

**THE ANALYSIS OF LEGAL AWARENESS OF INTERRELIGIOUS
MARRIAGE COUPLE TOWARDS RESPECTIVE RELIGIOUS
MARRIAGE NORMS**



A BACHELOR'S DEGREE THESIS

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**FACULTY OF LAW
ISLAMIC UNIVERSITY OF INDONESIA
YOGYAKARTA
2024**

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**Presented as a Partial Fulfillment of The Requirement to Obtain
Bachelor's Degree at the Faculty of Law,
Universitas Islam Indonesia,
Yogyakarta**



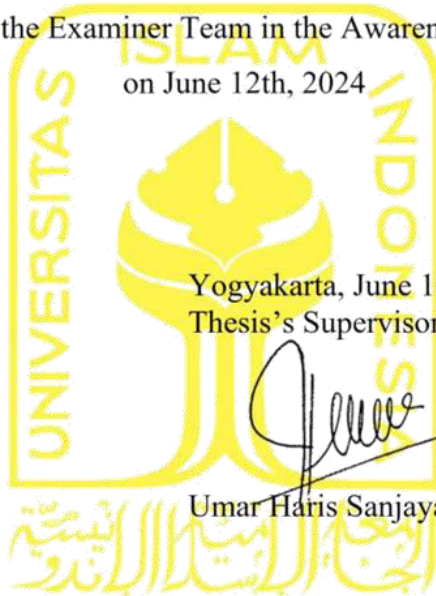
**INTERNATIONAL PROGRAM
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UNIVERSITAS ISLAM INDONESIA
YOGYAKARTA
2024**



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It has been checked and approved by the Final Project Supervisor for submission
in the future the Examiner Team in the Awareness Examination

on June 12th, 2024



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THE ANALYSIS OF LEGAL AWARENESS OF INTERRELIGIOUS MARRIAGE COUPLE TOWARDS RESPECTIVE RELIGIOUS MARRIAGE NORMS

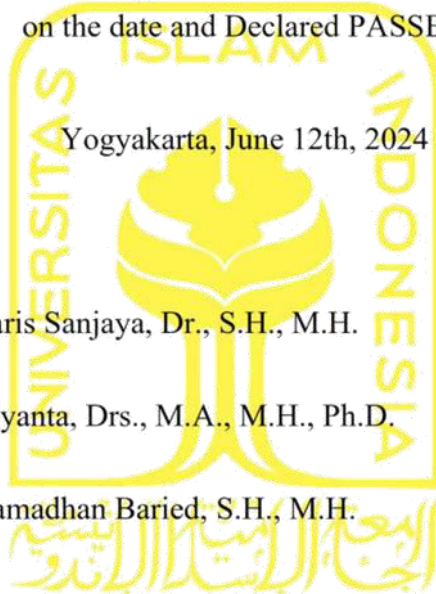
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ENDORSEMENT PAGE

A BACHELOR'S DEGREE THESIS

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A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by several loops and a long horizontal stroke at the bottom.

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MARRIAGE COUPLE TOWARDS RESPECTIVE RELIGIOUS
MARRIAGE NORMS

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3. Bahwa meskipun secara prinsip hak milik atas karya ilmiah ini ada pada saya, namun demi kepentingan-kepentingan yang bersifat akademik dan perkembangannya, saya memberikan kewenangan kepada Perpustakaan Fakultas Hukum Universitas Islam Indonesia dan Perpustakaan di lingkungan Universitas Islam Indonesia untuk mempergunakan karya tulis ini.

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Yogyakarta, 24 April 2024

Yang memberikan pernyataan,

A handwritten signature in black ink is written over a yellow 1000 Rupiah postage stamp. The stamp features a Garuda emblem and the text '1000', 'METRAI TEMPEL', and 'RTFSCAKK335298274'.

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MOTTO

“Fighting has been made obligatory upon you ‘believers’, though you dislike it. Perhaps you dislike something which is good for you and like something which is bad for you. Allah knows and you do not know.”

(Al-Baqarah 2:216)

“I can do all this through who gives me strength.”

(Philippians 4:13)

“Form is Emptiness and Emptiness is Form.”

(Avalokiteshvara)

DEDICATION

This thesis is dedicated to:

*My Parents, Bayu Surendra and Yunida
Kusuma.*

*My Thesis Advisor,
Mr. Umar*

*And the Faculty of Law of Universitas Islam
Indonesia*

PREFACE

Alhamdulillah *rabbi' alamin*, all praise and thanks are given to **Allah Subhanahu Wa Ta'ala**, Lord of the universe, it is because of its simplicity that this thesis can be completed. This writing is nothing but a form of the author's gratitude to **Allah Subhanahu Wa Ta'ala**.

On this occasion, the author also does not forget to express his deepest gratitude to **Mr. Umar** who with her patience and extensive knowledge, has guided the author to finish this paper to the end. The author would also like to thank **Prof. Budi Agus Riswandi** as the leader of the Faculty of Law UII. In addition, the author would like to thank several parties as follows:

1. **Father** and **Mother** who have always struggled and prayed for the success of the author. Without the two of them, it would be impossible for the writer to get to where he is now.
2. **Ghazy Sunin** and **Azka Rukmi**, as the writer's siblings.
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4. **Hadza Al Falah** and **Dimas Bimantara**, as the writer's best friend.
5. **Abi Detrianto**, as a best friend who has contributed a lot in building the author's college life.

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7. Family of **Guest House Sabi**.
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9. Family of **Sidat**.
10. Friends of **Islamic University of Indonesia**.
11. Friends of **Yogyakarta's Most Wanted**.
12. The whole writer's family
13. The whole big family of the Faculty of Law Universitas Islam Indonesia.

On this occasion the author also asks all readers to help improve the author's writing entitled "THE ANALYSIS OF LEGAL AWARENESS OF INTERRELIGIOUS MARRIAGE COUPLE TOWARDS RESPECTIVE RELIGIOUS MARRIAGE NORMS" with constructive comments and suggestions. Hopefully this article can be useful and become a reference for other students, especially students of the Faculty of Law of Islamic University of Indonesia who are studying private law especially family law.

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ABSTRACT

Legal awareness is an understanding of the principles, rules, and legal obligations that apply in a country or region. Legal awareness includes an understanding of legal rights and obligations, legal procedures, and legal norms governing individual actions and their consequences. The method used in this research is empirical juridical research. This research will examine the perpetrator's reasons for remaining to pursue getting married and defying the laws provided by their respective religions and in the country for interreligious marriage. This behavior contradicts the Marriage Law which states that it is not permissible for an Indonesian citizen to have an interreligious marriage stated in Article 2 paragraph (1) Law Number 1 Year 1974 About Marriage which stated that marriage is legitimate if the parties concerned is have similar religion and beliefs. Therefore, that circumstance is an absence of legal awareness on the behavior of the ignorance and disobeying the law must be questioned about interreligious marriages based on Indonesian law and respective religious law.

Keywords: Legal Awareness, Interreligious Marriage, Religious law, Indonesian Marriage Law.

CHAPTER 1

INTRODUCTION

A. Background

Legal awareness is an understanding of the principles, rules, and legal obligations that apply in a country or region. Legal awareness includes an understanding of legal rights and obligations, legal procedures, and legal norms governing individual actions and their consequences.¹ Legal awareness also involves understanding the value of abiding by the law as the cornerstone of a civilized existence, acting in a way that is consistent with relevant legal principles, and appreciating the significance of diversity and the preservation of human rights in the legal system. Building justice, security, and order in a society or a nation can be ease by increasing people's understanding of the law and how it affects individual and group behavior.²

Legal awareness also includes the importance of obeying the law as the basis for a civilized life, behaving in accordance with applicable legal values, and the importance of diversity and protection of human rights in the legal system. Legal awareness can influence a person's behavior in complying with the law, and play a role in building justice, security and order in a country.³ Salnikov believes that the structural elements of legal culture are the components of legal activity in

¹Didik Suhariyanto, *Pembinaan Kesadaran Hukum Dan Pendidikantahanan Di Penjara Polres Metrojakarta Utara*. Communnity Development Journal Vol.4,No.2 Juni 2023, Hal.930-934 P-ISSN 2721-4990| E-ISSN 2721-5008930

²Arliman S, Laurensius. *Penegakan Hukum dan Kesadaran Masyarakat*. Yogyakarta: CV. Budi Utama, 2012, hlm 92

³Rizki Yudha Bramantyo, Suwarno. *Membangun Kesadaran Hukum dan Demokrasi: Revitalisasi Peran Pendidikan Kewarganegaraan bagi Siswa SMAN 7 Kota Kediri*. Jurnal Hukum Universitas Kediri, Vol. 14 No. 2 (2020): Oktober

their particular perspective of the standards of behavior: law, legal conscience, legal relations, law and order, lawful activity of subjects. As for its content, it includes not just legal awareness, legality, etc., but also the character, level, and degree of their development, which gives them this stage of civilization and social progress.⁴ Hugo Krabbe as a Dutch legal expert stated that legal awareness is perception or values contained in humans, about existing laws or about laws that are expected to exist.⁵ Meanwhile Soerjono Soekanto stated that legal awareness is a matter of values contained in humans regarding existing laws or about laws that are expected to exist. What is emphasized is the values regarding the function of law and not a legal assessment of concrete events in the community concerned.⁶ Paul Scholten stated that what is meant by legal awareness is the awareness that exists in every human being about what the law is or what the law should be, a certain category of our psychological life from which we distinguish between law (recht) and not law (onrecht) between what should be done and not freely do.⁷ Sudikno Mertokusumo stated that legal awareness means awareness of what we should do or what we should do or what we should not do or do, especially towards other people. This means awareness of our respective obligations to others.⁸ The diversity of religions and beliefs in Indonesia can have implications for the occurrence of marriages between adherents of religions and

⁴ S. A. Komarov, *General Theory of State And Law*, Moscow: Yurayt, 1997

⁵ Achmad Ali dan Wiew Heryani. *Menjelajahi Kajian Empiris Terhadap Hukum*. Jakarta: kencana 2012. hlm 141

⁶ Soerjono Soekanto. *Kesadaran hukum dan kepatuhan hukum*. Jakarta : Raja Grafindo Persada. 2002. hlm 215

⁷ Marwan Mas. *Pengantar ilmu hukum*. Bogor :Penerbit Ghaila Indonesia, 2014. hlm 88

⁸ Sudikno Mertokusumo, *Meningkatkan Kesadaran Hukum Masyarakat*, Edisi Pertama. Yogyakarta: Liberti, 1981. hlm 13

beliefs. Interreligious marriage is not a new thing and has been going on for a long time for the multicultural Indonesian society. Even so, it does not mean that cases of interreligious marriages do not cause problems, in fact they tend to always generate controversy among the public.

Interreligious marriage is a physical and spiritual bond between a man and a woman of different religions and countries, causing the union of two different regulations regarding the requirements and procedures for implementation according to the laws of their respective religions, with the aim of forming a happy and eternal family based on God Almighty.⁹ On 2005 to early March 2022, there have been 1,425 married couples of different religions in Indonesia.¹⁰

Most of the perpetrators realized that what they were doing was against the law. But with reasons of mutual love, they still do. Interreligious marriage according to Christianity is not permitted and requires Christians to remain married to partners of the same religion.¹¹ For Christians, the purpose of marriage is to achieve happiness between husband, wife and children in an eternal household. For Catholics, interreligious marriages according to Catholics cannot be carried out. According to Hindu Law, if a marriage is not carried out with a ceremony according to Hindu Law, then the marriage is invalid. For Buddhists, interreligious marriage is not a problem as long as non-Buddhists want to follow Buddhist marriage customs without adhering to Buddhism. According to the

⁹ Rusli dan R. Tama, *Perkawinan Antar Agama dan Masalahnya*, Bandung, Penerbit Pionir Jaya, 2000, hlm.16

¹⁰Populis, 2023. *Jangan Kaget! Ini Jumlah Pasangan Nikah Beda Agama di Indonesia*.

¹¹ Oktafiani Palufi Katry. *Pernikahan Beda Agama Dalam Masyarakat Kota Palu (Analisis Sosiologis)*. Tesis Program Studi Akhwal Syakhsiyyah Pascasarjana Institut Agama Islam Negeri (IAIN) Palu, 2018.

decision of the Sangah Agung Indonesia, religious marriages where one of the prospective bride and groom are not Buddhists, is permissible as long as the legalization of the marriage is carried out according to Buddhist procedures.¹² Researchers conducted interviews with 10 (Ten) interreligious marriage actors. The results of early interviews with respondents who helped make this thesis feasible are outlined in the paragraphs that follow.

Harso and Winarti, the first interreligious marriage from the interview. Both understand the prohibition on interreligious marriage in Indonesia. For Harso, who is a Muslim, he understands that his religion has restrictions and Winarti, who is a Catholic, also knows that there are prohibitions. Both are still married because they love each other.

The second couple, Sri Sulastro and Wahyu, 46 and 47 years old. Both of them do not understand the prohibition of interreligious marriage in Indonesia. Sri, who is a Christian, admits that she does not understand that there are restrictions in her religion. Wahyu, who is Muslim, also does not know that there is such a prohibition in his religion. both of them do not intend to find out about the ban on the grounds of naivety and because they already love each other.

Bintang Permana and Ni Luh Askhara, a Muslim and Hindu couple, both understand about the prohibition of interreligious marriage in their respective countries and religions. but they still do it on the grounds that they don't want to marry other people and their families, who don't really care about religion in terms of marriage, have approved their relationship for marriage

¹² Prof. Hardikusuma Hilman H., *Hukum Perkawinan Indonesia menurut Perundangan, Hukum Adat, Hukum Agama*, Mandar Maju, Cetakan ke-3, Bandung, 2007, hlm 98

Lita Nur Asiyah and Edy Harsoyo, 34 and 37 years old. Lita is a Muslim and Edy is a Catholic. Lita is not aware of the ban on interreligious marriages in her country and her religion. Meanwhile, Edy, who understands the ban but has reasons, what makes him doubtful is that it is prohibited by the state, but there is another option, that is getting married abroad.

The fifth couple, Bambang Heri Wiryoko and Nurul Hidayah, a Catholic and a Muslim, are both 24 years old. Both understand the prohibition of interreligious marriage in their respective countries and religions. They continued to do the marriage for the reason that the families of both sides had been friends for a long time and had arranged for them both, and helped them get married abroad.

Table 1. Interview Results

No	Name	Questions and Answers					
		Religion	Aware about Indonesian Marriage Law	Aware about marriage norms in their own religion	Justification for conduct the behavior if aware	Justification why did not do research before conduct the behavior	Subjective argument
Couple 1							
1.	Harso (57)	Islam	Yes	Yes	Love each other	-	-
2.	Winarti (55)	Christian	Yes	Yes	Love each other	-	I only have my husband as a person who I believe other than God
Couple 2							

3.	Wahyu (47)	Islam	No	No	-	Don't know who to ask	
4.	Sri Sulastro (46)	Christian	No	No	-	Have no desire to find out	Got married early because I was naive
Couple 3							
5.	Bintang Permana (25)	Islam	Yes	No	Don't want to marry someone else	Don't want to marry someone else	Came from a family background that is not concerned with religion in terms of marriage
6.	Ni Luh Askhara (31)	Hinduism	Yes	Yes	-	Already been dating for a long time	The family has agreed
Couple 4							
7.	Edy Harsoyo (37)	Catholic	Yes	Yes	Already preparing for the wedding	-	Hesitate when wanted to get married was that it is forbidden by the state, but there was another option, namely getting married abroad and finally did it.
8.	Lita N. Aisyah (34)	Islam	No	No	-	Don't know who to ask	Only loved one person in my life and that is my

							husband
Couple 5							
9.	Bambang H. Wiyoko (24)	Catholic	Yes	Yes	Has been arranged by parents		Our families have been good friends since childhood and have matched us both, so they helped us to get married abroad.
10.	Nurul Hidayah (24)	Islam	Yes	Yes	Has been arranged by parents		Our families have been good friends since childhood and have matched us both, so they helped us to get married abroad.

Source: Data by Researchers achieved by questionnaire, 2023.

Based on the interview summary table, the practitioners distorted their religious norms because article 2 paragraph (1) of Law Number 1 of 1974 concerning marriage was not clear in giving explanations. It can be seen that out of 10 interreligious marriage actors, 7 people claimed to understand the prohibition on interreligious marriage, while the other 3 people did not know. When asked whether the practitioner's own religion prohibits interreligious

marriage, six people answered yes, the other four said they did not know. For practitioners who knew and get asked that if they knew there was a ban and the reason for continuing to do interreligious marriages. Some person answered that they loved each other, and the other people answered that they had already prepared for marriage. One person said they did not want to marry someone else. One person answered that they had long relationship. One couple is arranged by their family. For those who didn't know the prohibitions, when asked why they didn't find out, two people said they didn't know who to ask, and one person said they didn't have the desire to find out.

Based on above, the author wanted to prove practitioners' understanding of the regulations of article 2 paragraph (1) of Law Number 1 of 1974 against their respective religious laws in the form of a thesis entitled “The Analysis of Legal Awareness of Interreligious Marriage Practitioners Towards Respective Religious Marriage Norms”

B. Problem Formulation

1. How do interreligious marriage practitioners understand article 2 paragraph (1) of Law Number 1 of 1974 concerning Marriage?
2. Do interreligious marriage practitioners aware of the prohibition on respective religion regulates interreligious marriage?

C. Research Purposes

1. To find out the understanding of interreligious marriage couples on article 2 paragraph (1) of Law Number 1 of 1974 concerning Marriage.
2. To find out whether the interreligious marriage couples are aware of the prohibition in their own religion.

D. Objectives of the Research

This writing is expected to provide the following benefits:

1. Theoretically
This research is expected to provide benefits in the framework of scientific development in the field of Marriage Law in general and specifically regarding interreligious marriages.
2. Practically
 - a. As part of information for the public regarding legal provisions and issues related to interreligious marriages that take place in Indonesia.
 - b. It is hoped that the results of this research can be used as material for consideration and input for the government and legislative institutions in the context of perfecting Law Number 1 of 1974 concerning Marriage, especially in the matter of interreligious marriages.

E. Research Originality

The following is previous research that discusses interreligious marriages in Indonesia.

Table 2. Previous Research

No	Name, Year	Title	Result	Similarities	Differences
1	Maretta Dwi Putri, 2023. ¹³	Court Decision on Interreligious Marriage as a Form of Violation of the Marriage Law. Thesis, Pancasakti University of Tegal,	Interreligious marriages from the point of view of the Marriage Law are invalid and become a violation if interreligious marriages are still carried out so that they will cause legal consequences.	Analyzing interreligious marriages from the point of view of the Marriage Law	Analyzing the perpetrators of interreligious marriages from the perspective of legal awareness
2	Fuady, Achmad Rifqy, 2023. ¹⁴	Juridical Analysis Comparison of Determination of Interreligious Marriage Application Granted Between Surabaya District Court Decision Number 916/Pdt.P/2022/Pn . Sby With the Decision of the South Jakarta District Court Number 650/Pdt.P/2022/Pn . Jkt Thesis Cell, University of Muhammadiyah Malang, 2023	The two of them both granted the judge's request for an interreligious marriage determination in considering the decision referring to legal considerations.	Analyzing interreligious marriages from the point of view of Court Decisions	Analyzing the perpetrators of interreligious marriages from the perspective of legal awareness

¹³Maretta Dwi Putri, *Penetapan Pengadilan Atas Pernikahan Beda Agama Sebagai Bentuk Pelanggaran Undang-Undang Perkawinan*. Skripsi, Universitas Pancasakti Tegal, 2023.

¹⁴Fuady, Achmad Rifqy, *Analisis Yuridis Perbandingan Penetapan Dikabulkan Permohonan Perkawinan Beda Agama Antara Putusan Pengadilan Negeri Surabaya Nomor 916/Pdt.P/ 2022/ Pn. Sby Dengan Putusan Pengadilan Negeri Jakarta Selatan Nomor 650/ Pdt.P/ 2022/ Pn. Jkt Sel* Skripsi, Universitas Muhammadiyah Malang, 2023

No	Name, Year	Title	Result	Similarities	Differences
3	Laksono, Oksanio Satrio Bowo, 2022. ¹⁵	Juridical Review of Interreligious Marriage as Indonesian Citizens Between Muslim Men and Christian Women.	Marriage recognition is carried out by the Office of Religious Affairs (KUA) which functions to record marriages of couples who are both Muslim. Meanwhile, the Population and Civil Registry Service (DKCS) functions to register marriages among non-Muslims, such as Christians, Catholics, Hindus, Buddhists and Confucians. This also shows that human rights sensitivity in cases of interreligious marriages in Indonesia does not yet exist.	Analyzing the perpetrators of interreligious marriages, specifically Muslim men and Christian women	Analyzing the perpetrators of interreligious marriages from the perspective of legal awareness

¹⁵Laksono, Oksanio Satrio Bowo. *Tinjauan Yuridis Pernikahan Beda Agama Sebagai Warga Negara Indonesia Antara Pria Beragama Islam Dan Wanita Beragama Nasrani*. Skripsi, Universitas Muhammadiyah Surakarta, 2022

No	Name, Year	Title	Result	Similarities	Differences
4	Hartini Dwi Utami, 2022. ¹⁶	Study of Interreligious Marriage in the Perspective of Marriage Law in Indonesia (Case Study of the Determination of the Surakarta District Court Number 333/Pdt.P/2018/Pn.Skt), Faculty of Law, University of Pancasila, 2022	Interreligious marriages in Indonesia can be carried out outside the provisions of Law Number 1 of 1974 concerning Marriage, namely by requesting a court order so that they can be registered in accordance with Law Number 23 of 2006 concerning Population Administration, but only to an administrative nature, because according to Article 2 paragraph (1) of the Marriage Law, marriage is legal if it is carried out according to the laws of each religion and belief.	Analyzing interreligious marriages from the point of view of Court Decisions	Analyzing the perpetrators of interreligious marriages from the perspective of legal awareness
5	Syamsul	Dynamics of	There has	Analyzing	Analyzing

¹⁶Hartini Dwi Utami, *Kajian Perkawinan Beda Agama Dalam Perspektif Hukum Perkawinan Di Indonesia (Studi Kasus Penetapan Pengadilan Negeri Surakarta Nomor 333/Pdt.P/2018/Pn.Skt)*, Fakultas Hukum Universitas Pancasila, 2022

No	Name, Year	Title	Result	Similarities	Differences
	Bahri, 2022. ¹⁷	Interreligious and Mixed Marriage Law in the Islamic World and Its Implementation in Indonesia.	been a very dynamic legal reform through the unification and codification of marriage law to protect the Muslim community as the majority. The rejection of interreligious marriages in Indonesia is interpreted as an effort to protect the benefit of society at large.	the perpetrators of interreligious marriages in the Islamic world and Indonesia	the perpetrators of interreligious marriages from the perspective of legal awareness

F. Literature Review

1. Legal Awareness Theory

Until now there is no definite legal meaning. To formulate the meaning of law is not easy, because the law includes many aspects and forms so that one understanding may not cover all aspects and forms. In addition, each person or expert will give a different meaning according to their respective point of view which will highlight certain aspects of the law according to the chancellor.¹⁸

¹⁷ Syamsul Bahri, *Dinamika Hukum Perkawinan Beda Agama dan Campuran di Dunia Islam dan Implementasinya di Indonesia*. Jurnal Mahasiswa Hukum Vol. 23 No. 1 2022

¹⁸Kansil, *Pengantar Ilmu Hukum dan Tata Hukum Indonesia*, 1992. hlm 34-36

Prof. Mr.E.M Meyers quoted "Laws are all rules that contain considerations of decency, are aimed at human behavior in society, and which serve as guidelines for state authorities in carrying out their duties."¹⁹ Leon Duhuit: "The law is a rule of behavior of members of society, a rule whose power to use at a certain moment is heeded by a society as a guarantee of a joint reaction and which, if violated, causes a joint reaction against the person who committed the violation."²⁰

Immanuel Kant: "law is the whole of the conditions under which the free will of one person can conform to the free will of another person according to the legal regulations concerning freedom."²¹ S.M Amin, a legal expert also expressed his opinion as follows: "Law is a collection of regulations consisting of norms and sanctions called law and the purpose of the law is to establish order in human relations so that security and order are maintained."²²

Legal awareness is self-awareness without pressure, coercion or orders from outside to comply with applicable laws. With the passage of legal awareness in society, the law does not need to impose sanctions. Sanctions are only imposed on citizens who are truly proven to have

¹⁹Durahman Marpaung, Surya Bakti, Rahmat Suhargon.. *Communnity Development Journal* Vol.2, No.3 November 2021, hlm.989- *Urgensi Pemahaman Hukum Ekonomi Terhadap Para Generasi Muda* 992 P-ISSN 2721-4990| E-ISSN 2721-5008 989

²⁰Kansil dan Charistine. *Pengantar Ilmu Hukum Indonesia*. Jakarta:Rineka Cipta, 2014, hlm 53.

²¹Kornelius Ayub Dwi Winarso, *Perbandingan Etika Immanuel Kant Dan Joseph Fletcher Serta Relevansinya Terhadap Positivisme Hukum Di Indonesia*. *Jurnal Hukum Magnum Opus* Agustus 2020 Volume 3, Nomor 2

²²Kansil, *Pengantar Ilmu Hukum dan Tata Hukum Indonesia*, Balai Pustaka Indonesia, Jakarta 1992, hlm 11.

violated the law. The law contains orders and prohibitions. The law tells us which actions are contrary to the law which if carried out will be threatened in the form of legal sanctions. For actions that are contrary to the law, of course they are considered to be against the law so that they are threatened with punishment.

The definition of legal awareness according to experts:

- a. Krabbe stated that legal awareness is awareness or values contained in humans, about existing laws or about laws that are expected to exist.²³
- b. Soerjono Soekanto stated that legal awareness is a matter of values contained in humans regarding existing laws or about laws that are expected to exist. Actually, what is emphasized is the values regarding the function of law and not a legal assessment of concrete events in the community concerned.²⁴
- c. Paul Scholten what is meant by legal awareness is the awareness that exists in every human being about what the law is or what the law should be, a certain category of our psychological life from which we distinguish between law (recht) and not law (onrecht) between what should be done and should not be done.²⁵
- d. Sudikno Mertokusumo stated that legal awareness means awareness of what we should do or what we should not do, especially towards other

²³Achmad Ali dan Wiew Heryani. *Menjelajahi Kajian Empiris Terhadap Hukum*. Jakarta : kencana 2012. hlm 141

²⁴Soerjono Soekanto. 2002. *Kesadaran Hukum Dan Kepatuhan Hukum*. Jakarta : Raja Grafindo Persada. 2002. hlm 215

²⁵Marwan Mas. 2014. *Pengantar Ilmu Hukum*. Bogor :Penerbit Ghaila Indonesia hlm 88

people. This means awareness of our respective obligations to others.²⁶

2. Marriage According to Indonesian Legal System

Marriage is a binding agreement in forming family relationships that have legal force in law.²⁷ In practice, marriages that have positive legal force in Indonesia are based on laws or regulations regarding the implementation of the marriage itself.²⁸ In this sense it can be concluded that the implementation of marriage must have legal force where the implementation must be recorded so that it has legal force in accordance with the laws and regulations in Indonesia.

The definition of marriage according to Article 1 of the Compilation of Islamic Law (KHI) is that marriage has a valid contract to obey Allah's commands in carrying out a worship. Whereas in Article 2 of the Compilation of Islamic Law, marriage is the implementation of an agreement between husband and wife who have a very strong contract or *mitsaqan ghalidhan* to carry out worship that has been ordered by Allah. In addition to marriage contained in the law and other regulatory provisions, experts have also formulated the definition of marriage itself.

According to Prof. Dr. R. Wirjono Prodjodikoro, S.H, marriage is the implementation of living together in the household as husband and wife who

²⁶Sudikno Mertokusumo, *Meningkatkan Kesadaran Hukum Masyarakat*, Edisi Pertama. Yogyakarta : Liberti, 1981. hlm 13

²⁷Mesya Nurfitriah, *Janji Menikahi Yang Mengikat Dalam Kaitannya Dengan Asas Pacta Sunt Servanda*, Jurnal USM Law Review Vol 6, No 1 (2023)

²⁸Titik Triwulan Tutik, *Pengantar Hukum Perdata di Indonesia*, Presentasi Pustaka, Jakarta, 2006, hlm. 106.

have fulfilled certain requirements.²⁹ In this opinion, the implementation of a household must comply with certain conditions in accordance with positive law in Indonesia, if it is not in accordance with the provisions in Indonesia, then the implementation of the marriage is not valid according to law.³⁰

Meanwhile, according to Muhammad Abdu Ishrah, marriage is a contract that provides legal benefits in the ability to carry out family relations (husband and wife) between men and women in limiting the rights of one another and carrying out the fulfillment of each other's obligations in its implementation.³¹ In this definition it can be concluded that in the implementation of marriage between husband and wife must fulfill each other's rights and obligations which are based on affection.³² So, it can be concluded from some of the meanings that the author has described above, marriage is the implementation of an agreement that binds each other between husband and wife who have legal force so that they will get or give rights and obligations in the implementation of the marriage for a long time.³³ Marriage according to Islam is a worship that must be carried out by

²⁹Wiryo Prodjodikoro, *Hukum Perkawinan di Indonesia*, Sumur, 1984, Bandung, hlm.7.

³⁰Made Widya Sekarbuana, Ida Ayu Putu Widiawati, I Wayan Arthanaya. *Perkawinan Beda Agama Dalam Perspektif Hak Asasi Manusia Di Indonesia*. Jurnal Preferensi Hukum | ISSN: 2746-5039 Vol. 2, No. 1 –Februari 2021, hlm 16-21

³¹Djamaan Nur, *FiqhMunakahat*, 1993, Dina Utama Semarang, hlm 3-4.

³²Candra Refan Daus, Ismail Marzuki. *Perkawinan Beda Agama di Indonesia; Perspektif Yuridis, Agama-agama dan Hak Asasi Manusia*. Al-'Adalah: Jurnal Syariah dan Hukum Islam e-ISSN: 2503-1473 Vol. 8, No. 1, Juni 2023, 40-64

³³Fatahullah. *Problematika Keabsahan Perkawinan Beda Agama Yang Dilakukan Di Luar Wilayah Hukum Indonesia*. Jurnal Kompilasi Hukum Volume Volume 5 No. 1, Juni 2020 E-ISSN 2598-6414, P-ISSN 2502-5333

every human being when he is *baliq*.³⁴ Marriage is formed because there is a sense of love and affection to build a household that is *sakinah, mawaddah wa Rahman*.³⁵ The purpose of marriage is to create a family based on feelings full of love and affection to build peace and tranquility in a husband-and-wife relationship. The validity of the marriage is carried out according to the religious law of the two prospective bride and groom. There is a principle of monogamy which allows a man to marry one woman, but if he is allowed to practice polygamy then he can do so if he fulfills various requirements decided by the court. The soul and body owned by a husband or wife must be an adult which this Marriage Law limits the age for the bride and groom, for prospective grooms, namely 19 (nineteen) years and for prospective brides, namely 16 (sixteen) years.³⁶ The rights and position of husband and wife are balanced. There are 6 (six) principles for marriage contained in the Compilation of Islamic Law³⁷, namely: the principle of agreement³⁸, the principle of freedom, the principle of cooperation between parties, the principle of consistency in worship,³⁹ the

³⁴Patricia Karlina Dimiyati, Rosalinda Elsin Latumahina, *Akibat Hukum Terhadap Perkawinan Beda Agama Di Indonesia (Studi Terhadap Putusan Pn Surabaya Nomor 916/Pdt.P/2022/Pn Sby)*. Bureaucracy Journal : Indonesia Journal of Law and Social-Political Governance p-ISSN : 2797-9598 | e-ISSN : 2777-0621 Vol. 3 No. 1 Januari - April 2023

³⁵Mariani. *Kedudukan Perkawinan Beda Agama Dan Perkawinan Campuran Di Indonesia*. al-banjari, hlm. 84-111 Vol. 19, No.1, Januari-Juni 2020 ISSN (Print) 1412-9507 ISSN (Online) 2527-6778

³⁶ Pasal 7 ayat (1) Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan.

³⁷ Ubaidillah Firly. *Kajian Hukum Pemberian Izin Poligami Istri Pertama Dikaitkan Dengan Undang-Undang Perkawinan Dan Kompilasi Hukum Islam*. Focus Of Law Vol 2 No 2 (2022)

³⁸ Aulil Amri. *Perkawinan Beda Agama Menurut Hukum Positif dan Hukum Islam*. Media Syari'ah, Vol. 22, No. 1, 2020

³⁹ Ika Novitasari. *Status Anak Hasil Perkawinan Likka Soro' Dalam Adat Mandar Menurut Perspektif Kompilasi Hukum Islam (Khi)*. Jurnal Hukum Unsulbar Vol 6 No 1 (2023).

principle of expediency in building a family,⁴⁰ and principle of legal certainty.

3. Theory of Interreligious Marriage

According to Islamic teachings, interreligious marriage is not recommended, and in some Islamic traditions in several countries, it is even prohibited.⁴¹ In the Islamic view, marriage is a sacred bond between a Muslim and a Muslim woman, or a Muslim woman and an Ahlul Kitab (people who have holy books such as Jews and Christians).⁴² However, if a Muslim wants to marry someone who is not ahl al-Kitab, then the couple is required to embrace Islam.⁴³ The aim is to ensure the same religious beliefs within the household and prevent future religious conflicts.

Views on interreligious marriage in Christianity can vary depending on sects or denominations.⁴⁴ Some Christian denominations allow interreligious marriages as long as the married couple agree to respect each other's religious beliefs and commit to living a harmonious religious life.⁴⁵ However, there are also Christian denominations that oppose interreligious

⁴⁰ Umul Baroroh. *Fiqh Keluarga Muslim Indonesia*. CV Lawwana Semarang, 2019, hlm 25

⁴¹ Muhamad Arsy Surya Saputra *Perkawinan Beda Agama Menurut Peraturan Perkawinan di Indonesia Dihubungkan dengan Putusan Mahkamah Agung*. Bandung Conference Series: Law Studies <https://doi.org/10.29313/bcsls.v2i1.872>

⁴² Ibnu Radwan Siddik. *Perkawinan Beda Agama: Perspektif Ulama Tafsir, Fatwa Mui dan Hukum Keluarga Islam di Indonesia*. Al-Tadabbur: Jurnal Ilmu Al-Qur'an dan Tafsir P-ISSN: 2406-9582 E-ISSN: 2581-2564 DOI: 10.30868/at.v6i01.1337 107

⁴³ Fitrawati. *Diskursus Perkawinan Beda Agama Di Indonesia Dalam Tinjauan Universalisme Ham Dan Relativisme Budaya*. Jurnal Ilmiah Syari'ah, Volume 20, Nomor 1, Januari-Juni 2021

⁴⁴ Meliyani Sidiqah. *Legal Vacuum In Interfaith Marriage Rules*. Iblam Law Review Sekolah Tinggi Hukum Bandung. P-ISSN 2775-4146 E-ISSN 2775-3174 Volume 3, Nomor 1, 2023

⁴⁵ Sally Azaria, *Christian Youth Preferences in Interfaith Marriage: A Study Case in Surabaya, Indonesia*. ICLSSE 2022,

marriages because they are seen as disrupting the unity of faith and worship in the family.⁴⁶

In Catholic teaching, interreligious marriage is not encouraged, but it is permitted in some special situations with certain conditions. One of them is the approval of the local Catholic church authorities.⁴⁷ The Catholic Church expects interreligious married couples to be committed to facing the challenges and difficulties that may arise as a result of their different religious beliefs and to raising their children in Catholicism.⁴⁸

Buddhism does not specifically regulate interreligious marriages. However, Buddhism encourages the principles of mutual understanding, mutual respect and mutual love in human relations, including in marriage. Therefore, in interreligious marriages involving a Buddhist, it is hoped that the married couple will respect each other's religious beliefs and strive to live harmoniously in a diversity of religious beliefs.⁴⁹

Hindu teachings recognize interreligious marriage, but in practice it can vary depending on the traditions and beliefs of the Hindu community in

⁴⁶ Simajuntak, H. A. (2023). *A Interfaith Marriage based on Positive Law and Protestantism Perspective*. *Al Ahkam*, 18 (2), 30–36. 2023

⁴⁷ Lolita Permanasari. *Legal Analysis of Interfaith Marriage in Indonesia*. *IUS POSITUM (Journal of Law Theory and Law Enforcement)* <https://journal.jfpublisher.com/index.php/jlte> Vol. 2, Issue. 1, February 2023

⁴⁸ Budi Hermono, *Juridic Review of Different Religion Divorce on Islamic and Catholic Religions*, Proceedings of the International Joint Conference on Arts and Humanities 2022 (IJCAH 2022)

⁴⁹ Nur Fika Palilati. *Review of Compilation of Islamic Law Against Interfaith Marriage* Oktober 2022

an area. In Hinduism, marriage is considered a sacred bond between two souls that aims to achieve spiritual union.⁵⁰

Confucianism prohibits marriage between couples of different faiths. Because the confirmation of marriage requires recognition of religion and belief. The administrator of the Indonesian Confucian Religious Council (Matakin), Chandra Setiawan, stated that the marriage confirmation ritual could only be performed for people who believed in Confucianism.

G. Research Method

1. Types of Research

The type of research used by the author in this thesis is empirical juridical or in other words is a type of sociological legal research and can also be called field research, namely by examining the legal provisions that apply and what actually happens in society.⁵¹ This research is to find the facts and data needed by the author, after the data is collected then identify problems which will eventually find a solution to the problem.

2. Research Approach

The problem approach in this case is by means of a case approach and statutory approach. The case approach is to build legal arguments in the perspective of concrete cases that occur in the field, of course

⁵⁰ Ketut Sudiarmaka, I G A Lokita Purnamika Utami, Ni Ketut Sari Adnyani, & I Wayan Landrawan. *Study Of Balinese Customary Law On Inheritance Rights Of Children From Interfaith Marriages*. Jurnal Komunikasi Hukum (JKH), 9(1), 529–539. 2022

⁵¹ Bambang Waluyo, 2002, *Penelitian Hukum Dalam Praktek*, Jakarta: Sinar Grafika, Hlm. 15-16.

these cases are closely related to the cases the author is currently researching. This statutory approach is used to examine the rules governing interreligious marriages.

a. Case approach

In normative research has the aim of studying the application of legal norms or rules carried out in legal practice. This type of approach is usually used in cases that have already received a verdict.

b. Statutory approach

This approach is carried out by examining all laws and regulations related to the legal issues being discussed (researched).⁵²

3. Source of Legal Material

The sources of legal materials obtained in writing this thesis are primary legal materials, additional or secondary legal materials and tertiary legal materials. The three legal materials can be explained as follows:

a. Primary Materials

Primary Data, namely data obtained directly from the main source that has problems to be discussed. Primary data in this study is data obtained by distributing questionnaires related to people's behavior.

⁵² Ronny Hanitijo Soemitro, *Metodologi Penelitian Hukum dan Jurimetri*, (Jakarta: Ghia Indonesia, 1988), hlm. 13-14

b. Secondary Materials

Secondary Data, data obtained through library research (Library Research), whose legal materials consist of:

- 1) Primary Legal Materials, which include:
 - a) The 1945 Constitution of the Republic of Indonesia;
 - b) Civil Code (KUHPerdata);
 - c) Law Number 1 of 1974 concerning Marriage;
 - d) Religion regulations regarding interreligious marriages.
- 2) Secondary Legal Materials, namely legal materials used to support primary legal materials to provide explanations regarding primary legal materials so that a deeper understanding analysis can be carried out. Secondary law materials consist of legal journals, scientific papers or books related to research topics.

c. Tertiary Materials

Tertiary legal materials, namely complementary legal materials which provide an explanation of primary and secondary legal materials. Tertiary legal materials consist of the Indonesian Dictionary (KBBI), encyclopedias, mass media, both print and electronic.

4. Legal Material Collection Techniques

The technique used in collecting legal materials in this research is to do Library research and Field research. Library research technique is a

technique for collecting legal materials by conducting literature studies that have a connection with the object of study of the problems to be studied. The function of the technique of obtaining this data in research is to find answers to the formulation of the problem by studying legal literature that is relevant or related to the problem. To obtain the materials needed in relation to the problem under study, therefore the technique used in tracing legal materials to be used in this research is through literature study or (*library research*), in several ways, namely:

- a. Collecting primary legal materials, namely through library research, as well as collecting all information related to primary legal materials.
- b. Collecting secondary legal material, namely through various literature and some information that can support it so that it can help in relation to secondary legal material that has a relationship with the problem being researched by the author.
- c. Collecting tertiary legal materials by conducting interviews with competent parties.

5. Legal Materials Analysis Technique

In this study the technique of analyzing legal materials used is a qualitative method. The qualitative analysis method itself is a method that describes descriptively the primary data and secondary data used in parsing the problems in this study which are elaborated based on

laws and regulations. Qualitative descriptive method aims to describe a condition, situation or phenomenon in real terms and what it is.⁵³

6. Systematic Research

To get a clear picture of the direction and purpose of writing this thesis, the outline of this thesis can be described as follows:

CHAPTER I: INTRODUCTION

Chapter I is an introduction which contained reasons for taking the research title, problem formulation, research objectives and benefits, originality and literature review related to the research problem. This chapter also described the research systematics.

CHAPTER II: LITERATURE REVIEW

Chapter II contained a literature review which described the various theories and laws and regulations as well as religious regulations that are studied, which are related to an analysis of the legal awareness of interreligious marriage actors towards their respective religions.

CHAPTER III: RESEARCH RESULTS AND DISCUSSION

Chapter III is the result of the research and discussion of the analysis which described the legal awareness of interreligious marriage actors towards their respective religions.

CHAPTER IV: CLOSING

Chapter IV contained conclusions and suggestions related to the problems studied.

⁵³Sudaryono, 2018, *Metodologi Penelitian*, Depok; Rajawali Pers. hlm.82.

CHAPTER II

GENERAL OVERVIEW OF LEGAL AWARENESS, MARRIAGE ACCORDING TO INDONESIAN LEGAL SYTEM, AND INTERRELIGIOUS MARRIAGE

A. Legal Awareness

1. Legal Awareness according to Law in Indonesia

The definition of legal awareness comes from the word aware. According to the Indonesian Dictionary (KBBI), the meaning of legal awareness is someone's consciousness or realization of the values that are contained in every human regarding existing laws. Another meaning of legal awareness is someone's sense of knowledge that certain behavior is regulated by law. Legal awareness involves an understanding the rule of law and the values that underlie it, and also recognizing that law is a framework that regulates individual behavior and social interaction. This includes an understanding that law aims to achieving justice, maintaining order, protecting human rights and encouraging social welfare, and also an

understanding of the consequences of breaking the law, both individually and as a member of society. Although the 1945 Constitution does not specifically mention legal awareness, several articles in the Constitution show the importance of legal awareness in the life of the nation and state. Article 27 of the 1945 Constitution stipulates that all citizens must uphold the law and government and legal awareness is one of the important factors affecting law enforcement.

Legal awareness is a principle that contained within humans regarding law. The indicators that can be used as benchmarks are having the desire to live in an orderly manner, obeying rules, upholding humanity, and having a sense of self-introspection.⁵⁴ Jimly Asshiddiqie, stated that legal awareness includes two main aspects, awareness of rights and obligations as citizens, and awareness of the importance of respecting and obeying the law.⁵⁵ In order for there to be harmony between the applicable law and the legal awareness of the community, the regulation itself must be rational and implemented in an orderly manner. Harkristuti Harkrisnowo, stated that legal awareness includes the understanding and attitude of every citizen towards the law, especially in an effort to comply with the law and use the law as a means to achieve social justice.⁵⁶ Yuliandri, argues that legal awareness is individual and community awareness of legal rights and

⁵⁴Journal Citizenship Virtues, 2022, 2(1), 215-222ISSN 2775-9946 Hubungan Antara Pemahaman Etika Politik dan Kesadaran Hukum Dengan Budaya Politik OrganisasiMahasiswaSaryono

⁵⁵Asshiddiqie, Jimly, 2015, Hukum Tata Negara dan Pilar-Pilar Demokrasi, Jakarta : Sinar Grafika.

⁵⁶Harkristuti Harkrisnowo, Reformasi Hukum: Menuju Upaya sinergistik Untuk mencapai Supremasi Hukum yang Berkeadilan, Jurnal Keadilan Vol. 3, No. 6 Tahun 2003/2004.

obligations possessed as citizens as well as an understanding of legal processes and institutions in the life of the state.⁵⁷

Legal awareness is also defined as "faith of peaceful social life which forms the basis of regulation (constant) and beslissigen (decisions) which can be said to be the container for the fabric of law that settles in the human heart". Both of these limitations clearly show that legal awareness is compliance to carry out legal provisions not only depending on understanding and knowledge, but priority is given to attitudes and personality to manifest a form of legally aware behavior.

Legal awareness is a feeling in humans about existing laws, which will be manifested in the form of obedience to the law. Through psychological processes, humans distinguish which behaviors should be performed and which should not be performed. This opinion is strengthened by the opinion of Soerjono Soekanto who argued that "legal awareness is a value contained in humans about existing laws or about laws that are expected to exist". If people do not aware about the law, this should become material for study by law makers and enforcers. Non-compliance with the law can be caused by two things, namely⁵⁸:

- 1) Violation of the law is considered as a habit and even a necessity;
- 2) The applicable law is no longer in accordance with the demands of life.

⁵⁷ Ahmad Yamin, 2023., *Hukum Sebagai Rekayasa Sosial dan Pembangunan (Kajian Sosiologi Hukum)*, IJIP (Jurnal Ilmiah Ilmu Pendidikan) (eISSN: 2614-8854) Volume 6, Nomor 4, April 2023

⁵⁸ Soerjono Soekanto, *Perspektif Teoritis Studi Hukum Dalam Masyarakat*, Jakarta: Rajawali Press, 1985, hlm. 152

From an Islamic perspective, legal awareness is closely related to Muslim understanding of the teachings of Islamic law (shariah) and the obligation to live based on the principles of Islamic law. Legal awareness in Islam includes an understanding of the commandments and prohibitions in religion and awareness of the consequences of violating sharia law.⁵⁹

There are some important aspects of legal awareness in Islam.⁶⁰ First, understanding of God's Law. Legal awareness in Islam includes an understanding of the laws contained in the Qur'an and hadith, as well as an understanding of how these laws are applied in everyday life. Second is obedience, legal awareness in Islam requires Muslims to obey and comply with Allah's laws and stay away from all the prohibitions. Next is justice and balance. Legal awareness in Islam also includes awareness of the importance of applying the law in a fair and balanced manner, without discrimination and abuse. Next are consequences and accountability, which means legal awareness in Islam reminds Muslims about the consequences of their actions. Every deed will be accounted before Allah, whether it is a reward for good or punishment for evil. Lastly, respect and justice. Legal awareness in Islam teaches to respect the legal authorities and try to carry out justice in society.

In order for a professional harmony to occur between the applicable law and the legal awareness of the community, the regulations themselves

⁵⁹Ahmad Tholabi Kharli, 2013. Hukum Keluarga Indonesia Sinar Grafika Jakarta, 2013

⁶⁰Harahab, 2016. Kesadaran Hukum Umat Islam di Daerah Istimewa Yogyakarta untuk Membayar Zakat, MIMBAR HUKUM Volume 28, Nomor 1, Februari 2016

must be rational and implemented in an orderly and reasonable manner. Legal awareness is a mental and moral interdependence, each of which depends on the human ego. In this regard, Widjaya argues that legal awareness is a condition in which there are no life clashes in society. Society in life is balanced and harmonious. Legal awareness is accepted not by coercion, even though there are restraints from outside the human being or society itself in the form of legislation.⁶¹

Based on Islamic perspective, legal awareness is seen as an integral part of the overall religious awareness. Muslims are taught to live according to Allah's laws and follow the teachings in all aspects of life, both in matters of religious rituals and in social, economic and political relations. The efforts to build legal awareness cognitively in the form of education, arrangement, training and legal socialization must be synergized with the efforts to make the legal awareness affective in the form of providing mental & spiritual enlightenment to the dimension of the human soul (al-nafs) with its position as subject and object of law in order to obtain optimal results, namely the applicable law becomes the attitude and behavior of individuals on a daily basis.⁶²

Therefore, it can be said that legal awareness is an individual's realization of regulations that must be obeyed, which can affect both themselves and other communities with thorough understanding of one's

⁶¹ Widjaya, *Kesadaran Hukum Manusia dan Manusia Pancasila*, Jakarta: Era Swasta, 1984, hlm. 18

⁶² Syuhada, 2019. Titik Temu Aspek Nafs Dengan Kesadaran Hukum, LEGITIMASI, Vol. 8 No.2, Juli-Desember 2019

rights, obligations, and the overall legal system in a society. It involves understanding laws, rules, and legal processes, along with the ability to apply this knowledge practically. This knowledge empowers individuals to navigate legal complexities and stand up for their rights. Legal awareness is important for upholding justice and ensuring equality.

B. Overview of Marriage According to Indonesian Legal System

1. Definition of Marriage

Law Number 16 of 2019 that Amends Law Number 1 of 1974 concerning Marriage, what is meant by marriage is defined as an inner and outer bond between a man and a woman as husband and wife with the aim of forming a family according to their beliefs (Article 1 paragraph 1). Positive law in Indonesia has provided law regarding marriage which is embodied in the existence of Law Number 1 of 1974 concerning Marriage. Government Regulation no. 9 of 1975. "*Marriage is legal, if it is carried out according to the laws of each religion and belief.*"⁶³ This means that a marriage can be categorized as a valid marriage if it is carried out according to the laws of each religion and belief of the couple who will be married. Thus, the determination of whether or not a marriage is permissible depends on religious provisions, because the basis of religious law in carrying out a marriage is very important in Law Number 1 of 1974. If religious law declares a marriage invalid, so does according to the law of the country the marriage is also invalid.

⁶³ Law Number 16 of 2019 Amends Law Number 1 of 1974

According to Subekti, the definition of marriage is a relationship between a man and a woman that is governed by law and based on affection and voluntary consent to live together. Marriage is a strong bond based on a very deep feeling of love from each party to live together in order to maintain human survival on earth. Yahya Harahap stated that marriage is an institution that recognized by law as a physical and spiritual bond between a man and a woman to live together in the family. Marriage as a unit that promises and even lasting intimacy as well as cultural preservation and fulfillment of interpersonal needs.⁶⁴

Duvall and Miller, say that marriage is a relationship that is known for socially and monogamously, namely a relationship in pairs between one woman and one man. So that it can be defined as a unitary relationship between husband and wife in the hope that they will accept the responsibility and doing the role of a married couple, in which there is sexual intercourse, the desire to have children and determine the division of tasks between husband and wife. In this regard, Widjaya argues that legal awareness is a condition in which there are no life clashes in society.⁶⁵ Society in life is balanced and harmonious. Legal awareness is accepted not by coercion, even though there are restraints from outside the human being or society itself in the form of legislation.

⁶⁴ Syarifah Lisa Andriati, 2022. Implementasi Perubahan Batas Usia Perkawinan Menurut UU No. 16 Tahun 2019 tentang Perubahan Atas UU No. 1 Tahun 1974 tentang Perkawinan VOL. 11 NO. 1 (2022): BINAMULIA HUKUM / Articles

⁶⁵ Widjaya, *Kesadaran Hukum Manusia dan Manusia Pancasila*, Jakarta: Era Swasta, 1984, hlm. 18

A marriage is valid if it fulfilling the requirements of marriage and is carried out according to the laws of each religion and is recorded according to statutory regulations. The conditions for marriage are regulated from Article 6 to Article 12 of Law No. I of 1974. Whereas Articles 6 to 11 contain the material requirements for marriage, while Article 12 regulates the formal requirements for marriage. The material requirements for marriage can be concluded from Articles 6 to 11 of Law No.1 in 1974.

In Article 39 of Government Regulation No. 9 of 1975 regulates the waiting time for a woman if she wants to remarry. If the marriage is dissolved due to death, the waiting time to remarry is 130 days from the time the husband dies. But when the marriage is broken up due to divorce, then the waiting time for a woman who is still menstruating is 3 sacred times with a minimum of 90 days calculated from the date of the court decision that has permanent legal force. And if the marriage ends while a widow is pregnant, a waiting period is set until she gives birth. Whereas, for the widows who break up due to divorce, and the widow and her ex-husband never had sexual relations, then there is no waiting time if she wants to remarry.

Article 8 Law no. I/1974 states that marriage is prohibited between two people who are blood-related in a straight line down or up/incest. And even blood-related in a sideways lineage, namely between siblings, between a person and their parents' siblings, and between a person and their grandparents. Semenda relationship is a family relationship caused by

marriage, which is one between husband and wife and the blood relatives of the other.⁶⁶ Semenda relations are prohibited in the implementation of marriage, this is contained in Article 8 of Law Number 1 of 1974 concerning Marriage in conjunction with Article 39 of the Compilation of Islamic Law.

The person who is going to get married must notify or submit his wish to the Marriage Registrar where the marriage will take place, at least 10 days before the marriage. The submission can be made verbally or in writing by the prospective bride, parents, or representatives. The filing of the submission contains the name, age, religion, and place of residence of the prospective bride and groom⁶⁷. After the conditions are accepted by the Marriage Registrar, they examine whether the requirements have been met or not. Research results are written in a special register for this matter.⁶⁸ On the conditions have been fulfilled by the Marriage Registrar, the married should make an announcement signed by the Marriage Registrar which shall contain the name, age, religion, and occupation of the bride and groom, etc. Then the marriage is carried out after the 10th (tenth) day according to the laws of each religion and its beliefs. The two prospective bride and groom sign the marriage certificate in front of the registrar's staff and in the presence of two witnesses, so the marriage has been officially registered. The marriage certificate is made in duplicate, one for the Registrar and the

⁶⁶ Rafika Hakim, Haedah Faradz, dan Noor Asyik, 2022, HUBUNGAN SEMENDA SEBAGAI ALASAN PEMBATALAN PERKAWINAN

⁶⁷ Article 3, Law No.1, year 1974,

⁶⁸ Article 6 and 7, Law No 1, year 1974

other kept by the Court Registrar. Husband and wife are each given a copy of the marriage certificate.⁶⁹

The Population Administration Law (Administrasi Kependudukan) provides a legal basis for the implementation of integrated and comprehensive population development, management and administration and states the importance of accurate and up-to-date population data as a basis for providing various public services, protecting citizens' rights, and carrying out development programs in various sectors.⁷⁰ The Population Administration Law emphasizes the obligation for every Indonesian resident to register with a designated population agency, such as the Local Population and Civil Registration Office or the One-Stop Integrated Service Office.⁷¹

After the marriage takes place, Local Population and Civil Registration Office will issue the Marriage Certificate as valid proof of the marriage.⁷² This marriage certificate will be the basis for obtaining the rights and obligations as husband and wife in the eyes of the law. After marriage, the residence status of the husband and wife will change. Every married couple will be given a new ID Number (NIK) that giving out their marital status. Marriage registration in the Population Administration Law is important to recognize the legality of marriage in the eyes of state law. The

⁶⁹ Liky Faizal, 2018. Akibat Hukum Pencatatan Perkawinan. Jurnal Fakultas Syariah IAIN Raden Intan Lampung Vol II No 1

⁷⁰ Law No. 23 of 2006

⁷¹ Law No. 22 Of 1946 Concerning Registration of Marriages, Talak and Reference.

⁷² Khalik, Abdul, 2019, *Kedudukan Pencatatan Perkawinan Terkait Lahirnya Perpres No. 96 Tahun 2018*.

Marriage Certificate will be the basis for obtaining inheritance rights, access to public services, as well as various other rights and obligations related to marital status. The Population Administration Law allows the government to collect statistical data on marriages in Indonesia, including data on the number and characteristics of marriages that occur.

Based on Islam teachings, there are at least five pillars of marriage that must be fulfilled by prospective Muslim brides who want to get married. The first pillar is mentioned for prospective grooms and brides who are not hindered by syar'i. The obstacle here is that the bride and groom do not have a mahram relationship. Then the second pillar is that there must be a guardian of the prospective bride. Next, there must be two male witnesses who witness whether the contract is valid or not, as well as the pronouncement of the consent from the guardian of the prospective bride or her representative, the same as for the groom.⁷³

In addition to fulfill the pillars of marriage that have been described, there are conditions for marriage in Islam that must be carry out by the bride and groom. The first condition that must be fulfilled in marriage according to Islam is that the prospective husband and wife must be Muslim. It is not legal for a Muslim to marry a non-Muslim in the Islamic way (ijab kabul). And the bride and groom must not be mahrams, this shows that there is no barrier to marriage. Therefore, it is necessary to trace the lineage of each bride and groom before marriage. Furthermore, it is mandatory for the bride

⁷³ Isnan Ansory, 2020, Fiqih Mahar, Rumah Fiqih Publishing: Jakarta., 2020

to have a guardian if wants to be married. A marriage is valid if there is attended by a marriage guardian for the bride and groom. If the bride and groom still have a biological father, then he is the most important individual to become a marriage guardian. However, if the woman's father has passed away or is of a certain age, he can be represented. Marriage guardians can usually be represented by siblings (brothers or sisters of the prospective bride and groom) in the family, or also the oldest living male in the family, for example, grandfather, uncle, and so on based on lineage. If there are no guardians from the family lineage, an alternative can be sought, for instance, a guardian with terms and conditions.⁷⁴

Apart from being attended by the guardian of the bride and groom, the wedding must also be attended by 2 witnesses. The two witnesses are one from the groom's side and one from the bride's side. A marriage witness must be Muslim, mature, and understand the meaning of the contract. Hereinafter, Jumhur scholars forbid marriage during Hajj or Umrah (during ihram).⁷⁵ This condition was once emphasized by a scholar of the Shafi'i school who wrote in the book "Fathul Qarib al-Mujib" stated that one of the prohibitions during Hajj is to perform a marriage or to become a guardian in a marriage "The eighth (of the ten things that are forbidden during ihram) is the marriage. The marriage is prohibited for those who are in ihram, both for themselves and for other people (to become guardians)". Lastly, of all the

⁷⁴ Isnan Ansory, 2020, *Fiqh Mahar*, Rumah Fiqih Publishing: Jakarta

⁷⁵ M. Husni Mubarak, Suyud Arif, 2013, *Pernikahan Pada Waktu Ihram Menurut Imam Syafi'i dan Imam Abu Hanifah*, Mizan; *Jurnal Ilmu Syariah*

things that have been mentioned, in marriage, there should be no coercion from one party to another. Both parties should be happy and love each other, so they agree to get married.

In conclusion, marriage in Indonesia is a dynamic institution molded by both legal and Islamic considerations. Islamic teachings place a strong emphasis on the sacredness of marriage and the moral responsibility it involves, even if the Marriage Law establishes a legal framework for marriage and divorce. The difficulty is in balancing various viewpoints, particularly in complex situations, to make sure that couples may keep their religious convictions while still abiding by the laws of the nation. While the legal and Islamic aspects generally align, there can be challenges in cases involving different religions or interpretations. Overall, marriage in Indonesia blends legal and Islamic values to form a meaningful and harmonious union for couples.

C. Overview of Interreligious Marriage

1. Religions in Indonesia

In the 1945 Constitution of the Republic of Indonesia (1945 Constitution), there are several articles that explicitly mention the word "religion". Article 29 Paragraph (1), (2), and (3) of the 1945 Constitution, these articles emphasize several basic principles related to religion in the 1945 Constitution. In Indonesia, there are six religions that are officially recognized by the government. These religions are regulated and

recognized based on the laws and regulations that apply in Indonesia. The six recognized religions are: Islam, Christianity, Catholicism, Hinduism, Buddhism and Confucianism⁷⁶. In addition to the six religions above, Indonesia also recognizes the diversity of beliefs and other religious beliefs that exist in society. The diversity of beliefs and religions is not officially recognized as an organized religion but is given freedom in their religious practices.

This religious diversity creates opportunities for individuals from various religious backgrounds to interact and communicate with each other in various environments. The spirit of tolerance and respect for religious diversity has become part of the culture and teachings of diversity in Indonesia. This attitude encourages and creates harmonious relations between religions and can open up opportunities for mixed religion marriages.

Religion has boundaries, but “love” does not have religious boundaries, and in some cases, a person of one religion can fall in love with someone else.⁷⁷ Mixed marriages can occur when partners have similar values and views on life that are more important than religious differences. The influence of globalization and interconnection between countries has opened access to cultural and information exchange. Through social media, the internet, and mobility between countries, people

⁷⁶ Agustinus Wisnu Dewantara, 2015, Pancasila Sebagai Pondasi Pendidikan Agama Di Indonesia, *Civis: Jurnal Ilmiah Ilmu Sosial dan Pendidikan Kewarganegaraan*

⁷⁷ Djaja S. Meliala, 2008, Himpunan peraturan perundang-undangan tentang Perkawinan, Nuansa Aulia, Bandung, 2008, hal 1.

have the opportunity to interact with people from various religious backgrounds, which can influence the formation of marital relations.

Despite the potential for interreligious marriages, it must be remembered that such marriages may face different challenges and legal requirements, depending on the religion. Various challenges that may arise in interreligious marriages are borne by the attitude of the government and society itself.

2. The Provisions of Each Religion About Interreligious marriage

There is no marriage that held without the law of religion and belief, so the rules of marriage from religion apply to every marriage. So, for Muslims there is no possibility of marrying by violating the laws of their own religion, as well as for Christians, and for Hindus or Hindu-Buddhists as found in Indonesia.⁷⁸

Another solution that is often made by couples who want to carry out interreligious marriages is to carry out marriages abroad. This has consequences that are equally severe. In addition to burdening costs that are not small, marriage abroad also leaves a little "burden" for the couple, namely regarding the citizenship status of their children. Because their marriage was not carried out according to the laws in force in Indonesia, managing the citizenship status of their children would be more complicated.

⁷⁸Shaleh K. Wantjik, *Hukum Perkawinan Indonesia*, (Jakarta, Ghalia Indonesia, 1982). hlm 16.

Interreligious marriages will increase the number of children who do not have legal parents. Which from here then face some new problems such as the insecurity of the right to maintenance and inheritance. Even worse, children from interreligious marriages often receive humiliation in their association with other children whose parents happen to be married to partners of the same religion. It can almost be concluded that children from interreligious marriages are children whose identity and status are unclear in state law.

a. Interreligious Marriage According to Islam

Marriage is a contract that justifies association and limits rights and obligations as well as mutual assistance between a man and a woman who is not a mahram. QS. an-Nur: 32 which reads:

*“and marry those who are alone among you, and those who are worthy (married) from your male slave followers and your female slave followers. if they are poor Allah will enable them with His grace. and Allah is Extensive (His gifts) and All-Knowing.”*⁷⁹

So, marriage is a sacred need in every human being that provides many important results. By way of marriage that is legal according to religion and country, men and women occurs in an honorable manner according to the position of humans as respectable beings. The association of married life is fostered in an atmosphere of peace, tranquility and affection between husband and wife. Children from legitimate marriages adorn family life and are at the same time the continuity of human life in a clean and honorable manner.⁸⁰

⁷⁹QS.An-nur: 32.

⁸⁰Ahmad Azhar Basyir., *Hukum Perkawinan Islam*, (Yogyakarta: UII Press, 2004), hlm 1.

The opinion that Surat al-Maidah: 5 has expressly permitted Muslim men to marry Ahl al-Kitab women, as stated by the Prophet: "Sura al-Maidah is the last letter of the Qur'an that was sent down. So, make lawful what is lawful and make unlawful what is unlawful."⁸¹ As emphasized in the rules of fiqh that if there are two verses that contradict one another, then take the verse that was revealed more recently. In addition, this group clearly distinguishes between non-Muslims and polytheists based on the reason that in the Qur'an itself there are a number of verses that distinguish Ahl al-Kitab (including Christians and Jews) from polytheists. Among them is the letter al-Baqarah: 105 which reads:

"Disbelievers from the people of the book and polytheists do not want anything good to be sent down to you from your Lord. and Allah determines whom He wills (to be given) His mercy (prophecy); and Allah has great bounty,"

and sura al-Bayyinah:1:

"Disbelievers, namely people of the Book and polytheists (saying that they) will not leave (their religion) until clear evidence comes to them,"

In the two verses above and in other verses, the Qur'an uses the conjunction "and" (waw) in the middle of the word's infidel Ahl al-Kitab and infidel Musyrik. This indicates that the two words (Ahl al-Kitab and Musyrik), have different meanings.⁸²

⁸¹Budi Handrianto, *Perkawinan Beda Agama Dalam Syari'at Islam* (Jakarta: Khoerul Bayan, 2003), hlm 65

⁸²Zainun Kamal dan Musdah Mulia, Makalah: "*Penafsiran Baru Islam Atas Pernikahan AntarAgama*", Oktober 2003, hlm. 3.

According to ulama, a marriage between a Muslim bride and an Ahlul Kitab (Jewish or Christian) husband is legal, but it's against the law to exclude Jews and Christians. Ibnu Umar and Shia Imamiya agreed that it is forbidden for a Muslim bride to marry a non-Muslim groom. Al Baqarah 221 and Al Mumtahanah:10 served as the foundation for it. An ulema with a moderate viewpoint stated that it is permissible under certain conditions for a Muslim bride to marry a non-Muslim husband. Based on the prophet friend's assessment, that was said. Interreligious marriage is illegal in Islam, as stated in the aforementioned rationale. From some of the explanations above regarding interreligious marriage according to Islam, an understanding can be drawn that interreligious marriage is a logical consequence of existing religious diversity. And one small effort in maintaining religious harmony and tolerance in accordance with the purpose of marriage is not only maintaining harmony in the family but also a balanced relationship between two different religious beliefs based on mutual respect and tolerance.

b. Interreligious Marriage According to Christians

The Christian view of marriage is as a living agreement and marriage impoverishes and destroys if it is viewed only from the point of view of the husband-and-wife relationship. So, marriage according to Protestant Christianity is a living communion that includes all life. Who wants married men and women to be one in God's love, one in love, one in

obedience, one in living their humanity and one in carrying the burden of marriage.⁸³

In principle, the Christians religion requires its adherents to marry people of the same religion. Because the main purpose of marriage is to achieve happiness so that happiness will be difficult to achieve if the husband and wife do not share the faith. Even so, the Christian religion does not prevent interreligious marriages between Christians and adherents of other religions.⁸⁴

The Christian Church gives freedom to its adherents to choose whether to only marry in registry office or be blessed in the church or follow the religion of their prospective husband/wife. This is because the Protestant church generally recognizes that marriages are valid according to the customs or religion of those who are not Protestant. Furthermore, because this problem continued to emerge, in the 1989 Assembly of the Complete Worker's Assembly of the Communion of Churches in Indonesia (MPL PGI) it stated its attitude towards marriage. First, the institution entitled to legalize a marriage is the State, in this case the civil

⁸³Tama, Rusli, *Perkawinan Beda Agama dan Masalahnya* (Bandung: Sartika Dharma, 1984), hlm 28.

⁸⁴Abdul Halim, Carina Rizky Ardhani. *keabsahan Perkawinan Beda Agama Diluar Negeri Dalam Tinjauan Yuridis*. Jurnal Moral Kemasyarakatan Vol. 1, No.1, Juni 2016, hlm 67

registry office. Second, the Church is obliged to confirm and bless a marriage that has been legalized by the Government⁸⁵.

While on the other hand, The Bible also explains that marriage is a "rule of God" which is sacramental (holy); that is, he was created within the framework of the whole purpose of His creative work on the universe. Therefore, the church is obliged to strengthen and bless a marriage, not in the sense of legitimacy, but confirmation. In other words, the church serves as a tool in God's hands to confirm and bless the marriage as something that already exists and has been approved by the government. This blessing is carried out after the marriage is legalized by the government.

c. Interreligious Marriage According to Catholic

According to Catholic teaching, that marriage is a sacrament of the Catholic religion bases this teaching on the Bible.⁸⁶ Interreligious marriage as informed by the Bible in incident 6: verses 5-6 is a marriage that is not desired by God. This was evidently responded by God when He saw the progress taking place among human at that time. The marriage is prohibited because it can result in increased sins in human life and will bring regret in God's heart.⁸⁷

⁸⁵ Abdul Halim, Carina Rizky Ardhani. *keabsahan Perkawinan Beda Agama Diluar Negeri Dalam Tinjauan Yuridis*. Jurnal Moral Kemasyarakatan Vol. 1, No.1, Juni 2016, hlm 67

⁸⁶ Agustina, *Perkawinan Antar Agama dan Akibat Hukumnya*, Jurnal Kebudayaan, 2007, hlm 45

⁸⁷ Lihat dalam kitab Kejadian 24

The Catholic Church views about a marriage between a Catholic and a non-Catholic is not an ideal form of marriage, because marriage is considered a sacrament (holy). According to the Canon Law of the Catholic Church, there are obstacles that prevent the marriage. For example, there is a marriage bond (canon 1085), there is pressure/force both physically, psychologically and socially/communally (canons 1089 and 1103), and also because of differences in church (canon 1124) and religion (canon 1086.)⁸⁸

However, as stated in Catholic Law, marriages due to religious differences can only be carried out if there is a dispensation from the Territory Ordinary or the Diocese (Canon 1124). So, in provisions like this, the Catholic Religion in principle prohibits marriage between its adherents and someone who is not Catholic, except in certain cases the bishop can grant dispensation or exceptions.

This dispensation or exception from the bishop will only be given if there is hope that a good and intact family can be fostered after marriage. Also, for the purposes of examination, to ensure there is no obstacle to marriage. And also, to be announced in the parish, to ensure that the process is fair, and that both parties are married consciously and voluntarily, not under compulsion. Because in the Catholic view, a marriage based on a true love relationship, without any relation to any

⁸⁸ Abdul Halim, Carina Rizky Ardhani. *keabsahan Perkawinan Beda Agama Diluar Negeri Dalam Tinjauan Yuridis*. Jurnal Moral Kemasyarakatan Vol. 1, No.1, Juni 2016, hlm 67

religion, must still be accepted as sacred because it is based on God's blessing to humans who are men and women.

d. Interreligious Marriage According to Hinduism

Hindu views regarding interreligious marriage can be vary. In general, Hinduism encourages marriage between Hindus and other Hindus. This is due to the belief that true marriage is a marriage that binds two souls in the same religion, belief, and culture. Marriage is interpreted as a union of two souls trying to achieve a common spiritual goal. Therefore, interreligious marriages can affect the implementation of religious ceremonies and spiritual practices carried out by the couple. The views of some Hindu adherents in Indonesia state that interreligious marriages can cause conflict and difficulties in family life. Differences in religious beliefs and practices between spouses can disrupt household harmony and affect children's religious education.

However, there are also Hindus who think that interreligious marriages can be a means of expanding tolerance and mutual understanding between religions. This view emphasizes the importance of upholding universal values such as love, mutual respect, and harmony in interreligious marriages.

In Hinduism, the importance of maintaining the continuity of offspring is another consideration in interreligious marriages. Some Hindus worry about how their offspring will accept and practice the religion's teachings with religious differences in the family. Along with the

times, there are Hindus who are more open to interreligious marriages. They argue that religious diversity can enrich culture and spiritual understanding in the family.⁸⁹

However, Parisada Hindu Dharma Indonesia (PHDI), stated that interreligious marriages are not justified in Hinduism. Marriage must go through a process called *Wiwaha Samskara* and is a sacred event presided over by a *Pandita*, so both bride and groom are required to embrace Hinduism (same religion). However, this is not known in Indonesia as it has been regulated in a sacred tradition that has been going on for generations, not like in India. That can be conclude that Hindu is prohibited interreligious marriage because towards one spouse from non-hindu is must be convert to Hindu with *Sudhiwadani Ceremony*.⁹⁰

e. Interreligious Marriage According to Buddhism

Buddhism teaches the importance of adherence to the *Dhamma* (Buddhism) and a commitment to develop virtues in life. This view reflects a general trend in Indonesian Buddhism towards adherents to marrying partners who share similar spiritual beliefs and practices. In Buddhism, marriage is considered an important step in human life to develop virtue, support one another, and achieve happiness together. Therefore, interreligious marriages can pose challenges in achieving shared spiritual goals.

⁸⁹ Shaleh K. Wantjik, *Hukum Perkawinan Indonesia*, Ghalia Indonesia, Jakarta, 1982

⁹⁰ Mahkamah Konstitusi Republik Indonesia, *Perkawinan Beda Agama: PHDI dan KWI Beda Pendapat*, 2023

There is a view in Buddhism that emphasizes the importance of sharing religious beliefs and practices in marriage. This is because religious differences in marital relations can affect the practice of worship, religious rites, and the spiritual life of the couple. Another view in Buddhism teaches the importance of mutual understanding, tolerance, and support between partners (spouses) in interreligious marriages. Adherents of this view argue that marriage is an opportunity to practice generosity and understanding, as well as to overcome religious differences wisely.

According to Sangha Agung Indonesia's Buddhist stance on interreligious marriage, marriages involving a bride or groom who is a Buddhist and a non-Buddhist are in certain ways permitted. Legalizing marriage according to Buddhist law is one requirement. The bride or groom need not convert to Buddhism, but they do state during the wedding ceremony that they are doing it "in the name of Buddha, Dharma, and Sangha." Marriage is a dharma in the eyes of Bhikku Prajnavitra Mahasthavira, who saw the foundation of Buddhist thinking as being universal. So, it is impossible to differentiate them based on spiritual principles. According to Bhikku Prajnavitra, a Buddhist wedding ceremony must be adaptable in order to uphold moral and dharmic principles. However, an Indonesian Buddhist figure, Monk Jimmu Gunabhadra, firmly stated that marriage in Buddhism must be of the same

religion, not negotiable.⁹¹ The teachings of Buddhism can only bless the marriage of fellow Buddhists. Buddhism cannot have teachings to condone marriage between two people of different faith.

f. Interreligious Marriage According to Confucianism

Confucianism holds that there is no explicit law that permits or forbids interreligious marriage.⁹² According to Confucianism, marriage is valid if the bride and groom are adults, free from outside pressure, in agreement with one another and with their parents, and the union is performed in a religious ceremony. However, those who hold other Confucian beliefs are not required to convert.⁹³ That leads us to the conclusion that from a Confucian standpoint, interreligious marriage is acceptable for their pilgrims.

Interreligious marriage can be approached differently based on the teachings and legal perspectives of various religious traditions. It's important to note that interpretations and practices can vary within each tradition, and individual beliefs may differ from official teachings. Here's a summary of how interreligious marriage is generally perceived within Islamic, Christian, Catholic, Hindu, Buddhist, and Confucian contexts:

No.	Religion	Conclusions
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⁹¹ Republika, *Nikah Beda Agama, Buddha: Harus Seagama, tak Bisa Ditawar (II)*, <https://news.republika.co.id/berita/nbzau8/nikah-beda-agama-buddha-harus-seagama-tak-bisa-ditawar-ii-2014>, diakses pada 24 Mei 2024

⁹² Junifer Dame Panjaitan, *Urgensi Hasil Perkawinan Beda Agama Terhadap Perlindungan Hukum*, *Jurnal Hukum Mpu Tantular*, Volume 2, Number 1, 2020, Page 194-202.

⁹³ Abdul Nasser Arief Wibowo, *Pelaksanaan Perkawinan Penganut Kong Hu Chu Di Kota Tegal*, Master Thesis, Magister Program Universitas Diponegoro, 2007, Page 46-72.

1.	Islam (Sharia)	In Islamic law, interreligious marriage is generally discouraged, particularly between Muslim women and non-Muslim men. Muslim men are often allowed to marry women from the "People of the Book" (Jews and Christians) due to shared monotheistic beliefs. However, consent from both families and respect for religious practices are usually emphasized.
2.	Christians	In Christianity, interreligious marriage is generally accepted, especially when both partners are committed to understanding and respecting each other's beliefs. Many Christian denominations prioritize love and unity within the marriage, recognizing the importance of shared values while acknowledging religious differences.
3.	Catholics	The Catholic Church encourages interreligious couples to engage in open communication about their religious differences and to work towards creating a harmonious family life. Dispensations may be required for a valid Catholic marriage to take place between a Catholic and a non-Catholic, and the Catholic partner is often required to promise to raise any children within the Catholic faith.
4.	Hinduism	Hinduism has diverse interpretations and practices due to its vastness. Some Hindu communities accept interreligious marriage, while others may be more conservative. Concerns may arise from differences in rituals, customs, and religious practices. Hinduism generally encourages respect for all paths and promotes the concept of unity in diversity.
5.	Buddhist	Buddhism, being a philosophy more than a prescriptive religion, generally emphasizes compassion, understanding, and harmony. Interreligious marriage is

		often accepted in Buddhist communities, provided that both partners share a willingness to learn from and support each other's spiritual journeys.
6.	Confucianism	Confucianism focuses on social harmony and filial piety. While it's not a religion with strict rules, Confucian values might influence attitudes towards interreligious marriage. The emphasis on maintaining familial and societal harmony could mean that such marriages may be met with resistance if they are seen as potentially disruptive.

In conclusion, attitudes towards interreligious marriage vary among different religious traditions. While some religions may discourage it due to concerns about religious unity and family harmony, others may promote understanding, love, and unity across faiths. The willingness of the couple and their families to communicate, compromise, and respect each other's beliefs is often key to making an interreligious marriage work, regardless of the specific religious tradition involved.

CHAPTER III

THE ANALYSIS OF LEGAL AWARENESS OF INTERRELIGIOUS MARRIAGE ACTORS TOWARDS RESPECTIVE RELIGIOUS MARRIAGE NORMS

A. The Understanding of Interreligious Marriage Actors of Law Number 1 of 1974

Marriage in Indonesia is firmly established in religious and cultural traditions, with adherence to religious laws being a fundamental aspect. With a majority of the population practicing Islam but also comprising various other religious communities, each faith has its own set of regulations governing marriage. These religious laws are not only legal requirements but also hold significant cultural and spiritual importance. While in general, marriage represents a relationship that ensures a permanent connection while simultaneously preserving culture and fulfilling interpersonal demands.⁹⁴ To legally marry in Indonesia, people must adhere to the religious requirements of their chosen faith. This process involves obtaining a religious marriage certificate from a respective religious authority, ensuring that the marriage aligns with the teachings and traditions of that faith. The Indonesian government complements this by providing a

⁹⁴ Syarifah Lisa Andriati, *Implementasi Perubahan Batas Usia Perkawinan Menurut UU No. 16 Tahun 2019 tentang Perubahan Atas UU No. 1 Tahun 1974 tentang Perkawinan*. BinaMulia Hukum, 2022.

legal framework to recognize marriages under civil law, granting couples essential legal rights and protections.

Complying with religious law not only satisfies legal obligations but also fosters social acceptance and legitimacy within the community. The desire to live in order, observe norms, uphold humanity, and have a feeling of self-introspection are signs that may be used as benchmarks to achieve legal compliance.⁹⁵ Marriages conducted in accordance with religious traditions are often celebrated with traditional ceremonies and are seen as more valid and blessed by the community. The interplay between religious and civil laws in Indonesia ensures that couples can enjoy both the spiritual and legal benefits of marriage while respecting the country's diverse religious landscape.

Despite religious law emphasizing marriage within one's faith, interreligious marriages do occur. These marriages raised challenges related to social stigma, family opposition, and legal complexities. To legally recognize interreligious marriages in Indonesia, couples must choose one religion for civil registration purposes, even if it doesn't align with their personal beliefs. This requirement impose a compromise between religious principles and the need for state recognition. The debate around interreligious marriage continues, with some advocating for greater flexibility under civil law to accommodate diverse beliefs, while others emphasize preserving religious traditions. In essence, marriage in Indonesia

⁹⁵ Saryono, *Hubungan Antara Pemahaman Etika Politik dan Kesadaran Hukum Dengan Budaya Politik*, *Journal Citizenship Virtues*, 2022

involves a delicate balance between complying with religious law, which often requires same-faith unions, and navigating legal complexities to recognize interreligious marriages. As well as a mandatory legal awareness in each individual regarding the legal obligations that exist within each person as a citizen and an understanding of legal processes and institutions in state life.⁹⁶ This complex interplay reflects the cultural and religious diversity of the nation while highlighting the ongoing discussion about the role of religion in shaping marriage practices.

The research conducted by the author is based on research methods to find facts that occur in society regarding the legal awareness of interreligious marriages actors. In this research the author used primary data collection techniques with a questionnaire to find out respondents who were referred to as perpetrators who had carried out interreligious marriages based on their legal awareness of applicable religious laws and state laws regarding marriage. The author has collected questionnaires from 40 respondents, indicating that the sample is representative of the population's size and characteristics.⁹⁷ The following facts happened as a result of the author's data-collection activities between February 15 and July 30, 2023.

1.2 TABLE OF RESEARCH RESULTS OF INTERVIEWED RELIGIOUS MARRIAGE ACTORS

⁹⁶ Ahmad Yamin, *Hukum Sebagai Rekayasa Sosial dan Pembangunan*, 2023.

⁹⁷ Widodo, *Metodologi Penelitian Populer & Praktis*, Rajawali Pers, Jakarta, hlm. 70.

No.	Couple	Age	Domicile	Religion	Aware of the rules of Article 2 paragraph 1
1.	Harso and Winarti	57 & 55	Sidoarjo	Islam & Christian	Yes
2.	Wahyu and Sri Sulastro	47 & 46	Bogor	Islam & Christian	No
3.	Bintang and Ni Luh	25 & 31	East Jakarta	Islam & Hinduism	Yes
4.	Edy H. and Lita	37 & 34	Batam	Catholic & Islam	Yes & No
5.	Bambang and Nurul	24	Bali	Catholic & Islam	Yes
6.	Andreas and Kristina	30 & 27	Jakarta	Hinduism & Catholic	Yes
7.	I Gusti and Rianasari	34 & 29	Surabaya	Buddhism & Hinduism	Yes
8.	Gerry and Lasrohanta	34 & 27	Jakarta	Confucianism & Catholic	Yes
9.	Fatan and Tria	37 & 34	Tangerang	Confucianism & Islam	Yes
10.	Mangala and Lia	29 & 30	Makassar	Christian & Catholic	Yes
11.	Darius and Anggraeni	31 & 28	Batam	Catholic & Christian	Yes
12.	Andrian S. & Mikayla	34 & 30	Palembang	Catholic & Buddhism	Yes

13.	Gunawan & Indah	30 & 29	Bogor	Christian & Hinduism	Yes
14.	Giri Hasan & Dyas	28	Bandung	Islam & Christian	Yes
15.	Tantan & Andara	37 & 29	Surabaya	Confucianism & Islam	Yes
16.	Joseph A. & Annisa	35 & 29	Jakarta	Christian & Islam	Yes
17.	Indra & Tissa	36 & 32	Pekanbaru	Christian & Catholic	Yes
18.	Dani S. & Alia Sarin	31 & 28	Bandung	Buddhism & Confucianism	Yes
19.	Handika & Rissa	28 & 29	Jakarta	Confucianism & Hinduism	Yes
20.	Farhan & Rasya T.	32	Bekasi	Catholic & Confucianism	Yes

Data was taken from interreligious marriage actors in the form of a questionnaire and the data-collection activities were between February 15 and July 30, 2023.

The results of the author's research using a questionnaire, there were 40 (forty) respondents consisting of 20 couples in interreligious marriages.

The 20 couples were asked the question:

1. *Do you aware with Law Number 1 of 1974 concerning Marriage in Indonesia?*

The question above has the purpose of finding out whether the interreligious marriage actors were aware or not with the marriage

regulations that apply in Indonesia. Resulting from the 40 respondents, 37 respondents were aware that interreligious marriages were prohibited in Indonesia. The remaining 3 respondents believed that they were not aware of the regulations regarding interreligious marriages in Indonesia (Law Number 1 of 1974) which proves there are still interreligious actors who are not aware of marriage law in Indonesia and felt obtruded to continue with interreligious marriages. This contradicts with Article 2 paragraph (1) of Law Number 1 of 1974 concerning Marriage, which clearly states that "Marriage is valid if it is carried out according to the laws of each religion and belief." It is a requirement that marriage must comply with the rules of each respective religion so that the marriage can be said to be valid according to applicable law. Interreligious marriages actors should be aware of the laws stated in the Marriage Law, but in reality, many interreligious marriages still occur and the Marriage Law is still ignored by interreligious marriage actors, so there are still people who are not aware of the laws regarding marriage in Indonesia.

There are still some people who perform interreligious marriages who are reluctant to find out what is stated in Indonesian Law and in their own religion, but there are also many people who do interreligious marriages who choose to ignore the rules regarding marriage in Indonesia and regulated in their own religion, so researchers ask several questions to the interreligious marriage actors to find out the reasons why the interreligious marriage actors continue with the marriage despite whether

they aware of the law about interreligious marriage or they did not, the questions, as follows:

2. *Are you aware that there is or is not a prohibition on interreligious marriage in your own religion?*

1) 36 respondents believed that they were aware.

These interreligious marriage actors assume that they are aware that there is a prohibition on interreligious marriages in their own religion and still insist on continuing the marriage with their partner and ignoring the rules.

2) 2 respondents answered that they were not aware.

perpetrators of interreligious marriages who did not understand that there is a prohibition of interreligious marriages in their religion and continue the marriage.

3) 2 respondents answered that they were not sure whether they understood the regulation.

2 Persons in interreligious marriages who answered were not sure about their own religion and were reluctant to find out and continue the marriage with a partner who had a different belief.

3. *And if you aware with the regulations, what would be your reason for continuing to get married?*

According to the 40 respondents, which consisted of 20 couples, 37 respondents believed that they were aware of the regulations regarding interreligious marriage in Indonesia, and 36 respondents claimed that they

were aware of the regulations regarding interreligious marriage in their respective religions. The question above aimed to identify the reasons why interreligious marriage couples would still continue the marriage if they were aware of the regulations regarding interreligious marriage. The following are brief statements from their reasons or perspectives for continuing with the wedding.

Interreligious couple, Bambang Wiryoko and Nurul Hidayah. Bambang is a Catholic and Nurul is a Muslim, living in Badung, Bali. This couple stated that they both understand the regulations regulating interreligious marriages in Indonesia and their respective religions. Due to the fact that both family members helped to plan the marriage and were married abroad, they ignored the rules regulating their marriage.

“The reason we continue to get married is because we love each other. Meanwhile, our family had a good relationship since childhood and agreed to marry us both, and they helped us to get married abroad.”

The couple continued their interreligious marriage for the reason that they both loved each other and received support for marriage from the extended families of both partners so they married abroad. This proved that they both ignored the rules regarding marriage in their religion which prohibited interreligious marriages.

Another couple, Fatan (37) and Tria Hanif (34), live in Tangerang. This couple claimed they were both aware of and understood the law regulating marriage in Indonesia and their respective religions. Fatan is a

Confucianist, and Tria is a Muslim. The reason they continued their marriage was because they already had a relationship before marriage. For the same reason, Tria added to her statement, "*...and my family already has a good relationship with my husband's family.*" Because they were already in a relationship before marriage and both families had agreed and given permission for the marriage, they chose to continue the interfaith marriage.

Gerry Primadi (34) who is a Confucian, and his wife Lasrohanta (27) who is a Catholic, live in Jakarta. This couple also believed they were aware of the law regulating interreligious marriage. Gerry argued and he believed that his religion, which is Confucianism, did not prohibit him from marrying someone who has a different religion as long as they are married aiming for happiness. His wife Lasrohanta, a Catholic, stated that they both got the blessing of her parents to marry Gerry, who had different beliefs from her. The Lasrohanta family felt confident in Gerry's personality which made them agree to Gerry's invitation to marry which then made them ignore the applicable laws regarding interreligious marriages.

Manggala, a 29-year-old Christian is married to Lia (30) who is a Catholic who is older than him, and they live in Makassar. This couple argued and believed that they only needed approval from their respective families as a reason to marry each other and still adhere to their respective religions the addition and reason that Lia is older than Manggala, so

Manggala accepted Lia's invitation to marry him because he considered Lia to be more mature and more responsible than him. With the blessing of both sides of the family, especially their parents, they married interreligious, which is contrary to the regulations governing interreligious marriages which they claimed to understand.

There are more interesting reasons for some couples to marry interreligious, such as the next couple, namely Andara, a Muslim and Tantan is a Confucian, and they married in Surabaya, East Java. They both clearly stated that they aware and understand the rules governing interreligious marriages in their own religion. Andara stated that what made her confident in marrying Tantan was Tantan's way of meeting Andara's mother and ensuring that Andara continued to adhere to her religion with the conditions of marrying Tantan without destroying her faith, and gave Andara's mother a reason why he wanted to marry her daughter, is because that they wanted to marry to achieve happiness. With this statement, Andara's mother finally allowed and permitted her daughter to marry Tantan who has a different faith and religion without thinking about the regulations regarding interreligious marriages in Indonesia and in their religion.

Based on the interviews and questionnaires, several other interreligious marriage couples had the same reasons for continuing their marriage. This showed that every couple who disregards their religion's

marriage norms that forbid interreligious weddings is not one-sided. The reasons from the 36 respondents that can be concluded are as follows:

- 1) 22 respondents had the reason that they already loved each other, so they felt confident about continuing an interreligious marriage.
 - 2) 10 respondents answered that they had a reason to marry because they were in an arranged marriage and received support from their respective families, which encouraged the respondent to marry of different religions.
 - 3) 4 respondents answered with the reason that they already had a relationship previously before the marriage, which made them think that they already knew each other. Therefore, they consider it very unfortunate if they do not continue the marriage, even though the marriage is of different religions and violated the law in Indonesia and in each applicable religion.
4. *If you do not aware whether there is any regulation on interreligious marriages or not, what is your reason for not finding out and continuing the marriage?*

The first couple, Wahyu Andi (47) and Sri Sulastri (46). Sri, who is a Christian, and Wahyu, who is Muslim, live in Bogor, West Java. Both of them claiming that they were not aware about the prohibition of interreligious marriage in Indonesia and were not sure about the regulation regarding interreligious marriage that applicable in their own religion. Sri gave the reason why they continue to get married with Wahyu because she

admits that she married because she was still naive. Because of her naivety, she only loves and trust one person to be her husband, Wahyu, who is further added to by her deliberately not finding out and ignoring the regulations regarding interreligious marriages in her own religion so that she can still get married with Wahyu. Her husband, Wahyu, gave a confession that the reason he was not sure about these regulations because he is a Muslim convert (converted from another religion), which made him continued the marriage because of love and without finding out first about the regulations for interreligious marriages. In conclusion, both of them were not intend to find out about the regulations regarding interreligious marriage that are applicable in Indonesia and in their own religion because of their naivety and because they already love each other.

The next couple is different because, on one hand, Bintang, a Muslim, claimed that he was aware of the law regulations regarding interreligious marriage in Indonesia, but on the other hand he was not aware of the regulations regarding interreligious marriage in his own religion. He married Ni Luh, a Hindu, who claimed that she was aware of the regulations regarding their interreligious marriage in Indonesia and in her own religion. Bintang stated that he came from a family that did not place much importance on religion when it came to marriage, and the most important thing is that he was happy with the choice of life partner. He chose and did not want to marry anyone other than Ni Luh. Ni Luh

explained that she received support from her extended family on the condition that she remained happy with her partner.

The same reason for the last couple. Lita, a Muslim, claimed that she was not aware of the law that regulated interreligious marriage in Islam, but she married Edy, a Catholic, with no intention to change religions. Lita explained the reason why she married Edy, is because she loved Edy and had no intention to change her religion because she got her religion from her parents and she had lived alone for a long time. On the other hand, Edy understood the regulations regarding interreligious marriage in Indonesia and his own religion. He married Lita because he was already preparing for the wedding. Edy added that he was hesitant to marry Lita because it was prohibited by the state. Then he planned to marry abroad.

Judging from the questionnaire that the author has obtained, it can be concluded that there are still interreligious marriage actors who understood that there are regulations for interreligious marriages, but they chose to ignore the rules regulating interreligious marriages that existed in Indonesia and their respective religions. Apart from that, there are still those who did not aware of these regulations, and continued to carry out interreligious marriages without finding out about these regulations first. Supposedly, if the actors first found out about the regulations governing interreligious marriages, they would be aware of what they were doing and would be conscious of what they might encounter in the future. Several

factors are the reasons for actors to carry out interreligious marriages, namely a lack of awareness of the obligations and rights of national and religious people, so that interreligious marriages are considered normal, in the name of love, and so on. In fact, understanding the applicable regulations regarding interreligious marriages in Indonesia and in each religion is the main factor in carrying out a marriage. For more details, you can see the following table:

1.3 TABLE OF RESEARCH RESULTS OF INTERVIEWED INTERRELIGIOUS MARRIAGE ACTORS BASED ON THE REASON FOR CONTINUING THE MARRIAGE

Couple	Name	Aware of the prohibition on religious law	(If aware) reason for continuing the marriage	(If not aware) reason for continuing the marriage?	Explanation Or Reason
1.	Harso	Yes	Love each other	-	In my opinion, our God is the same and leads to the same heaven, only the teachings are different.
	Winarti	Yes	Love each other	-	I only trust one person as a life partner, which is my husband
2.	Wahyu	No	-	Didn't know who to ask because I'm a convert, and I	-

				didn't really care.	
	Sri S.	No	-	Deliberately didn't want to find out because I wanted to marry my husband only	Married because I was naive
3.	Bintang P.	Not sure	-	Don't want to marry anyone else, because of love	My family doesn't really prioritize religion when it comes to marriage, the important thing is that I am happy with my choice of life partner.
	Ni Luh A.	Yes	We have prepared the wedding. And love each other	-	Both sides of the family approved it, and I chose to marry my husband because of love.
4.	Edy H.	Yes	We are already preparing for marriage	-	My doubts about marrying across religions are because it is prohibited by the state. So I married aboard.
	Lita	Not sure	-	Muslim by blood and I have lived	Already in love with my

				alone since young.	husband.
5.	Bambang	Yes	Arranged marriage	-	Our families have been good friends since childhood and agreed to match the two of us, so they helped us get married abroad
	Nurul	Yes	Arranged marriage	-	The same reason with my husband
6.	Andreas	Yes	Love each other	-	No problem with faith issues from family and relatives
	Kristina	Yes	Love each other	-	Got support from family
7.	I Gusti	Yes	Already had relationship before marriage	-	I am sure of my choice
	Rania	Yes	Already had relationship before marriage	-	Support from family
8.	Gerry	Yes	We both believe in our beliefs and there are no problems	-	I love her and got support from the closest relatives
	Lashrohanta	Yes	Love each other	-	Family and relatives had no objections
9.	Fatan	Yes	Love each other	-	-

	Tria	Yes	We already had relationship before marriage	-	Got support from family
10.	Manggala	Yes	Love each other	-	The important thing is that each family agrees
	Lia	Yes	Love each other	-	Got support from family
11.	Darius	Yes	I feel comfortable with my wife and I love her	-	No one objects to our beliefs
	Anggraeni	Yes	I really love my husband	-	Both families have agreed
12.	Andrian S.	Yes	Arranged married	-	-
	Mikayla	Yes	Arranged married	-	I accept the arrangement because he is a great person
13.	Gunawan	Yes	I feel my wife is the only woman who makes me comfortable	-	Our family doesn't mind different faith.
	Indah R.	Yes	My husband is very kind and understanding	-	The family has agreed
14.	Giri H.	Yes	She is the best woman and respects our differences in beliefs.	-	The family has approved
	Dyas P.	Yes	He was my first boyfriend until I got married now and I am very comfortable with him.	-	Got support from family

15.	Tantan H.	Yes	I don't want to marry anyone other than my wife and I already love her.	-	Our families have approved our marriage.
	Andara	Yes	We have planned and prepared the wedding	-	-
16.	Joseph Armanus	Yes	Love each other	-	There are no problems and issues with our family
	Annisa	Yes	I really love my husband	-	Our families have approved our marriage.
17.	Indra	Yes	Arranged marriage	-	The both family is very close
	Tissa Nainggolan	Yes	Arranged marriage	-	Our families are close friends
18.	Dani Saptoaji	Yes	I feel comfortable with my wife and married because of love	-	The family has approved our relationship
	Alia Sarin	Yes	I really love my husband.	-	Family and relatives support us.
19.	Handika	Yes	I really love her because she is a special woman.	-	The family approves and does not make differences a problem
			I feel comfortable		Our families have known

	Rissa	Yes	and very dependent on my husband.	-	each other for a long time and don't mind if we married
20.	Farhan	Yes	We love each other and respect each other's beliefs.	-	Get support from the people closest to you.
	Rasya Tristiani	Yes	We trust each other in our beliefs	-	Family always supports

Data was taken from interreligious marriage actors in the form of a questionnaire and the data-collection activities were between February 15 and July 30, 2023.

Based on the results of the author's questionnaire above, it is clear that 37 respondents were aware that interreligious marriages are prohibited in Indonesia. The remaining 3 respondents believed that they were not aware of the regulations regarding interreligious marriages in Indonesia. Then, 36 respondents believed that they were aware of the prohibition on Interreligious marriages in their own religion. The remaining 2 respondents answered that they were not aware and the other 2 respondents answered that they were not sure whether they understood the regulation, but all respondents had different reasons for insisting on continuing the marriage with their partner who has a different religion and ignored the rules.

In conclusion, based on the data acquired, it would be reasonable to conclude that there are still people who are unaware of interreligious marriages and the interreligious marriage regulations that are applicable in their own country. And, according to the existing law, interreligious

marriages are forbidden under Article 2 paragraph (1) of Law Number 1 of 1974. The majority of interreligious marriage actors who responded to the questionnaire stated that they were aware of the regulations but were reluctant to comply or were ignorant of the rules for a variety of reasons, the most common of which was that they loved each other and had encouragement from their families. On the other hand, interreligious marriage actors are unaware of the applicable laws and regulations. For nearly the same reason, namely, because they already love each other and have support from their families, they are hesitant to acquire knowledge about the applicable law regarding interreligious marriages before proceeding with the marriage, even though the law clearly stipulates that there are rules or prohibitions regarding interreligious marriage.

B. Understanding of the Interreligious Marriage Actor on Religious Law

Interreligious marriage in Indonesia has long been a contentious issue, primarily due to the strong influence of religious and cultural factors in the country. Indonesia is home to a diverse range of religions, with Islam being the predominant faith, followed by Christianity, Hinduism, Buddhism, and Confucianism. While the Indonesian constitution guarantees freedom of religion, it also recognizes the importance of adhering to one of the officially recognized religions. As a result, interreligious marriage is often seen as a challenge to this established order. Interreligious marriage is where individuals from different religious

backgrounds marry each other, are generally discouraged or even prohibited in some religious traditions due to theological and cultural reasons. And because it is prohibited by religious regulations, that makes interreligious marriages is also invalid in the Indonesian law which states "Marriage is valid if it is carried out according to the laws of each religion and belief."⁹⁸

In Islam, interreligious marriages are generally discouraged, particularly when a Muslim is marrying a non-Muslim. Islamic law, or Sharia, places importance on maintaining religious identity and unity within the family.⁹⁹ While it is technically possible for a Muslim man to marry a woman of the People of the Book (usually Jews or Christians), it is typically discouraged for Muslim women to marry non-Muslim men.

Christian perspectives on interreligious marriages vary among denominations. Some Christian denominations are more accepting, while others discourage interreligious marriages. The key concern often revolves around the potential challenges in raising children in a religiously diverse household and ensuring the continuation of one's faith.¹⁰⁰

Whereas the Catholic Church traditionally discourages interreligious marriages, but it does permit them with certain conditions and approvals.¹⁰¹ The Church typically requires the non-Catholic partner

⁹⁸ Law Number 16 of 2019 Amendments to Law Number 1 of 1974

⁹⁹ Ahmad Azhar Basyir., *Hukum Perkawinan Islam*, UII Pers, Yogyakarta, 2004, hlm 1.

¹⁰⁰ Tama, Rusli, *Perkawinan Beda Agama dan Masalahnya*, Sartika Dharma, Bandung, 1984, hlm 28.

¹⁰¹ Abdul Halim, Carina Rizky Ardhani. *Keabsahan Perkawinan Beda Agama Diluar Negeri Dalam Tinjauan Yuridis*. Jurnal Moral Kemasyarakatan Vol. 1, No.1, 2016, hlm 67

to agree to raise any children in the Catholic faith and often involves pre-marital counseling and permission from the local bishop.

Hinduism generally discourages interreligious marriages, particularly when a Hindu is marrying a person from a different religious background. This is due to the belief in the importance of maintaining cultural and religious traditions within the family. Some Hindus may be more accepting, but the view varies.¹⁰²

Buddhism does not have strict rules against interreligious marriages, as it is a non-theistic religion that often emphasizes personal spiritual growth. However, cultural and societal factors in predominantly Buddhist regions may influence whether such marriages are accepted.¹⁰³

Confucianism does not have specific rules against interreligious marriages since it is more focused on ethics and social relationships.¹⁰⁴ However, in cultures heavily influenced by Confucianism, there may be social and familial pressures to marry within one's own cultural or religious group.

According to the respondent data, each couple in an interreligious marriage, whether aware or unaware that interreligious marriages are prohibited in each religion, did not care about the rules and decided to violate the applicable regulations regarding interreligious marriages in their own religion. And also, because the majority of them put sentiments

¹⁰² Shaleh K. Wantjik, *Hukum Perkawinan Indonesia*, Ghalia Indonesia, Jakarta, 1982, hlm 16.

¹⁰³ Republika, *Nikah Beda Agama, Buddha: Harus Seagama Tak Bisa Ditawar (II)*

¹⁰⁴ Abdul Nasser Arief Wibowo, *Pelaksanaan Perkawinan Penganut Kong Hu Chu Di Kota Tegal*, Universitas Diponegoro, 2007, Page 46-72.

of love for their respective relationships over understanding that the regulations do occur.

1.4 TABLE OF RESEARCH RESULTS OF INTERVIEWED RELIGIOUS MARRIAGE ACTORS

Couple	Name	Aware the prohibition on religious law	Reason for continuing the marriage
1.	Harso	Yes	Love each other. In my opinion, our God is the same and leads to the same heaven, only the teachings are different.
	Winarti	Yes	Love each other. I only trust one person as a life partner, which is my husband
2.	Wahyu	No	Didn't know who to ask because I'm a convert, and I didn't really care
	Sri S.	No	Married because I was naive
3.	Bintang P.	Not sure	My family that doesn't really prioritize religion when it comes to marriage, the important thing is that I am happy with my choice of life partner.
	Ni Luh A.	Yes	We have prepared the wedding. And love each other. Both sides of the family approved it, and I chose to marry my husband because of love.
4.	Edy H.	Yes	We are already preparing for marriage. My doubts about marrying across religions are because it is prohibited by the state. So I married abroad.
	Lita	Not sure	Muslim by blood and I have lived alone since the child. Already in love with my husband.
5.	Bambang	Yes	Arranged marriage. Our families have been good friends since childhood and agreed to match the two of us, so they helped us get married abroad
	Nurul	Yes	Arranged marriage. The same reason with my husband
6.	Andreas	Yes	Love each other. No problem with faith issues from family and relatives
	Kristina	Yes	Love each other. Got support from family

7.	I Gusti	Yes	Already had relationship before marriage. I am sure of my choice
	Rania	Yes	Already had relationship before marriage. Support from family
8.	Gerry	Yes	We both believe in our beliefs and there are no problems. I love her and got support from the closest relatives
	Lashrohanta	Yes	Love each other. Family and relatives had no objections
9.	Fatan	Yes	Love each other
	Tria	Yes	We already had relationship before marriage. Got support from family
10.	Manggala	Yes	Love each other The important thing is that each family agrees
	Lia	Yes	Love each other. Got support from family
11.	Darius	Yes	I feel comfortable with my wife and love her. No one objects to our beliefs
	Anggraeni	Yes	I really love my husband. Both families have agreed
12.	Andrian S.	Yes	Arranged married
	Mikayla	Yes	Arranged married. I accept the arrangement because he is a great person
13.	Gunawan	Yes	I feel my wife is the only woman who makes me comfortable. Our family doesn't mind different faith.
	Indah R.	Yes	My husband is very kind and understanding. The family has agreed
14.	Giri H.	Yes	She is the best woman and respects our differences in beliefs. The family has approved
	Dyas P.	Yes	He was my first boyfriend until I got married now and I am very comfortable with him. Got support from family
15.	Tantan H.	Yes	I don't want to marry anyone other than my wife and I already love her. Our families have approved our marriage.
	Andara	Yes	We have planned and prepared the wedding
16.	Joseph Armanus	Yes	Love each other. There are no problems and issues with our family
	Annisa	Yes	I really love my husband. Our families have approved our marriage
17.	Indra	Yes	Arranged marriage. The both family is very close
	Tissa Nainggolan	Yes	Arranged marriage. Our families are close friends

18.	Dani Saptoaji	Yes	I feel comfortable with my wife and married because of love. The family has approved our relationship
	Alia Sarin	Yes	I really love my husband. Family and relatives support us.
19.	Handika	Yes	I really love her because she is a special woman. The family approves and does not make differences a problem
	Rissa	Yes	I feel comfortable and very dependent on my husband. Our families have known each other for a long time and don't mind if we married
20.	Farhan	Yes	We love each other and respect each other's beliefs. Get support from the people closest to you.
	Rasya Tristiani	Yes	We trust each other in our beliefs. Family always supports

Data was taken from interreligious marriage actors in the form of a questionnaire and the data-collection activities were between February 15 and July 30, 2023.

The respondents with diverse legal awareness regarding the prohibition of interreligious marriage in their own religion had a variety of reasons for continuing an interreligious marriage. Some are aware of their own religion's prohibition on interreligious marriages and decide to continue the marriage because they get family support, while others carry on the marriage because they already had a relationship before the marriage. There were also some responders who were unaware and carried on their marriage because they merely wanted to marry their spouse regardless of their faiths, and there were those who married because they were converts.

Some respondents were still reluctant to answer religious issues regarding marriage, and were even ignorant to these regulations. This is

the reason why interreligious marriage still occurs in Indonesia. Those, who ignore their obligations to their own religion that overcome by love for another individual without regard to beliefs, can lead to complex and sensitive issues that are deeply rooted in cultural, religious, and legal traditions. Although there are debate regarding the need for reform and greater acceptance, existing legal and social barriers continue to pose challenges for couples who choose to married interreligious. Highlighting the delicate balance between individual freedoms and the preservation of religious and cultural identity in the country.

Indonesia's rich and diverse cultures and religions provide a way for people with various backgrounds to marry interreligious. Love and personal compatibility are universal factors that transcend religious boundaries, encouraging people to prioritize their emotional connections over religious bonds. Another significant aspect of interreligious marriages in Indonesia is family support. Families may be supportive of these partnerships in some situations, and couples may compromise to establish an agreement to maintain family connections while respecting their distinctive religions. Also, poor legal awareness of religious understanding and tolerance will reduce obstacles to married interreligious.

Ultimately, Individual independence and the desire to make independent decisions regarding somebody's life and relationships are crucial. When it comes to marriage and relationships, many Indonesians put their personal pleasure and well-being over rigidly

following religious norms. It is important to acknowledge that the number of reasons for interreligious marriages could vary throughout the different areas of Indonesia, highlighting the country's multifaceted interaction of cultural, societal, and personal elements in detail.

CHAPTER IV

CLOSING

A. Conclusion

Based on research that has been carried out on 40 perpetrators of interreligious marriages through questionnaires that have been submitted, the majority of perpetrators of interreligious marriages understood the provisions regarding marriage as stated in Article 2 paragraph (1) of Law Number 1 of 1974 concerning marriage which means that the couples ignores and disobeyed the laws and norms applied in the country which explained that the legal conditions for marriage are valid based on their respective religions. The interreligious marriage couples do not have sufficient understanding about the concept of legal awareness regarding the interreligious marriage.

By understanding the regulations that explain whether their marriage is valid if it is recognized by their religious law, and from the results of the questionnaire, the majority of them were aware of the regulations regarding interreligious marriages that applied in their respective religions. For reasons such as getting permission from their parents and extended family,

having been in a relationship before marriage, prioritizing love for their partner, etc., they ignored and opposed the laws and norms in force in religions that question interreligious marriages.

B. Suggestions

Indonesia is known for its heterogeneous culture, which included a diverse range of cultures and religions such as Islam, Christianity, Hinduism, Buddhism, Catholicism, and Confucianism. Interreligious marriage is an expression of unity in variety from a social determinism that develops from interactions with other Indonesian pluralistic communities that are accountable for their legal awareness. To improve greater legal awareness regarding interreligious 3, and for not leaving aside the understanding of practitioners in interreligious marriages regarding Article 2 Paragraph (1) of Law Number 1 of 1974 concerning Marriage as the basic norm for their marriage. The interreligious couple in Indonesia must be knowledgeable about the laws applicable to their country and be prepared for potential legal and societal challenges. Seeking legal counsel, understanding local regulations, and fostering open dialogue with families and communities are essential steps in ensuring a harmonious and legally recognized marriage in Indonesia's diverse and culturally rich society. Implement comprehensive and accessible educational campaigns targeted educational programs, and awareness campaigns that highlight the legal procedures, rights, and potential challenges associated with interreligious

marriages. This could include disseminating information through various mediums, such as workshops or seminars, online resources, and community events, to ensure that individuals contemplating or engaging in interreligious marriages are equipped with the knowledge to navigate legal requirements effectively.

By enhancing legal awareness, Indonesia may encourage a more inclusive and harmonious society, where individuals from different religious backgrounds can exercise their right to marry freely while being aware of and respecting the legal framework that regulates such marriages responsibly.

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