

***JURIDICAL ANALYSIS OF MARRIAGE DIFFERENT
RELIGIONS WHICH ARE LEGAL BY DISTRICT COURT
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ABSTRAK

In the context of state law, there is confusion regarding whether interfaith marriages should be recognized or not, and often couples who choose to interfaith must look for legal loopholes, such as marrying abroad or changing religions temporarily to obtain legal recognition. Article 2 paragraph 1 of law number 1 of 1974 concerning marriage states that marriage is valid if it is carried out according to the laws of each religion and belief. The aim is to analyze the considerations of the panel of judges in granting interfaith marriages and to analyze the legal consequences related to the granting of interfaith marriages in the sby district court. The conclusion is that interfaith marriages are not allowed to take place in Indonesia because they violate the ethics and principles of Pancasila.

Keywords: *Marriages, Analyze, Pancasila, Legal*

INTRODUCTION

Marriage is a physical and spiritual bond between a man as a husband and a woman as a wife with the aim of forming a happy and eternal family in accordance with the one and only God. The family consists of father, mother and children, even according to customary law the purpose of marriage is to obtain offspring.

According to Indonesian law, marriage is carried out in accordance with each person's religion and beliefs and registered at the marriage registration office.¹

Marriage is one of the most important acts of worship in human life, not only is there a physical or physical bond, but there is also a spiritual bond that is based on the Almighty God, which ultimately means that a marriage is a physical and spiritual bond or relationship between a man and another. women who aim to form a happy family based on the belief in God Almighty.²

The purpose of marriage is a physical and spiritual bond between a man and a woman as husband and wife, while the aim is to form a family to form a happy and eternal household based on the one and only God. Indonesia, as a country based on the belief in the one and only God, has a very close relationship between marriage and religion because marriage not only has physical elements, but the inner self also has an important role. If we feel that the purpose of marriage is stated in the marriage law, it is very detailed, because the purpose of marriage is not only seen from the birth aspect, but there is an inner relationship between husband and wife to build a happy and eternal family or household in accordance with the will of God Almighty.³

Interfaith marriage is a complex issue and often a controversial topic in Indonesia. Legally and religiously, interfaith marriages raise various challenges and problems. In Indonesia Law Number 1 of 1974 concerning Marriage stipulates that "Marriage is valid if it is carried out in accordance with the religious laws of each partner.⁴

RESULTS AND DISCUSSION

Marriage is a relationship between a woman and a man who make a commitment and law to live as husband and wife by accepting responsibility and playing the role of a married couple in which there is sexual relations, the desire to have children and determining the division of tasks between husband and wife. The basis of the Republic of Indonesia is Pancasila, which is why this marriage law will be linked to Pancasila. The 1st principle describes that marriage is closely related to religion, therefore marriage contains elements of birth and religion plays an important role in it. Based on Law Number 1 of 1974 article 1 marriage is "the

¹ R. Soetojo Prawirohamidjojo, *pluralisme dalam perundang-undangan perkawinan indonesia*, surabaya, 1986, hlm.7

² Sution Usman Adji, *Kawin Lari Dan Kawin Antar Agama, Liberty, Yogyakarta*, 1989, hlm. 21.

³ Djoko Prakosodan I Ketut Murtika, *Asas-Asas Hukum Perkawinan Indonesia*, Bina Aksara Jakarta 1987, hlm.3.

⁴ Republik Indonesia, Undang-Undang tentang Perkawinan, UU Nomor 1 Tahun 1974, LN. Nomor 1 Tahun 1974, TLN. Nomor 3019.

physical and spiritual bond between a man and a woman (husband and wife) aim to form a happy and eternal family based on divinity.⁵

According to the formulation of Article of Law no. 1 of 1974 states that the husband and wife bond must be based on belief in the Almighty God, that is, marriage is a sacred union. Engagement cannot be separated from the religion adhered to by husband and wife. Living together as a husband and wife in marriage is not merely for regular sexual relations between husband and wife, but can form a happy home, a harmonious, eternal, safe and harmonious household between husband and wife. According to Islam, marriage is a marriage, namely a very strong contract or *mitaqan gahdhan* to obey Allah's commands and carrying them out is worship. ⁶ The meaning of marriage in Islam is reflected in the Al-Qur'an surah ar-Ruum (21): And among the signs of His power is that He created for you wives from your own kind, so that you will tend and feel at ease with them and be- He has love and affection between you. Indeed, in that there are indeed signs for a people who think.⁷ Article 2 of the Compilation of Islamic Law provides a definition of marriage that according to Islamic law is a marriage, namely a very strong contract or *mitsaqan ghalidzan* to obey Allah's commands and carrying them out constitutes worship.⁸

A marriage is valid if it is carried out in accordance with the laws of each respective religion, marriages that go beyond or are not in accordance with the laws of their religion are considered non-existent. Because, basically interfaith marriages are contrary to the requirements for the validity of a marriage according to article 2 paragraph (1) of UUP 1/74 "Marriage is valid if it is carried out according to the laws of each respective religion and belief". A marriage can be annulled based on Article 22 of UUP 1/74 with several provisions, one of which is the terms of the marriage which are violated by the parties.

The use of the phrase "laws of each religion" cannot be interpreted as subordination of each party to the laws of a different religion, in fact the intention is to clarify the differences in religions that Indonesian society adheres to, therefore marriages are carried out absolutely according to each religion and if the marriage is different. If a religion is carried out, it means it is invalid and null and void by law. The six religions that are recognized in Indonesia all reject interfaith marriages.⁹

⁵ Wantjik Saleh, *Hukum Perkawinan*, (Jakarta: Ghalia Indonesia, 1980), hlm.14-15.

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