



# The Policy Reform Model for the Registration of Interfaith Marriages at Dukcapil Office Salatiga

Muhammad Bagus Adi Wicaksono<sup>1</sup>(✉), Anjar Sri Ciptorukmi Nugraheni<sup>2</sup>,  
and Tishlahatul Ulya Muflihal Fahmi<sup>1</sup>

<sup>1</sup> Faculty of Vocational School, Sebelas Maret University, Surakarta, Indonesia  
muhammadbagusaw@staff.uns.ac.id

<sup>2</sup> Faculty of Law, Sebelas Maret University, Surakarta, Indonesia

**Abstract.** The purpose of this study was to review the implementation of marriage law in Indonesia on the practice of registering interfaith marriages at the Population and Civil Registration Office Salatiga and to analyse the policy reform models in resolving the cases of interfaith marriage registration at the Population and Civil Registration Office Salatiga. This study applied a type of empirical research that is perspective with a case-study design approach. The data sources used in this research were primary and secondary data sources with data collection techniques through interviews, observations and documentation studies. The sampling technique used was judgemental or purposive sampling which uses certain criteria according to the field of expertise possessed by the subject. The data analysis was carried out through 4 stages, namely data collection, data reduction, data presentation and drawing conclusions. The results of this study explain that the implementation of interfaith marriage registration at the Population and Civil Registration Office Salatiga can be done in 2 ways, namely registration of marriages with one partner submitting to another partner without being followed by religious conversion and marriage registration through the court decisions. The policy reform model in resolving the cases of interfaith marriage registration is through the court decisions by increasing the authority of the Population and Civil Registration Office as the party entitled to marry the interfaith couples due to the vacancy regarding which party is given the authority to marry the interfaith marriages.

**Keywords:** Policy Reform Model · Implementation · Interfaith marriages · Department of Population and Civil Registration

## 1 Introduction

Pluralism is a value system or view that recognizes diversity within a nation [1]. Diversity within a nation is always viewed positively and optimistically as a real reality by all members of society in living the life of a nation and state. Religious pluralism has become a social fact that modern society must face. Religious pluralism is the state of

being where every individual in a religiously diverse society has the rights, freedoms, and safety to worship, or not, according to their conscience. The birth of religious pluralism begins with diversity which leads to the different perspectives for religions. The difference in the perspective of religion itself is due to the different contexts of the teachings and traditions of religious culture itself, so that according to John Hick's theology of Religious Pluralism, this perspective on religion is the most basic thing in religion. All elements of the nation are placed as social assets that are valuable, fair and have the opportunity to develop and play a role in developing the country if the diversity of ethnicity, language and religion can be used as joint capital to develop Indonesia.

According to Article 1 of Law Number 1 of 1974 concerning Marriage (hereinafter referred to as UUUP), it is stated that marriage is an inner bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the One Godhead. Although there are regulations regarding marriage, it does not mean that all aspects have been included in it. An example of a problem that is not explicitly regulated by UUUP is the interfaith marriage, namely a man and a woman of different religions [2]. In practice, there have now been many interfaith marriages among the Indonesian people, although they have raised their own controversies. Interfaith marriages in UUUP are implicitly regulated. The marriage regulated in the UUUP regarding the mixed marriages in Article 57 of the UUP states that mixed marriages in this law are marriages 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, only mentions about mixed marriages which is a marriage of different nationalities, not a marriage between religious communities, while regarding the legal requirements for marriage according to Article 2 paragraph (1) of the UUP, it states that the marriage is legal, if it is carried out according to the laws of each religion and belief. Thus, the UUUP only implicitly regulates interfaith marriages.

Interfaith marriages in Indonesia are still a separate issue since not all religious leaders allow this to happen. Regarding the validity of marriage, it is regulated in Article 2 paragraph (1) of the UUP. Regarding the registration of Muslim marriages, it is carried out at the Office of Religious Affairs, while for non-Islamic religions; it is carried out at the Population and Civil Registration Office. As an agency for implementing the marriage registration, the Population and Civil Registration Service will register a marriage if the marriage has met all the requirements set forth in the legislation, if these requirements have not been met then the marriage cannot be registered with the Population and Civil Registration Service.

## 2 Research Methods

This study applied the type of empirical research conducted by direct research into the field of study. The sources of data used in this study include primary data in the form of direct interviews with employees at the Department of Population and Civil Registration of Salatiga City and secondary data in the form of primary legal materials including statutory regulations and secondary legal materials including books, journals and other documents that support this research. The nature of this study was descriptive, that is, it provides research data that is as accurate as possible about humans, circumstances or

other symptoms. The approach used in this study was a case-study design which aims to maintain the integrity of the phenomenon under study. The data collection techniques used was interviews with employees, observations, and documentation studies with technical data analysis by means of data collection, data condensation, data presentation and conclusion drawing.

### **3 Discussion and Research Result**

#### **3.1 The Implementation of Interfaith Marriage Registration at the Population and Civil Registration Office Salatiga**

Based on Article 2 paragraph (2) of the UUP and Article 34 paragraph (1) of Law Number 23 of 2006 concerning Population Administration, legal marriages must be reported by residents to the implementing agency. Non-Muslim marriage registration is carried out at the Population and Civil Registration Service which is reported by residents no later than 60 (sixty) days from the date of marriage. If the reporting exceeds the time limit, it is called late reporting. Based on the report, a marriage certificate is recorded in the marriage certificate register and a marriage certificate is issued which becomes the authentic evidence that has permanent legal force.

Based on the results of an interview with Mrs. Saka Diana, S.H., Head of Civil Registration Services, on February 18, 2021 at the Population and Civil Registration Office Salatiga, stated that the implementation of the registration of interfaith marriages had been carried out long before she was assigned to her current position. Marriage is a human right, and the employees of the Department of Population and Civil Registration is as registrar officers who carry out duty in accordance with the existing regulations. If at any time there is a doubt, it can be communicated to a higher institution to obtain a solution. She also added that the registration based on the last court order occurred in 2008 when she had just been transferred to the Population and Civil Registration Office Salatiga.

In the case of the implementation of the registration of interfaith marriages at the Population and Registration Office of the City of Salatiga, it can be carried out in 2 (two) ways, namely:

##### **3.1.1 The Registration of Interfaith Marriages Subject to One Partner's Religion**

The registration of interfaith marriages by submitting to one partner's religion and another partner submitting to their partner's religion is a choice that is often taken by the interfaith couples. In accordance with the results of the study that the intensity of each month is 3: 10, there is registration for registering the interfaith marriages. The process of registering the interfaith marriages is the same as usual interfaith marriages.

The requirements that must be met by prospective interfaith marriage partners include: (1) Civil Registration (Marriage) Reporting Form/F2.01; (2) Photocopy of Marriage Blessing Letter/Marriage Letter for Believers (Legalized); (3) Photocopy of Birth Certificate (Legalized); (4) Certificate from Village Office; (5) Photocopy of Electronic KTP and KK of the bride and her parents; (6) For candidates from other regions, attach a certificate from the local Disdukcapil Service; (7) 5 (five) color 4 × 6 photos side by side;

(8) Photocopy of Electronic KTP of 2 (two) witnesses; (9) For those who are divorced, attach the original divorce certificate and those who are divorced, attach a photocopy of the death certificate/death certificate of their spouse; (10) For members of the TNI and POLRI attach a marriage license from their unit; (11) For marriages with foreigners, it is added with (a) Marriage license from the embassy (Original); (b) Photocopy of Birth Certificate (Translated by an official translation agency); (c) Passport (Photocopy of legalized); (d) Travel documents; (e) Other documents stating the domicile including the parents (translated); (f) Visa.

Marriage registration can be carried out at least 10 (ten) calendar days since the application file is entered and is declared correct and complete.

### **3.1.2 The Registration of Interfaith Marriages Through Court Decisions**

The registration of interfaith marriages through court decisions is the implementation of the Minister of Home Affairs Regulation Number 108 of 2019 concerning the Implementing Regulations of Presidential Regulation Number 96 of 2018 concerning the Implementation and Procedures for Population Registration and Civil Registration. The implementation of this registration rarely occurs in the City of Salatiga, requests for registration of interfaith marriages are carried out through the court decisions.

General requirements that must be met in order for a record to be recorded include:

(1) A copy of the court order, (2) Electronic KTP of husband and wife, (3) Passport photos of husband and wife, and (4) Travel documents for a foreign husband or wife.

## **3.2 The Policy Reform Model in Resolving the Cases of Interfaith Marriage Registration at the Population and Civil Registration Office Salatiga**

The policy for registering the interfaith marriages at the Population and Civil Registration Office Salatiga is based on an interview with the Head of Saka Diana, S.H. on February 18, 2021 at the Population and Civil Registration Office Salatiga, stated that the registration has so far been carried out based on complete requirements without seeing any religious differences since the Population and Civil Registration Service is only in charge of registering according to the requirements of the legislation issued by the Ministry of Home Affairs. The registration of interfaith marriages using a court order does not use a wedding celebration so that only based on the court's decision; a marriage can be registered as an interfaith marriage. So far, for the registration of marriages, the date of court determination is used as the date of marriage.

The policy of registering the interfaith marriages at the Population and Civil Registration Office of Salatiga City is carried out in 2 (two) ways, namely:

### **3.2.1 The Registration of Interfaith Marriages Subject to One Partner's Religion**

This policy is implemented in accordance with the Supreme Court Circular Number 231/PAN/HK.05/2019 explaining several requests for legal fatwas from the Director General of Population and Civil Registration to the Supreme Court. The explanation includes registration of marriages that do not meet the requirements of religious/belief

marriages, registration of interfaith marriages, registration of deaths and court decisions/stipulations whose decisions are contrary to the Population Administration Law. The registration of interfaith marriages is explained in the second number with the question “Can the marriage of a couple of different religions be registered if the couple already has proof of a marriage certificate from one of the religious leaders”. The answer to this question is that interfaith marriages are not recognized by the state and cannot be registered. However, if the marriage is carried out based on the religion of one spouse and the other partner submits to the religion of his/her partner, the marriage can be registered, for example if the marriage is based on Christianity then it is registered at the Office of Population and Civil Registration, as well as if the marriage is based on Islam, the couple’s marriage is registered at the Office of Religious Affairs.

### 3.2.2 The Registration of Interfaith Marriages Through Court Decisions

Interfaith marriages through court decisions based on several regulations include:

1. Article 35 of the Adminduk Law, which states that “The registration of marriages as referred to in Article 34” shall also apply to: (1) Marriage determined by the Court, and (2) Marriage of a foreign citizen carried out in Indonesia at the request of the foreign citizen concerned. Furthermore, it is explained in the explanation of Article 35 letter a of the Administrative Law which states that “marriages determined by the court are marriages carried out between people of different religions.”
2. Article 50 paragraph (3) of the Minister of Home Affairs Number 108 of 2019 concerning Regulations for Implementing Presidential Regulation Number 96 of 2018 concerning Requirements and Procedures for Population Registration and Civil Registration states that:

“In the case of marriages between different people and marriages that cannot be proven by a marriage certificate, the registration of the marriage is carried out based on a court order by fulfilling the requirements”, as follow: (1) Copy of court order, (2) E-KTP of husband and wife, (3) Photographs of husband and wife, and (4) Travel documents for a foreign husband or wife.

The Department of Population and Civil Registration can register the registration of interfaith marriages through the court decisions, but cannot carry out marriages. The judge’s decision on the application for the determination of interfaith marriage states: (1) Granted the petition of the petitioners; (2) Granting permission to applicants to register interfaith marriages at the Population and Civil Registration Office of Salatiga City; (3) Ordering the Population and Civil Registration Office of the City of Salatiga to register the interfaith marriages of the applicants in the marriage registration register which is intended.

Observing the judge’s decision on the determination of the interfaith marriages above, which marriages are recorded by the employees of the Population and Civil Registration Service. There should be a marriage first and then followed by registration. In this case, there is a regulatory vacuum regarding which party is given the authority to marry the interfaith couple. According to the writer point of view, it is necessary to increase the authority of the Department of Population and Civil Registration as the party entitled to marry the interfaith couples in procedures regulated by

the government. Prior to the marriage, an announcement is made. If there are parties who object to the ongoing marriage, the marriage cannot be carried out. If there is no objection, then the marriage can be held at the Population and Civil Registration Service.

## 4 Conclusion

Based on the results of the study and discussion above, it can be concluded that:

1. The implementation of interfaith marriages at the City Population and Civil Registration Service can be carried out in 2 ways, namely registration of marriages subject to one of the spouses' religions and recording through court decisions. Marriage registration is subject to one of the spouses' religions, then the requirements that must be met are in accordance with the requirements for registration of marriages in general. The registration of marriages through a court order requires additional requirements in the form of a copy of the court order and other requirements in accordance with the applicable laws and regulations.
2. There is a vacancy regarding which party is given the authority to marry the interfaith marriages. It is advisable to increase the authority of the Department of Population and Civil Registration as the party entitled to marry interfaith couples in procedures regulated by the government. Prior to the marriage, an announcement is made. If there are parties who object to the ongoing marriage, the marriage cannot be carried out. If there is no objection, then the marriage can be held at the Population and Civil Registration Service.

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**Authors' Contributions.** Muhammad Bagus Adi Wicaksono, S.H., M.H.

Dr. Anjar Sri Ciptorukmi Nugraheni, S.H., M.H.

Tishlahatul Ulya Muflihah Fahmi.

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