Implications of Supreme Court Circular Letter in the Context of Marriage Between People of Different Religions

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Abstract
Law No. 1 of 1974 persistent, particularly in areas such as the legal interpretation of marriage, marriage registration, and unions involving individuals from different religious backgrounds. The situation has been exacerbated by the recent issuance of Supreme Court Circular No. 2 of 2023, specifically in clause 2, which denies requests for registering marriages between individuals of different religions and beliefs. The research addresses two key questions: 1) How can the validity of marriages under Law No. 1 of 1974 be reinterpreted in the context of unions between individuals of diverse religious beliefs? 2) What are the legal ramifications of Supreme Court Circular Letter No. 2 of 2023 for future marriage-related legal practices in Indonesia? The study adopts a normative juridical research approach, using secondary data gathered through literature review and legislative analysis, and employs qualitative analysis techniques.

1. Introduction

The Marriage Law that applies in Indonesia is Law no. 1 of 1974 concerning Marriage (hereinafter referred to as Law No. 1 of 1974), the age will reach fifty years. Nearly half a century has passed, but formally not much change has occurred, despite the implementation of Law no. 1 of 1974 still leaves many problems in the practice of life in society. The latest changes in the legislative aspect only concern updates regarding the age a woman can enter into marriage, namely from a minimum age of 16 years to a minimum age of 19 years, as amended in Article 7 paragraph (1) of Law no. 16 of 2019 concerning Amendments to Law no. 1 of 1974 concerning Marriage (hereinafter referred to as Law No. 16 of 2019).

10 (ten) requests for the right to judicial review, 5 (five) of them were rejected by the Constitutional Court judges, 1 (one) was not accepted, 4 (four) were partially granted. Only 1 (one) application ultimately resulted in changes to the articles made by the legislators, namely changes to Article 7 paragraph (1) of Law No. 1 of 1974

concerning the age for women to enter into marriage from 16 years to 19 years, which further regulated in Law no. 16 of 2019.

Wirjono Prodjodikoro, said that the meaning of marriage is determined by the laws in each country that apply regarding a particular cohabitation between a woman and a man. 1 Looking at the meaning of marriage based on Article 1 of Law no. 1 of 1974 is "a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the belief in the One and Only God." Therefore, marriage is closely related to religion/spirituality. This can be seen by not ignoring the importance of spiritual elements in a marriage, apart from of course there are also physical elements.

In line with that, Article 2 paragraph (1) of Law no. 1 of 1974 has determined that "marriage is valid if it is carried out according to the laws of each respective religion and belief". There are 6 (six) recognized religions in Indonesia, namely Islam, Christianity, Catholicism, Hinduism, Buddhism and Confucianism. According to H. Hilman Hadikusuma, the words "the law of each religion" means the law of one of the respective religions, not meaning the law of each religion, namely the law of the religion adhered to by the bride and groom or their families. 2 Explanation of Article 2 paragraph (1) confirms that there is no marriage outside the law of each religion and belief, in accordance with the 1945 Constitution. What is meant by the law of each religion and belief includes the statutory provisions that apply to that group of religions and beliefs. as long as it does not conflict or is not otherwise specified in this Law.

Every marriage in Indonesia must be legalized through the procedures of these six religions.Rosa Agustina stated that marriages between people who do not follow one of these religions will not be recognized. Only then in 2006 with the promulgation of Law no. 23 of 2006 concerning Population Administration (hereinafter referred to as Law No. 23 of 2006), apart from adherents of one of the religions recognized by the government, marriages of believers can be legally recognized.3

Furthermore, Article 2 paragraph (2) of Law no. 1 of 1974, states that "every marriage is recorded according to the applicable laws and regulations". Marriage registration is carried out at two institutions, namely the Religious Affairs Office (hereinafter referred to as KUA) for those who enter into marriages according to the Islamic religion, and the Population and Civil Registration Service (hereinafter referred to as Disdukcapil) for those who enter into marriages other than according to the Islamic religion. The legalization and registration of marriages as regulated in Article 2 paragraphs (1) and (2) of Law No. 1 of 1974 becomes a problem in practice, when there are prospective husband and wife couples who are about to get married but have different religions or beliefs. Prohibition of marriage, especially as regulated in Article 8 letter f of Law no. 1 of 1974 states that "marriage is prohibited between two

people who are in a relationship whose religion or other applicable regulations prohibit marriage." This is often interpreted as a prohibition for prospective married couples of different religions.

Article 2 paragraphs (1) and (2) and Article 8 letter f of Law no. 1 of 1974, gave rise to various problems in its implementation, at the normative and administrative levels. At a normative level, it is necessary to re-examine what the validity of marriage actually means according to the laws of each religion and belief? What if the couple has different religions? Is it enough to carry it out according to one of the husband's or wife's religions? Or does it have to be both? Can it be justified if initially the marriage is carried out according to the husband's religion and then it is carried out according to the wife's religion, or is it enough for just one religion to validate it? The problem does not stop there, because then the obligation arises to register marriages that have been carried out according to the laws of each religion and belief. If a husband and wife have different religions or beliefs, at which agency should the marriage registration be carried out? For example, if a husband and wife are Muslim and non-Muslim, is the recording done at the KUA or Disdukcapil?

In fact, the questions above have been answered through Article 35 of Law Number 23 of 2006 concerning Population Administration (hereinafter referred to as Law No. 23 of 2006) and its explanation, which states that marriages between people of different religions are determined by the Court. It is hoped that this arrangement will end the uncertainty that has occurred so far regarding whether or not interfaith marriages carried out in Indonesia can be recognized by the state. So far, couples of different religions who want to get married, generally do so by getting married abroad or if they get married in Indonesia they generally change their religion temporarily or permanently so that their marriage can take place. Sometimes they get married twice, for example first getting married in church, then getting married at the Islamic Religious Affairs Office.4

Mechanism for implementing Article 35 of Law no. 23 of 2006 is carried out by submitting an application to the court from prospective husbands and/or wives who are about to get married but have different religions. The judge will prepare legal considerations and then issue a decision which can grant or reject the application. However, with the publication of Supreme Court Circular Letter Number 2 of 2023 (hereinafter referred to as SEMA No. 2 of 2023) on July 17 2023, it seems to evoke old memories of how difficult it is to get marriage legalization for married couples of different religions in Indonesia. SEMA No. 2 of 2023 emphasizes that (1) marriages that are considered valid are marriages carried out according to the laws of each religion and belief, in accordance with Article

2 paragraph (1) and Article 8 letter f of Law no. 1 of 1974 concerning Marriage and (2) the court did not grant the request for registration of marriages between people of different religions and beliefs.

From the background above, the formulation of the problem studied is: 1). How to interpret the validity of a marriage againbased on Law no. 1 of 1974 in the context of marriage between people of different religions and beliefs? 2). What are the legal implications arising from the issuance of Supreme Court Circular Letter Number 2 of 2023 for legal practices related to marriage in Indonesia in the future?

2. Research Method

The approach The research method used is the juridical-normative legal research method, which is carried out by reviewing the legislation that is in force and applied to a particular legal problem.[5] The approach used is the Statute Approach. According to Johnny Ibrahim, a legislative approach must have the following characteristics:

a. Comprehensive, meaning that the legal norms contained therein are logically related to each other.
b. All-inclusive means that the collection of legal norms is sufficient to accommodate existing legal problems, so that there will be no legal deficiencies.
c. Systematic means that apart from being linked to one another, these legal norms are also arranged hierarchically.6

The author uses secondary data, namely data that is available in the form of writing, images, etc. Secondary data consists of three legal materials, namely primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials are legal materials that are binding, including: the 1945 Constitution, Law no. 1 of 1974, Law no. 16 of 2019, Law no. 39 of 1999, Law no. 23 of 2006, Law no. 48 of 2009, Law no.12 of 2011, SEMA No. 2 of 2023, and supplemented by several Constitutional Court Decisions.Secondary Legal Materials consist of books and other references related to the topic of this paper. This article is also equipped with Tertiary Legal Materials consisting of general dictionaries, legal dictionaries, and written sources via the internet.

The data acquisition technique used is through literature study, to obtain research materials in the form of writings in the form of statutory regulations, books, journals and other literature that are appropriate to the topic being researched. The research materials will then be analyzed qualitatively, meaning an analysis whose

[5]Soerjono, H. Abdurrahman, 2013, Legal Research Methods, Jakarta: Rineka Cipta, p. 56

justification formulation is based on the quality of the opinions of legal experts, doctrines, theories, as well as the formulation of the norms themselves. 7

3. Results and Discussion

Reinterpreting the Validity of Marriage Based on Law no. 1 of 1974 in the context of marriage between people of different religions and beliefs

In accordance with the philosophical implementation of Law no. 1 of 1974, which is based on the Pancasila philosophy and the ideals of fostering national law, the Marriage Law was issued which applies to all Indonesian citizens. The definition of marriage as stated in Article 1 of Law no. 1 of 1974 is of course built on noble values that are aspired to. Marriage is inspired by the combination of the physical and spiritual bonds of a man and a woman, based on the Almighty Godhead.

Based on Article 28B paragraph (1) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution): "Every person has the right to form a family and continue their offspring through a legal marriage." This means that forming a family through a legal marriage is the right of every Indonesian citizen which has been stipulated in the constitution. A marriage is carried out based on belief in the Almighty God, this is very closely related to religious/spiritual elements. The Indonesian state has stated that the right to religion is a human right, as regulated in Article 28I of the 1945 Constitution: "The right to life, the right not to be tortured, the right to freedom of thought and conscience, the right to religion, the right not to be enslaved, the right to be recognized as an individual before the law, and the right not to be prosecuted based on laws that apply retroactively is a human right that cannot be reduced under any circumstances." Furthermore, Article 28E paragraph (1) of the 1945 Constitution states; "Every person is free to embrace religion and worship according to his religion, choose education and teaching, choose work, choose citizenship, choose a place to live in the territory of the country and leave it, and has the right to return." Furthermore, Article 28E paragraph (2): "Everyone has the right to freedom of belief, expression of thoughts and attitudes, in accordance with his conscience." Article 29 paragraph (2) of the 1945 Constitution: "The State guarantees the freedom of every resident to embrace their own religion and to worship according to their religion and beliefs." Based on these provisions, the Indonesian state has guaranteed the right of its citizens to embrace religion and worship according to their religion and beliefs and guarantees the right to form a family through legal marriage.

A marriage has legal force when it has been declared valid according to applicable law. The Indonesian government has stated that marriage is valid if it is carried out according to the laws of each religion and belief, as regulated in Article 2

paragraph (1) of Law no. 1 of 1974. This means that there is no marriage outside the laws of each respective religion and belief. The Elucidation of Article 2 paragraph (1) of Law No. 1 of 1974 confirms the meaning of the law for each religion and belief, including the statutory provisions that apply to that group of religions and beliefs as long as they do not conflict with or are not otherwise specified in this Law.

Looking at the contents of Article 2 paragraph (1) of Law No. 1 of 1974, it is clearly stated that the validity of a marriage is based on the laws of each religion and belief, meaning that the authority to declare a marriage as valid lies with the religious or belief institution. This becomes difficult when prospective husband and wife have different religions, and want to get married while still adhering to their respective religions, then which religious law will have the authority to legalize the marriage? Husband's religious institution or wife's religious institution? Or both? It is not enough to stop at the validity of the marriage, but continues at the administrative stage, namely the registration of the marriage, as regulated in Article 2 paragraph (2) of Law no. 1 of 1974. For those who enter into marriages according to the Islamic religion, registration is carried out at the KUA, while for those who enter into marriages other than according to the Islamic religion, registration is carried out at the Disdukcapil. What if the marriage takes place between people of different religions, should the marriage registration be carried out at the KUA or Disdukcapil?

Furthermore, Article 8 letter f of Law no. 1 of 1974, states that marriage is prohibited between two people who are in a relationship whose religion or other applicable regulations prohibit marriage. There is no additional information regarding this article in the explanation of Law no. 1 of 1974. According to the author, the party with the first authority to examine whether the relationship between a prospective husband and wife has any obstacles or prohibitions to getting married is a religious and belief institution. This is because religious and belief institutions have the authority to legalize the marriage. Apart from the relevant religious institutions, applicable regulations can also determine marriage prohibitions for men and women from getting married. Article 8 letters a to e of Law no. 1 of 1974 regulates the prohibition of marriage related to blood relations, marital relations, breast-feeding relations that are too close, while Article 8 letter f in practice is often interpreted as a prohibition on marriage for men and women of different religions, but this has never been confirmed in the law. No. 1 of 1974.

The six religions in Indonesia have their own regulations and tend to strictly prohibit the practice of interfaith marriages. Islamic law clearly opposes interfaith marriage, even if it is forced it is commonly known in society as "lifelong adultery." The Christian/Protestant religion basically prohibits its followers from entering into interfaith marriages, because in Christian doctrine, the purpose of marriage is to achieve happiness between husband, wife and children within the eternal and

everlasting household. Catholic law prohibits interfaith marriages unless given permission by the church under certain conditions. Buddhist law does not regulate interfaith marriages and returns to the customs of each region, while Hinduism strictly prohibits interfaith marriages. 8 The administrator of the Indonesian High Council of Confucianism (Matakin), Chandra Setiawan, stated that marriage confirmation rituals can only be carried out for people who believe in Confucian. Basically (marriages of different religions) are not allowed, because they cannot be confirmed according to Confucian teachings. The Confucian religion cannot provide confirmation of marriage for couples who do not believe in the truth of Confucian teachings. In the marriage ritual in Confucianism, the adherent is required to pronounce a confession of faith in the Confucian belief, to accept Confucianism as a religion and this cannot be done by anyone other than Confucian.9

Looking at the statement above, only the Catholic religion can give permission to prospective married couples of different religions, one party is Catholic and the other party is non-Catholic, but they must fulfill certain requirements. The Catholic Church has regulated mixed marriages in CHAPTER VI Canon number 1124 – 1125, which essentially states that permission for two Catholics and non-Catholics can be granted if the following conditions are met:

1. The Catholic party stated that it was willing to avoid the danger of leaving the faith as well gave an honest promise that he would do everything in his power, so that all his children were baptized and educated in the Catholic Church;
2. regarding the promises to be made by the Catholic party the other party should be informed in time, so that it is clear that he is fully aware of the promises and obligations on the part of Catholics;
3. both parties should be taught about the purposes and essential characteristics of marriage, which neither of them should exclude. 10

Regulations regarding the validity of marriages, registration of marriages, and marriages between people of different religions are contained in Article 2 paragraphs (1) and (2), Article 8 of Law no. 1 of 1974, two different applicants submitted applications for the right to judicial review to the Constitutional Court twice. The first petition in the Constitutional Court Decision Number 68/PUU-XII/2014 was submitted by four Petitioners, consisting of three legal consultants and a student. According to the applicant, by submitting the validity of marriage to the laws of each religion and belief, this means that marriages will emerge that are invalid because of religion and belief. Regulation of Article 2 paragraph (1) of Law no. 1 of 1974 resulted in restrictions on the rights of Indonesian citizens to enter into marriage which is a human right. Apart from that, Article 2 paragraph (1) of Law no. 1 of 1974 provides a very wide gap in interpretation, especially regarding who is the party who has the right to interpret religious laws and beliefs in marriage, namely interpretation from oneself, from religious leaders, from marriage registrar employees. However, the judge

determined that the applicant's application was rejected because the application was deemed unreasonable according to law.11

The second application in the Constitutional Court Decision Number 24/PUU-XX/2022 was submitted by a man who works as a private employee. According to the Petitioner, the enactment of Article 2 paragraphs (1) and (2) and Article 8 letter f of Law no. 1 of 1974 has harmed his rights as a citizen guaranteed in the 1945 Constitution, because the applicant was unable to enter into a marriage with a woman of a different religion from himself, even though they had been in a relationship for three years and had a mutual desire to get married. According to the Petitioner, these articles have reduced and confused the meaning of marriage and religious freedom, the state is considered to be interfering in the internal affairs of citizens through the authority to determine whether a marriage is valid administratively based solely on the similarity of the religion of the prospective husband and wife. However, unfortunately the application was rejected by the judge, because the application was deemed unreasonable according to law.12

Looking at the requests for the right to judicial review from Law no. 1 of 1974 which was submitted to the Constitutional Court, especially on the articles relating to the validity of marriages, registration of marriages, and marriages between people of different religions, this shows that there are societal needs that cannot be simply ignored. The need for society to obtain legal certainty regarding the validity of marriages, registration of marriages, and marriages between people of different religions, is very important considering that Indonesia is a multi-religious, multi-belief, multi-cultural country, so it does not rule out the possibility of interactions between citizens and men. and women of different religions ultimately want to get married.

Taking into account the applicable legal provisions, especially in the 1945 Constitution, especially those which regulate the rights of citizens to freely embrace religion and worship according to their religion and beliefs as well as the rights of citizens to form a family through legal marriage, it becomes very worrying if in order to realize their right to forming a family through a legal marriage, a citizen is forced to be willing to give up his right to freely embrace religion and worship according to his religion and beliefs, in order to realize a legal marriage based on his religion and beliefs. According to the author, based on the provisions of Article 2 paragraphs (1) and (2) and Article 8 letter f of Law no. 1 of 1974, as long as the relevant religious institution does not prohibit men and women from getting married even though they have different religions, then they can get married according to the procedures of the relevant religion. A marriage that has been carried out according to religious procedures can be said to be valid. Residents must report a valid marriage to the implementing agency at the place where the marriage occurred no later than 60 (sixty) days from the date of the marriage, as regulated in Article 34 paragraph (1) of Law no. 23 of 2006. Therefore, there should be no obstacles for this kind of marriage to be registered with the Marriage Registrar, according to the applicable regulations, if a

religious institution certifies non-Muslims, then the marriage is registered at the Disdukcapil Office.

Legal Implications Arising from the Issuance of Supreme Court Circular Letter Number 2 of 2023 Regarding Legal Practices Regarding Marriage Between People of Different Religions

Article 7 paragraph (1) of Law Number 12 of 2011 concerning the Formation of Legislative Regulations (hereinafter referred to as Law No. 12 of 2011) states that the types and hierarchy of Legislative Regulations consist of:

a. The 1945 Constitution of the Republic of Indonesia;
b. Decree of the People's Consultative Assembly;
c. Laws/Government Regulations in Lieu of Laws;
d. Government regulations;
e. Presidential decree;
f. Provincial Regional Regulations; And
g. Regency/City Regional Regulations

SEMA is not included in the types and hierarchy of statutory regulations referred to in Article 7 paragraph (1) of Law no. 12 of 2011. However, SEMA can be categorized under other regulations, as regulated in Article 8 paragraph (1) of Law no. 12 of 2011: Types of Legislative Regulations other than those referred to in Article 7 paragraph (1) include regulations stipulated by the People's Consultative Assembly, People's Representative Council, Regional Representative Council, Supreme Court, Constitutional Court, Financial Audit Agency, Judicial Commission, Banks Indonesia, the Minister, body, institution or commission of the same level established by Law or the Government by order of Law, Provincial Regional People's Representative Council, Governor, Regency/City Regional People's Representative Council, Regent/Mayor, Village Head or others level. Article 8 Paragraph (2): Legislative Regulations as referred to in paragraph (1) are recognized for their existence and have binding legal force as long as they are ordered by higher Legislative Regulations or are formed based on authority.

Even though SEMA is not included in the types and hierarchy of statutory regulations, it is still binding on judges in carrying out their duties in handling cases. The purpose of establishing SEMA is to provide further explanation of the sound of the articles in the statutory regulations, in order to prevent errors that could give rise to legal uncertainty.

The formation of SEMA stems from the authority of the Supreme Court to provide guidance to courts in all subordinate judicial environments. SEMA is a policy to carry out the supervisory function of the Supreme Court by looking at existing developments. 13 Therefore, SEMA as a policy regulation (beleidsregel) 14 is a guideline for judges to help handle cases in an administrative court environment.

According to Bagir Manan, policy regulations (beleidsregel, pseudowetgeving, policy rules) are regulations that are made, both the authority and the content of which are not based on statutory regulations, delegations or mandates but are based on the authority arising from the freies ermessen attached to state administration to realize a specific goal that is justified by law. For example, circulars, operational guidelines, technical guidelines.15

In substance, SEMA No. 2 of 2023 which reads: to provide certainty and unity in the application of the law in adjudicating applications for registration of marriages between people of different religions and beliefs, judges must be guided by the following provisions: (1) marriages that are considered valid are marriages conducted according to their respective laws. each religion and belief, in accordance with Article 2 paragraph (1) and Article 8 letter f of Law no. 1 of 1974 concerning Marriage and (2) the court did not grant the request for registration of marriages between people of different religions and beliefs.

Reviewing the contents of SEMA No. 2 of 2023, especially point (2): the court does not grant requests for registration of marriages between people of different religions and beliefs. According to the author, this can be interpreted as meaning that judges are not allowed to grant requests from applicants regarding registration of marriages between people of different religions and beliefs. This is substantially contrary to:

1. The right to form a family and continue offspring through legal marriage, as regulated in Article 28B paragraph (1) of the 1945 Constitution, Article 10 paragraph (1) of Law Number 39 of 1999 concerning Human Rights (hereinafter referred to as Law No. 39 of 1999). Even in Article 10 paragraph (2) of Law no. 39 of 1999, states: "A valid marriage can only take place with the free will of the prospective husband and prospective wife concerned, in accordance with the provisions of statutory regulations."
2. The right to embrace religion and worship according to one's religion and beliefs, as regulated in Article 28E paragraph (1), Article 28I, Article 29 paragraph (2) of the 1945 Constitution; Article 4, Article 22 paragraphs (1) and (2) of the Human Rights Law.
3. The right to submit a request to the court to solemnize a marriage with a partner of a different religion, especially regarding the legalization and registration of the marriage, as regulated in Article 35 point a of Law no. 23 of 2006.

Article 35 point a of Law no. 23 of 2006 reads: marriage registration as intended in Article 34 also applies to marriages determined by the Court, namely marriages between people of different religions, as confirmed in the explanation of the Law. This means that marriages between people of different religions can be carried out, as long as they are requested through the court and the judge grants the request. However, with the publication of SEMA No. 2 of 2023, it seems that the

opportunity to get married is closed for prospective married couples of different religions in Indonesia, because at SEMA the judge has determined guidelines that will not grant requests regarding the registration of marriages between people of different religions and beliefs. However, SEMA cannot be equated with the law or considered to be of a higher position than the law, in fact SEMA has a lower position than the law. because SEMA is only binding in the judicial environment, not generally binding as is the case with law. Therefore, SEMA No. 2 of 2023 actually has no legal force to change or cancel Article 35 point a of Law no. 23 of 2006. The right of citizens to submit applications to the court, especially regarding applications for registration of marriages between people of different religions, should not be hampered by SEMA No. 2 of 2023.

4. The judge's obligation not to reject cases submitted to him, as regulated in Article 10 of Law Number 48 of 2009 concerning Judicial Power (hereinafter referred to as Law Number 48 of 2009), which regulates that: "The court is prohibited from refusing to examine, try and decide a case filed under the pretext that the law does not exist or is unclear, but it is mandatory to examine and try it." There is a possibility that requests regarding the registration of marriages between people of different religions will still be accepted and processed administratively in court, but this will be in vain because the judge has made internal regulations through SEMA No. 2 of 2023 regarding the impossibility of granting requests for marriage registration.

The future picture if there is no firmness from the authorized institution, namely the Supreme Court, to revoke SEMA No. 2 of 2023 by the Supreme Court itself, then the contradiction in the regulations in SEMA No. 2 of 2023 with several other regulations mentioned above continues to be a polemic. On the other hand, the practice of legal smuggling by carrying out marriages abroad and then registering them at marriage registration institutions in Indonesia will become increasingly widespread. The practice of not being free to embrace religion and worship according to one's religion and beliefs will continue because one prospective husband or wife is forced to change religion and follow the religious procedures of the other partner in order to be able to enter into a legal marriage in Indonesia.

4. Conclusion

The validity of marriage in Indonesia is based on the laws of each religion and belief as regulated in Article 2 paragraph (1) of Law no. 1 of 1974. This provision does not emphasize the prohibition of marriages between people of different religions and also does not state that marriages must be solemnized for married couples whose religions must be the same. However, for a marriage to be valid, it must be carried out according to the laws of a religion or belief that is recognized in Indonesia, namely Islam, Christianity, Catholicism, Hinduism, Buddhism, Confucianism. Therefore, in

reinterpreting the legality of marriage in Indonesia, it is important to understand that as long as a particular religious institution has legalized a marriage between a husband and wife, even if they are of different religions, then the marriage is valid so that it can be registered with the Disdukcapil Office without having to submit an application for marriage registration to the court.

SEMA Ranking No. 2 of 2023 is a policy regulation (beleidsregel) so it is only internally binding for judges to help handle cases in an administrative court environment. SEMA No. 2 of 2023 does not have legal force to cancel or change the contents of the law, especially Article 35 paragraph (1) of Law no. 23 of 2006 which provides an opportunity for inter-religious marriages to be requested through the courts. SEMA Implications No. 2 of 2023 normatively, there is an inconsistency between SEMA No. 2 of 2023 with several articles in the 1945 Constitution, Law no. 1 of 1974, Law no. 23 of 2006, Law No. 48 of 2009, Law no. 39 of 1999, which describes legal uncertainty. This of course has an influence on legal practices related to marriage in Indonesia, including: the occurrence of marriages abroad between people of different religions will increase, of course only for Indonesian citizens who are financially capable, apart from that, the rights of citizens to forming a family in a legal marriage due to obstruction of differences in religion or belief, and disruption of freedom to embrace religion and worship according to one's own religion and belief.

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