



Maladministration in Indonesia's Interreligious Marriage*

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Abstract

In Indonesia, the polemic on interfaith marriages has not yet ended, even though over time and the times. Even though the issue of interreligious Marriage has been handled and regulated in the Marriage Law, there are still many people who practice it. In Indonesia, interfaith marriages cause not only legal problems but also administrative ones. There are still exceptions to the Marriage Act that allow couples to marry across religions. Because according to positive Indonesian Law, Marriage is not equated with a simple genetic relationship. However, the administration must prove a legal relationship with the state, including the registration of marriages. The research method used is a qualitative research method with a literature approach. The results of the study state that there are still gaps and opportunities for maladministration in interfaith marriages. The behavior occurs in the form of apostasy or changing religions before Marriage, then changing beliefs after Marriage. This was done to get the legality of Marriage in the form of a marriage book. These maladministration opportunities must be closed and eliminated by making government regulations or giving strict sanctions to the perpetrators of maladministration. The sanctions are criminal or fines for people who carry out legal smuggling like this.

Keywords: Maladministration; Marriage; Different religion

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Maladministrasi Dalam Perkawinan Beda Agama Di Indonesia

Abstrak

Di Indonesia, polemik pernikahan beda agama belum juga selesai, meski seiring berjalannya waktu dan perkembangan zaman. Meskipun masalah perkawinan beda agama telah ditangani dan diatur dalam UU Perkawinan, namun dalam praktiknya masih banyak orang yang mempraktekannya. Di Indonesia, pernikahan beda agama tidak hanya menimbulkan masalah hukum, tetapi juga administratif. Masih ada pengecualian pada Undang-undang Perkawinan yang mengizinkan pasangan menikah lintas agama jika mereka mau. Karena menurut hukum positif Indonesia, perkawinan tidak disamakan dengan hubungan genetik yang sederhana. Namun demikian, hubungan hukum dengan negara harus ada yang dibuktikan dengan administrasi, termasuk pencatatan perkawinan. Metode penelitian yang digunakan adalah metode penelitian kualitatif dengan pendekatan literature. Hasil penelitian menyatakan bahwa masih ada celah dan peluang melakukan maladministrasi dalam perkawinan beda agama. Perilaku yang terjadi berupa murtad atau berpindah agama sebelum menikah, kemudian berpindah agama kembali setelah menikah. Hal itu dilakukan supaya mendapatkan legalitas perkawinan berupa buku nikah. Peluang-peluang maladministrasi ini harus ditutup dan dihilangkan dengan membuat aturan pemerintah atau memberikan sanksi tegas kepada para pelaku maladministrasi. Sanksi tersebut berupa pidana atau denda bagi masyarakat yang melakukan penyelundupan hukum seperti ini.

Kata Kunci: Maladministrasi; Perkawinan; Beda Agama

недобросовестное управление в межрелигиозном браке Индонезии

Абстрактный

В Индонезии полемика о межконфессиональных браках до сих пор не закончилась, хоть и со временем и временем. Несмотря на то, что вопрос о межконфессиональном браке был урегулирован и урегулирован в Законе о браке, на практике все еще есть много людей, которые практикуют его. В Индонезии межконфессиональные браки вызывают не только юридические проблемы, но и административные. В Законе о браке все еще есть исключения, которые позволяют парам, принадлежащим к разным религиям, вступать в брак, если они того пожелают. Потому что согласно индонезийскому позитивному праву брак не приравнивается к простому генетическому родству. Однако правоотношения с государством должны быть подтверждены администрацией, в том числе регистрация браков. Используемый метод исследования представляет собой метод качественного исследования с литературным подходом. Результаты исследования показывают, что в межконфессиональных браках все еще существуют пробелы и возможности для недобросовестного управления. Такое поведение проявляется в форме отступничества или смены религии до брака, а затем снова смены религии после свадьбы. Делалось это для того, чтобы получить законность брака в виде брачной книги. Эти возможности недобросовестного управления должны быть закрыты и устранены путем принятия правительственных постановлений или введения строгих санкций в отношении лиц, виновных в недобросовестном управлении. Санкции в виде уголовных дел или штрафов для людей, которые осуществляют подобную легальную контрабанду.

Ключевые слова: недобросовестное управление; Свадьба; Другая религия

A. INTRODUCTION

The issue of marriages between people of different faiths continues to be a contentious topic of discussion in Indonesian marriage legislation. Following the provisions of the first paragraph of Article 2 of Law Number 1 of 1974 pertaining to Marriage, a marriage is considered valid if it is performed per the norms established by each faith and belief. A marriage that is carried out following the precepts of each religion is deemed legal and recognized by the legal system. Nevertheless, these statutes do not adequately explain the legality of marriages performed by partners who practice different religions. The people of Indonesia are currently discussing the topic of Marriage between people who adhere to various religious traditions. Even if there is much additional legislation in Indonesia explaining the status of interfaith marriages from the standpoint of Islamic Law and positive Law, ending these practices appears to be challenging. ([Arsal, 2013](#)), ([Septiani & Indrawati, 2020](#))

The institution of Marriage is already conducted following predetermined social norms. After that, these guidelines and procedures continue to evolve over time and get more sophisticated until they have power and are governed by the government of a country. It is impossible to divorce the institution of Marriage from the influence of a community's culture and the natural setting in which it is situated. The community's prior experiences can impact this, acquired knowledge, firmly held beliefs, and established religious practices. Marriage is how God has decided to ensure the continuation of human life on earth. This was done to preserve humankind's glory, honor, and dignity.

When two people decide to get married, they intend to start a family that will bring them joy both in this life and the next and to do so in the knowledge that their union will be blessed by divine love and pleasure. Therefore, when a couple decides to get married, they go through the process of the marriage contract, which entails the female guardian making an agreement, followed by the qabul of the future husband and witnessed by at least two adult men.

Marriage in Indonesia has been controlled by the Marriage Law, also known as Law Number 1 of 1974 (UUP), the Compendium of Islamic Law, PP. No. 9 of 1975, and Law number. 23 of 2006 regulating the Administration of Population. In addition, the issue of Marriage between people of different religious traditions in Indonesia is addressed and handled in Islamic Law. ([Azizah, 2018](#))

The lives of individuals in Indonesia are significantly impacted by the fact that Indonesia is such a diverse country, with a large number of distinct

cultures and religions. The heterogeneous culture in Indonesia today makes it plausible that there have even been weddings between individuals who adhere to various religious traditions. Some of them, particularly those with plenty of material possessions, might not be as disturbed by the situation because they can get married in another nation. On the other hand, if the economic climate is adverse, this might give rise to significant challenges for both parties, including legal challenges.

The legitimacy of weddings between people of different religions can be addressed in one of two ways: The first option is for one of the spouses to switch religions; however, this might be considered legal smuggling because all that would result from this would be a legal sidestep around the provisions of Marriage Law No. 1 of 1974. On the other hand, once the wedding was over, both parties returned to practicing their religious traditions. This approach is not advised in any way ([Aisah, 2015](#)). Second, couples who practice different religions often choose to get married in a particular country. The document can then be presented to the Civil Registry for consideration regarding matters about registration. In addition, offenders frequently perform interfaith marriages by, for example, petitioning a district court for an order requiring the civil registry to record interfaith marriages as valid unions of spouses of different religious traditions. In Indonesia, incidents like these frequently occur, especially in recent times when they have gained widespread attention on social media. The difficulty of legally marrying someone of a different faith in Indonesia, as outlined in the Marriage Law and the KHI, has been thoroughly explained. Despite this, a significant number of people still engage in this lawful behaviour. ([Maulidina, 2020](#))

Various examples of marriages between people of different faiths are being explored at the moment. For instance, the South Jakarta District Court gave marriages between people of other religions the green light in September of 2022. Because of this, there are now more advantages and downsides in society. The Marriage Code expressly forbids marriages between people of different religions. In addition to the South Jakarta District Court, an additional case involving a viral interfaith marriage is also being heard in Semarang. There are images of a couple getting married in a church, and the man is Christian while the bride is Islam. This case has brought both positive and negative aspects of society, mainly social media, to light.

When one studies history, one quickly discovers that the problem of Marriage between people of different religions and opposite sexes has occurred relatively frequently. Regarding interfaith weddings in Indonesia, several

regions or places have contributed to the legalization of such unions based on human rights through either the courts' rulings or the backing of the local communities. On the other hand, some individuals agree with the Indonesian Ulema Council and say that marriages between people who practice different religions are forbidden and stress the importance of this rule.

Marriage between members of other faiths is forbidden in Islam, as stated unequivocally in Article 40 of the Compilation of Islamic Law (KHI). According to the editorial accompanying the story, it is forbidden to wed a non-Muslim lady. Article 44 provides wording consistent with this article, stating that a Muslim woman may not marry a non-Muslim man. Assuming the issue is related to interfaith weddings in Indonesia, the ban on MUI and KHI likely arose from a desire to maximize good and minimize bad. The fact that MUI and KHI are thought to be incompatible suggests that this is the case. Most importantly, in terms of perpetuating the concept of heredity (children). ([Lestari & Wulandari, 2018](#))

The debate in Indonesia about weddings between people of different religions has brought up legal and administrative difficulties. There are still exceptions to the Marriage Code that allow couples to marry across religious lines if they so choose. Because under Indonesian positive Law, a marriage is not equivalent to a simple genetic link. Nonetheless, a legal connection with the state must exist, as proven by the administration, including the registration of marriages. ([Indrawan & Artha, 2019](#)) ([Nisa & Prihatin, 2017](#))

The administrative matter of registering marriages has been reorganized in the Population Administration Law, which consists of Articles 34, 35, and 36. This was done to fill in the shortcomings of the Marriage Law. Article 35, letter an of the Population Administration Law, is an article that provides a legal framework for the implementation of marriages across Indonesia's many distinct religious traditions. For example, suppose you look at Article 35, letter A, which states that marriages determined by the Court are carried out between people of different religions. In that case, you'll notice that these marriages can be registered at the Implementing Agency, the Population and Civil Registration Service (DKCS). However, marriage registration generally follows Article 34 of the Administrative Law Population. This is because Article 35 letter states that marriages determined by the Court are carried out between people of different religions. Yet, this can be done if it is possible to determine whether or not the Marriage is valid following each of their own views and religious practices. Then the two sets of individuals are responsible for carrying out the directive of the Law to register their marriages. ([Yunus & Aini, 2018](#)), ([Nurhadi & Sari, 2019](#))

In Indonesia, the contentious issue of interfaith Marriage has not been settled, despite the passage of time and the passage of the current day. Even though the problem of interfaith marriages has been regulated by the Marriage Law, in practice, many people still engage in "legal smuggling" by looking for loopholes to legitimize the Marriage. This is the case even though the Marriage Law has regulated the problem. In Indonesia, marriage rules between people of different faiths can be broken in several ways. Examples include getting married in a foreign country, temporarily switching religions, and asking a court to decide on your registration. These disparities become problematic regarding Marriage and the registration of weddings between people of different faiths. This issue is not only complex from a legal standpoint but also from an organizational point of view concerning the registration of the Marriage itself. Marrying people of different faiths can still find loopholes in the legal system despite the two sets of rules that are incompatible with one another.

Despite decades of discussion, interfaith Marriage in Indonesia has not been settled. The Marriage Law may have addressed the issue of interfaith marriages, but many couples continue to engage in "legal smuggling" to circumvent the Law. In Indonesia, the illegal practice of interfaith Marriage can be carried out in several different ways. Examples include having a wedding in another country, temporarily switching religions, or filing a lawsuit to decide your registration status in Court. These differences hamper the marriage process and the legal recognition of interfaith weddings. This is an administrative issue with marriage registration in addition to a legal one. Two conflicting legal codes allow room for interfaith Marriage to occur.

In this study, the authors focused on several questions: How is Interfaith Marriage in Positive Law in Indonesia? How is the Maladministration of Interfaith Marriage in Indonesia?

B. METHODS

This study used a qualitative research method that combined a literary approach and a legislative approach in its data collection process. This paper's writers investigated previously collected information, gathering it from primary, secondary, and tertiary legal sources. In addition to studying already-existent phenomena based on actual data gathered from the field, the author also examines data derived from laws and regulations.

C. RESULTS AND DISCUSSION

1. Interfaith Marriage in Positive Law in Indonesia

Not only is the existence of an inner and outer bond from the marriage event necessary to rely on the physical and spiritual bond, but both must be the same goal of the legal event or the legal consequences of the Marriage itself. This is because relying on the physical and spiritual bond is insufficient if there is no inner and outer bond. A birth bond is a bond that can be seen with the establishment of a legal relationship between a man and a woman to live together as husband and wife. This tie, which can also be referred to as a formal bond, is a bond that can be seen when a man marries a woman to live together as husband and wife. On the other hand, an inner relationship is a more casual one; it is a connection that cannot be seen, yet it is necessary for there to be one since the absence of an interior bond makes the exterior glue more brittle. ([Efendi, 2020](#)), ([Siregar & Handayani, 2019](#))

There are administrative effects that are legally binding in a formal way that can help both partners protect each other from a legal standpoint. These organizational effects are caused by the marriage bond, which not only causes legal events and impacts but also causes them. If both parties carry out the Marriage in line with the appropriate laws and regulations, then the civil Law is favourable. Establishing this legal partnership marks their Marriage's completion and brings everything full circle. Yet, from a purely legal standpoint, Marriage will not be protected if any of its components is carried out in a manner that does not conform with the norms in effect.

According to the previous argument, Marriage is significant from a legal standpoint, socially and religiously. The birth or formal tie, the legal relationship between a husband and wife, contains the juridical component of the Marriage. One of the social aspects of Marriage is the interaction that the couple forms with other individuals or the community as a whole. As for the religious facet, specifically the presence of a clause based on the belief in One Almighty God as the foundation for establishing a joyful and everlasting family, this is the case. Marriage has a very close relationship with religion or spirituality, so it is not only a physical or physical element but also an inner or spiritual element that also plays an important role. This is, of course, following the philosophical foundation of the Indonesian nation in the first precept, Belief in One Almighty God. As a result, it is necessary to take into account all of the components of the emotional connection simultaneously to have the Marriage recognized by the Law. In Indonesia, a marriage cannot be considered legally positive if it does not create any other legal ties. Because Marriage involves more than just the spiritual

component, other components of the Law must be observed and carried out following the requirements that have been established. ([Panjaitan & Purba, 2019](#)), ([Rastogi & Singh, 2017](#)), ([Vaggione, 2018](#))

Regarding the religious side of things, various additional articles describe it in great detail. For instance, the legal criteria for Marriage and the bans on Marriage are covered. It is mentioned in the first sentence of the second paragraph of Article 2 of the Marriage Law that a marriage is considered lawful if it is carried out following the laws of each faith and belief. Regarding the ban on Marriage, Article 8 letter f specifies that it is illegal for two persons to wed if they are already involved in a relationship that is forbidden by their religion or by other legislation that apply and ban Marriage.

Article 2, paragraph (1) of the Marriage Law has inadvertently supplied a warning and explanation, which is that a legitimate marriage is a marriage that is carried out following the parties' individual religious beliefs and convictions. It is clear from reading this article that weddings in Indonesia have to be performed in line with the religious provisions of the respective religions before moving on to the next phase, registration. Even though the terms of the validity of Marriage have been defined in this article, in practice, this article still causes a lot of controversies, particularly for couples who desire to get married but have different beliefs. In such a way, the article's explanation can be interpreted in a number of various ways.

According to the interpretation that can be drawn from the explanation of the item that was just read, marriages in Indonesia are religious marriages, which means that marriages that are not carried out based on holy Law or that violate spiritual Law are regarded as invalid. The articles discussed earlier serve as a tool for the regulation of society as well as means for the engineering of society. Thus, if the community follows the laws of Marriage, which encompass juridical, social and religious components, it will realize the purpose of Marriage, namely building a *sakinah, mawaddah and warrahmah* family. But, with advancements in society, increasingly complicated challenges occur. For instance, marriages conducted by couples who practice different religions are regarded as increasingly troublesome in today's culture. As a result, they are frequently featured in negative portrayals in various forms of media, including internet, print, and social media.

Interfaith weddings are marriages carried out by couples with diverse beliefs between men and women. Generally, interfaith marriages can be interpreted as marriages carried out by teams with distinct beliefs. The concept

of mixed marriages should not be confused with the interfaith Marriage that is being discussed here because there is a clear distinction between the two. Yet, if the problem of mixed marriages also has a role in the prevalence of interfaith weddings, then this cannot be ruled out as a possible explanation (Paikah, 2019). On the other hand, interfaith and mixed marriages are very different. Yet, couples who want to marry across religious lines frequently cite these distinctions as justifications and legal loopholes for their decision to do so. One of the options is to have the wedding outside of Indonesia or in a country that is not part of Indonesia's legal system. After that, you should go ahead and register your Marriage in Indonesia, citing that reason. (Wahyudi & Basir, 2018)

According to Article 3 of Government Regulation No. 9 of 1975, anyone who plans to get hitched must give 10 days' notice to the local Registrar at the location where the ceremony will occur, either verbally or in writing. If there are compelling circumstances, those who need to get married in less than 10 days must get permission from the camat on the regent's behalf. The names, ages, religions/beliefs, and residences of the bride-to-be and groom-to-be, as well as the terms of any past spouses, must be included in the notification of intent to marry. The registrar staff verified that the legal requirements for a marriage had been met and that there were no legal impediments to the Marriage, as required by Article 6 of Government Regulation No. 9 of 1975. There are a). Excerpt of the bride's birth certificate; b). Information regarding the name, religion/belief, occupation and place of residence of the prospective bride's parents; c). Written permission/court permission as referred to in Article 6, paragraphs 2, 3, 4, 5 of Law No. 1 of 1974. Court/official permission as referred to in article 4 of Law no. 1 of 1974; d). Court/official dispensation as referred to in Article 7 paragraph (2) of Law No. 1 of 1974 f. Death certificate of wife/husband or certificate of divorce for Marriage for the second time or more; e). A registrar legalizes an authentic or underhand power of attorney if one of the prospective bride and groom or both cannot attend alone for an important reason so that they can be represented by someone else.

When all requirements for notification have been met, and no legal impediments to the Marriage exist, the Registrar will make a public announcement at the marriage registration office about the information of the intention to marry. The requirements for what should be included in the report are expanded upon in Article 9. Articles 10 and 11 then detail rules for getting married.

Following Article 10 of Government Regulation No. 9 of 1975, marriages may be performed in the presence of the Registry Officer and two witnesses after

the tenth day following the announcement, provided that the procedure for Marriage is followed following the laws of each religion or belief. After the ceremony, the couple, two witnesses and the Registrar (or the marriage guardian or his agent in the case of an Islamic marriage) will sign the marriage certificate. The Marriage is legally recognized if both parties have signed the certificate.

The terms of Marriage Law No. 1 of 1974 have not been adequately governed by Government Regulation Number—9 of 1975. Civil registry officers can use this information to inform policy decisions beyond simply enforcing the provisions of the existing Marriage Law No. 1 of 1974 and completing implementing rules. Therefore, to keep a legal vacuum, they don't just enforce old regulations as long as they aren't regulated in Law No. 1 of 1974. It is also appropriate to apply the ancient principles, which, although already controlled in Law No. 1 of 1974, the implementing regulations do not yet exist or are incomplete. This is because it is appropriate to apply the old principles, which, although already regulated in Law no. 1 of 1974. The Civil Registry is still in operation today, serving in the same capacity as it did back when marriages were being carried out, which is to say, as the executor of marriages. This demonstrates that marriages in settings other than the Civil Registry are nonetheless regarded as legitimate unions.

Three different perspectives on interfaith Marriage may be outlined in Law No. 1 of 1974. These perspectives are based on the knowledge of experts and legal practitioners. *First*, there is no justification for Marriage between people of different faiths, which is a breach of the first paragraph of Article 2 of the UUP: Marriage is permitted under the condition that it is carried out following the laws of each religion and belief; however, Marriage is not permitted under Article 8 letter (f), which states that Marriage is not allowed between two people who are in a relationship but whose religion or other applicable regulations prohibit Marriage. As a result of this article, marriages between people of different faiths will henceforth be regarded as unlawful, invalid, and void under the Law. Although it is stated in this article that it is allowed according to the legislation of each religion and belief, a school of thought within Islam holds that marriages between people of other faiths are acceptable. *Second*, because they are considered mixed marriages according to Article 57 of the UUP, which states that two persons in Indonesia are subject to various laws, interfaith marriages are allowed, lawful, and can occur. This is because two people in Indonesia are subject to different laws. ([Al-Ahmad, 2019](#)) Another interpretation of the Law holds that it also governs marriages between individuals of different faiths and between persons of different nationalities. He says the method outlined in Article

6 PPC is followed during implementation. Article 66 UUP specifies that, without the consent of the intended spouses, a mixed marriage must be performed following the Law applicable to the husband. *Third*, the topic of interfaith marriages is not governed by the UUP. According to Article 66 of the UUP, all other laws and regulations pertaining to Marriage are null and void to the extent that they conflict with the provisions of the UUP. Nonetheless, the problem of interfaith marriages must be governed by mixed marriage legislation because the UUP has not regulated it (PPC).

Apart from these three opinions, some groups believe that the UUP needs to be perfected, bearing in mind that there is a legal vacuum regarding interfaith marriages. The arguments built by the group are based on four things, namely: a). The marriage law does not regulate interfaith marriages; b). Indonesian society is plural, so interfaith marriages cannot be avoided; c). religious issues are part of a person's human rights; and D). The legal vacuum in the field of Marriage cannot be allowed to go unpunished because it will encourage covert adultery through cohabitation.

Law no. 1 of 1974 clearly and firmly regulated the rule on interfaith Marriage, so most of Indonesia's Muslim communities believe there is no need to revise the marriage law by putting the Law on interfaith weddings in the Law. This is not entirely false; Article 2, paragraph (1) of the UUP has been seen as beneficial by Indonesia's Muslim majority because it eliminates the option of "secular" Marriage. Since Islamic Law prohibits (considers invalid) marriages between Muslims and non-Muslims or between Muslims and polytheists, this also means that a Muslim woman cannot marry a non-Muslim man. The Dutch Heritage marriage regulations (PPC) allow Indonesians to perform interfaith weddings notwithstanding the ban, making this a crucial problem for Muslims.

Unrecorded marriages put both parties at risk of harm and injustice; for example, the wife may lose her ability to file a legal claim if her husband maltreats her ([Wahyuni & Syamsulhadi, 2021](#)). If a marriage is not registered, a wife whose husband has neglected her cannot file a lawsuit against him because she has no proof of their Marriage. Marriage registration is a legal requirement for the Marriage to be considered consummated. ([Faishol, 2019](#))

As was previously mentioned, Marriage in Indonesia is a religious union, so this is a significant issue. All weddings must be performed in line with the rules of each respective faith. Therefore, the extent to which various religions give guidelines for members who carry out interfaith marriages is an essential consideration in the context of interfaith marriages. This is because religious and

demographic administration laws can be affected by Marriage as a legal occurrence.

Many people, including the husband, the wife, and the children, worry about the legal ramifications of a marriage between two people of different faiths. Yet, the Indonesian marriage statutes do not explicitly state or clarify that interfaith marriages are legal in Indonesia. Couples who marry across religious lines can thus be seen to be involved in illegal activity and some cases may even be smuggling in the eyes of the state. This would break both Indonesian Law and religious conventions. Both academics and members of Indonesian society have strong opinions on the issue of interfaith Marriage. This occurs because the Marriage Law contains lax requirements. People in the community look for ways around the Law to justify interfaith unions. There are still holes in the Marriage Law, such as the lack of severe consequences for lawbreakers. Law No. 1 of 1974 concerning Marriage should have strict sanctions for violators. For example, criminal sanctions are given to violators of these rules, including people who carry out interfaith marriages. With sanctions, the UUP will be stronger and provide a deterrent effect for people who violate it. Thus, the perfection of the UUP can guarantee the benefit of many people. This is because Marriage is a legal event that can have legal consequences.

2. Maladministration of Interfaith Marriage in Indonesia

Abuse of authority, or maladministration, occurs when command is used to take actions that are unfair, unfair, intimidating, or discriminatory and are not based on statutory provisions or facts, are unreasonable, unjust, oppressive, improper, and discriminatory, or are not based on reasonable, unfair, oppressive, proper, and biased. As a result, lawbreaking, incompatibility, and opposition to Law 25 of 2009 concerning Public Services all characterize maladministration. ([Putri & Adnan, 2020](#))

Regarding marriage registration, any official or institution can commit or facilitate acts of maladministration. As a result, acts of maladministration do not represent proper compliance with the Law. The rule of Law in society could be disrupted due to this. Because of how central a role administration plays in everyday life in Indonesia. If someone with vested interests and significant influence makes a mistake, no matter how minor, it will have repercussions for society. For this reason, checks and balances are necessary to ensure the state does not evolve into an authoritarian regime with no limits, which runs counter to the principles of a rule of the law society. Since corrupt practices typically

begin with poor administration within government organizations, it is fair to call maladministration an "entry point" for corruption.

Providing goods, services, and administrative services to citizens and residents in line with legislative requirements is defined as public service in Article 1 of Law Number 25 of 2009. Meanwhile, the Ministerial Decree No./KEP/25/M.PAN/2/2004 on Administrative Reform defines "public services" as any actions by public service providers to meet service needs within the context of executing statutory regulations.

The public has to be made aware of the state of the administrative support services available to couples in Indonesia who marry across religious lines. It is necessary to give careful consideration, as was done in the preceding section, to the steps that must be taken by couples who wish to marry across religious lines. The reason for this is that the legal status of interfaith weddings is not stated in the marriage statutes that are in place in Indonesia. For this reason, it is necessary to observe how the procedure works when two people who follow different religions go through the motions. ([Jari & Zulkifli, 2018](#)), ([Liow, 2020](#)), ([Naftalin-Kelman, 2019](#))

Because this facet of marriage registration is extremely pressing in terms of the protection and guarantee of legal certainty, the state will, in the not-too-distant future, be required to regulate or promulgate conditions for Marriage to incorporate religious or belief norms into marriage law positively. Law 1 of 1974 concerning Marriage and other laws and regulations related to Marriage and population administration contain the conditions for Marriage that the state has formulated. The fulfilment of these conditions is a condition for registering a marriage and a requirement for issuing a marriage certificate. These conditions can be found in Law 1 of 1974 concerning Marriage. In the future, it is believed that there will be efforts to synchronize laws and regulations connected to religious norms and beliefs with the building of state law governing Marriage and population administration. This is something that has been sought. ([Pristiwiyanto, 2018](#))

It is an irrefutable fact of life that enacted laws and norms do not always achieve their intended purposes. It is clear that many people continue to disobey the administrative and legal requirements set forth by the Marriage Law. Many people base their marital decisions on religious dogma. The state may have trouble fully protecting the rights of women in Marriage and their children's rights if marriages conducted following spiritual Law and beliefs but not with Law No. 1 of 1974 are not recorded.

The order in which marriages occur is frequently at odds with Indonesian Law. This is not without cause; disagreements over matters of faith, human rights, society, and the Law all contribute to a situation in which the letter of the Law does not always match the spirit of the Law. Thus, there should be no legal vacuum in the regulations that are formed, and the rules that are made should reflect the realities of society. In their regular civil contacts, there are indeed groups of individuals who adhere to religious Law or national Law, as well as based on religious relations, which demonstrates the presence of legal plurality—Civil Law to regional norms and Practices. As long as it does not contradict the principles of the Unitary State of the Republic of Indonesia, this legal plurality is strictly regulated and protected by the 1945 Constitution. Simple and complex frictions between the application of national, religious, and Customary Law are inevitable consequences of legal diversity. Therefore, the state proposes national laws (statutory rules) that aim to become a cover for legal diversity in an attempt to avoid the presence of frictions and the harmful repercussions of these frictions. ([Pristiwiyanto, 2018](#))

The presence of state regulations should be welcomed and carried out according to the mandate of the Law. So in matters of Marriage, society must refer not only according to religion but according to the applicable Law. Both in terms of requirements for administration. Because Marriage is not only a question of religious doctrine but also administrative Law at the state level. According to Supreme Court Decision 1400/K/Pdt/1986, which addresses the issue of interfaith Marriage, the highest Court in the land believes it is unjustifiable for societal realities and demands like interfaith weddings to be left unaccommodated by legislation. Because of the detrimental effects, it will have on people's lives. Any couple planning to tie the knot must inform the local Registrar of marriages of their intentions. The Marriage, Divorce, and Reconciliation Officers are informed of the Marriage of a Muslim couple. It is said to *Disdukcapil* for non-Muslim spouses. The alert is verbally communicated.

Nonetheless, it can be approved in writing if there is a reasonable justification for it. An extraordinary power of attorney is required for notifications that other parties handle. The announcement includes the names, ages, religions/beliefs, occupations, and places of residence of the bride and groom, any past spouses, marriage guardians (for Muslims), and other relevant information if either party has been previously married. ([Auda, 2019](#)), ([Fargues & Tohme, 2017](#))

Opportunities to carry out different religious marriages abroad are increasingly open with the promulgation of Law Number 23 of 2006 concerning

Population Administration (Population Administration Law). Article 34 of the Population Administration Law states:

- a. The Resident must report a valid marriage based on the provisions of the Laws and Regulations to the Implementing Agency at the place where the Marriage took place no later than 60 (sixty) days from the date of the Marriage.
- b. Based on the report referred to in paragraph (1), the Civil Registry Officer records the marriage certificates on the Register of Marriage Certificates and issues a copy of the marriage certificate.
- c. The excerpts of the Marriage Deed in paragraph (2) are given to each husband and wife.
- d. Reporting, as referred to in paragraph (1), is carried out by Muslim residents to the Office of Religious Affairs in the District.
- e. Data on the results of the registration of events, as referred to in paragraph (4) and in Article 8 paragraph (2), must be submitted by the KUA Kec to the Implementing Agency no later than 10 (ten) days after the registration of the Marriage is carried out.
- f. The results of data recording, as referred to in paragraph (5), do not require the issuance of a civil registration deed.
- g. At the sub-district level, the report referred to in paragraph (1) is made to the UPTD of the Implementing Agency. ([Dewi, 2020](#))

Article 35 of the Population Administration Law states, "The registration of marriages as referred to in Article 34 also applies to a. Marriage determined by the Court; and b. Marriage of Foreign Citizens conducted in Indonesia at the request of the Foreign Citizens concerned." Furthermore, in the Explanation of Article 35 Letter A of the Population Administration Law, it is stated that what is meant by "Marriage stipulated by the Court" is a marriage conducted between people of different religions. Further provisions regarding the registration of unions outside the territory of the Unitary State of the Republic of Indonesia are stated in Article 37 of the Population Administration Law, which states:

- a. Marriages of Indonesian citizens outside the territory of the Unitary State of the Republic of Indonesia must be registered with the competent authorities in the local country and reported to the Representative of the Republic of Indonesia. If the local countryside, as referred to in paragraph (1), does not organize marriage registration for foreigners, the local Representative of the Republic of Indonesia does the registration.

- b. As referred to in paragraph (2), the Representative of the Republic of Indonesia records the marriage event in the Marriage Certificate Register and issues a Marriage Certificate.
- c. The marriage registration, as referred to in paragraph (1) and paragraph (2), is reported by the person concerned to the Implementing Agency at his place of residence no later than 30 (thirty) days after the person concerned returns to Indonesia.

Rights as husband and wife, rights regarding children, and rights regarding marital assets are all affected by a couple's faith. This is also true for couples of various religions who marry abroad. Marriage bonds involve normal relations of inheritance, kinship, kin and neighbours, and traditional and religious ceremonies in addition to their effects on civil concerns, such as the rights and obligations of husband and wife, joint property, the position of children, and the rights and obligations of parents. After the wedding, the man is legally recognized as the wife's husband, and the woman is legally recognized as the husband's wife. They also each acquire specific rights and responsibilities under the marriage contract. Children born in a marriage are entitled to the support and education of both parents. ([Dewi, 2020](#)), ([Yunita, 2018](#))

Property law also changes after Marriage. Joint assets are assets owned by both partners in a marriage. All property revenue gained by husband and wife during the Marriage is considered community property. This includes both incomes from the sale of intrinsic goods and income from the sale of goods created by the community property. All of the couple's income, whether earned independently or jointly, is the fruits of their respective businesses or their salaries and bonuses. Unless a prenuptial or postnuptial agreement specifies otherwise, a married couple manages their shared property jointly. When a marriage ends in divorce, all assets acquired during the Marriage are divided following the applicable regulations. This provision may be found in Article 37 of Marriage Law No. 1 of 1974.

Unrecognized unions are the same as cohabiting without getting married, and they cause significant harm to all parties involved (mainly women), especially if children have already been born. Children born to unmarried parents who cohabit but have not formally registered their union are considered "children out of wedlock" and have no legal tie with their fathers. So, you are not recognized as a father under the Law. ([Latupono, 2018](#)), ([Handayani, 2019](#))

A marriage's registration must be done per all applicable laws and regulations. In a real-world context, legal smuggling might be bending religious

standards, searching for legal loopholes, and sloppy management. A marriage performed in line with religious tenets is an inner and outer link, yet it still requires the formalities of registration. This means that the procedure, conditions, and registration of every Marriage must adhere to the requirements of the Law. The subject of registering marriages must be handled correctly, without any unlawful conduct or maladministration, despite inconsistencies in the explanation of the Marriage Law and the Population Administration Law. Thus, all prospective spouses must fulfil legal and religious prerequisites. In order for the intended purpose of the Marriage to be fulfilled. Registering their Marriage is a crucial step for newlyweds. This is because writing a marriage as valid is required by the UUP. As Marriage is a legal event, it is impossible to rule out the possibility of this sort of administrative difficulty. Couples who violate Indonesian marriage law by getting married in a ceremony that involves members of different faiths should be punished severely. His rulings have desecrated both the Law and Marriage. Some people try to get around the Law by getting married in a foreign country, others change their faith for the sake of a marriage license, and still, others perform weddings that aren't legally recognized. ([Fargues & Tohme, 2017](#)), ([Guler, 2019](#))

One way to reduce the potential for harm from mixed-faith families and sloppy management is to ensure that those who break the UUP face consequences. As a result, the Marriage Law has to be updated with new, more stringent penalties. As a result, the community has a lot of room for error when dealing with marital issues, especially those involving couples of different faiths. Marriages between people of other faiths can be performed outside of Indonesia and then registered there. This action constitutes maladministration by trying to find ways around following the rules. Apostasy or switching religions before Marriage and then switching religions again after Marriage is another way in which maladministration can occur. To obtain a marriage license, this action was taken. Government laws or harsh punishments for those responsible for maladministration are needed to close and eradicate these loopholes. Criminal and monetary penalties await those who engage in legitimate smuggling. Strict sentences like those described above can serve as an effective deterrence against offenders. Those who break the Law need to know they can get support under Law No. 1 of 1974 about Marriage. Marriage restrictions should not be undervalued or reduced to a mere formality law; doing so would help alleviate the problems of interfaith weddings and poor social management.

D. CONCLUSIONS

The morality of interfaith Marriage is still up for discussion. Even though interfaith Marriage is now legally protected, it is still often practised. For several reasons, including human rights and tolerance, some see this as perfectly acceptable. In truth, this is not clarified by Indonesian marriage law. Contrarily, as stated in Article 2 Paragraph 1 of the UUP, it is illegal to marry someone of a different religion under the Marriage Law. The state also requires registration of a legal marriage. So, it's essential to watch for official attempts at maladministration during the sign-up of interfaith weddings because breaking the Law through poor administration is illegal.

Law No. 1 of 1974 Governing Marriage must impose harsh sanctions, including fines or criminal penalties, for those who violate the Law to minimize and close all opportunities for maladministration and interfaith marriages in Indonesia. The existence of punishments in the Marriage Law can serve as a deterrence to those who would break it.

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