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Regulating Interfaith Marriage in Indonesia: A Religious Legal Pluralism Approach to Legal Certainty and Constitutional Justice

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Abstract: Interfaith marriage remains one of the most controversial issues in Indonesian marriage law due to the unresolved interaction between state law, religious law, and constitutional guarantees of religious freedom. Although various statutes, judicial decisions, and administrative regulations govern marriage, they provide inconsistent legal standards regarding the validity and registration of interfaith marriages, creating a persistent legal gap and legal uncertainty. This study aims to examine the regulation of interfaith marriage through the perspective of religious legal pluralism and to formulate a regulatory model capable of reconciling Indonesia's plural legal order. Using a normative-empirical legal research design, this study analyses legislation, judicial decisions, religious doctrines, and qualitative interviews with six religious leaders representing Islam, Catholicism, Protestantism, Buddhism, Hinduism, and Confucianism. The findings reveal divergent religious positions, with Islam, Protestantism, and Hinduism generally prohibiting interfaith marriage, Catholicism allowing limited dispensations, and Buddhism and Confucianism adopting more accommodative approaches. Based on these findings, the study proposes a religious legal pluralism model that integrates the authority of religious institutions with state administrative procedures, thereby providing a more coherent mechanism for determining the validity and civil registration of interfaith marriages while balancing legal certainty, constitutional rights, and respect for religious diversity. The empirical findings, however, are limited by the small number of informants and the single-regional scope of the interviews, suggesting the need for broader comparative research. This article contributes to the reform of Indonesian marriage law by offering a constitutionally grounded and institutionally coherent framework for regulating interfaith marriage within Indonesia's multicultural legal system.

Keywords: Interfaith Marriage, Legal Pluralism, Religious Law, Marriage Regulation, Legal Certainty.

INTRODUCTION

Interfaith marriage remains one of the most controversial issues in Indonesian family law because it lies at the intersection of state law, religious law, constitutional principles, and

human rights. As a pluralistic nation that officially recognizes six religions, Indonesia places religion at the centre of marriage regulation, making the legal validity of marriage inseparable from religious norms embraced by prospective spouses (Ashsubli, 2015; Dauda et al., 2022; Prawirohamidjojo, 2012). Consequently, the regulation of interfaith marriage involves not only legal considerations but also theological, constitutional, and sociocultural dimensions. This complexity has generated continuing debates among legal scholars, religious authorities, policymakers, and judges regarding the extent to which the state should accommodate religious diversity while ensuring legal certainty and equal protection before the law.

The principal legal framework governing marriage in Indonesia is Law No. 1 of 1974 on Marriage, as amended by Law No. 16 of 2019. Article 2 paragraph (1) provides that a marriage is valid only if conducted according to the laws of the respective religions and beliefs of the parties. Although this provision emphasizes the central role of religion in determining marital validity, it does not expressly regulate marriages between persons of different religions, thereby leaving room for divergent legal interpretations (Arsal, 2018; Hedi et al., 2017). Before the enactment of the Marriage Law, interfaith marriages were accommodated under the *Regeling op de Gemengde Huwelijk* (GHR), which classified such marriages as mixed marriages and allowed their registration through the Civil Registry Office (S. Wahyuni, 2014, 2016). Following the enactment of the Marriage Law, however, the concept of mixed marriage became limited to marriages involving different nationalities rather than different religions, creating uncertainty regarding the legal status of interfaith marriages.

The regulatory landscape has become increasingly fragmented because the Marriage Law coexists with other legal instruments that appear to adopt different approaches. While the Marriage Law and the Compilation of Islamic Law emphasize religious conformity as a prerequisite for a valid marriage, Article 35 of Law No. 23 of 2006 on Population Administration, as amended by Law No. 24 of 2013, has been interpreted as allowing the civil registration of interfaith marriages following a court determination (Mursalin, 2023; Suhasti et al., 2018). This coexistence of overlapping statutory provisions has produced regulatory inconsistency regarding both the legality and administrative registration of interfaith marriages. As a result, legal practitioners, religious institutions, and government agencies frequently rely on different legal bases when addressing similar cases.

Regulatory inconsistency has also been reinforced by divergent judicial interpretations. The Supreme Court Decision No. 1400/K/PDT/1986 has often been cited as permitting interfaith marriage through judicial determination, whereas the Constitutional Court, in Decisions No. 68/PUU-XII/2014 and No. 24/PUU-XX/2022, reaffirmed that the constitutional validity of marriage remains closely connected to religious law. Furthermore, Supreme Court Circular Letter No. 2 of 2023 instructed judges to reject applications concerning the registration of interfaith marriages. Nevertheless, judicial practice has remained inconsistent, as several district courts have continued granting such applications despite the existence of the circular, while others have rejected them based on the same statutory framework (Antari & Adnyana, 2024; Detiknews, 2023; Fenecia et al., 2024; Kompas.com, 2023). These conflicting judicial approaches demonstrate that the interpretation of interfaith marriage law continues to depend largely on judicial discretion rather than on a coherent and unified legal framework.

The interaction between inconsistent legislation and inconsistent judicial practice has created significant legal consequences for individuals seeking legal recognition of interfaith marriages. Couples frequently encounter uncertainty regarding the validity of their marriage, difficulties in obtaining official registration, and unequal treatment before different judicial institutions. More broadly, these inconsistencies reveal a fundamental tension between constitutional guarantees of religious freedom, respect for religious doctrines, and the state's obligation to provide legal certainty. Consequently, the issue of interfaith marriage is no longer

merely a question of statutory interpretation but has become a broader challenge concerning how Indonesia should reconcile multiple normative systems within its plural legal order.

Despite the continuing academic attention devoted to interfaith marriage in Indonesia, important aspects of the issue remain insufficiently explored. Existing studies have primarily examined interfaith marriage from the perspectives of Islamic law, constitutional law, human rights, or the philosophical values of Pancasila. Hedi et al., (2017), for example, analysed interfaith marriage in relation to the philosophical objectives of the Marriage Law, religious teachings, and the Pancasila legal system in order to formulate future legal policy. Similarly, Zeinudin, (2019) examined interfaith marriage by integrating Islamic law, positive law, and human rights within the framework of the first principle of Pancasila to achieve a more dignified and just legal order. Meanwhile, Budiarti, (2018) approached the issue through the perspective of *Maqāṣid al-Sharī'ah* within the Indonesian rule of law. These studies have substantially contributed to understanding the doctrinal and normative dimensions of interfaith marriage, demonstrating the complexity of balancing religious values, constitutional principles, and individual rights.

Nevertheless, previous scholarship has largely concentrated on normative legal analysis and philosophical justification, leaving several important issues unresolved. First, existing studies have paid limited attention to the interaction between state law and the diverse religious legal systems that simultaneously operate within Indonesia's plural legal order. As a result, the concept of legal pluralism has generally been acknowledged only as a contextual background rather than being employed as the principal analytical framework for constructing future marriage regulation. Second, although judicial inconsistency has frequently been discussed, previous research has rarely integrated statutory interpretation, judicial practice, and the official doctrinal positions of all six state-recognized religions into a single analytical framework. Consequently, the relationship between legal diversity and regulatory reform remains insufficiently explained.

Another limitation of previous studies concerns the empirical dimension of legal pluralism. Most earlier research relies predominantly on doctrinal analysis of legislation, court decisions, or religious texts, while direct empirical evidence from religious authorities responsible for interpreting and implementing religious marriage law remains very limited. Consequently, relatively little is known about how religious institutions themselves understand the possibility of accommodating interfaith marriage within their respective legal traditions or how these perspectives may contribute to future legal reform. Given that Indonesian marriage law explicitly recognizes religion as a determinant of marital validity, the perspectives of religious authorities constitute an essential component of any comprehensive analysis of interfaith marriage regulation.

Accordingly, this study seeks to fill these gaps by adopting religious legal pluralism as its principal analytical framework while combining normative legal analysis with empirical evidence obtained from interviews with religious leaders representing Islam, Catholicism, Protestantism, Buddhism, Hinduism, and Confucianism. Rather than examining state law or religious law separately, this study analyses their interaction in order to formulate a regulatory model capable of accommodating constitutional guarantees, religious diversity, and legal certainty within Indonesia's multicultural legal system. Through this integrated approach, the study moves beyond descriptive analysis of legal conflicts and offers a practical institutional framework for regulating interfaith marriage that reflects both Indonesia's constitutional values and its plural religious traditions.

Based on this background, this study addresses the following research questions: (1) How is interfaith marriage regulated under Indonesian positive law? (2) How do the officially recognized religions in Indonesia regulate and interpret interfaith marriage? (3) What

regulatory model can best accommodate interfaith marriage within the framework of religious legal pluralism while ensuring legal certainty and constitutional justice?

Accordingly, this study aims (1) to analyse the regulation of interfaith marriage within Indonesian positive law; (2) to examine the perspectives of Indonesia's officially recognized religions concerning the legality of interfaith marriage; and (3) to formulate a regulatory model based on religious legal pluralism that harmonizes state law, religious doctrines, constitutional guarantees, and the realities of Indonesia's multicultural society. By developing this model, the study contributes to the ongoing discourse on Indonesian marriage law reform through a constitutionally grounded and institutionally coherent framework capable of strengthening legal certainty while respecting religious diversity.

METHODS

This study employed a normative-empirical legal research design that combines doctrinal legal analysis with empirical inquiry. The normative component constituted the primary approach because the principal objective of the research was to examine the regulation of interfaith marriage within Indonesia's legal system and to formulate a future regulatory model grounded in religious legal pluralism. The empirical component was incorporated to enrich and validate the doctrinal analysis by examining how the officially recognized religions interpret and apply their respective marriage doctrines in practice. This combined approach was considered appropriate because the regulation of interfaith marriage in Indonesia cannot be adequately understood solely through statutory interpretation but must also consider the interaction between state law and the religious legal systems that coexist within Indonesia's plural legal order.

The normative analysis employed statutory, case, and conceptual approaches. The statutory approach examined the legal framework governing interfaith marriage, including Law No. 1 of 1974 on Marriage as amended by Law No. 16 of 2019, Law No. 23 of 2006 on Population Administration as amended by Law No. 24 of 2013, the Compilation of Islamic Law, Supreme Court Circular Letter No. 2 of 2023, Constitutional Court decisions, Supreme Court decisions, and other relevant legal instruments. The case approach analysed selected judicial decisions concerning applications for interfaith marriage registration to identify patterns of judicial reasoning and inconsistencies in judicial practice. Meanwhile, the conceptual approach employed theories of legal pluralism, religious law, constitutionalism, human rights, and Pancasila as analytical frameworks for evaluating the coherence of existing regulations and constructing a future regulatory model.

The empirical component consisted of semi-structured interviews conducted with religious leaders representing the six officially recognized religions in Indonesia, namely Islam, Catholicism, Protestantism, Buddhism, Hinduism, and Confucianism. Informants were selected through purposive sampling based on their institutional positions, recognized authority in interpreting religious marriage doctrines, and active involvement in providing religious guidance or marriage counselling within their respective religious communities. The study intentionally included one senior representative from each religion because the objective was not to obtain statistical representation but to capture the official doctrinal perspectives of each religious tradition that directly influence the implementation of marriage law in Indonesia. Since each officially recognized religion possesses a distinct legal doctrine governing marriage, one authoritative representative from each religious community was considered sufficient to ensure balanced institutional representation while maintaining the qualitative depth required for comparative legal analysis.

The interviews were conducted in Palembang, South Sumatra, between June and August 2023. Semi-structured interview guidelines were employed to ensure consistency while allowing informants to elaborate on issues relevant to their respective religious traditions. The

interviews focused on several interconnected themes, including the theological foundations of marriage, religious doctrines concerning interfaith marriage, institutional procedures for granting approval or dispensation, practical challenges encountered in implementing religious marriage law, perceptions regarding the interaction between religious law and state law, and recommendations for future regulation capable of accommodating Indonesia's religious diversity while preserving legal certainty. This thematic structure enabled comparable data to be collected across all participating religious communities without limiting the informants' ability to explain doctrinal nuances unique to their respective traditions.

The research materials therefore consisted of primary legal materials, including statutes, Constitutional Court decisions, Supreme Court decisions, judicial determinations, and other official legal instruments; secondary legal materials comprising books, journal articles, legal commentaries, and previous studies; and empirical data obtained from interviews. Religious scriptures, canonical texts, and official doctrinal documents were also examined as non-state normative sources because they constitute an essential component of Indonesia's plural legal system and directly influence the religious validity of marriage.

Data analysis was conducted using qualitative legal analysis integrated with thematic analysis of the empirical findings. Statutory provisions, judicial decisions, religious doctrines, and interview transcripts were first organized through thematic coding based on recurring legal issues relating to the regulation of interfaith marriage. The interview data were analysed using an inductive thematic analysis in which recurring concepts, institutional perspectives, and doctrinal interpretations were identified, compared, and grouped into broader analytical themes across the six religions. These empirical themes were subsequently compared with statutory provisions, judicial decisions, and relevant legal theories to identify areas of convergence, divergence, and normative inconsistency between state law and religious law. Legal interpretation techniques were then employed to analyse the interaction among legal norms, while legal construction and deductive legal reasoning were applied to formulate coherent legal principles and develop a regulatory model grounded in religious legal pluralism. Rather than functioning as independent empirical findings, the interview results served as complementary evidence that strengthened and contextualized the normative legal analysis throughout the study.

Ethical considerations were observed throughout the research process. All participants voluntarily agreed to participate after receiving an explanation of the research objectives and the intended academic use of the interview data. Prior informed consent was obtained before each interview, and participants were informed that their responses would be used solely for research purposes. The researcher respected the confidentiality of personal information where requested and ensured that the interviews were conducted with due regard for the religious beliefs, institutional positions, and professional responsibilities of each informant. The study did not seek to evaluate the theological correctness of any religious doctrine but rather to understand the diversity of religious legal perspectives relevant to the regulation of interfaith marriage.

The empirical component of this study nevertheless has certain limitations. The interviews involved only six senior religious leaders located within one geographical region, namely Palembang, South Sumatra. Consequently, the empirical findings should not be interpreted as representing the full diversity of religious opinions across Indonesia, particularly considering the existence of different organizational traditions and regional interpretations within several religious communities. Nevertheless, because the primary purpose of the empirical component was to obtain authoritative institutional perspectives rather than statistical generalization, these interviews provided sufficiently reliable contextual evidence to complement the normative legal analysis. Future research involving broader geographical

coverage and a larger number of religious institutions would further enrich the understanding of religious legal pluralism in the regulation of interfaith marriage.

RESULTS AND DISCUSSION

Religious Legal Pluralism and Marriage Regulation

Legal pluralism has long been recognized as one of the defining characteristics of the Indonesian legal system. Unlike a monolithic legal order in which the state constitutes the sole source of law, Indonesia's legal system is shaped by the coexistence of state law, religious law, and customary law, each of which possesses normative authority within particular social contexts (Safitri, 2012; D. S. Wahyuni, 2013). This plurality reflects Indonesia's multicultural society and constitutional commitment to recognizing religious diversity while maintaining national legal unity. Consequently, many legal issues, particularly those concerning family law, cannot be adequately understood through a purely positivistic approach because their regulation is simultaneously influenced by multiple normative systems.

John Griffiths defines legal pluralism as the coexistence of two or more legal systems operating within the same social field (Ginting, 2021). Similarly, Sally Engle Merry argues that legal pluralism arises when different normative orders interact within a single jurisdiction rather than functioning independently of one another (Mukminto & Marwan, 2019). These perspectives are particularly relevant to Indonesia, where marriage is regulated not only by statutory law but also by religious doctrines that determine the substantive validity of marriage. Consequently, interfaith marriage represents one of the clearest manifestations of legal pluralism because its legality depends upon the interaction between state regulation and the religious norms applicable to each prospective spouse.

The Indonesian experience of legal pluralism differs from that of many secular legal systems because religion occupies a constitutionally recognized position in national law. Since the colonial period, multiple legal traditions have coexisted in Indonesia, including customary law, religious law, and state legislation (Tamanaha, 1993). Following independence, legal pluralism was not eliminated but instead became integrated into the national legal system. As Somadiyono, (2020) observes, legal pluralism has become an inherent characteristic of Indonesian legal development, reflecting the country's social, cultural, and religious diversity. Rather than treating legal diversity as an obstacle, Indonesian law has generally sought to accommodate multiple normative traditions within a unified constitutional framework.

Within this plural legal order, religious law occupies a particularly significant position because marriage is explicitly regulated according to religious principles. Werner Menski conceptualizes religious law as part of the broader interaction between state law, social norms, and moral or religious values, emphasizing that legal systems function through continuous negotiation among these normative spheres rather than through the exclusive dominance of statutory law (Menski, 2006). In Indonesia, this interaction is reflected in Article 2 paragraph (1) of the Marriage Law, which makes religious law the principal determinant of marital validity. Consequently, religious law functions not merely as a private moral norm but as an essential normative source influencing the legal consequences of marriage under state law (Masyitoh, 2016; Ubbe, 2016).

Indonesia officially recognizes six religions: Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism, each possessing distinct doctrinal approaches to marriage (Cantonia & Majid, 2021). These doctrinal differences illustrate that religious law itself is plural rather than uniform (Irianto, 2003). While several religions generally require both spouses to share the same faith, others provide limited mechanisms through which interfaith marriage may be recognized under specific doctrinal conditions. Consequently, the legal challenge is not simply the coexistence of state law and religious law but also the

coexistence of diverse religious legal systems whose normative positions are not always identical.

This plurality explains why interfaith marriage continues to generate legal uncertainty despite the existence of statutory regulation. The conflict is not solely attributable to ambiguous legislation but also to the absence of an institutional mechanism capable of accommodating the interaction between state law and multiple religious legal systems. When statutory law provides limited guidance while religious doctrines differ in their approaches to interfaith marriage, judges and administrative authorities frequently produce inconsistent legal outcomes. The resulting inconsistency demonstrates that legal certainty cannot be achieved merely through additional statutory regulation if the underlying plural normative structure remains unaddressed.

Accordingly, this study argues that religious legal pluralism should not be understood merely as a sociological description of Indonesia's legal diversity but as a normative framework for regulating interfaith marriage. Rather than subordinating religious law to state law or allowing religious doctrine to operate independently of constitutional principles, religious legal pluralism recognizes the legitimacy of both normative systems while establishing institutional mechanisms through which they can interact coherently. Such an approach seeks to reduce normative conflict by ensuring that the determination of religious validity remains within the authority of the respective religious institutions, while the state performs its constitutional function of providing legal recognition, civil registration, and legal certainty. In this way, religious legal pluralism offers a constitutional mechanism for reconciling religious diversity, equality before the law, and the state's responsibility to administer marriage within Indonesia's multicultural legal system.

From this perspective, the central issue is no longer whether interfaith marriage should be categorically permitted or prohibited. Instead, the more fundamental question concerns how Indonesia's plural legal system can regulate interfaith marriage in a manner that respects the constitutional position of religion, accommodates doctrinal diversity among officially recognized religions, and simultaneously guarantees legal certainty and equal protection before the law. This theoretical framework therefore provides the analytical foundation for evaluating existing regulations and developing the proposed regulatory model discussed in the subsequent sections.

Interfaith Marriage According to Religious Law

Indonesia's constitutional recognition of six official religions means that religious law plays a decisive role in determining the validity of marriage. Consequently, the legal status of interfaith marriage cannot be understood solely through statutory interpretation but must also consider the doctrinal positions adopted by each religion. Although all officially recognized religions emphasize the importance of religious harmony within marriage, their approaches to interfaith marriage are not entirely uniform. Some religious traditions generally prohibit interfaith marriage, while others provide limited mechanisms through which such marriages may be recognized under specific doctrinal conditions. These differences significantly influence both the religious validity of marriage and its subsequent civil registration under Indonesian law.

1. Islam

Islamic law generally regards religious compatibility (*kafā'ah*) as an important element of marriage and therefore discourages or prohibits marriage between Muslims and non-Muslims. The Qur'an, classical Islamic jurisprudence, the Compilation of Islamic Law (Articles 40(c) and 44), and the Indonesian Council of Ulama (MUI) Fatwa No. 4/MUNAS VII/MUI/8/2005 collectively constitute the principal doctrinal basis for this position (Tihami & Sahrani, 2013). Although certain classical interpretations permit Muslim men to marry

women from the *Ahl al-Kitab*, contemporary Islamic authorities in Indonesia generally interpret these provisions restrictively due to concerns regarding religious harmony, family integrity, and the preservation of faith.

Interviews conducted with Islamic religious leaders confirmed that different scholarly interpretations continue to exist, particularly concerning marriages involving women from the *Ahl al-Kitab*. Nevertheless, the dominant institutional position in Indonesia remains that interfaith marriage is generally incompatible with Islamic marriage law. Consequently, marriages involving Muslims are ordinarily not recognized by Islamic religious institutions, preventing their registration through the Office of Religious Affairs (*Kantor Urusan Agama*). This demonstrates that the legal implications of Islamic doctrine extend beyond theological considerations and directly affect the administrative recognition of marriage under Indonesian law.

1. Catholicism

Catholic Canon Law generally considers disparity of religion an impediment to marriage, but it also recognizes the possibility of ecclesiastical dispensation under specific canonical requirements (Ana, 1983). Accordingly, interfaith marriage is not automatically valid but may become legally recognized within the Catholic Church if prior authorization is granted by the competent ecclesiastical authority and the conditions prescribed in Canons 1124–1129 are fulfilled.

The interviews similarly indicate that Catholic authorities view dispensation as an exceptional legal mechanism intended to reconcile religious doctrine with pastoral and humanitarian considerations. Consequently, the legal validity of an interfaith marriage within Catholicism depends not merely on the existence of religious differences but on compliance with institutional procedures established by Canon Law. This institutional mechanism provides a formal basis that could potentially be incorporated into a broader framework of religious legal pluralism in Indonesia.

2. Protestantism

Protestant churches in Indonesia generally encourage marriage between persons sharing the same faith, primarily on the basis of biblical teachings emphasizing spiritual unity within the family (Asmin, 1986). Although denominational practices may differ among Protestant churches, the interviews conducted in this study indicate that the participating church authorities consistently regard interfaith marriage as inconsistent with ecclesiastical doctrine and therefore do not normally solemnize such marriages.

From a legal perspective, this position means that marriages involving Protestant adherents generally cannot obtain ecclesiastical recognition where religious requirements are not satisfied. Consequently, the absence of religious authorization creates practical obstacles for civil registration under the Indonesian Marriage Law, illustrating how denominational doctrine influences the implementation of state law.

3. Buddhism

Unlike several other religions, Buddhist teachings in Indonesia demonstrate greater doctrinal flexibility regarding interfaith marriage. Although marriage between persons sharing the same faith is generally encouraged, neither Buddhist scriptures nor institutional regulations impose an absolute prohibition on interfaith marriage (Mukti, 1983; Pratiwia et al., 2023). The Indonesian Buddhist Council (Walubi) and the Sangha Agung Indonesia have acknowledged that interfaith marriages may be conducted provided that the required religious procedures are observed.

Interviews with Buddhist religious leaders confirm that religious tolerance and individual autonomy constitute important considerations in determining the permissibility of interfaith marriage. Consequently, Buddhist institutions may recognize interfaith marriages without requiring religious conversion, although participation in certain religious

ceremonies may still be expected. This relatively accommodative position demonstrates that religious diversity within Indonesia also produces different legal consequences concerning the recognition and registration of marriage.

4. Hinduism

Hindu law generally requires prospective spouses to profess the Hindu faith because marriage constitutes both a religious obligation and a sacred ritual (*Wiwaha Samskara*) (Gelgel & Hendriani, 2020). Where one prospective spouse is not Hindu, conversion through the *Sudhi Wadani* ceremony is generally required before marriage can be solemnized.

The interviews corroborate this institutional position by indicating that religious conformity remains an essential prerequisite for marriage according to Hindu doctrine. Consequently, interfaith marriage is not ordinarily recognized unless the prescribed religious procedures have been fulfilled. This illustrates how religious doctrine determines both the substantive validity of marriage and its eligibility for subsequent legal recognition under Indonesian law.

5. Confucianism

Confucianism places considerable emphasis on family harmony, moral responsibility, and social order while adopting a comparatively inclusive approach toward interfaith marriage (Jati, 2022; Samita, 2011). According to the religious leaders interviewed, marriage is regarded primarily as a moral institution rather than an exclusive expression of religious identity. Consequently, differences in religion do not necessarily invalidate marriage provided that both parties fulfil the religious and legal requirements applicable to the ceremony.

This institutional perspective demonstrates that Confucianism accommodates interfaith marriage through principles of tolerance and individual choice while maintaining the importance of religious ritual. Consequently, Confucian doctrine provides greater flexibility in recognizing interfaith marriage than several other religious traditions operating within Indonesia.

Overall, the findings demonstrate that religious doctrines concerning interfaith marriage should not be classified through a simplistic dichotomy of "permissive" and "prohibitive." Rather, they represent a spectrum of institutional positions ranging from general prohibition to conditional accommodation, each supported by distinct doctrinal reasoning and institutional procedures. Moreover, variations may also exist within individual religious traditions due to denominational diversity, differing theological interpretations, and evolving institutional practices. These findings therefore suggest that Indonesian marriage law should not assume uniformity among religious doctrines but instead develop a regulatory framework capable of accommodating their legitimate diversity. Such an approach provides the normative foundation for the religious legal pluralism model proposed in the following section.

A Regulatory Model for Interfaith Marriage Based on Religious Legal Pluralism in Indonesia

Indonesia's multicultural society requires marriage regulation that reflects not only legal certainty but also the constitutional recognition of religious diversity. As previously demonstrated, interfaith marriage continues to generate legal uncertainty because existing legislation, judicial practice, and religious doctrines operate without a coherent institutional mechanism capable of harmonizing their respective normative authorities. Consequently, the principal challenge is not merely whether interfaith marriage should be categorically permitted or prohibited, but how the interaction between state law and religious law can be

institutionalized in a manner that respects constitutional principles, religious autonomy, and equality before the law.

A religious legal pluralism model offers a more appropriate regulatory framework because it recognizes that marriage in Indonesia derives its legal legitimacy from the interaction between state law and religious law rather than from either normative system operating independently. Consistent with the theories of Griffiths, Merry, and Menski, this model acknowledges the coexistence of multiple legal systems while establishing procedural coordination among them instead of allowing normative conflict to persist. Accordingly, religious law should continue to determine the religious validity of marriage, whereas the state should ensure administrative recognition, legal certainty, and equal procedural protection for all citizens regardless of religious affiliation.

Under this proposed model, the determination of religious validity should remain the exclusive authority of the competent institution representing each officially recognized religion. For Muslims, such authority would rest with the Office of Religious Affairs (*Kantor Urusan Agama*) in accordance with Islamic law and the Compilation of Islamic Law. For Catholics, the competent ecclesiastical authority would determine whether a canonical dispensation may be granted. Protestant churches would apply their respective ecclesiastical regulations, while Buddhist, Hindu, and Confucian institutions would exercise authority according to their own officially recognized doctrinal procedures. This approach preserves institutional autonomy while preventing the state from intervening in theological interpretation, an area beyond its constitutional competence.

Once religious validity has been determined, the competent religious institution should issue an official certificate, declaration, or authorization confirming whether the proposed marriage satisfies the applicable religious requirements. Such documentation should constitute the primary legal basis for subsequent civil registration by the competent administrative authority. Where the relevant religious institution recognizes or authorizes the marriage—either directly or through an established dispensation mechanism—the Civil Registration Office (*Dinas Kependudukan dan Pencatatan Sipil*) should register the marriage as a legally recognized civil status. Conversely, where the competent religious authority formally determines that interfaith marriage cannot be recognized under its doctrinal framework and no recognized exception exists, the administrative authority should respect that determination because Indonesian marriage law expressly links marital validity to religious law.

This institutional arrangement substantially redefines the role of the judiciary. Rather than functioning as the primary institution determining whether interfaith marriage is permissible, courts should exercise only a subsidiary judicial function. Their role should be limited to reviewing administrative decisions, resolving procedural disputes concerning registration, examining allegations of abuse of administrative authority, or adjudicating constitutional claims arising from the implementation of marriage regulations. By limiting judicial intervention to matters of legality rather than theological interpretation, inconsistent judicial decisions concerning interfaith marriage can be significantly reduced while preserving judicial independence within its proper constitutional sphere.

The proposed model may be summarized through the following procedural sequence: Prospective spouses → Submission to the competent religious institution → Religious examination based on the applicable doctrine → Issuance of religious authorization or formal refusal → Civil registration by the competent authority where authorization is granted → Judicial review only in the event of administrative or procedural disputes.

This sequence clarifies institutional responsibilities and eliminates the overlapping authority that currently characterizes Indonesian interfaith marriage regulation. More importantly, it provides predictable legal procedures while respecting the constitutional position of religion within Indonesian marriage law.

Nevertheless, a regulatory model grounded in religious legal pluralism also raises important constitutional questions concerning equality before the law and freedom of religion. Because officially recognized religions adopt different doctrinal positions regarding interfaith marriage, the proposed model may result in different legal outcomes for citizens depending upon the religious affiliation of the prospective spouses. At first glance, such differentiation may appear inconsistent with the constitutional principle of equality before the law guaranteed by Article 27 paragraph (1) of the 1945 Constitution and the broader protection of human rights.

However, equality before the law does not necessarily require identical legal outcomes in every circumstance. Rather, constitutional equality requires that all citizens receive equal procedural treatment under the legal framework applicable to them. Within the proposed model, every religious community is afforded the same institutional authority to determine the religious validity of marriage according to its own officially recognized doctrine, while every citizen enjoys equal access to transparent procedures, administrative review, and judicial protection. Accordingly, differences in substantive outcomes arise not from discriminatory state action but from the constitutional recognition of religious autonomy that has long formed part of Indonesia's constitutional identity. In this sense, the model seeks to balance individual rights with collective religious freedom by ensuring that neither state law nor any single religious doctrine dominates the regulation of marriage.

The model also reinforces constitutional justice by maintaining an appropriate balance between state neutrality and religious autonomy. Rather than compelling religious institutions to recognize marriages contrary to their doctrines or allowing unrestricted judicial discretion to override religious law, the proposed framework encourages institutional coordination among religious authorities, the Office of Religious Affairs (*KUA*), Civil Registration Offices (*Dukcapil*), and the judiciary. Such coordination promotes legal certainty, reduces conflicting administrative practices, and minimizes inconsistent judicial interpretations while respecting Indonesia's plural legal traditions.

Ultimately, the proposed regulatory model demonstrates that legal certainty concerning interfaith marriage cannot be achieved through exclusive reliance on either state law or religious doctrine. Instead, a constitutionally coherent system requires procedural integration between these normative orders. Religious legal pluralism therefore functions not merely as a theoretical concept describing Indonesia's legal diversity but as an operational framework capable of guiding future marriage law reform. By institutionalizing cooperation among religious authorities, administrative agencies, and judicial institutions, the model offers a practical mechanism for regulating interfaith marriage that accommodates religious diversity, strengthens legal certainty, safeguards constitutional rights, and reflects the plural legal character of the Indonesian state.

CONCLUSION

This study demonstrates that the regulation of interfaith marriage in Indonesia remains characterized by significant legal uncertainty arising from the interaction between state law, religious law, and judicial practice. The inconsistency between the Marriage Law, the Population Administration Law, judicial decisions, and administrative regulations has produced conflicting interpretations concerning the validity and registration of interfaith marriages. The findings further reveal that the officially recognized religions in Indonesia do not adopt a uniform position on interfaith marriage. While several religious traditions generally require religious conformity between prospective spouses, others recognize limited mechanisms through which interfaith marriage may be accommodated under specific doctrinal conditions. These findings confirm that religious legal pluralism constitutes an institutional and

normative reality that must be taken into account in the development of Indonesian marriage law rather than treated as a source of legal conflict.

Based on these findings, this study proposes a regulatory model founded on religious legal pluralism that seeks to establish a coherent relationship between religious authority and state administration. Under this model, the determination of the religious validity of interfaith marriage should remain within the competence of the respective religious institutions in accordance with their officially recognized doctrines and internal procedures. Where religious authorization or a valid dispensation is granted, the competent civil registration authority should recognize and register the marriage. Conversely, where the applicable religious institution does not recognize interfaith marriage and no doctrinal exception exists, the administrative authority should respect that determination. Within this framework, the judiciary should no longer function as the principal institution deciding the permissibility of interfaith marriage but should instead exercise judicial review over administrative decisions and resolve legal disputes arising from the implementation of marriage regulations. Such an institutional arrangement strengthens legal certainty while preserving constitutional respect for religious autonomy and Indonesia's plural legal system.

The study further argues that future reform of Indonesian marriage law should move beyond attempts to impose either a single state-centred solution or uniform religious regulation. Instead, legislative reform should establish clearer procedural coordination among religious institutions, the Office of Religious Affairs (*KUA*), Civil Registration Offices (*Dukcapil*), and the judiciary by defining their respective institutional responsibilities and administrative procedures. Such coordination would reduce inconsistent judicial interpretations, improve administrative certainty, and provide a more transparent legal framework capable of accommodating Indonesia's religious diversity while upholding constitutional guarantees of equality before the law, freedom of religion, and legal certainty.

Nevertheless, this study has certain limitations. The empirical component was based on interviews with six senior religious leaders representing Indonesia's officially recognized religions and was geographically limited to Palembang, South Sumatra. Although these informants were selected because of their institutional authority and doctrinal expertise, the findings cannot be regarded as representing the full diversity of religious interpretations and organizational practices throughout Indonesia. Future research should therefore involve broader geographical coverage, a larger number of religious institutions, judicial actors, and administrative authorities in order to evaluate the practical implementation of the proposed regulatory model across different regions. Such empirical expansion would contribute to the continuing development of a more inclusive, evidence-based, and constitutionally coherent framework for the reform of Indonesian marriage law.

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