law, either through a constitutional review before the Constitutional Court or through comprehensive legislative amendment by the legislature.

The primary issue does not lie in the constitutionality of the statutory provisions, but rather in the differing interpretations of the relationship between the Marriage Law and the Population Administration Law. Therefore, the appropriate solution is not constitutional review, but the harmonization of statutory interpretation through a systematic approach, enabling both laws to be applied consistently and coherently while preserving their respective functions within the Indonesian legal system. However, limited attention has been given to the application of Article 2 paragraph (1) of the Marriage Law and Article 35 letter (a) of the Population Administration Law through statutory interpretation. This study addresses that gap by proposing a harmonized interpretative framework from the perspective of Islamic law.

Accordingly, resolving this normative inconsistency requires a harmonized statutory interpretation capable of reconciling the Marriage Law and the Population Administration Law without undermining the substantive validity of marriage under Islamic law. Therefore, this study addresses the following research question: : How can the validity of interfaith marriages involving Muslim spouses be assessed under Islamic law through the systematic interpretation and harmonization of Article 2 paragraph (1) of the Marriage Law and Article 35(a) of the Population Administration Law?

## **METHOD**

This study employs normative legal research with a legislative harmonization analysis (horizontal legislation synchronization) to examine normative legal issues concerning the concept of marriage under Islamic law and the normative in the relation between Article 2 paragraph (1) of the Marriage Law and Article 35 letter (a) of the Population Administration Law regarding the registration of interfaith marriages involving Muslim spouses. To address these legal issues, the study adopts a statutory approach, a conceptual approach, and a case approach.

---

<sup>3</sup> M Beni Kurniawan, Dinora Refiasari, and Sri Ayu Ramadhani, "Disparitas Putusan Pengadilan Legalisasi Nikah Beda Agama (Putusan Nomor 2/Pdt.P/2022/PN.Mak Dan Nomor 71/Pdt.P/2017/PN.Bla)," *Jurnal Yudisial* 16, no. 3 (2023): 342–60, <https://doi.org/https://doi.org/10.29123/jy/v16i3.660>.

The statutory approach is used to examine the normative relationship between Article 2 paragraph (1) of Law Number 1 of 1974 concerning Marriage, as amended by Law Number 16 of 2019 (Marriage Law), and Article 35 letter (a) of Law Number 23 of 2006 concerning Population Administration, as amended by Law Number 24 of 2013 (Population Administration Law). The conceptual approach is employed to examine the concept of marriage under Islamic law as a *mitsaqan ghalidzan* (a solemn covenant), including the substantive requirements for a valid marriage and their implications for assessing the validity of interfaith marriages involving Muslim spouses. The case approach focuses on Decision of the North Jakarta District Court Number 422/Pdt.P/2023/PN.Jkt.Utr concerning the registration of an interfaith marriage involving a Catholic husband and a Muslim wife.

Legal materials were collected through library research comprising primary, secondary, and tertiary legal materials. The primary legal materials used in this research are as follows:

1. Law Number 1 of concerning Marriage of 1971 concerning Marriage as amended by Law Number 16 of 2019 concerning Amendments to Law Number 1 Marriage of 1971 concerning Marriage
2. Law Number 23 of 2006 concerning Population Administration as amended by Law Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration.
3. District Court Decision Number 422/PDT.P/2023/PN.Jkt.Utr set 7 August 2023. This case was selected as the object of study because it directly involves an interfaith marriage between a Catholic husband and a Muslim wife. This characteristic makes the case particularly relevant for examining the relationship between Article 2 paragraph (1) of the Marriage Law, which establishes religious law as the basis for determining the validity of marriage, and Article 35 letter (a) of the Population Administration Law, which permits the registration of marriages pursuant to a District Court determination.

Secondary legal materials, namely legal materials in the form of legal writings in the form of research journals, papers, articles and books that discuss the harmonization of legislation and Islamic marriage law. The legal materials were analyzed using qualitatively legal analysis. The analysis was conducted through three stages. First, the collected legal materials were identified and classified according to their legal authority as primary, secondary, and tertiary legal materials. Second, the relevant statutory provisions, legal doctrines, and judicial decisions were systematically examined to analyze the relationship between Article 2 paragraph (1) of the Marriage Law and Article 35 letter (a) of the Population Administration Law concerning the registration of interfaith marriages involving Muslim spouses. Third, the identified legal issues were analyzed through statutory interpretation, consisting of systematic interpretation. Systematic interpretation was employed to examine the relationship between the Marriage Law and the Population Administration Law as an integrated legal framework in order to produce a consistent interpretation of both statutory provisions.

## RESULTS AND DISCUSSION

### **Interfaith Marriage from the perspective of Islamic Marriage law**

Legal pluralism in Indonesian society has given rise to diverse patterns and typologies of marriage, reflecting the coexistence and interaction of state law, customary law, and Islamic law. While this pluralistic legal structure accommodates Indonesia's social and religious diversity, it also generates normative tensions when different legal regimes regulate the same legal relationship according to different standards of validity. These tensions have contributed to divergent legal interpretations concerning the validity of interfaith marriages, thereby creating the need to harmonize the Marriage Law and the Population Administration Law.

Article 1 of Law Number 1 of 1974 on Marriage provides that the purpose of marriage is to establish a happy and enduring family based on the belief in the One and Only God. The phrase "based on the belief in the One and Only God" signifies that marriage in Indonesia is not merely a civil legal relationship but also a religious institution. As explained by Prof. R. Sardjono, S.H., "Physical bond" means that the parties bound by formal marriage are husband and wife, both for them in relation to each other and for them with the wider community. The definition of "physical and spiritual bond" in marriage means that spiritually the husband and wife who are bound have a strong intention to live together as husband and wife with the purpose of creating an eternally happy family. In a marriage, it cannot only be a physical bond or a spiritual bond, these two elements must be present in every marriage.<sup>4</sup>

Consequently, Article 2(1) of the Marriage Law entrusts the determination of the validity of a marriage to the respective religious laws and beliefs of the parties intending to marry. Accordingly, where the parties intending to marry are Muslims, the determination of the validity of their marriage is governed by Islamic marriage law. Consequently, the legality of the marriage must be assessed based on the substantive requirements prescribed under Islamic law rather than solely on administrative registration.<sup>5</sup>

Based on Article 2 of the Islamic Compilation Law (KHI), marriage is a very strong contract or *mitssaqan ghalidzan* to obey Allah's commands and carrying it out is worship. Marriage in Islam is called "*nikah*" which means carrying out a contract or agreement to bind oneself, namely between a man and a woman to be able to justify sexual relations voluntarily and with the consent of both parties in order to create a happy family life full of love and peace in ways that are approved by Allah.

For Muslims in Indonesia, the legal framework governing marriage is not limited to the Marriage Law but also encompasses Islamic marriage law as codified in the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI). Article 2 of the Compilation of Islamic Law (*Kompilasi Hukum Islam* or *KHI*) provides that marriage is a *mitsaqan ghalidzan* (a solemn covenant), namely a very strong covenant entered into in obedience to Allah's commands, the performance of which constitutes an act of worship.

---

<sup>4</sup> Ratih Rahmatiar Safifah, "Keabsahan Akta Perjanjian Perkawinan Dengan Klausula Asas Monogami Menurut Undang-Undang Perkawinan Dan Hukum Islam (Analisis Akta Perjanjian Perkawinan Tanggal 26 Maret 2018 Yang Di Buat Dihadapan Notaris X Di Kabupaten Karawang)," *Indonesian Notary* 3, no. 4 (n.d.): 6.

<sup>5</sup> Dona et al., "Perkawinan Beda Agama Perspektif Hukum Islam Dan Surat Edaran Mahkamah Agung Nomor 2 Tahun 2023."

Based on Article 2 of the Islamic Compilation Law (KHI), marriage is a very strong contract or *mitsaqan ghalidzan* to obey Allah's commands and carrying it out is worship. According to Abu Zahrah in his book *al-Ahwal al-Syakhshiyah*, marriage is a contract that justifies the husband and wife relationship of two people who have entered into a contract in accordance with Islamic Sharia. A marriage can be considered valid if it fulfils several pillars and conditions. Abu Zahrah conceives marriage as a legal contract (*akad*) that gives rise to legal consequences. Accordingly, the marital relationship does not arise solely from the mutual consent of the parties but from a contract concluded in accordance with the principles of Islamic law (*Sharia*). Consequently, the validity of a marriage depends upon compliance with the legal requirements governing that contract. Therefore, the pillars (*rukun*) and conditions (*syarat*) of marriage are not merely procedural formalities but constitute the legal benchmark for determining the validity of a marriage under Islamic law.

Abi Yahya Zakaria Al-Ansari in the book *Fath Al-Wahhab* stipulates that there are five pillars of marriage, are as follows: the groom, the bride, the guardian of the marriage, two witnesses, and the *Ijab* and *Qabul*.<sup>6</sup> This doctrinal principle has been codified in Indonesian positive law through Article 14 of the Compilation of Islamic Law (KHI). *Rukun* (term) of marriage according to Islamic law are as follows:<sup>7</sup>

1. The groom (requirements must be Muslim, mature, of sound mind, not forced, not a mahram of the prospective bride, not in ihram for Hajj or Umrah, and not having any obstacles that prohibit marriage),
2. The bride (requirements must be Muslim, of sound mind, not a mahram of the prospective groom, not in ihram for Hajj or Umrah, and not having any obstacles that forbid marriage),
3. Marriage Guardian (requirements are male, adult, has guardianship rights, no obstacles to guardianship),
4. Two Witnesses (Requirements are male, Muslim, fair, of sound mind, mature, understand the meaning of the marriage contract, not impaired memory, not deaf or hard of hearing). Witnesses must be present and witness the marriage contract in person and sign the marriage certificate at the time and place where the marriage ceremony takes place.
5. *Akad/Ijab Qabul* (statement for a contract)

The first two pillars (*rukun*) of marriage are the the groom ad the bride must to confess muslim. These pillars must be interpreted together with Qur'an, Surah Al-Baqarah (2):221 provides:

“Do not marry polytheistic women until they believe. Indeed, a believing slave woman is better than a polytheistic woman, even though she may please you. Nor should you marry your women to polytheistic men until they believe. Indeed, a believing slave man is better than a polytheist, even though he may please you. They invite you to the Fire, whereas Allah invites you to Paradise and forgiveness by His permission. He makes His revelations clear to mankind so that they may take heed).”

---

<sup>6</sup> Asep Koswara, “Pendapat Syaikh Nizhamuddin Al-Balkhi Dalam Kitab Fatawa Al-Hindiyyah Tentang Ittishal Antara Ijab Dan Kabul Akad Nikah,” *Istinbath| Jurnal Penelitian Hukum Islam*, 2020.

<sup>7</sup> Dwi Sagita Akbar, “Wali Nikah Dalam Kitab Fath Al-Qadāzr Karya Ibnu Himmam (Tinjauan Deskriptif Analitis Tematis),” *Al-Hurriyah: Jurnal Hukum Islam* 3, no. 2 (2018): 173–86.

This verse establishes two fundamental prohibitions under Islamic marriage law. First, it prohibits a Muslim man from marrying a polytheistic woman ("Do not marry polytheistic women until they believe"). Second, it prohibits the marriage of a Muslim woman to a polytheistic man ("Do not marry your women to polytheistic men until they believe"). These prohibitions demonstrate that religious affiliation constitutes a substantive requirement for the validity of marriage under Islamic law.

Unlike Qur'an, Surah Al-Baqarah (2):221, which prohibits marriage with polytheists (*musyrik*), Qur'an, Surah Al-Ma'idah (5):5 specifically addresses the legal status of marriage between a Muslim man and a woman from the *Ahl al-Kitab* (People of the Book). The verse provides: "Today all good, pure foods have been made lawful for you. Similarly, the food of the People of the Book (*Ahl-al-Kitab*) is permissible for you and yours is permissible for them. And 'permissible for you in marriage' are chaste believing women as well as chaste women of those given the Scripture (*Kitab*) before you—as long as you pay them their dowries in wedlock, neither fornicating nor taking them as mistresses. And whoever rejects the faith, all their good deeds will be void 'in this life' and in the Hereafter they will be among the losers." This position is further affirmed in Article 44 of the Compilation of Islamic Law, which expressly provides: "A Muslim woman is prohibited from entering into a marriage with a man who is not Muslim."

Muhammad Abduh in Tafsir Al-Manar explains that the marriage of Muslim men with *ahl-al-Kitab* women is permissible, for reasons of maintaining good relations and eliminating various problems in social relations between communities. And marriage is the right and good entry point to provide knowledge about the true religion of Islam to non-Muslims. In other words, the purpose of the marriage is for *da'wah*.<sup>8</sup>

A pillar (*rukun*) is an essential element whose existence is a prerequisite for the validity of a legal act and constitutes an integral part of that legal act itself. Accordingly, the pillars (*rukun*) of marriage are the essential constituent elements that must be present for a marriage to be legally valid.<sup>9</sup>

Since Article 2(1) of the Marriage Law adopts religious law as the determinant of marital validity, the prohibition contained in Qur'an 2:221 forms part of the substantive legal requirements governing marriage for Muslims in Indonesia. Failure to fulfil any of the pillars (*rukun*) of marriage renders the marriage void *ab initio*. In contrast, failure to satisfy one of the conditions (*syarat*) of marriage renders the marriage voidable and subject to annulment in accordance with the applicable legal procedures.

Accordingly, under Islamic law, the validity of an interfaith marriage involving a Muslim spouse is determined by compliance with the substantive pillars (*rukun*) and conditions (*syarat*) of marriage rather than by its subsequent administrative registration.

In Decision No. 422/Pdt.P/2023/PN Jkt.Utr. The court did not assess whether the interfaith marriage between the Catholic and Muslim applicants fulfilled the substantive validity requirements prescribed by Article 2(1) of the Marriage Law. Rather, its reasoning was confined to establishing that the parties had undergone a religious marriage ceremony and that the marriage could subsequently be registered pursuant to a court order under the Population Administration Law. As a result, the court prioritized the

---

<sup>8</sup> Muslim Djuned and Nazla Mufidah, "Makna Ahli Kitab Dalam Tafsir Al-Manar," *Tafse: Journal of Qur'anic Studies* 2, no. 1 (2017): 1–13.

<sup>9</sup> Abdul Haris Naim, *Fiqh Munakahat* (Kudus: Sekolah Tinggi Agama Islam Negeri Kudus, 2008).

administrative mechanism for marriage registration without first determining whether the marriage was substantively valid under the religious law governing the Muslim spouse.

This court order demonstrates a shift in judicial reasoning from assessing the substantive validity of marriage to facilitating administrative registration, reflecting differing interpretations between the Marriage Law and the Population Administration Law. Consequently, the central legal issue is the harmonization of Article 2(1) of the Marriage Law, which determines marital validity based on religious law, with Article 35(a) and article 36 of the Population Administration Law, which permits the registration of marriages pursuant to a court order.

### **Systematic interpretation and harmonization of Article 2 paragraph (1) of the Marriage Law and Article 35(a) of the Population Administration Law**

Legal harmonization becomes necessary in a pluralistic legal system where multiple legal regimes simultaneously regulate the same legal relationship. Indonesia recognizes the coexistence of state law, Islamic law, and customary law, each of which possesses its own normative foundations, legal objectives, and standards of validity. While this pluralistic legal structure accommodates Indonesia's social, cultural, and religious diversity, it may also generate normative tensions when different legal regimes govern the same legal issue through different legal standards. These tensions give rise to legal antinomies, particularly where the applicable legal provisions appear to regulate the same subject matter but lead to different legal consequences. Consequently, harmonization is required to reconcile these competing norms and to ensure coherence, legal certainty, and consistency within the Indonesian legal system.

This issue is particularly evident in the regulation of interfaith marriages involving Muslim spouses. Article 2(1) of the Marriage Law determines the substantive validity of marriage by reference to the parties' respective religious laws, whereas Article 35(a) of the Population Administration Law provides an administrative mechanism for the registration of marriages pursuant to a court order. The interaction between these provisions has resulted in divergent judicial interpretations regarding the validity and registration of interfaith marriages. Accordingly, a systematic interpretation is required to harmonize both provisions within a coherent legal framework.

A legal antinomy arises when two or more applicable legal norms regulate the same legal issue but appear to prescribe different or conflicting legal consequences. In such circumstances, judges are required to interpret the provisions systematically so that the applicable norms operate harmoniously rather than contradict one another. When these provisions are interpreted in isolation rather than through a systematic approach, they may give rise to divergent interpretations concerning the relationship between the substantive validity of marriage under Article 2(1) of the Marriage Law and the administrative registration of marriage under Article 35(a) of the Population Administration Law. This interpretative problem is illustrated in Decision No. 422/Pdt.P/2023/PN Jkt.Utr, Where the court primarily relied on the administrative mechanism provided under the Population Administration Law to permit the registration of an interfaith marriage. The court did not examine whether the marriage between the Catholic and Muslim applicants fulfilled the substantive validity requirements prescribed by Article 2(1) of the Marriage Law and the applicable Islamic marriage law. Consequently, the court's reasoning focused on facilitating administrative registration rather than first determining the substantive validity of the marriage under the religious law governing the Muslim spouse.

This interpretative problem is illustrated in Decision No. 422/Pdt.P/2023/PN Jkt.Utr. Article 35(a) of the Population Administration Law in isolation, without systematically reading it together with Article 2(1) of the Marriage Law, may result in judicial reasoning that places greater emphasis on administrative registration than on examining the substantive validity of marriage. Therefore, a systematic interpretation is necessary to harmonize these statutory provisions and to ensure consistency, legal certainty, and coherence within Indonesia's pluralistic legal system.

The choice of a particular method of legal interpretation significantly influences the resolution of legal disputes because each interpretative method may produce a different meaning from the same legal provision.<sup>10</sup> Consequently, differences in interpretative approaches may lead to different judicial decisions, depending on whether the judge emphasizes the literal text, the legal system as a whole, or the underlying purpose of the law. As a result, the method of interpretation adopted by the court directly affects the extent to which justice, legal certainty, and legal utility are achieved in a particular case.<sup>11</sup> Differences in methods of legal interpretation may result in divergent assessments of the validity of interfaith marriages, thereby influencing the harmonization of the Marriage Law and the Population Administration Law.

Legal harmonization exists as a response to legal antinomies. When legal antinomy is a situation that contradicts each other, cannot be separated, does not exclude each other and requires each other, then legal harmonization exists as a relationship between these two contradictory elements.<sup>12</sup> According to Fockema, antinomy is defined as two or more rules that conflict with each other, so that the solution must be sought through interpretation.

The harmonization of Islamic marriage law and state law in the Marriage Law is that the Islamic Marriage Law determines whether marriages are valid or not for Muslims, while Article 2 paragraph (2) of the Marriage Law is state law which determines whether or not the administration of marriage is legally valid. So, administratively, the registration of interfaith marriages at the civil registry office is not related to the validity of a marriage, the purpose of registering a marriage is to obtain legal certainty and legal protection.

The registration of interfaith marriages at the Civil Registry Office shows that there is an antinomy (disharmonization) between the Marriage Law and Article 35 letter a of the Administering Law in the Judge's legal consideration. Harmonization in law includes adjustments to statutory regulations, government decisions, judges' decisions, the legal system and legal principles with the aim of increasing legal certainty, legal certainty, justice and proportionality, usefulness and clarity of law, without obscuring or sacrificing legal pluralism if necessary. Legal pluralism in marriage law is reflected in Article 2 paragraph (1) of the Marriage Law, which has a legal norm structure with the subject of the norm being every person, the operator of the norm being legal, the object

---

<sup>10</sup> Ekasari Ekasari, Ema Fathimah, and Gibtiah Gibtiah, "Analisis Perbandingan Penetapan Hakim Terhadap Dispensasi Perkawinan Akibat Hamil Diluar Nikah," *Muqaranah* 5, no. 2 (December 23, 2021): 115–24, <https://doi.org/10.19109/muqaranah.v5i2.10320>.

<sup>11</sup> Abdi Ridho and Rahmayanti Rahmayanti, "ANALISIS METODE PENAFSIRAN HUKUM DALAM PENYELESAIAN MASALAH: PENGGUNAAN METODE GRAMATIKAL, SISTEMATIS, DAN TELEOLOGIS," *LEXORIA (Jurnal Pluralisme Hukum Indonesia)* 2, no. 1 (2026): 28–35.

<sup>12</sup> Endrik Safudin, "Harmonisasi Hukum Dalam Antinomi Hukum (Analisis Terhadap Penerapan Pasal 20 Ayat 2 Huruf B Undang-Undang Republik Indonesia Nomor 48 Tahun 2009 Tentang Kekuasaan Kehakiman)," *Al-Syakhsiyyah: Journal of Law and Family Studies* 2, no. 2 (2020): 201–29.

of the norm being marriage, and the operator norm which regulates that marriage must be carried out in accordance with the laws of each religion and belief.

The norm operator of Article 2 paragraph (1) submits the determination of the validity of a marriage to the respective religious laws and beliefs of the parties who will enter into the marriage, meaning that the application of Article 2 paragraph (1) requires materialization of the laws of each religion and belief of the parties who will enter into the marriage. Article 2 paragraph (1) of the Marriage Law requires harmonization of the national legal system with the Islamic legal system in the event that the parties to the marriage are Muslim.

The Marriage Law does not explicitly prohibit interfaith marriages, but regulates that the validity of the marriage must be carried out in accordance with the laws of each religion and beliefs of the bride and groom. So whether an interfaith marriage is legal or not must be seen in the laws of each religion and belief of the bride and groom.<sup>13</sup> This is in line with the Constitutional Court Decision Number 24/PUU-XX/2022 which in its legal considerations states: "The validity of marriage is in the domain of religion through religious institutions or organizations that are authorized or have the authority to provide religious interpretations.

The judge's legal considerations in applying the provisions of Article 2 paragraph (1) and paragraph (2) with Article 35(a) of the Administer Law partially constitute a pattern of logical fallacy, because how can the state provide protection against invalid marriages? . Responding to the antinomies of interfaith marriages, judges should interpret them systematically and logically. Article 35(a) of the Administering Law as part of the entire legal system by connecting it with the Marriage Law and (Compilation of Islamic Law (KHI) for Muslim brides so as to create harmonization of the legal system and harmonization of laws.

Accordingly, the harmonization process should be conducted sequentially by first examining the substantive validity of the marriage under Article 2(1) of the Marriage Law and the applicable religious law, and only after those requirements are satisfied should Article 35(a) and Article 36 of the Population Administration Law be applied to facilitate administrative registration.

## **CONCLUSION**

This study demonstrates that the legal issue concerning interfaith marriage involving Muslim spouses does not primarily arise from a contradiction between the Marriage Law and the Population Administration Law, but from differing judicial interpretations of the relationship between the two statutes. Article 2(1) of the Marriage Law regulates the substantive validity of marriage by referring to the parties' respective religious laws, whereas Article 35(a) and Article 36 of the Population Administration Law govern only the administrative mechanism for marriage registration through a court order. Consequently, these provisions should not be interpreted as conferring substantive legal validity upon marriages that do not satisfy the applicable religious requirements. The analysis of Decisions No. 422/Pdt.P/2023/PN Jkt.Utr. between David Jonathan Susanto (Catholic man) and Ayu Gemie Nastitie (Muslim woman) and the marriage of Ayu Kartika Dewi (Muslim woman) and Gerald Sebastian Budiman (Catholic man) by submitting himself to carrying out a marriage according to the laws of the Catholic

---

<sup>13</sup> Dona et al., "Perkawinan Beda Agama Perspektif Hukum Islam Dan Surat Edaran Mahkamah Agung Nomor 2 Tahun 2023."

religion results in it being null and void (invalid), because in the case of Ayu Gemie Nastitie and Ayu Kartika Dewi Muslims women are subject to Islamic marriage law, this marriage does not fulfill the *rukun* (term) of Islam. Even if one *rukun* (term) is not fulfilled, the marriage is null and void (invalid) from the moment the marriage takes place. Then Article 44 of the Compilation of Islamic Law states that a Muslim woman is prohibited from marrying a man who is not Muslim.

Accordingly, harmonization should proceed sequentially by first determining the substantive validity of marriage under Article 2(1) of the Marriage Law and the applicable religious law, and only thereafter applying Article 35(a) and Article 36 of the Population Administration Law for administrative registration.

The novelty of this study lies in proposing a systematic and harmonious statutory interpretation as an interpretative framework for reconciling the Marriage Law and the Population Administration Law without requiring legislative amendment or constitutional review. The analysis of Decision No. 422/Pdt.P/2023/PN Jkt.Utr demonstrates that the court prioritized administrative registration without first examining the substantive validity of the marriage, illustrating the need for systematic statutory interpretation.

Practically, the findings provide guidance for judges in adjudicating petitions concerning interfaith marriages involving Muslim spouses. Judicial reasoning should first determine whether the marriage satisfies the substantive validity requirements under Article 2(1) of the Marriage Law and the applicable religious law before considering the administrative registration mechanism under the Population Administration Law. Such an approach would promote greater legal certainty, consistency in judicial decisions, and coherence within Indonesia's pluralistic legal system.

Theoretically, this study contributes to the development of legal harmonization theory by illustrating how systematic interpretation can reconcile legal antinomies between statutes regulating different legal dimensions of the same legal relationship. It further strengthens the understanding that administrative registration should be interpreted as a procedural consequence of a legally valid marriage rather than as an independent basis for determining marital validity.

This study is limited to normative legal analysis based on statutory provisions, Islamic legal doctrine, and a single District Court decision. Accordingly, future research should examine broader judicial trends by analysing multiple court decisions from different jurisdictions and explore empirically how judges apply statutory interpretation in interfaith marriage cases. Such research would provide a more comprehensive understanding of judicial practice and contribute further to the development of a consistent framework for resolving interfaith marriage disputes in Indonesia.

## BIBLIOGRAPHY

- Akbar, Dwi Sagita. "Wali Nikah Dalam Kitab Fath Al-Qadāzr Karya Ibnu Himmam (Tinjauan Deskriptif Analitis Tematis)." *Al-Hurriyah: Jurnal Hukum Islam* 3, no. 2 (2018): 173–86.
- Djuned, Muslim, and Nazla Mufidah. "Makna Ahli Kitab Dalam Tafsir Al-Manar." *Tafse: Journal of Qur'anic Studies* 2, no. 1 (2017): 1–13.
- Dona, Puput Rama, Burhanuddin, Siti Marlina, Mustiah RH, and Eza Tri Yandy. "Perkawinan Beda Agama Perspektif Hukum Islam Dan Surat Edaran Mahkamah

- Agung Nomor 2 Tahun 2023.” *Muqaranah* 8, no. 2 (December 30, 2024): 124–36. <https://doi.org/10.19109/hn84qh63>.
- Ekasari, Ekasari, Ema Fathimah, and Gibtiah Gibtiah. “Analisis Perbandingan Penetapan Hakim Terhadap Dispensasi Perkawinan Akibat Hamil Diluar Nikah.” *Muqaranah* 5, no. 2 (December 23, 2021): 115–24. <https://doi.org/10.19109/muqaranah.v5i2.10320>.
- Hasan, Akhmad Faroh, Sholahuddin Al-Fatih, Suryanto Siyo, Haris Haris, and Asrul Ibrahim Nur. “Interfaith Marriage in Indonesia’s Law: A Comparative Study of Tafsir Al-Misbah and Al-Maraghi.” *PETITA: Jurnal Kajian Ilmu Hukum Dan Syariah* 10, no. 1 (2025): 322–37. <https://doi.org/https://doi.org/10.22373/petita.v10i1.458>.
- Koswara, Asep. “Pendapat Syaikh Nizamuddin Al-Balkhi Dalam Kitab Fatawa Al-Hindiyyah Tentang Ittishal Antara Ijab Dan Kabul Akad Nikah.” *Istinbath| Jurnal Penelitian Hukum Islam*, 2020.
- Kurniawan, M Beni, Dinora Refiasari, and Sri Ayu Ramadhani. “Disparitas Putusan Pengadilan Legalisasi Nikah Beda Agama (Putusan Nomor 2/Pdt.P/2022/PN.Mak Dan Nomor 71/Pdt.P/2017/PN.Bla).” *Jurnal Yudisial* 16, no. 3 (2023): 342–60. <https://doi.org/https://doi.org/10.29123/jy/v16i3.660>.
- Naim, Abdul Haris. *Fiqh Munakahat*. Kudus: Sekolah Tinggi Agama Islam Negeri Kudus, 2008.
- Ridho, Abdi, and Rahmayanti Rahmayanti. “Analisis Metode Penafsiran Hukum Dalam Penyelesaian Masalah: Penggunaan Metode Gramatikal, Sistematis, Dan Teleologis.” *LEXORIA (Jurnal Pluralisme Hukum Indonesia)* 2, no. 1 (2026): 28–35.
- Safifah, Ratih Rahmatiar. “Keabsahan Akta Perjanjian Perkawinan Dengan Klausula Asas Monogami Menurut Undang-Undang Perkawinan Dan Hukum Islam (Analisis Akta Perjanjian Perkawinan Tanggal 26 Maret 2018 Yang Di Buat Dihadapan Notaris X Di Kabupaten Karawang).” *Indonesian Notary* 3, no. 4 (n.d.): 6.
- Safudin, Endrik. “Harmonisasi Hukum Dalam Antinomi Hukum (Analisis Terhadap Penerapan Pasal 20 Ayat 2 Huruf B Undang-Undang Republik Indonesia Nomor 48 Tahun 2009 Tentang Kekuasaan Kehakiman).” *Al-Syakhsyiyah: Journal of Law and Family Studies* 2, no. 2 (2020): 201–29.