

Analysis of the Regulation of Interfaith Marriage between Indonesia and Singapore

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ABSTRACT

Marriage is a physical and mental bond between a man and a woman as husband and wife, which aims to form a family or can be called a harmonious, happy, and eternal household based on the Almighty God. However, with the different beliefs embraced by each person, of course, it can raise several issues of whether it is permissible to marry even though they have different religions. This is of course a significant difference between Indonesia and other countries including Singapore. Marriage is valid if it is carried out according to each religion, and recorded according to applicable regulations. In Indonesia, interfaith marriage is not recognized by state law and is still a controversial issue. In Singapore, interfaith marriage is allowed with some terms and conditions and has been more accepted by Singaporeans. This creates a difference between the legalization of interfaith marriage between Indonesia and Singapore.

Keywords: interfaith marriage, Indonesia, Singapore, differences.

INTRODUCTION

It is human nature as a living being to live together or in pairs. In traveling through life, a person needs a companion who is a place to pour out joy and sadness until death separates in one bond marriage. It is only natural that humans carry out marriage to form a happy family and build their generation so that there is no continuity in human life. So marriage will be valid if it is carried out according to each religion and belief, as well as recorded according to applicable legislation. According to the Indonesian Marriage Law (UUPRI) Number 1 (one) of 1974, it has been explained that marriage is a physical and mental bond between a man and a woman as husband and wife, to form a happy and eternal family (household) based on God Almighty.¹ However, the existence of religious differences makes not a few people choose and decide to marry people of different religions.

Interfaith marriage is an increasingly prevalent phenomenon in modern society, including in Indonesia and Singapore. The different beliefs of each couple create their own legal and social complexities. In Indonesia, interfaith marriage does not have a strong legal

¹ E Indrayanti, K. W., & Ristanty, "Analysis of Interfaith Marriage Regulations in Various Countries as Legal Protection to Form a Family," *Journal of Legal Horizons* 11, no. 1 (2020): 71–81.

foundation and is still a controversial issue. This is of course different from Singapore, which has officially legalized interfaith marriage with some terms and conditions. Since Indonesia is a country that adheres to the Continental European legal system or Civil Law, the basis of marriage in Indonesia is regulated by Law Number 16 of 2019.² Before the Marriage Law, Indonesia was already familiar with the marriage law of the Dutch Colonial Government. Meanwhile, Singapore adheres to the Common Law legal system using jurisprudence or judge decisions as its legal source. The legal system adopted by Singapore is commonly referred to as the Anglo-Saxon system, which is based on custom, precedent, and judge-made law. This system is adopted by Anglo-Saxon countries, especially England, America, and other former British colonies. In Singapore marriage is regulated by the Women's Charter 1961³ and the Muslim Marriages Act (1966).⁴

A comparative analysis of the regulatory system of interfaith marriage between Indonesia and Singapore is important to understand the differences in regulations, as well as the legal systems in the two countries. By understanding the complexity of interfaith marriage in these two countries, it is hoped that this analysis can contribute to knowing the existing legal system in Indonesia regarding interfaith marriage.

METHOD

The legal research method used in this research is normative and a comparative legal approach, namely a comparison of marriage regulations in several countries as an effort to improve continuous improvement and expansion of knowledge, as a tool to understand legal regulations, and as a construction tool.

RESULTS AND DISCUSSION

Based on the problems that are rampant in people's lives, among them is about interfaith marriage. It is a clear fact that several couples have different religious beliefs but they have a strong desire to stay married. This is due to the diversity of religious beliefs that exist in

² W. R. A Fitri, W., Rusdiana, S., & Putri, "LEGAL ISSUES OF INTERFAITH MARRIAGE IN INDONESIA: A COMPARATIVE STUDY.," *MEDIA JUSTITIA NUSANTARA LAW JOURNAL* 14, no. 1 (2024): 53–70.

³ L. W Kum, "Fifty Years and More of the 'Women's Charter' of Singapore.," *Singapore Journal of Legal Studies*, 2008, 1–24.

⁴ K Steiner, "Governing Islam: The State, the Administration of Muslim Law Act (AMLA) and Islam in Singapore.," *Austl. J. Asian L* 1, no. 16 (2015): 97.

Indonesia, as well as in Singapore. However, this is the difference in the legalization of interfaith marriage between Indonesia and Singapore.

1. Legal System for Legalizing Interfaith Marriage in Indonesia

Article 29 of the 1945 Constitution⁵ confirms that the Indonesian state provides protection and guarantees to all citizens to carry out the teachings of their beliefs and religions. However, after the emergence of Law No. 1 of 1974 concerning marriage, the implementation of marriage between individuals who have different religions is very difficult to implement. Article 1 of Law No. 1 of 1974 concerning marriage as amended by Law No. 16 of 2019 concerning Marriage does not regulate the validity of marriages of different religions.⁶

In Indonesia, not only does it regulate marriage, but there is also a marriage registration that is carried out by the holder or authority who holds power, based on the religious beliefs that have been adopted by the married couple. This marriage registration has been legalized in Law No.23 of 2006 related to Population Administration. So two processes must be carried out by Indonesian citizens so that their marriage becomes legal, namely religiously, and then must be registered (legal in state law). If seen from a religious aspect, this is a must In regulating the legality of interfaith marriages in Indonesia based on Article 2 paragraph (1) and paragraph (2), so that matters relating to the marriage process are left to both parties. The explanation of Article 2 paragraph (1) is that no marriage is recognized outside the legal framework of the beliefs and religions of each partner. Therefore, this provision contains an implicit rule that marriage must be carried out by the provisions of the religious law adhered to by the couple. If the religion prohibits something that is also considered a violation of the Marriage Law. Often, marriage recognition in Indonesia can also be done by submitting a request for a justice of the peace determination to a judge in court and then registering it with the Population Office.

However, many judges refuse to grant the stipulation of interfaith marriage. This is because the Supreme Court, which is the highest court, has issued a Supreme Court Circular Letter (SEMA) on interfaith marriage.⁷ This SEMA was issued on July 17, 2023. The content of SEMA Number 2 of 2023 is the prohibition of judges to grant applications for interfaith

⁵ Presiden Republik Indonesia, “Undang Undang Dasar 1945” (1945), <https://doi.org/10.31227/osf.io/498dh>.

⁶ Fitri, W., Rusdiana, S., & Putri, “LEGAL ISSUES OF INTERFAITH MARRIAGE IN INDONESIA: A COMPARATIVE STUDY.”

⁷ Sulthoni, “The Complete Content of SEMA,” *Regarding Religious Marriage*, 2023, <https://tirto.id/isi-lengkap-sema-number-2-year-2023-about-religious-marriage-gNj9>.

marriages.⁷ The prohibition is a reference to Article 2 paragraph (1) and Article 8 Letter F of Law No. 1 of 1974 concerning marriage. Meanwhile, Article 35 of Law No. 23/2006 as amended by Law No. 24/2013 on Population Administration (Aminduk) explicitly states that the Civil Registry is obliged to register marriages that obtain a stipulation from a court judge, which is a form of application made by prospective interfaith marriage partners. It can be concluded that the legality of interfaith marriage in Indonesia is still a complex issue and does not have clear legal certainty.⁸

2. Legal System for Legalizing Interfaith Marriage in Singapore

Singapore is a country that has high religious solidarity. Singapore is a secular country that is neutral on religious issues and does not favor religious or non-religious people. Singapore took a step forward in interfaith marriage with the passing of the Marriage (Amendment) Act 2016. Marriage law in Singapore is regulated under two Acts namely: 1) Islamic Marriage Law (1966) which is regulated in the Administration of Muslim Law (AMLA) 2) The Women Charter.

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- 1) Islamic Marriage Law (1966) which is regulated by the Administration of Muslim Law (AMLA) 2)
- 2) The Women Charter

Marriage registration for Muslims is conducted by the Registry of Muslim Marriages (ROMM) while Civil Registration is governed by the Women's Charter. (Matrimonial Law of Singapore, 2016). Civil marriage is for couples where one or both of them are Non-Muslim, and polygamy is prohibited.

The main requirement to be able to solemnize a marriage in Singapore is that the person must live in Singapore for at least 20 consecutive days. After fulfilling these requirements,

⁸ Indrayanti, K. W., & Ristanty, "Analysis of Interfaith Marriage Regulations in Various Countries as Legal Protection to Form a Family."

newlyweds can start taking care of their administration online at the Registration for Married building. The Singapore government provides marriage services with online registration for Singapore citizens, permanent residents, and 100% foreigners. In just 20 minutes register with the Singapore marriage legislation with a maximum fee of 20 Singapore dollars, regardless of religion, a guaranteed legal marriage certificate, and can be accepted by any law in the world. The process of interfaith marriage in Singapore can be done before the Registrar Of Marriage after obtaining approval from both of their religions.⁹ In an interfaith marriage in Singapore, of course, also has the challenge of maintaining inter-religious harmony, while the opportunity is to strengthen its multicultural national identity. It can be concluded that interfaith marriage in Singapore has become legal and legitimate in the eyes of both religion and the state, and has also become more accepted by society.

CONCLUSION

Marriage between individuals of different religions has been a familiar phenomenon throughout history, from the past to the present. The existence of interfaith marriages has been the source of many social and legal problems. Religious conflicts, cultural differences, and legal regulations. Interfaith marriage in Indonesia and Singapore presents a different legal reality. In Indonesia, the issue is still shrouded in regulatory complexity and social stigma, whereas in Singapore, strides have been made towards legalization and education. Efforts are needed from various parties in Indonesia to increase tolerance and create clearer regulations on interfaith marriage. The journey towards a more equitable and inclusive legal system for interfaith marriage in Indonesia is still a long one. It requires a strong commitment from various parties, including the government, religious leaders, academics, activists, and civil society, to continue dialoguing, reviewing regulations, and building education. With the spirit of tolerance and mutual respect, it is hoped that Indonesia can realize a future where every individual is free to choose a life partner without being hindered by differences in beliefs.

⁹ A Nuraini, "The Law of Marriages of Different Religions Comparative Study in Indonesia and Singapore" (UIN SUNAN KALIJAGA YOGYAKARTA, 2022).

REFERENCES

- Fitri, W., Rusdiana, S., & Putri, W. R. A. “LEGAL ISSUES OF INTERFAITH MARRIAGE IN INDONESIA: A COMPARATIVE STUDY.” *MEDIA JUSTITIA NUSANTARA LAW JOURNAL* 14, no. 1 (2024): 53–70.
- Indrayanti, K. W., & Ristanty, E. “Analysis of Interfaith Marriage Regulations in Various Countries as Legal Protection to Form a Family.” *Journal of Legal Horizons* 11, no. 1 (2020): 71–81.
- Kum, L. W. “Fifty Years and More of the ‘Women’s Charter’ of Singapore.” *Singapore Journal of Legal Studies*, 2008, 1–24.
- Nuraini, A. “The Law of Marriages of Different Religions Comparative Study in Indonesia and Singapore.” UIN SUNAN KALIJAGA YOGYAKARTA, 2022.
- Presiden Republik Indonesia. Undang Undang Dasar 1945 (1945).
<https://doi.org/10.31227/osf.io/498dh>.
- Steiner, K. “Governing Islam: The State, the Administration of Muslim Law Act (AMLA) and Islam in Singapore.” *Austl. J. Asian L* 1, no. 16 (2015): 97.
- Sulthoni. “The Complete Content of SEMA.” *Regarding Religious Marriage*, 2023.
<https://tirto.id/isi-lengkap-sema-number-2-year-2023-about-religious-marriage-gNj9>.