



## THE REGISTRATION OF INTERFAITH MARRIAGES IN THE DETERMINATION OF THE MEDAN DISTRICT COURT (STUDY OF DETERMINATION DECISION NO. 1350/PDT.P/2022/PN.MDN)

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### ABSTRACT

*The phenomenon of interfaith marriage in Indonesia reflects the complexity of the relationship between positive law, human rights, and religious norms, particularly within a multicultural society. This article examines the practice of registering interfaith marriages through judicial determination, focusing on the case study of Determination No. 1350/Pdt.P/2022/PN.Mdn by the Medan District Court. Using a normative juridical approach supported by empirical data, this study analyzes the applicable legal provisions, judicial considerations, and insights from the perspective of Islam and maqashid al-shari'ah. The findings reveal that the registration of interfaith marriages through court rulings represents a legal response to normative gaps that fail to accommodate the needs of a pluralistic society. In the context of Islamic law, a maslahah-based approach is employed to interpret administrative registration without legitimizing the practice religiously. Meanwhile, from the perspective of state law, the court's decision demonstrates the application of progressive legal principles and the protection of citizens' civil rights. Therefore, such rulings serve as an important precedent for reforming marriage registration policies to be more humane, contextual, and aligned with the principles of social justice in a democratic legal state.*

**Keywords:** Marriage Registration, Interfaith Marriage, Court Determination.

## 1. INTRODUCTION

Interfaith marriage in Indonesia has increasingly emerged as a prominent social phenomenon, particularly within the multicultural urban society, such as in Medan (Abdullah et al., 2024; Harjatanaya, 2025). Social mobility, globalization, and cross-cultural and interreligious interactions have made interfaith relationships more

common, including in the form of marriage (Ahsan Ullah & Chatteraj, 2023; Suhendar et al., 2023; Tezcan, 2024). Amid this spirit of social openness, many interfaith couples face structural and normative barriers when attempting to register their marriages officially (Baert et al., 2022; Kholil et al., 2024; Obodo, 2023). This is exemplified in Determination No. 1350/Pdt.P/2022/PN.Mdn, where an interfaith couple submitted a marriage registration request to the Medan District Court after being rejected by the civil registration office. This phenomenon highlights the tension between the social needs of a pluralistic society and state legal regulations as well as religious norms—calling for a legal and ethical point of convergence (David, 2024; El Yattouti, 2024).

Legal literature in Indonesia describes interfaith marriage as a controversial issue at the crossroads of positive law, human rights, and religious doctrines, especially within Islam (Purnalyta et al., 2024; Sa'i, 2025). In Islamic jurisprudence, the majority of scholars hold that a Muslim is not permitted to marry a non-Muslim partner, except under limited circumstances, such as a Muslim man marrying a woman from the People of the Book—under strict conditions (Hakim & Nasution, 2022; Sheibani, 2023). The Qur'an in Surah Al-Baqarah verse 221 prohibits marriage with polytheists until they embrace faith. Imam al-Shafi'i and other classical scholars argue that interfaith marriage may negatively affect faith and the integrity of the Muslim family. On the other hand, from a legal standpoint, Law No. 1 of 1974 on Marriage stipulates that a marriage must comply with each party's religious laws, making interfaith marriage registration administratively problematic. Hence, both Islamic and national legal norms provide strict boundaries for the legality of interfaith marriages, necessitating a prudent and contextual legal approach in practice.

This study aims to critically examine the practice of interfaith marriage registration through court determination, focusing on Determination No. 1350/Pdt.P/2022/PN.Mdn by the Medan District Court. The study seeks to understand how the judiciary positions itself amid the tension between positive law, religious norms (especially Islamic), and the social realities of modern citizens. Employing a normative-juridical method combined with content analysis of judicial reasoning, the study also explores the alignment of the court's decision with *maqashid al-shari'ah* principles, such as *hifz al-din* (protection of religion) and *hifz al-nasl* (protection of lineage). It is hoped that this article will contribute to the formulation of a progressive legal approach that respects both Islamic values and civil liberties within a pluralistic legal state.

The court's decision in the interfaith marriage registration case reflects the judiciary's active role in addressing legal voids not accommodated by conventional marriage regulations. From an Islamic perspective, it is essential to view the judge's role as one that balances social welfare (*maslahah*) and religious principles (*shari'ah*), particularly when confronted with complex realities (Musfiroh et al., 2024). In Determination No. 1350/Pdt.P/2022/PN.Mdn, the judge granted

approval for registration based on the principles of non-discrimination and the constitutional rights of citizens. From a maqashid al-shari'ah standpoint, the ruling can be interpreted as an effort to protect civil rights without directly legitimizing a practice that contradicts Islamic teachings. This demonstrates a legal moderation effort that avoids a binary view between halal and haram. Therefore, such a progressive judicial approach should serve as a critical discussion point among legal and religious stakeholders to create a legal system that is humane, contextual, and consistent with Islamic values.

### **Theory of Positive Law and Judicial Authority**

The theory of positive law holds that law consists of rules formally established by a legitimate authority and binding upon all citizens without exception (Pech, 2022; Setyawan, 2023). In the context of interfaith marriage, Indonesia's positive legal framework refers to Law Number 1 of 1974 on Marriage, particularly Article 2 paragraph (1), which states that "a marriage is considered valid if it is conducted according to the laws of each party's religion and belief" (Bisri, 2023). This provision creates a formal legal foundation that reinforces the role of religion in determining the validity of a marriage. However, the absence of specific legal regulation regarding the registration of interfaith marriages opens up the role of the judiciary through court rulings. Based on the principle of judicial discretion, judges may interpret legal provisions in accordance with the evolving social context (Moskvych et al., 2025). Therefore, the theory of judicial authority in a legal state provides legitimacy for judges to engage in law finding or even law making in situations where legal norms are absent (*rechtsvinding*), especially in cases concerning the constitutional rights of citizens.

### **Human Rights Theory and Freedom of Religion**

The right to marry and to establish a family is a fundamental human right guaranteed by various international instruments, such as the Universal Declaration of Human Rights (Article 16) and the International Covenant on Civil and Political Rights (Article 23) (Ullah et al., 2021). In the context of national law, Article 28B paragraph (1) of the 1945 Constitution of the Republic of Indonesia affirms that every person has the right to form a family and to continue their lineage through a lawful marriage (Lisdiyono, 2023). Similarly, Article 28E paragraph (1) guarantees the freedom to embrace religion and belief. Therefore, prohibiting the registration of interfaith marriages may be seen as a restriction on individual rights, which should be limited only under strict and proportionate circumstances. Human rights theory demands that the state remain neutral and non-discriminatory in implementing legal policies, including the provision of civil registration services, as long as such services do not explicitly contradict public order, morality, or prevailing laws.



### **The Maqashid al-Shari'ah Perspective on Interfaith Marriage**

In Islamic jurisprudence, the concept of maqashid al-shari'ah—the objectives of Islamic law—is used to evaluate legal policies in terms of their alignment with public welfare or *maslahah* (Rohmah & Ilmiah, 2023). The five primary principles of maqashid include the protection of religion (*hifz al-din*), life (*hifz al-nafs*), intellect (*hifz al-'aql*), lineage (*hifz al-nasl*), and wealth (*hifz al-mal*). In this regard, interfaith marriage is seen as having implications particularly for *hifz al-din* and *hifz al-nasl*, especially in relation to the formation and preservation of families within the framework of Islamic values. Nevertheless, some contemporary scholars, such as Yusuf al-Qaradawi and Abdullah bin Bayyah, have proposed more flexible interpretations by considering *maslahah*, particularly in the context of Muslim minorities or secular states.

From the maqashid perspective, the evaluation of interfaith marriage registration should take into account the potential harms (*mafsadah*) and benefits (*maslahah*) over the long term for both individuals and society. Therefore, the court's acceptance of a registration request may be understood as a contextual application (*tathbiq*) of maqashid, rather than as a form of shar'i legitimation of the practice itself.

### **Progressive and Responsive Legal Theory in Addressing Social Realities**

The theory of progressive law, as developed by Satjipto Rahardjo, emphasizes that law should not be rigid or confined solely to the literal text of statutes, but must instead side with substantive justice (Darmawan, 2022; Wardhani et al., 2022). In the context of interfaith marriage, the law is expected to resolve human-centered issues rather than perpetuate discrimination or social exclusion. The court's determination in Case No. 1350/Pdt.P/2022/PN.Mdn reflects a progressive legal tendency, wherein the judge prioritized the protection of the civil rights of the citizens involved, rather than merely adhering to the formal wording of the law.

The theory of responsive law, introduced by Philippe Nonet and Philip Selznick, also highlights the importance of legal adaptation in response to evolving societal values. Accordingly, this theory supports a legal approach that is flexible and adaptive, while still respecting religious norms and social pluralism.

## **2. RESEARCH METHOD**

This study employs a normative juridical approach supported by empirical juridical data, aiming to examine the written legal norms governing the registration of interfaith marriages and their implementation within the judicial practice in Indonesia. The normative juridical approach is utilized to analyze statutory regulations, legal doctrines, court decisions, and relevant legal principles

(Hamzani et al., 2023). Meanwhile, the empirical juridical approach is applied to gather factual information from the field, particularly through interviews with judicial officers and observations of administrative practices at the Medan District Court (Dallara & Lacchei, 2021).

The research is categorized as both library research and field research. The library research focuses on collecting and analyzing primary and secondary legal materials, including Law Number 1 of 1974 concerning Marriage, Law Number 23 of 2006 concerning Population Administration as amended by Law Number 24 of 2013, along with various jurisprudence and academic literature. The field research is conducted through direct interviews with judges at the Medan District Court to obtain juridical perspectives on Determination No. 1350/Pdt.P/2022/PN.Mdn, which serves as the case study for this research.

The types of data used in this study consist of:

1. Primary data: obtained from direct interviews with key informants at the Medan District Court, including the judge handling the case, and observations of the administrative process in interfaith marriage registration;
2. Secondary data: includes statutory laws, previous court decisions (jurisprudence), legal doctrines, textbooks, and academic journal articles relevant to the topic;
3. Tertiary data: consists of legal dictionaries, legal encyclopedias, and other supporting references that complement the primary and secondary data.

Data collection techniques include:

1. Document study: conducted by examining legal regulations, academic manuscripts, and copies of court decisions related to interfaith marriage;
2. Direct observation: carried out at the Medan District Court to understand the social and institutional context in handling interfaith marriage registration requests;
3. In-depth interviews: conducted with judicial officers to gain insights into the legal reasoning and contextual background of the decision.

The data analysis technique used in this study is qualitative analysis with an inductive approach. The data obtained from various sources are systematically classified, interpreted, and concluded based on legal facts and the relevance of the applicable norms. This analysis aims to identify the relationship between normative provisions in positive law and judicial practices in determining the registration of interfaith marriages, as well as its implications for the national legal system and the protection of human rights in Indonesia.

### 3. RESULT AND ANALYSIS

## Legal Regulation of Interfaith Marriage Registration in Indonesia

In Indonesia's legal system, marriage registration is part of population administration that plays a crucial role in providing legal certainty for married couples, their children, and the legal status of the family as a whole (Payapo et al., 2023). However, to date, there are no explicit legal provisions governing the registration of interfaith marriages. This legal vacuum has resulted in juridical confusion at the implementation level particularly within civil registration offices—and has led to a dualism in legal practice. Article 2 paragraph (1) of Law Number 1 of 1974 on Marriage stipulates that a marriage is valid if it is conducted according to the laws of each party's religion. Meanwhile, paragraph (2) requires the marriage to be registered in accordance with applicable legislation. This has been interpreted to mean that only marriages between individuals of the same religion are valid and thus eligible for registration.

Nonetheless, legal developments have opened room for interpretation, one of which is found in Article 35 point (a) of Law Number 23 of 2006 on Population Administration, as amended by Law Number 24 of 2013. This article states that marriage registration also applies to marriages that have been determined by a court. Therefore, normatively, there exists an alternative mechanism for the formal registration of interfaith marriages through a court ruling issued by a district court (Neo, 2021).

Although this provision does not directly legalize interfaith marriage, it creates a legal avenue for interfaith couples to access civil and administrative rights guaranteed by the constitution. In addition, Supreme Court Jurisprudence No. 1400 K/Pdt/1986 has served as an important precedent legitimizing the registration of interfaith marriages through judicial means, marking a historical gateway for state recognition of the social reality of a multicultural society.

Nevertheless, the disharmony between religious law and state law remains a source of conflict in the implementation of marriage registration. Implementing institutions often reject such registrations on the grounds that the marriage is not valid under religious law. Thus, in this context, the judiciary plays a vital role as an intermediary and provider of legal solutions that are responsive to societal needs. This study positions normative provisions not merely as procedural guidelines, but also as an evaluative space for developing legal norms that are adaptive to social dynamics and religious pluralism in Indonesia.

## Legal Considerations in the Medan District Court's Decision

The Medan District Court's Decision No. 1350/Pdt.P/2022/PN.Mdn serves as a concrete example of judicial intervention in bridging the needs of citizens for interfaith marriage registration with the limitations of Indonesia's positive legal framework. In this case, the petitioners were an interfaith couple who had conducted marriage ceremonies according to their respective religions Buddhism and Catholicism. Their request to the court was not to seek religious validation of



the marriage, but rather to obtain legal recognition through civil registration as a means of protecting their civil rights.

The judge in this case considered that the marriage did not violate public order and was not contrary to prevailing positive laws, particularly since the religious ceremonies had been duly conducted. The court's determination served as an administrative legal basis for the Civil Registry Office (Disdukcapil) to register the marriage without conflicting with Article 2 paragraph (1) of the Marriage Law, which emphasizes the religious basis of marital validity. Thus, the judge exercised judicial discretion to position the judiciary as a mediator between formal legal norms and the practical legal needs of a pluralistic society (Wojciechowski, 2023).

Another key consideration was the constitutional guarantee of religious freedom and the right to form a family, as stipulated in Articles 28B and 29 of the 1945 Constitution of the Republic of Indonesia. The judge assessed that denying the registration would result in the loss of legal protection for the children and civil status of the family, thereby undermining broader human rights protections. This perspective aligns with Supreme Court Decision No. 1400 K/Pdt/1986, which allowed the registration of interfaith marriages based on the protection of constitutional rights and the pursuit of substantive justice.

The judge's approach also reflects the principles of progressive law, where law enforcement prioritizes tangible justice in real-life contexts over rigid adherence to normative texts. The legal reasoning adopted was responsive to social pluralism and religious diversity, while still maintaining harmony between state law and fundamental societal values (Suciati et al., 2023). This decision demonstrates juridical courage and precision in addressing a legal vacuum through a legitimate instrument civil court determination.

Therefore, the legal considerations underlying this decision signify a transformation in legal interpretation, moving from a strictly legalistic approach to one grounded in substantive justice, human rights protection, and social equity.

### **Islamic Perspective on Interfaith Marriage**

In Islam, marriage is not merely a social contract between two individuals but also a sacred covenant (*mitsaqan ghaliza*) that encompasses spiritual, moral, and legal dimensions. Therefore, Islam places significant emphasis on the legitimacy and religious compatibility of the couple, particularly concerning their faith. The majority of Islamic scholars agree that marriage between a Muslim and a non-Muslim is generally prohibited, except under specific circumstances such as a Muslim man marrying a woman from among the People of the Book (Jews or Christians), as mentioned in Surah Al-Maidah, verse 5. However, even this exception is subject to strict conditions aimed at safeguarding faith, lineage, and familial harmony.

Surah Al-Baqarah, verse 221, presents a more explicit prohibition: “Do not marry polytheistic women until they believe...,” highlighting the view that interfaith marriage can potentially endanger the spiritual integrity of a Muslim household. Classical jurists (fuqaha) such as Imam al-Shafi’i and scholars from the Hanbali school interpreted this verse as a total prohibition of interfaith marriage for both Muslim men and women, save for very limited exceptions. Thus, in classical fiqh, interfaith marriage is generally considered to result in greater mafsadah (harm) than maslahah (benefit) (Muhajarah & Soebahar, 2024; Rambe & Sihombing, 2024).

However, contemporary Islamic thought-through the lens of maqashid al-shari’ah offers a more flexible and contextual approach. The maqashid or higher objectives of Islamic law include the protection of religion (hifz al-din), lineage (hifz al-nasl), life (hifz al-nafs), intellect (hifz al-‘aql), and property (hifz al-mal). In a pluralistic society like Indonesia, where interfaith couples may wish to retain their respective religions and seek administrative rather than religious validation, the state may provide legal space in the form of civil registration without violating core Islamic principles (Rohman & Zarkasi, 2021; Suhendar & Rambe, 2023).

In this context, the registration of an interfaith marriage should not be interpreted as a shar’i endorsement of the marriage, but rather as an administrative measure to protect the civil rights of the individuals involved. This approach aligns with the view of Yusuf al-Qaradawi, who asserted that in a multicultural nation, state law must guarantee justice and fundamental rights without compromising the core values of Islam (Shavit & Spengler, 2023). Thus, court rulings that approve such registrations can be seen as efforts to safeguard the maslahah ‘ammah (public interest) without substantively legitimizing practices that are doctrinally prohibited.

Therefore, an integrative Islamic perspective one that combines textual and maqashid-based approaches is essential in addressing the issue of interfaith marriage registration. It demonstrates that Islamic law is capable of being adaptive within pluralistic and democratic socio-political contexts, as long as it continues to uphold its fundamental religious values.

### Legal Implications and Social Justice

The Medan District Court’s ruling in Case No. 1350/Pdt.P/2022/PN.Mdn carries significant legal implications, both from juridical and social perspectives. Juridically, the decision represents state recognition of the constitutional rights of citizens to form a family, even when coming from different religious backgrounds. This is consistent with Article 28B paragraph (1) and Article 29 of the 1945 Constitution of the Republic of Indonesia, which affirm every individual’s right to form a family and to freely practice their religion and beliefs. Through this court determination, interfaith couples gain legal space to register their marriages, which had long been hindered by the literal interpretation of Article 2 of Law No.



1 of 1974 that requires marriages to comply with each party's religious law (Rosalia, 2024).

Another important implication is the establishment of jurisprudential precedent that can serve as a reference for other district courts. Although it does not directly amend existing legal norms, such a decision generates a new dynamic in Indonesian judicial practice that is more responsive to the legal needs of a multicultural society. This reflects a paradigm shift from rigid law enforcement to living and progressive law, as proposed by Satjipto Rahardjo, who emphasized that law must side with substantive justice rather than mere legal certainty (Zuliyah et al., 2023).

From a social perspective, the decision provides legal certainty and protection of civil rights for interfaith couples and their children. Without official registration, the legal status of such children may be compromised, potentially categorizing them as illegitimate and restricting their access to fundamental rights such as inheritance, identity, and social security. Therefore, marriage registration through court determination is a strategic step to protect civil rights and promote social justice in a pluralistic society (Madhlom & Antonopoulos, 2022).

Nonetheless, the decision may also provoke resistance from religious groups who perceive that the state's administrative validation of interfaith marriages could undermine religious norms. In this context, it is essential for the state to clearly assert that civil registration is purely administrative and does not interfere with the religious validity of a marriage. This clarification is crucial to uphold the principle of secularism in civil administration while simultaneously respecting the existence of religious law within the private sphere.

Therefore, this judicial determination not only resolves the technical-legal issue of registration but also establishes a normative foundation for an inclusive legal state. The state acts as a facilitator of justice, rather than an obstacle to the rights of its citizens. This reflects the substantive meaning of social justice within the framework of a democratic state that upholds legal pluralism and religious diversity.

#### 4. CONCLUSION

Based on the analysis of the legal framework, court decisions, and the Islamic perspective, it can be concluded that the registration of interfaith marriages through court determinations serves as a legal response to the normative gap found in Indonesia's Marriage Law. Although Indonesia's positive law does not explicitly regulate interfaith marriages, Article 35 point (a) of the Population Administration Law provides a legal avenue for interfaith couples to register their marriage, provided that a court determination is obtained beforehand. This demonstrates that the law in Indonesia has the potential to be flexible and adaptive in responding to evolving social dynamics and religious pluralism within society.

The Medan District Court's Decision No. 1350/Pdt.P/2022/PN.Mdn illustrates the critical role of the judiciary in bridging formal legal norms with complex social realities. Through a substantive justice approach, the judge in this case interpreted the law progressively, considering the principles of non-discrimination and the protection of civil rights for interfaith couples. This decision not only reflects a commitment to the constitution but also affirms that the law can offer practical solutions without compromising fundamental societal values.

From an Islamic perspective, interfaith marriage remains a sensitive and largely rejected issue among the majority of scholars. However, through the *maqashid al-shari'ah* approach, it becomes understandable that the administrative registration of such marriages by the state is not intended to provide *shar'i* legitimacy but rather to protect the civil welfare of citizens in matters such as the legal status of children, inheritance, and other legal protections. Hence, Islamic law and state law need not be in opposition but can complement each other within distinct domains: *shari'ah* in the spiritual realm and state law in the administrative realm.

In general, the existence of this court ruling represents a concrete indication that Indonesia's legal system is evolving toward a more humanistic, inclusive, and responsive model in the face of pluralism. The state must be present not to impose uniformity but to ensure that every citizen—regardless of religion—receives equal legal protection and rights. Therefore, such court determinations should serve as a reference point for future reforms in marriage law and civil registration policy aimed at achieving greater justice.

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