

Legality and Legal Protection of Marriages for Believers in the Almighty God in Central Java

Sulistiyandari¹, Anggitariani Rayi Larasati Siswanta², Mukhsinun³, Nur Wakhid⁴,
Eli Ardalya⁵, Lintang Ario Pambudi⁶

anggitariani.rayi@unsoed.ac.id

¹²³⁴⁵⁶ Faculty of Law Jenderal Soedirman University, Purwokerto

Article Info

Received: 2024-8-12

Revised: 2024-12-22

Accepted: 2024-12-24

Keywords:

*Legality, Legal
Protection, Believers in
the Almighty God,
Central Java*

Abstract

According to data from the population census in 2022, there are 117,412 Indonesians who followed Believers in the Almighty God. Subsequently, the government must pay attention in the legality of marriage between believers. This research aims to analyze the legality and legal protection of believers in Central Java. Normative juridical research methods use secondary and primary data as support. The study's findings demonstrate that the legality of marriages of believers is already acknowledged. Problems arose when the Supreme Court Circular Letter No.2 of 2023 was issued because the state forbids marriages between individuals of different religions and beliefs. However, there are still marriages with different beliefs because the marriage registry will only record the marriage formally through the National Identity Card of the prospective bride and groom which only list the adherents of the belief even though their beliefs differ. Another problem is when the belief organization has not been registered, the marriage cannot be registered, because to register the marriage is the Certificate from the Belief Leader and proof that the belief organization has been registered.

1. Introduction

The 1945 Constitution contains the meaning "the state is based on the belief in the Almighty God" and "the state guarantees the freedom of every citizen to embrace their religion and worship according to their religion and beliefs". Indonesia has various ethnic, cultural, and religious diversity and beliefs born, passed down, and grown in society. The diversity of religions that live in Indonesia is not limited to only 6 (six) currently recognized religions, namely Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism, following the Decree of the President of the Republic of Indonesia Number 1 of 1965 concerning Prevention of Abuse and/or Blasphemy of Religion. Religious identity in Indonesia is an important priority and is a fundamental factor in realizing civic identity.¹ The freedom of religion is a fundamental right that Indonesians have long acknowledged.²

The first principle of Pancasila, Belief in the Almighty God, provides freedom of religion and belief in society without coercion.³ Beliefs in Indonesia are closely related to local religious cultures or ideas ingrained in society and transmitted from one generation to another. The beliefs that persist to this day are Kejawen in Central Java,⁴ Tolotang in Kalimantan, Merapu on Samba Island, Sunda Wiwitan in West Java, Sedulur Sikep in Central Java, Kaharingan in Kalimantan, Ugamo Batak in North Sumatra, and numerous.⁵ Meanwhile, according to IGN Nurdjana, there exist other religious divisions in Indonesia, namely as follows:⁶

- a. Indigenous religions that assimilated into the local culture, some of them are: Manyaan tribe in Central Kalimantan, Dayak Kaharingan tribe, Sundanese

¹ L. Santoso and H.Z. Fathuri, L. S, "Ambiguitas Hak Atas Perkawinan Dan Kebebasan Beragama Dalam Undang-Undang No.1 Tahun 1974", *Al-Syakhshiyyah Journal of Law & Family Studies*, Vol. 1 No. 1, 2019, pp. 4.

² Hwian Christianto, "Arti Penting UU No. 1/PNPS/1965 Bagi Kebebasan Beragama". *Jurnal Yudisial*, Vol. 6 No. 10, 2013, pp. 10.

³ Laksana Arum Nugraheni, "Kajian Filosofis Pencatatan Perkawinan Penghayat Kepercayaan Berdasarkan Nilai-Nilai Pancasila Dan Peraturan Perundang-Undangan Di Indonesia", *Journal. Paradigma. Hukum. Pembangunan*, Vol. 6 No. 1, 2021, pp. 41.

⁴ Agnes Tutut Setianingsih, Julia Kumala Asri Drakel, Mely Tri Octaviana, Wisnu, "Eksistensi Penghayat Kepercayaan Kejawen di Tengah Arus Modernisasi", *The Indonesian Journal of Social Studies*, Vol. 6 No. 2, 2022, pp. 80

⁵ Kristina Viri and Zarida Febriany, "Dinamika Pengakuan Penghayat Kepercayaan di Indonesia" *Indonesian Journal of Religion and Society*, Vol. 2 No. 2, 2020, pp. 98.

⁶ Safirah Oktaviana and Nindia Putri Prameswari, "Keabsahan dan Akibat Hukum Perkawinan Penghayat Kepercayaan Pasca Terbitnya Putusan Mahkamah Konstitusi Nomor 97/PUU-XIV/2016", *Notaire*, Vol.4 No. 3, 2021, pp. 442-443

- Wiwitan in Kanekes Banten, Javanese Sundanese in Kuningan, West Java, Tolotang tribe in South Sulawesi, Badui tribe, and Marapu tribe in Sumba.
- b. Belief in the Almighty God, some including: the Kejawen mysticism in Java namely Sumarah, Susila Budi Dharma (Subud), Perjalanan, Sapta Darma, Budi Luhur, and others.
 - c. Beliefs with religious indications: religious sects, religious factions, religious congregations, such as Ahmadiyah, Jawi Vishnu Buddhism, and the rest.
 - d. Occult or mystical beliefs: paranormal, shamans, medicine, witchcraft, and others.
- Sukirno, on the other hand, states that beliefs can be divided into two groups: those of non-traditional community believers who belong to the Majelis Luhur Kepercayaan Indonesia (MLKI) and beliefs from traditional community believers.⁷

The Republic of Indonesia's Ministry of Religion obtained census data from the One Data website in 2022, revealing that 87.40% of Indonesians identify as Muslims, 7.47% as Christians, 3.07% as Catholics, 1.70 percent as Hindus, 0.72% as Buddhists, 0.03% as Confucians, and 0.04% as members of other religions. The number of residents who practice different religions in 2022 is 117,412 people. Residents of other religions here adhere to the belief in God Almighty. Other data from the Directorate of Belief in Almighty God and Indigenous Peoples in 2022 shows that in 2022, 176 organizations have been registered as belief organizations in God Almighty.

Even though believers have existed for a long time in Indonesia, polemics between believers still arise, and they even experience discrimination in their rights and obligations, both from the social, citizenship and personal aspects, namely the authority to hold certain beliefs.⁸ This discriminatory attitude is reflected in the issuance of the Population Administration Law which does not provide space for including religious beliefs, only accommodating recognized religions.⁹ Genuinely, the state should treat the believers of Almighty God equally as part of citizenship.¹⁰

⁷ Sukirno, "Rekonstruksi Pencatatan Perkawinan Bagi Penghayat Kepercayaan Komunitas Adat", *Jurnal Hukum Progresif*, Vol. 7 No. 2, 2019, pp. 133

⁸ Mohammad Damami, *Kepercayaan Terhadap Tuhan Yang Maha Esa Pada Periode 1973-1983: Sebuah Sumbangan Pemahaman Tentang Proses Legalisasi Konstitusional Dalam Konteks Pluralitas Keberagamaan di Indonesia*, Kementerian Agama RI, Jakarta, 2011

⁹ Sukirno, "Politik Hukum Pengakuan Hak atas Administrasi Kependudukan Bagi Penganut Penghayat Kepercayaan" *Administrative Law & Governance Journal*, Vol. 2 No. 2, 2019, pp. 275.

¹⁰ Akil Fitra Sholakodin, "Arus Utama Wacana Identitas Penghayat Kepercayaan Pasca Putusan MK di Media Daris Kompas.com, *Jurnal Sosiologi Pendidikan Humanis*, Vol. 6 No. 2, 2021, pp. 182

Discriminatory attitudes toward believers of the Almighty God encourage the adherent to fight for their rights by submitting a judicial review to the Constitutional Court regarding Law Number 23 of 2006 concerning Population Administration as amended by Law Number 24 of 2013 (Population Administration Law). The Constitutional Court granted this judicial review that adherents of the faith can now obtain the National Identity Card (KTP) stating that they are adherents of the faith or no longer use the hyphen (-) in the religion column. The Population Administration Law, which only guarantees and protects the rights or freedoms of religious adherents limited to recognized religions, is antithetical to the 1945 Constitution because it differentiates between recognized religions and believers. The Constitutional Court's decision provides legal consequences for various sectors, one related to marriage.

The legal basis for marriage for all Indonesian citizens is regulated in Law Number 1 of 1974 concerning Marriage. A marriage is valid according to Article 2 of the Marriage Law if it is performed according to the laws of each respective religion and belief and the marriage is registered according to the applicable laws and regulations. Marriage registration aims to include the marriage event in an official document as written evidence that the state has legally registered and recognized the marriage.¹¹

Issues in registering believers' marriages arise because of a legal vacuum or contentious regulations. The first problem is the existence of Law Number 1 of 1974 j.o. Law Number 16 of 2019 concerning Marriage (hereinafter referred to as the Marriage Law) and Supreme Court Circular Letter Number 2 of 2023, where the state forbids interreligious and interfaith marriages. However, there are still interfaith marriages in Central Java. Another problem related to registering marriages of believers is when the belief organization has yet to be registered, causing the marriage not to be registered.

Based on the abovementioned background, the problem formulations raised in this paper are as follows: First, how is the legality of registering marriages of belief adherents and legal protection for belief adherents? Second, how is marriage registration implemented for the belief adherent, and how is legal protection for belief

¹¹ Ranti, Ilham Abbas, Abdul Halim, "Tinjauan Yuridis terhadap Perkawinan Penghayat Kepercayaan menurut Undang-Undang Nomor 1 Tahun 1974", *Qawaniin Jurnal Ilmu Hukum*, Vol. 1, No.1, 2020, pp. 3

adherent marriages in Central Java?

2. Research Method

This legal research is normative legal research, where this research focuses its study by viewing law as a complete system including a set of legal principles, legal norms, and legal rules. This research was conducted using a statutory approach and a conceptual approach. In this research, secondary data and primary data were used as supporting data. Secondary data is in the form of:

- a. The Primary Legal Materials used are: Law No.1 of 1974 concerning Marriage in conjunction with Law No.16 of 2019 (Marriage Law); Law no 23 of 2006 concerning Population Administration *j.o.* Law no. 24 of 2013 (Population Administration Law); Government Regulation No. 40 of 2019 concerning Procedures for Registration of Marriages for Believers in the Almighty God; Supreme Court Circular Letter No. 2 of 2023 concerning Instructions for Judges in Adjudicating Cases on Applications for Registration of Marriages between People of Different Religions and Beliefs.
- b. Secondary Legal Materials are all publications about law that are not official documents regarding the basic principles of legal science and the views of qualified scholars, including textbooks, legal dictionaries, and legal journals.

Primary data takes the form of interviews with sources, namely:

- a. The Adherent of Beliefs;
- b. The Adherent of Beliefs Leader; and
- c. Population and Civil Registry Service officials who are responsible for related issues.

3. Results and Discussion

Legality of Registration and Legal Protection for Marriages of Beliefs Adherent

According to the Great Indonesian Dictionary (KBBI), **legality** is a state of legality or legitimacy, which means an act or object whose existence is recognized as long as there are no governing provisions. Thus, what is meant by legality regarding the marriage of believers in this case is related to the validity of the marriage of those who adhere to the belief.

Article 28E of the 1945 Republic of Indonesia Constitution regulates that every

Indonesian citizen has the right and freedom to believe in a faith, express thoughts and attitudes in accordance with conscience. Furthermore, Article 29, paragraph (2) of the 1945 Republic of Indonesia Constitution regulates and guarantees that citizens have the right to embrace their religion and worship according to their respective religions and beliefs. These two regulations show that the Country of Indonesia, as the authority, has the obligation to protect the entire Indonesian nation and all of Indonesia's blood without exception, regardless of religion and belief. Freedom of religion and belief appears as a fundamental human right (HAM), which cannot be reduced or removed under any circumstances. The formulation of human rights in the 1945 Constitution of the Republic of Indonesia guarantees the human rights of every Indonesian citizen and resident to embrace a religion and/or belief and shall not receive discrimination.¹²

Initially, in Indonesia, there were only a few religions that were recognized, as evidenced by the presence of Law Number 1/PNPS/1965 concerning the Prevention of Abuse and/or Blasphemy of religion, namely only Islam, Christianity, Catholicism, Hinduism, Buddhism, and *Kong Hu Cu* (Confucius). This regulation confirms that in Indonesia, there is no prohibition against other religions such as Judaism, Zarasustrian, Shintoism, and Taoism, yet the regulation indirectly merely officially recognizes 6 (six) religions.¹³

Another regulation is Article 61 paragraph (2) of the Population Administration Law, which regulates that information regarding the religion column for residents whose religion has not been recognized in statutory regulations or for believers is still served and recorded in the population database. Regarding this article, a request is filed for judicial review to the Constitutional Court of the Republic of Indonesia with decision Number 97/PUU-XIV/2016. In this way, the State legally recognizes people who adhere to their beliefs and can include their identity on their National Identity Card by leaving the religion column blank and filling it in with just a hyphen. This Population Administration Law protects all believers by recognizing and determining personal identity and legal status. In other words, the **legality of believers** was only

¹² Mahkamah Konstitusi Republik Indonesia, *Majalah Konstitusi; Elemen Data Kependudukan Penghayat Kepercayaan*, Nomor 129 edisi November 2017, Sekretariat Jenderal dan Kepaniteraan Mahkamah Kontitusi, Jakarta, 2017. pp.3

¹³ Megamendung Danang Pransefi, *Aliran Kepercayaan Dalam Administrasi Kependudukan*, *Media Luris*, Vol. 4 No. 1, 2021, pp. 28

recognized by the issuance of the Population Administration Law many years after Indonesia became independent.

The regulation of Marriage Law in Indonesia is in Law Number 1 of 1974 concerning Marriage. Law Number 16 of 2019 (Marriage Law) explains that marriage is a physical and spiritual bond between a man and a woman as husband and wife to form a happy and eternal family (household) based on belief in the Almighty God, which is carried out according to law the respective religion and belief. Article 28B paragraph (1) of the 1945 Constitution establishes the legal foundation for marriage in Indonesia, which explains that the state guarantees the right of every human being to form a family and continue their offspring through legal marriage. A valid marriage, proven through marriage registration, is an essential element for legal certainty for the parties to the marriage, which will impact the children born of the marriage and all parties concerned and interested in the marriage.

The requirements for a valid marriage based on Article 2 Paragraph of the Marriage Law must be carried out according to the laws of each religion and belief. Then the second condition for the validity of a marriage is that every marriage must be recorded according to the applicable laws and regulations, as stated in Article 2 Paragraph (2) of the Marriage Law. Apart from these conditions, there are two conditions for marriage which include:¹⁴

a. Material Requirements

Material requirements are the conditions that apply without distinguishing between whom a person will enter-into marriage. Material requirements include:

- 1) The minimum age limit for men and women is 19 years old (Article 7 Paragraph 1 of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage).
- 2) The marriage must occur based on an agreement between the two prospective bride and groom.
- 3) A person under 19 years old who wants to get married must obtain permission from both parents (Article 6 paragraph 2).

b. Formal Requirements

Formal requirements are marriage requirements that involve procedures that

¹⁴ Cassandra Stephanie Paulira, Perkawinan Penghayat Aliran Kepercayaan Agama Djawa Sunda dan Problematikanya, Tesis, Fakultas Hukum Universitas Indonesia, Depok, 2009, pp. 12.

must be carried out before and after the marriage takes place. Two formal requirements must be met for a marriage to take place, namely:

- 1) Notification of the marriage to be carried out by the prospective bride and groom, either orally or in writing, to the registrar at the place where the marriage will take place within at least 10 working days before the marriage takes place (Regulated in Government Regulation Number 9 of 1975 in Article 3 and Article 4).
- 2) Announcement by the Registrar's Staff by attaching it to the place provided at the Marriage Registration Office.

Concerning the registration of marriages of believers, the requirements and procedures for registering marriages for believers are regulated in Chapter VI of Government Regulation Number 40 of 2019, in which it is written that marriages of believers are carried out in the presence of leaders of believers who are appointed and determined by the organization of believers as a forum for believers registered with the agency in charge of the technical development of belief in God Almighty. Thus, the legality of marriage and its registration for believers is recognized in Government Regulation No. 40 of 2019 as implementing regulations for the Population Administration Law as long as it meets existing requirements.

Apart from discussing the legality of marriage registration, legal protection was also discussed. According to Satjipto Rahardjo, legal protection is the protection of a person's interests by allocating power to him to act in the context of his interest.¹⁵ Legal protection can also be interpreted as legal action that law enforcement officials must provide a sense of security, both mentally and physically against disturbances and various threats from any party.¹⁶

Legal protection for marriages of believers is that the right to carry out marriages for believers has been given in the Marriage Law, Population Administration Law, and Government Regulation No. 40 of 2019 as implementing regulations for the Population Administration Law. However, the question is whether marriages of people with different faiths receive legal protection because, based on the Marriage Law and Supreme Court Circular Letter No. 2 of 2023, the State prohibits marriages

¹⁵ Satjipto Rahardjo. *Ilmu Hukum*. Cetakan Keenam. PT Citra Aditya Bakti, Bandung, 2006, pp. 53.

¹⁶ Diana Yusyanti. "Perlindungan Hukum terhadap Anak Korban dari Pelaku Tindak Pidana Kekerasan Seksual", *De Jure*, Vol. 20 No. 4, 2020, pp. 623.

of people of different religions and beliefs. The legal consequence of this regulation is that marriages between people of different religions and beliefs are not recognized. This consequence means that marriages of different faiths should also not be legalized and cannot be registered. However, based on the research results, marriages between people of different faiths in Indonesia can still be registered by the State because the belief status on the Identity Cards of people who adhere to the faith is only listed as "Belief in the Almighty God." The status does not specify what faith organization the prospective bride and groom belong to. Even though each group of believers has its provisions for getting married, not all believers want to marry someone from a different group of believers.

Implementation of the legality of registering marriages of the belief adherents and legal protection for marriages of different adherents in Central Java

Compliant with the Constitutional Court of the Republic of Indonesia's decision Number 97/PUU-XIV/2016 regarding Article 61 paragraph (1) and paragraph (2) and Article 64 paragraph (1) and paragraph (5) of the Law Population Administration, believers are granted a right under the law to fill in the religion column on their National Identity Card with "Belief in the Almighty God".

There are 53 Organizations for Belief in God Almighty in Central Java Province that have been registered as official organizations for believers. Registration of Faith Organizations has official regulations regarding registration procedures as explained in secondary data regarding the Decree of the Director of Belief in the Almighty God Number 1482/F2/KB/2020 concerning Service Standards for Inventory of Organizations of Belief in the Almighty God.

Following the legality of marriage and its registration for believers, it is necessary to first understand the definition of a valid marriage by Article 2, paragraph (1) of the Marriage Law, which explains that marriage is valid if it is carried out according to the laws of each religion and belief. Therefore, the validity of a marriage depends on the laws of each religion and belief. Implementation of marriage for beliefs adherents consider that several stages must be passed to conduct a valid marriage. For example, based on interviews with adherents of the *Rukun Warga Kebatinan* belief, several stages must be carried out in order for the goal of marriage to achieve eternal happiness, such as the applicant must have their *weton* counted first, then calculate the wedding date according to the calculation, *pasugatan*, *paningset*, *nyekar*, *sesaji lan slametan*, *pasang*

tarub, pasiraman, adol dhawet, sengkeran, midadareni, jonggolan, panggih, tandhing bobot, sungkeman, kacar kucur, dhahar kembang, netepi palakrama, bedholan, rampungan, and nyepasari. Once a single step is not performed, then the marriage is considered void according to *Rukun Warga Kebatinan's* Beliefs. Once the marriage is valid according to one's beliefs, the marriage can be registered at the local Population and Civil Registration Service.

Requirements for marriage registration in Central Java based on interview results, especially in Banyumas Regency, are the same for all residents of religion and belief. However, for believers in registering their marriage with the Population and Civil Registration Service, they must attach requirements in the form of a certificate that the marriage took place in the presence of a leader of the belief, as well as supporting documents in the form of a certificate from the organization that the believer has registered. If a marriage of adherents of a faith takes place without being signed by a registered leader of the faith, then the state cannot legalize the marriage. By fulfilling all these requirements, the marriage of believers can be registered by civil registration, and the marriage is valid in the eyes of the law.

Regarding the legality of marriages of believers, as long as the marriage is carried out accompanied by applicable statutory procedures and regulations, the marriage is legally valid. One of the things that prevents a marriage from being legalized by the state is needing to be able to complete administrative documents and marriages of different religions or beliefs.

These particular requirements for believers to record themselves pose significant obstacles for believers. Article 39 Government Regulation No. 40 of 2019 explains that marriages of adherents of belief in God Almighty are carried out in the presence of leaders of adherents of belief in God Almighty. The Organization for Believers appoints these leaders who believe in the Almighty God, the One and Only God. Organizations and Leaders of Belief in One God must be registered with the Ministry whose task is technically to foster Organizations for Believers in God Almighty. Based on the contents of the article regarding procedures for registering marriages for adherents of the belief in God Almighty, several facts were found that there are still obstacles in fulfilling the requirements for registering marriages related to the requirements for registered organizations as in Article 39 Paragraph (3) Government Regulation No. 40 of 2019.

One of the conditions that must be met for a marriage to be registered is proof of registration of a Faith Organization. Operational standards related to the registration of Faith Organizations at the Directorate of Belief in One God and Indigenous Peoples under the Ministry of Education, Culture, Research, and Technology are regulated in the Decree of the Leadership of Service Organizers Number 153/SK/E4.2/KB/2017 dated 28 February 2017. The Decree regulates service standards for issuing inventory marks for organizations that believe in God Almighty. In this service standard, applicants as organizations that believe in God Almighty must fill out several forms, namely:

1. Form A
2. Form A1 is complementary data related to trust organizations
3. Form A2 is a complement to the data on ritual procedures
4. Submit AD/ART (Articles of Association and Bylaws)
5. Have written teachings with systematic written teachings in correlation with the attachment on the website of the Directorate of Belief in Almighty God and Indigenous Peoples
6. Composition of the Management of the Organization of Belief in Almighty God
7. List of Member Nominatives
8. Organizational Work Program Belief in Almighty God
9. Curriculum Vitae of Elders
10. Letter of recommendation from the local supreme council of beliefs towards God Almighty Indonesia
11. Letter of recommendation from the Department in charge of Culture at the local district/city level
12. Registered organizations are not part of organizations registered with the Ministry of Education and Culture.

The forms required in the Service Standards can all be accessed online on the website <https://kekulturan.kemdikbud.go.id/ditkma/besar-tanda-inventarisasi-organization-penghayat-kebelian/>. Once all these requirements are met and complete, an Inventory Certificate will be issued no later than 5 working days without

any charge.

This issue is a significant challenge for organizations that believe in the Almighty God but do not yet meet the qualifications conforming to applicable regulations. One of them is that several members and administrators of the organization must adhere to the belief. This requirement is from the registration form, including the organization's management data. Based on one of the attachment formats for the registration requirements for Faithful Organizations on the website kultur.kemdikbud.go.id regarding the Requirements for Inventory Certificates for Faithful Organizations, in attachment 6 regarding the Composition of the Management, it is stated in the statement that at a minimum, each Organization/Association must have a management composition consisting of Chairman, Secretary, Treasurer, and Sections. Supposing the organization/association still has other management, for example, advisors/guides, senior leaders, and advisory council, the management should also be included in the notification to the government. The management is required to fill in the Nominative List of Members of Organizations that Believe in the Almighty God, fill in the attachments relating to management and membership, other forms in the form of forms regarding the systematics of writing teachings, work programs, AD ART, and the rest. Based on this, there are minimum requirements for management and membership in a faith-based organization to be registered.

Plenty of requirements must be adhered to to register an organization that believes in the Almighty God, occurring obstacles for organizations when they desire to register their organization. Apart from that, Belief Organizations still need complete management conditions due to the need for adherents to these beliefs. Various requirements and limitations of administrators and members in Faith Observing Organizations impact marriages that cannot be registered at the Population and Civil Registration Service due to the lack of attachment files, namely proof that the faith organization has been registered.

This policy creates inequality in the marriage registration process because it gives unfair treatment to believers who do not have a registered organization. In this case, the marriage is imperiled by being unable to register. Hence, believers who desire to get married are coerced to leave the belief they already hold to switch to another belief whose organization is already registered or required to register their belief organization first. This practice is done solely to obtain the legality of marriage

registration at the Civil Registry Service Office for the marriage to be lawfully acknowledged.

Aside from the completeness of administrative records, marriages between people of different religions or beliefs are another issue that prevents a marriage from being legalized by the state. This fact is especially correct in correlation with Supreme Court Circular Letter No. 2 of 2023's regulation, which provides judges with instructions for hearing applications to register marriages between people of different religions and beliefs. Nevertheless, the state still has the authority to record and approve interfaith marriages, yet belief adherents are exempt from this requirement. There is no difference in the belief status for adherents of the belief in National Identity Card or Family Card. The practice allows the Civil Registry Service Office to still register marriages based on the belief status of the National Identity Card being the same, namely "Belief in the Almighty God." Thus, the issuance of Supreme Court Circular Letter No. 2 of 2023 does not impact belief adherents in Indonesia.

Based on information from sources in interviews with belief adherents who have been married, they explained that marriages between couples with different beliefs can still last as long as both of them love each other. This idea suggests that it is fine if both groups wish for marriage between different believers. It becomes a problem when one of the bride and groom comes from a religious group whose rules do not allow marriages to take place with people of different religions or beliefs.

On the other hand, based on interviews with sources regarding whether or not interfaith marriages took place in Banyumas, which were then registered at the Civil Registry Service Office, civil registration officers cannot know because the identity of the believers in the National Identity Card and Family Card is the same, namely Belief in the Almighty God. In this case, the source explained that the civil registration officer was only tasked with registering marriages according to what was on the identity card, namely the National Identity Card and Family Card. In other words, the state recognizes by registering marriages of adherents of faith if the National Identity Card states adherents of the same belief, even though they have different faiths.

Apart from looking at the identity card of the prospective husband/wife who wants to register the marriage, the civil registration officer will ask for a certificate that the marriage was carried out in the presence of and made by a religious leader. As long

as the requirements for registering a marriage are complete, including a certificate that the marriage has taken place in the presence of a religious leader and supporting documents in the form of an organization that adheres to the belief has been registered, then the marriage can be registered and is recognized under the law. Thus, civil registration officers must be more knowledgeable about marriages of different faiths.

4. Conclusion

Marriages of believers received legality from the state many years after Indonesia became independent through the issuance of the Population Administration Law, which was strengthened by the Constitutional Court of the Republic of Indonesia with decision Number 97/PUU-XIV/2016. Regarding the legality of marriages of believers, insofar as the marriage is carried out following applicable statutory procedures and regulations, the marriage is recognized.

Through the Marriage Law and Supreme Court Circular Letter No. 2 of 2023, the state does not provide legal protection for marriages with different beliefs in God Almighty. However, in its implementation in Central Java, there are still marriages with different believers because marriage registration will only record formal marriages using a National Identity Card. The prospective husband/wife are adherents of the same belief despite being different.

The marriage of believers cannot be registered if their belief organization has not been registered with the Directorate of Belief in the Almighty God and Indigenous Peoples. The requirement for registering a marriage of believers is that there is a certificate from the leader of the believers chosen by the organization, and the organization must be registered. This problem is an obstacle for believers whose organizations still need to be registered. Thus, believers under that organization's auspices cannot register their marriage based on their beliefs. This implementation can result in the possibility of legal smuggling by the parties, which is carried out solely to complete the administrative requirements so that the law acknowledges the marriage.

References

- Christianto, Hwian, "Arti Penting UU No. 1/PNPS/1965 Bagi Kebebasan Beragama", *Jurnal Yudisial*, Vol. 6 No. 1. 2013.
- Damami, M, *Kepercayaan Terhadap Tuhan Yang Maha Esa Pada Periode 1973-1983: Sebuah Sumbangan*

- Pemahaman Tentang Proses Legalisasi Konstitusional Dalam Konteks Pluralitas Keberagamaan di Indonesia*, Kementerian Agama RI, Jakarta, 2011.
- Dahwal, Sirman, *Perbandingan Hukum Perkawinan*, Mandal Maju, Bandung, 2017.
- Direktorat Kepercayaan Terhadap Tuhan Yang Maha Esa dan Masyarakat Adat, *Buku Saku Kepercayaan Terhadap Tuhan Yang Maha Esa 2022*, Jakarta, 2022.
- Fathuri, Hani Zain dan Lukman Santoso, "Ambiguitas Hak Atas Perkawinan Dan Kebebasan Beragama Dalam Undang-Undang No.1 Tahun 1974", *Al-Syakhshiyyah Journal of Law & Family Studies*, Vol. 1 No. 1., 2019.
- Halim, Abdul, Ranti, and Ilham Abbas, "Tinjauan Yuridis terhadap Perkawinan Penghayat Kepercayaan menurut Undang-Undang Nomor 1 Tahun 1974", *Qawani Jurnal Ilmu Hukum*, Vol. 1, No.1, 2020
- Mamudji, S. S, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, Raja Grafindo Persada, Jakarta, 2001.
- Nugraheni, Laksana Arum dkk, "Kajian Filosofis Pencatatan Perkawinan Penghayat Kepercayaan Berdasarkan Nilai-Nilai Pancasila Dan Peraturan Perundang-Undangan Di Indonesia", *Journal Paradigma Hukum Pembangunan*, Vol. 6 No. 1, 2021.
- Paulira, C. S, *Perkawinan Penghayat Aliran Kepercayaan Agama Djawa Sunda dan Problematikanya*, Fakultas Hukum Universitas Indonesia, Jakarta, 2009.
- Pransefi, Megamendung Danang, "Aliran Kepercayaan Dalam Administrasi Kependudukan", *Media Luris*, Vol. 4 No. 1, 2021.
- Prameswari, Nindia Putri and Safirah Oktaviana, "Keabsahan dan Akibat Hukum Perkawinan Penghayat Kepercayaan Pasca Terbitnya Putusan Mahkamah Konstitusi Nomor 97/PUU-XIV/2016", *Notaire*, Vol.4 No. 3, 2021.
- Prodjodikoro, W, *Hukum Perkawinan di Indonesia*, Sumur Bandung, Bandung, 1974.
- Rahardjo, Satjipto, *Ilmu Hukum*, Cetakan ke-6, PT. Citra Aditya Bakti, Bandung, 2006.
- Shihab, M, *Pesan, Kesan, dan Keserasian al-Qur'an*. Lentera Hati, Tangerang, 2017.
- Sitorus, M, *Pendidikan Kepercayaan Terhadap Tuhan Yang Maha Esa Dan Budi Pekerti*, Pusat Kurikulum dan Perbukuan Badan Penelitian dan Pengembangan dan Perbukuan Kementerian Pendidikan, Kebudayaan, Riset, dan Teknologi, Jakarta, 2021.
- Subekti, *Pokok-Pokok Hukum Perdata*, Intermasa, Jakarta, 2003.
- Sholakodin, Akil Fitra, "Arus Utama Wacana Identitas Penghayat Kepercayaan Pasca Putusan MK di Media Daris Kompas.com", *Jurnal Sosiologi Pendidikan Humanis*, Vol. 6 No. 2, 2021.
- Sukirno, "Politik Hukum Pengakuan Hak atas Administrasi Kependudukan Bagi Penganut Penghayat Kepercayaan", *Administrative Law & Governance Journal*, Vol. 2 No. 2, 2019.
- Sukirno, "Rekonstruksi Pencatatan Perkawinan Bagi Penghayat Kepercayaan Komunitas Adat", *Jurnal Hukum Progresif*, Vol. 7 No. 2, 2019.
- Tutik, Titik Triwulan, *Hukum Perdata dalam Sistem Hukum Nasional*, Kencana, Jakarta, 2015.
- Viri, Kristiana and Zarida Febriany, "Dinamika Pengakuan Penghayat Kepercayaan di Indonesia", *Indonesia Journal Religion and Society*, Vol. 2 No. 2, 2020.
- Wisnu, Agnes Tutut Setianingsih, Julia Kumala Asri Drakel, and Mely Tri Octaviana, "Eksistensi Penghayat Kepercayaan Kejawa di Tengah Arus Modernisasi", *The Indonesian Journal of Social Studies*, Vol. 6 No. 2, 2022.
- Yusyanti, Dianna, "Perlindungan Hukum terhadap Anak Korban dari Pelaku Tindak Pidana Kekerasan Seksual", *De Jure*, Vol. 20 No. 4, 2020.
- "Syarat Tanda Inventarisasi Organisasi Penghayat Kepercayaan", [Syarat Tanda Inventarisasi Organisasi Penghayat Kepercayaan - Direktorat Kepercayaan Terhadap Tuhan Yang Maha Esa Dan Tradisi \(kemdikbud.go.id\)](https://syarattandainventarisasiorganisasi.org/), accessed on November 24, 2023.
- Constitution of 1945.
- Law No.1 of 1974 j.o. Law No. 16/2019 on Marriage.

Law No. 24 of 2013 on the Amendment to Law No. 23 of 2006 on Population Administration.
Government Regulation of the Republic of Indonesia Number 40 of 2019 on the Implementation of the
Population Administration Law.
Supreme Court Circular Letter No. 2 of 2023 concerning Guidelines for Judges in Adjudicating Cases of
Application for Marriage Registration between People of Different Religions and Beliefs.
Constitutional Court Decision Number 97/PUU-XIV/2016.