

**Legal Certainty and Judicial Uniformity in Interfaith Marriage After
Constitutional Court Decision Number 24/PUU-XX/2022**

Vera Setiawati^{1*}, Astika Nurul Hidayah², Susilo Wardani³, Marsitiningasih⁴

¹Faculty of Law, Universitas Muhammadiyah Purwokerto

¹nur_shaliha@yahoo.com

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Abstract

Interfaith marriage in Indonesia continues to generate legal uncertainty because of the complex relationship between the Marriage Law, the Population Administration Law, constitutional interpretation, and judicial practice. This study examines the development of legal certainty and judicial uniformity following Constitutional Court Decision Number 24/PUU-XX/2022 and Supreme Court Circular Letter Number 2 of 2023. The research employs a normative legal method using statutory, case, conceptual, historical, and comparative approaches. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, the Marriage Law, the Population Administration Law, relevant Constitutional Court decisions, and Supreme Court Circular Letter Number 2 of 2023. The findings show that Constitutional Court Decision Number 24/PUU-XX/2022 reaffirmed the constitutional position of religious law in determining marital validity, while Supreme Court Circular Letter Number 2 of 2023 strengthened consistency in judicial practice by directing judges not to grant applications for the registration of interfaith marriages. These developments have increased predictability and judicial uniformity, but they have not completely eliminated normative tensions concerning marital validity, administrative registration, judicial authority, and constitutional protection. The study therefore finds that the current legal framework has strengthened formal legal certainty, while substantive legal certainty still depends on greater coherence among statutory provisions, judicial interpretation, and administrative implementation. The study contributes to the legal discourse by distinguishing substantive legal certainty from judicial uniformity in the regulation of interfaith marriage in Indonesia.

Keywords: interfaith marriage, judicial uniformity, legal certainty

Abstrak

Perkawinan beda agama di Indonesia masih menimbulkan persoalan kepastian hukum karena adanya hubungan yang kompleks antara Undang-Undang Perkawinan, Undang-Undang Administrasi Kependudukan, penafsiran konstitusional, dan praktik peradilan. Penelitian ini menganalisis perkembangan kepastian hukum dan keseragaman putusan setelah Putusan Mahkamah Konstitusi Nomor 24/PUU-XX/2022 dan Surat Edaran Mahkamah Agung Nomor 2 Tahun 2023. Penelitian menggunakan metode hukum

***Vera Setiawati**

Email: nur_shaliha@yahoo.com

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normatif dengan pendekatan perundang-undangan, kasus, konseptual, historis, dan perbandingan. Bahan hukum primer meliputi Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Undang-Undang Perkawinan, Undang-Undang Administrasi Kependudukan, putusan Mahkamah Konstitusi yang relevan, serta Surat Edaran Mahkamah Agung Nomor 2 Tahun 2023. Hasil penelitian menunjukkan bahwa Putusan Mahkamah Konstitusi Nomor 24/PUU-XX/2022 menegaskan kembali kedudukan hukum agama dalam menentukan keabsahan perkawinan, sedangkan Surat Edaran Mahkamah Agung Nomor 2 Tahun 2023 memperkuat keseragaman praktik peradilan dengan mengarahkan hakim untuk tidak mengabulkan permohonan pencatatan perkawinan beda agama. Perkembangan tersebut meningkatkan kepastian dan konsistensi praktik peradilan, tetapi belum sepenuhnya menghilangkan persoalan normatif mengenai keabsahan perkawinan, pencatatan administrasi, kewenangan hakim, dan perlindungan hak konstitusional. Penelitian ini menyimpulkan bahwa kepastian hukum formal semakin kuat, sedangkan kepastian hukum substantif masih memerlukan keselarasan antara peraturan perundang-undangan, penafsiran hakim, dan pelaksanaan administrasi. Kontribusi penelitian ini terletak pada pembedaan antara kepastian hukum substantif dan keseragaman praktik peradilan dalam pengaturan perkawinan beda agama di Indonesia.

Kata kunci: harmonisasi hukum, krisis iklim, legislasi lingkungan hidup, perubahan iklim, tata kelola iklim

1. INTRODUCTION

Marriage is a physical and spiritual bond between a man and a woman aimed at establishing a happy and lasting family in accordance with the principle of belief in the One Supreme God. Under Indonesian law, the validity of a marriage is closely connected to the religious laws and beliefs of the parties. Article 2(1) of Law Number 1 of 1974 on Marriage provides that a marriage is valid when conducted in accordance with the laws of the respective religion and belief. This legal framework demonstrates that Indonesian marriage law places religious validity and state administration within an interconnected legal structure, although the distinction between the validity of marriage and its administrative registration remains essential.¹ This distinction provides the initial legal basis for understanding why interfaith marriage continues to generate debate within Indonesia's pluralistic legal system.

¹Najiburrahman Najiburrahman, Ismail Marzuki, and Qurratul Layyinah, "Legalitas Hukum Perkawinan Beda Agama Dalam Praktik Hukum Masyarakat Indonesia: Harmonisasi Hukum Positif Dan Hukum Agama," *Hakam : Jurnal Kajian Hukum Islam Dan Hukum Ekonomi Islam* 8, no. 2 (December 31, 2024), <https://doi.org/10.33650/jhi.v8i2.10428>.

Religious diversity in Indonesia creates the social possibility of interfaith marriages, while the legal recognition of such marriages remains contested. The issue reflects a continuing tension between evolving social practices, religious norms, and state administrative requirements. In particular, the relationship between Article 2 of the Marriage Law and the provisions governing population administration has generated different interpretations concerning the validity and registration of interfaith marriages.² Consequently, interfaith marriage represents not only a private family matter but also a broader issue concerning normative consistency and state recognition.

The constitutional dimension of this controversy became particularly visible through the judicial review of Article 2(1) of the Marriage Law. In Constitutional Court Decision Number 68/PUU-XII/2014, the Constitutional Court rejected the petition challenging the constitutionality of the provision and maintained the central role of religious law in determining marital validity. Nevertheless, the decision did not eliminate practical controversies surrounding interfaith marriage, particularly concerning constitutional rights, legal recognition, and administrative registration.³ The continuation of these disputes indicates that constitutional confirmation of the Marriage Law did not fully eliminate uncertainty in its practical application.

The constitutional issue subsequently emerged again through the petition submitted by E. Ramos Patege, which resulted in Constitutional Court Decision Number 24/PUU-XX/2022. The Petitioner challenged Article 2(1), Article 2(2), and Article 8(f) of the Marriage Law on constitutional grounds, particularly in relation to legal certainty, religious freedom, and the constitutional right to establish a family. The Constitutional Court ultimately rejected the petition and maintained the constitutionality of the challenged provisions, thereby reaffirming the position of religious law within

²Nur Atika, Ishaq Ishaq, and Muhammad Faisol, "Tinjauan Yuridis Dalam Kepastian Hukum Pencatatan Perkawinan Beda Agama," *Al Qalam: Jurnal Ilmiah Keagamaan Dan Kemasyarakatan* 18, no. 2 (March 7, 2024): 1361, <https://doi.org/10.35931/aq.v18i2.3431>.

³Danu Aris Setiyanto, "Perkawinan Beda Agama Pasca Putusan Mahkamah Konstitusi Nomor 68/PUU-XII/2014 Dalam Perspektif HAM," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 9, no. 1 (March 1, 2017): 13–30, <https://doi.org/10.14421/ahwal.2016.09102>.

Indonesia's marriage law framework.⁴ This decision therefore became an important turning point in reaffirming the constitutional boundaries of state recognition of interfaith marriage.

Constitutional Court Decision Number 24/PUU-XX/2022 further emphasizes the distinction between the religious validity of marriage and the administrative function of the state. Religious norms determine the substantive validity of a marriage, whereas state registration provides administrative recognition and legal documentation. This distinction is fundamental because legal debates on interfaith marriage frequently arise when marital validity, registration, and civil consequences are treated as identical legal issues, although each operates within a different normative function.⁵ A clear separation among these legal dimensions is therefore necessary to avoid conceptual ambiguity in assessing the legal status of interfaith marriages.

The legal position following Constitutional Court Decision Number 24/PUU-XX/2022 was further developed through Supreme Court Circular Letter Number 2 of 2023 concerning Guidelines for Judges in Adjudicating Applications for the Registration of Interfaith and Different-Belief Marriages. The Circular directs judges not to grant applications for the registration of such marriages and was intended to promote consistency in judicial practice. Nevertheless, the issuance of the Circular also raises doctrinal questions concerning its normative position, its relationship with statutory provisions on population administration, and the extent to which judicial guidance can resolve inconsistencies arising from legislation.⁶ These questions are particularly significant because judicial uniformity may improve predictability while leaving unresolved issues concerning normative hierarchy and statutory authority.

Accordingly, legal certainty in interfaith marriage cannot be assessed solely from

⁴Sudjah Mauliana and Agustin Hanapi, "Analisis Putusan Mahkamah Konstitusi Nomor 24/PUU-XX/2022 TENTANG Perkawinan Beda Agama," *Usroh: Jurnal Hukum Keluarga Islam* 7, no. 2 (December 31, 2023): 92–104, <https://doi.org/10.19109/ujhki.v7i2.20235>.

⁵Imaro Sidqi and Mhd. Rasidin, "Prohibition of Interfaith Marriage in Indonesia: A Study of Constitutional Court Decision Number 24/PUU-XX/2022," *Jurnal Ilmiah Al-Syir'ah* 21, no. 1 (June 28, 2023): 154, <https://doi.org/10.30984/jis.v21i1.2337>.

⁶Zainal Arifin, Naufal Ghani Bayhaqi, and David Pradhan, "Urgency Supreme Court Circular Letter Number 2 of 2023 in the Judicial Process of Interfaith Marriage Registration," *Journal of Law and Legal Reform* 5, no. 1 (January 31, 2024): 137–78, <https://doi.org/10.15294/jllr.vol5i1.2101>.

the existence of uniform judicial outcomes. Legal certainty also concerns the clarity of legal norms, consistency among legal instruments, predictability of legal consequences, and coherence within the hierarchy of norms. The distinction between legal certainty and mere judicial uniformity is therefore important because greater consistency in court decisions does not necessarily eliminate underlying normative conflicts or questions of substantive justice.⁷ This analytical distinction provides the conceptual foundation for evaluating whether current legal developments have produced substantive certainty or merely procedural consistency.

Previous studies have examined interfaith marriage from constitutional, religious, and positive-law perspectives. Mauliana and Hanapi⁸ in 2023 emphasize the significance of Constitutional Court Decision Number 24/PUU-XX/2022 in strengthening the legal position of the Marriage Law, while Togatorop⁹ in 2023 analyzes interfaith marriage through Christian and Islamic theological perspectives. These studies provide important foundations for understanding the religious and constitutional dimensions of interfaith marriage. However, they provide limited analysis of the distinction between substantive legal certainty and judicial uniformity following the combined effect of Constitutional Court Decision Number 24/PUU-XX/2022 and Supreme Court Circular Letter Number 2 of 2023. This limitation demonstrates the need for a more integrated analysis of constitutional interpretation, judicial guidance, administrative registration, and normative hierarchy.

This study lies in examining the post-decision legal framework through the distinction between legal certainty and judicial uniformity. Rather than assuming that uniform judicial practice has completely resolved the legal controversy, this study analyzes the continuing interaction among marital validity, administrative registration,

⁷Ghina Khansa Muthiah, Amelia Sri Kusuma Dewi, and Dyah Widhiawati, "Legal Certainty of Application for Marriage Registration of Non-Religious Couples After the Issuance of Supreme Court Circular Letter No. 2 of 2023," *International Journal of Islamic Education, Research and Multiculturalism (IJIERM)* 6, no. 3 (October 31, 2024): 1001–21, <https://doi.org/10.47006/ijierm.v6i3.382>.

⁸Mauliana and Hanapi, "Analisis Putusan Mahkamah Konstitusi Nomor 24/Puu-Xx/2022 Tentang Perkawinan Beda Agama."

⁹Andri Rifai Togatorop, "Perkawinan Beda Agama," *Journal of Religious and Socio-Cultural* 4, no. 1 (January 14, 2023): 26–36, <https://doi.org/10.46362/jrsc.v4i1.126>.

judicial authority, normative hierarchy, and constitutional rights. This approach is particularly relevant because recent scholarship continues to identify tension between the restrictive marriage-law framework and the administrative mechanisms historically used by interfaith couples to obtain legal recognition.¹⁰ By focusing on this distinction, the study offers a more critical perspective on whether legal unification has genuinely resolved the underlying doctrinal tensions.

Based on this framework, this study aims to examine the dynamics of interfaith marriage regulation in Indonesia before and after Constitutional Court Decision Number 24/PUU-XX/2022 and the subsequent issuance of Supreme Court Circular Letter Number 2 of 2023. The analysis focuses on the reconstruction of legal certainty and judicial uniformity concerning marital validity, registration, and judicial authority. Through this analysis, the study seeks to determine whether the current legal framework has achieved substantive legal certainty or has primarily strengthened the uniformity and predictability of judicial practice. The findings are expected to contribute to the development of a more coherent legal framework for interfaith marriage while maintaining consistency between constitutional principles, statutory regulation, and judicial practice.

2. RESEARCH METHODS

This study employs a normative legal research method that examines law as a system of norms governing legal relations within society. The research is conducted through a literature-based analysis of primary, secondary, and tertiary legal materials, including legislation, court decisions, legal doctrines, scholarly articles, and other relevant legal sources.¹¹ The study applies statutory, case, conceptual, and historical approaches to examine the development and interpretation of interfaith marriage regulations in Indonesia. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law Number 1 of 1974 on Marriage, Law Number 23 of 2006 on

¹⁰Ahmad Rajafi, Arif Sugitanata, and Vinna Lusiana, "The 'Double-Faced' Legal Expression: Dynamics and Legal Loopholes in Interfaith Marriages in Indonesia," *Journal of Islamic Law* 5, no. 1 (February 29, 2024): 19–43, <https://doi.org/10.24260/jil.v5i1.2153>.

¹¹Tunggul Ansari Setia Negara, "Normative Legal Research in Indonesia: Its Originis and Approaches," *Audito Comparative Law Journal (ACLJ)* 4, no. 1 (February 2, 2023): 1–9, <https://doi.org/10.22219/aclj.v4i1.24855>.

Population Administration and its amendments, Constitutional Court Decision Number 68/PUU-XII/2014, Constitutional Court Decision Number 24/PUU-XX/2022, and Supreme Court Circular Letter Number 2 of 2023. Secondary legal materials consist of scholarly articles, books, and legal commentaries relevant to interfaith marriage, legal certainty, judicial authority, and constitutional interpretation. These approaches provide a comprehensive doctrinal basis for examining the interaction among constitutional norms, statutory provisions, judicial decisions, and administrative regulations governing interfaith marriage.

The legal materials were analyzed qualitatively through systematic interpretation and comparative doctrinal analysis.¹² The analysis focused on identifying the relationship among legal norms, examining the reasoning contained in relevant judicial decisions, assessing the normative position of Supreme Court Circular Letter Number 2 of 2023, and evaluating its implications for legal certainty and judicial uniformity. Particular attention was given to the distinction between marital validity, administrative registration, judicial authority, and civil legal consequences. This analytical framework enables the study to assess not only the formal consistency of the applicable legal rules but also the extent to which the current framework produces substantive legal certainty within Indonesia's interfaith marriage regime. This analytical approach enables the study to evaluate the extent to which legal developments following Constitutional Court Decision Number 24/PUU-XX/2022 have strengthened coherence, consistency, and predictability within the judicial regulation of interfaith marriage.

3. RESULTS AND DISCUSSION

3.1. The Dynamics of Interfaith Marriage Regulations in Indonesia Before and After Constitutional Court Decision No. 24/PUU-XX/2022

The legality of marriage in Indonesia is based on Article 2, paragraph (1) of Law No. 1 of 1974 on Marriage, which requires compliance with the respective religious laws.

¹²Putri Wulandari, "Normative Legal Research Methodology from the Experts' Perspective: A Comparative Analysis of Concepts and Approaches," *Archipel: Journal of Indonesian Interdisciplinary Studies* 1, no. 6 (February 28, 2026): 12–25, <https://doi.org/10.65739/archipel.v1i6.34>.

This provision serves as the primary reference in determining the validity of interfaith marriages.¹³ Article 4 in conjunction with Article 2(1) of the Compilation of Islamic Law (KHI) affirms that marriage is an act of worship intended to establish a family characterized by *sakinah*, *mawaddah*, and *warahmah*. These provisions illustrate the close relationship between legal regulation and religious values within Indonesia's marriage law framework. At the constitutional level, the interpretation of Article 2(1) must also be considered alongside the principles of equality before the law, legal certainty, and non-discrimination under Articles 27(1), 28D(1), and 28I(2) of the 1945 Constitution. Accordingly, the central legal issue is not merely whether interfaith marriage is socially practiced, but how religious validity, constitutional guarantees, and state administrative recognition interact within a single legal framework.¹⁴ This interaction forms the doctrinal basis for understanding the continuing tension between marital validity and administrative registration in interfaith marriage cases.

Satjipto Rahardjo's conception of progressive law emphasizes that law should not be understood solely as a rigid body of written rules but also as an instrument directed toward substantive justice and social objectives. In the context of marriage law, Article 2 of the Marriage Law distinguishes the religious basis of marital validity from the administrative requirement of registration, although the relationship between these dimensions has historically generated different judicial interpretations. The absence of an explicit and comprehensive statutory mechanism specifically regulating interfaith marriage has contributed to disparities in judicial interpretation concerning whether registration may be authorized when religious validity remains disputed.¹⁵ Historically, some interfaith couples have sought alternative legal mechanisms, including obtaining court determinations or solemnizing marriages outside Indonesia and subsequently registering them domestically. These practices have been discussed in relation to *lex loci*

¹³Faisal Afda and Budi Prasetyo, "An Analysis of the Regulations and Penalties Governing Interfaith Marriages Under Indonesian Law," *Binamulia Law* 13 (2024): 397, <https://doi.org/10.37893/jbh.v13i2.946>.

¹⁴Hery Firmansyah, Shrishti Shrishti, and Noel Dumais, "Interpretation Of Article 28, Paragraph (2)—The Phrase 'Between Groups'—In The Application Of Law No. 19 of 2016," *Serivana IV 2022 Proceedings*, no. 2 (2022): 492, <https://doi.org/https://doi.org/10.24912/pserina.v2i1.19625>.

¹⁵Umar Haris Sanjaya, "Interpretation of Interfaith and/or Belief Marriage by Judges: Disparity and Legal Vacuum," *Jurnal Konstitusi* 20, no. 3 (September 1, 2023): 536–55, <https://doi.org/10.31078/jk2039>.

celebrationis and, in certain circumstances, wetsontduiking or legal circumvention. Nevertheless, marriages solemnized abroad should not automatically be characterized as legal circumvention, because their recognition depends on the applicable legal requirements governing foreign marriages and their subsequent registration under Indonesian law.

Constitutional Court Decision Number 24/PUU-XX/2022 reaffirmed the constitutional position that the substantive validity of marriage remains closely connected to the religious laws and beliefs of the parties, while the state performs an administrative function through marriage registration. The Decision therefore strengthens the constitutional interpretation of Article 2(1) of the Marriage Law but should not be interpreted as automatically eliminating every normative issue concerning interfaith marriage registration. The Constitutional Court rejected the petition challenging Article 2(1), Article 2(2), and Article 8(f) of Law Number 1 of 1974 and maintained the constitutionality of those provisions. As a final and binding decision, Constitutional Court Decision Number 24/PUU-XX/2022 provides authoritative constitutional guidance concerning the validity of marriage, while questions regarding registration, judicial authority, and the relationship among different legal instruments must still be examined within Indonesia's hierarchy of norms.¹⁶ Therefore, the significance of the Decision lies primarily in strengthening constitutional interpretation and legal predictability rather than in completely eliminating all legal tensions surrounding interfaith marriage.

The regulation of interfaith marriage in Indonesia must consequently be understood through several interconnected legal instruments. Article 2(1) of Law Number 1 of 1974 links marital validity to the religious laws and beliefs of the parties, while Articles 40(c) and 44 of the Compilation of Islamic Law specifically regulate marriages involving Muslim parties. Constitutional Court Decision Number 24/PUU-XX/2022 subsequently reaffirmed the constitutionality of the Marriage Law framework. However, legal certainty cannot be assessed solely from the existence of these provisions. It must also be evaluated

¹⁶Rusnan, Johannes Johny Koynja, and Ashari, "Bentuk Putusan Mahkamah Konstitusi Yang Bersifat Final Dan Mengikat (Suatu Kajian Filosofis)," *Jurnal Diskresi* 3, no. 2 (December 20, 2024): 151–65, <https://doi.org/10.29303/diskresi.v3i2.6025>.

through the consistency between substantive marriage law, population administration law, judicial decisions, and the institutional mechanisms governing marriage registration. Recent scholarship demonstrates that differences between normative marriage rules and administrative or judicial practices have historically created legal loopholes and divergent approaches to the recognition of interfaith marriages. Accordingly, developments following Constitutional Court Decision Number 24/PUU-XX/2022 should be understood as part of an ongoing process toward greater legal coherence and judicial uniformity rather than as the definitive resolution of every normative issue concerning interfaith marriage.

3.2. Regulation and Enforcement of the Law Following Constitutional Court Decision No. 24/PUU-XX/2022 Regarding Legal Certainty on the Prohibition of Interfaith Marriages

The implementation of interfaith marriage regulation in Indonesia involves several institutions with different legal and administrative functions, including the Office of Religious Affairs (KUA), the Population and Civil Registration Office, and the judiciary. Differences in institutional authority and interpretation have historically contributed to inconsistencies between the substantive requirements of marriage law and the administrative mechanisms for marriage registration. Constitutional Court Decision Number 24/PUU-XX/2022 strengthened the constitutional interpretation of the Marriage Law, while subsequent judicial policy sought to promote greater consistency in its implementation. Effective coordination among institutions is therefore important for ensuring that constitutional interpretation, marriage administration, and judicial practice operate within a coherent legal framework.¹⁷ Legal certainty in this context depends not only on uniform institutional practice but also on consistency among the legal norms governing marital validity, registration, and judicial authority.

¹⁷Jonathan Hervine Siarill and Benny Djaja, "Legal Implications Following the Constitutional Court Decision No. 24/PUU-XX/2022 and the Supreme Court Circular No. 2 of 2023 Regarding the Prohibition for Courts to Grant Marriage Registration Requests Across Different Religions," *Indonesian Journal of Law and Economics Review* 20, no. 4 (November 25, 2025), <https://doi.org/10.21070/ijler.v20i4.1390>.

Constitutional Court Decision Number 24/PUU-XX/2022 reaffirmed the constitutional relationship between religion and the state in Indonesian marriage law. The Court maintained that marital validity is determined in accordance with the religious laws and beliefs of the parties, while the state performs an administrative function through marriage registration. The Decision therefore strengthened the constitutional position of Article 2(1), Article 2(2), and Article 8(f) of the Marriage Law without necessarily eliminating all questions concerning the administrative registration of interfaith marriages. The subsequent issuance of Supreme Court Circular Letter Number 2 of 2023 instructed judges not to grant applications for the registration of marriages between persons of different religions and beliefs, thereby seeking to reduce disparities in judicial practice.¹⁸ Accordingly, the Circular primarily strengthens judicial uniformity and predictability in the adjudication of registration applications.

The normative position of Supreme Court Circular Letter Number 2 of 2023 requires particular attention. Unlike legislation enacted within the formal hierarchy of statutory regulations, a Supreme Court Circular Letter functions primarily as judicial guidance within the court system. For this reason, its normative force should not automatically be equated with that of statutory legislation, and its relationship with judicial independence remains doctrinally significant. Arifin, Bayhaqi, and Pradhan argue that the Circular was issued to provide guidance and uniformity in adjudicating interfaith marriage registration applications, while also highlighting the continuing importance of judicial independence in deciding cases.¹⁹ This distinction demonstrates that judicial uniformity produced through an internal judicial instrument is not necessarily identical to substantive legal certainty derived from coherent statutory regulation.

The issue becomes more complex when the Marriage Law is read together with Law Number 23 of 2006 on Population Administration. Article 35(a) of the Population Administration Law has historically provided an administrative basis for registering

¹⁸Muthiah, Dewi, and Widhiawati, “Legal Certainty of Application for Marriage Registration of Non-Religious Couples After the Issuance of Supreme Court Circular Letter No. 2 of 2023.”

¹⁹Arifin, Bayhaqi, and Pradhan, “Urgency Supreme Court Circular Letter Number 2 of 2023 in the Judicial Process of Interfaith Marriage Registration.”

marriages determined by a court, and this provision was used in several judicial practices involving interfaith couples. Previous studies demonstrate that differences between the Marriage Law and population administration mechanisms resulted in divergent court interpretations and enabled some couples to obtain judicial determinations for marriage registration.²⁰ Supreme Court Circular Letter Number 2 of 2023 substantially restricts this judicial pathway in practice by directing courts not to grant applications for interfaith marriage registration. However, the existence of the statutory provision alongside the Circular means that the issue must still be examined from the perspective of normative hierarchy and coherence.

From the perspective of legal theory, legal certainty should not be understood merely as uniform application of a rule. Legal certainty is closely related to predictability, normative consistency, and the ability of individuals to understand the legal consequences of their actions. At the same time, legal certainty must be considered alongside justice and the correctness of legal outcomes. The analysis of legal certainty and correctness, drawing upon the broader Radbruch tradition, demonstrates that certainty remains a fundamental legal value but cannot be entirely separated from substantive considerations of justice.²¹ In the context of interfaith marriage, the crucial question is therefore whether greater judicial uniformity also produces a coherent and just legal framework for marital status, civil registration, and constitutional rights.

The constitutional dimension further requires consideration of the right to establish a family, religious freedom, equality before the law, and legal certainty under the 1945 Constitution. Interfaith marriage in Indonesia reflects a continuing interaction among state authority, religious norms, and individual autonomy, making it more than a purely administrative issue.²² The recognition of religious norms as the basis of marital validity must therefore be analyzed together with the state's responsibility to provide predictable

²⁰Rajafi, Sugitanata, and Lusiana, "The 'Double-Faced' Legal Expression: Dynamics and Legal Loopholes in Interfaith Marriages in Indonesia."

²¹Robert Alexy, "Legal Certainty and Correctness," *Ratio Juris* 28, no. 4 (December 16, 2015): 441–51, <https://doi.org/10.1111/raju.12096>.

²²Mohamad Abdun Nasir, "Religion, Law, and Identity: Contending Authorities on Interfaith Marriage in Lombok, Indonesia," *Islam and Christian–Muslim Relations* 31, no. 2 (April 2, 2020): 131–50, <https://doi.org/10.1080/09596410.2020.1773618>.

civil consequences and legal protection. Consequently, the strengthening of one dimension of certainty, such as uniformity in judicial decisions does not automatically resolve all questions relating to the civil status and legal protection of individuals affected by the regulatory framework.

The practical significance of Supreme Court Circular Letter Number 2 of 2023 is evident in its attempt to eliminate disparities among district court decisions concerning interfaith marriage registration. Prior to the Circular, different judicial interpretations contributed to uncertainty because some courts granted registration applications while others rejected them. Recent studies indicate that the Circular has increased uniformity by directing judges toward a consistent approach to such applications.²³ Nevertheless, this development should be characterized more precisely as an increase in judicial consistency rather than the complete resolution of every normative conflict within Indonesian interfaith marriage law.

Accordingly, Constitutional Court Decision Number 24/PUU-XX/2022 and Supreme Court Circular Letter Number 2 of 2023 have significantly strengthened the predictability of judicial practice concerning interfaith marriage. Their combined effect has narrowed the interpretative space previously used to obtain court authorization for registration and has reinforced the religious-validity framework established by the Marriage Law. However, substantive legal certainty requires more than consistent judicial outcomes; it also requires coherence between the Marriage Law, population administration legislation, constitutional guarantees, and the normative authority of judicial policy instruments. Thus, the contemporary regulation of interfaith marriage demonstrates a transition toward stronger judicial uniformity, while the broader achievement of substantive legal certainty remains dependent on normative coherence across the Indonesian legal system.

CONCLUSION AND SUGGESTION

²³Ermi Suhasti, Siti Djazimah, and Hartini Hartini, "Polemics on Interfaith Marriage in Indonesia between Rules and Practices," *Al-Jami'ah: Journal of Islamic Studies* 56, no. 2 (May 30, 2019): 367–94, <https://doi.org/10.14421/ajis.2018.562.367-394>.

Constitutional Court Decision Number 24/PUU-XX/2022, together with Supreme Court Circular Letter Number 2 of 2023, has strengthened the constitutional interpretation and judicial uniformity governing interfaith marriage in Indonesia. The Constitutional Court reaffirmed the central role of religious law in determining marital validity, while Supreme Court Circular Letter Number 2 of 2023 provides judicial guidance directing judges not to grant applications for the registration of interfaith marriages. These developments have increased the predictability and consistency of judicial practice, but they should not be interpreted as completely resolving all normative tensions concerning interfaith marriage. Questions remain regarding the relationship between the Marriage Law, the Population Administration Law, the normative position of Supreme Court Circular Letter Number 2 of 2023, and the protection of constitutional and civil rights. Accordingly, the principal finding of this study is that the current legal framework has achieved stronger judicial uniformity, while substantive legal certainty still depends on greater coherence among statutory provisions, judicial interpretation, and administrative practice. This condition also demonstrates that legal certainty must be balanced with justice and legal protection, particularly regarding the civil consequences experienced by interfaith couples and their children.

Strengthening substantive legal certainty requires a more coherent and integrated regulatory framework governing the legal and administrative consequences of interfaith marriage. The Ministry of Home Affairs, the Ministry of Religious Affairs, the Supreme Court, and other relevant institutions should harmonize administrative and judicial guidelines concerning marital validity, registration, population administration, and the protection of civil status. Regulatory harmonization should not rely solely on judicial circulars but should clarify the relationship between the Marriage Law and the Population Administration Law through legal instruments consistent with Indonesia's hierarchy of laws and regulations. Particular attention should be given to safeguarding the civil status and rights of children, access to population administration, and other civil consequences arising from interfaith relationships. Such harmonization is necessary to ensure that greater judicial uniformity is accompanied by substantive legal certainty, constitutional protection, and consistent administrative implementation.

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