

## Human Rights Protection in Interfaith Marriages: Comparative Study of Indonesia and Singapore

**Muhammad Ihab Ramadhan\***

University of Pembangunan Nasional “Veteran” Jakarta, Indonesia

**Safira Wijaya**

University of Pembangunan Nasional “Veteran” Jakarta, Indonesia

**Anggi Rachma Zakia Fitri**

University of Pembangunan Nasional “Veteran” Jakarta, Indonesia

**Ghea Tyagita Cahyasabrina**

University of Pembangunan Nasional “Veteran” Jakarta, Indonesia

**Bunga Cantika**

University of Pembangunan Nasional “Veteran” Jakarta, Indonesia

**Dwi Aryanti Ramadhani**

University of Pembangunan Nasional “Veteran” Jakarta, Indonesia

\*Corresponding Author's Email: 2010611014@mahasiswa.upnvj.ac.id

Article	Abstract
<p><b>How to cite:</b> Muhammad Ihab Ramadhan, et al, ‘<b>Human Rights Protection in Interfaith Marriages: Comparative Study of Indonesia and Singapore</b>’ (2023) Vol. 4 No. 3 Rechtenstudent Journal Sharia Faculty of KH Achmad Siddiq Jember State Islamic University.</p> <p><b>DOI:</b> 10.35719/rch.v4i3.291</p> <p><b>Article History:</b> Submitted: 15/10/2023 Reviewed: 20/10/2023 Revised: 10/12/2023 Accepted: 29/12/2023</p> <p><b>ISSN:</b> 2723-0406 (printed) <b>E-ISSN:</b> 2775-5304 (online)</p>	<p>This research aims to determine the registration of interfaith marriages in Indonesia and Singapore after the issuance of SEMA Number 2 of 2023 and the protection of human rights regarding the registration of interfaith marriages in Indonesia after the issuance of SEMA Number 2 of 2023. In Indonesia, marriage is regulated in Law Number 1 of 1974 and KHI, while in Singapore marriage is regulated in the AMLA and Women's Charters. This research uses normative legal research methods with the type of library research and uses a statutory approach and a comparative approach. The research results show that before the issuance of SEMA number 2 of 2023, the District Court can ratify applications for registering interfaith marriages. However, after the issuance of SEMA number 2, it was firmly stated that interfaith marriages may not be determined by any District Court. As for the protection of human rights for citizens regarding the registration of interfaith marriages in Indonesia after the issuance of SEMA Number 2, if it is related to human rights, Indonesia can be said to have limited the human rights of every citizen to have a family. This is different from Singapore, which facilitates interfaith marriages as regulated in the Women's Charter.</p> <p><b>Keywords:</b> <i>Protection, Human Rights, Interfaith Marriage.</i></p> <p><b>Abstrak</b> Penelitian ini bertujuan untuk mengetahui pencatatan perkawinan beda agama di Indonesia dan Singapura dan perlindungan hak asasi manusia terkait pencatatan perkawinan beda agama di Indonesia pasca terbitnya SEMA Nomor 2 Tahun 2023. Di Indonesia, perkawinan diatur dalam Undang-Undang Nomor 1 Tahun 1974 dan KHI, sedangkan di Singapura perkawinan diatur dalam AMLA dan Piagam Perempuan. Penelitian ini menggunakan metode penelitian hukum normatif dengan jenis penelitian kepustakaan dan menggunakan pendekatan perundang-undangan dan pendekatan komparatif. Hasil penelitian menunjukkan bahwa sebelum terbitnya SEMA Nomor 2 Tahun 2023, Pengadilan Negeri dapat mengesahkan permohonan pencatatan perkawinan beda agama. Namun setelah terbitnya SEMA nomor 2,</p>

dengan tegas dinyatakan bahwa perkawinan beda agama tidak dapat diputuskan oleh Pengadilan Negeri manapun. Adapun mengenai perlindungan hak asasi warga negara mengenai pencatatan perkawinan beda agama di Indonesia pasca terbitnya SEMA Nomor 2, jika dikaitkan dengan hak asasi manusia maka Indonesia dapat dikatakan telah membatasi hak asasi setiap warga negara untuk berkeluarga. Berbeda dengan Singapura yang memfasilitasi pernikahan beda agama sebagaimana diatur dalam Piagam Perempuan.

**Kata Kunci:** *Perlindungan, Hak Asasi Manusia, Pernikahan Lintas Agama.*

## Introduction

Humans as living creatures of different types have the nature to live together. So humans are worthy and natural to carry out marriage to form a happy family with the aim of building their generations so that human life in this world is uninterrupted and sustainable. Humans as living creatures need a partner who is able to form a family and produce offspring. A marriage cannot be separated from the influence of the environment or culture in which the society exists.

Marriage can be determined by experience, knowledge, beliefs, customs and religion adhered to by the community in which it resides. Marriage is a way to build a happy family and household based on God Almighty. Marriage is a spiritual and physical bond between a man and a woman as husband and wife which is intended to build a happy and eternal family (household) based on God Almighty.<sup>1</sup> With marriage, a person will experience balance in life, be it psychological, social or biological. Marriage is one of a number of dimensions of life that is crucial in human life everywhere.<sup>2</sup>

The phenomenon of marriage between different religions in Indonesia continues to increase over time, marriage between different religions in Indonesia is certainly contrary to the legal provisions in force. As with the provisions of Law no. 1 of 1974 concerning marriage, Islamic law, Christianity, Protestant Christianity, Catholics, Hindus, Buddhists and Confucians. The rise of interfaith marriages shows the erosion of sacred values towards religion. The increase in interfaith marriages also shows the growing acceptance of national plurality, which leads to a narrowing of personal differences.<sup>3</sup>

However, in reality, registration officials often reject these interfaith marriages. Their reasons always refer to Article 2 paragraph (1) of the Marriage Law. This article can be said to be the "ultimate article" that stems the flow of interfaith marriages. This article states that marriage is valid if it is carried out according to the laws of each religion and belief.

Singapore is a country that allows interfaith marriages. Called a secular country that is neutral in matters of religion, and does not support religious people or non-religious people, Singapore claims that it treats all its residents as equals, even though their religions are different, and also states that it does not discriminate against residents of certain religions. Singapore also does not have a national religion. Marriages in Singapore are usually managed under two laws, namely the Women's Charter and the Muslim Law. The Women's Charter is a

<sup>1</sup> Andre Eksa Setiyawan & Miftah Arifin, "The Fiqh Munakahat Perspective toward Ngalor-Ngulon Tradition in Choosing a Wife Candidate in Banyuwangi Regency", *Rechtenstudent Journal*, Vol. 4 No. 2 (2023): 126.

<sup>2</sup> Santoso, "Hakekat Perkawinan Menurut UU Perkawinan, Hukum Islam dan Hukum Adat". *Jurnal Yudisia* Vol.7 No.2, (2016): 414

<sup>3</sup> Ahmad Hasanudin Dardiri & Marzha Tweedo, Muhammad Irham Roihan, "Pernikahan Beda Agama ditinjau dari Perspektif Islam dan HAM", *ILNS Student Scientific Writing Competition, Faculty of Law, University of Indonesia*, (2012): 105.

Marriage Law regulation that applies to non-Muslims in Singapore. Meanwhile, the Administration of Muslim Law Act (AMLA) is a law or marriage regulation for Muslims.<sup>4</sup>

The Women's Charter regulations do not only apply to non-Muslims, many Muslims use the Women's Charter to carry out marriages. Muslims who want to marry someone from a different religion also use the Women's Charter, because the Administration of Muslim Law Act (AMLA) does not regulate marriages between different religions. There is section 89 of Amla namely "*The provisions of this Part apply only to marriages, both of the parties to which profess the Muslim religion and which are solemnized in accordance with the Muslim law*" which can be interpreted as the provisions in this section only apply to marriage, both parties adhere to the Islamic religion and are carried out according to Islamic law.<sup>5</sup>

In fact, the Women's Charter does not fully stipulate that only non-Muslims are able to use the regulations contained in it. There is still legal ambiguity in marriage regulations in Singapore because it uses two laws and regulates the same but conflicting acts regarding interfaith marriages between Muslims and other religions. Women's Charter views marriage as a relationship of cooperation and balanced efforts within the household. Singapore is one of a number of countries that allows interfaith marriages.

From the explanation above regarding interfaith marriages, in Indonesia the Supreme Court Circular Letter (SEMA) Number 2 of 2023 has been issued. A valid marriage is a marriage carried out according to the laws of each religion and belief, this is in accordance with article 2 paragraph (1) and article 8 letter f of the Marriage Law. Meanwhile, before the issuance of SEMA number 2 of 2023, the District Court can ratify applications for registering interfaith marriages which provide considerations based on Law no. 39 of 1999 concerning Human Rights. So, from the explanation above, the author wants to research the registration of interfaith marriages in Indonesia and Singapore after the issuance of SEMA Number 2 2023, as well as how human rights protection will be for the registration of religious marriages after the issuance of SEMA Number 2 of 2023 if these interfaith marriages continue to occur.

Therefore the issues raised as the main issues are How will interfaith marriages be registered in Indonesia and Singapore after the issuance of Supreme Court Circular Letter (SEMA) Number 2 of 2023? And How will human rights be protected regarding the registration of interfaith marriages in Indonesia after the issuance of Supreme Court Circular Letter (SEMA) Number 2 of 2023??

## **Research Methods**

This research is normative juridical research, prioritizing developing legal principles and norms. The data sources used consist of secondary sources,<sup>6</sup> which is further divided into primary legal materials such as the Law which discusses marriage registration in Indonesia, namely marriage, namely Law No. 1 of 1974 in Indonesia, Law No. 23 of 2006 concerning Population Administration, Woman Charters Singapore, Administration of Muslim Law Act

---

<sup>4</sup> Kadek Wiwik I & Enny Ristanty, "Analisis perkawinan Beda Agama di Berbagai Negara Sebagai Perlindungan Hukum Untuk Membentuk Keluarga", *Jurnal Cakrawala Hukum* Vol. 11 No. 1, (2020): 75.

<sup>5</sup> Arianty Anggraeny Mangarengi & Yuli Adha Hamzah, "The Position of The Marriage Law on Interfaith Marriages Abroad", *SIGn Jurnal Hukum*, Vol. 3, Issue 1, (2021): 78.

<sup>6</sup> Soerjono Soekanto dan Srimudji, *Penelitian Hukum Normatif*, (Jakarta: Rajawali, 1990), 14-15

(AMLA) Singapore. Secondary legal materials include books, scientific journals, articles and theses.<sup>7</sup>

The approach used in this research is a statutory approach and a comparative approach by comparing existing regulations in Indonesia and Singapore related to the protection of human rights in interfaith marriages. The data collection technique was carried out using library research, which was carried out to obtain primary and secondary materials which were then reviewed, analyzed and summarized into a point of view which was arranged qualitatively to produce descriptive, systematic and detailed writing.

## Result and Discussion

### Registration of Interfaith Marriages in Indonesia and Singapore After the Issue of Supreme Court Circular Letter (SEMA) Number 2 of 2023

Marriage is a legal event that everyone will go through in order to start a new life with their partner and have children. The definition of marriage is regulated in article 1 of Law number 1 of 1974 concerning marriage which states "Marriage is an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the Godhead. Almighty." If detailed, there are important points in the definition, namely<sup>8</sup> : 1) Marriage is an inner and outer bond between a man and a woman; 2) the inner and outer bonds are aimed at forming a happy, eternal and prosperous family (household); and 3) the bond of birth and the goal of eternal happiness are based on the one and only God. Meanwhile, in other regulations, specifically Article 26 of the Civil Code, which views marriage as just a civil relationship, not bound by customs or religion.

Furthermore, the regulations that also explicitly regulate marriage are the Compilation of Islamic Law (hereinafter referred to as KHI), in Article 2 of KHI the definition of marriage is defined as a very strong contract or *mitssaqan ghalidzan* to obey Allah's commands and carrying them out constitutes worship. a household that is *sakinah, mawaddah, and rahmah*. This means that marriage is mandatory for a Muslim to complete an act of worship in this life.<sup>9</sup> Apart from statutory regulations, several experts also expressed their opinions regarding marriage,<sup>10</sup> according to Scholten marriage is a legal relationship between a man and a woman to live together forever, according to state law, and R. Subekti: marriage is a legal relationship between a man and a woman for a long time.

From the several definitions of marriage that have been mentioned, it is clear that the definition of marriage is a legal, religious and customary relationship between a man and a woman who promise to live together in a sacred bond to build a harmonious family. However, it cannot be denied that the reality in social life is that there is unavoidable conflict of interest, which in this case is a conflict of interest in interfaith marriages. In 2022 there will be a couple in Indonesia with the initials AD and CM where both partners have religious

---

<sup>7</sup> Johny Ibrahim, 2007, *Teori & Metodologi Penelitian Hukum Normatif*, (Malang: Bayumedia, 2007), 306.

<sup>8</sup> Rahmat Fauzi, "Dampak Perkawinan Campuran Terhadap Status Kewarganegaraan Anak Menurut Hukum Positif Indonesia," *Soumatra law review*, Vol.1 No.1, (2018): 155.

<sup>9</sup> Khoirul Anam, "Studi Makna Perkawinan dalam Perspektif Hukum di Indonesia (Komparasi Kitab Undang-Undang Hukum Perdata (KUH Per) dengan Kompilasi Hukum Islam)" *Jurnal Fakultas Hukum Universitas Tulungagung*, 62.

<sup>10</sup> Yohanis, "Perkawinan Poligami di Wilayah Hukum Pengadilan Agama Kota Padang (Mekanisme Pemberian Izin, Dasar Hukum, Syarat-syarat Poligami dan Pelaksanaannya)", *Soumatra Law Riview*, Vol.1 No.1, (2018): 199.

beliefs. which are different, namely Islam and Christianity as is known in article 2 paragraph (1) of the Marriage Law which states "*Marriage is valid, if it is carried out according to the laws of each respective religion and belief,*" also in article 40 letter c KHI emphasizes that it is prohibited to carry out marriages. between a man and a woman who is not Muslim.<sup>11</sup>

Likewise, it is stated in Article 44 of the KHI that a Muslim woman is prohibited from marrying a man who is not Muslim. So a conclusion can be drawn that the interfaith marriage performed by AD and CM cannot be legalized or take place in Indonesia because it conflicts with applicable laws and regulations and conflicts with the religious beliefs held by the couple. so that the AD and CM couples held their marriage in Singapore, after carrying out the marriage and registering their marriage in Singapore, then the marriage was reported to the Indonesian Embassy in Singapore so that a letter excerpt number 0249/KONS-SPP/VI/2022 dated 9 June 2022 was issued from Embassy of the Republic of Indonesia Singapore signed by Budi Kurniawan as protocol and consular. After the couple completed their marriage in Singapore, they submitted an application to the Tangerang District Court to register their marriage which took place in Singapore on the legal basis of a letter issued by the Indonesian Embassy in Singapore and the request was granted by the Tangerang District Court.

So this raises the question, how can interfaith marriages be registered at the relevant service? whereas in the Marriage Law, marriages cannot be legalized, let alone recognized, previous decisions granting the registration of interfaith marriages also occurred in several courts in Indonesia which resulted in judges deciding on similar requests looking at other decisions (jurisprudence) to obtain the same legal standards. or legal certainty<sup>12</sup>, one similar request was also granted in the Surakarta District Court's Decision on 21 August 2013 which provided considerations as to why the related request could be granted, namely that based on Law no. 39 of 1999 concerning Human Rights (HAM), Article 10 paragraph (1) states that every person has the right to form a family and continue offspring through legal marriage and of free will and that the Court is also of the opinion that inter-religious marriages are objectively sociologically, it is natural and very possible to occur considering the geographical location of Indonesia, the heterogeneity of the Indonesian population and the various religions that are legally recognized in Indonesia, so it is very ironic if interfaith marriages in Indonesia are not allowed because they are not regulated in a law.

However, in 2023, Circular Letter from the Supreme Court (hereinafter referred to as SEMA) number 2 was issued which emphasized that a valid marriage is a marriage carried out according to the laws of each religion and belief, in accordance with article 2 paragraph (1) and article 8 letter f of the Law. Marriage and the Courts do not grant requests for registration of marriages between people of different religions and beliefs. This SEMA provides legal standards for judges when deciding on requests for marriage registration in the future so as not to grant the request because it violates the Marriage Law article 2 paragraph (1) and article

---

<sup>11</sup> Abdul Syatar, Muhammad Fazlurrahman Syarif, Harwis Alimuddin, Kurniati, & Rasna, "Interfaith Marriage Phenomenon in Indonesia from the Perspective of Sadd al-Žarī'ah and Fath al-Žarī'ah" *Fitrah*, Vol. 9 No. 2 (2023): 21.

<sup>12</sup> Enrico Simanjuntak, "Peran Yurisprudensi Dalam Sistem Hukum di Indonesia," *Jurnal Konstitusi*, Vol.16, No.1, (2019): 100.

8 letter f. so that the solution provided by the supreme court as the parent court in Indonesia is clear regarding this problem.<sup>13</sup>

In contrast to Indonesia after the issuance of SEMA No. 2 of 2023 which prohibits marriages and the registration of marriages between different religions, the neighboring country of Singapore has a different view regarding interfaith marriages so that interfaith marriages such as AD and CM couples can be legalized in Singapore. Singapore is a country that allows interfaith marriages. Called a secular country that is neutral in matters of religion, and does not support religious or non-religious people, Singapore claims that it treats all its residents as equals, even though their religions are different, and also states that it does not discriminate against residents of certain religions. Singapore also does not have a national religion. The main requirement to be able to get married in Singapore is that the person concerned must live in Singapore for a minimum of 20 consecutive days. After fulfilling these requirements, newlyweds can start processing their administration online at the Registration for Married building.<sup>14</sup>

Singapore Family Law The Administration of Muslim Law Act (AMLA) and the Registrar of Muslim Marriage (ROMM) discuss marriage registration in sections 100-103. Married husband and wife must register their marriage with the Kadi or Naib Kadi to obtain the husband and wife's signature on the marriage certificate (certificate of marriage).

The Singapore government has the Singapore Islamic Ulema Council which has the main task of being an advisor to Muslim citizens in Singapore and resolving daily problems related to Islam in Singapore. Apart from MUIS in Singapore, AMLA regulates and establishes the Registry of Muslim Marriages (ROMM). Under the regulations stipulated in the AMLA, marriages that wish to take place must be registered within seven days, while marriages performed outside the Islamic religion are regulated in the Women's Charter. Furthermore, the Singapore Family Law does not discuss the prohibition of marriage related to interfaith marriages, the AMLA only touches on the prohibition on marriage because of a *muaqqat mahram*, namely AMLA Section 97 (1): "*she shall not be married to any person than the husband from whom she was last divorced, at any time prior to the expiration of the period of iddah, which shall be calculated in accordance with the Muslim law;*" "*she will not be married to someone other than the husband she recently divorced, at any time before the end of the iddah period, which is calculated according to Islamic law*" or in the existing marriage regulations in Singapore, which only regulate the prohibition on marrying women who are still in the 'iddah period.

AMLA and Islamic law clearly do not regulate interfaith marriages. AMLA section 89 states that this law does not allow a Muslim, woman or man, to marry any non-Muslim. Two Muslims who comply with Islamic law must legally marry based on Muslim Act Law Section 96 (1) "*No marriage shall be solemnized under this act unless all the conditions necessary for the provisions of this act, are satisfied;*" "*No marriage can be solemnized based on this deed, unless all the conditions required for the provisions of this deed are fulfilled.*"

Then it was concluded that Singapore uses two Marriage Laws, namely the Women's Charter and the Administration of Muslim Law Act (AMLA). Women's Charter views marriage as a relationship of cooperation and balanced efforts within the household.

---

<sup>13</sup> Noer Yasin, Musataklima & Ahmad Wahidi, "Interlegality Perkawinan Beda Agama Vis A Vis Surat Edaran Mahkamah Agung Nomor 2 Tahun 2023 Tentang Penolakan Permohonan Pencatatan Perkawinan Beda Agama Di Indonesia", *Jurnal Penelitian Hukum De Jure*, Vol. 23, No. 4 (2023): 395.

<sup>14</sup> Abdul Rozak, *Pengkajian Hukum Tentang Perkawinan Beda Agama (Perbandingan Beberapa Negara)*, (Jakarta: Badan Pembinaan Hukum Nasional BPHN, 2011), 43.

Singapore is one of a number of countries that allows interfaith marriages.<sup>15</sup> If a couple of different religions wants to get married in Singapore, it can be legalized in the same way as other non-Muslim regulations, namely registering them in a ROM marriage which is subject to the Women's Charter.

Interfaith marriages in Singapore can be carried out if non-Muslims and interfaith marriages are all classified as couples that are subject to the women's charter. Marriages between different nationalities in Singapore are legal, and marriages can be held at the ROM (Registry Of Marriages) Singapore. Provided that you provide a Certificate of No Impediment (CNI) or a letter stating that there are no obstacles to getting married (in another country) from a legal perspective issued by an authorized institution from your country of origin.<sup>16</sup>

Women's Charter views marriage as a relationship of cooperation and balanced efforts within the household. Singapore is one of a number of countries that allows interfaith marriages. The Singapore government provides marriage services with online registration for both Singapore citizens, permanent residents and foreigners 100%.<sup>17</sup> In just 20 minutes, registering for Singapore's marriage legislation costs a maximum of 20 Singapore dollars, regardless of religious differences, you are guaranteed a legal marriage certificate and can be accepted by any law in the world. To be able to carry out a marriage by the Consular Division, those interested must submit a letter of application to the Ambassador of the Republic of Indonesia in Singapore, for the attention/UP of the Head of the Consular Division, by attaching the following documents:

- 1) letter of application from the father or guardian of the prospective bride;
- 2) Marriage approval letter from both parties;
- 3) Certificate of marriage from the sub-district;
- 4) Certificate of origin from the sub-district;
- 5) Parent's certificate from the sub-district;
- 6) Original birth certificate for each bride and groom including a photocopy;
- 7) Photocopy of passport and residence permit;
- 8) For those who live in Singapore, a certificate of unmarriage from the local government.

For those who marry abroad, within 1 year after they return to Indonesia they are required to register their Marriage Proof at the Civil Registry Office where they live by attaching:

- 1) Photocopy of proof of legalization of marriage outside Indonesia
- 2) Photocopy of birth certificate excerpt
- 3) Photocopy of Family Card and KTP
- 4) Passports of the bride and groom
- 5) 4 side by side photos measuring 4x6

---

<sup>15</sup> Ahmad Nizam bin Abbas, "The Islamic Legal System in Singapore", *Washington International Law Journal*, Vol. 21, 22.

<sup>16</sup> Juhi Ahuja & Paul Hedges, "Interreligious Relations", *Nanyang Technological University*, Issue 1 (2019): 2-3.

<sup>17</sup> Leng Leng Thang, "Private Matters, Public Concern: Procreation Issue in Singapore" *The Japanese Journal of Population*, Vol. 3 No. 1, (2005): 83.

## Protection of Human Rights Regarding the Registration of Interfaith Marriages in Indonesia Following the Issuance of Supreme Court Circular Letter (SEMA) Number 2 of 2023

Law Number 39 of 1999 concerning Human Rights has guaranteed a person's right and freedom to form a family, while also explaining that a valid marriage is a marriage that is entered into based on the free will of the prospective bride and groom in accordance with statutory provisions (Article 10 paragraph (1) and (2)).<sup>18</sup>

Groups supporting the practice of interfaith marriages always use the right to freedom in human rights and democracy as a reason to support the legalization of interfaith marriages. Law Number 39 of 1999 concerning Human Rights in Indonesia regulates human rights, namely by guaranteeing and protecting the right to build a household. In the concept of freedom in international human rights, human (husband and wife) happiness is more important as a right that cannot be reduced under any circumstances.

Article 2 of the Marriage Law remains in conflict with Article 10 of Human Rights, this is because human rights are tied to the foundation or basic instrument itself, namely the International Universal Declaration of Human Rights (UDHR).<sup>19</sup> As a legal fragment of the international UDHR, the Human Rights Law in Indonesia should adhere to the same principles of freedom as the principles contained in the UDHR. The freedom to enter into marriage in the articles of the UDHR is not bound by other legal regulations or religious legal regulations. Article 16 paragraphs (1) and (2) of the UDHR states that differences in skin color, race, nationality, nationality or religion are not an obstacle to marriage, so marriage between different religions is considered legal and legal according to the UDHR.

Prior to the issuance of SEMA Number 2 of 2023 concerning Instructions for Judges in Hearing Cases of Applications for Registration of Marriages Between People of Different Religions and Beliefs, married couples who entered into interfaith marriages in countries where it is legal could make a request to the district court to register the marriage. However, with the issuance of SEMA Number 2 of 2023, the court may no longer grant requests for registration of marriages between people of different religions and beliefs.

A family's right is to receive protection, and it is the obligation of society and the state to fulfill this right. If the prohibition of interfaith marriages has been determined by law in Indonesia, and the Civil Registry Office (KCS) and the Office of Religious Affairs (KUA) do not want to record and legalize the marriage, referring to Article 23 of the Human Rights Law in the International Covenant above, then Indonesia has fails to protect the basic rights of its citizens, and the prohibition of interfaith marriages is a direct and systematic violation of people's rights by the state.

With the issuance of SEMA Number 2 of 2023, it can be said that the state has limited human rights regarding the right to have a family and build a household.

### Conclusion

Before the issuance of SEMA number 2 of 2023, the District Court can ratify applications for registration of interfaith marriages which provide considerations based on

---

<sup>18</sup> Rizqon, R, "Analisis Perkawinan Beda Agama Perspektif KHI, HAM dan CLD-KHI. AL-MANHAJ", Jurnal Hukum dan Pranata Sosial Islam, Vol, 4, No 1, (2022): 13-24.

<sup>19</sup> Monib, Muhammad, & Nurcholis, A, *Fiqh Keluarga Lintas Agama, Panduan Multidimensi Mereguk Kebahagiaan Sejati*, (Yogyakarta: Kaukaba, 2013).



Law no. 39 of 1999 concerning Human Rights. However, in 2023 SEMA number 2 has been issued which confirms that a valid marriage is a marriage carried out according to the laws of each religion and belief, in accordance with article 2 paragraph (1) and article 8 letter f of the Marriage Law. Thus, SEMA number 2 of 2023 confirms that any PN is not permitted to grant registration of interfaith marriages on any basis.

Regarding the protection of human rights related to the registration of interfaith marriages in Indonesia after the issuance of SEMA Number 2 of 2023, if it is related to human rights, it can be concluded that Indonesia has not implemented Article 23 of the Human Rights Law in the International Covenant, so that Indonesia can be said to have limited the human rights of every citizen of its country to have a family. Meanwhile, in Singapore, marriages between different religions can still be carried out, which is based on the Woman Charters which are then registered on the Singapore ROM (Registry of Marriage).

## **Bibliography**

### **Book**

- Goode, Roy R. 2016. *Goode on Commercial Law*. T.t: LexisNexis Butterworths.
- Hernoko, Agus Yudha. 2008. *Asas Proporsionalitas dalam Kontrak Komersial*. T.t: Laksbang Mediatama.
- Ibrahim, Johnny. 2007. *Teori & Metodologi Penelitian Hukum Normatif*. Malang: Bayumedia.
- Monib, Muhammad, & A Nurcholis. 2013. *Fiqh Keluarga Lintas Agama, Panduan Multidimensi Mereguk Kebahagiaan Sejati*. Yogyakarta: Kaukaba.
- Rozak, Abdul. 2011. *Pengkajian Hukum Tentang Perkawinan Beda Agama (Perbandingan Beberapa Negara)*. Jakarta: Badan Pembinaan Hukum Nasional (BPHN).
- Soekanto, Soerjono & Srimudji. 1990. *Penelitian Hukum Normatif*. Jakarta: Rajawali.
- Treitel, G.H. 2003. *The Law of Contract*. T.t: Thomson.

### **Journal and Articles**

- Abbas, Ahmad Nizam bin. "The Islamic Legal System in Singapore" *Washington International Law Journal*, Issue 21 (2017).
- Ahuja, Juhi & Paul Hedges, "Interreligious Relations", *Nanyang Technological University*, Issue 1 (2019).
- Anam, Khoirul. "Studi Makna Perkawinan dalam Perspektif Hukum di Indonesia (Komparasi Kitab Undang-Undang Hukum Perdata (KUH Per) dengan Kompilasi Hukum Islam)" *Jurnal Fakultas Hukum Universitas Tulungagung*.
- Dardiri, Ahmad Hasanudin & Marzha Tweedo, Muhammad Irham Roihan. "Pernikahan Beda Agama ditinjau dari Perspektif Islam dan HAM". *ILNS Student Scientific Writing Competition, Faculty of Law, University of Indonesia*, (2012).
- Fauzi, Rahmat. "Dampak Perkawinan Campuran Terhadap Status Kewarganegaraan Anak Menurut Hukum Positif Indonesia" *Soumatera law riview*, Vol. 1 (2018).
- I, Kadek Wiwik & Enny Ristanty. "Analalisis perkawinan Beda Agama di Berbagai Negara Sebagai Perlindungan Hukum Untuk Membentuk Keluarga" *Jurnal Cakrawala Hukum* Vol. 11 No. 1, (2020).
- Mangarengi, Arianty Anggraeny & Yuli Adha Hamzah. "The Position of The Marriage Law on Interfaith Marriages Abroad", *SIGn Jurnal Hukum*, Vol. 3, Issue 1, (2021).

- O’Gorman, Daniel P. “Redefining Offer in Contract Law’ Mississippi Law Journal, Issue 6 (2013).
- Rizqon, R. “Analisis Perkawinan Beda Agama Perspektif KHI, HAM dan CLD-KHI. AL-MANHAJ” Jurnal Hukum dan Pranata Sosial Islam, Vol. 4, No. 1, (2022).
- Setiyawan, Andre Eksa & Miftah Arifin. “The Fiqh Munakahat Perspective toward Ngalor-Ngulon Tradition in Choosing a Wife Candidate in Banyuwangi Regency”. Rechtenstudent Journal, Vol. 4 No. 2 (2023).
- Simanjuntak, Enrico. “Peran Yurisprudensi Dalam Sistem Hukum di Indonesia” Jurnal Konstitusi Vol. 1 (2019).
- Santoso, “Hakekat Perkawinan Menurut UU Perkawinan, Hukum Islam dan Hukum Adat”. Jurnal Yudisia, Vol. 7 No. 2 (2016).
- Syatar, Abdul, Muhammad Fazlurrahman Syarif, Harwis Alimuddin, Kurniati, & Rasna, “Interfaith Marriage Phenomenon in Indonesia from the Perspective of Sadd al-Ẓarī’ah and Faṭḥ al-Ẓarī’ah” Fitrah, Vol. 9 No. 2 (2023).
- Thang, Leng Leng. “Private Matters, Public Concern: Procreation Issue in Singapore” The Japanese Journal of Population, Vol. 3 No. 1, (2005).
- Yasin, Noer, Musataklima & Ahmad Wahidi, “Interlegality Perkawinan Beda Agama Vis A Vis Surat Edaran Mahkamah Agung Nomor 2 Tahun 2023 Tentang Penolakan Permohonan Pencatatan Perkawinan Beda Agama Di Indonesia”, Jurnal Penelitian Hukum De Jure, Vol. 23, No. 4 (2023).
- Yohanis. “Perkawinan Poligami di Wilayah Hukum Pengadilan Agama Kota Padang (Mekanisme Pemberian Izin, Dasar Hukum, Syarat-syarat Poligami dan Pelaksanaannya)” Soumatera Law Riview, Vol. 1 (2018).

#### Websites

<http://www.honey.telcom.us/2007/08/21/registry/of/marriage>

#### Legislation

Law Number 39 of 1999 concerning Human Rights (State Gazette of the Republic of Indonesia of 1999 Number 65)