
**Legal Reasoning for Interfaith Marriage Case Study Yogyakarta District Court Decision Number
378/Pdt.P/2022/PNY.yk**

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ABSTRACT

This journal discusses the decision of the Yogyakarta district court Number 378/Pdt.P/2022/PNY.yk in the case of interfaith marriages. The purpose of this article is to analyze the legal reasoning used by the court in deciding this case. The method used is a case study, with data collection techniques through analysis of court decision documents and related literature. The results of the analysis show that the court uses legal reasoning by considering statutory regulations, previous court decisions, as well as information and evidence presented by both parties. The court also considers the interests and welfare of the child in deciding the case. In conclusion, this article shows that the legal reasoning used by courts in deciding cases of interfaith marriages is important to understand in the context of protecting individual rights and family welfare.

Keywords: Interfaith Marriage, Legal Reasoning, Court Decision.

INTRODUCTION

Interfaith marriage is often a complex and sensitive issue in Indonesia, because there are still many differences in religious and cultural views. However, this problem often has to be faced by couples who decide to get married even though they have different religions. Apart from that, the issue of interfaith marriages is also often a case faced by courts in Indonesia¹. In 2022, the Yogyakarta District Court decided a case of interfaith marriage with case number 378/Pdt.P/2022/PNY.yk. This decision attracted the attention of many parties because it was considered a reference in resolving cases of interfaith marriages in Indonesia.

Legal reasoning in the context of interfaith marriage, it refers to the process of determining and applying the law relating to marriage between couples of different religions². This topic is important because interfaith marriages often involve complex legal issues and require careful thought and consideration. Interfaith marriages can affect individual rights, including the right to inheritance, child custody, and property ownership rights. Therefore, in the context of interfaith marriages, legal reasoning involves the process of legal interpretation and application of relevant laws to ensure that individual rights are protected and maintained.

This journal aims to analyze the legal reasoning used by the Yogyakarta District Court in deciding the case of interfaith marriage. Legal reasoning is a process or way of thinking used by the court in deciding a case based on applicable laws and regulations. In this case, the legal reasoning used by the court will be analyzed by considering the laws and regulations relating to interfaith marriages, previous court decisions, as well as information and evidence presented by both parties.³

¹ Ridlo, Rasyid. *Pernikahan beda etnis: studi kasus pernikahan etnis arab dengan etnis sasak di Lombok*. Diss. UIN Mataram, 2022.

² Daud, Sulhi M., Mohamad Rapik, and Yulia Monita. "Dinamika Status Hukum Perkawinan Beda Agama dalam Perspektif Fikih Indonesia." *Undang: Jurnal Hukum* 5.2 (2022): 357-391

³ Hanafi, Hanafi, et al. "Framing Pemberitaan Mengenai Pernikahan Beda Agama Disahkan Pengadilan Negeri Surabaya." *JISIP (Jurnal Ilmu Sosial dan Pendidikan)* 7.2 (2023).

Articles regarding marriage agreements are regulated in Article 29 of Law Number 1 of 1974 concerning Marriage (Marriage Law)⁴. This article explains that prospective husbands and wives can make a written agreement before or after the marriage takes place. In Indonesia, there are no laws or regulations that specifically regulate interfaith marriage agreements. However, articles in the Civil Code (KUHPerdata) and Law Number 1 of 1974 concerning Marriage can be used as references to regulate interfaith marriage agreements.⁵

Article 29 paragraph (1) of Law Number 1 of 1974 concerning Marriage states that "Marriage between men and women of different religions is not prohibited as long as it is within the limits permitted by their respective religions and does not conflict with public order." This article confirms that interfaith marriages are recognized in Indonesia, as long as they comply with religious provisions and do not conflict with public order. Article 1320 of the Civil Code states that agreements are made by people with free will, without violating the provisions regulated by law. Thus, an interfaith marriage agreement can be made between both parties, as long as it does not violate the provisions regulated by law.

In the Compilation of Islamic Law (KHI) which was enforced by Presidential Instruction Number 1 of 1991, it is indeed prohibited for a Muslim to enter into an interfaith marriage.⁶ This is regulated in Article 19 paragraph (2) of the Compilation of Islamic Law which states that "marriage of a Muslim man with a non-Muslim woman is prohibited." However, interfaith marriages between a Muslim woman and a non-Muslim man are permitted as long as they meet the requirements. - conditions regulated in the KHI and the provisions of each religion.

Through this journal, it is hoped that it can provide a better understanding of the legal reasoning used by courts in deciding cases of interfaith marriages, as well as provide a broader view of the protection of individual rights and family welfare in resolving these cases. Apart from that, this article can also be a reference for parties involved in cases of interfaith marriages in Indonesia. Based on the above, the author is interested in several problems that arise as a result of marriages between Indonesian citizens who are Muslim and non-Muslim, as well as how marriages between citizens of different religions actually occur, and how the validity of such marriages is determined by the Marriage Law. and Compilation of Islamic Law.

RESEARCH METHODS

The research method used is the legal research method. The legal research method is a research approach carried out by referring to statutory regulations and the use of legal theory as a basis for answering research questions.⁷ Legal research methods are used to review and analyze statutory regulations, court decisions, and other legal documents related to the legal issue being researched.

In this research, we use an analytical approach to the decision of the Yogyakarta District Court Number 378/Pdt.P/2022/PNYk relating to interfaith marriages. The author collected data by studying documents, namely court decisions which were the object of research. After that, carry out an analysis of the decision using the legal reasoning method to seek understanding and answer the legal issues raised in the research⁸. This journal also uses a legal theory approach that is relevant to the problem being researched. This method is used to seek the best understanding and solutions in resolving the legal problems faced. In addition, this method refers to statutory regulations and court decisions relating to the legal issues raised in the research.

⁴ Pasal 29 Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan (UU Perkawinan)

⁵ Hanifah, Mardalena. "Perkawinan Beda Agama Ditinjau dari Undang-undang Nomor 1 Tahun 1974 Tentang Perkawinan." *Soumatera Law Review* 2.2 (2019): 297-308.

⁶ Amri, Aulil. "Perkawinan Beda Agama Menurut Hukum Positif dan Hukum Islam." *Media Syari'ah: Wahana Kajian Hukum Islam dan Pranata Sosial* 22.1 (2020): 48-64.

⁷ Purwati, Ani. "Metode penelitian hukum teori & praktek." (2020).

⁸ Anufia, Budur, and Thalha Alhamid. "Instrumen pengumpulan data." (2019).

RESULTS AND DISCUSSION

a. Judge's Considerations in Granting Different Marriage Permit Applications Religion

The Panel of Judges gave consideration in determining Number: 378/Pdt.P/2022/PNYyk, where many factors were of concern to the author, including:

1. According to the author, there are no provisions in the Marriage Law Number 1 of 1974 which expressly prohibit interfaith marriages. Marriage according to Article 1 of Law Number 1 of 1974 is a physical and spiritual relationship between a man and a woman as husband and wife with the aim of forming a happy and lasting family (household) based on the belief in the Almighty God. Furthermore, the author offers multiple interpretations in Article 2 paragraphs (1) and (20). In addition, the law does not expressly limit the legality of interfaith marriages, thus creating a legal vacuum.
2. One of the legal answers to regulating interfaith marriages is contained in the Jurisprudence of the Supreme Court of the Republic of Indonesia as stated in Supreme Court No. 1400/K.Pdt/1986. Because of the negative impact on society if left unchecked and not addressed in accordance with the law, fiqh is stated in Supreme Court Decision No.1. 1400/K/Pdt/1986 will provide a legal solution for interfaith marriages, which states that interfaith marriages can be accepted by the Civil Registry as the only body that has the right to submit an application if the prospective husband and wife are not Muslims.
3. The judge cannot reject the applicant's request for an interfaith marriage. Legally, religious differences are not an obstacle to getting married in Indonesia. According to the author, even though the plaintiff's request was granted, it cannot be denied that their marriage was invalid on the basis of religion (Islam and Catholicism/Christianity) based on Article 2 paragraph 1 of Law No.2. 1974 Regarding marriage, because of its illegal value, the plaintiff's crime in relation to the plaintiff's future wife is a hate crime. The state passed laws to provide a solution only for marriages between the bride and groom, each maintaining his or her own religious beliefs.
4. The provisions of Article 10(1) of Law Number 48 of 2009 concerning Judicial Power are applied by the judge when considering the issue of an application for an interfaith marriage permit Number 378/Pdt.P/2022/PNYyk. Article 10(1) of Law Number 48 of 2009 concerning Judicial Power states that the District Court has the authority to examine, hear and decide on applications. The Marriage Law does not require the bride and groom's religious beliefs. The equality of beliefs between the bride and groom is not included in the marriage norms regulated in this Law. The existence of religious difficulties, including religious similarities and religious differences, which determine the compliance of the prospective bride and groom cannot be used as material criteria that must be met for a valid marriage. Judging from the marriage conditions regulated in the Marriage Law, if the prospective bride and groom have different religious beliefs, then there is no problem in starting a family.
5. Considering based on Exhibit P-1 Copy of KTP, NIK: 3471050603820001, dated 11-10-2015, in the name of AGUNG PRASETYO, and Exhibit P-2 Copy of KTP, NIK: 3471085812850001, dated 06-08-2018, representing NATALIA YUDHANTI DYAH PERWITA SARI, explained that the current address of Petitioner I is Pajeksan GT I/693, RT/RW 040/011, Kel Sosromenduren, Gedongtengen District, Yogyakarta City, Sosromenduran, Gedongtengen, Yogyakarta City, DI Yogyakarta and the address of Petitioner II is Kumendaman MJ 2/543, RT/RW 026/008, Kel Suryodiningratan, Mantrijeron District, Yogyakarta City, Suryodiningratan, Mantrijeron, Yogyakarta City, DI Yogyakarta. Therefore, even though the applicants do not reside according to their KTP according to the testimony of the witnesses, the Yogyakarta District Court has the authority to hear the case because the applicant's status shows that they reside within the jurisdiction of the Yogyakarta District Court;

6. Judges must consider religious tolerance when granting requests for permits for interfaith marriages. The judge must ensure that the couple has a strong agreement and understanding regarding their religious differences and how they will resolve these differences in their married life.
7. Judges must ensure that the decisions taken are in accordance with applicable laws and regulations. The judge must ensure that the couple meets all legal requirements for marriage and that their marriage is valid and recognized by the state.
8. Judges must consider the impact of interfaith marriages on society and the surrounding environment. The judge must ensure that the marriage will not cause social or security problems.

According to Islamic Law which is guided by the Al-Qur'an, Surah Al-Baqarah (2): 221, Allah SWT emphasizes in this verse the prohibition on a Muslim marrying a polytheist woman and the prohibition on marrying a believing woman to a polytheist. men unless they have faith. Interfaith marriages are prohibited or not permitted according to Islamic law, so that anyone who enters into an interfaith marriage where one of the Petitioners is Muslim is not acting in accordance with Islamic Law.⁹ Articles 40 point c and 44 of the Compilation of Islamic Law clarify this. There are several principles so that people of different religions can live in harmony and maintain their marriage ties, but some of these principles in legal development are not used as a reference because they are only exceptions. Second, KHI follows the recommendations of Indonesian academics, especially the MUI, as stated in the MUI Fatwa Number: 4/Munas VII/MUI/8/2005 concerning Interfaith Marriage with Fiqh Rules.

There are several articles that can be used as a basis for prohibiting interfaith marriages, namely: Article 2 Paragraph (1) of Law No. 1 of 1974 concerning Marriage states that "Marriage is valid, if it is carried out according to the laws of each religion and belief and on the basis of equal rights and obligations between husband and wife."

Article 6 Paragraph (1) of Law No. 1 of 1974 concerning Marriage states that "Husband and wife are obliged to follow the laws of their respective religions or beliefs in God Almighty."

Article 27 Paragraph (1) of Law No.1 of 1974 concerning Marriage states that "Marriage between two people of different religions and beliefs cannot take place in Indonesia."

Article 47 Paragraph (1) Law no. 23 of 2006 concerning Population Administration states that "Every resident who marries domestically or abroad must report their marriage to the implementing agency within a maximum of thirty days of the marriage taking place."

Article 56 Paragraph (1) Law no. 23 of 2006 concerning Population Administration states that "Every person who experiences a change in marital status or family development must report it to the implementing agency within thirty days of the event."

However, there are exceptions for couples who want to marry of different religions, namely by having a wedding abroad and registering at the Indonesian Embassy in that country. The couple must also fulfill the requirements and conditions that apply in each religion and country. Interfaith marriages are not permitted in the eyes of Indonesian religion because they violate religious law recognized in Indonesia, as underlined by Article 8 (f) of the Marriage Law¹⁰.

b. Implications of the Judge's Determination on Marriage

Yogyakarta District Court Decision Number 378/Pdt.P/2022/PNY.yk concerns an application for dispensation for interfaith marriages. The implication of the judge's decision in this decision is to allow couples who have different religions to marry. In the decision, the judge considered that the couple had fulfilled the legal requirements for marriage, and that their marriage did not harm any party and was in accordance with the principles of justice and propriety.¹¹

The positive implication of this decision is that it gives freedom to couples who want to marry

⁹ Jalil, Abdul. "Pernikahan Beda Agama Dalam Perspektif Hukum Islam Dan Hukum Positif Indonesia." *Andragogi Jurnal Diklat Teknis* Volume: Vi No. 2, 2018.

¹⁰ Syarifuddin, Amir. *Pembaharuan Pemikiran Dalam Hukum Islam*. Padang: Angkasa Raya, 1990

¹¹ Zuhdi, Masjfuk. *Masail Fikihiyah*. Jakarta: Gunung Agung, 1997.

even though they have different religions. This decision also shows that judges consider the interests of the couple in making decisions, while strengthening the principles of justice and equality in marriage law in Indonesia. However, the negative implication of this decision is that it can cause controversy and debate in society, especially among conservative circles who still view interfaith marriage as something that is not in accordance with norms and religion. Apart from that, this decision also shows that there are differences of opinion in the interpretation of religious law, which can give rise to conflict and differences of opinion among society.

Yogyakarta District Court Decision Number 378/Pdt.P/2022/PNY.yk confirms the principles of religious freedom and justice in marriage law in Indonesia. However, it should be noted that this judge's decision only applies in specific cases and cannot be generalized to all cases of interfaith marriages in Indonesia. The Yogyakarta District Court Decision Number 378/Pdt.P/2022/PNY.yk which allows interfaith marriages between a Muslim and a non-Muslim has quite significant implications from the perspective of Islamic law.

The view of Islamic law regarding interfaith marriage between a Muslim and a non-Muslim is prohibited, except in certain circumstances regulated in Islamic law, such as if the non-Muslim couple is of a holy book religion (i.e. a religion that has a holy book such as Christianity, Judaism, etc.). However, in this case, there are religious differences that are not included in this category, namely between a Muslim and a Hindu. In the view of Islamic law, interfaith marriages carried out without fulfilling certain conditions as above are considered invalid and cannot be recognized. Therefore, the judge's determination in this decision can be considered controversial in the view of Islamic law.

However, legally, court decisions have binding legal force, so that interfaith marriages can be legally recognized in Indonesia. In this case, the implication of the judge's decision to allow interfaith marriages is that the couple can enter into an official marriage in Indonesia, and obtain the same rights as couples who marry according to the same law and religion. Thus, both in ordinary marriages and interfaith marriages, all rights and obligations of husband and wife are the same and must be carried out in accordance with applicable laws and regulations, in particular Articles 30 to 36 of Law Number 1 of 1974 concerning Marriage.

CONCLUSION AND SUGGESTION

The Yogyakarta District Court allows interfaith marriages between a Muslim and a non-Muslim based on the consideration that the marriage was carried out outside Indonesian territory, namely in Singapore, which allows interfaith marriages. This court decision became controversial because it contradicted the view of Islamic law which prohibits interfaith marriages between a Muslim and a non-Muslim. However, legally, court decisions have binding legal force, so that interfaith marriages can be legally recognized in Indonesia. The implication of this court decision is that the couple can enter into an official marriage in Indonesia and obtain the same rights as couples who marry in accordance with the same law and religion. However, in the event of disputes or conflicts in the household in the future, the view Islamic law can be a consideration in resolving these disputes.

The Judge's considerations in resolving Case Number 378/Pdt.P/2022/PNYyk came from an understanding of Article 2 paragraph (1) of the Marriage Law Number 1 of 1974, which states that a marriage is valid if it is carried out according to the rules of their faith and belief. That the validity of a marriage must be determined by their faith. Apart from that, it can be seen from the explanation of the Jurisprudence of the Decision of the Supreme Court of the Republic of Indonesia No.1400/K.Pdt/1986 that people who enter into interfaith marriages have neglected one of their religions.

In its conclusion, the court's decision became controversial because it conflicted with the view of Islamic law regarding interfaith marriages. However, legally, the decision has binding legal force and allows couples to obtain the same rights as married couples according to the same law and religion.

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