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## LEGAL VACUUM IN INTERFAITH MARRIAGE RULES IN INDONESIA

### Abstract

*The legal vacuum regarding the rules of interfaith marriage was not something new. However, this matter has not been resolved by the Government of Indonesia. After the Marriage Law's promulgation, the rules of interfaith marriages "disappeared", even though before the promulgation of the Marriage Law, interfaith marriages were regulated clearly and firmly. The phenomenon of interfaith marriage in society which was very difficult to avoid was an essential point of concern for the state to accommodate the rules regarding interfaith marriages. This article discussed the phenomenon of interfaith marriages in Indonesia and the legal rules of interfaith marriages before and after the promulgation of the Marriage Law. This article was the result of normative juridical research using the statutory approach method. The data used was secondary data consisting of primary legal materials, secondary legal materials, and secondary legal materials, which were collected from the literature and then analysed using qualitative analysis methods. Based on the research results, many Indonesian people still carry out interfaith marriages in Indonesia, and the rules of interfaith marriages formulated in the Marriage Law are inadequate. The Indonesian government must accommodate interfaith marriage arrangements in order to provide legal certainty to all people.*

**Keywords:** *Indonesia; Interfaith Marriage; Legal Vacuum*

### Abstrak

Kekosongan hukum mengenai aturan perkawinan beda agama bukan hal yang asing. Tapi, hal ini tidak kunjung diselesaikan oleh Pemerintah Indonesia. Pengaturan perkawinan beda agama setelah diundangkannya Undang-Undang Perkawinan (UUP) menjadi "hilang", padahal sebelum diundangkannya UUP, perkawinan beda agama diatur dengan jelas dan tegas. Fenomena perkawinan beda agama di masyarakat yang sangat sulit dihindari menjadi titik penting perhatian negara untuk mengakomodasi pengaturan mengenai perkawinan beda agama. Artikel ini membahas tentang fenomena perkawinan beda agama di Indonesia dan aturan hukum perkawinan beda agama sebelum dan sesudah diundangkannya UUP. Tulisan ini merupakan hasil dari penelitian yuridis normatif dengan menggunakan metode pendekatan perundang-undangan. Data yang digunakan adalah data sekunder yang terdiri dari bahan hukum primer, bahan hukum sekunder, dan bahan hukum tersier, yang dikumpulkan secara studi pustaka untuk kemudian dianalisis dengan menggunakan metode analisis kualitatif. Berdasarkan hasil penelitian,

perkawinan beda agama di Indonesia tetap banyak dilakukan oleh masyarakat Indonesia, dan pengaturan perkawinan beda agama yang dirumuskan di UUP tidak memadai. Pemerintah Indonesia harus mengakomodasi pengaturan perkawinan beda agama demi memberikan kepastian hukum kepada seluruh masyarakat.

**Kata Kunci:** Indonesia; Kekosongan Hukum; Perkawinan Beda Agama

## Introduction

The legal vacuum is understood as a condition when a legal phenomenon is not covered or not yet covered by a rule of law. The legal vacuum can be interpreted as an empty situation or the absence of statutory regulations (laws that regulate certain order in society) (Nasir, 2017). Specifically in Indonesia, a legal vacuum occurs because there is no/not yet existing legislation that accommodates to the legal phenomenon. For example, interfaith marriage. So, it can be said that Indonesia does not yet have positive laws regarding interfaith marriages. The phenomenon of interfaith marriage divides two groups with different opinions. First, the group who states that interfaith marriage is an "urgent" legal phenomenon for discussion. Second, group who states that interfaith marriage is not an "urgent" legal phenomenon for discussion. For the author itself, it is an urgent situation because the author sees that the phenomenon of interfaith marriage is one of the many legal events that occur in society and cannot be stopped.

Many researchers discuss interfaith marriages which are linked to only one point of view, namely religion, which results in the formulation of interfaith marriages not accommodating other aspects such as human rights, culture, and so on. A few researchers focused on the accommodation for interfaith marriage. Therefore, this article intends to explained the importance of accommodating interfaith marriages in a pluralistic society. The objective of this article is to analyse the practice of interfaith marriage by Indonesian society, and to analyse the legal vacuum between before and after the promulgation the Marriage Law.

Interfaith marriage is a legal event that has occurred from ancient times, long before the issue of "prohibition" of interfaith marriage became a public issue. The prohibition of interfaith marriages became a public issue after the promulgation of Law Number 1 of 1974 on Marriage (Marriage Law) as amended by Law Number 16 of 2019 on Amendments to Law Number 1 of 1974 on Marriage. However, the spread of this public issue also stems from the unclear formulation of the rules that were made by the Marriage Law, so that "certain groups" spread their unilateral thoughts to say that interfaith marriages are prohibited. The ambiguity in the regulation of interfaith marriages is due to the fact that the Marriage Law has not made rules that accommodate the implementation of interfaith marriages, and no rules have been made prohibiting the implementation of interfaith marriages. Another consequence is for the practice of interfaith marriages which have taken place in all levels of Indonesian society (already considered normal) which is it proves that interfaith marriage very difficult to qualify whether as a violation or not. For the author, this problem cannot be allowed to continue considering the phenomenon of interfaith marriage itself is still happening.

As a result of the ambiguity of legal regulations regarding interfaith marriages, people's understanding is divided into two. People who think that interfaith marriages are "forbidden" legally (Pujianti, 2022), and people who think that interfaith marriages are "not prohibited" legally (Munir, 2014), include law enforcers and government employees who work in offices related to marriage. This fact results in people who will enter into interfaith marriages to receive different treatment, there are people who are served but there are people who are rejected. Interfaith marriages can take place in certain areas, but interfaith marriages cannot take place in certain areas. This shows that there is a legal vacuum in the phenomenon of interfaith marriage.

By using the theory of legal certainty, this article will discuss two problems. First, interfaith marriages in Indonesia. Second, the legal rules for interfaith marriage before and after the promulgation of Marriage Law. It must be realized that interfaith marriage is a legal event that cannot be avoided because apart from the plurality factor of Indonesian society that is maintained, there are also many assumptions that interfaith marriage is not a problem so that there are still many people who can carry out interfaith marriages in Indonesia. Even now, with the convenience provided by technology, it is able to change the order of people's lives (Wahyudi & Sukmasari, 2014) and connecting people in one area with people in other areas, has an impact on changing patterns of interaction and patterns of community behaviour so that relations between communities become limitless.

## **Methods Research**

This article is organized descriptively and aims to describe systematically, factually, and accurately the factors of the legal vacuum related to interfaith marriages. Besides, to analyse the legal rules before and after the promulgation of the Marriage Law. This article is the result of research from normative juridical research by examining secondary data (Soekanto & Mamuji, 2015), consists of primary legal materials, secondary legal materials, and tertiary legal materials. The approach method used is the statute approach which is carried out by examining all laws and regulations related to interfaith marriages. Secondary data is then collected by means of literature study, namely by reviewing various documents, both related to laws and regulations as well as reference books or literature, including research reports related to interfaith marriages, to then be analysed using qualitative analysis methods. without using numbers.

## **Results and Discussion**

### **Interfaith Marriage in Indonesia**

#### **a. The meaning of marriage**

Marriage is a life cycle that always exists at the human level as a fulfilment of human needs that is protected by the state. Maslow said that humans will always be motivated to fulfil their life needs which are divided into five types, namely (Erwinsyahbana, 2012):

- 1) The physiological needs, namely needs related to meeting the basic needs of all humans such as eating, drinking, breathing air, resting, avoiding pain, sex, and others;
- 2) The safety needs, namely needs that will arise if physiological needs have been met properly such as the need for protection, security, order, law, stability, and others. This

- need is an ever-increasing need and if it is not met, anxiety or fear will arise which can hinder the fulfilment of other needs;
- 3) The belongingness and love need (belonging and affection), namely the need that arises if the two types of previous needs (1 and 2) are met. This need is seen when someone tries to find and get friends, lovers, offspring (children), even the desire to be part of a certain community;
  - 4) The esteem needs, this need is divided into two types, namely lower one (needs related to status, attention, and reputation), and higher one (needs related to self-confidence, competence, achievement, independence, and freedom); and
  - 5) The need for self-actualization, which is a need that is closely related to the desire to realize and develop one's potential. Personality can reach the top ranking if these primary needs experience a lot of interaction with one another, and with self-actualization a person will be able to utilize his potential factors perfectly.

It is realized that marriage is a need for every human being. Marriage is a very important dimension of life in the human life cycle. Naturally, in the human instinct will grow a sense of sympathy, empathy, mutual respect, respect, even a sense of affection between humans. So, it is natural for humans (men and women) to have a sense of love as partners to live together under the auspices of a marriage.

The reality in Indonesia enforces legislation (as a feature of Continental Europe), customary law (as a feature of Customary Law), Islamic law and the existence of the Religious Courts in Indonesia (as a feature of the Muslim Law System), and Indonesian judges in practice follow jurisprudence (as common law characteristics with the principle of *stare decisis*) (Ali, 2009), giving rise to the applicability of different legal bases. When connected with the nature of marriage in the eyes of Indonesian law, it must also be seen from various perspectives. Moreover, Indonesia still applies three legal systems, namely the Continental European legal system, the Islamic legal system, and the customary law system (Erwinsyahbana, 2012).

In terms of language, the term marriage (origin of the word "*kawin*") means forming a family with the opposite sex, or having sex and having intercourse" and shows a natural generative process (Santoso, 2016). Marriage is a legal relationship between a man and a woman for a long time (Subekti, 2005). In the Indonesian Civil Code, marriage is a bond between a man and a woman. In other words, marriage is equated with engagement (*verbindtenis*). The Indonesian Civil Code views marriage only in civil relations, so no religious ceremonies may be held before both parties prove to their religious officials that the marriage has been carried out in the presence of civil registration officials (The Indonesian Civil Code, 1847:Article 81). It is different from the customary law which views marriage not only as a civil engagement, but also a customary engagement which is also a kinship and neighbourly agreement. In other words, a marriage bond does not only bring legal consequences to civil relations (rights and obligations of husband and wife, position of children, joint property, rights and obligations of parents), but also involves the relationship between inheritance customs, kinship, and neighbourliness as well as regarding traditional and religious ceremonies (Aristoni & Abdullah, 2016).

The definition of marriage formulated in the provisions of Article 1 Marriage Law is as follows (Law Number 1 of 1974 on Marriage, 1974):

“Marriage is an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on Belief in the One and Only God.”

From this understanding it is understood that marriage has juridical, sociological, and religious aspects. The juridical aspect of marriage is in physical or formal bond which is a legal relationship between husband and wife, while the relationship that binds them and other people or society is the social aspect of marriage, then the religious aspect of marriage is the existence of a term based on Belief in One Almighty God, as the basis formation of a happy and eternal family. This is as stated in the Elucidation of Article 1 Marriage Law that as a country based on Pancasila, where the first precept is belief in God Almighty, marriage has a very close relationship with religion (spirituality), so that marriage not only has an element of physical, but also the element of spiritual is important (Wahyuni, 2011:134-135). It can be seen that the nature and formulation of marriage adopted in the Marriage Law is a formula that still binds to the essence of religion.

#### **b. Marriage in Each Religion**

From a religious point of view, every religion views marriage as a sacred bond related to God. Every religion recommends that marriage be performed by partners of the same religion, but religions also have their own provisions regarding interfaith marriages.

In Islam, marriage comes from Arabic النكاح (read *nikkah*) which means gathering or intercourse (Mukhtar, 1974). In the Compilation of Islamic Law (CIL), marriage is a strong contract or *mistaqan ghalizhan* to obey Allah's commands and carrying it out is worship (Wibisana, 2016). Regarding interfaith marriages, The Holly Quran divides these non-Muslim groups into two categories, namely polytheists and *Ahlul Kitab*. A Muslim man may not marry a polytheist woman (Al-Quran, Al-Baqarah:221), but may marry women from *Ahlul Kitab* (Al-Quran, Al-Maidah:5). Meanwhile, Muslim women are prohibited from marrying any infidel man, both polytheists and *Ahlul Kitab* (Al-Quran, Al-Baqarah:21 and Al-Quran, Al-Mumtahanah:10).

In the Christian view, marriage is a great gift from God that brings people into the mystery of "a strange and amazing flesh in all its fullness", because marriage is the most serious long bond (Antonius, 2020). In principle, Christianity recommends marrying people of the same religion, but the Bible also does not prohibit interfaith marriages between Christians and non-Christians as long as they are not infidels who do not believe in God or those who worship idols. The Bible also does not prevent interfaith marriages because there are several stories of great figures who also entered into interfaith marriages, for example, Joseph, Moses, Esau, Simeon and Judah. That is what is found in the Bible, Genesis 38:1-2. In Catholicism, marriage is the way to holiness (Uer, 2019) because marriage is a unity and unbreakable nature (Indissolubility) which in a Christian marriage gains stability on the basis of the sacrament (Gobai & Korain, 2020). It is the same as in Christianity. Marriage with people of different faiths, namely Catholics with non-Catholics, requires permission or dispensation of different religions from the bishop, and the person concerned must accept the principle of Catholic Christian marriage, namely monogamy, namely there is no other partner and not divorced and the process of blessing must be in a Catholic church, without a non-Catholic person having to become a Catholic but a non-Catholic party must be willing to allow their child to be baptized Catholic. As well as understand or understand the two

things that are very sacred to Catholics, namely Love and Marriage. Love is loving each other under any circumstances and marriage contains the principle of monogamy or once in a lifetime (Makalew, 2013).

In Hinduism, based on the Manusmrtti Book it is said that marriage is intended to regulate proper sex relations, namely a biological relationship that is needed in one's life as husband and wife. Marriage is religious and obligatory because it is associated with a person's obligation to have children and to atone for the sins of the parents by producing a son, which means he is the one who saves the spirits of his parents from hell (Rudita, 2015). In Hinduism, interfaith marriages are not permitted. In accordance with the Book of Manawa Dharmasastra, Book III, Tritiyo 'Dhyayah Article 27. If in an interfaith marriage, for example, one of the two parties is non-Hindu, then before the ritual ceremony of pawaihan (marriage) is held the man or woman who is non-Hindu must be prepared to be Hindukan first with the *sudhi waddani* ceremony. The *sudhi waddani* ceremony is a ceremony for those who will embrace Hinduism as a validation of the religious status of someone who was previously non-Hindu to become a Hindu and those who undergo the *sudhi waddani* ceremony must be prepared physically and mentally, sincerely and without coercion in embracing Hinduism (Makalew, 2013).

In Buddhism, Buddhists in their lives do not have the obligation to marry or not marry either a woman or a man. If someone decides to get married, it must be truly based on love and sincerity in order to achieve happiness in their marriage. Marriage according to Buddhism is a physical and spiritual bond that must be lived with love and affection as taught by Buddha Gautama, or it can also be said that marriage is a physical and spiritual bond between two people of different sexes, who live together forever and together to practice *dhamma vinaya* to gain happiness in this life and the life to come (Fatoni & Rusliana, 2019).

According to the Confucian religion, there is no one specific verse that allows or disallows marriages of different religions. Marriage can be said to be valid if the man and woman are adults, done without coercion, the two prospective bride and groom have agreed, the parents of the bride and groom have given their blessing, confirmed through a religious ceremony, brides of different religions are not required to change religions or beliefs. In the Confucian religious tradition, it is known as *Li yuan*, which is a marriage with the bride and groom who are Confucian, even though there is *Li yuan*, Confucianism can still justify marriages of different religions (Satriawan & Indrawati, 2022).

### **c. The phenomenon of interfaith marriage in Indonesia**

Long before marriage was regulated in the Marriage Law, marriage was regulated in the community order according to custom and religion. Even in each custom, they have their own marriage rules with their own characteristics. For example, during the Majapahit Kingdom there was a marriage tradition which stated that "if the husband is sick for three years, the wife may remarry" (Midaada, 2022). It is different from the marriage tradition owned by people whose customs are thick with religious teachings, for example in the Muslim community of the city of Bengkulu (Samsudin, 2016). Likewise, the marriage traditions of various tribes also differ. These traditions are kept from generation to generation so that they become a law for the people. Differences in marriage arrangements

also occur in the realm of religious rules. This difference does not only occur between religions, but even within one religion there are differences in marriage arrangements (Kutbuddin Aibak in Santoso, 2016).

The pluralism of Indonesian society that is created from the diversity of ethnicities, races, cultures, including religions that exist in Indonesia, means that marriage does not only happen to couples of the same ethnicity, or one race, or one culture, or one religion. The pluralism of Indonesian society actually creates marriages of different ethnicities, different races, different cultures, and even different religions. This difference is not a big barrier to unite two human beings who have the sacred intention to get married. Marriages based on this difference are inseparable from the beliefs that society has. For example, interracial or ethnic marriages are not a barrier because the priority is one religion (Syofiadi, 2019), or conversely, interfaith marriage is not a barrier because what is prioritized is ethnicity or race (Poli et al., 2020). The Indonesian Conference On Religion and Peace (ICRP) noted that since 2005 there have been 1,425 married couples of different religions in Indonesia. And the practice of interfaith marriage is expected keep increasing considering that the communication in this era is limitless (Yanto, 2022).

There are many ways that different religious couples do to carry out interfaith marriages. For example, by carrying out marriages with two related religious processions, marry in foreign country, or by seeking a court order. In fact, some judges allow interfaith marriages to take place, as in the Yogyakarta District Court (Detik News, 2022), South Jakarta District Court (Kamil, 2022), Surabaya District Court (Fauzan, 2022), and several other courts before these verdicts.

## **Legal Rules for Interfaith Marriage Before and After the Marriage Law was Promulgated**

### **a. Legal rules for interfaith marriage before the Marriage Law was promulgated**

Marriage rules in Indonesia existed long before the Republic of Indonesia was “existed”, so they still purely use customary law. In the pre-colonial period, especially after the establishment of the Islamic kingdoms in Indonesia, the Islamic legal system had been applied and developed within the Indonesian Islamic community. In dealing with community problems, including marriage matters, the community has entrusted the solution to a special person who is an expert in the field of Islam. These experts use the concepts of conventional *fiqh* books that they have received in making rules about marriage (Hermawati, 2015).

During the colonial period, the Dutch Government, through the principle of concordance, enforced its laws in Indonesia. Thus, the legal rules that apply in Indonesia are becoming increasingly diverse. There were three original laws made by the Dutch colonial government for Indonesian residents, namely *Burgerlijk Wetboek* (BW), *Huelijk Ordonantie Christen Indonesiers* (HOIC) Stb. 1933 No. 74, and *Gemengde Huwelijken Regeling* (GHR) stbl. 1898 No. 158. The three laws have different uses. BW applies to citizens of European and Chinese descent, HOIC applies to indigenous Christians, and GHR specifically concerns mixed marriages. The legal provisions imposed by the colonial government were as follows (Wirjono ProdjodikoroRifai et al., 2015):

- 1) For native Indonesians who are Muslim, religious law that has been prescribed in customary law applies;

- 2) For other indigenous Indonesians, customary law applies;
- 3) For native Indonesians who are Christians, the HOCl Stbl. 1933 No. 74;
- 4) For foreign Chinese easterners and Indonesian citizens of Chinese descent, the BW provisions apply with a few changes;
- 5) For other foreign easterners and Indonesian citizens of other foreign eastern descent their customary laws apply; and
- 6) For Europeans and Indonesian citizens of European descent and who are equated with them, BW applies.

Before the Marriage Law was promulgated, interfaith marriages were regulated in the GHR, where interfaith marriages were included in mixed marriages. Article 1 GHR states that mixed marriages are marriages between people in Indonesia who are subject to different laws. The meaning of "different laws" refers to differences in nationality, between places, between groups, and between religions (Gautama, 1980). In addition, Article 7 paragraph (2) GHR states that in mixed marriages, differences in religion, nationality or origin are not at all a barrier to getting married (Gemengde Huwelijken Regeling (GHR) Stbl. 1898 No. 158, 1898).

Then, interfaith marriages are also accommodated in Article 75 HOCl which says that (Huelijk Ordonantie Christen Indonesiers (HOCl) Stb. 1933 No. 74, 1933):

"A marriage between a non-Christian man and a Christian woman at the request of both husband and wife can be confirmed by carrying out all the rules of this ordinance, so that the marriage is wholly subject to this ordinance."

It is very clear that interfaith marriages are accommodated by the state, so that their implementation can be applied to every individual Indonesian and throughout Indonesia. In this case, interfaith marriages are legal, so that all forms of legal consequences arising from interfaith marriages, whether regarding the status of husband-and-wife relations, the status of children, the status of marital assets, up to the status of inheritance, are certain. With legal certainty, it will guarantee that someone can carry out a behaviour that is in accordance with the provisions of the applicable law and vice versa. Without legal certainty, an individual cannot have a standard provision to carry out a behaviour. Legal certainty is an interpretation of written law. As a country that adheres to the Continental European system, for Indonesia, the existence of written law is a must. The real meaning of the principle of legal certainty is the existence of certain law which is interpreted as a certain situation law because there is concrete legality for the law as mentioned. The existence of the principle of legal certainty is a form of protection for *justiceable* (justice seekers) against arbitrary actions, which means that a person will and can obtain something that is expected in certain circumstances (Julyano & Sulistyawan, 2019).

### **Legal rules for interfaith marriage after the Marriage Law was promulgated**

After the Marriage Law was promulgated, the view that "interfaith marriages are common" changed. Religious differences are considered a major obstacle to marriage because the priority is one religion. This is inseparable from the unclear formulation of legal rules in Marriage Law. This happens because the Marriage Law does not stipulate that interfaith marriages are prohibited. The provisions in the Marriage Law give the impression that interfaith marriages are prohibited in Indonesia by saying that interfaith marriages are



invalid. But on the other hand, the provisions of the Marriage Law also still provide opportunity for the implementation of interfaith marriages. Thus, many people find it difficult to carry out interfaith marriages in Indonesia, but there are also many people who are able to carry out interfaith marriages which in the end are still considered valid.

Apart from the formulation of the definition of marriage in Article 1 Marriage Law as described above, another article that causes a change in this view is Article 2 Marriage Law which states:

- “(1) Marriage is carried out based on their respective religions and beliefs.
- (2) Every marriage is recorded according to the applicable laws and regulations.”

Regarding the marriage formula in this article, Hazairin, expressly and clearly gives an interpretation of article 2 that for Muslims there is no possibility to marry by violating “the law of their own religion”. Because of that, it means a ‘dead end’ for prospective brides of different religions to carry out interfaith marriages (Wahyuni, 2011). This reason is confirmed by the formulation of the rules contained in Article 57 of the Marriage Law which states that:

“What is meant by mixed marriage in this law is a marriage between two people who in Indonesia are subject to different laws, because of differences in nationality and one of the parties is an Indonesian citizen.”

This shows that what is called a mixed marriage in the Marriage Law is only a marriage of different nationalities, one of which is an Indonesian citizen. So, there has been a change in the scope of marriages regulated by Indonesia, where previously mixed marriages were one of them being interfaith marriages, now mixed marriages are only marriages of different nationalities, while interfaith marriages are not mentioned at all.

The disappearance of interfaith marriage rules in the applicable laws and regulations in Indonesia raises big questions about the legitimacy of interfaith marriages which are still being carried out by Indonesian people. When reflecting on Article 2 paragraph (1) Marriage Law, it can be seen that the requirements for a valid marriage are carried out according to each religion and belief. In current practice, society interprets this provision by carrying out the marriage ceremony twice, namely according to the man's religion, then according to the woman's religion, or vice versa (JawaPos.com, 2019). Practices like this are considered to be against the rules by some people and are said to be illegal. Then reflect on the provisions of Article 2 paragraph (2) Marriage Law regarding the registration of marriages. Wantjik Saleh said that the registration of marriages did not determine the validity of a marriage, but only stated that the marriage did exist and had taken place. Thus, the registration of marriages is only administrative.

In practice, marriage registration officials have two differences. There are registry office employees who accept the registration of interfaith marriages on the grounds that they only register (do not make the interfaith marriage legal), and there are also registry office employees who refuse to register interfaith marriages because state that interfaith marriages are invalid so it is not legal to be recorded. Each of these conditions certainly has different legal consequences, even though they are from the same case, the interfaith marriages.

If we connect the ambiguity of this rule with Article 66 Marriage Law which states that:

“For marriage and everything related to marriage based on this Law, with the coming into force of this Law the provisions regulated in the Civil Code (*Burgerlijk Wetboek*), the Indonesian Christian Marriage Ordinance (*Howelijks, Ordonnantie Christen Indonesiers* S. 1933 No. 74), Mixed Marriage Regulations (*Regeling op de gemengde Huwelijken* S. 1898 No. 158), and other regulations governing marriage insofar as they have been regulated in this Law, are declared null and void.”

So, we can see that there is still a gap for interfaith marriages to be carried out. From the formulation of Article 66 of the Marriage Law above, we know that all regulations regarding marriage that were in effect before the promulgation of the Marriage Law are declared invalid as long as they have been regulated in the Marriage Law. If we examine further, the sentence "as long as it is regulated in the Marriage Law" cannot include interfaith marriages, because interfaith marriages are not regulated in the Marriage Law at all. Meanwhile, interfaith marriages before the promulgation of the Marriage Law, were regulated in the GHR and HOCI. So, it can be interpreted that all the regulations regarding interfaith marriage regulated in GHR and HOCI are still valid. This legal basis is used by some people to carry out interfaith marriages in Indonesia.

## Conclusion

Based on the description above, interfaith marriages are difficult to implement in Indonesia due to a legal vacuum in the regulation of interfaith marriages. The formulation of interfaith marriages before the Marriage Law was promulgated provided more legal certainty compared to the Marriage Law which formulated marriages in an unclear manner, thus obscuring the phenomenon of interfaith marriages. Therefore, interfaith marriages should be accommodated by the Indonesian government in order to provide equal legal certainty for all people and throughout Indonesia.

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