

# Controversy Over The Rejection Of Interfaith Marriage Approval: Between The Circular Of The Supreme Court And The Population Administration Law In Indonesia

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## Abstract.

*This article aims to review the tension between the Supreme Court Circular Number 2 of 2023 regarding Guidelines for Judges in Adjudicating Cases of Registration of Marriages between Different Religious and Belief Communities (SEMA) and Law Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration (Adminduk Law), which creates a contradictory situation regarding interfaith marriages. Interfaith marriages have sparked controversy because they are not explicitly accommodated in Law Number 1 of 1974 concerning Marriage. As a result, parties involved in legal disputes face difficulties in navigating the applicable regulations. This article is a normative research with a conceptual approach. The research results indicate a conflict between SEMA and the Adminduk Law regarding interfaith marriages in Indonesia, creating inconsistency in legal regulations. SEMA, as a Supreme Court guideline, suggests rejection of approval, while the Adminduk Law allows it with court determination as a condition. Hans Kelsen's Stufen theory shows a legal hierarchy, with the Adminduk Law above SEMA. However, the inconsistency between the two poses challenges in achieving legal certainty and balancing diversity. The implementation of the Stufen Theory in Indonesia involves a hierarchy of regulations, with SEMA included as a type of regulation. Although SEMA applies in the judiciary, debates surrounding the rejection of interfaith marriages highlight the inconsistency with the Adminduk Law.*

**Keywords:** *Interfaith Marriage, Legal Controversy, Supreme Court Circular, Population Administration Law and Legal Polemics.*

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## I. INTRODUCTION

The controversy surrounding the rejection of the validation of interfaith marriages has been the focus of attention in Indonesian society in recent times. This phenomenon emerged when the Supreme Court issued Circular Number 2 of 2023 regarding Guidelines for Judges in Adjudicating Cases of Registration of Marriages between Different Religious and Belief Communities (hereinafter referred to as SEMA), which gives explicit instructions to the courts to reject the validation of marriages between couples with different religious beliefs. However, the complexity of the issue has further escalated as this instruction is deemed contradictory to Law Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration (hereinafter referred to as the Adminduk Law), which grants the authority to the courts to validate interfaith marriages under certain conditions. The extent to which SEMA and the Adminduk Law clash, and which one holds more dominant legal authority in the realm of interfaith marriages, is a central question that needs to be carefully explored. Indonesia, as a country rich in ethnic, traditional, linguistic, cultural, and religious diversity, does not imply any restrictions on social interactions. This is because humans are fundamentally social beings who always need relationships with others. One of the needs that arises from such social interactions is the desire to have a life partner and continue the lineage through marriage.[1] Through interfaith marriages, the lives of couples can be enriched with diverse experiences and perspectives. This helps the couple understand and respect each other's beliefs and religious practices, which, in turn, can strengthen their relationship.

Additionally, interfaith marriages have the potential to enhance inter-religious relationships, promoting tolerance, understanding, and cooperation among different religious groups. The opportunity to learn from different beliefs and religious practices in such marriages can also improve understanding and tolerance between couples and different religious communities.[2] However, at a certain point, the spotlight is on legal provisions related to interfaith marriages, especially after the Supreme Court issued SEMA, which

leans towards rejecting the validation of such marriages. This polemic raises essential questions regarding individual freedom to choose a life partner with different religious beliefs and the extent to which the Supreme Court's instructions can control this domain. The ambiguity and freedom regarding the practice of interfaith marriages in Indonesia occur because Law No. 1 of 1974 concerning Marriage does not regulate in detail and explicitly about interfaith marriages.[3] Alongside the development of this debate, the Adminduk Law becomes the subject of increasingly intense discussion. This law provides a legal framework regulating population administration processes, including the validation of marriages. However, conflicts arise when there is a discrepancy between the provisions of SEMA that emphasize the rejection of the validation of interfaith marriages and the provisions of the Adminduk Law that provide room for court determinations on such marriages.

In this regard, it is important to explore the extent of legal confusion that may arise due to the inconsistency between SEMA and the higher law. This controversy not only has legal dimensions but also encompasses social, cultural, and human rights aspects. Within the positive legal framework of Indonesia, the right to marry and form a family is also guaranteed by Article 28B(1) of the 1945 Constitution of the Republic of Indonesia. This article states that "*Everyone has the right to form a family and continue their lineage through a lawful marriage.*" Additionally, protection of the freedom to marry is ensured by Article 10 of Law No. 39 of 1999 concerning Human Rights, which affirms that "*Everyone has the right to form a family and continue their lineage through a lawful marriage.*"[4] Questions about religious freedom, the right to choose a life partner, and the harmony of a diverse society are highlighted in the context of rejecting the validation of interfaith marriages. To understand the broader impacts of this issue, a comprehensive analysis involving various perspectives and disciplines is necessary. For a deeper understanding, this article will intricately discuss this controversial issue, covering legal, social, and human rights aspects. Through a thorough analysis, it is hoped that a comprehensive picture of the conflict between SEMA and the Adminduk Law in the context of rejecting the validation of interfaith marriages in Indonesia can be drawn. Furthermore, a crucial question that arises is which should have the strongest legal force between SEMA and the Adminduk Law. Can SEMA override a law that has gone through a lengthy legislative process and represents democratic views? Or should the population administration law take precedence because it provides a more comprehensive legal framework and details the procedures for interfaith marriages? In this context, a thorough analysis of legal arguments, principles of constitutionality, and considerations of human rights is needed to outline the relative strengths between SEMA and the Adminduk Law.

A clear understanding of the legal foundation and social considerations is essential so that we can take balanced steps, respecting both religious values and human rights, while maintaining legal stability in Indonesia. Previous researchers have extensively discussed interfaith marriages, but there has been little exploration of the position of SEMA in the legal hierarchy in Indonesia and which holds greater authority between SEMA and the Adminduk Law. Some prior research on interfaith marriages includes the following: firstly, by Rusman et al. (2023), the aim of this research is to provide an explanation regarding the regulation of interfaith marriages in Indonesia, considering perspectives from both positive law and Islamic law, while also evaluating the impact of SEMA on legal clarity in this context.[5] Secondly, by Aurora Vania Crisdi Gonadi and Gunawan Djajaputra (2023), this research aims to provide an overview of the controversy surrounding SEMA No. 2/2023 in Indonesia concerning interfaith marriages. The study highlights religious diversity, legal regulations, judicial authority, and the importance of justice and legal certainty. As a solution, the debate should be directed towards finding solutions that respect individual rights, strengthen Indonesia's diversity, and ensure adequate legal and administrative protection for interfaith marriages.[6] Lastly, a study conducted by Mahadi Abdullah et al. (2023). In their research, they conducted a comprehensive analysis of the phenomenon of interfaith marriages in the city of Semarang, using SEMA Number 2 of 2023 as the foundation.

Through a case study approach in the city of Semarang, this research aims to provide a comprehensive overview of the factors influencing interfaith marriages, the impact of the implementation of SEMA Number 2 of 2023, and the social dynamics that arise as a result of these regulatory changes.[7] This introduction paves the way for an in-depth exploration of the complexities of legal aspects and social impacts

inherent in the ongoing controversy surrounding the approval of interfaith marriages in Indonesia. In delving deeper into this controversy, it is crucial to note that the Population Administration Law establishes clear requirements for marriage registration, including conditions to be met by interfaith couples. However, at the same time, the Supreme Court's decision leads to differences in interpretation and legal implementation in courts across Indonesia. Based on this background, the author is interested in further investigating the "Controversy over the Rejection of Interfaith Marriage Approval: Between the Circular of the Supreme Court and the Population Administration Law in Indonesia." The research questions are as follows: 1. How is SEMA considered contradictory to the Adminduk Law, which allows interfaith marriages with court stipulations? 2. What is the position of SEMA in the context of the rejection of interfaith marriage approval by the courts?

## II. METHODS

This study adopts a normative research method. Normative legal research is a type of scholarly research that primarily focuses on the object of legal norms, namely rules and regulations.[8] This study focuses on the conflict between SEMA and the Adminduk Law in the context of rejecting the validation of interfaith marriages in Indonesia. In this normative research, a conceptual approach is employed. The legal materials used encompass legislation related to marriage, Supreme Court decisions, and other legal documents relevant to the occurring conflict. Data collection techniques in this study utilize literature review as the primary method, involving the exploration of legal documents, Supreme Court decisions, and related legal literature. Data analysis is conducted through document analysis and content analysis, where collected data is outlined, classified, and analyzed to gain a deeper understanding of the conflict between SEMA and the Adminduk Law. Therefore, this normative research approach is expected to contribute to understanding the existing normative framework, identifying potential conflicts between norms, and providing legal recommendations to resolve issues related to the rejection of the validation of interfaith marriages in Indonesia.

## III. RESULT AND DISCUSSION

### 1) The Conflict Between SEMA and the Adminduk Law in the Context of Interfaith Marriages

Interfaith marriages in Indonesia have become a major focus with the emergence of a conflict between SEMA, which suggests the rejection of the validation of interfaith marriages by the courts, and the Adminduk Law, which allows interfaith marriages with court stipulations. This conflict creates inconsistencies in legal regulations, sparking debates about the legal authority between SEMA and the Adminduk Law, as well as its impact on marriage policies in Indonesia. SEMA is issued by the Supreme Court as a guide for the courts in handling cases of interfaith marriages.[9] The content analysis of SEMA reveals legal arguments and considerations that form the basis for the recommendation to reject the validation of interfaith marriages. SEMA likely reflects certain legal views or values recognized by the Supreme Court. However, it needs to be evaluated to what extent SEMA aligns with broader constitutional principles and legal ethics. SEMA No. 2 of 2023 states:

*"To provide certainty and uniformity in the application of the law in adjudicating requests for the registration of marriages between different religious and belief communities, judges must adhere to the following provisions:*

1. *A valid marriage is a marriage conducted according to the laws of each respective religion and belief, in accordance with Article 2 paragraph (1) and Article 8 letter f of Law Number 1 of 1974 concerning Marriage.*
2. *The court does not grant requests for the registration of marriages between different religious and belief communities."*

In the Marriage Law, there is an article commonly used as the basis for regulations regarding the status of interfaith marriages, namely Article 2 paragraph (1). The provision in Article 2 paragraph (1) states that a marriage is considered valid if it is conducted in accordance with the laws of the respective religions and

beliefs of the parties. When detailed, the norm found in Article 2 paragraph (1) can be considered a directive norm, directing the validity of a marriage to the laws of religion and beliefs adhered to by the individuals getting married. Article 2 paragraph (1) of the Marriage Law explicitly associates a marriage with religion, as the norm within it functions as a guide pointing to religion as the reference for assessing the validity of the marriage. Therefore, the validity or invalidity of an interfaith marriage depends on the provisions applicable in the respective religion and belief of each individual. If the religion permits interfaith marriage, then it is considered valid; conversely, if the religion prohibits interfaith marriage, then it is considered invalid.[10] The lack of explicit accommodation for interfaith marriages in Law No. 1 of 1974 concerning Marriage has led to various interpretations among legal experts. For example, in the drafting of Article 66, this situation has caused diverse interpretations among legal professionals. The article states:

*"For marriages and everything related to marriages based on this law, with the enactment of this law, the provisions regulated in the Civil Code (Burgerlijk Wetboek), the Ordinance on Christian Marriages in Indonesia (Huwelijk Ordonantie Christen Indonesier S.1933 No.74), the Regulation on Mixed Marriages (Regeling op de Gemengde Huwelijken S. 1898 no. 158), and other regulations governing marriages as far as regulated in this law are declared not applicable."*

Based on Article 66 of the Marriage Law No. 1 of 1974 mentioned above, interfaith marriages are allowed to take place. This article provides guidance that previous regulations still apply. Article 66 of the Marriage Law states that other regulations governing marriages, as long as they have been regulated in this law, are declared no longer applicable. The interpretation of this provision is that if the marriage law does not yet regulate interfaith marriages, then the previous regulations allowing interfaith marriages may still be valid.[11]

Article 24A of the 1945 Constitution states that *"The Supreme Court has the authority to adjudicate at the cassation level, examine regulations below the law against the law, and has other authorities granted by the law."* The Supreme Court's position as a judicial institution also includes the authority to oversee lower judicial bodies, such as first-instance and appellate courts. This mandate is stipulated in Article 32 paragraph 1 of Law No. 3 of 2009 concerning the Second Amendment to Law No. 14 of 1985 concerning the Supreme Court, which states: *"The Supreme Court exercises the highest supervision over the administration of justice in all judicial bodies under it in carrying out judicial power."*

Within its jurisdiction, the Supreme Court has the right to provide warnings, reprimands, and important guidance to create a transparent judicial system and good governance, both in the general scope of the judiciary and towards the judges under its authority. This is regulated in Article 32 paragraph (4) of Law No. 3 of 2009 concerning the Second Amendment to Law No. 14 of 1985 concerning the Supreme Court, which states that *"The Supreme Court has the authority to give instructions, warnings, or warnings to the courts in all judicial bodies under it."*

The authority of the Supreme Court is also regulated in Article 79 of Law No. 14 of 1985 concerning the Supreme Court, which states that *"The Supreme Court can further regulate matters necessary for the smooth implementation of justice if there are things that have not been sufficiently regulated by the law."* The content of this article includes matters related to deficiencies or legal vacuums, as explained in the explanation of Article 79 of Law No. 14 of 1985 concerning the Supreme Court, which states that *"If in the course of the trial there are deficiencies or legal vacuums in a matter, the Supreme Court has the authority to make regulations as complements to fill the deficiencies or vacuums. With this law, the Supreme Court has the authority to determine the regulations regarding the resolution of a matter that has not been or is not regulated in this law. In this case, the regulations issued by the Supreme Court are distinguished from regulations drafted by the legislator. The implementation of justice referred to in this law is only part of procedural law as a whole. Thus, the Supreme Court will not interfere and go beyond the regulation of the rights and obligations of citizens in general and will not regulate the nature, power, means of proof, as well as their assessment or the allocation of the burden of proof."*

Based on the above articles, the Supreme Court not only functions as a judicial institution that decides cases on appeal but also takes responsibility for supervising and regulating the organization of justice at lower levels, as well as playing a role in complementing legal provisions that may be unclear or

insufficient. However, the Adminduk Law provides a legal basis for the approval of interfaith marriages, with the condition of a court decree, so the conflict arises when the SEMA suggests that the court rejects the approval of interfaith marriages. The contradiction between SEMA and this law creates ambiguity and uncertainty in judicial practice. According to the provisions of these laws, the Supreme Court has a role when there is an incomplete legal provision, so the Supreme Court should not need to issue SEMA No. 2 of 2023. Because the approval of interfaith marriages has been regulated in the Adminduk Law.

The provisions regarding interfaith marriages with a court decree are regulated in Article 35 letter a of the Adminduk Law, which states that "*Marriages established by the Court.*" Then, in the explanation, "*Marriages established by the Court*" refers to marriages conducted between different faiths."

In some cases of interfaith marriages, the judge's considerations behind the approval of the first interfaith marriage decree were that interfaith marriages were not prohibited by Law No. 1 of 1974 concerning Marriage. Therefore, this request was accepted to fill the void in the marriage law. The second consideration includes Article 21 paragraph (3) of Law No. 1 of 1974 concerning Marriage, which states "*Parties whose marriage is rejected are entitled to submit an application to the court within the jurisdiction where the marriage registrar who rejected has the authority to make a decision by submitting the rejection letter mentioned above.*"[12]

Analysis of the provisions of the Adminduk Law must highlight the legislative goal, which is to provide an inclusive legal framework for interfaith marriages. This contradiction raises fundamental questions about legal consistency and justice, whether a law that allows interfaith marriages can be recognized and respected. The conflict between SEMA and the Adminduk Law has significant legal and social implications. Legally, the confusion and uncertainty generated can impact the legal process of marriage, increase legal uncertainty, and pose a risk of discrimination. Although interfaith marriages are not considered ideal according to religious teachings and laws, there should be room or exceptions in the law. This gap should consider, on the one hand, respect for religious teachings, and on the other hand, justice for citizens. Article 2 of the Marriage Law can be maintained, with the note that the phrase "*if conducted according to the laws of their respective religions and beliefs*" is not interpreted strictly by requiring that the second religion of the couple must be the same. It is sufficient if the marriage is sanctioned by one of the religions of the couple. Additionally, the existing gap in court determination, as stipulated in Article 35 letter a of the Adminduk Law and its explanation, should be maintained. Philosophically, this article provides a more balanced position for individuals in relation to religion and the state.[13] The lack of legal clarity in the context of marriage can be indicated by the practice of interfaith marriages exploiting the weaknesses in Law No. 1 of 1974. Interfaith marriages are not regulated by Law No. 1 of 1974 but are governed by HOCI (Huwelijks Ordonnantie Christen Indonesië).

Referring to Article 66 of Law No. 1 of 1974, it can be concluded that the provisions found in HOCI can be applied, proving that, to date, pluralism still exists in the realm of marriage.[14] From a social perspective, this conflict can create inequality among individuals or groups seeking interfaith marriages. Court decisions based on SEMA may be considered a form of discrimination against interfaith couples, undermining citizens' rights to choose their life partners. In addressing this conflict, solutions or reconciliations need to be considered. Dialogue between the Supreme Court and legislative bodies may be necessary to reach an agreement that respects constitutional principles and justice. Furthermore, legal revisions or clarifications may be needed to establish consistency in judicial practices. It is also essential to consider the views and aspirations of the community in determining appropriate measures. Community involvement can help create more inclusive policies that reflect the values of pluralism in Indonesia. In conclusion, the conflict between SEMA and Adminduk Law creates legal and social complexities in the context of interfaith marriages in Indonesia. A profound understanding of the arguments, considerations, and impacts of both sides is crucial to formulating solutions aligned with constitutional principles, legal ethics, and social justice.

## **2) The Position of SEMA in the Context of Court Rejection of Interfaith Marriage Approval**

The tension between the Circular of the Supreme Court (SEMA) and the Adminduk Law in the context of court rejection of interfaith marriage approval opens the door to in-depth exploration of the

Indonesian legal system and its impact on social life. From the perspective of Hans Kelsen's Stufen Theory, the concept of legal hierarchy indicates that the Adminduk Law holds a higher rank than SEMA. However, it should be noted that SEMA, as a circular, does not have legal force equivalent to that of a law. This concept raises questions about the extent to which SEMA can influence and oppose the validity of higher laws, especially in controversial contexts such as the rejection of interfaith marriages. Stufen Theory is a viewpoint on the legal system proposed by Hans Kelsen. According to this theory, the legal system can be considered a hierarchy consisting of interrelated legal norms. Legal norms at the lowest level must comply with legal norms at a higher level, and the highest legal norm, such as the constitution, must comply with the most fundamental legal norm, known as *grundnorm*. Hans Kelsen also expressed that *grundnorm*, being the most basic legal norm, has an abstract and non-concrete form.[15]

In the context of the legal system in Indonesia, the implementation of Hans Kelsen's Stufen Theory can be identified through Article 7 of Law No. 12 of 2011 concerning the Formation of Legislation. This article establishes 7 levels of hierarchy for legislation, namely: the 1945 Constitution, MPR Decrees, Laws/Government Regulations in Lieu of Laws (Perpu), Government Regulations, Presidential Regulations, Provincial Regulations, and Regency/City Regulations. Although SEMA is not included in this hierarchy, it is classified as another type of legislation, as explained in Article 8 paragraph (1). This other type also includes regulations stipulated by the Supreme Court, so SEMA has legally binding force, as regulated in Article 8 paragraph (2). From the perspective of authority, SEMA is formed based on the regulatory authority held by the Supreme Court, involving administrative, advisory, supervisory, and judicial functions.[16] The Supreme Court, as the highest judicial institution in Indonesia, has various functions, including judicial, supervisory, regulatory, administrative, and other functions. By carrying out these functions, the Supreme Court aims to address gaps in civil procedural law and handle various issues related to procedural practices in the courts.<sup>[17]</sup> Therefore, Hans Kelsen's contributions, particularly regarding the Stufenbau theory, are highly significant in shaping the hierarchy of legislation applicable in Indonesia as the national positive law. The structure of this hierarchy of legislation is related to the principle of "*lex superior derogat legi inferior*," meaning 'a legal norm at a lower level must not contradict a legal norm at a higher level.' In other words, legal norms at a lower level are a graduated concretization, a concrete implementation of the legal norm at a higher level.[18]

This conflict highlights the complexity of interpreting and implementing laws in Indonesia, especially when involving sensitive issues such as religion and interfaith marriages. In addressing the inconsistency between SEMA and the Adminduk Law, it is crucial to explore solutions that accommodate various aspects of societal interests and values. This includes a dialogical approach between the Supreme Court and legislative institutions to align SEMA with nationally and internationally recognized principles. Handling this conflict is not solely the responsibility of legal institutions but also requires active participation from various stakeholders, including religious groups, legal experts, and civil society. Involving the public in the process of regulatory changes and discussions that encompass diverse perspectives can create a stronger foundation for sustainable resolutions. Although the content of SEMA Number 2 of 2023 covers legal matters, it should be noted that SEMA holds a lower position compared to laws and is neither equal nor higher than laws. SEMA only has binding power within the scope of the judiciary. Conversely, laws hold the highest position as legal regulations under the 1945 Constitution and apply comprehensively to all Indonesian citizens. Therefore, SEMA's position in relation to the Adminduk Law, which is the subject of debate, is as a regulation below the Adminduk Law. This means SEMA does not have the authority to repeal or remove provisions in the Adminduk Law. SEMA's authority is limited to revoking legal products issued by the Supreme Court.[19] It is important to note that this conflict is not only legal but also has significant social implications. The rejection of interfaith marriages by the courts has the potential to create stigma against couples choosing to marry across religious boundaries. Furthermore, legal uncertainty can limit individual freedoms and undermine constitutional rights, such as freedom of religion.

State involvement in religious issues within society is a serious matter because, in a democratic framework, aspects of religion and belief, including personal matters such as marriage, should not be entangled with public governance issues. This becomes more complex in diverse societies.[20] In the context

of Hans Kelsen's theory, it is also necessary to consider whether there is a legal policy that can create harmony between SEMA and the Adminduk Law. This gap creates challenges in achieving legal certainty, a crucial element in a stable legal system. In formulating solutions, the government and relevant institutions must engage in open and inclusive discussions, listening to the aspirations and concerns of the public. Crafting policies that are inclusive and considerate of Indonesia's societal pluralism is key to maintaining peace and social stability. Delving deeper into the conflict between SEMA and the Adminduk Law, we find that this discussion opens up space for a profound evaluation of the legal system and the expansion of public participation in the formation and amendment of regulations. A better understanding of the legal framework and social context helps shape more precise and balanced solutions, which, in turn, can bring positive changes to social and legal life in Indonesia. In the context of interfaith marriages, fundamental questions about the legal strength of SEMA opposing the Adminduk Law create a legal paradox that needs resolution. The emergence of inconsistency between these legal instruments not only poses challenges to legal certainty but also raises questions about the compatibility of legal rules with the principles of democracy, human rights, and diversity upheld by the Indonesian constitution.

The Theory of Legal Levels highlights the formality and legislative process as determinants of the level and legal strength of laws. The Adminduk Law, as a formal product of the legislative institution, should have greater authority than SEMA. From this perspective, court decisions conflicting with the provisions of the Adminduk Law can be considered actions that violate the existing legal hierarchy. Legally, according to the explanation of Article 7 paragraph (2) of Law No. 12 of 2011, the term hierarchy refers to the grouping of various types of legislation, with the principle that lower-level legislation must not conflict with higher-level legislation. Therefore, in every legislative process, attention must be paid to the hierarchical arrangement of legislation to create a balance between regulations formed and various higher-level or equivalent legislation.[21] In facing this conflict, understanding the concept and practice of religious freedom becomes crucial. The Constitution of the Republic of Indonesia of 1945 unequivocally guarantees the right of every individual to practice their religion and worship according to their beliefs. Therefore, the rejection of the validation of interfaith marriages by the courts based on SEMA can be considered a potential violation of this constitutional right. Considering the perspective of the theory of legal levels, it is important to note that the legal hierarchy is an integral part of the legal system that functions to create order and certainty. However, when this hierarchy has the potential to violate constitutional rights, there needs to be a mechanism or special procedure to balance such conflicts. This line of thinking is essential in designing solutions to the tension between SEMA and the Adminduk Law.

From a constitutional perspective, the independence of the judiciary forms the basis for the existence of the right to assess (examine) all actions, regulations, and legislation by referring to the constitution (UUD). Various theories, legal principles, and expert opinions need to be understood by authorities, including those handling issues related to the determination and registration of interfaith marriages, in order to render decisions that prioritize human values and justice.[22] The government and relevant institutions also need to pay special attention to the protection of individual rights, especially those related to the right to marry and freedom of religion. Progressive and inclusive legal reforms should be pursued to accommodate the diversity of Indonesian society and uphold constitutional principles. In addressing the tension between SEMA and the Adminduk Law, creative thinking and innovative solutions can be the key to developing a legal framework that aligns with the social and cultural context of Indonesia. The government and relevant institutions should consider the aspirations of the public and engage in open dialogue with all stakeholders. To achieve an agreement that reflects the spirit of pluralism and justice, there needs to be space for all involved parties to express their views and aspirations. Involving civil society, academics, and religious figures in the policy-making process can ensure that the resulting policies reflect the diversity and aspirations of the community. Thus, through an inclusive, democratic, and knowledge-based process, Indonesia can seek balanced solutions that are in line with its own context. By respecting individual rights, preserving diversity, and adhering to constitutional principles, these steps can bring positive changes in handling the conflict between SEMA and the Adminduk Law and shape a more progressive legal landscape.

#### IV. CONCLUSION

1. The conflict between SEMA and the Adminduk Law regarding interfaith marriages in Indonesia creates inconsistency in legal regulations. SEMA, as the guidance of the Supreme Court, suggests rejecting approval, while the Adminduk Law allows it with the condition of a court determination. This difference creates confusion and ambiguity in judicial practices, increases legal uncertainty, and has the potential to cause discrimination. Although the Adminduk Law provides a legal basis, the Supreme Court issued SEMA Number 2 of 2023, indicating inconsistency in the applicable regulations. Judges' considerations and diverse interpretations related to Article 66 of the Marriage Law add complexity. Resolving the conflict requires in-depth evaluation and dialogue between the Supreme Court, legislative institutions, and public participation. Solutions in line with constitutional principles, legal ethics, and social justice need to be found to create consistent and inclusive regulations regarding interfaith marriages in Indonesia.

2. The conflict between SEMA and the Adminduk Law regarding the rejection of interfaith marriages in Indonesia reflects the complexity of the legal system and its impact on social life. Hans Kelsen's Stufen Theory indicates a legal hierarchy, with the Adminduk Law above SEMA. However, the inconsistency between them poses challenges in achieving legal certainty and balancing diversity. The implementation of the Stufen Theory in Indonesia involves the hierarchy of legislation, with SEMA classified as a type of regulation. Although SEMA applies in the judiciary, debates about the rejection of interfaith marriages highlight the inconsistency with the Adminduk Law. It is essential to understand the authority of the Supreme Court as the highest judicial institution and uphold religious freedom and constitutional rights. Handling this conflict requires active dialogue between the Supreme Court and legislative institutions, involving various stakeholders. Despite SEMA having a lower position, this conflict also has social impacts, including stigmatization and legal uncertainty. In addressing this conflict, inclusive solutions are needed, taking into account the diversity of Indonesian society and the protection of individual rights. From a constitutional perspective, the protection of individual rights, including the right to marry and freedom of religion, should be prioritized. Progressive legal reforms are necessary to create a legal framework that aligns with Indonesia's social and cultural context. Involving various parties in the policymaking process can result in decisions that reflect pluralism, justice, and the aspirations of the community.

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