

Juridical Review of Legal Vacuum in the Regulation of Interfaith Marriage in Indonesia

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Abstract. *Interfaith marriage in Indonesia represents a complex legal challenge characterized by significant regulatory ambiguity and constitutional tensions. This juridical research investigates the existing legal vacuum surrounding interfaith marriage, examining the critical gaps in current legislation that impede comprehensive legal protection for interfaith couples. Utilizing a normative juridical approach with legislative and conceptual analysis, the study explores the intricate intersections between religious diversity, individual rights, and legal frameworks. The research reveals substantial deficiencies in the current legal system, highlighting the absence of specific regulations governing interfaith marriage. Key findings demonstrate the urgent need for a comprehensive legislative framework that balances religious pluralism, constitutional principles, and individual human rights. The study identifies critical challenges, including conflicts between existing legal provisions, social perceptions, and constitutional guarantees of religious freedom. Methodologically grounded in progressive legal theory and human rights principles, the research provides a critical analysis of the existing legal landscape. Comparative insights from international jurisdictions underscore the necessity of legal reform. The findings recommend the development of nuanced legislation that respects individual choice while maintaining social harmony. The study concludes that Indonesia requires a transformative approach to interfaith marriage regulation, emphasizing legislative reforms, public education, and the establishment of robust legal mechanisms that protect individual rights within the context of religious and cultural diversity.*

Keywords: *Human Rights, Indonesian Law, Interfaith Marriage, Legal Pluralism, Legal Vacuum*

1. INTRODUCTION

The intricate landscape of interfaith marriage in Indonesia represents a critical juncture of legal, social, and constitutional challenges, where the fundamental human right to marry intersects with complex religious and cultural dynamics. Despite Indonesia's constitutional guarantee of religious freedom and human rights, the current legal framework remains inadequate in addressing the nuanced realities of interfaith unions, creating a significant juridical vacuum that compromises individual autonomy and social cohesion. This research critically examines the existing legal impediments, analyzing the tension between religious pluralism, constitutional principles, and individual rights, with the aim of proposing a comprehensive legal approach that reconciles the diverse normative systems governing marriage in Indonesia's multireligious society.

Problem Analysis

1. Legal Regulatory Ambiguity

The legal landscape of interfaith marriage in Indonesia is characterized by a profound regulatory ambiguity that fundamentally undermines individual rights and social justice. The absence of specific legislation creates a critical legal vacuum, forcing interfaith couples to

navigate a complex and often contradictory system of religious norms, constitutional principles, and fragmented legal interpretations. This regulatory deficiency results in significant legal and social challenges, including complex marriage registration processes, potential social stigmatization, and uncertain legal status of interfaith unions. The conflicts between existing religious practices and constitutional guarantees of individual rights expose a systemic failure to address the nuanced realities of marriage in Indonesia's diverse religious landscape, ultimately compromising the fundamental human right to marry and undermining the principles of equality and personal autonomy.

2. Constitutional Challenges

The constitutional challenges surrounding interfaith marriage in Indonesia reveal a profound tension between fundamental human rights and existing legal frameworks, particularly concerning religious freedom and marriage regulations. The 1945 Constitution's guarantees of religious liberty and individual rights stand in stark contrast to restrictive marriage laws that prioritize religious homogeneity, creating a critical constitutional dilemma. This conflict manifests in the systematic marginalization of interfaith couples, who face significant legal barriers that contradict the constitutional principles of equality and personal autonomy. The interpretation of marriage rights through a narrow religious lens effectively undermines the broader constitutional commitment to protecting individual freedoms, exposing a fundamental inconsistency in Indonesia's legal approach to marriage and religious diversity.

2. LITERATURE REVIEW

Legal Theories

The theoretical framework of this research integrates progressive legal theory, social justice theory, and human rights theory to comprehensively analyze interfaith marriage dynamics in Indonesia. Progressive legal theory challenges traditional legal paradigms, advocating for a dynamic legal system that responds to societal changes and individual needs. Social justice theory provides critical insights into the structural inequalities that marginalize interfaith couples, emphasizing the importance of legal mechanisms that promote equality and inclusivity. Human rights theory underpins the fundamental analysis, highlighting the intrinsic right to personal choice, religious freedom, and marital autonomy. These theoretical perspectives collectively offer a robust analytical lens for examining the complex legal and social challenges surrounding interfaith marriage, revealing the systemic contradictions between existing legal frameworks and the principles of individual rights and social equity.

Conceptual Framework

The conceptual framework of this research critically examines legal pluralism as a dynamic lens for understanding interfaith marriage in Indonesia's complex social landscape. Legal pluralism reveals the intricate interactions between state law, religious norms, and individual agency, challenging monolithic legal interpretations. The protection of individual rights within the marriage context emerges as a fundamental principle, challenging existing legal constraints that prioritize institutional and religious boundaries over personal autonomy. Equality and non-discrimination principles form the core analytical foundation, exposing systemic legal barriers that marginalize interfaith couples and undermine constitutional guarantees of individual freedom. This conceptual approach demonstrates the critical need for a more flexible, inclusive legal framework that recognizes the diverse lived experiences of individuals navigating complex religious and legal environments.

3. METHODOLOGY

Research Type

The research employs a normative juridical methodology, integrating legislative and conceptual approaches to comprehensively analyze the legal challenges of interfaith marriage in Indonesia. The normative juridical method focuses on examining legal norms, principles, and doctrines through a critical lens of existing legislation, constitutional provisions, and judicial interpretations. The legislative approach systematically evaluates current legal frameworks, identifying gaps and inconsistencies in the regulation of interfaith marriages. Simultaneously, the conceptual approach provides a theoretical framework for understanding the broader legal and social implications of marriage regulations. This multifaceted methodological strategy enables a rigorous examination of the intersections between legal systems, constitutional principles, and individual rights, offering a nuanced understanding of the complex legal landscape surrounding interfaith marriage in Indonesia.

Data Sources

The research methodology leverages a comprehensive array of data sources to ensure a robust and multifaceted analysis of interfaith marriage regulations. Literature study provides theoretical foundations and critical insights from existing scholarly work, offering contextual understanding of legal and social dynamics. Legislative sources, including primary legal texts and constitutional documents, form the core of normative analysis, enabling a systematic examination of existing legal frameworks. Jurisprudence offers critical judicial interpretations and precedents, revealing the practical application of legal principles in interfaith marriage contexts. Additionally, related legal documents, such as government regulations, ministerial

decrees, and institutional guidelines, complement the research by providing a comprehensive view of the complex legal landscape surrounding interfaith marriages in Indonesia.

Data Collection Techniques

The research employs a sophisticated multi-method approach to data collection, integrating diverse techniques to ensure comprehensive and nuanced insights into interfaith marriage regulations. Documentation serves as a critical method for systematic collection and analysis of primary legal sources, including constitutional documents, legislative texts, and official records related to marriage regulations. The extensive literature review provides a theoretical and contextual foundation, synthesizing existing scholarly work, academic publications, and critical analyses of legal frameworks surrounding interfaith marriage in Indonesia. In-depth interviews with legal experts represent a pivotal qualitative technique, enabling direct engagement with key stakeholders who possess specialized knowledge of the legal, social, and constitutional complexities of interfaith marriages. These semi-structured interviews allow for rich, contextual insights that complement documentary and literature-based research, providing deeper understanding of the practical implications and systemic challenges in current legal approaches to interfaith unions.

Data Analysis

The research employs a sophisticated qualitative methodology for data analysis, integrating multiple analytical approaches to comprehensively examine interfaith marriage regulations. Qualitative method provides a nuanced framework for interpreting complex legal and social phenomena, enabling in-depth exploration of the intricate challenges surrounding interfaith marriages. Legal document interpretation serves as a critical analytical technique, systematically deconstructing existing legislative texts, constitutional provisions, and judicial precedents to reveal underlying legal contradictions and systemic gaps. Comparative analysis extends the research's analytical depth by juxtaposing Indonesia's legal approach with international frameworks, identifying best practices and innovative regulatory strategies. This multifaceted analytical approach allows for a comprehensive examination of interfaith marriage regulations, uncovering the complex interplay between legal norms, constitutional principles, and social realities, while providing critical insights into potential legislative reforms and conceptual innovations.

4. RESULTS AND DISCUSSION

Research Type

The research findings reveal a profound legal and constitutional dilemma in the regulation of interfaith marriages in Indonesia, exposing critical gaps between normative juridical principles, legislative frameworks, and conceptual understanding of individual rights. From a normative juridical perspective, the study uncovers a systemic contradiction between constitutional guarantees of religious freedom and existing marriage regulations that prioritize religious homogeneity. The legislative approach demonstrates significant regulatory ambiguity, with current laws failing to provide comprehensive protection for interfaith couples, creating a legal vacuum that marginalizes individual autonomy and personal choice. Conceptually, the research illuminates the complex interplay between religious norms, state law, and individual rights, revealing how existing legal frameworks perpetuate systemic discrimination and undermine fundamental principles of equality.

Key findings highlight three critical dimensions:

- a. **Regulatory Inconsistency:** Existing legal mechanisms create insurmountable barriers for interfaith couples, forcing them to navigate complex and often contradictory legal and social landscapes.
- b. **Constitutional Tension:** There is a fundamental disconnect between constitutional principles of religious freedom and the restrictive approach to interfaith marriage regulations.
- c. **Systemic Discrimination:** The current legal framework effectively institutionalizes discrimination, compromising individual rights and social cohesion.

The research ultimately demonstrates the urgent need for a transformative approach to interfaith marriage regulation, one that reconciles legal pluralism with individual rights, constitutional principles, and the diverse social realities of contemporary Indonesian society.

Data Sources

The comprehensive analysis of interfaith marriage regulation draws critical insights from diverse data sources, revealing a complex legal landscape. Literature study provides fundamental theoretical foundations, exposing the conceptual challenges in current legal frameworks and highlighting the evolving discourse on religious pluralism and individual rights. Legislative sources uncover systemic structural barriers, demonstrating how existing laws perpetuate discriminatory practices against interfaith couples through rigid interpretative mechanisms.

Jurisprudential analysis reveals the judiciary's pivotal role in navigating the intricate legal challenges, showcasing inconsistent judicial approaches that often reflect broader societal tensions rather than providing clear constitutional guidance. Examination of related legal documents exposes the multilayered complexity of interfaith marriage regulation, including:

- a. Regulatory Gaps: Significant inconsistencies between constitutional principles and practical legal implementation
- b. Institutional Barriers: Complex administrative processes that discourage interfaith unions
- c. Normative Conflicts: Persistent tensions between religious institutional norms and individual rights

The integrated analysis of these diverse sources demonstrates the urgent need for comprehensive legal reform, highlighting the critical disconnect between existing legal frameworks and the fundamental principles of individual autonomy and religious freedom in Indonesia's pluralistic society.

Data Collection Techniques

The research's data collection techniques provided multifaceted insights into the complexities of interfaith marriage regulation in Indonesia. Documentation analysis revealed critical legal inconsistencies, exposing the systemic gaps between constitutional principles and practical legal implementation. The comprehensive literature review synthesized existing scholarly discourse, uncovering the theoretical tensions surrounding religious pluralism, individual rights, and marriage regulations.

In-depth interviews with legal experts emerged as the most revealing data collection technique, offering nuanced perspectives that transcend traditional documentary analysis. Key insights from expert interviews highlighted:

- a. Institutional Challenges: Hidden bureaucratic barriers that systematically discourage interfaith marriages
- b. Constitutional Interpretation: Divergent legal interpretations of religious freedom and marriage rights
- c. Social Dynamics: Complex interplay between legal frameworks and societal norms

The triangulation of these data collection techniques unveiled a profound regulatory dilemma: the current legal system fails to adequately address the lived experiences of interfaith couples, creating a significant gap between constitutional ideals and practical legal protections. Experts consistently emphasized the urgent need for comprehensive legal reform that

recognizes the complexity of religious and cultural diversity in contemporary Indonesian society.

Data Analysis

The qualitative methodology employed in this research unveiled critical insights into the complex landscape of interfaith marriage regulation in Indonesia. Through rigorous legal document interpretation, the study exposed fundamental contradictions within existing legal frameworks, revealing systemic barriers that impede individual rights and constitutional principles of religious freedom.

Comparative analysis emerged as a powerful analytical tool, highlighting significant disparities between Indonesia's approach to interfaith marriage and international best practices. Key findings include:

- a. **Regulatory Divergence:** Indonesia's legal approach stands in stark contrast to more progressive international models of marriage regulation
- b. **Constitutional Inconsistencies:** Fundamental tensions between constitutional guarantees and practical legal implementation
- c. **Systemic Barriers:** Institutional mechanisms that systematically marginalize interfaith couples

The nuanced qualitative analysis demonstrated that current legal frameworks fail to address the complex realities of religious pluralism and individual autonomy. By synthesizing legal document interpretation with comparative insights, the research exposed a critical need for comprehensive legal reform that reconciles constitutional principles with the diverse social landscape of contemporary Indonesian society. Ultimately, the analytical approach revealed that interfaith marriage regulation is not merely a legal challenge, but a profound reflection of broader societal negotiations between individual rights, religious norms, and state governance.

5. CONCLUSION AND RECOMMENDATION

Conclusion

The research conclusively demonstrates the critical legal challenges surrounding interfaith marriage in Indonesia, revealing a profound systemic failure that demands immediate and comprehensive intervention. The identified legal vacuum represents more than a mere technical oversight; it is a fundamental breach of constitutional principles of individual rights and religious freedom.

Key Conclusions:

1. **Legal Vacuum:** The current regulatory framework creates a critical gap that systematically marginalizes interfaith couples, undermining their constitutional rights and personal autonomy. This regulatory absence exposes significant contradictions between Indonesia's constitutional guarantees and practical legal implementation.
2. **Urgent Reform Imperative:** The research compellingly argues for a transformative approach to marriage regulation that transcends existing religious and cultural boundaries. The proposed legal framework must be:
 - a. Inclusive of diverse religious and cultural identities
 - b. Responsive to contemporary social realities
 - c. Aligned with constitutional principles of equality and individual rights
3. **Comprehensive Approach:** Addressing the interfaith marriage challenge requires a multifaceted strategy that:
 - a. Reconciles legal pluralism with individual rights
 - b. Develops flexible regulatory mechanisms
 - c. Promotes social understanding and acceptance

The study ultimately reveals that resolving the interfaith marriage regulatory challenge is not merely a legal necessity but a critical step towards realizing Indonesia's constitutional promise of religious freedom and individual dignity. It calls for a paradigm shift from rigid, institutionally-driven approaches to a more dynamic, rights-centered legal framework that genuinely reflects the nation's diverse and pluralistic character.

Recommendation

1. Legislative Recommendations

The research recommends a comprehensive legislative approach to interfaith marriage regulation in Indonesia that addresses existing legal gaps through targeted interventions. Specifically, the proposed legislative recommendations call for the creation of a dedicated legal framework explicitly addressing interfaith marriage, which would provide clear guidelines for marriage registration and protect individual rights to marry across religious boundaries. This approach necessitates systematic harmonization of existing regulations, reconciling conflicting legal provisions and aligning marriage laws with constitutional principles of religious freedom. The recommended legislation should eliminate discriminatory provisions, establish streamlined administrative processes, and create supportive institutional mechanisms that recognize the complexity of religious diversity while prioritizing individual autonomy and social cohesion.

2. Practical Recommendations

The research proposes practical recommendations focused on comprehensive social transformation and rights protection for interfaith couples in Indonesia. These recommendations encompass extensive public socialization and education initiatives to challenge existing social stigmas and promote understanding of interfaith marriage complexities. Additionally, the proposal emphasizes establishing robust mediation and consultation mechanisms to provide institutional support for interfaith couples navigating legal and social challenges. Critically, the recommendations prioritize strengthening individual rights protection through targeted legal and social interventions, ensuring that interfaith couples receive comprehensive support in challenging existing normative restrictions and accessing their constitutional rights.

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