

Validity of Interfaith Marriages Celebrated Abroad and Their Legal Implications for Civil Registration in Indonesia

Renaldo Alan Saptano¹, Siti Malikhatun Badriyah²

^{1,2} Master of Law, Faculty of Law, Universitas Diponegoro

ABSTRACT: Interfaith marriage remains one of the most contentious issues in Indonesian family law because it intersects with religious law, state law, and the constitutional right of citizens to establish a family. The legal complexity becomes more pronounced when Indonesian citizens solemnize interfaith marriages abroad under the laws of the country where the marriage is celebrated and subsequently seek civil registration upon their return to Indonesia. Differences between Indonesian marriage law and foreign legal systems create uncertainty regarding the legal validity of such marriages and their consequences within Indonesia's civil registration framework. This situation underscores the necessity for a comprehensive legal analysis of the relationship between the recognition of foreign marriages and Indonesia's domestic legal order (Hadikusuma, 2019). This study aims to examine the legal validity of interfaith marriages celebrated abroad under Indonesian law and to analyze their legal implications for civil registration in Indonesia. The research adopts a normative legal approach employing statutory, conceptual, and case approaches through an examination of relevant legislation, legal doctrines, and judicial decisions. Primary, secondary, and tertiary legal materials are analyzed qualitatively using a descriptive-analytical method. The findings indicate that the validity of an interfaith marriage celebrated abroad does not automatically guarantee its recognition under Indonesian law when it conflicts with Article 2 of Law Number 1 of 1974 concerning Marriage, as amended by Law Number 16 of 2019, and the national public policy doctrine (Marzuki, 2021). Furthermore, the legal implications for civil registration demonstrate that administrative registration does not necessarily constitute proof of the substantive legal validity of a marriage under Indonesian law. Civil registration merely serves as an administrative mechanism for population administration and does not supersede the substantive legal requirements governing marriage. Accordingly, harmonization of regulations concerning interfaith marriages performed abroad is essential to ensure legal certainty, protect citizens' rights, and promote consistency in Indonesia's civil registration practices (Suteki & Taufani, 2020).

KEYWORDS: Interfaith Marriage; Marriage Celebrated Abroad; Civil Registration.

I. INTRODUCTION

Marriage constitutes one of the most fundamental legal institutions in society because it establishes legal relationships between spouses, children, and other family members while simultaneously giving rise to various rights and obligations recognized by law. Within the Indonesian legal system, marriage is not merely regarded as a civil contract but also as a spiritual and religious union founded upon the values embodied in Law Number 1 of 1974 concerning Marriage. This legislative framework reflects Indonesia's distinctive approach of integrating religious principles with state law in determining the legal validity of a marriage. Consequently, Indonesia differs from jurisdictions that adopt a purely civil marriage system in which the state's recognition alone is sufficient to establish marital validity (Hadikusuma, 2019). Article 2 paragraph (1) of Law Number 1 of 1974 stipulates that a marriage shall be considered legally valid only when it is conducted in accordance with the religious laws and beliefs of the parties concerned. This provision places religious law at the core of determining the substantive validity of marriage before any administrative recognition by the state can occur. Subsequently, Article 2 paragraph (2) requires every valid marriage to be officially registered as part of the state's population administration system. Accordingly, Indonesian marriage law clearly distinguishes between the substantive requirements governing the validity of marriage and the administrative obligation of registration (Marzuki, 2021).

In practice, the legal requirements governing marriage frequently generate difficulties when prospective spouses profess different religions. Most officially recognized religions in Indonesia impose restrictions or conditions on interfaith marriages, making it difficult for couples of different faiths to solemnize their marriages within the country. Consequently, many Indonesian citizens choose to celebrate their marriages abroad in jurisdictions that recognize civil marriages regardless of the religious affiliation of the parties involved. This phenomenon has become increasingly common alongside the growth of international mobility, globalization, and transnational family relationships (Subekti, 2018).

Validity of Interfaith Marriages Celebrated Abroad and Their Legal Implications for Civil Registration in Indonesia

The celebration of interfaith marriages abroad gives rise to additional legal issues when Indonesian couples return to Indonesia and seek registration of their marriages before the civil registration authorities. On the one hand, Article 56 of Law Number 1 of 1974 recognizes marriages celebrated abroad, provided that they comply with the law of the country where the marriage took place. On the other hand, the same provision expressly requires that such marriages must not violate the provisions of Indonesian Marriage Law. This dual requirement has generated continuing debates concerning the extent to which Indonesia recognizes interfaith marriages legally concluded under foreign legal systems (Harahap, 2017).

Divergent interpretations of Article 56 have contributed to inconsistencies in both administrative practice and judicial decisions. One perspective argues that marriages lawfully celebrated abroad should be recognized in Indonesia based on the principle of *lex loci celebrationis*, under which the validity of a marriage is determined by the law of the place where it is celebrated. Conversely, another interpretation maintains that recognition must remain subject to Article 2 of the Marriage Law, which establishes religious law as the primary criterion for determining marital validity. These competing interpretations illustrate the tension between private international law principles and Indonesia's domestic marriage law framework (Adolf, 2020).

The legal controversy has become more pronounced through the emergence of judicial decisions that adopt differing approaches toward interfaith marriages. Certain courts have permitted administrative registration of such marriages under specific circumstances, whereas others have consistently reaffirmed that compliance with religious law constitutes an indispensable requirement for a legally valid marriage. This inconsistency demonstrates that Indonesian courts have not yet developed a uniform jurisprudential approach concerning the recognition of interfaith marriages celebrated abroad. As a consequence, legal certainty for Indonesian citizens remains difficult to achieve (Ali, 2022).

Beyond the issue of marital status itself, the legal validity of interfaith marriages has significant implications for numerous civil law relationships. The legal status of husband and wife directly affects inheritance rights, the legal status of children, matrimonial property, immigration rights, and access to various administrative services provided by the government. If a marriage is considered legally invalid under Indonesian law, these derivative legal consequences may become the subject of future disputes. Therefore, legal certainty concerning marital validity is indispensable for ensuring the effective protection of civil rights within the Indonesian legal system (Suteki & Taufani, 2020).

Civil registration plays an essential role in maintaining an orderly population administration system by providing official records concerning the marital status of every citizen. Such records serve as the legal basis for issuing numerous administrative documents and facilitating public services. Nevertheless, administrative registration should not automatically be interpreted as constituting substantive legal recognition of a marriage where the statutory requirements governing marital validity have not been fulfilled. Consequently, the relationship between administrative registration and substantive legal validity represents one of the principal legal issues requiring comprehensive analysis (Marzuki, 2021).

From the perspective of constitutional law and human rights, every citizen possesses the right to establish a family as guaranteed under Article 28B of the 1945 Constitution of the Republic of Indonesia. However, the exercise of this constitutional right is not absolute and remains subject to limitations imposed by statutory law and the fundamental values underpinning Indonesian society. Accordingly, the state bears the responsibility of balancing the protection of individual constitutional rights with the preservation of the national legal order governing marriage. Achieving such a balance continues to represent one of the most significant challenges facing Indonesian family law (Asshiddiqie, 2021).

In light of the foregoing discussion, the legal validity of interfaith marriages celebrated abroad continues to present unresolved legal issues requiring greater legal certainty within Indonesia's legal framework. Divergent interpretations of statutory provisions have generated inconsistencies that undermine both legal certainty and equal treatment before the law. Consequently, this study seeks to examine the legal validity of interfaith marriages celebrated abroad under Indonesian law and to analyze their legal implications for civil registration in Indonesia. It is expected that the findings of this research will contribute to the development of Indonesian family law while providing recommendations for future legal reform concerning the recognition of foreign interfaith marriages (Hadjon, 2020).

II. FORMULATION OF THE PROBLEM

1. How is the legal validity of interfaith marriages celebrated abroad regulated under Indonesian law?
2. How does the registration of interfaith marriages celebrated abroad affect the civil registration system in Indonesia?

III. RESEARCH METHOD

This study employs a normative legal research method because it primarily examines the legal norms governing the validity of interfaith marriages celebrated abroad and their legal implications for Indonesia's civil registration system. Normative legal research focuses on analyzing legal principles, statutory provisions, and legal doctrines in order to construct systematic legal arguments regarding the issues under examination. This method is appropriate because the research emphasizes the interpretation and harmonization of legal norms rather than the collection of empirical data from the field. Accordingly, the study seeks to identify legal

Validity of Interfaith Marriages Celebrated Abroad and Their Legal Implications for Civil Registration in Indonesia

certainly through a comprehensive examination of the applicable legal framework (Marzuki, 2021).

The research adopts three complementary approaches, namely the statutory approach, the conceptual approach, and the case approach. The statutory approach analyzes the provisions of Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019, Law Number 23 of 2006 concerning Population Administration as amended by Law Number 24 of 2013, the Indonesian Civil Code, and other relevant implementing regulations. The conceptual approach is employed to examine legal concepts relating to marital validity, legal recognition, civil registration, and private international law. Meanwhile, the case approach analyzes decisions of the Constitutional Court, the Supreme Court, and other relevant judicial decisions concerning interfaith marriages to identify the legal principles developed through judicial interpretation (Hadjon & Djatmiati, 2022).

The legal materials utilized in this research consist of primary, secondary, and tertiary legal sources. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law Number 1 of 1974 as amended by Law Number 16 of 2019, the Population Administration Law, Constitutional Court decisions, Supreme Court decisions, and other applicable legislation. Secondary legal materials comprise legal textbooks, scholarly journal articles, previous research, and expert opinions discussing marriage law, civil registration, and private international law. Tertiary legal materials include legal dictionaries, encyclopedias, and other reference materials that assist in clarifying legal terminology and concepts relevant to the study (Soekanto & Mamudji, 2019).

The collected legal materials are analyzed qualitatively using a descriptive-analytical method. All legal sources are systematically identified, classified, and interpreted based on the relationship between statutory provisions, legal principles, legal doctrines, and judicial precedents in order to formulate coherent legal arguments. The analysis employs a deductive reasoning process by deriving conclusions from general legal norms to address the specific legal issues concerning the validity of interfaith marriages celebrated abroad and their implications for Indonesia's civil registration system. This analytical framework is expected to produce conclusions that contribute to legal certainty while providing recommendations for the future development of Indonesian marriage law (IRAC, 2020).

IV. DISCUSSION

A. The Legal Validity of Interfaith Marriages Celebrated Abroad under Indonesian Law

Marriage constitutes a legal institution that establishes rights and obligations between spouses while simultaneously producing legal consequences for children, family members, and property relations. Consequently, determining the legal validity of a marriage represents one of the most fundamental aspects of family law in every legal system. In Indonesia, the legal validity of marriage is governed through the integration of religious principles and statutory law as embodied in Law Number 1 of 1974 concerning Marriage. This legal framework demonstrates that religious law serves as the principal basis for determining the substantive validity of marriage before administrative recognition by the state is granted (Hadikusuma, 2019).

The legal requirements governing marital validity are expressly stipulated in Article 2 paragraph (1) of Law Number 1 of 1974, which provides that a marriage shall be legally valid only if it is performed according to the laws of the religion and belief of the parties concerned. This provision reflects the Indonesian legislature's intention to place religious norms at the center of marriage law rather than adopting a purely civil marriage system. Once the substantive religious requirements have been fulfilled, the marriage must subsequently be registered in accordance with the applicable legislation as part of the state's administrative framework. Therefore, Indonesian marriage law clearly distinguishes between the substantive validity of marriage and the administrative obligation of registration (Marzuki, 2021).

Legal complications arise when Indonesian citizens belonging to different religions are unable to solemnize their marriage domestically due to religious restrictions imposed by their respective faiths. As a practical solution, many couples choose to celebrate their marriage abroad in jurisdictions that recognize civil marriages regardless of the parties' religious affiliation. Such marriages are commonly referred to as marriages celebrated abroad because their validity is determined under the legal system of the country in which the ceremony takes place. The increasing occurrence of this practice reflects the growing mobility of Indonesian citizens and the expanding influence of globalization on family relationships (Subekti, 2018).

The legal basis governing marriages celebrated abroad is contained in Article 56 of Law Number 1 of 1974. The provision states that a marriage solemnized outside Indonesia between two Indonesian citizens or between an Indonesian citizen and a foreign national shall be considered valid if it complies with the law of the country where the marriage is celebrated and does not violate the provisions of Indonesian Marriage Law. The phrase "does not violate the provisions of this Law" constitutes a crucial legal limitation because it demonstrates that Indonesia does not automatically recognize every foreign marriage. Instead, Indonesian law requires an additional examination to determine whether the marriage complies with the fundamental principles of the national legal system (Harahap, 2017).

The interpretation of Article 56 cannot be separated from the principle of *lex loci celebrationis*, a well-established doctrine in private international law providing that the formal validity of a marriage is determined according to the law of the place where the marriage is celebrated. This doctrine has long been accepted in numerous jurisdictions to facilitate the international recognition of marriages involving foreign elements. Its primary objective is to ensure legal certainty for individuals whose marital status may have

Validity of Interfaith Marriages Celebrated Abroad and Their Legal Implications for Civil Registration in Indonesia

legal consequences across different countries. Nevertheless, the doctrine is not absolute because many states reserve the right to refuse recognition of foreign marriages that conflict with their domestic public policy (Sudargo Gautama, 2018).

Within the Indonesian legal system, the doctrine of *lex loci celebrationis* operates only to a limited extent because Article 56 expressly requires conformity with Indonesian Marriage Law. Consequently, although a marriage may be legally valid under foreign law, Indonesian authorities remain entitled to assess whether its substantive elements are compatible with domestic legal principles. Foreign law is therefore recognized only insofar as it does not contradict Indonesia's mandatory legal norms governing marriage. This limitation represents the application of the public policy exception, which is widely recognized in private international law (Adolf, 2020).

The doctrine of public policy serves as a legal safeguard allowing a state to refuse recognition of foreign legal acts that fundamentally conflict with its constitutional values, legal principles, or moral standards. In matters of family law, public policy frequently functions as a mechanism to preserve national legal identity by preventing the application of foreign legal rules considered incompatible with domestic law. Indonesia adopts this doctrine because its constitutional philosophy places religion at the foundation of family law and recognizes marriage as both a legal and religious institution. Accordingly, any foreign marriage must be assessed in light of Indonesia's public policy considerations before legal recognition can be granted (Gautama, 2018).

A central issue concerns the interpretation of the phrase "does not violate the provisions of the Marriage Law." Many legal scholars argue that this phrase encompasses all substantive provisions of the Marriage Law, including Article 2 paragraph (1), which requires compliance with religious law. Under this interpretation, a marriage celebrated abroad cannot automatically obtain legal recognition if it does not satisfy the substantive religious requirements prescribed by Indonesian law. This interpretation emphasizes that legal recognition depends not only on procedural compliance but also on the fulfillment of substantive legal conditions established by domestic legislation (Hadikusuma, 2019).

Conversely, another scholarly perspective argues that Article 56 should be interpreted more broadly as reflecting Indonesia's willingness to recognize legal relationships that have been validly established under foreign legal systems. According to this view, denying recognition to marriages that are legally valid abroad undermines legal certainty and may adversely affect the civil rights of Indonesian citizens. This approach places greater emphasis on protecting acquired rights and preserving family unity in an increasingly globalized society. Nevertheless, such an interpretation remains controversial because Indonesian legislation does not expressly authorize the recognition of interfaith marriages solely on the basis of their validity under foreign law (Ali, 2022).

The divergent interpretations of Article 56 have been reflected in Indonesian judicial practice. Some courts have adopted a relatively flexible approach by allowing administrative recognition under specific circumstances, while others have consistently maintained that compliance with religious law remains an indispensable prerequisite for marital validity. This inconsistency demonstrates the absence of a uniform judicial doctrine regarding interfaith marriages celebrated abroad. As a result, legal certainty continues to be one of the principal challenges faced by Indonesian citizens seeking recognition of their foreign marriages (Mertokusumo, 2020).

The legal debate surrounding interfaith marriage was further clarified by Constitutional Court Decision Number 68/PUU-XII/2014, which rejected a constitutional challenge to Article 2 paragraph (1) of the Marriage Law. The Constitutional Court concluded that the provision is consistent with the 1945 Constitution because the Indonesian legal system recognizes religion as an essential component of marriage. The Court emphasized that the legislature possesses constitutional authority to regulate marriage in accordance with the religious values embraced by Indonesian society. Consequently, the decision reaffirmed that religious law remains the principal determinant of marital validity within Indonesia's legal order (Constitutional Court, 2015).

Further legal development occurred following the issuance of Supreme Court Circular Letter (SEMA) Number 2 of 2023, which instructs judges not to grant applications seeking court approval for the registration of interfaith marriages. This circular significantly altered previous judicial practice in which certain district courts had permitted such registrations through judicial determinations. The issuance of the Circular Letter reflects the Supreme Court's intention to promote consistency in the interpretation and application of Indonesian Marriage Law. Consequently, opportunities for obtaining judicial recognition of interfaith marriages have become substantially more limited (Supreme Court, 2023).

Based on the foregoing statutory analysis, legal doctrines, and judicial developments, it may be concluded that interfaith marriages celebrated abroad are not automatically recognized as legally valid under Indonesian law. Their recognition remains contingent upon compliance with both Article 2 and Article 56 of the Marriage Law as well as Indonesia's public policy principles. Accordingly, the legality of a marriage under foreign law constitutes only one element in determining its legal consequences within Indonesia rather than serving as an independent basis for recognition. This legal position confirms that Indonesian family law continues to regard religious law as the primary determinant of marital validity while limiting the operation of private international law principles in matters concerning family relations (Marzuki, 2021).

B. Legal Implications of Registering Interfaith Marriages Celebrated Abroad for the Indonesian Civil Registration System

Marriage registration constitutes an essential component of Indonesia's population administration system because it provides official legal evidence of an individual's marital status. Through civil registration, the government maintains accurate demographic

Validity of Interfaith Marriages Celebrated Abroad and Their Legal Implications for Civil Registration in Indonesia

records that serve as the basis for issuing various legal documents, including Family Cards (Kartu Keluarga), Electronic Identity Cards (Kartu Tanda Penduduk), birth certificates, and other civil documents. Registration also facilitates the protection of numerous civil rights arising from marriage, such as inheritance, marital property, and family status. Accordingly, marriage registration performs a vital administrative function within Indonesia's legal framework, although it is not the determining factor of a marriage's substantive legal validity (Marzuki, 2021).

The legal framework governing marriage registration is primarily regulated under Law Number 23 of 2006 concerning Population Administration, as amended by Law Number 24 of 2013. The legislation requires every significant civil event, including marriage, to be reported to the competent civil registration authority for recording in the national population database. This obligation is intended to establish orderly population administration while ensuring legal certainty concerning every citizen's civil status. Consequently, marriage registration serves as an official administrative acknowledgment that a legal event has occurred rather than as an instrument for validating the substantive legality of the marriage itself (Mulyadi, 2020).

For Indonesian citizens who celebrate their marriages abroad, the obligation to register the marriage remains applicable upon their return to Indonesia. Article 37 of the Population Administration Law requires such marriages to be reported to the local Civil Registration Office within the period prescribed by law. The applicants must submit documentary evidence demonstrating that the marriage was lawfully celebrated under the law of the country where the ceremony took place. Upon verification of the administrative requirements, the marriage may be recorded within Indonesia's population administration system (Sutedi, 2019).

Nevertheless, the registration of a foreign marriage should not be interpreted as constituting substantive legal recognition of the marriage under Indonesian law. Civil registration merely records the occurrence of a legal event for administrative purposes and does not eliminate the necessity of satisfying the substantive legal requirements established under the Marriage Law. In other words, administrative registration cannot transform a marriage that is substantively inconsistent with Indonesian law into a legally valid marriage. This distinction illustrates the fundamental difference between administrative recognition and substantive legal validity within the Indonesian legal system (Hadikusuma, 2019).

This distinction becomes particularly significant in cases involving interfaith marriages celebrated abroad. Couples who have obtained a foreign marriage certificate frequently assume that the certificate automatically entitles them to registration and legal recognition in Indonesia. However, Indonesian civil registration authorities remain obligated to assess whether the marriage complies with the applicable domestic legal framework before recording the marriage in the national registry. Consequently, possession of a foreign marriage certificate alone does not necessarily guarantee full legal recognition within Indonesia (Harahap, 2017).

One of the immediate legal implications concerns the issuance of civil registration documents reflecting the parties' marital status. Where the marriage satisfies the applicable administrative requirements, the spouses' marital status may be recorded as "married" in their Family Card and Electronic Identity Card. Conversely, if registration cannot be completed because the marriage is considered inconsistent with Indonesian law, the parties may encounter administrative obstacles in updating their legal status. Such difficulties may subsequently affect access to various public services requiring officially recognized proof of marriage (Mulyadi, 2020).

Another important implication relates to the legal status of children born from interfaith marriages celebrated abroad. Under Indonesian Marriage Law, the legal status of a child is closely associated with the legal validity of the parents' marriage. Nevertheless, Constitutional Court Decision Number 46/PUU-VIII/2010 significantly strengthened the protection of children's rights by recognizing the possibility of establishing a civil legal relationship between a child born outside marriage and the biological father through scientific evidence or other legally recognized proof. This landmark decision demonstrates the Constitutional Court's commitment to protecting children's constitutional rights regardless of disputes concerning their parents' marital status (Constitutional Court, 2012).

The legal consequences of marital validity also extend to matrimonial property. Indonesian Marriage Law generally recognizes the existence of joint marital property acquired during the marriage unless the spouses have entered into a prenuptial or postnuptial agreement providing otherwise. If the legal validity of the marriage is subsequently challenged, disputes concerning ownership, management, and distribution of marital assets may become considerably more complex. Therefore, certainty regarding marital validity is essential to ensure effective legal protection of the spouses' economic interests (Subekti, 2018).

Inheritance law likewise depends substantially upon the legal recognition of marriage. Under Indonesian legal principles, the status of a lawful spouse constitutes one of the principal foundations for inheritance rights within the applicable legal regime. Where the validity of an interfaith marriage remains disputed, the inheritance rights of the surviving spouse and other family members may also become the subject of litigation. Consequently, uncertainty concerning marital validity may generate prolonged inheritance disputes involving multiple interested parties (Ali, 2022).

Beyond family law, the legal implications of marriage registration affect numerous other civil rights enjoyed by married couples. Official recognition of marriage frequently constitutes a prerequisite for obtaining housing loans, registering jointly owned property, applying for dependent visas, claiming insurance benefits, accessing pension rights, and receiving other governmental or private legal services. Where administrative recognition differs from substantive legal recognition, couples may encounter legal

Validity of Interfaith Marriages Celebrated Abroad and Their Legal Implications for Civil Registration in Indonesia

uncertainty in exercising these rights. This demonstrates that the legal consequences of marital recognition extend far beyond the sphere of family law into broader areas of civil and administrative law (Suteki & Taufani, 2020).

The legal landscape has become increasingly restrictive following the issuance of Supreme Court Circular Letter Number 2 of 2023, which instructs judges not to approve applications for the registration of interfaith marriages. Prior to the issuance of the Circular Letter, several district courts had granted judicial determinations enabling such marriages to be registered administratively. The Circular Letter therefore represents an important effort by the Supreme Court to establish greater consistency in judicial interpretation of Indonesian Marriage Law. As a consequence, the possibility of obtaining judicial authorization for the registration of interfaith marriages has become considerably more limited (Supreme Court, 2023).

From the perspective of legal reform, the continuing inconsistencies surrounding the registration of interfaith marriages celebrated abroad reveal the need for greater harmonization between marriage law, population administration law, constitutional law, and private international law. Legislative clarification is necessary to eliminate conflicting interpretations among government agencies and judicial institutions while ensuring greater legal certainty for Indonesian citizens. At the same time, any future reform should carefully balance constitutional guarantees of individual rights with the philosophical and religious foundations underpinning Indonesia's marriage law system. Such harmonization would contribute to a more coherent and predictable legal framework governing foreign marriages involving Indonesian citizens (Asshiddiqie, 2021).

Based on the foregoing analysis, it can be concluded that the registration of interfaith marriages celebrated abroad carries significant legal consequences for Indonesia's civil registration system and for the broader protection of civil rights. Although registration facilitates orderly population administration and provides documentary evidence of marital status, it does not automatically validate a marriage that fails to satisfy the substantive legal requirements prescribed by Indonesian law. The legal consequences relating to spouses' status, children's rights, matrimonial property, inheritance, and other civil rights continue to depend upon the substantive validity of the marriage under the Indonesian legal system. Therefore, greater statutory harmonization and consistent judicial interpretation are indispensable to achieving legal certainty while safeguarding the constitutional rights of Indonesian citizens (Marzuki, 2021).

V. CONCLUSIONS

Based on the foregoing analysis, it can be concluded that the legal validity of interfaith marriages celebrated abroad under Indonesian law is determined not solely by the law of the country where the marriage is celebrated, but also by compliance with the substantive provisions of Indonesian Marriage Law, particularly Articles 2 and 56 of Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019. Although the principle of *lex loci celebrationis* generally recognizes the validity of marriages celebrated according to the law of the place of celebration, its application within the Indonesian legal system is limited by the doctrine of public policy and the mandatory provisions governing marriage under national law. Furthermore, Constitutional Court Decision Number 68/PUU-XII/2014 and Supreme Court Circular Letter Number 2 of 2023 reaffirm that religious law remains the primary determinant of marital validity in Indonesia.

Consequently, an interfaith marriage that is legally valid under foreign law does not automatically obtain legal recognition under Indonesian law where it fails to satisfy the substantive legal requirements prescribed by Indonesian legislation (Marzuki, 2021).

The legal implications for Indonesia's civil registration system demonstrate that marriage registration primarily serves an administrative function aimed at ensuring orderly population administration and providing official records of citizens' civil status. Nevertheless, administrative registration should not be construed as conferring substantive legal validity upon a marriage that is inconsistent with the requirements of Indonesian Marriage Law. The distinction between administrative recognition and substantive legal validity significantly affects numerous legal relationships, including the legal status of spouses, the rights of children, matrimonial property, inheritance rights, and other civil rights arising from marriage. Therefore, greater harmonization between marriage law, population administration law, and private international law is essential to establish legal certainty, ensure consistent legal interpretation, and provide effective protection for the constitutional rights of Indonesian citizens while preserving the fundamental principles of Indonesia's national legal system (Suteki & Taufani, 2020).

REFERENCES

- 1) Adolf, H. (2020). *Hukum Perdata Internasional Indonesia*. Jakarta: Rajawali Pers.
- 2) Ali, A. (2022). *Menguak Teori Hukum (Legal Theory) dan Teori Peradilan*. Jakarta: Kencana.
- 3) Asshiddiqie, J. (2021). *Konstitusi dan Konstitusionalisme Indonesia*. Jakarta: Sinar Grafika.
- 4) Gautama, S. (2018). *Hukum Perdata Internasional Indonesia*. Bandung: Alumnus.
- 5) Hadikusuma, H. (2019). *Hukum Perkawinan Indonesia Menurut Perundangan, Hukum Adat, dan Hukum Agama*. Bandung: Mandar Maju.
- 6) Hadjon, P. M., & Djatmiati, T. S. (2022). *Argumentasi Hukum*. Yogyakarta: Gadjah Mada University Press.
- 7) Harahap, M. Y. (2017). *Hukum Perkawinan Nasional*. Jakarta: Sinar Grafika.

Validity of Interfaith Marriages Celebrated Abroad and Their Legal Implications for Civil Registration in Indonesia

- 8) Mahkamah Agung Republik Indonesia. (2023). *Surat Edaran Mahkamah Agung Nomor 2 Tahun 2023 tentang Petunjuk bagi Hakim dalam Mengadili Permohonan Pencatatan Perkawinan Antar Umat yang Berbeda Agama dan Kepercayaan*.
- 9) Mahkamah Konstitusi Republik Indonesia. (2012). *Putusan Mahkamah Konstitusi Nomor 46/PUU-VIII/2010*.
- 10) Mahkamah Konstitusi Republik Indonesia. (2015). *Putusan Mahkamah Konstitusi Nomor 68/PUU-XII/2014*.
- 11) Marzuki, P. M. (2021). *Penelitian Hukum*. Jakarta: Kencana.
- 12) Mertokusumo, S. (2020). *Penemuan Hukum: Sebuah Pengantar*. Yogyakarta: Cahaya Atma Pustaka.
- 13) Soekanto, S., & Mamudji, S. (2019). *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Jakarta: Rajawali Pers.
- 14) Subekti. (2018). *Pokok-Pokok Hukum Perdata*. Jakarta: Intermedia.
- 15) Suteki, & Taufani. (2020). *Metodologi Penelitian Hukum (Filsafat, Teori, dan Praktik)*. Depok: Rajawali Pers.



There is an Open Access article, distributed under the term of the Creative Commons Attribution – Non-Commercial 4.0 International (CC BY-NC 4.0) (<https://creativecommons.org/licenses/by-nc/4.0/>), which permits remixing, adapting and building upon the work for non-commercial use, provided the original work is properly cited.