



COMPARISON OF LEGAL NORMS AND MECHANISMS FOR SETTLEMENT OF INTER-RELIGIOUS MARRIAGES IN INDONESIA AND SINGAPORE

Dian Istimeisyah^{1*}, Dwi Aryanti²

¹Universitas Pembangunan Nasional "Veteran" Jakarta, Indonesia ; dianistimeisyah10@gmail.com

²Universitas Pembangunan Nasional "Veteran" Jakarta, Indonesia; dwiaryanti@upnvj.ac.id

*correspondence author: dianistimeisyah10@gmail.com

Abstract. Interfaith marriages pose different legal challenges in Indonesia and Singapore, primarily due to differences in validation mechanisms and normative frameworks. This study aims to compare the normative frameworks and resolution mechanisms for interfaith marriages in Indonesia and Singapore. This study uses a normative legal research method, with a comparative approach, to examine regulations, administrative practices, and relevant decisions in both countries. In Indonesia, Article 2, paragraph (1), of the Marriage Law makes religious law the primary requirement for validity, so the state does not provide administrative channels for couples of different religions. This condition is reinforced by Supreme Court Circular Letter No. 2 of 2023, which limits requests for court rulings regarding interfaith marriages. In contrast, Singapore implements a dual legal system for marriage through the Women's Charter and the Administration of Muslim Law Act (AMLA), which allows interfaith marriages among non-Muslims through a defined, structured administrative mechanism. The comparative results show that Indonesia still prioritizes substantive, religion-based norms without administrative resolution mechanisms, while Singapore is more adaptive through its civil marriage regulations, which provide legal certainty. This research emphasizes the need for legal reform in Indonesia to accommodate diversity without neglecting the normative principles held by society.

Keyword: Interfaith Marriage, Comparative Law, Legal Certainty

A. Introduction

Interfaith marriage is a highly debated legal issue in various legal systems worldwide, as it concerns the relationship between religious norms, state authority, and individual rights. Internationally, the International Covenant on Civil and Political Rights (ICCPR) guarantees the right of everyone to marry without religious discrimination, leading various countries to adopt different legal mechanisms to regulate marriage, particularly interfaith marriage.



Marriage is a sexual relationship which, from a legal perspective, means an agreement (Halil Khusari & Ican Mandala, 2022). Soedharyo Saimin defines marriage as an agreement between a man and a woman to form a happy and lasting family (Jamaluddin & Nanda Amalia, 2016). The Marriage Law, as stated in Article 1, states 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 God Almighty". With this article, it can be concluded that the implementation of marriage in Indonesia must be based on religious principles, as also emphasized in the following Article, namely Article 2 of the Marriage Law, which states that "A marriage is valid, if it is carried out in accordance with the laws of each religion and belief". This article serves as the basis for Constitutional Court Decision Number 711/PUU-XX/2022, which confirms that interfaith marriages are invalid under Law Number 1 of 1974 on marriage.

Before the enactment of the 1974 Marriage Law, interfaith marriages were included among the types of mixed marriages regulated by the Dutch royal decree in *Regeling op de Gemengde Huwelijk Staatsblad* 1896 Number 158, also known as GHR (Wildan Miftahussurur, 2024). GHR is a colonial product that, even after independence, still applies to the Indonesian nation based on Article II of the Transitional Constitution of 1945. As a colonial legal instrument, GHR remains valid in Indonesia after independence, in accordance with Article II of the Transitional Constitution of 1945. The ratification of Law Number 1 of 1974 concerning marriage marked a significant change and shift in the legal provisions that previously regulated marriage. Article 66 of Chapter XIV concerning Closing Provisions states that, since the enactment of this law, all previous marriage regulations, including those contained in the *Burgerlijk Wetboek (BW)*, the Indonesian Christian Marriage Regulations (*Huwelijks Ordonantie Christen Indonesiers Staatsblad* 1933 No. 74), and the Regulations on Mixed Marriages *Staatsblad* 1898 No. 158, have become invalid to the extent that the material regulated has been regulated in Law Number 1 of 1974. It shows that there is a long history of community efforts to handle interfaith marriages.

Interfaith marriage is a persistent phenomenon in several countries. Interfaith marriage, also known as interfaith marriage, is a union between a man and a woman of different religions (Clara Brigitta & Gunawan Djajaputra, 2024). Despite differences in belief, the primary goal of this marriage remains to build a harmonious family. In several countries other than Singapore, such as Hong Kong and Australia, interfaith marriage is permitted (Mozahra Camelia Arpipy et al., 2024). However, in other countries, such as Indonesia, interfaith marriage is implicitly and explicitly prohibited. Marriage is a sacred institution, so religious inclusion is crucial in the Marriage Law (Indra Utama & Dhiuddin Tanjung, 2022).

The unification of two faiths is undoubtedly not an easy task, and the impact of interfaith marriage is also significant in various ways (Togatorop, 2023). Interfaith marriages involve different regulations, including requirements for marriage and procedures for organizing the marriage according to each couple's respective religion. It refers to Government Regulation No. 9 of 1975, specifically Articles 1 and 2, which stipulate that for Muslims, the marriage must be conducted at the Religious Affairs Office and conducted by a Marriage Registrar, while for non-Muslims, it must be registered at the Civil Registry Office and recorded by a Civil Marriage Registrar. However, each country has its own regulations regarding interfaith marriage. To understand how

different legal approaches can produce different consequences, this paper conducts a comparative analysis of the legal frameworks in Indonesia and Singapore regarding interfaith marriage.

Indonesia and Singapore are two examples of countries with starkly contrasting approaches. The selection of Indonesia and Singapore as comparative cases is based on the contrasting yet relevant characteristics of their legal systems. Indonesia implements a marriage regime heavily influenced by religious norms, creating uncertainty for interfaith couples. Meanwhile, Singapore regulates marriage through a dual legal system that separates Sharia and civil jurisdictions, providing a precise administrative mechanism for non-Muslim couples, including interfaith couples. These differences in legal structures provide a strong conceptual and empirical basis for examining how two countries within Southeast Asia's socio-religious context address the same issue through different regulatory approaches. These differences in legal structures provide a key foundation for understanding how Indonesia and Singapore respond differently to interfaith marriage.

In Indonesia, interfaith marriages often give rise to debate, both legally and socially. Indonesia regulates the validity of marriages under Article 2, paragraph (1), of the Marriage Law No. 1 of 1974, which requires compliance with the laws of each party. However, the written regulations have not explicitly accommodated interfaith marriages in Law No. 1 of 1974 concerning marriage or in its revision to Law No. 16 of 2019, giving rise to two interpretations (Sindy Cantonia & Ilyas Abdul, 2020). First, interfaith marriages are considered invalid because the established requirements are not met. Second, interfaith marriages are considered permissible because there are no regulations explicitly prohibiting them. Before the issuance of SEMA No. 2 of 2023, which imposed a strict prohibition on Judges in District Courts from validating applications for interfaith marriages, the Supreme Court displayed diverse attitudes towards the legal status of interfaith marriages in several of its decisions, thereby reflecting inconsistencies in judicial practice. Administrative restrictions that have become increasingly stringent since the issuance of SEMA No. Law No. 2 of 2023 also makes interfaith marriages difficult and results in the lack of civil rights protection for couples and children.

To illustrate the complexity in Indonesia, we can see several concrete cases that have sparked public debate and highlighted administrative uncertainty. Some examples of this phenomenon can be seen in interfaith marriages, as determined by the Central Jakarta District Court in Decisions 155/PDT.P/2023/PN.JKT.PST and 2505/PDT.P/2022/PN. The judge at the Surabaya District Court determined SBY. Both applications for the determination of interfaith marriages sparked public uproar because the judge should have rejected them under Article 2, paragraph (1), of Law Number 1 of 1974. After all, the validity of a marriage is determined by the religious law of each party, so that interfaith marriages cannot be declared valid by the state. However, instead, the judge validated the application and ordered the Civil Registration Department to register the applicants' marriages. Therefore, legal clarity and firmness regarding the validity of interfaith marriages are becoming increasingly important to discuss. These interfaith marriages also demonstrate the nation's growing acceptance of its plurality, which has led to a narrowing of personal differences (Adetya Rustandi, 2023). Inconsistencies in judicial practices prior to SEMA No. 2 of 2023 indicate the existence of unclear norms that give rise to legal uncertainty.

Singapore's marriage law system demonstrates a fundamentally different approach from Indonesia's legal framework. Under Law No. 1 of 1974 on Marriage, differences in religious beliefs between spouses can pose a significant legal obstacle to marriage. Singapore is one of several countries that permit its citizens to marry across different faiths. Singapore is a secular state with a neutral stance toward religion (Kamaludeen Mohammed Nasir et al., 2009). Singapore has no national religion and therefore does not require citizens to have a religious belief (John T.S. Madeley & Zsolt Enyedi, 2003). Singapore adheres to the principle of treating its citizens equally, regardless of their religious affiliation. Singapore also claims not to discriminate against those who adhere to a particular religion. Singapore has two legal systems governing marriage: *the Women's Charter* and *the Administration of Muslim Law Act* (Imelda Martinelli et al., 2024). AMLA *The Women's Charter* is the marriage law applicable to Muslim Singaporeans. The *Women's Charter* applies to non-Muslim Singaporeans. However, as Singapore's society has developed, *the Women's Charter* is sometimes also used by some Muslims to conduct marriages. It reflects the inclusive nature of Singapore's legal system, which embraces various religious backgrounds and beliefs.

Because the country has no official religion, Singapore grants its citizens the freedom to determine the form and legal basis for marriage, including for couples of different religions. In Singapore, interfaith couples can legally marry through a civil marriage scheme regulated by the *Women's Charter*, so that the registration process and its legality are not tied to the religions of the two brides. In Indonesia, the implementation of interfaith marriages does not experience a legal vacuum because the applicable substantive norms, especially in Article 2 paragraph (1) of the Marriage Law, Articles 40 and 44 of the Compilation of Islamic Law, and several Constitutional Court decisions such as decision No. 711/PUU-XX/2022, expressly stipulate that the religious law of each party determines the validity of a marriage. Thus, the state does not have the authority to validate or register marriages that are not valid under the relevant religion. However, in practice, some interfaith marriages can still be registered through administrative mechanisms based on Article 35 letter (a) of the Population Administration Law, which allows district courts to issue decisions on the registration of important events without assessing religious validity. This situation creates confusion not because of a lack of norms, but because of the tension between the substantive regime that prohibits and the administrative regime that opens up space for factual legalization. This dualism is the root of the problem of interfaith marriage in Indonesia. It creates structural tensions that lead to differences in practice, as seen in several District Court decisions that grant requests for registration of interfaith marriages even though they are not valid according to religious law.

Marriage does not pose a problem when conducted between couples who share the same religion (Rusli, 1984). It means that shared beliefs facilitate the fulfillment of the requirements for validity according to religious and state law and reduce the potential for conflict in the social, cultural, and spiritual aspects of household life (Dwi Surti Junida, 2024). In this study, the process of comparing foreign legal regulations with national law is called a comparative legal study. Unlike previous research, which generally emphasizes normative differences or only partially highlights legal loopholes, this study makes a new contribution by comparing the structures of the legal regimes in Indonesia and Singapore. This study not only examines substantive norms such as the Marriage Law, the

Compilation of Islamic Law (KHI), the Women's Charter, and the AMLA, but also examines how each country manages the relationship between the substantive and administrative regimes in the process of legalizing and registering interfaith marriages. This regime-structure-based approach has not been comprehensively addressed in previous research, thereby providing a more complete understanding of why the two countries produce different legal consequences despite facing the same issue.

So, from here, the author wishes to conduct a study entitled "A comparison of legal norms and resolution mechanisms for interfaith marriages in Indonesia and Singapore," which aims to analyze the comparative legal regulations governing interfaith marriages in the two countries and examine how they resolve legal conflicts arising from such marriages. The complexity and tension between the normative and administrative regimes in the practice of interfaith marriage in Indonesia indicate that the problem lies not only in the substantive prohibition but also in the uncertainty in its implementation. This administrative uncertainty has the potential to harm interfaith couples by creating room for different interpretations, both at the court level and at the civil registration agency. Therefore, this research is expected to contribute to the development of legal policy in Indonesia, particularly by formulating more comprehensive regulations and providing legal certainty for couples in interfaith marriages.

Based on the background above, the author concludes the problem formulation as follows: 1) How does the law on interfaith marriage compare in Indonesia and Singapore? 2) What are the mechanisms for resolving and regulating administrative matters related to interfaith marriage that are implemented in Indonesia and Singapore?

B. Method

The research method used in this paper is a normative legal research method with an emphasis on literature review of laws and regulations, court decisions, and relevant legal doctrines regarding interfaith marriages in Indonesia and Singapore (Soerjono Soekanto & Sri Mamudji, 2001). The legal norms that form the basis of the analysis include Marriage Law No. 1 of 1974, the Population Administration Law, the Compilation of Islamic Law, SEMA No. 2 of 2023, Constitutional Court Decisions, and the Women's Charter and Administration of Muslim Law Act (AMLA) as the legal basis in Singapore. The research was carried out during the writing process by collecting legal materials through library studies, using legal sources accessible both in physical libraries and online databases such as the Supreme Court legal portal, SG Courts Judgments, The Singapore Law Gazette.com, Aware Singapore.com, and academic journal repositories. The main research instrument is an analysis of legal documents with the stages of identifying legal issues, collecting primary legal materials in the form of laws, regulations, and court decisions; Secondary legal materials consist of books, legal journals, and academic publications that explain or comment on primary legal norms; while tertiary legal materials consist of legal dictionaries and legal encyclopedias that help trace primary and secondary legal sources. The legal materials were analyzed using a statute approach *and* a comparative approach *to* identify conceptual and administrative similarities and differences between the legal systems of the two countries. The analysis technique used was descriptive-analytical: it described the normative conditions prevailing in the two countries, then concluded from the legal data obtained to address the problem formulation regarding the comparison of regulations and mechanisms for resolving interfaith marriage issues.

C. Result and Discussion

Comparison of interfaith marriage laws in Indonesia and Singapore

A comparison of interfaith marriage laws in Indonesia and Singapore reveals fundamental differences in the legal basis, systems, and resolution mechanisms, reflecting each country's approach to regulating the relationship between state law and religious law. In Indonesia, the issue of interfaith marriage remains a sensitive and complex issue because it overlaps with religious norms that determine the validity of marriage according to Article 2 paragraph (1) of the Marriage Law. Interfaith marriage is not new, but it remains a relevant legal and social problem to discuss. As a country that upholds religious values, Indonesia faces complex challenges related to interfaith marriage amidst the diversity of societal beliefs. It is not uncommon for couples with different religious backgrounds to remain together while still wanting to hold a wedding (Junifer Dame Panjaitan, 2020). This phenomenon reveals the tension between the reality of a multicultural and multireligious society that requires religious conformity for marriage validity (Nasrul et al., 2024). This dynamic is important because it shows Indonesia as a country that embeds religion in its legal structure and faces challenges balancing religious norms, statutory provisions, and social demands.

The condition is also the main point of difference with Singapore, which regulates marriage through a dual legal system, thus providing an alternative legal path for interfaith couples.

Based on Article 1 of the GHR, marriage between people in Indonesia who are subject to different laws is also called a mixed marriage. These differences can be caused by differences in citizenship, religion, or origin or descent (Taufiqurrahman Syahuri, 2013). Since the enactment of Law Number 1 of 1974 concerning Marriage, the implementation of interfaith marriages is basically prohibited and difficult to implement because Article 2 paragraph (1) expressly requires that a marriage is only considered valid if it is carried out according to the religious law and beliefs of the parties. This provision emphasizes that the state leaves the validity of marriage to the norms of each religion, which is relevant given that Indonesia is a pluralistic country with diverse religions, each with its own provisions on marriage for its followers. Indonesia recognizes the existence of this religion under the legal basis outlined in Article 1 of Law No. PNPS. 1 of 1965 concerning the prevention of abuse or blasphemy of religion (Aan Andrianih, 2009). It states that the religions practiced in Indonesia include Islam, Christianity, Catholicism, Hinduism, Buddhism, and *Confucianism*.

The prohibition on interfaith marriage is further explicitly explained in Law Number 23 of 2006 concerning Population Administration. Article 34 of the Population and Administration Law states that marriage registration can only be carried out if the marriage is valid according to the Marriage Law, so that the Civil Registration Office has the authority to reject the registration of an interfaith marriage because it is deemed not to meet the requirements for a valid marriage according to religion. Although this is expressly regulated, in reality, Law Number 23 of 2006 still provides opportunities and administrative loopholes through Article 35 letter (a), which stipulates that registration can be carried out if there is a court ruling. Interfaith couples can still submit a request for legalization to the District Court to obtain a ruling. This loophole allows interfaith couples to submit a request to the District Court. If the request is granted, the couple is entitled to obtain administrative legality, such as the issuance of a Family Card (Wike Sundari & Amal

Hayati, 2024). This shows that although the Indonesian legal system substantively rejects interfaith marriage, there are administrative mechanisms that still allow for factual legalization through a ruling by a Judge in the District Court.

From an Indonesian legal perspective, marriage cannot be separated from its religious foundations, as stipulated in the Marriage Law. It means that religious norms play a central role in determining whether a marriage is valid. Marriage is sacred because it is viewed as a relationship that connects humans to God, thereby conferring legitimacy and lawful status (Hariyanto, 2022). Therefore, the validity and legal status of a marriage remain dependent on religious provisions.

In Islam, interfaith marriage is strictly prohibited. According to Article 2 of the Compilation of Islamic Law (KHI), marriage, according to Islam, is a strong contract, also known as *mitsaaqan gholidhan*, to obey Allah's commands, and carrying it out is an act of worship (Djaja S. Meliala, 2008). Marriage is a means of uniting two beings in a couple, created by Allah Subhanahu Wata'ala in human life. (Atika Agustina et al., 2024). The KHI and the interpretation of Surah Al-Baqarah (2): 221 have emphasized the prohibition of interfaith marriage. The issue of marriage in the KHI is more relevant to the judges in the Religious Courts (Suparman Usman, 2001).

A similar view comes from Hinduism, which also takes a strict stance against interfaith marriages. According to Hindu law, a marriage cannot be legalized if one of the partners is non-Hindu or if neither is Hindu (Ni Nyoman Rahmawati, 2019). The principle of *wiwaha* holds that marriage is a religious obligation to continue the lineage and must be carried out through valid rituals according to Hindu teachings (Gede Pudja, 1974), as emphasized in Manawa Dharmasastra Trtiyo Dhyayah 3.27, which requires religious conformity for prospective spouses (I Putu Sarjana et al., 2018). Although they have different theological bases, these provisions, overall, demonstrate a pattern: certain religions contain normative restrictions on interfaith marriage. Therefore, this religious context directly influences the regulatory model in the national legal system, which prioritizes conformity with religious norms in determining the validity of a marriage.

The prohibition against interfaith marriage is also evident in Christian tradition. The Apostle Paul emphasized that his followers should not be “yoked together with unbelievers” (2 Corinthians 6:14). Thus, the Christian church encourages marriage within the same faith (Dewi Taneo, 2024). The Catholic view also, in principle, discourages interfaith marriage, although pastorally, it allows it through a bishop's dispensation under certain conditions (Imam Wahyudi Jati, 2022).

In contrast, Buddhism and Confucianism demonstrate a more permissive approach. Buddhism views all religions as teaching goodness, so interfaith marriage is not considered a violation of doctrine (Djaja S. Meliala, 2012). Confucianism also emphasizes harmonizing relationships (Budiarti, 2016). The diversity of religious attitudes is important in understanding Indonesia's legal position. Religious pluralism does not automatically produce legal pluralism, because Indonesian positive law still requires that marriages comply with religious law under Article 2, paragraph (1), of the Marriage Law. Thus, differences in theological doctrine serve only as background, explaining why the law chose a regulatory model that makes religion the determinant of marriage validity rather than the primary moral consideration in this study.

Unlike Indonesia, which bases marriage validity on religious norms, Singapore regulates marriage through a dualistic legal system that separates *civil law* and *Muslim law jurisdictions*. Leong Wai Kum calls this structure "*a unified system with a dual track of marriage law*," where *general law* applies to all citizens except Muslims, who are subject to Islamic law (Wai Kum Leong, 2007). This dualism is institutionalized through two main regulations: *the Women's Charter*, which serves as the civil marriage law for all non-Muslims, and *the Administration of Muslim Law Act (AMLA)*, which regulates marriage, divorce, and sharia jurisdiction for the Muslim community.

The Women's Charter was successfully campaigned for by the People's Action Party (PAP) in 1959, which advocated a one-man-one-wife policy. One of the PAP's female leaders was Chan Choy Siong, the wife of Ong Pang Boon, a cabinet minister in Singapore at the time. In 1961, *the Women's Charter* was drafted and enacted to protect women's rights in Singapore and guarantee greater legal equality for women in legally valid relationships. This policy was created to address gender inequality, where, in the 1950s, polygamy among the community was a significant social issue in Singapore, especially for Chinese men. This often resulted in severe discrimination and neglect of their wives and children. Chinese men were free to have as many wives and concubines as they wanted. Women were in a subordinate position during British rule.

The Women's Charter established monogamy as the legal norm for non-Muslim Singaporeans, while simultaneously framing marriage as an "equal partnership of diverse endeavors for the common welfare of the spouses." *The Women's Charter* effectively granted married women the same rights as their husbands for the first time. Until 1997, divorcing couples were required to submit a parenting plan that included arrangements for custody and access to the children, as well as provisions for the children's educational needs. This was intended to ensure that the parties would not have to bear the burden of child support alone after the divorce.

The Women's Charter explicitly permits interfaith marriage. Article 3 (4) of *the Women's Charter* defines civil marriage as not requiring a shared religion. In contrast, Article 22 stipulates that partners must meet the requirements of age, legal capacity, and not be in another marriage. All civil marriages must be processed through *the Registry of Marriages (ROM)*, where the prospective couple must submit a *Notice of Marriage* at least 21 days before the wedding date (*Women's Charter* S. 17-20). These administrative steps include identity verification, checking legal status, and scheduling the wedding ceremony with *licensed solemnisers*, thereby creating a clear and consistent administrative mechanism.

Unlike *the Women's Charter*, the AMLA, which became the benchmark for marriage regulations for Muslim communities in Singapore, was passed in 1966. The AMLA, which is Islamic law in Singapore, does not allow marriage between Muslims and people of other religions, but both partners must be Muslim. Article 111 of the AMLA states that "*no marriage shall be solemnized or registered unless both parties profess the religion of Islam*". The creation of the AMLA did not escape the administrative problems of Muslim religious matters in 1867. (Zainul Abidin Rasheed et al., 2019) During this period, Muslims in Singapore had their own judicial system involving marriage, divorce, and other civil matters regulated by the colonial government (Kerstin Steiner, 2015).

In 1877, several Muslim figures petitioned to appoint a religious official or “Qadi” who would serve as the official registrar of Muslim marriages. This petition is based on the need for a more orderly registration system, given the frequent cases of Muslim families being disadvantaged by the actions of “Qadis” who fail to attend their weddings. In response, Attorney General Roland Braddel drafted legislation to address the impact of English law on the Muslim community in Singapore, aiming to ensure that the new regulations better protect and accommodate their interests. (Zainul Abidin Rasheed et al., 2019).

In contrast, marriages conducted under *the Women's Charter*, which will be registered at *the Registry of Marriages* (ROM), are different from those conducted by Muslim couples or subject to AMLA, which must be registered at *the Registry of Muslim Marriages*. (Zalma Afika et al., 2022). Couples who have married under AMLA law must register their marriage with *the Registry of Muslim Marriage* (ROMM) and with the Kadi or Naib Kadi to obtain the signatures of both the husband and the wife on the marriage certificate (Muhamad Ihab Ramadhan et al., 2023).

Singapore's dual marriage system is rooted in the evolution of British colonial law, which introduced *common law* into civil administration while preserving Malay Muslim law through the institution of Sharia, which had previously existed through customary law. It gave rise to a model of *legal pluralism* that was not only normative but also designed as a policy strategy. The Singaporean government considers the separation of jurisdictions between *the Women's Charter* and the AMLA to be an effective social management mechanism to avoid religious conflict and maintain

Accordingly, both in Singapore through the AMLA and in Indonesia through the KHI (Compilation of Islamic Law), the prohibition on interfaith marriage remains in place, based on the Quran, Hadith, and Islamic historical perspectives. This prohibition is intended to maintain marital harmony and prevent potential conflicts, particularly regarding child status and inheritance rights.

This approach demonstrates that even in a country with strong secular principles like Singapore, there is still recognition that interfaith marriage carries risks and moral tensions that cannot be ignored. The structure of its marriage law demonstrates that the state has not entirely abandoned the role of religious values in family governance. Singapore's secularism is not one characterized by total separation, but rather by accommodative pluralism, a model that allows the application of religious norms as long as they are placed within a clear institutional framework and do not create jurisdictional conflicts. It is evident in the continued maintenance of the AMLA as a special regime for the Muslim community, complete with substantive religious requirements, including a prohibition on interfaith marriage. Thus, while the Women's Charter provides a religion-neutral civil pathway and opens access for interfaith couples, the state simultaneously respects the normative boundaries established by Islamic law for its citizens who choose to submit to that regime. This arrangement demonstrates that Singapore's secularism functions as a managerial framework for regulating diversity, not to eradicate religious identity, thus ensuring that the state's interest in maintaining administrative order goes hand in hand with protecting the religious values of its multicultural society. The dualistic system implemented in Singapore has indeed provided a solution for couples who wish to enter into interfaith marriages. However, it is also important to note that this system can be seen as a compromise that blurs the boundaries between spiritual values and legal

norms. The differences in the regulatory structures of Indonesia and Singapore can be seen in Table 1, which summarizes the sources of norms and the administrative mechanisms in each country.

Table 1. Regulations for interfaith marriage between Indonesia and Singapore.

No	Aspect	Indonesia	Singapore
1.	Legal Basis	Undang Undang No. 1 of 1974	Women's Charter and Administration of Muslim Law Act
2.	Character of the legal system	Recognizes 6 official religions (Islam, Catholicism, Hinduism, Buddhism, Christianity, and Confucianism)	Secular or having no recognized religion
3.	Position of interfaith marriage	You cannot register an interfaith marriage unless you have received a decision from the court.	Interfaith marriages can be registered at the <i>Registry of Marriages</i> (ROM)
4.	Setting model	Religio-legal because the validity of marriage is determined by the laws of each religion	Dualistic in nature, distinguishing between the secular civil legal realm and religio-legal Islamic law.

Resolving the problem of interfaith marriages in Indonesia and Singapore

This dynamic is clearly visible as the judge interprets Article 35(a) of the Population Administration Law as the basis for legalizing the registration of interfaith marriages. As previously mentioned, this case is reflected in Decision Number 2505/PDT.P/2022/PN.SBY and Number 155/PDT.P/2023.PN.JKT.PST, which show that differences in interpretation by officials and judges create alternative administrative pathways for interfaith couples to obtain registration (even though it is not valid under religious law). In case Number 2505/PDT.P/2022/PN.SBY, the judge, granted the request of Samuel Gilbert Inggoswojo and Benedicta Beata Nattaya to enter into an interfaith marriage after a religious ceremony (P-7). At the same time, Case Number 155/PDT.P/2023.PN.JKT.PST also shows that the Central Jakarta District Court judge accepted the requests of Joshua Evan Anthony and Stefany Wulandari under Article 21 of the Marriage Law *jo*. Article 35 of the Population Administration Law is the legal basis for registration.

The settlement mechanism does not operate through a single administrative procedure, but rather depends on how judges interpret the scope of authority in Article 35(a) of the Civil Registration Law. In some cases, judges position themselves not as determinants of a marriage's validity, but as granters of administrative access so that registration can proceed even when the substantive requirements have not been met. This dual approach creates a fragmented settlement mechanism. Couples whose applications are accepted can obtain registration through administrative channels, but couples whose applications are rejected have no other alternative but to marry abroad or undergo religious conversion. Thus, the mechanism for resolving interfaith marriage cases in Indonesia is not, in reality, a standard mechanism, but rather a series of decisions

heavily influenced by judges' views and by the tension between two conflicting legal regimes.

The conflict between substantive norms (the Marriage Law and religious law) and administrative norms (the Civil Registration Law), which were left to judges to decide by decree, led the resolution mechanism to rely on judicial interpretation, producing diverse decisions and legal uncertainty. This practice was deemed to create inconsistencies between substantive norms and administrative mechanisms. It was ultimately halted through SEMA No. 2 of 2023, which explicitly prohibited district court judges from accepting applications for the ratification of interfaith marriages.

SEMA is personally classified into types of policy regulations such as *beleidsregel*, *pseudowetgeving*, and *policy rules* (Yodi Rizqullah Ramadhana & Akhmad Husaini, 2024). These policy regulations help carry out government duties, and their formation must not change or conflict with applicable laws. This regulation is like an additional regulation that follows the law, so it is also called "shadow law" (Ridwan, 2011). This directive applies explicitly to chief justices, court clerks, and other officials within the judiciary, ensuring they remain in compliance with internal policies governing this issue (Bintang Ulya Kharisma, 2023). Therefore, SEMA No. 2 of 2023 will affect every organ of the judiciary.

The issuance of SEMA No. 2 of 2023 corrected this practice by closing the gap for looser interpretations, thus establishing consistency in the notion that interfaith marriages are invalid and cannot be registered in Indonesia. The Constitutional Court also affirmed this consistent view in its Decision No. 711/PUU-XX/2022, which essentially reaffirmed that Article 2, paragraph 1 of the Marriage Law is constitutional and does not conflict with the 1945 Constitution.

It should be emphasized that marriage registration is not intended to limit the human rights of citizens, but rather to provide protection in building a family and continuing the lineage, while guaranteeing legal certainty for the rights of the husband, the wife, and children born from the marriage (Martiman Prodjohamidjojo, 2002). The occurrence of interfaith marriages means that children only have a civil relationship with their mother and her mother's family (Anggraeini Carolina Palandi, 2013). Children may be considered legitimate if their parents' marriage is based on Article 250 of the Civil Code (Dwi Aryanti Ramadhani & Sulastri, 2025). Through registration, the state obtains a legal administrative instrument to ensure the existence of a marriage, thereby guaranteeing various civil rights that arise, such as inheritance rights, the legal status of children, and protection of joint property during the marriage. If the marriage is not officially registered, it is treated as an illegal marriage because it does not meet the requirements and procedures set out in applicable laws and regulations (Muhammad Alfian Hafidz, 2017).

In contrast, the mechanism for resolving interfaith marriage issues in Singapore is built through a dual legal structure that strictly separates ROM and ROMM. This institutional separation is not merely an administrative distinction, but a regulatory strategy to prevent normative conflicts between civil law and Islamic law. Through these two channels, Singapore resolves the issue of interfaith marriage by providing jurisdictional guidance in accordance with the Women's Charter and the AMLA. This administrative separation allows each couple to immediately enter the appropriate

channel without requiring state officials to conduct substantive assessments of religious compatibility.

The essence of Singapore's settlement mechanism is the existence of two administrative channels, ROM and ROMM, that serve as conflict-prevention, not conflict-resolution, mechanisms. Normative conflicts are never allowed to become legal conflicts, as the system allocates spouses to the appropriate regimes from the outset. Unlike Indonesia, which grants judges interpretive powers under Article 35(a) of the Civil Registration Law, allowing District Court decisions to serve as an alternative route, Singapore does not provide such judicial space. Pre-marital jurisdictional determinations serve to anticipate potential conflicts, preventing the country from being faced with the question of whether an interfaith marriage should be legalized, legitimized, or annulled by the courts. Singapore resolves potential conflicts, in this case, marriage, not through judicial interpretation, but through an institutional design that prevents overlapping jurisdictions from the outset.

The effectiveness of this model was clearly demonstrated in the case of Noor Azizan bte Colony v. Tan Lup Chin. The complexity of the relationship between these two legal channels becomes even more apparent when a change in the religious status of one of the spouses shifts the jurisdiction over the registration and dissolution of the marriage. This situation then raises legal issues regarding the validity and dual validity of a marriage, as illustrated in the following important case.

The case was Noor Azizan bte Colony v. Tan Lip Chin SGHC 121, decided by Justice Tan Lee Meng on 12 July 2006 in the High Court of Singapore, which raised the important issue of the impact of a Syariah Court divorce decree on a marriage originally entered into under the Women's Charter. The plaintiff, Noor Azizan, a Muslim, married Tan Lip, who was a non-Muslim at the time, and had a civil marriage under the Women's Charter on 22 September 1997 and registered with the Singapore Marriage Registry under number 2490. Then, several years later, Tan Lip converted to Islam, and the couple had a Muslim wedding ceremony on 24 November 1999 at the Registry of Muslim Marriages, making their marriage now subject to the AMLA. The marriage eventually failed, and the Syariah Court issued a decree of dissolution on 30 November 2004, creating legal uncertainty as to whether the decree also invalidated the original civil marriage under the Women's Charter. The plaintiffs filed an originating summons, OS 817/205, with Tan Lip's consent, seeking a declaration that the Sharia Court's decree had dissolved their Women's Charter marriage. Justice Tan Lee Meng referred to the principle of marriage law that a second marriage under Muslim law supersedes a previous civil marriage. Ultimately, the plaintiffs stated that the Sharia Court decree of 30 November 2004 had dissolved all marital relations between the parties, both under Muslim law and the Women's Charter. Therefore, at the time the originating summons was filed, they were no longer legally husband and wife.

This case demonstrates that Singapore's dualistic marriage law is not only structural but also produces different normative implications than Indonesia's. Singapore handles shifting religious status and the potential for "dual marriages" without creating legal ambiguity. When one party converts, and the couple enters the AMLA regime through a new Muslim marriage, the court determines that the AMLA marriage becomes the *lex specialis* governing the marital status. If a couple chooses to convert to Islam and subsequently registers their marriage with the ROMM, their civil marriage is deemed

invalid (Norhusairi Mat Hussain et al., 2025). This case demonstrates that Singapore's system not only separates jurisdictions but also provides mechanisms for integration when religious changes shift the legal regime.

The implementation of these two marriage regulations in Singapore eliminates the issue of interfaith marriages under positive law. For non-Muslims, *the Women's Charter* provides legal space for interfaith marriages, based on the principle of monogamy and equal rights and obligations between husband and wife. Conversely, for Muslims, the AMLA emphasizes that marriages are valid only between members of the same Muslim faith, thus automatically precluding the possibility of interfaith marriages.

From this dual legal structure, it can be understood that Singapore strives to balance the principle of state secularism with the protection of Sharia provisions for the Muslim community. It reflects a pluralistic legal model in which religious differences do not give rise to normative disputes because they are addressed from the outset through distinct legal regimes. Therefore, resolving interfaith marriage issues in Singapore does not create legal uncertainty, unlike in Indonesia.

D. Conclusion

This research shows that Indonesia and the two countries depart from fundamentally different family law paradigms, resulting in distinct settlement models. Indonesia makes religion the absolute determinant of marriage validity under Article 2, paragraph (1), of the Marriage Law. This paradigm establishes a substantive-religious legal model, so that the state lacks the authority to create administrative mechanisms for interfaith marriages unless they have been previously legalized under religious law. In contrast, Singapore implements a dualistic legal system through the Women's Charter, which provides a civil path free from religious barriers, and the AMLA, which regulates explicitly Muslim marriages. In the settlement mechanism, tensions in Indonesia arise due to an administrative loophole through Article 35(a) of the Population Administration Law, which was once exploited to legalize interfaith marriages. This mechanism was then constitutionally closed by SEMA No. 2 of 2023, so that administrative settlements are again entirely dependent on the validity of the marriage under religious law. It differs from Singapore, which adopts a settlement model based on functional differentiation through a dualistic legal system. Under the Women's Charter, couples can enter into interfaith marriages without theological barriers. This clarity of institutional structure is what makes the resolution of interfaith marriage issues in Singapore never dependent on court decisions. Singapore resolves interfaith marriage issues through an administrative-institutional model that separates jurisdictions from the outset, thus preventing normative conflicts before they arise. This research confirms that the comparison between the two countries extends beyond the normative level and also concerns differences in institutional design and resolution mechanisms. These findings broaden understanding of the fact that the success of interfaith marriage resolution is not solely determined by the nature of the substantive law, but also by how the administrative structure is designed to accommodate societal diversity.

Based on the study's findings, policymakers in Indonesia need to take concrete steps to ensure legal certainty and protection for interfaith couples. Although religious law in Indonesia generally does not allow interfaith marriage, the state still has an obligation to protect its citizens' civil rights. Therefore, the government may consider establishing

special regulations or registration schemes that allow interfaith couples to obtain legal recognition without disregarding religious principles. Reforms to address this issue include strengthening administrative regulations to clarify the legal status of interfaith couples. For example, this can be achieved by adding specific provisions to the Civil Registration Law that regulate the civil registration process for interfaith marriages, without altering the substance of Article 2, paragraph (1), of the Marriage Law. These new regulations could complement the Marriage Law and the KHI, for example, by introducing administrative registration for interfaith marriages or by establishing alternative legal institutions that guarantee the protection of marital status, children, and other civil rights. In addition, further research is needed to determine the most appropriate regulatory framework for Indonesia, given the country's religious diversity and evolving social landscape.

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