

**SHIFTING MEANING OF THE SACRED  
VALUE OF MARRIAGE:  
Study on the Practice of Interfaith Marriage Through the  
Establishment of the District Court**



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**SHIFTING MEANING OF THE SACRED VALUE OF MARRIAGE  
(Study on the Practice of Interfaith Marriage Through the Establishment  
of the District Court)<sup>1</sup>**

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*Abstract*

Law No. 1 year 1974 concerning Marriage as a national law has shifted the principle and philosophy of colonial marriage law system which was originally secular into a religious marriage by hanging the legitimacy of marriage according to the law religions and beliefs. With the enactment of Law No. 23 year 2006 concerning civil administration, an interesting phenomenon occurs which is the shift in the meaning of the sacred value of marriage because the possibility of marriage of different religious couple can be recorded after the marriage has been determined by the court, even though the religious marriage ritual was not performed.

This study discusses the shift in meaning of religious marriage (the sacred value of marriage) which has become a principle of marriage law in Indonesia with the determination of the court where the recording is not required to perform a religious ritual as determined by the judge in Surakarta District Court and the recording done by the Department of Population and Civil Registration.

**Keywords:** *the Sacred Value, Interfaith Marriage, Establishment of Court*

**A. Introduction**

Indonesia, like the former colonies in general, has a complicated legal problem of legal pluralism inherited from the colonial government. Marriage law as part of civil law, including one of the pluralistic areas of law as a result of the classification of citizens and the determination of different legal terms for each group based on Article 163 of *Indische Staatsregeling* (IS) or Article 109 of *Regerings Reglement* (RR)

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(Usman, 2003). Furthermore, the determination of different laws for three groups of populations (Europe, Bumiputera, and East Foreigners) are based on Article 131 of *Indische Staatsregeling* (IS) or Article 75 of *Regerings Reglement* (RR) (Wignjosoebroto, 2014).

Aware of the plurality in marriage laws additionally the existence of different principles in the existing marriage laws, the Indonesian Government is adamantly struggling for the existence of national marriage law. The emergence of Act No. 1 year 1974 on Marriage (hereinafter referred to as the Marriage Law) among others are intended to overcome the plurality of marriage law and to align the principles of marriage to fit the soul of Indonesian nation that does not separate marriage from the cultural background and religious aspects. This is because Dutch marriage law is very diverse and tends to be secular because the law sees marriage only in the civil relationship (Article 26 of the civil code and Article 1 of the Indonesia Christian marriage ordinance). Indonesia's success in unifying the marriage law (though still referred to as a differentiated unification) managed to shift the legal system of marriage that was originally secular into a religious marriage. The determinant of the legitimacy of marriage is religious law as stated on Article 2 verse (1) marriage law stating: "Marriage is considered valid when it is done based on the law of each religion and beliefs". Therefore Jenie (2015) calls marriage according to marriage law is considered religious marriage.

The success in unifying marriage law still leaves behind issues related to marriage of different religions because the marriage law is deemed not to explicitly regulate marriages of different religions. Through the administration route of population, a breakthrough was made with the enactment of Law No. 23 year 2006 of civil administration (changed with Law No. 24 year 2013). According to this law, marriage of different religion may be recorded by the Department of Population and Civil Registry (Dispendukcapil) after the establishment by the district court, even though a religious ritual was not performed in the marriage. This means the position of religious marriage (religious marriage ritual) can be replaced with the establishment by the district court

## **B. Different Religious Marriage From Indonesian Marriage Law Viewpoint**

Issues of different religious marriage has never been finished since the enactment of marriage law. Up to this day, there is still a debate whether or not to be married to different religions. The marriage law is deemed unable to have not been expressly regulated including the Government Regulation No. 9 year 1975 as a rule of thumb. Marriage of different religions, is a marriage that is done by a man as a husband with a woman as a wife with different religion and beliefs between one another. As an example, a marriage between a Muslim man with a Christian woman or in reverse a Christian man with a Muslim woman.

According to the Marriage Law, marriage should reflect the values of the religiosity of the couple. Affirmed by Lukito (2008), having a belief is a *conditio sine qua non* for couples who will bind themselves in a marriage. Article 2 Verse (1) of Marriage Law clearly states that marriage is only legal if done in accordance with the law and religious beliefs of the two prospective brides. Marriage is not just a secular and private affair between two people, but also an institution sheltered by divine values. By recognizing the importance of the role of religion in marital relations, the state at the same time recognizes the role of religious law in the institutionalization of a family.

A literal interpretation of the sentence contained in Article 2 Verse (1) that marriage becomes lawful “if done according to the law of religion and belief respectively” Can be regarded as a formal prohibition on marital relations between two parties each with a different religion or belief. Islamic marriage law, for example, contain elements that cannot be found in Christian tradition and vice versa, then marriages held by parties of different religions are against the law. This is due to marriage relations in Indonesia are understood only as contracts of two persons of the same religion, the marriage of different faiths is excluded formally.

Marriages according to the concept of marriage law as a religious marriage whose implementation strongly emphasizes the sacred aspect of religious ritual, is confirmed also by the provision of Article 1 of the Marriage Law which states that

"Marriage is the inner birth bond between a man and a woman as husband and wife in order to form a happy family (household) And eternal based on Belief in the One Supreme". The marriage of this religion is further strengthened by the statement of Article 10 verse (2) of Government Regulation No. 9 of 1975 on the Implementation of Law No. 1 of 1974 on Marriage which provides that "The marriage procedure is done according to the law of each religion and belief". All these provisions are in accordance with the first Sila Pancasila namely Belief in the One Supreme. The philosophy that animates the Marriage Law which is particularly concerned with the sacrality of marriage by always relating it to Divine aspects, is very different from the basic and marriage philosophy according to the Civil Code (KUH Perdata), mixed marriage regulations (*Regeling op de gemengde Huwelijken* S. 1898 No. 158), and Christian marriage ordinance (*Huwelijks Ordonantie Christen Indonesiers* S. 1933 No. 74). The three rules of marriage of this Dutch relics only see the marriage of the aspect of civility This practice of marriage separates the marriage of the State from the religious provisions so that marriage performed by a couple of different religions is not a problem. This can be clearly read from the provisions of Article 7 verse (2) Mixed Marriage Regulations stating that "religious, national or original differences are not an obstacle to a marriage".

Recalling that marriage should be based on religious ritual as determined by Article 2 verse (1). Article 1 of the Marriage Law, the validity of a marriage conducted by a couple of different religions, is returned to the provisions of each religion adopted by the prospective bride. If the religion permits, then a different marriage of religion may take place. Conversely, if the provisions of religious law prohibit, then the marriage of different religions can not be implemented. Thus in the context of Indonesian law, it appears that the State is not authorized to make a regulation concerning a different marriage of religion because of the validity of marriage in Indonesia, not specified by the State but by the religion held by each prospective bride.

### **C. The Practice of Marriages of Different Religions in Indonesia**

The understanding of Article 2 Paragraph (1) of the Marriage Law as a prohibition on the marriage of different religions is rejected and countered by those who believe that interfaith marriage is still permitted by basing on the fact that the Marriage Law does not explicitly prohibit marriage between two parties having different religious affiliations. This is supported by the fact that the articles related to marriage barriers do not address whether religious affiliation differences can be a barrier to marriage (Chapters 8-28 of the Marriage Law) (Saleh, 1982). It is therefore unacceptable, at least according to some scholars, that Article 2 verse (1) must be interpreted as a prohibition on the practice of intermarriage of different religions in Indonesia. This article, according to them only specifies that both parties must perform marriage according to religious law. Thus, if according to religious law nothing becomes a barrier of marriage, then the marriage of different religions can be held. In other words, the prohibition on the marriage of different religions cannot be accepted if only based on Article 2 paragraph (1) of the Marriage Law.

Prospective youths with different religious marriages also contend that under Article 66 Transitional Provisions that with the coming into effect of the Marriage Law, all marriage provisions already in the Civil Code, Mixed Marriage Regulations, Christian Marriage Ordinance and other marriage rules as long as they have been regulated In the Marriage Law is declared no longer valid. Given the issue of marriage of different religions is considered not regulated by the Marriage Law, then the Mixed Marriage Regulation can still be used as the basis for the implementation of different religious marriages (Sukarja, 1996).

In fact there are still many marriages among couples of different religions or beliefs to date. There are several ways in which marriages are made, namely marriages are conducted according to their respective religions, temporary subjection to one religious law, marriage abroad, and requesting a court (Hukumonline, 2006). Marriage by applying for a court decision has been made in the case of Andy Vony Gani and

Adrianus Petrus Hendrik in the Decision of the Supreme Court No. 1400K/Pdt/1986 and are often regarded as phenomenal jurisprudence in different religious marriages.

**D. Marriage of Different Religions Through the Decision of the Courts According to the Population Administration Act: Is there a Shift in the Meaning of the Sacred Value of Marriage?**

Long before the enactment of the Population Administration Act of 2006, in the 1980s, the marriage of different religions was already widely practiced. This can be seen, among others, on interfaith marriage data conducted at the Civil Registry Office of DKI Jakarta (Sukarja, 1996). From marriage data in Jakarta Civil Registry Office in April 1985-July 1986 there were recorded 239 cases of different religious marriages. Of the 239 cases of religious marriages, 112 cases are religious marriages where the male is Muslim and the bride is non-Muslim, while 127 cases show that the bridegroom is non-Muslim and married to a Muslim woman (Sukarja, 1996). While other data referred from the archdiocese of Jakarta in 1984 accounted for 852 cases and 163 cases of which were marriages between Catholics and Muslims (PKK Keuskupan Agung Jakarta, 1985)

Against the implementation of the marriage of religious differences in the Civil Registry has filed objections among others by the Indonesia Council of Ulama (MUI) of DKI Jakarta. This institution sent a letter to the governor of DKI Jakarta No. 005/MUI-DKI/VII/1986 dated 19 July 1986 Concerning Interfaith Marriage which contains a request to the Governor of DKI Jakarta to instruct the Civil Registry Office not to proceed and/or record the marriage of a Muslim (Sukarja, 1996).

A similar objection letter was submitted by the Jakarta Regional Office of the Department of Religious Affairs addressed to the Head of Jakarta Civil Registry Office dated 31 May 1986 Regarding the Record of Islamic Male Marriage with Non-Muslim Women. This letter also contains an objection relating to the procedure of recording Muslim marriage with non-Muslim women who are analogous to "Mixed Marriage" as regulated in Article 57 of Law Number (1) Year 1974 concerning Marriage. The Jakarta Religious Department believes that marriage such as that of Jamal Mirdad (Islam) with

Lydia Kandow (Kristen) is analogous to "Mixed Marriage" as once governed by GHR (S.1898 No. 150 Article 6), The marriage should be subject to the law that applies to the male Muslim who is practiced in Islam and recorded in the KUA Kecamatan. In his letter, the Religious Affairs Department of DKI Jakarta also expressed its objection regarding the procedure of submission to Western law (Civil Code) as meant S.1917 No.12 jo. No. 520 which is often used in the Dutch colonial era, is considered no longer appropriate when the Act No. 1 of 1974 on Marriage has been applied.

Objection and criticism of the practice of religious marriage, one of which is Muslim and held in the Civil Registry Office as answered by the Supreme Court in the case of Andi Vonny Gani P on Supreme Court Decision Number 1400K / Pdt / 1986 which was terminated on January 20, 1989. This case started in 1986 when Andy Vony Gani was a Muslim woman and Adrianus Peter Hendrik Nelwan a Christian man was about to marry and took their case to the District Court after being rejected by the Office of Religious Affairs and the Civil Registry Office (Nurcholish & Baso, 2010). Unfortunately, the judges at the District Court also rejected the petition. The case was then filed a legal action in the form of a cassation to the Supreme Court. After spending about three years, the Supreme Court finally accepted the petition filed by Andi Vony Gani P. The decision of the Supreme Court, among others:

1. Cancel the rejection letter of the Extraordinary Employee of the Provincial Civil Registry of the Special Capital Region of Jakarta with no. 655 / 1.755.4 / CS / 1986 dated March 5, 1986;
2. Ordering the Registrar Officer at the Civil Registry Office of the Special Capital Province of Jakarta in order to establish a marriage between Andi Vonny Gani P. and Andrianus Petrus Hendrik Nelwan after being fulfilled the terms of marriage under the law;

There is one important point that the Supreme Court judges consider in deciding the case of Andi Vonny Gani P is that with the submission of a petition for marriage before the KCS, it must be interpreted that the applicant intends to have a non-Islamic marriage. Thus it must be construed that by filing the petition, the petitioner no longer ignores the religious status of Islam, so that Article 8 sub F of the Marriage Law is no



longer an impediment to the marriage they wish to perform. In such circumstances should KCS as the only authorized institution to record the marriage of both husband and wife candidates who are not subject to Islamic law.

The case of Andi Vonny Gani proceeded long enough from 1986 to 1989 and word spread that when the couple made a cassation appeal to the Supreme Court, they had performed the blessings in the Church. This means Andi Vonny as the bride has subordinated to Christianity so that the Supreme Court's decision can actually be said as a form of affirmation of the ecclesiastical marriage. Thus it can be concluded that the implementation of the marriage of religious differences established through the establishment of the court and carried out by the Civil Registry Office in accordance with the jurisprudence in the case of Andi Vonny Gani in essence does not negate religious ritual because it is still accompanied by marriage with certain religious rituals and generally not marriage according to Islam.

Then what about the practice of marriage of different religions through the establishment of the court post the enactment of the Population Administration Act of 2006?

The application of the court to establish a religious marriage has been widely practiced in several state courts in Indonesia, one of which is in the Surakarta District Court based on Article 35 along with an explanation of Law Number 23 Year 2006 concerning Population Administration.

Article 35 states that:

The marriage registration referred to in Article 34 shall also apply to:

a. Marriage established by the Court;

In the explanation mentioned:

Letter a

What is meant by "Marriage established by the Court" is a marriage made between different faiths.

Article 35 point a literally can be interpreted that with this article it is possible for marriage done between people of different religions established by the court. The word "also applies" indicates that this rule seems to be an excess or an exception, since marriages generally conducted can be registered as provided for in Article 34. Article 35

letter a gives position to a marriage of different religions to be registered by the Registrar of Civil Registry. As mentioned in Article 34 Paragraph (2) *juncto* Article 35 Sub-Article a that will be recorded is based on the report in which the report in question is in the form of Court Decision related to interfaith marriages of different religions or so-called marriages of different religions. Thus the act of marriage recording is an administrative act.

Based on Article 35 of the Population Administration Law and its Elucidation, there are key words that need to be underlined: "Marriage established by the Court" and "marriage registration by the Civil Registry Office". The words "marriage established by the Court" should not be interpreted as having the marriage coupled by the district court. It is not the authority and capacity of the courts to marry off religious and religious partners. Referring to the statement "Marriage established by the court", there should have been a legal act in the form of "marriage". In fact, however, when the parties apply for the establishment of marriage, they have not committed any legal deeds to be determined. Thus, normatively, the final estimate of the request for marriage in a court of law for a couple of different religions should be a permit, namely a permit to carry out a religious marriage as well as obtain a driver's license for a person who will be driving on the street.

Ideally, after obtaining "permission" to marry religious differences, the parties follow up with an action that leads to a legal act of "marriage" and in accordance with the philosophy of the Marriage Law, the act of "marriage" must be based on Divine values or Deity. Furthermore, after the act of "married" law and accompanied by the completeness of the requirements specified by the Office of Population and Civil Registration, then the marriage can be done recording.

The reality on the field is not so. The marriage of different religions through the establishment of the court in the Surakarta District Court, for example, shows that religious ritual is not a major requirement and must be able to register the marriage of different religions by Department of Population and Civil Registry (Dispendukcapil) Kota Surakarta. According to the Head of marriage and divorce Department of

Population and Civil Registry (Dispendukcapil) Surakarta, Esti Pratiwi, said that from 2011 to 2016, has been recorded marriage of religious differences as much as 30 marriages and mostly done through the determination of courts and most recorded without the required marriage according to certain religious rituals or beliefs.

The following is the data of the search results on the marriage of different religions through the establishment of the court through the website of the Supreme Court from the Surakarta District Court:

**Table 1**  
**The Different Couple of Religions Obtaining the Stipulation of the Surakarta District Court**

No	Case Number	Husband Candidate	Wife Candidate
1	73/Pdt.P/2007/PN.Ska	Daniel Karisma Adi (Kristen)	Yuni Priangga Dewi (Islam)
2	111/Pdt.P/2007/PN.Ska	Djaka Sudana (Islam)	Sri Wulan Hastaningrum, S.H (Kristen)
3	112/Pdt.P/2008/PN.Ska	Saryono Hadiwidjoyo (Islam)	Sri Martani (Kristen)
4	115/Pdt.P/2008/PN.Ska	Indrijanto Kurniawan (Islam)	Elisabeth Victina (Katholik)
5	79/Pdt.P/2009/PN.Ska	Iwan Purniawan Astanto (Islam)	Ika Sari Pujiastuti (Kristen)
6	92/Pdt.P/2010/PN.Ska	Gunawan Cahyono (Kristen)	Anita Sandhyawati (Islam)
7	156/Pdt.P/2010/PN. Ska	Listyani Astuti (Kristen)	Achmad Julianto (Islam)
8	90/Pdt.P/2011/PN.Ska	B.R.M. Wahyoe Soeryo Wicaksono (Islam)	Yenny Pramawati (Kristen)
9	237/Pdt.P/2012/PN.Ska	Beti Haryuning Dyah (Kristen)	Ebnu Fajri Bayu Woro (Islam)
10	04/Pdt.P/2013/PN.Ska	Djiauw Ping Shen (Kristen)	Ipung Indriyani (Islam)

Source: Secondary Data 2013

From the result of the research and the reading of the decision, it is found that from the ten stipulations of the Court, it turns out that most marriages are only held in Department of Population and Civil Registry (Dispendukcapil) without marriage process

according to religion (case 1,2,3,4,5,6,7,8 and 10 in table 1 ). The reason for them to only marry civilians without following a marriage based on religious processions is because they do not want to carry out marriages according to their own religious teachings and follow the procession of their partner's marriage. They take the middle way as it is because each wants to be committed to respecting their respective religions and beliefs. According to some couples, coercion of one party to follow or subjugate to the beliefs and rituals of the couple's religion reflects that they are not trying to appreciate the couple. After the marriage, the nine couples mentioned, still intend to follow their own religion as before.

While there is one couple who do not know the procedure of marriage implementation is the couple no 9 (Case Number 237 / Pdt.P / 2012 / PN Ska). The unclearness of the marriage procedure is because before this couple submits a petition to the Surakarta District Court, the prospective bride is already in a state of pregnancy. The main purpose of the couple is the desire to safeguard and protect the interests of the child who will be born in order to have a status as a child born in marriage.

How can a marriage of different religions without religious marriage rituals be recorded in Department of Population and Civil Registry (Dispendukcapil) Surakarta?

Generally The Department of Population and Civil Registry (Dispendukcapil) has the duty of carrying out marriage registration for marriage whose parties are not Islam. There are three marriages recorded by Department of Population and Civil Registry (Dispendukcapil) based on the marriage procession that is carried out:

- a. Christian marriage, Catholicism, Hinduism, Buddhism, Confucianism, and believers of beliefs performed at worship places or in front of religious leaders who will issue a marriage proof. The proof of marriage that became the basis of Department of Population and Civil Registry record marriages that have been implemented.
- b. Marriages done in foreign countries and has been reported to Department of Population and Civil Registry to be recorded

- c. Different religious marriages that are deemed to exist by their stipulation in the Court Decision.

The following is an example of an excerpt from the Surakarta District Court decree on a request for a different religious marriage license filed by GC and AS (Case No 92 / Pdt.P / 2010 / PN.Ska) was decided on 28 June 2010 by Single Judge in an open session for public:

1. To grant the petitioners' petition;
2. To grant permission to the Petitioners to hold Marriage of diferent Religion at the Office of Population and Civil Registration of Surakarta City;
3. To instruct the marriage registry officer at the Office of the Population and Civil Registry of Surakarta City to conduct the marriage between Petitioner I (GC) as the Candidate of Husband and Petitioner II (AS) as the Candidate Candidate;
4. Ordering the Employee of the Surakarta Demographic and Civil Service Office to record the marriage of the different Religion of the Applicants mentioned above into the Marriage Registration Register used therein;
5. To charge the petition to the Petitioners, which to date is calculated as Rp. 86.000, -

Against the marriage of a couple of different religions which one of them conforms to the couple's religion, the exercise of the registration shall be the same as the general marriage registration. As for the marriage of different religions through the determination of the courts, there is a special requirement that the letter of determination of the court becomes a mandatory requirement that must be attached. The comparison requirements of marriage registration can be exemplified in the following table:

**Table 2**

**Comparison of Examples of Marital Recording Requirements Between Common Marriage and Marriage Differences Through the Court Decision**

<b>Records of Public Marriage</b>	<b>Recording of Different Marriage Marriage through the Establishment of the District Court</b>
<p>1) <i>Letter of Blessing of Marriage / Description of marriage of religious leaders/ marriage letter of believer of trust signed by leaders of Believers of Faith</i></p> <p>2) KTP and KK of the prospective</p>	<p>1) <i>Determination of District Courts to conduct different religious marriages</i></p> <p>2) KTP and KK of the prospective wife and husband;</p> <p>3) KTP of 2 (two) witnesses;</p> <p>4) .... and so on until the 21<sup>st</sup></p>

husband and wife; 3) KTP of 2 (two) witnesses; 4) ....and so on until the 21 <sup>st</sup>	
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Source: PP No. 9 of 1975 jo. Presidential Decree Number 25 Year 2008 jo. Regulation of Mayor of Surakarta Number 11 Year 2011 and statement from Drs. Suwarta, S.H., M.M (Kepala Dispendukcapil Kota Surakarta) on October 10, 2015

The marriage of different religions through the determination of the court whose recording procedure is done by Department of Population and Civil Registry (Dispendukcapil) of Surakarta City without any obligation to attach the Marriage Certificate / Description of the marriage of the religious or covenant leader and replace it with a letter of appointment of the court (Dianti, 2015), is quite surprising. On the one hand, this phenomenon indicates the existence of efforts to break the deadlock and the ice related to the practice of marriage of different religions, on the other hand such practices seemed to shift the meaning of religious marriage which contain the values of sanctity into marriage without the interference of religion or belief recognized by the State.

Marriage is essentially a very powerful covenant, in the name of God Almighty and the law (Alami and Hinchcliffe, 1995), (Suma, 2004). As a treaty as well as a legal act, a marriage must meet certain pillars and conditions. According to Ali Afandi (1986), the distinction between ordinary agreements and marriage as an agreement is that in the ordinary agreement it is not concerned with the form but the content of which is preferred, otherwise in a form of marriage it is the most important and decisive. The element of religion / belief must animate a marriage because marriage must be based on Belief in the One Supreme. According to the authors, the recording of a religious marriage that replaced religious or belief rituals with the establishment of a state court, should not be justified because it means ignoring its consent form and this practice seems to return to the marriage procedure of the colonial era that separates marriages from religious elements and only views Marriage of the civil aspect. This is certainly not in harmony with the intent and philosophy of the promulgation of the Marriage Law.

According to Sidharta (2009), the title of religious values is possible to be replaced by the value of sacredness. The use of the term sacred value means its meaning

will be broader than the value of religion in the context of certain moral teachings because the use of the term religion will impress on religion as an organized and official value system based on an organized recognition. In the context of marriage law, the essence that is emphasized is that marriage contains the value of sacred as evidenced by the existence of rituals in the name of God. The sacred value here includes Divine values which are also believed by non-affiliated believers to six officially recognized religions. Adherents and beliefs themselves have now been accommodated when their interests associated with their marriage rituals are held. Through the Government Regulation Number 37 Year 2007 regarding the Implementation of Law Number 23 Year 2006 concerning Population Administration and Joint Regulation of the Minister of Home Affairs and Minister of Culture and Tourism Number 43 and 41 of 2009 concerning Guidance of Service to Believers of Believers to God Almighty and Regulation of the Minister of Home Affairs Number 12 of 2010, has allowed believers to register and report their marriages to Department of Population and Civil Registry (Dispendukcapil) even if their marriage is held abroad (Nurcholis & Baso, 2006).

If the division investigates what has been done by the judge of the state court who decide the case of marriage of different religions, actually the judge is trying to do *rectsvinding* against the contradiction of two norms of law that is Marriage Law and Population Administration Act. According to the theory of conflict resolution norms, it appears that judges take the option of settlement with the model of disavowal (Brouwer,*et.al.*, 1992) (Prakoso, 2015). According to Hadjon and Djatmiati (2014), disavowal is actually a paradox move because it defends opinions as if there is no conflict of norms. The Marriage Law and the Population Administration Act are actually two laws that move in different realms, namely in the private sphere (Marriage Law) and in the public sphere (Population Administration Act). In this case both seem to be applied separately even when it is felt actually between them there is a conflict of norms related to marriage of different religions.

This condition is followed up by Department of Population and Civil Registry (Dispendukcapil) who at the same time do what is called fallacy in legal reasoning. The

Department of Population and Civil Registry (Dispendukcapil) does not refuse to do the recording of marriages of different religions and accept the existing argumentation not because of the value of reasoning but because the party who declare or decide is the authoritative, powerful and expert judges court. This argument is commonly called *argumentum ad verecundiam* (Hadjon and Djatmiati , 2014). Once an argument related to the recording of a marriage of different religions through the establishment of a court, it is possible to no longer become heretical when it has become a permanent jurisprudence.

### **E. Conclusion**

The state does not strictly regulate the legitimacy of marriages of different religions because the determinants of the legitimacy of marriage including the marriage of different religions are the religions and beliefs of each non-State party. When the State allows for the recording of a religious marriage through the court's appointment, it does not mean that the court marries the marriage partner or the court authorizing the marriage, but the ruling should be read as permission to marry which should be followed by a ritual of "marriage." Circumstances like this of course the government needs to follow up with a certain procedure that allows the ceremony held different religious weddings. If this procedure is to be institutionalized, the State and society must be willing and willing to accept a shift in the meaning of the sacred value of marriage other than according to the six religions and beliefs that the current government has acknowledged.

The practice of recording the marriage of different religions through the determination of the courts held in several Department of Population and Civil Registry (Dispendukcapil), especially Department of Population and Civil Registry (Dispendukcapil) Surakarta on one side shows an effort to provide the best public service by performing administrative duties and functions in the form of recording and executing court orders. However, on the other hand the practice in the district court and Department of Population and Civil Registry (Dispendukcapil) shows the resolution of the conflict of norms by taking the choice of disavowal models and there is a tendency



for fallacy in legal reasoning that affects the shift in meaning of the sacred value of marriage.

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