

THE POSITION OF THE MARRIAGE LAW ON INTERFAITH MARRIAGES ABROAD

Arianty Anggraeny Mangarengi* & Yuli Adha Hamzah

Universitas Muslim Indonesia, Makassar

*Correspondence Email: ariantyanggraeny@umi.ac.id

Submission: August 7, 2021

Publication: September 18, 2021

Abstrak. *This study aims to determine the position and authority of Law No. 16 of 2019 in responding to interfaith marriages abroad. The type of legal research used is a dogmatic juridical research method. The data collection in this study was carried out through a literature study of laws and regulations, journals, research results, and books. This study uses hermeneutic analysis and interpretation methods to analyze the data used in this study. The study results show that interfaith marriage is not justified in all scriptures recognized in Indonesia. Couples who want to have interfaith marriages can hold them abroad. Meanwhile, from the state's point of view, interfaith marriages are inconsistent. In this case, Law No. 16 of 2019 does not justify interfaith marriage, while Law No. 24 of 2013 can determine the marital status of interfaith abroad. So that the legal certainty of interfaith marriages is not based on Law No. 16 of 2019 but Law No. 24 of 2013. Therefore, it is suggested that the government amend Law No. 16 of 2019. In this case, it contains norms that legitimize interfaith marriages as regulated in Law No. 24 of 2013. If Law No. 16 of 2019 is considered still relevant to the socio-cultural conditions of Indonesia, the government must amend Law No. 24 of 2013. In this case, it is removing norms that legitimize interfaith marriages. The amendments to the legislation attempt to resolve inconsistencies in the legislation related to interfaith marriages.*

Keywords:
*Interfaith Marriage;
Law Position;
Marriage Law.*

This work is licensed under a CC BY-4.0 License



INTRODUCTION

God created Adam and Eve to show us that humans were created in pairs. Forming a household in a peaceful, happy and healthy marriage bond with each other is something that all human beings desire. In human life in Indonesia, which is very pluralistic in culture, starting from ethnicity, race, and religion, there is a meeting between the values held by the community. One of them is the occurrence of an interfaith marriage. Interfaith marriages today are indeed a phenomenon that cannot be separated from the life of Indonesian society, which is full of pluralism.¹ On the

¹Indrayanti, K. W. & Enah, A. R. (2015). Peran Negara dalam Memberikan Perlindungan Hukum bagi Calon Pasangan Kawin Beda Agama (KBA) di Indonesia. *Jurnal Hukum & Pembangunan*, 45(3), p. 409.

other hand, Article 28B section (1) The 1945 Constitution of the Republic of Indonesia (hereinafter referred to as The 1945 Constitution), regulates that “*every person has the right to establish a family and to procreate based upon lawful marriage.*”

However, the statutory provisions must further understand the connection between interfaith marriages and the above conditions. Law of the Republic of Indonesia Number 16 of 2019 on Amendment to Law Number 1 of 1974 on Marriage (hereinafter referred to as Law No. 16 of 2019) does not regulate the validity of interfaith marriages. Therefore, every couple who wants to apply for interfaith Marriage is often rejected because there is no legal basis for the interfaith Marriage. This condition ultimately leaves uncertainty and a sense of injustice for potential partners.²

Regarding the validity of marriage, based on Article 2 of Law No. 16 of 2019, regulates that:

- (1) Marriage is legal if it is carried out according to the law of each that religion and belief.
- (2) Each marriage is recorded according to applicable laws and regulations.

From the above provisions, the public has presented many opinions, especially religious circles, regarding the interpretation of the phrase “*the legality of marriage must be based on the laws of each that religion and belief.*”

Interestingly, there is the fact that the number of Indonesian citizens who have interfaith marriages.³ Regardless of the number of interfaith marriages, the government in Indonesia still records interfaith marriages. In this case, if citizens of the country carry out interfaith marriages abroad. Based on Article 37 section (1) of Law of the Republic of Indonesia Number 24 of 2013 on Amendment to Law Number 23 of 2006 on the Citizen Administration (hereinafter referred to as Law No. 24 of 2013), regulates that:

“Marriages of Indonesian citizens outside the territory of the Unitary State of the Republic of Indonesia must be registered with the relevant authorities in the local country and reported to the Embassy of the Republic of Indonesia.”

With the presence of two different civil laws, some problems can occur based on interfaith marriages carried out abroad. They are considering some of the issues that may occur in married relationships. For example, whether acts of violence will be addressed under Law of the Republic of Indonesia Number 23 of 2004 on Elimination of Violence in Household (hereinafter referred to as Law No. 23 of 2004) or Law of the Republic of Indonesia Number 1 of 1946 on Criminal Code Regulations (hereinafter referred to as Law No. 1 of 1946)?

²Indrayanti, K. W. & Ristanty, E. (2020). Analisis Peraturan Perkawinan Beda Agama di Berbagai Negara sebagai Perlindungan Hukum untuk Membentuk Keluarga. *Jurnal Cakrawala Hukum*, 11(1), p. 72.

³Administrator. (2020, October 4). Ini Hukum Perkawinan Beda Agama dan Beda Kewarganegaraan. *SINDOnews*. Retrieved at the date of March 8, 2021.

Many studies in Indonesia have examined the legal consequences of different religions. For example, Kadek Wiwik Indrayanti & Enny Ristanty analyzed the legal protection of interfaith marriages in various countries, concluding that:⁴

“The United States, Australia and the Netherlands as well as Singapore are legitimized through a registration process. In Indonesia, the validity of marriage must go through two processes, namely religious rituals and recording. Singapore, Malaysia and Turkey have two regulations governing marriage law. Marriage in Singapore is regulated in two laws, namely the Administration of Muslim Law (AMLA) and the Women’s Charter. Turkey There are two ways of the marriage process, namely Imam marriage and official marriage. A valid marriage must go through the registration process first and then according to the respective religious ceremonies. Almost all countries recognize and regulate interfaith marriages, except Indonesia.”

From the description above, it can be understood that Indonesia does not recognize the concept of interfaith marriage because the validity of a marriage must go through two processes, namely religious rituals, and recording. In addition, the description above shows the role of other countries in forming regulations to legitimize interfaith marriages.

In addition, A. Syamsul Bahri concluded in his research that:⁵

“The legal consequences of interfaith marriages are that the marital status of different religions is not valid according to each religion, so it is also invalid according to Law No. 16 of 2019. With the illegal marriage, it will have consequences on the status and position of the child. So that the child does not have a legal relationship with his father, but only with his mother and his mother’s family. In this case, based on Article 43 paragraph 1 Law No. 16 of 2019 and Article 100 KHI. However, every child born must still be registered in the civil registry in order to obtain a birth certificate.”

From the description above, it can be understood that one of the legal consequences of interfaith marriage is the absence of a legal relationship between a father and his child. However, every child born can still get a birth certificate.

Prasetyo Ade Witoko further concludes that:⁶

“Every religion cannot legalize interfaith marriages, because all religions want their followers to marry those of the same religion, which aims to maintain individual faith so that they are not influenced by the teachings of other religions. Because all religions require that prospective husbands and wives must be of the same religion, then there is an avoidance of the law that should apply or can be said to be an act of legal smuggling, because the smugglers want the legal system not to be enforced because it will have legal consequences that they do not want. In this case, carrying out interfaith

⁴Indrayanti, K. W. & Ristanty, E. (2020). *Loc. Cit.*

⁵Bahri, A. S. & Adama, A. (2020). Akibat Hukum Perkawinan Beda Agama Menurut Undang-Undang No. 1 Tahun 1974 tentang Perkawinan. *Al-Syakshiyah: Jurnal Hukum Keluarga Islam dan Kemanusiaan*, 2(1), p. 85.

⁶Witoko, P. A. & Budhisulistiyawati, A. (2019). Penyelundupan Hukum Perkawinan Beda Agama di Indonesia. *Jurnal Hukum dan Pembangunan Ekonomi (JHPE)*, 7(2), p. 256.

marriages abroad, requesting a court order, marrying according to each religion, and temporarily submitting to one of the religious laws.”

From the description above, it can be understood that there is legal smuggling for potential couples who want to get marriage legitimacy based on Law No. 16 of 2019.

The difference between the description above and this research is that the researcher focuses on the position and authority of Law No. 16 of 2019 rather than questioning the government's efforts in forming/revising Law No. 16 of 2019, or questioning the legality of interfaith marital status, even questioning the behavior of prospective couples who will marry interfaith.

Based on the preliminary description above, this study aims to determine the position and authority of Law No. 16 of 2019 in responding to interfaith marriages abroad.

METHOD

The method used in this research is a dogmatic juridical research method. It is under the authoritarian character of law, so it is often said that law is a normative science.⁷ Legal research is a process to find the rule of law, legal principles, and legal doctrines to answer the legal issues faced.⁸ The legal materials used in this research are as follows:

1. Primary legal materials, namely binding legal materials, including:
2. Secondary legal materials, namely materials that explain primary legal materials, such as literature books, research results, works from legal circles, or legal practitioners related to legal protection of perpetrators of criminal acts based on the Indonesian criminal justice system.

A library study data collection technique was used to obtain the legal materials needed in this research, namely inventorying, reading, and analyzing legal materials, both primary legal materials and secondary legal materials.

The legal materials that have been collected are then analyzed using hermeneutic analysis and interpretation methods. The hermeneutic analysis is used to understand the text as a series of signs arranged in a certain way by the author to convey a specific meaning. In contrast, interpretation analysis is used to interpret and reveal ontological, epistemological, and axiological essences related to the purpose of this research.⁹

⁷Basri, H. (2021). Perlindungan Hukum terhadap Pelaku Tindak Pidana berdasarkan Sistem Peradilan Pidana Indonesia. *SIGn Jurnal Hukum*, 2(2), p. 107.

⁸Qamar, N. & Rezah, F. S. (2020). *Metode Penelitian Hukum: Doktrinal dan Non-Doktrinal*. Makassar: CV. Social Politic Genius (SIGn), p. 13.

⁹Bachmid, F. (2021). Eksistensi Kedaulatan Rakyat dan Implementasi Parliamentary Threshold dalam Sistem Pemilihan Umum di Indonesia. *SIGn Jurnal Hukum*, 2(2), p. 90.

RESULTS AND DISCUSSION

A. Legal Positions Religion on Interfaith Marriages

1. Islam

Islam places marriage as something essential and something that needs attention. Allah SWT created man and woman to live in pairs. They can relate to each other, love each other, produce offspring, and live in peace as Allah SWT commands. The following are the conditions for marriage, namely:¹⁰

- a. There is approval from both the prospective husband and wife and the guardian of the prospective wife;
- b. Muslim, mature enough, and healthy in mind;
- c. No blood kinship is too close;
- d. There is no relationship related to marriage;
- e. No breastfeeding relationship;
- f. The prospective wife is not bound in a marriage bond;
- g. There is no religious difference between the prospective husband and the prospective wife.

In principle, Islam does not allow interfaith marriages. The Qur'an strictly forbids marriage between Muslims and polytheists, as based on the Q.S. Al-Baqarah verse 221, states that:¹¹

وَلَا تَنْكِحُوا الْمُشْرِكَةَ حَتَّىٰ يُؤْمِنَ^ط وَلَا أَمَةٌ مُّؤْمِنَةٌ خَيْرٌ مِّنْ مُّشْرِكَةٍ وَلَا
أَعْبَبَتْكُمْ^ج وَلَا تَنْكِحُوا الْمُشْرِكِينَ حَتَّىٰ يُؤْمِنُوا^ط وَلَعَبْدٌ مُّؤْمِنٌ خَيْرٌ مِّنْ مُّشْرِكٍ
وَلَوْ أَعْبَبَكُمْ^ط أُولَٰئِكَ يَدْعُونَ إِلَى النَّارِ^ط وَاللَّهُ يَدْعُو إِلَى الْجَنَّةِ وَالْمَغْفِرَةِ بِإِذْنِهِ^ج
وَيُبَيِّنُ آيَاتِهِ لِلنَّاسِ لَعَلَّهُمْ يَتَذَكَّرُونَ^ع

Based on the Q.S. Al-Mumtahanah verse 10 states that:¹²

¹⁰Al-Jazairi, A. B. J. (2017). *Ensiklopedia Muslim*. Jakarta: Darul Falah, p. 578.

¹¹Translation of Q.S. Al-Baqarah verse 221: And do not marry polytheistic women until they believe. And a believing slave woman is better than a polytheist, even though she might please you. And do not marry polytheistic men (to your women) until they believe. And a believing slave is better than a polytheist, even though he might please you. Those invite (you) to the Fire, but Allah invites to Paradise and to forgiveness, by His permission. And He makes clear His verses to the people that perhaps they may remember.

¹²Translation of Q.S. Al-Mumtahanah verse 10: O you who have believed, when the believing women come to you as emigrants, examine them. Allah is most knowing as to their faith. And if you know them to be believers, then do not return them to the disbelievers; they are not lawful (wives) for them, nor are they lawful (husbands) for them. But give the disbelievers what they have spent. And there is no blame upon you if you marry them when you have given them their due compensation. And hold not to marriage bonds with disbelieving women, but ask for what you have spent and let them ask for what they have spent. That is the judgment of Allah; He judges between you. And Allah is Knowing and Wise.

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا جَاءَكُمْ الْمُؤْمِنَاتُ مُهَاجِرَاتٍ فَامْتَحِنُوهُنَّ اللَّهُ أَعْلَمُ
بِإِيمَانِهِنَّ فَإِنْ عَلِمْتُمُوهُنَّ مُؤْمِنَاتٍ فَلَا تَرْجِعُوهُنَّ إِلَى الْكُفَّارِ لَا هُنَّ حِلٌّ لَهُمْ
وَلَا هُمْ يَحِلُّونَ لَهُنَّ وَأَتُوهُنَّ مِمَّا آفَقْتُمُوهُنَّ وَلَا جُنَاحَ عَلَيْكُمْ أَنْ تَنْكِحُوهُنَّ إِذَا
أَتَيْتُمُوهُنَّ أَجُورَهُنَّ وَلَا تُمْسِكُوا بِعِصَمِ الْكَوَافِرِ وَسْأَلُوا مِمَّا آفَقْتُمْ وَلَيْسَ لَكُمْ
مِمَّا آفَقْتُمْ ذَلِكَمْ حُكْمٌ اللَّهُ يُحْكُمُ بَيْنَكُمْ وَاللَّهُ عَلِيمٌ حَكِيمٌ ﴿١٠﴾

Prof. Dr. Muardi Khatib, one of the leaders of the Muhammadiyah tarjih assembly, argues that:¹³

“Q.S. Al-Baqarah verse 221 clearly states that a Muslim woman is forbidden to marry a non-Muslim man. Muslim men are also prohibited from marrying non-Muslim women. This provision has become the agreement of the scholars. As a result, this marriage must be annulled.”

However, there are opinions from some Muslim scholars who say that the terms of marriage regarding there are no religious differences between the prospective husband and the prospective wife only apply absolutely for Muslim women. Meanwhile, Muslim men can marry non-Muslim women, as based on Q.S. Al-Ma'idah verse 5 states that:¹⁴

الْيَوْمَ أُحِلَّ لَكُمْ الطَّيِّبَاتُ وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حِلٌّ لَكُمْ وَطَعَامُكُمْ حِلٌّ
لَهُمْ وَالْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ
إِذَا أَتَيْتُمُوهُنَّ أَجُورَهُنَّ مُحْصِنِينَ غَيْرَ مُسْفِحِينَ وَلَا مَتَّخِذِي أَخْدَانٍ وَمَنْ
يَكْفُرْ بِالْإِيمَانِ فَقَدْ حَبِطَ عَمَلُهُ وَهُوَ فِي الْآخِرَةِ مِنَ الْخَسِرِينَ ﴿٥﴾

From Q.S. Al-Ma'idah verse 5 above, those given the Scriptures are also referred to as People of the book (Jews and Christians). K.H. Ibrahim Hosen said that *“the Shafi'i sect considers that after the revelation of the Qur'an, Jews and Christians were no longer called People of the Book”*.¹⁵

¹³Vide, Sastra, A. R. A., et al. (2011). *Pengkajian Hukum tentang Perkawinan Beda Agama (Perbandingan Beberapa Negara)*. Jakarta: Ministry of Law and Human Rights of the Republic of Indonesia, p. 63.

¹⁴Translation of Q.S. Al-Ma'idah verse 5: This day (all) good foods have been made lawful, and the food of those who were given the Scripture is lawful for you and your food is lawful for them. And (lawful in marriage are) chaste women from among the believers and chaste women from among those who were given the Scripture before you, when you have given them their due compensation, desiring chastity, not unlawful sexual intercourse or taking (secret) lovers. And whoever denies the faith - his work has become worthless, and he, in the Hereafter, will be among the losers.

¹⁵Vide, Sastra, A. R. A., et al. (2011). *Op. Cit.*, p. 64.

2. Christian

One of the mandates given by Lord God to humans is the mandate of culture, namely to multiply and multiply to fill the earth. It implies that Lord God designed and planned marriages for humans. The first institution that Lord God established on earth was the family, as based on Bible Genesis 2 verses 18 and 22, states that:

“And the Lord God said, “It is not good for the man to be by himself. I will make one like himself as a help to him.” And the bone which the Lord God had taken from the man he made into a woman, and took her to the man.”

From the verses above, Lord God created the first humans in pairs, male and female. The two are bound in the institution of marriage, becoming one family. Both are referred to as the image of Lord God, and equality between men and women is equality in otherness. The woman was created from the rib of man and different from man. Here we can see that the equivalence between men and women is intended by Lord God so that they together can carry out God’s plan to form a household based on obedience/submission and love.¹⁶

As for the ideal principles of marriage for Christians, as based on Bible 2 Corinthians 6 verses 14 and 17, states that:

“Do not keep company with those who have not faith. For what is there in common between righteousness and evil? or between light and dark? For which cause, Come out from among them, and be separate, says the Lord, and let no unclean thing come near you, and I will take you for myself.”

Indeed, in context, the verses above do not refer to marriage but the implementation of Lord God’s command to abstain from impurity. Through this verse, Paul asks the Corinthians congregation to affirm their identity as Lord God’s people. So they should not “align” (agree and agree) with unbelievers. However, this verse can also be why Lord God does not want interfaith marriage. If only “aligning” with non-believers is not acceptable to Lord God, how much more so is the marriage bond, right? In addition, we must remember that our bodies are temples of the Holy Spirit. So, we have to keep it holy. Apart from not having a relationship outside of marriage, the relationship in marriage must also be done with a partner who is both the temple of the Holy Spirit.

As described above, the Bible strictly forbids interfaith marriage because it involves the components of faith, vision-mission, and the issue of descent, in this case, “divine descent.” Therefore, canonical law must take pastoral action if any congregation has been in an interfaith relationship before the couple has gone further into marriage. If church members, especially youth, have

¹⁶Antonius, S. (2020). Pernikahan Kristen dalam Perspektif Firman Tuhan. *Jurnal Pionir*, 6(2), pp. 229-230.

relationships with people of different faiths, then those Church members need special attention and approach. Interfaith marriage is like a ticking time bomb that will explode one day. So canonical law must begin by emphasizing that Christians belong to Lord God, live for Lord God, and make decisions according to God's truth based on the Bible.¹⁷ The Church must try to make the theme of choosing a life partner a critical piece to discuss in determining the growth of the congregation's faith, the development of children, youth, adults, and the progress of the Church. The basic concepts in choosing a life partner must also be understood by parents so that they can be an extension of canonical law in supervising the lives of children in their development towards adulthood. So that parents can act as supervisors of children's lives physically, mentally, and spiritually and not let children make decisions without asking parents for consideration in choosing a partner. When these children have problems with a family life that has been formed in the future, parents can also be affected and bothered by their children's household problems.¹⁸ In this regard, Franz Magnis-Suseno said that:¹⁹

"Husband and wife relationships are the core cells in society, so that it is hoped that they can produce offspring is something that is believed to be very closely related to the Creator."

3. Hindu

Marriage in the study of Hindu literature is known as pawiwahan which comes from the word *wiwaha*, which means to increase purity and spirituality.²⁰ Marriage is legal or not, as based on Scriptures *Manawa Dharmasastra*, Chapter VIII, Sloka 227, states that:

"Marriage incantations are definitive proof that the girl becomes the legal wife, but experts should also know that marriage is complete after circling the sacred fire."

The marriage procedure is based on the Scriptures *Manawa Dharmasastra*, Chapter III, Sloka 21-34, which mentions *asta wiwaha* or eight ways of marriage (*wiwaha*), namely:²¹

- a. *Brahma Wiwaha*, namely a marriage carried out by giving his daughter to a man who is considered virtuous and highly educated;
- b. *Daiwa Wiwaha*, namely marriages carried out by giving their daughters to a man who is considered to have contributed and done good;

¹⁷Sipayung, G. E. (2020). Elohim YHWH sebagai Dasar Pernikahan Kristen Menyikapi Pro dan Kontra Pemberkatan Pernikahan Beda Agama/Iman (Tinjauan Teologis Pernikahan Menurut Kejadian Pasal 1-6). *Illuminate: Jurnal Teologi dan Pendidikan Kristiani*, 3(2), p. 136.

¹⁸*Ibid.*

¹⁹Ramadhan, B. (2014, December 4). Romo Magnis: Pernikahan Beda Agama Dimungkinkan Sah. *Republika.co.id*. Retrieved at the date of March 8, 2021.

²⁰Sudarsana, I. B. P. (2005). *Ajaran Agama Hindu Upadeca*. Jakarta: Yayasan Dharma Acarya, pp. 2-3.

²¹Gede, P. & Sudharta, T. R. (1973). *Manawa Dharmasastra (Manu Dharmasastra)*. Jakarta: Lembaga Penerjemah Kitab Suci Weda, p. 39.

- c. *Arsa Wiwaha*, namely marriages that occur because of consensual consent, both from the girl's family and the man's family;
- d. *Prajapatya Wiwaha*, a marriage in which the girl's parents or parties release their child to be married to a man who has been approved and accompanied by the prayer "may you both do your dharma together." It also shows appreciation for the man who will be her husband;
- e. *Asura Wiwaha*, which is a marriage in which the man must give a certain amount of money to the girl's parents or parties;
- f. *Gandharwa Wiwaha*, namely a marriage that is carried out based on love and love between the girl and the man, but the parents do not interfere even though they may know it;
- g. *Giant Wiwaha*, namely marriages that are carried out by force even though the woman cries and may also become fights with the girl's side;
- h. *Paisaca Wiwaha*, namely marriages carried out using cunning tricks, such as making the girl drunk.

The eight ways of marriage are indeed not entirely relevant to the life of today's society. For example, *asura wiwaha*, *paisaca wiwaha*, *gandharwa wiwaha*, and *raksasa wiwaha* are considered not good; even *paisaca wiwaha* and *raksasa wiwaha* are wrong, so they should not be done at all. It means that Hindus can choose a marriage method in the current context through moral, legal, social, and traditional considerations that apply in their respective regions as long as they do not conflict with religious law.²²

On the other hand, Arthayasa considers that there are two general requirements for marriage in Hinduism, namely:²³

- a. External conditions. Include factors of age, able-bodied, and status (not bound by marriage with other people). The age factor is an essential thing to consider in a marriage. In this case, the age difference between men and women psychologically impacts married life.
- b. Inner conditions. Includes the same faith (one religion) and love each other.

Furthermore, there are three conditions for a valid marriage in Hinduism, namely:²⁴

- a. Executed under the provisions of Hindu law;
- b. Implemented by Pastor/Pinandita;
- c. Both the bride and groom have embraced Hinduism.

²²Dipa, I. W. A., et al. (2020). *Dinamika Perkawinan pada Gelahang: Kajian Yuridis dan Sosiologis*. Denpasar: UNHI Press, p. 4-5.

²³Arthayasa, I. N. (1998). *Petunjuk Teknis Perkawinan Hindu*. Surabaya: Penerbit Paramita, p. 11.

²⁴Rahmawati, N. N. (2019). Pengesahan Perkawinan Beda Agama dalam Perspektif Hukum Hindu. *Belom Bahadat: Jurnal Hukum Agama Hindu*, 9(1), p. 11.

From the above requirements, it can be understood that marriage is not valid according to Hindu law if one or both of the prospective bride and groom are not Hindus. As for interfaith marriages, I Nengah Dana as a member of the Central PHDI Sabha Walaka (Expert Council), stated that:²⁵

“Interfaith marriages according to the provisions of Hindu religious teachings cannot be legalized through Vivaha Samskara. So if this is done, then such a married couple is considered invalid and forever considered as samgrhana (adultery act).”

Furthermore, I Nengah Dana said that:²⁶

“Interfaith marriages in Hinduism have only recently occurred in India. It is still done with cognate religions. For example marriages between Hindus, Buddhists, Jains, and Sikhs. This religion is a cognate religion that is still Hindu and marriage is allowed. But Indonesia doesn’t know that yet.”

4. Buddha

The essential purpose of life in Buddhism is to gain inner and outer happiness in this world and other realms of existence until the attainment of Nibbana, without or with marriage.²⁷ For this reason, Buddhism does not regard marriage as something sacred or impure.

However, the Buddha indicated the responsibility one has to bear when deciding to marry. The Buddha emphasized to a person to pay more attention to the problems that will arise in marriage which must be appropriately handled according to the law of Karma.²⁸

Based on Article 1 of the Buddhist Marriage Law (HPAB) explains that:²⁹

“Marriage is a physical and spiritual bond between a man as husband and a woman as a wife based on love (metta), affection (karuna), and a sense of sharing (mudita) to form a happy family (household) blessed by Sanghyang Adi Buddha/God Almighty, the Buddhas and the Bodhisattvas-Mahasattvas.”

The Tipitaka; Digha Nikaya III verses 152 and 232; and Anguttara Nikaya II verse 32 describes that there are at least four attitudes in life that can be used to find a life partner as well as to build a harmonious relationship as husband and wife, namely:

²⁵Vide, Baiquni, A. (2014, November, 24). PHDI Nyatakan Pernikahan Beda Agama Tidak Sah. *Merdeka.com*. Retrieved at the date of March 8, 2021.

²⁶Vide, Aditya, R. (2014, November, 24). Parisada Hindu: Nikah Beda Agama Hanya di India. *Tempo.co*. Retrieved at the date of March 8, 2021.

²⁷Firmansyah, I. (2010). “Perkawinan dalam Pandangan Agama Islam dan Buddha (Sebuah Studi Perbandingan)”. *Bachelor Thesis*. Comparative Religion Study Program, UIN Syarif Hidayatullah Jakarta, p. 43.

²⁸Firmansyah, I. (2010). *Ibid.*, p. 44.

²⁹See also, Saputra, J. & Hutabarat, S. S. (1988). *Pendewasaan Usia Perkawinan*. Jakarta: Badan Koordinasi Keluarga Berencana Biro Pembinaan Pendidikan (KB), p. 9.

- a. Willingness (*Dana*);
- b. Kind/Smooth Speech (*Piyavaca*);
- c. Doing What Is Beneficial To Him (*Atthacariya*);
- d. Balanced Mind, Not Arrogant (*Samanattata*).

In addition to carrying out the four attitudes above, four factors make a household happier, as based on Anguttara Nikaya II verse 60, namely:

- a. Common Faith (*Sadha*);
- b. Equality of Morals (*Sila*);
- c. Generosity (*Caga*);
- d. Equality of Wisdom (*Pañña*).

Furthermore, marriages held at the monastery usually meet the complete requirements, namely:³⁰

- a. The presence of the bride and groom;
- b. There is a priest who leads the marriage ceremony;
- c. The presence of the parents of the bride and groom;
- d. The existence of a wedding ring as a sign of the marriage bond;
- e. The existence of a marriage vow;
- f. Offerings to monks when present.

From the description above, it can be understood that even though Buddhism does not consider marriage as something sacred or impure, it is still expected to be able to carry out marriages with the same faith (*sadha*).

Meanwhile, according to the decision of the Indonesian Supreme Sangha regarding interfaith marriages, it is permissible. In this case, the ratification of the marriage is carried out according to the Buddhist way.³¹ That is, prospective brides who are not Buddhist are not required to convert to Buddhism first. However, in the marriage ritual ceremony, the bride and groom must say “*in the name of the Buddha, Dharma, and Sangka*.”

The obligation to pronounce on behalf of the Buddha, Dharma, and Sangka indirectly means that the prospective bride who is not Buddhist becomes a Buddhist. Even though the future bride and groom who are not Buddhist only submit themselves to the rules of Buddhism at the time the marriage takes place.

Furthermore, Suhadi Sendjaja as Head of the Teaching Division for Indonesian Buddhist Representatives (Walubi), said that:³²

³⁰Samanadiwija, P. (1996). *Tuntunan Perkawinan dan Hidup Berkeluarga dalam Agama Buddha*. Jakarta: Yayasan Budha Sasana, pp. 9-12.

³¹Amir, R. (2019). Perkawinan Beda Agama di Indonesia Perspektif Hukum Islam. *Jurnal Al-Qadau: Peradilan dan Hukum Keluarga Islam*, 6(1), p. 105.

³²Gabrillin, A. (2014, November, 5). Soal Nikah Beda Agama, Perwakilan Buddha Tak Ambil Pusing. *Kompas.com*. Retrieved at the date of March 8, 2021.

“Walubi still urges Buddhists to seek marriage with a devout partner. However, if in fact there is a prospective husband and wife pair, one of whom is not a Buddhist, his party will continue to strive until the marriage can continue.”

From the description of religious law above, it can be understood that interfaith marriage is not justified in all scriptures recognized in Indonesia. In addition, interfaith marriages are even considered to damage the faith of followers of these religious teachings.

B. Legal Positions Abroad on Interfaith Marriages

Marriage is currently seen differently, where marriage is held under civil law. The foundation of his philosophy is the individual's right to happiness. Humans must enjoy certain conditions that cause them to develop their capacities and potential. There is a more extreme version of the approach, which leads marriage to covenant theory so that the interpretation of marriage is a contract based on agreement.³³ For example, the Swedish Marriage Law of 1920 has recognized marriage separation by covenant. Furthermore, divorce has now been legalized in Bulgaria and Portugal under treaty law. The legal position abroad for interfaith marriages is as follows.

1. United Kingdom

Marriage in the United Kingdom, which adheres to the standard law legal system, does not require the existence of religious equality for the parties to the marriage.³⁴ Marriage is not just a matter of religion, so in this way, any religion adhered to by the parties is ignored. People who are religious or non-religious can carry out civil marriages and can be legally disabled by fulfilling established procedures.

Government of the United Kingdom of 1973 formed a team and consultants to change the marriage law. The team concluded that civil marriage was the only effective way to carry out marriages. However, this method is still reaping protests from church groups. Finally, a procedure is formulated that:³⁵

- a. The parents must give their consent to the marriage of their child by coming personally to the marriage registrar to give signatures in front of the witnesses;
- b. There must be a stipulation from the marriage registrar that there is no rejection of the marriage; and
- c. Must pay for a license to register marriage ratification, regardless of where the wedding celebration is held.

³³Wahyuni, S. (2014). *Liberalisasi Hukum Perkawinan di Negara-Negara Barat. Asy-Syir'ah: Jurnal Ilmu Syir'ah dan Hukum*, 48(1), p. 12.

³⁴Sastra, A. R. A., et al. (2011). *Op. Cit*, p. 40.

³⁵M.Yunus, F. & Aini, Z. (2018). *Perkawinan Beda Agama dalam Undang-Undang Nomor 23 Tahun 2006 tentang Administrasi Kependudukan (Tinjauan Hukum Islam). Media Syari'ah: Wahana Kajian Hukum Islam dan Pranata Sosial*, 20(2), p. 152.

Furthermore, the Parliament of the United Kingdom of Great Britain and Ireland of 1836, 6 & 7 Will 4 c. 85 on an Act for Marriages in England emphasized the interests of the State to give a person the legal status of marriage. Thus, three processes of marriage must be passed by the couple, namely:³⁶

- a. The couple must announce their intention to marry, both to their parents and other people;
- b. There must be a wedding celebration itself;
- c. The administrative procedure is in the form of registration and recording of a couple's marital status.

2. Canada

Like the United Kingdom, marriage in Canada also adheres to the standard legal system. This means that people who are religious or non-religious can carry out civil unions and can be legally disabled by fulfilling established procedures.³⁷ Meanwhile, marriage is prohibited in Canada based on Article 4 of Statutes of Canada of 2005, c. 33 on Civil Marriage Act, regulates that "*for greater certainty, a marriage is not void or voidable by reason only that the spouses are of the same sex.*"

The requirements for a legal marriage in Canada are:³⁸

- a. Different gender;
- b. Have sexual abilities;
- c. There is no blood or hereditary relationship;
- d. Not bound by a previous marriage;
- e. There is an agreement.

3. Sweden

The Swedish marriage law of 1908 introduced civil marriage, in which spouses were allowed to choose between a civil union or a religious wedding celebration, especially for couples who were not in the Protestant congregation. In the next period, in the 1920 marriage law and the 1915 marriage law, it was stated that marriage could be carried out through church ceremonies or civil ceremonies. According to the 1915 marriage law, marriage is more of a personal and individualistic matter. The role of the church in marriage was also reduced.³⁹

Meanwhile, marriages for couples who are not residents of Sweden can marry in Sweden. This marriage may have a specific purpose. For example,

³⁶Ashsubli, M. (2015). Undang-Undang Perkawinan dalam Pluralitas Hukum Agama (Judicial Review Pasal Perkawinan Beda Agama). *Jurnal Cita Hukum*, 3(2), p. 294.

³⁷Sastra, A. R. A., et al. (2011). *Loc. Cit.*

³⁸See also, Koski, A. & Clark, S. (2021). Child Marriage in Canada. *Population and Development Review*, 47(1), p. 58.

³⁹Wahyuni, S. (2014). *Op. Cit.*, p. 15.

due to certain conditions and contrary to their country of origin, the couple requires legality of marital status.

Marriages in Sweden can occur in a church or before civil authority. As for marriage before civil authority, the bride and groom can contact one of the city's civil marriage officiants. Next, show the required documents in their original form at the Swedish Tax Agency. The documents are intended for the bride and groom who are not Swedish residents or do not have a Swedish Personal Number. These are the documents you will need.⁴⁰

- a. Copy of your passport;
- b. Copy of your birth certificate;
- c. Document proving non-marital status;
- d. Certificate of no impediment (Hindersprövning);
- e. In some cases, you might also have to provide a copy of your county's marriage license laws.

4. Singapore

Singapore's legal system is based on English common law, although the specifics of its regulation and application are adapted to the needs and policies of the country. Family law in Common Law places Jurisprudence as the primary source of law.⁴¹ In addition, Singapore enforces several marriage laws, including the Women's Charter of 1961 and the Muslim Marriages Act of 1966. The Women's Charter of 1961 does not dispute interfaith marriages, while the Muslim Marriages Act of 1966 prohibits interfaith marriages. Therefore, couples who want to marry of different religions will choose to comply with the Women's Charter of 1961.

The conditions for a valid marriage are based on the Women's Charter of 1961, namely:⁴²

- a. Monogamous marriage;
- b. Age has reached 18 years or more;
- c. The bride and groom are a man with a woman;
- d. Have no close kinship/blood relationship.

From the description of religious law above, it can be understood that interfaith couples can carry out interfaith marriages in the countries mentioned above.

⁴⁰See also, Niedomysl, T., et al. (2010). The Globalisation of Marriage Fields: The Swedish Case. *Journal of Ethnic and Migration Studies*, 36(7), p. 1124.

⁴¹Darmabrata, W. (2004). *Hukum Perkawinan dan Keluarga di Indonesia*. Jakarta: Badan Penerbit FH UI, p. 163.

⁴²Leong, W. K. (1997). *Principles of Family Law in Singapore*. Singapore: Butterworths Asia, p. 261.

C. The Position of Law No. 16 of 2019 on Interfaith Marriages Abroad

Before establishing Law No. 1 of 1974, as amended by Law No. 16 of 2019, the validity of marriage consisted of several regulations based on population classification. The intended regulations are:⁴³

1. Colonial Regulations, Staatsblad Number 23 of 1847 on the *Burgerlijk Wetboek voor Indonesie*/the Civil Code;
2. Indigenous Law; and
3. Islamic Law.

However, the provision above must be in accordance with Article 66 of Law No. 16 of 2019, regulates that:

“For marriage and everything connected with marriage based on this law, then with the enactment of this Law, the provisions set in the Civil Code (Burgerlijk Wetboek), Indonesian Christian Marriage Ordinance (Huwelijks Ordonantie Christen Indonesiers S. 1933 No. 74), Mixed Marriage Regulations (Regeling op de Gemengde Huwelijken S. 1898 No. 158), and other regulations governing marriage to the extent that it has been regulated in this Law, are declared null and void.”

On the other hand, the issue of interfaith marriage based on Law No. 16 of 2019 has a different meaning from the previous provision. Previously, the provision for interfaith marriages, based on Article 1 of Colonial Regulations, Staatsblad Number 158 of 1898 on *Regeling op de Gemengde Huwelijken*/Mixed Marriage, explains that *“marriages between people who are in Indonesia, but subject to different laws are called mixed marriages.”* While based on Article 57 of Law No. 16 of 2019 regulates that:

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

With the two provisions above, it can be interpreted that the previous mixed marriage based on conditions meant inter-religious marriage. Meanwhile, mixed marriage based on Law No. 16 of 2019 means marriage between Indonesian citizens and foreign nationals. Therefore, mixed marriages cannot be equated with interfaith marriages based on Law No. 16 of 2019.

The description above and linked to Article 2 of Law No. 16 of 2019 explain that interfaith marriages based on Law No. 16 of 2019 still cannot be implemented. On the other hand, the phenomenon of interfaith marriage is mentioned in the introductory chapter. In this case, the community chooses to carry out several alternative solutions to interfaith marriages. For example, through a court order, temporary submission to one of the religious laws, or marrying abroad.

⁴³Subekti, W. I. & Mahdi, S. S. (2005). *Hukum Perorangan dan Kekeluargaan Perdata Barat*. Jakarta: CV. Gitama Jaya, p. 27.

Marriage abroad is an alternative or solution mostly done by interfaith couples. After returning from abroad, the interfaith couple only had to register in the Indonesian civil registry. Based on Article 35 point a of Law No. 24 of 2013, regulates that “*marriage registration as referred to in Article 34 also applies to marriages determined by the Court.*”

Furthermore, based on Article 35 point a of Annex Elucidation of Law No. 24 of 2013, explains that “what is meant by “Marriage determined by the Court” is a marriage that is carried out between people of different religions.”

The provision above gives an essential meaning to interfaith marriage life in Indonesia. However, from a religious point of view, the ratification of interfaith marriages is considered to ignore spiritual teachings that prohibit interfaith marriages. Meanwhile, from the country’s point of view, this marriage is inconsistent. In this case, Law No. 16 of 2019 does not justify interfaith marriage, while Law No. 24 of 2013 can determine the marital status of interfaith abroad.

Despite the inconsistency of the legislation, Law No. 24 of 2013 has become a middle ground for resolving the dilemma of interfaith marriages in the country. In contrast, Law No. 16 of 2019, which contains marriage regulations in general, cannot be used to solve interfaith marriage problems, so the legal certainty of interfaith marriages is not based on Law No. 16 of 2019 but Law No. 24 of 2013.

CONCLUSIONS AND SUGGESTIONS

Based on the description of the results and discussion above, it can be concluded that interfaith marriage is not justified in all scriptures recognized in Indonesia. Couples who want to have interfaith marriages can hold them abroad. Meanwhile, from the state’s point of view, interfaith marriages are inconsistent. In this case, Law No. 16 of 2019 does not justify interfaith marriage, while Law No. 24 of 2013 can determine the marital status of interfaith abroad. So that the legal certainty of interfaith marriages is not based on Law No. 16 of 2019 but Law No. 24 of 2013. Based on the description of the conclusion, it is suggested that the government amend Law No. 16 of 2019. In this case, it contains norms that legitimize interfaith marriages as regulated in Law No. 24 of 2013. If Law No. 16 of 2019 is considered still relevant to the socio-cultural conditions of Indonesia, the government must amend Law No. 24 of 2013. In this case, it is removing norms that legitimize interfaith marriages. The amendments to the legislation attempt to resolve inconsistencies in the legislation related to interfaith marriages.

REFERENCES

- Aditya, R. (2014, November, 24). Parisada Hindu: Nikah Beda Agama Hanya di India. *Tempo.co*. Retrieved from <https://nasional.tempco.co/read/624196/parisada-hindu-nikah-beda-agama-hanya-di-india/full&view=ok>, at the date of March 8, 2021.
- Administrator. (2020, October 4). Ini Hukum Perkawinan Beda Agama dan Beda Kewarganegaraan. *SINDOnews*. Retrieved from <https://nasional.sindonews.com/read/185608/94/ini-hukum-perkawinan-beda-agama-dan-beda-kewarganegaraan-1601820620?showpage=all>, at the date of March 8, 2021.
- Al-Jazairi, A. B. J. (2017). *Ensiklopedia Muslim*. Jakarta: Darul Falah.
- Amir, R. (2019). Perkawinan Beda Agama di Indonesia Perspektif Hukum Islam. *Jurnal Al-Qadau: Peradilan dan Hukum Keluarga Islam*, 6(1), 99-110. doi: <https://doi.org/10.24252/al-qadau.v6i1.9482>
- Antonius, S. (2020). Pernikahan Kristen dalam Perspektif Firman Tuhan. *Jurnal Pionir*, 6(2), 229-238.
- Arthayasa, I. N. (1998). *Petunjuk Teknis Perkawinan Hindu*. Surabaya: Penerbit Paramita.
- Ashsubli, M. (2015). Undang-Undang Perkawinan dalam Pluralitas Hukum Agama (Judicial Review Pasal Perkawinan Beda Agama). *Jurnal Cita Hukum*, 3(2), 289-302. doi: <http://dx.doi.org/10.15408/jch.v2i2.2319>
- Bachmid, F. (2021). Eksistensi Kedaulatan Rakyat dan Implementasi Parliamentary Threshold dalam Sistem Pemilihan Umum di Indonesia. *SIGn Jurnal Hukum*, 2(2), 87-103. doi: <https://doi.org/10.37276/sjh.v2i2.83>
- Bahri, A. S. & Adama, A. (2020). Akibat Hukum Perkawinan Beda Agama Menurut Undang-Undang No. 1 Tahun 1974 tentang Perkawinan. *Al-Syakhshiyah: Jurnal Hukum Keluarga Islam dan Kemanusiaan*, 2(1), 75-85. doi: <https://doi.org/10.35673/as-hki.v2i1.895>
- Baiquni, A. (2014, November, 24). PHDI Nyatakan Pernikahan Beda Agama Tidak Sah. *Merdeka.com*. Retrieved from <https://www.merdeka.com/peristiwa/phdi-nyatakan-pernikahan-beda-agama-tidak-sah.html>, at the date of March 8, 2021.
- Basri, H. (2021). Perlindungan Hukum terhadap Pelaku Tindak Pidana berdasarkan Sistem Peradilan Pidana Indonesia. *SIGn Jurnal Hukum*, 2(2), 104-121. doi: <https://doi.org/10.37276/sjh.v2i2.90>
- Colonial Regulations, Staatsblad Number 158 of 1898 on Regeling op de Gemengde Huwelijken/Mixed Marriage.
- Colonial Regulations, Staatsblad Number 23 of 1847 on the Burgerlijk Wetboek voor Indonesie/the Civil Code.
- Darmabrata, W. (2004). *Hukum Perkawinan dan Keluarga di Indonesia*. Jakarta: Badan Penerbit FH UI.
- Dipa, I. W. A., et al. (2020). *Dinamika Perkawinan pada Gelahang: Kajian Yuridis dan Sosiologis*. Denpasar: UNHI Press.

- Firmansyah, I. (2010). "Perkawinan dalam Pandangan Agama Islam dan Buddha (Sebuah Studi Perbandingan)". *Bachelor Thesis*. Comparative Religion Study Program, UIN Syarif Hidayatullah Jakarta.
- Gabrillin, A. (2014, November, 5). Soal Nikah Beda Agama, Perwakilan Buddha Tak Ambil Pusing. *Kompas.com*. Retrieved from <https://nasional.kompas.com/read/2014/11/05/15572051/Soal.Nikah.Beda.Agama.Perwakilan.Buddha.Tak.Ambil.Pusing>, at the date of March 8, 2021.
- Gede, P. & Sudharta, T. R. (1973). *Manawa Dharmasastra (Manu Dharmasastra)*. Jakarta: Lembaga Penterjemah Kitab Suci Weda.
- Indrayanti, K. W. & Enah, A. R. (2015). Peran Negara dalam Memberikan Perlindungan Hukum bagi Calon Pasangan Kawin Beda Agama (KBA) di Indonesia. *Jurnal Hukum & Pembangunan*, 45(3), 408-430. doi: <http://dx.doi.org/10.21143/jhp.vol45.no3.55>
- Indrayanti, K. W. & Ristanty, E. (2020). Analisis Peraturan Perkawinan Beda Agama di Berbagai Negara sebagai Perlindungan Hukum untuk Membentuk Keluarga. *Jurnal Cakrawala Hukum*, 11(1), 71-81. doi: <https://doi.org/10.26905/idjch.v11i1.4046>
- Koski, A. & Clark, S. (2021). Child Marriage in Canada. *Population and Development Review*, 47(1), 57-78. doi: <https://doi.org/10.1111/padr.12369>
- Law of the Republic of Indonesia Number 1 of 1946 on Criminal Code Regulations.
- Law of the Republic of Indonesia Number 1 of 1974 on Marriage (State Gazette of the Republic of Indonesia of 1974 Number 1, Supplement to State Gazette of the Republic of Indonesia Number 3019).
- Law of the Republic of Indonesia Number 23 of 2004 on Elimination of Violence in Household (State Gazette of the Republic of Indonesia of 2004 Number 95, Supplement to State Gazette of the Republic of Indonesia Number 4419).
- Law of the Republic of Indonesia Number 23 of 2006 on the Citizen Administration (State Gazette of the Republic of Indonesia of 2013 Number 124, Supplement to State Gazette of the Republic of Indonesia Number 4674).
- Law of the Republic of Indonesia Number 24 of 2013 on Amendment to Law Number 23 of 2006 on the Citizen Administration (State Gazette of the Republic of Indonesia of 2013 Number 232, Supplement to State Gazette of the Republic of Indonesia Number 5475).
- Law of the Republic of Indonesia Number 16 of 2019 on Amendment to Law Number 1 of 1974 on Marriage (State Gazette of the Republic of Indonesia of 2019 Number 186, Supplement to State Gazette of the Republic of Indonesia Number 6401).
- Leong, W. K. (1997). *Principles of Family Law in Singapore*. Singapore: Butterworths Asia.
- M.Yunus, F. & Aini, Z. (2018). Perkawinan Beda Agama dalam Undang-Undang Nomor 23 Tahun 2006 tentang Administrasi Kependudukan (Tinjauan Hukum Islam). *Media Syari'ah: Wahana Kajian Hukum Islam dan Pranata Sosial*, 20(2), 138-158. doi: <http://dx.doi.org/10.22373/jms.v20i2.6512>

- Niedomysl, T., et al. (2010). The Globalisation of Marriage Fields: The Swedish Case. *Journal of Ethnic and Migration Studies*, 36(7), 1119-1138. doi: <https://doi.org/10.1080/13691830903488184>
- Parliament of the United Kingdom of Great Britain and Ireland of 1836, 6 & 7 Will 4 c. 85 on an Act for Marriages in England.
- Qamar, N. & Rezah, F. S. (2020). *Metode Penelitian Hukum: Doktrinal dan Non-Doktrinal*. Makassar: CV. Social Politic Genius (SIGn).
- Rahmawati, N. N. (2019). Pengesahan Perkawinan Beda Agama dalam Perspektif Hukum Hindu. *Belom Bahadat: Jurnal Hukum Agama Hindu*, 9(1), 1-15. doi: <https://doi.org/10.33363/bb.v8i1.341>
- Ramadhan, B. (2014, December 4). Romo Magnis: Pernikahan Beda Agama Dimungkinkan Sah. *Republika.co.id*. Retrieved from <https://www.republika.co.id/berita/ng1nbi/romo-magnis-pernikahan-beda-agama-dimungkinkan-sah>, at the date of March 8, 2021.
- Samanadiwija, P. (1996). *Tuntunan Perkawinan dan Hidup Berkeluarga dalam Agama Buddha*. Jakarta: Yayasan Budha Sasana.
- Saputra, J. & Hutabarat, S. S. (1988). *Pendewasaan Usia Perkawinan*. Jakarta: Badan Koordinasi Keluarga Berencana Biro Pembinaan Pendidikan (KB).
- Sastra, A. R. A., et al. (2011). *Pengkajian Hukum tentang Perkawinan Beda Agama (Perbandingan Beberapa Negara)*. Jakarta: Ministry of Law and Human Rights of the Republic of Indonesia.
- Sipayung, G. E. (2020). Elohim YHWH sebagai Dasar Pernikahan Kristen Menyikapi Pro dan Kontra Pemberkatan Pernikahan Beda Agama/Iman (Tinjauan Teologis Pernikahan Menurut Kejadian Pasal 1-6). *Illuminate: Jurnal Teologi dan Pendidikan Kristiani*, 3(2), 119-139.
- Statutes of Canada of 2005, c. 33 on Civil Marriage Act (Last Amended on June 18, 2015).
- Subekti, W. I. & Mahdi, S. S. (2005). *Hukum Perorangan dan Kekeluargaan Perdata Barat*. Jakarta: CV. Gitama Jaya.
- Sudarsana, I. B. P. (2005). *Ajaran Agama Hindu Upadeca*. Jakarta: Yayasan Dharma Acarya.
- The 1945 Constitution of the Republic of Indonesia.
- Wahyuni, S. (2014). Liberalisasi Hukum Perkawinan di Negara-Negara Barat. *Asy-Syir'ah: Jurnal Ilmu Syir'ah dan Hukum*, 48(1), 1-27.
- Witoko, P. A. & Budhisulistiyawati, A. (2019). Penyelundupan Hukum Perkawinan Beda Agama di Indonesia. *Jurnal Hukum dan Pembangunan Ekonomi (JHPE)*, 7(2), 251-257. doi: <https://doi.org/10.20961/hpe.v7i2.43015>

| Mangarengi, A. A. & Hamzah, Y. A. (2021). The Position of the Marriage |
| Law on Interfaith Marriages Abroad. *SIGn Jurnal Hukum*, 3(1), 65-83. doi: |
| <https://doi.org/10.37276/sjh.v3i1.127> |
