

## Juridical Overview of the Prohibition of Interfaith Marriage from the Perspective of Human Rights and Criminal Law in Indonesia

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### ABSTRACT

Indonesia is a country that is famous for its multiculturalism, one of which is religion. Consequently, in living their lives, Indonesian people are faced with differences in various things, ranging from culture, way of life and interactions between individuals. The concern of the government and other components of the nation is the issue of inter-religious relations. One of the problems in inter-religious relations is the issue of mixed marriages (inter-religious marriages), which in this article are referred to as "interfaith marriages". The condition of the pluralistic Indonesian society makes the association in society wider and more diverse. This has resulted in a more dynamic shift in religious values than what happened in the past. In fact, interfaith marriages in Indonesia are not justified based on positive national law that applies in the territory of Indonesia. It can be concluded that if the State legalizes interfaith marriages in Indonesia, the State is tantamount to violating the existing religious laws in Indonesia, and violating Article 29 of the 1945 Constitution which guarantees every citizen to embrace religion and worship according to their religion and belief, while Each religion has different procedures for marriage or worship. The view of human rights in Indonesia should refer more to the human rights arrangements contained in the 1945 Constitution, not to the UDHR which we ourselves do not know who made it and even what the agenda is for a country that is still very religious. Human rights in Indonesia, not secular human rights, which separate religion from the state, which legalize all means in the name of "human rights", this clearly contradicts the first principle of Pancasila, and this does not enter into the identity of the Indonesian nation. In this article, interfaith marriage will also be studied from the perspective of criminal law regarding its legality.

**Keyword:** *Interfaith Marriage, Human Rights, Criminal Law.*

### INTRODUCTION

Marriage is something that is very deep and strong as between a man and a woman in a family. Marriage is part of one's humanity. A Muslim who lives in a pluralistic country like this is almost certainly difficult to avoid contact and association with people of different religions (Pujiono, Hidayat, & Sulistianingsih, 2021). In a position like this, the attraction of a Muslim man or woman to a person of a different religion to him or vice versa, who is married in an impediment marriage is inevitable. In other words, the problem of interfaith marriage is almost certain to occur in every pluralistic society (Rachman, Ardiansyah, &

Sahrul, 2020). The condition of Indonesian society that makes socializing in society wider and more diverse. This has resulted in a more dynamic shift in religious values that occurred in the past. A Muslim and a Muslim is more daring to choose a non-Muslim companion. This is of course considered by our society, which is predominantly Muslim, as a fault or shift in existing Islamic values (Buridian, 2018). Not infrequently this often causes turmoil and strong reactions in our society. This creates a difference between the two parties and each side has rational arguments and logical arguments that come from their respective opinions on the Islamic arguments for marriage (Wang et al., 2020). This article will discuss interfaith marriages and their views on religion and human rights that exist or are embraced by citizens in Indonesia. Then, this research will also examine the legality of interfaith marriages in Indonesia in the perspective of criminal law.

## **METHOD**

Research is a basic tool in the development of science and technology. This is because, because the research aims to reveal the truth in a systematic, methodological and consistent manner through the process an analysis and construction of the data that has been collected and processed is carried out. Legal research is a research that has a legal object, both law as a science or dogmatic and legal rules relating to behavior and people's lives (Bell, 2016). Basically it is a scientific activity based on certain methods, systematics and thoughts, which aims to study one or several certain legal phenomena by analyzing them. Apart from that, an in-depth examination of the legal facts is also carried out to then seek a solution to the problems that arise as a result of the phenomenon in question. The research used in this research is normative legal research, namely legal research conducted to collect and analyze secondary data (Taekema, 2018). In normative legal research, secondary data sources are usually only used, namely books, diaries, laws and regulations, court decisions, legal theories and opinions of leading legal scholars (Christiani, 2016).

## **FINDING AND DISCUSSION**

Based on the results of the study, the research participants explained that not all teachers explained the material clearly, so that students did not understand the material given. This is because the teacher only provides material in Google Class without detailed explanations or instructions. Research participants think that if teachers use Zoom or Google Meet to explain the material, it will encourage them to understand the learning material. Direct interaction also encourages them to ask questions about relevant material. This is supported by the opinion (Putri S, 2017) who asserts that the use of platforms or applications can be utilized optimally by teachers to establish good interactions with their students in the online learning process classroom.

This e-learning activity is certainly a challenge for students. Students must be able to adapt to situations and conditions in e-learning mode. Therefore, all study participants believe that teachers should provide simpler instructions in online learning activities. This

simplification of instruction is necessary for students to slowly build an understanding of the subject. In addition, research participants suggested that in addition to simplifying instruction, teachers should be more active in interacting and providing feedback on assigned tasks. Another challenge faced by research participants is the emergence of feeling bored and bored with the e-learning process that has been carried out so far. So that research participants hope that teachers will have more innovations and interesting learning variations such as vocabulary quiz, games, and assignment.

This is in accordance with (Abreu, 2011) who asserts that learning activities can cause boredom and discomfort if the teacher is not good at communicating and establishing lively interactions with students. Students should be involved as the subject of the activity rather than the subject of the activity. A good situation, environment and interaction with teachers and other students can encourage the creation of an optimal learning process.

## **HUMAN RIGHTS**

Human rights (fundamental rights) means rights that are fundamental (grounded), principal or principal. Human rights state that humans have basic rights. The existence of rights on a person means that he has something "privilege" which opens the possibility for him to be treated according to the "privilege" he has. On the other hand, the existence of an obligation to a person means that an attitude is required from him that is in accordance with the "privilege" that exists in the other person (Neves-Silva, Martins, & Heller, 2019).

Etymologically, human rights are formed from three (3) words, namely: rights, human rights, and human beings. The first two words, rights and human rights, come from Arabic, while the word human is an Indonesian word. The word haqq is taken from the root words haqqa, yahiqqu, haqqaan, which means true, real, certain, fixed, and obligatory. "Yahiqqu "alaika antaf "ala kadza," it means that you are obliged to do something like this. Based on this understanding, haqq is the authority or obligation to do something or not to do something. , establish, put. The word can also mean origin, principle, base, which means the basis of everything. Thus, basic means everything that is fundamental and fundamental which is always attached to its object. Human rights in Indonesian are defined as basic human rights (Leijten & de Bel, 2020).

The definition of human rights above is a pure understanding that is independent of the context of a particular society, so it can be said that this understanding is a general and universal understanding. The Indonesian nation has its own formulation of human rights which is considered to be in accordance with the sociological conditions of the Indonesian nation, although many still adopt rules from the western world. Human rights formulations can be found in several legal regulations produced by the legislature, including Law No. 39/1999 on Human Rights, and Law No. 26/2000 on Human Rights Courts (Supriyanto, 2014).

Law No. 39 of 1999 and Law No. 26 of 2000 (Aji, 2018), it is stated that:

Human rights are a set of rights that are inherent in the nature and existence of

humans as creatures of God Almighty and are His gift that must be respected, upheld, and protected by the State, law, government, and everyone for the sake of honor and protection of dignity and worth. human dignity."

Based on the understanding of human rights in the formulation of the law above, it is clear that human rights in Indonesia have their own characteristics, namely having a strong theological side. The statement that human rights are a gift from God Almighty shows that human rights are a gift from God which is then attached to oneself Human rights are the responsibility of every party to maintain and protect them, be it the State, the law, the community or every individual anywhere and anytime. Human rights include rights in the civil, political, social, economic fields to the right to live in an environment healthy ones. Violations of human rights are tantamount to degrading human dignity from humanity (Haryanto, Suhardjana, A. Komari, Fauzan, & Wardaya, 2013).

In the history of the constitution in Indonesia, there have been changes in several paradigms and views on human rights, as follows:

#### **a. The Early Period of Indonesian Independence**

Indonesia was independent three years before the UDHR took place, but in its constitution, Indonesia clearly and unequivocally recognizes the existence of fundamental human rights. The Constitution of the Republic of Indonesia has recognized the rights of the people as well as individual rights, namely the right of all nations to be independent, the right to equality before the law and in government, the right to work, the right to a decent living, freedom of association and assembly, freedom of expression, freedom of religion and ha said education. Of course, the implementation of individual rights during the enactment of the 1945 Constitution, during the Independence Revolution (1945-1949) did not take place as it should because the Indonesian people were in an armed conflict with the Netherlands. Indonesia is still very weak, because it is still busy with the struggle to maintain the existence of the unity of the State(Sardol, 2014).

#### **b. Indonesia's Old Order Period**

During the old order, there were three changes to the constitution, namely the constitution of the RIS (KRIS), and then the enactment of the Provisional Constitution (UUDS) when the Unitary State of the Republic of Indonesia changed to the United States of Indonesia (RIS), and the re-enactment of the Constitution. 1945. During the lifetime of the RIS (27 December 1949-15 August 1950) the recognition and respect for human rights, at least legally formally, was very advanced with the inclusion of no less than 35 articles in the RIS constitution (KRIS), 1950 (out of a total of 197 articles, or about 18 percent) which regulates human rights. In short, the future of RIS (only about 8.5 months) did not allow a general assessment of human rights enforcement to be made at that time. In addition, national conditions that are not yet conducive, forcing the attention of the State to focus

on the realization of national stability (Sitompul, 2020). The same progress constitutionally also took place after Indonesia became a unitary state and the enactment of the Provisional Constitution of the Republic of Indonesia (UUDS RI), August 15, 1950-4 July 1959, with the inclusion of 38 articles in the UUDSRI, 1950 (out of a total of 146 articles, or about 26 percent) which regulates human rights. During the validity period of the UUDSRI, 1950, as an act at the international level, Indonesia declared to continue to apply for Indonesia several ILO Conventions made before World War II and declared valid for the Dutch East Indies and ratified the Convention on the Political Rights of Women, 1952. Since the re-enactment of the 1945 Constitution on July 5, 1959, the Indonesian people have experienced a setback in their attention to human rights. Until 1966, this setback mainly took place in matters concerning freedom of expression (Wiratraman & Lafrance, 2021). During this period there were many rebellions and conflicts of power, so that the government's efforts were more directed at defending power through its power restricts the freedom of its citizens (Prahassacitta & Harkrisnowo, 2021).

### **c. New Order Period**

From 1966 until the collapse of the authoritarian and repressive regime that called itself the New Order, if it is counted, the New Order's reign has lasted for 32 years. At that time, the Indonesian people experienced a setback in the enjoyment of their human rights in all areas recognized by the 1945 Constitution. At the international level, during the 32 years of the New Order period, Indonesia ratified no more than two international instruments on human rights, namely the Convention on the Elimination of All Forms of Discrimination against Women, 1979 and the Convention on the Rights of the Child, 1989. When compared with the length of the New Order with the number of conventions that were ratified and the products of laws on human rights, it can be said that respect for human rights at that time was minimal. In 1993, the National Human Rights Commission (Komnas) was formed through Presidential Decree No. 50/1993 with the aim of helping to develop conditions conducive to the implementation of human rights and enhancing human rights protection "to support national development goals" (Suh, 2016). Although Komnas HAM which was established based on Presidential Decree 50/1993 was declared independent, however, because of its formation through a Presidential Decree, its members were appointed directly by the President, and the activities of the institution were financed by the government through the Sesneg, the independence of Komnas HAM itself was questioned by many circle (Rosnida, 2020).

### **d. Reformation and Transition**

Since the collapse of the authoritarian and repressive New Order regime, the movement for respecting and upholding human rights, which was previously an undercurrent movement, has emerged and has moved openly as well. This movement gained impetus with the adoption of the Decree of the People's Consultative Assembly

Number XVII/MPR/1998 concerning Human Rights, which attached, among other things, the human rights charter consisting of the preamble and 44 articles. The nation's efforts to respect and uphold human rights continue in the legal-formal sector with the promulgation of Law Number 39 of 1999 concerning Human Rights, which essentially transforms the basic principles of the human rights charter set by the MPR into juridical norms. The commitment of the Republic of Indonesia to respect and uphold human rights increased to a constitutional commitment with the second amendment to the 1945 Constitution which was accepted by the MPR on August 18, 2000 by adding ten new articles (Articles 28A-28J) which regulate the recognition and respect of human rights, which add to the existing provisions. in the 1945 Constitution. The creation of laws and regulations as "software" continued with the enactment of Law Number 26 of 2000 concerning the Human Rights Court, which also allowed the establishment of an ad hoc human rights court to try gross human rights violations that occurred prior to the enactment of the law (Daim, 2019).

### **Marriage according to Law No. 1 of 1974 concerning Marriage**

Law number 1 of 1974 was established in order to realize the unification of the national marriage law which applies to all citizens, as well as legal certainty where this law aims to ensure the realization of deeper welfare because the marriage is based on belief and the marriage must also be recorded so as to guarantee legal certainty and rights. In addition, Law No. 1 of 1974 also contains ideas for renewal and accommodates emancipation aspirations where Law No. 1 of 1974 places the position of husband and wife in marriage on equal terms, both to marital property and to children as well as equal rights and status. in domestic life and in social life (Judiasih, Suparto, Afriana, & Yuanitasari, 2018).

The definition of marriage based on Law No. 1 of 1974 is different from the Civil Code which only looks at it from the perspective of civil law. The definition of marriage according to Law No. 1 of 1974 is based on religious/religious elements, it is as regulated in Article 1 (Hudiata, 2021):

*"The inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family/household based on the One Godhead"*

From this definition, five elements can be drawn, namely:

a. Inner and outer bond

The point is that the bond is not enough with only physical and spiritual ties but both must be closely integrated. Outward ties are bonds that can be seen and reveal the existence of a legal relationship between a man and a woman to live together as husband and wife. an unreal bond that can only be felt by the parties concerned. This natin bond is the foundation in forming and fostering a happy family. Marriage is a bond between husband and wife in their proper and sacred position as taught by the religion adopted by each -each party. So marriage is not only about outward elements but also about deep and sublime inner elements.

b. Between a man and a woman

Marriage can only be carried out by a woman and a man. Marriage between a woman and a woman or a man and a man is not a marriage in its name. And also here it contains an element of monogamy where a man is only bound to a woman. This is then reaffirmed in Article 3 paragraph (1) of Law No. 1 of 1974 it says; "Basically in a marriage a man can only have one wife, a woman can only have a husband".

c. As husband and wife

The bond of a husband and wife with a woman can be considered as husband and wife, that is, if their bond is based on a legal marriage. The condition for a marriage to be valid is if it is carried out according to the law of each religion and belief, including the provisions of the legislation that apply to religious groups and beliefs as long as they are not contradictory or otherwise stipulated in the law.

d. The purpose of marriage is to form a happy and eternal family / household

What is meant by family is a unit consisting of father, mother, and children. Where the family is the smallest environment of a society. The immortality of marriage is that once people marry, there will be no divorce forever, except for divorce due to death.

e. Based on the One Godhead

In the Civil Code, marriage is only seen from the civil relationship, while Law No. 1 of 1974 views marriage based on spirituality. It is hoped that from a marriage based on the One Godhead, a *sakinah, mawaddah, warahmah* family will be formed so that an orderly and peaceful society will be formed.

The marriage law views marriage as not just a civil relationship but also a sacred bond based on religion. This is in accordance with the Pancasila philosophy which places the teachings of God Almighty above all else ("The Reform of Muslim Women's Rights in the Marriage Law of Indonesia and Malaysia," 2019).

Law Number 1 of 1974 places religion as a very important element in marriage. A marriage is valid if the terms or conditions in the law of religion and belief are fulfilled respectively. This is contained in Article 2 paragraph (1) of Law No. 1 of 1974 which reads (Judiasih, Nugraha, & Sudini, 2019):

*"Marriage is valid if it is carried out according to the laws of each religion and belief"*

From the formulation of article 2 paragraph (1) of the marriage law, it can also be concluded that if a marriage is carried out not according to the laws of their respective religions and beliefs or if one of the marriage prohibitions is violated, then the marriage is invalid (Judiasih et al., 2019).

In addition to legality according to the law of each religion and belief, marriage registration is also a very important thing. The order for registration of marriages is contained in Article 2 paragraph (2) of Law No. 1 of 1974 which reads (Lestari, 2018):

*"Every marriage is recorded according to the applicable laws and regulations"*

Marriage registration is an administrative act as evidence of a marriage and is very important for the legal consequences of marriage, for example regarding the status of

children and joint property. Marriage registration also aims to make the marriage event clear, both for the person concerned and for other parties, because it can be read in an official letter and is also contained in a special list provided for that purpose, so that it can be used at any time when needed. and can be used as authentic evidence, and with the letter of evidence it can be justified or prevented another act (Wicaksono, 2021).

### **Reasons why interfaith marriages are banned in Indonesia**

The constitutionality of Article 2 paragraph (1) of Law Number 1 of 1974 with the perspective of human rights values as regulated in the Universal Declaration of Human Rights or Duham which basically states that marriage boundaries are only based on two things, namely: by people within a certain age limit, and (b) carried out on the basis of an agreement, and rejecting other restrictions. It is true that Indonesia has adopted Duham but Indonesia is not a human rights adherent who is as free as the petitioners want (Sekarbuana, Widiawati, & Arthanaya, 2021). Because after all, the socio-religious-cultural reality of Indonesia is not the same as that of nations that adhere to free human rights. By referring only to the two limitations mentioned above, it will certainly cause legal chaos that has an immeasurable impact in Indonesia (Bedner & Van Huis, 2010). Recognition of Duham does not reduce the right of the State of Indonesia to further regulate in order to achieve social order which is also a collective right that is upheld by universal human rights values. If the construction of thinking of the petitioners which according to them is based on the universal values of human rights is accepted as it is, it will actually place humans in a low position because they are no different from other creatures, in this case animals that only mate and continue their offspring on the basis of mating age. and like like or agreement. MUI believes that we Indonesian citizens should respect the freedom fighters of the Republic of Indonesia who have given birth to the Preamble of the 1945 Constitution as a unifying tool for the Indonesian nation and those who have struggled to maintain the existence of the Unitary State of the Republic of Indonesia (Sa'dan, 2016), including members of parliament and government representatives when discussing Article 2 paragraph (1) of the Marriage Law which almost caused division in the Republic of Indonesia. We need to respect the Pangkopkamtib General Soemitro who was very instrumental in convincing the other 2 (two) factions, namely the Karya Faction and the PDI Faction with his affirmation that if the Unitary State of the Republic of Indonesia wants to remain intact, then the formulation of Article 2 paragraph (1) must be accepted (Nisa, 2020).

On the other hand, MUI is of the view, let alone respecting the compilers of universal human rights and their sufferings which we do not know who they are and what is the agenda behind various universal human rights provisions that do not violate religious provisions, especially Islam, in fact we have to criticize every product of human rights regulations. universal they offer. Efforts by a number of parties to sue the Marriage Law No. 1/1974 Article 2 Paragraph 1 to the Constitutional Court triggered a strong reaction from young Muslim activists (Bukido & Wantu, 2020). Deputy chairman of the Youth



Movement (GP) Ansor Nahdlatul Ulama for Islamic Affairs and Islamic Boarding Schools Abdul Ghofur Maimoen assessed that such efforts would only destroy order and harmony in society. According to him, the existing Marriage Law is sufficient to regulate marriages in society. "There is no need for a judicial review," he told *Republika*. The current marriage law has accommodated all the aspirations of various elements of society, not only Islamic groups, but also other religions. Regarding efforts to legalize interfaith marriages, he refers to the science of jurisprudence. Islam forbids Muslim women from marrying non-Muslims. This is what applies in Islam. And, according to him, other religions don't even want to marry their partner to those of a different religion. "So, I think all religions don't agree if interfaith marriages are legalized," he said. Human rights cannot be linked to marriage in Indonesia. Every religious person has the right to marry a partner of the same religion. So not all things and rules are violated in the name of human rights. Moreover, the hailed human rights are contrary to the norms prevailing in society. Under the pretext of human rights, people can do whatever they want, including cohabiting, for example. "However, this practice can clearly damage order and order," he said. Thus, the function of the rules extracted from religion and societal norms is to regulate, not to curb. In addition, he said, the state cannot judge whether a marriage is legal or not based on state rules. To judge whether a marriage is valid or not, only religious rules can be judged, this is why marriages still use the applicable religious procedures and rules. Not arbitrarily getting married based on consensual or human rights, then asking for interfaith marriages to be legalized. Marriage between couples of different religions is considered to be able to disturb the peace of society. Given the Marriage Law has been agreed upon by all religions in Indonesia (Mustofa, 2020).

### **Prohibition of Interfaith Marriage from a Human Rights Perspective**

Indonesia is not a religious country. This does not mean that Indonesia is a non-religious country. It does not mean that Indonesia can ignore religious laws. This includes the prohibition of interfaith marriages (McGowan, 2016). Based on Article 2 Paragraph (1) of Law 1/1974 concerning Marriage which states that, "Marriage is legal, if it is carried out according to the law of each religion and belief". For liberal human rights activists and liberal religious leaders (Jayusman, Jaya, Julir, Tiswarni, & Hidayat, 2021), Article 2 Paragraph (1) is a provision that violates human rights. The reason is because it limits interfaith marriages for its citizens. The question then is, are any restrictions a violation of human rights? (Wang et al., 2020).

If every restriction is said to be a violation of human rights, what actions in this world do not violate human rights? If so, the concept means that when the State imprisons its citizens after a court decision, driving must have a license (SIM), wearing a helmet, wearing a seat belt when driving a car, is that a human rights violation too? Because it limits the freedom of citizens. Of course not. Article 28 J Paragraph (2) of the 1945 Constitution states that:

"In exercising his rights and freedoms, everyone is obliged to comply with the restrictions established by law for the sole purpose of guaranteeing the recognition and respect for the rights and freedoms of others and to fulfill fair demands in accordance with considerations of morals, religious values, etc. , security, and public order in a democratic society".(Lon, 2019)

Thus, if referring to Article 28 J Paragraph (2) above, as long as it is limited by law, it is not a violation of human rights. It does not mean that the limitation through the law can be said to have definitely not violated human rights, of course not. it is not said to be a violation of human rights if the law is in accordance with considerations of morals, religious values, security, and public order. Isn't the restriction on interfaith marriages through Article 2 Paragraph (1) of Law 1/1974 in accordance with considerations of religious values, especially Islam?.(Horii, 2019)

In the Qur'an, Surah Al-Baqarah Verse (221) confirms that:

"And do not marry idolatrous women, until they believe. Verily a believing slave woman is better than an idolatrous woman, even though she attracts your heart. And do not marry the polytheists (to believing women) before they believe. The believing slave is better than the polytheist, even though he attracts your heart. They invite you to hell, while Allah invites to heaven and forgiveness by His permission. And Allah explains His verses (His commands) to people so that they take lessons"(Suyaman, 2021).

Thus, referring to the verse of the Qur'an above, the limitation of interfaith marriage in Article 2 Paragraph (1) of Law 1/1974 has a clear attachment to religious law. So it is not true that later it is said that the prohibition of interfaith marriages violates human rights. Remember, this is God saying. Does God violate human rights? do you not believe in God?. (Suyaman, 2021)

### **Interfaith Marriage in the Perspective of Criminal Law**

Interfaith marriages are marriages carried out between two partners who are subject to different religious laws. As has been emphasized by previous researchers, interfaith marriages, although legally difficult to do in Indonesia, in practice still often occur. There are several ways that can be done to carry out interfaith marriages. (Nasir, 2020)said there are at least four ways that are often done in terms of holding interfaith marriages (Nasir, 2020), namely as follows:

1. Requesting a Court Decision;
2. Marriage is carried out according to each religious law;
3. Temporary submission to one of the agreed religions;
4. Carry out marriages abroad.

So, basically there is no strict prohibition on interfaith marriage. However, there is the possibility of fraud which is clearly against the law. Thus, there are no criminal articles that are violated when carrying out interfaith marriages.

## CONCLUSION

That religion occupies a vital and strategic position in managing married life, that is the difference between Indonesia and other countries. Six religions recognized in Indonesia reject interfaith marriage, and the six religions agreed to make Law Number 1 of 1974 the basis for marriage regulation in Indonesia. If the State legalizes interfaith marriages in Indonesia, it is the same as violating the existing religious laws in Indonesia, and violating Article 29 of the 1945 Constitution which guarantees every citizen to embrace religion and worship according to their religion and beliefs, while each Religions have different marriage procedures or worship.

Is the prohibition of interfaith marriages against human rights, the author can emphasize, Human rights in Indonesia, are not secular human rights, which separate religion from the state, which legalize all means in the name of "HAM", this is clearly contrary to the Pancasila precepts first, and this is not included in the identity of the Indonesian nation. Preferably, the view of human rights in Indonesia refers more to the human rights arrangements contained in the 1945 Constitution, not to the UDHR, which we ourselves do not know who made it and even what the agenda is for a country that is still very religious. Marriage of different religions is a violation of principles against human rights that exist in Indonesia based on Article 29 of the 1945 Constitution j.o Article 2 paragraph (1) of Law Number 1 of 1974 concerning Marriage. Indonesia is not a human rights adherent who is free as freely as possible, because after all, the socio-religious-cultural reality of Indonesia is not the same as the nations of the free human rights adherents. Then, there is no legal reason that can criminalize interfaith marriages.

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