

## Analysis of the Validity of Inter-Religious Marriages Held Abroad Gede Esa Surya PERMANA<sup>1</sup>, I Nyoman SUJANA<sup>2</sup>, Anak Agung Istri AGUNG<sup>3</sup>

<sup>1,2,3</sup>Master of Notary Study Program, Postgraduate Faculty, Warmadewa University, Denpasar, Indonesia

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### Corresponding Author:

Gede Esa Surya Permana

### Email:

[esasurya91199@gmail.com](mailto:esasurya91199@gmail.com)

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### Abstract:

#### Purpose:

Marriage according to the Marriage Law is valid if it is carried out according to the laws of each religion and its beliefs. Therefore, interfaith marriages are prohibited in Indonesia. Many couples of different religions who want to get married choose to get married abroad so that the marriage is considered valid by the state and has legal certainty.

#### Methodology:

The research method used is normative legal research, which uses primary and secondary legal sources and is then analyzed qualitatively using the deductive method.

#### Findings:

Normative legal certainty is generally seen from the validity of regulations made and enacted with certainty because they regulate clearly and logically. Marriages that take place abroad must be reported to the population and civil registration office according to the place of residence of the couple who are getting married, especially as the results of my interview as a researcher, the couple who got married abroad reported their marriage to the population and civil registration office in Bali, especially to the population and civil registration office of Badung Regency.

#### Implication:

A marriage conducted abroad is valid if it is conducted according to the laws in force in the country where the marriage is conducted and does not violate the provisions of the legal system in Indonesia. The marriage is considered valid in the legal system in Indonesia if it has been reported and recorded at the Population and Civil Registration Service, where the husband and wife who conducted the marriage abroad reside.

## INTRODUCTION

International Civil Law provides two views on the concept of mixed marriage, namely the view that mixed marriage is a marriage that is carried out for parties who have different domiciles so that two internal legal rules apply to each party or each party follows different rules or laws (Puteri & Yustikarini, 2024). The second view related to mixed marriage is a marriage in which each party has a different citizenship (Pramono et al., 2018). In international civil law, we recognize 2 (two) streams or principles in the law that apply to the personal status, namely:

1. The principle of personality states that a person's status determines whether he or she is an Indonesian citizen or a foreign citizen, determined by his or her national law. So, wherever a person is, national law applies to personnel.
2. The territorial principle determines that the law of a person's place of work or residence applies to that person's position.

According to Indonesian Civil Law, marriage law is included in the personnel status field. In International Civil Law, there are also 2 (two) schools or principles regarding the law that applies to this personnel status, namely:

1. The principle of personality determines that the personal status of a person, whether an Indonesian citizen or a foreign citizen, is determined by national law. So wherever a person is, the personal status is subject to their national law;

2. The principle of territoriality determines that the law that applies to a person's status is the law of where the person is or is domiciled (Siahaan, 2019).

Article 56 paragraph (1) of the Republic of Indonesia Law Number 1 of 1974 concerning Marriage (from now on referred to as the Marriage Law) states that marriages between fellow Indonesian citizens who are married outside Indonesia and Indonesian citizens with foreign citizens who are married outside Indonesia are valid according to the law in force where the marriage was carried out. The requirements for a marriage carried out abroad to be considered valid in Indonesia are contained in Article 56, paragraph (2) of the Marriage Law. The requirements for ratifying a foreigner's marriage are that within one year after the husband and wife return to Indonesian territory, their marriage certificate must be registered at the marriage registration office where they live (Zainuddin, 2022).

Law Number 23 of 2006 concerning Population Administration (now called the Population Administration Law) also regulates the registration of marriages conducted outside Indonesia. It is regulated in Article 37 Paragraph 1, which states that the marriage of Indonesian citizens outside the territory of the Unitary State of the Republic of Indonesia must be registered with the authorized official of the local country and must be reported to the representative of the Republic of Indonesia. In addition, paragraph 4 states that the person concerned must notify the administrator of his residence about the marriage registration by 30 (thirty) days after the person's return to Indonesia (Scolastika et al., 2020).

This marriage law does not explicitly regulate interfaith marriage, even though Indonesian society is rich in culture and religion. In 2006, the Indonesian Government issued a legal product to bridge this interfaith marriage, namely the issuance of the Population Law; in this regulation, interfaith marriage is not explicitly written, but this regulation provides a solution for people who want to marry with different religions, namely by using a court decision. Therefore, Indonesian people no longer need to marry abroad and then register their marriage in the civil registry.

The difference in regulations related to interfaith marriages is that in the Indonesian Marriage Law, interfaith marriages are still experiencing a legal vacuum. Still, in the Population Administration Law, interfaith marriages are regulated. Still, someone who wants to carry out an interfaith marriage must apply to the district court to obtain a decision on whether or not the interfaith marriage is permissible, so procedurally interfaith marriages carried out in Indonesia are still too complicated (Aksa et al., 2024).

Article 2 of the Marriage Law regulates the validity of a marriage, stating that a marriage is valid if it is carried out according to the laws of each religion and belief and each marriage is recorded according to applicable laws and regulations (Syamsulbahri & MH, 2020).

Marriage registration, as stipulated in the Marriage Law, is not a requirement for the validity of a marriage. However, in the future, it is hoped that registration of marriage will be one of the absolute requirements for the validity of marriage so that the provisions of the requirements for the validity of a marriage are if it is carried out according to the laws of each religion and its beliefs and is recorded according to the applicable laws regarding registration of marriages (Agung & Sukandia, 2021).

Interfaith marriage in Indonesia until now has no clear regulations governing it. Therefore, many Indonesians have interfaith marriages abroad (Amri, 2020). A marriage carried out abroad between two Indonesian citizens or an Indonesian citizen with a foreign citizen is valid if it is carried out according to the laws in force in the country where the marriage is carried out and for Indonesian citizens, it does not violate the provisions of applicable laws (Dewi & Syafitri, 2022).

Marriage between two brides and grooms is more complex in Indonesia. In addition to social and cultural friction, the bureaucracy that must be passed is also complicated. Unsurprisingly, many couples with different beliefs choose to marry abroad. Couples who decide to marry abroad will later receive a marriage certificate from

the relevant country or the local representative of the Republic of Indonesia (KBRI). Upon returning to Indonesia, they can register their marriage at the civil registry office to obtain a Certificate of Reporting Overseas Marriage.

Interfaith marriages in Indonesia are indeed complicated to carry out. However, marriages with different religions can still be realized in the country. Based on the Supreme Court decision Number 1400 K/Pdt/1986, couples with different beliefs can request a court ruling. This jurisprudence states that the civil registry office may carry out interfaith marriages because the employees' job is to record, not legalize. However, not all civil registry offices are willing to accept interfaith marriages. Civil registry offices willing to accept interfaith marriages will later record the marriage as non-Islamic. Couples can still choose a marriage with the provisions of their respective religions. The method is to find a religious leader who has a different perception and is willing to help the couple's marriage according to the teachings of their religion, for example, an Islamic marriage contract and a Christian blessing. This method is also not easy because religious leaders and civil registry offices are rarely willing to marry couples with different beliefs. Finally, the last way that is often used by interfaith couples in Indonesia to legalize their marriage is to submit to one of the religious laws temporarily.

The Marriage Law regulates the legalization of Marriage, but the development of the era led to a new problem, namely interfaith marriage. The discussion of interfaith marriage in Indonesia is complicated. Before the enactment of the Marriage Law, interfaith marriage was included as a type of mixed marriage.

The differences in religion adhered to will undoubtedly affect which regulations will regulate marriage so that it can be declared valid. The regulations governing marriage have experienced developments in society, including being influenced by the knowledge, beliefs and religions in the society concerned (Sujana, 2020).

## METHODS

The research method used is normative legal research, namely studying problems, especially those related to the validity of interfaith marriages held abroad, using legal materials, namely primary legal sources in the form of related laws and regulations that apply in Indonesia and secondary legal sources in the form of research results of experts, scientific works and books. Legal materials obtained from library materials are analyzed qualitatively using the deductive method (Utama, 2022).

## RESULTS AND DISCUSSION

**The Status of Interfaith Marriages Held Abroad Based on the Legal System in Indonesia.** Marriage between two brides and grooms is not straightforward in Indonesia. In addition to having to go through social and cultural friction, the bureaucracy that must be passed is also complicated. Unsurprisingly, many couples with different beliefs choose to marry abroad. Couples who decide to marry abroad will later receive a marriage certificate from the relevant country or the local representative of the Republic of Indonesia (KBRI). Upon returning to Indonesia, they can register their marriage at the civil registry office to obtain a Certificate of Reporting Overseas Marriage. However, this does not mean marriages with different religions cannot be realized domestically.

Couples of different faiths can request a court ruling based on the Supreme Court of the Republic of Indonesia Number 1400 K/Pdt/1986 decision. The jurisprudence states that the civil registry office may conduct interfaith marriages because its job is to record, not to legalize. However, not all civil registry offices are willing to accept interfaith marriages.

Civil registry offices willing to accept interfaith marriages will also record the marriage as non-Islamic. Couples can still choose to marry according to the provisions of their respective religions. The method is to find a religious leader who has a different perception and is willing to marry the couple according to the teachings of his religion, for example, an Islamic marriage contract and a Christian blessing. However, this method is also not easy because there are few religious leaders and civil registry offices who are willing to marry couples of different

faiths. Finally, the last way that is often used by interfaith couples in Indonesia to legalize their marriage is to submit to one of the religious laws temporarily. Usually, the problem is friction between families about whose faith is used for validation.

Legal marriage practices in Indonesia are identified through marriage records at the authorized official's office. Two agencies in Indonesia are authorized to register marriages, namely the Religious Affairs Office and the Civil Registry Office. The absolute competence of the religious affairs office is to register marriages for prospective husband and wife who are Muslim and agree to carry out the marriage based on Islamic rules and sharia. The absolute competence of the civil registry office is to register marriages for husband and wife who are non-Muslim. The interpretation of non-Muslims, which is the domain of the civil registry office, was then expanded based on Supreme Court Decision number 1400 K/Pdt/1986, which provides an additional interpretation that not only the two candidates are non-Muslim but also if one of them is not Muslim.

Not only that, even if the two prospective husbands and wives who are going to get married are both Muslims but both agree to ignore their religion and choose to carry out the marriage outside of the manner following Islamic law, they can also legalize their marriage by applying to register the marriage.

The phenomenon of interfaith marriage is not a new thing in Indonesia because it can be seen through electronic media reports that many Indonesian artists have interfaith marriages abroad, for example, Nia Zulkarnain (Islam) with Ari Sihasale (Christian) who married in Australia, Frans Mohede (Christian) with Amara (Islam) who married in Hong Kong, Nana Mirdad (Protestant) with Andrew White (Catholic) who married in Australia, and the latest is Dimas Anggara (Islam) with Nadine Chandrawinata (Christian) who married in Bhutan, Nepal. These examples are just a few of the interfaith marriages known to the public.

The Marriage Law only regulates inter-national marriages, as stated in Article 57. It does not contain any provisions stating that religious differences between prospective husbands and wives are prohibited or constitute an obstacle to marriage. In other words, the rules regarding interfaith marriages in the Marriage Law do not provide a way out for the parties who carry them out, so couples of different religions marry abroad to obtain the marriage's validity.

Interfaith marriages are conducted abroad, and the couples return to Indonesia and register their marriage at the Civil Registry Office as if the marriage was the same as that referred to in Article 57 of the Marriage Law. However, it cannot be denied that in society in general, religious criteria are sometimes set aside or not prioritized, so it is not uncommon to find couples of different religions.

The enactment of Law Number 23 of 2006 concerning Population Administration provides an opportunity for couples who have interfaith marriages to have their marriages recognized by Indonesian law. It is as stated in Article 35, Letter A, which states that the Registration of Marriages, as referred to in Article 34, also applies to marriages determined by the Court. The explanation of Article 35, Letter A states that what is meant by Marriage, determined by the Court, is a marriage carried out between people of different religions.

In the current era, as we know, in the era of globalization and the development of the times, the more sophisticated this technology is, many unlawful marriages need to follow the rules in force in Indonesia. The problem that mainly arises in society regarding interfaith marriages is that many people underestimate the rules of marriage in Indonesia, so many legal problems arise in society. Currently, the government must provide a unique view regarding marriage rules or emphasize the rules regarding interfaith marriages. We must acknowledge that many people violate the law regarding marriage rules due to the public's ignorance of the rules in the Marriage Law. Therefore, the government needs to provide a particular focus to the public so that the public knows and understands more about the rules of interfaith marriage in the Marriage Law. The government must also conduct legal socialization regarding the rules of the valid marriage requirements to the public.

The ratification of the Population Administration Law adheres to several provisions regarding interfaith marriage. This law places population events such as marriage events as rights. Based on this law, marriages of



Indonesian citizens abroad must be registered with the authorized agency in the local country and reported to the Indonesian Representative. By the Indonesian Representative, the marriage is registered in the Marriage Certificate Register, and then a Marriage Certificate Extract is issued. If the couple has returned to Indonesia, the married husband and wife must report to the Population and Civil Registry Service no later than 30 days after arriving in Indonesia.

Indonesian citizen couples who marry abroad must register and report the marriage event. If not, the couple is threatened with an administrative fine. Presidential Regulation Number 25 of 2008 gives authority to the regional government (Pemda) to regulate the amount of the administrative fine. The regional government may even use the fine as a source of Regional Original Income (PAD). This provision is regulated in Article 107 of Presidential Regulation Number 25 of 2008. One of the regions that has implemented it as regional income is DKI Jakarta, through Regional Regulation Number 1 of 2006 concerning Regional Retribution.

The only legal basis for implementing and recognizing interfaith marriages is based on the Supreme Court Jurisprudence Number: 1000K/Pdt/1986. With the Supreme Court Jurisprudence, interfaith marriages will still be carried out and recognized by law. In the discussion above, there are many cases of violations of the rules regarding the legal requirements of a marriage. Therefore, in this case, because in Indonesia, it is almost impossible to carry out interfaith marriages, the method that is often taken by couples who want to get married, especially for couples who are Muslim and non-Muslim and still want to maintain their respective religions, is to carry out a civil marriage abroad. After returning, the marriage is reported to the Civil Registry Office at their residence.

Some countries that allow interfaith marriages are as follows:

1. Singapore is a country that has high levels of solidarity in religion. The article states that Singapore is a secular country that is neutral in religious matters and does not support religious or non-religious people. One example of an interfaith marriage in Singapore is the marriage between Iwan Suhandy, Buddhist and Indah Mayasari, who are Catholic and both are domiciled in Batam. The main requirement to be able to get married in Singapore is that the person concerned must have lived in Singapore for at least 20 consecutive days. After meeting these requirements, the prospective newlyweds can start taking care of their administration online at the Registration for Married building. The Singapore government provides marriage services with online registration for Singapore citizens, permanent residents, and 100% foreigners. In just 20 minutes, registering with Singapore's marriage legislation costs a maximum of 20 Singapore dollars, without worrying about different religions, guaranteed legal marriage certificates and can be accepted by any law worldwide.
2. Canada's marriage law does not require religious equality for a valid marriage, so interfaith marriage is not a barrier. The validity of a marriage in Canada is:
  - a. Different gender;
  - b. Have sexual ability;
  - c. No blood relationship or descent ties;
  - d. Not related to previous marriages.
3. In England, marriage, which adheres to the standard legal system, does not require equality of religion for the parties who will marry. Marriage is not just a matter of religion, so in this way, any religion that the parties practice is no longer considered. Religious or non-religious people can carry out civil marriages and be legally registered by fulfilling the established procedures.

So, several countries in the world allow interfaith marriages. Interfaith marriages that occur abroad are valid if they are carried out according to the laws in force in the country where the marriage occurs. However, there is a requirement for married couples to report the marriage to the Indonesian civil registry office as regulated in Article 56 paragraph (2) of the Marriage Law, namely within 1 (one) year after the husband and wife return to the territory of Indonesia, proof of their marriage must be registered at the Marriage Registry Office where they live.

The purpose of registering the marriage at the marriage registration office is to ensure that Indonesian law recognizes the marriage. Indonesian law cannot apply if the marriage is not registered (Andreni et al., 2021).

Regulations regarding interfaith marriage in Indonesia still need to be clarified, especially now, as it impacts society, namely the need for more public understanding of marriage rules. Therefore, many need to follow the marriage law in force in Indonesia. In this case, many people carry out interfaith marriages abroad because it is almost impossible to carry out interfaith marriages in Indonesia. It is contrary to the marriage law, namely that the validity of a marriage must be based on religion. Interfaith marriages carried out abroad by Indonesian citizens have significant legal impacts when they return to Indonesia. Couples must understand that even though the marriage is valid abroad, its recognition in Indonesia still requires a complex legal process. Therefore, it is essential to consider all legal aspects and consult with a legal expert before carrying out an interfaith marriage abroad.

**Legal Certainty of the Validity of Interfaith Marriages.** Interfaith marriages in Indonesia have currently become a problem in themselves, especially in the community, due to the lack of firmness from the government regarding the rules of marriage. The event of interfaith marriage is one of the relatively complex differences in the issue of marriage. Article 2, paragraph (1) of Law No. 16 of 2019 concerning amendments to Law No. 1 of 1974 concerning marriage contains an essential principle that a marriage is valid if it is carried out according to the laws of each religion and its beliefs.

Interfaith marriage (interfaith marriage) is a significant problem to analyze because it still causes controversy in society. There is an assumption that interfaith marriage is a classic problem that does not need to be debated because it is prohibited by religious law, but in fact, the practice of interfaith marriage continues to occur. If this is allowed to continue, it is not impossible that in the future, there will be legal problems that are difficult to resolve, for example, regarding the legal status and religion of children, division of inheritance and others. This problem cannot be resolved only by referring to the provisions of the Marriage Law; the practice has been carried out in various ways, and some people call it a form of legal smuggling (Erwinsyahbana, 2012).

Legal debates regarding interfaith marriages are usually related to the validity of the marriage, both according to religious rules and laws and its regulation in the national legal system that can provide guarantees regarding whether or not the marriage can be carried out. This debate will also give rise to assumptions about its relation to marriage registration because there is an assumption that the essential thing in interfaith marriages is the issue of marriage registration, followed by the issuance of a marriage certificate (Marriage Book). With the issuance of a Marriage Book, the marriage is considered valid, whereas what needs to be noted is that the measure of the validity of a marriage is if it is carried out according to religious law. At the same time, registration is only as an orderly population administration or as evidence that the marriage has indeed taken place, meaning it is not a measure to determine the validity of the marriage. The opportunity for interfaith marriages to occur is enormous because, in Indonesia, various religions are recognized.

Everyone generally wants their life partner to be of the same religion as them. It does not mean there needs to be a gap between adherents of other religions. However, it is solely based on the principle that building and fostering a household requires a standard view of everything, including rules. Not a few people get married only because of love and affection for their partner, ignoring the teachings of the religion they adhere to (Saraswati et al., 2023).

When offspring obtain marriage, a legal relationship is created between parents (husband and wife) and their offspring (children). This legal relationship causes the emergence of rights and obligations between the parties in a family; therefore, an objective law, marriage law, is needed to regulate it.

Marriage law regulations in the Marriage Law will emphasize the position and the rights and obligations of each party in a family. However, in practice, marriages still do not meet the provisions of the Law. As a result, the marriage needs to be recognized under state law, even though its implementation has met the requirements according to religion. This kind of marriage will undoubtedly create uncertainty in the legal relationship for the parties in a family, for example, the wife's right to receive support from her husband, the rights of the wife and children to inheritance, and others.

Marriage between people of different religions is a marriage between a man and a woman. Because of their different religions, they are subject to two different regulations regarding the requirements and procedures for marriage according to their respective religious laws to form a happy and eternal family based on the Almighty God (Tama, 1984). A marriage is valid if the State recognizes it and meets the requirements and procedures stipulated in positive law. The Marriage Law regulates the implementation of marriage in Indonesia.

The purpose of marriage, as stated in the Marriage Law, is a marriage that is eternally happy and has balance in household life. Imbalance in household life can occur, one of which is the difference in religion or in carrying out religious ceremonies maintained by husband and wife (Haliman Hadikusuma, 2007). Another method that applies in the case of interfaith marriages is the implementation of the marriage taken by the parties, which is to carry out and register the marriage at the Civil Registry Office, where the prospective husband and wife maintain their respective religions. The community also assumes that marriages carried out at the Civil Registry Office are valid according to state law, and the implementation of marriages according to their respective religious laws is left to the will of the parties concerned, which, according to them, only concerns their religious laws.

One example of a marriage that needs to be recognized by the state is a marriage between couples of different religions because the Marriage Law does not regulate interfaith marriages. However, the practice still occurs in society (Danusaputro et al., 2024). Couples who carry out interfaith marriages finally make various efforts to obtain state recognition. Among others, by requesting a court ruling, temporary conversion, carrying out the marriage abroad or carrying out the marriage contract twice (the first according to the prospective husband's religion and the second according to the prospective wife's religion or vice versa). The efforts made by the husband and wife are solely to obtain recognition from the state through marriage registration because by registering the marriage at the KUA or Civil Registry Office, the marriage can only be considered to have legal force. The marriage certificate issued by the KUA and Civil Registry Office after the marriage registration is carried out proves that the marriage has indeed occurred. If the marriage certificate does not exist, the marriage is considered to have never occurred. The consequences of not registering the marriage at the KUA and Civil Registry Office will certainly cause losses, especially for the wife and children/children born from the marriage.

The reality in society that interfaith marriage occurs is a social reality that cannot be avoided. Even though, based on the Marriage Law, it is clear that interfaith marriage is undesirable, interfaith marriage still occurs and will continue to occur as a result of social interaction among all citizens of Indonesia who are religiously pluralistic. The problem in interfaith marriage, when viewed from a legal aspect, is the refusal to register the marriage. Even though the husband and wife have carried out the marriage according to religious teachings, the KUA and Civil Registry Office still refuse to register or issue the marriage certificate. Conditions like this will undoubtedly cause legal uncertainty regarding the rights of children/children born from marriages of parents of different religions. The rights in question include the wife's right to support from her husband or the child's right to inheritance left by his parents.

The practice of interfaith marriage after the enactment of Law No. 16 of 2019 Amendment to Law No. 1 of 1974 is controversial. A case that has attracted quite a lot of public attention is the interfaith marriage held by the celebrity couple Mikha Tambayong (Catholic) and Deva Mahendra (Muslim) on January 28, 2023. They were married at The Ritz Carlton Bali. The efforts made by Mikha Tambayong and Deva Mahendra were to hold a family wedding on the Island of the Gods, Bali. The religious differences between the two couples did not stop the desire to get married because even though there was a lot of criticism and condemnation from clergy or the public, coverage from various mass media at that time made this interfaith marriage event even more sensational. In this case, they applied to the Civil Registry Office but were rejected. So, the effort was to apply for permission to hold a marriage at the District Court.

Supreme Court Decision Number: 1400K/Pdt/1986 has become a jurisprudence for people who want to conduct interfaith marriages. Since the Supreme Court decision, people of different religions do not need to convert or go abroad to conduct their marriage; they request a determination from the Court in the jurisdiction

where the marriage will be held. An interesting thing can be debated regarding the Supreme Court Decision, namely regarding the decision that orders the Civil Registry Office to conduct the marriage between Andi Vonny Gani P. and Petrus Hendrik Nelwan. This decision means that the Civil Registry Office must also conduct marriages. In contrast, the Civil Registry Office must record essential events that occur in society, while the purpose of this registration is to create orderly population administration needed to formulate national development planning policies.

Referring to religious law, whether Islam, Hinduism, Catholicism, Christianity, Buddhism and Confucianism as religions recognized in Indonesia, marriage can only be carried out by people of the same religion. It means that interfaith marriage is prohibited according to religious law and automatically becomes prohibited according to national marriage law. Interfaith marriage is feared to trigger quarrels in the household. However, there are still many couples who get married even though they are aware of the challenges that must be faced in interfaith marriage.

Circular of the Supreme Court No. 3 of 2015 Concerning the Implementation of the Formulation of the Results of the Plenary Meeting of the Supreme Court Chamber in 2015 as a Guideline for the Implementation of Duties for the Courts states, "In the event of a marriage conducted abroad that is not registered at the marriage registrar's office in Indonesia, the marriage is deemed to have never existed." If the marriage is deemed to have never existed, then the legal consequences of the marriage are also deemed to have none (Adiyanto et al., 2023).

As marriages conducted in Indonesia are based on the Marriage Law, marriages conducted abroad and registered and reported also have legal consequences, both for children born in marriage and for property. Marriage registration is not intended to limit the fundamental rights of citizens but rather to protect citizens in building families and continuing their lineage and to provide legal certainty for the rights of husbands, wives, and children (Prodjohamidjojo, 2002).

The failure to register a marriage due to the refusal of registration by the authorized institution (KUA and Civil Registry Office) due to interfaith marriage, of course, has the consequence that the marriage is not binding, so, indeed, the ones who suffer losses are mainly the wife or the wife's family and children (descendants). This condition cannot be allowed because it creates a sense of injustice in marriage. Even though one of the objectives of the law is to realize justice, the fact is that there are still many refusals of registration carried out by authorized institutions (KUA or Civil Registry Office) because interfaith marriages are not valid based on religion and the Marriage Law, so their registration must be rejected.

Based on the description above, marriage law must still be determined, especially regarding interfaith marriage. The uncertainty of interfaith marriage law in the marriage law applicable in Indonesia has given rise to pros and cons among the community. Some opinions say that religious issues are personal matters, so the state does not need to make regulations that include religious elements. On the other hand, they argue that interfaith marriage is prohibited by religion, so it should not be implemented. Meanwhile, interfaith marriage is possible because Indonesia is a pluralistic country with diverse ethnicities, cultures, and religions. Diversity conditions like this can cause social interaction between groups of people of different religions and then continue to marriage relationships. At the same time, the Marriage Law does not provide strict restrictions on whether or not interfaith marriages can be implemented, and on the other hand, as the state guarantees a country based on Pancasila, freedom of religion.

## CONCLUSION

A marriage conducted abroad is valid if it is conducted according to the laws in force in the country where the marriage is conducted and does not violate the provisions of the legal system in Indonesia. The marriage is considered valid in the legal system in Indonesia if the marriage has been reported and recorded at the Population and Civil Registration Service, where the husband and wife who conducted their marriage abroad reside.



Meanwhile, interfaith marriages conducted abroad in the legal system in Indonesia are not valid if the marriage violates the provisions of the Marriage Law in the legal system in Indonesia, namely by not reporting and recording marriages conducted abroad to the Population and Civil Registration Service. Therefore, marriage is not valid and violates the provisions of the Indonesian legal system.

The legal certainty of an interfaith marriage is valid if the marriage is conducted abroad and does not violate the provisions of the legal system in Indonesia. The marriage is also valid if it has been reported and registered with the population and civil registration service so that the marriage has legal certainty in the legal system in Indonesia.

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