
PENCATATAN PERKAWINAN BEDA AGAMA DALAM TINJAUAN HUKUM KELUARGA ISLAM DI INDONESIA

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Abstrak

Marriage registration is a very important process for legal certainty in a couple who marry. This is in accordance with Article 2 paragraph 2 of Marriage Law No. 1 of 1974 that every marriage is recorded according to the applicable laws and regulations. The only difference is that marriage registration for Muslims is carried out at the District Religious Affairs Office and for non-Muslims the registration is carried out at the Civil Registry Office. However, there has been a marriage between different religions that has been granted its stipulation on 26 April 2022 by the Surabaya District Court so that it can be recorded at the Surabaya City Disdukcapil. The judge's consideration in granting the petition of the petitioners is one of them using Article 35 letter a of Law No. 23 of 2006 concerning Population Administration which requires the registration of marriages of different religions with a court order, then the judge reasoned that Article 2 paragraph 1 of Law No. 1 of 1974 cannot be applied to a marriage between two people who embrace different religions. The purpose of this study is to analyse the validity of the registration of interfaith marriages and the legal consequences arising from the registration of interfaith marriages. The research method used is library research. The result of the research shows the registration of interfaith marriages based on court decisions based on Article 35 letter a of Population Administration Law No. 23 of 2006 is at odds with Article 2 paragraph 1 of Marriage Law No.1 of 1974 which regulates the validity of marriage based on each religion and belief, with the provisions of Article 2 paragraph 1 above interfaith marriages should not be able to be carried out because no religion allows and permits interfaith marriages for its adherents in Indonesia. The presence of Article 35 a of Law No. 23/2006 on Population Administration makes interfaith marriages have a place in Indonesian law, although only limited to marriage registration. However, this is a sign that interfaith marriages have been recognised and legalised. As in Surabaya District Court Judge Decision Number 916/Pdt.P/2022/PN.Sby, it appears that the judge is more supportive of granting the application for registration of this interfaith marriage by overriding and not paying attention to the regulations governing the validity of marriage and the prohibition of interfaith marriages for Muslims.

Kata Kunci: Pencatatan, Perkawinan, Administrasi