

# ANALYSIS CONFLICT OF NORMS BETWEEN SEMA NUMBER 2 OF 2023 AND THE PRINCIPLES ON CIVIL REGISTRATION OF ADMINISTRATION LAW

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## **Abstract:**

*Interfaith marriage has long been a social phenomenon within Indonesia's multicultural society, yet it continues to present complex and ongoing legal and social challenges. The issuance of the Supreme Court Circular Letter (SEMA) Number 2 of 2023, which restricts the registration of interfaith marriages, has resulted in normative disharmony with the provisions of Law Number 23 of 2006 concerning civil registration. This study employed a normative juridical method with an analysis of legislation, legal doctrine, and judicial decisions to examine the normative disharmony between SEMA and the Civil registration Law, as well as its legal implications on the principles of legal certainty, human rights protection, and social justice. The findings revealed that the restrictions on interfaith marriage registration stipulated in SEMA potentially cause legal uncertainty, multiple interpretations in law enforcement, and violations of citizens' constitutional rights to obtain valid and legally recognized civil documentation. Furthermore, such policy may exacerbate religion-based discrimination and limit interfaith couples' access to essential legal protection and administrative services. In conclusion, regulatory harmonization between SEMA and the Civil registration Law is imperative to ensure legal certainty, safeguard human rights, and respect prevailing religious norms and social diversity within society. This study recommends revising SEMA and formulating inclusive policies as efforts to realize legal justice and constitutional rights protection for all citizens without discrimination.*

**Keywords:** *Interfaith Marriage; SEMA No. 2 of 2023; Civil Registration, Administrative Law; Legal Certainty.*

## **Abstrak**

Perkawinan beda agama telah lama menjadi fenomena sosial dalam masyarakat Indonesia yang multikultural, namun masih menimbulkan berbagai persoalan hukum dan sosial yang kompleks. Terbitnya Surat Edaran Mahkamah Agung (SEMA) Nomor 2 Tahun 2023 yang membatasi pencatatan perkawinan beda agama menimbulkan disharmoni normatif dengan ketentuan dalam Undang-Undang Nomor 23 Tahun 2006 tentang Administrasi Kependudukan. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan peraturan perundang-undangan, doktrin hukum, dan putusan pengadilan untuk menganalisis disharmoni normatif antara SEMA dan Undang-Undang Administrasi Kependudukan serta implikasi hukumnya terhadap prinsip kepastian hukum, perlindungan hak asasi manusia, dan keadilan sosial. Hasil penelitian menunjukkan bahwa pembatasan pencatatan perkawinan beda agama sebagaimana diatur dalam SEMA berpotensi menimbulkan ketidakpastian hukum, perbedaan penafsiran dalam penegakan hukum, serta pelanggaran terhadap hak konstitusional warga negara untuk memperoleh dokumen administrasi kependudukan yang sah dan diakui secara hukum. Selain itu, kebijakan tersebut berpotensi memperkuat diskriminasi berbasis agama dan membatasi akses pasangan beda

agama terhadap perlindungan hukum serta layanan administrasi yang esensial. Oleh karena itu, harmonisasi regulasi antara SEMA dan Undang-Undang Administrasi Kependudukan diperlukan untuk menjamin kepastian hukum, melindungi hak asasi manusia, serta menghormati norma keagamaan dan keberagaman sosial yang hidup dalam masyarakat. Penelitian ini merekomendasikan revisi terhadap SEMA dan perumusan kebijakan yang lebih inklusif sebagai upaya mewujudkan keadilan hukum dan perlindungan hak konstitusional bagi seluruh warga negara tanpa diskriminasi.

**Kata Kunci:** *Perkawinan Beda Agama; SEMA Nomor 2 Tahun 2023; Undang-Undang Administrasi Kependudukan; Kepastian Hukum.*

## A. Introduction

Interfaith marriage has been recognized as a longstanding social phenomenon within the reality of Indonesia's multicultural society. From the colonial period through the reformation period, the practice of marriage between individuals of different religions has occurred, although in relatively smaller numbers compared to same-faith marriages.<sup>1</sup> Nevertheless, the issue of interfaith marriage remains a complex debate, involving legal, social, and religious dimensions. This complexity is driven by Indonesia's position as a nation that upholds the values of Pancasila and the 1945 Constitution, which on one hand recognizes freedom of religion and human rights, while on the other hand also incorporates legal norms that are religious and particularistic in nature.

Under Law of No. 1 of 1974 on Marriage, Indonesia recognizes the validity of a marriage only if it is solemnized in accordance with the religious laws or beliefs of the parties concerned. This provision is reflected in Article 2(1) of the Marriage Law, which explicitly states that "a marriage is valid if it has been performed according to the laws of their respective religions and beliefs." Furthermore, Article 8(f) of the Marriage Law also prohibits marriage between two people who have a relationship that is prohibited by their religion. This normative formulation essentially places religion as the primary benchmark in determining the validity of a

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<sup>1</sup> Julaika Nasution and Irfa Waldi, "TELAAH KRITIS HUKUM PERNIKAHAN BEDA AGAMA DALAM PANDANGAN ULAMA KLASIK DAN KONTEMPORER," *SLJ: Syariah Law and Justice Journal* 1, no. 1 (2025): 1–12, <https://doi.org/doi.org/10.30821/slj.v1i1.14>.

marriage, thereby creating room for the exclusion of interfaith couples who do not receive approval from religious institutions.<sup>2</sup> Conversely, in the context of civil registration, Law Number 23 of 2006 concerning Civil registration (UU Adminduk) provides administrative space for the registration of legal marriage events, including for citizens of different religions or beliefs. Article 35(a) of the Population

Conversely, in the context of civil registration, Law Number 23 of 2006 concerning Civil registration provides administrative space for the registration of marriages involving citizens of different religions or beliefs. Article 35 letter (a) stipulates that such registration may be carried out based on a court determination when a marriage certificate cannot be obtained from the competent authority. This provision functions as an administrative mechanism through which the state may recognize and record marriage events, thereby ensuring legal certainty and access to civil documentation for all citizens. However, the coexistence of this provision with the restrictive approach adopted under SEMA Number 2 of 2023 has created a normative tension within the Indonesian legal system. While the Civil registration Law seeks to facilitate administrative recognition of interfaith marriages, SEMA effectively limits access to the judicial determinations required for such registration. As a consequence, interfaith couples may face legal uncertainty regarding their marital status and encounter difficulties in obtaining essential civil documents, including family cards, birth certificates for their children, and other administrative services. This situation demonstrates how inconsistencies between legal norms may undermine the principles of legal certainty and equal protection before the law.<sup>3</sup>

However, recent legal developments in Indonesia have revealed

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<sup>2</sup> Fisa Asy'ari; Triansyah, "Interfaith Marriage in Perspectives of Classical and Modern Scholars," *Al-Manahij: Jurnal Kajian Hukum Islam* 16, no. 2 (2022): 287-300, <https://doi.org/doi.org/10.24090/mnh.v16i2.6772>.

<sup>3</sup> Sri Maryati et al., "The Dynamic Landscape of Interfaith Marriage in Indonesia: Navigating The Supreme Court Circular Letter (SEMA) No. 02 of 2023 and Civil registration Law," *Daengku: Journal of Humanities and Social Sciences Innovation* 4, no. 3 (2024): 489-502, <https://doi.org/doi.org/10.35877/454RI.daengku2613>.

inconsistencies within the existing legal framework. The issuance of Supreme Court Circular Letter (SEMA) No. 2 of 2023, which provides guidelines for judges in adjudicating applications for the registration of interfaith marriages, has further highlighted this disharmony, explicitly restricts the space for judges to grant applications for the registration of interfaith marriages. This SEMA affirms that judges are not justified in granting applications for the registration of marriages between people of different religions, on the grounds that it contravenes Article 2(1) and Article 8(f) of the Marriage Law. Consequently, interfaith couples lose access to obtaining a court determination as the basis for registration at the Civil Registry Office (*Disdukcapil*).

This policy raised various issues, both normatively and implementatively. From the perspective of the theory of the hierarchy of legal norms proposed by Hans Kelsen, a SEMA as a judicial-administrative product should not contradict laws that are hierarchically superior.<sup>4</sup> In this case, the substance of SEMA, which restricts the administrative rights of interfaith couples, is contrary to the norms in the Civil registration Law that provide administrative space for the registration of interfaith marriages. This inconsistency creates vertical disharmony in the Indonesian legal system, which ultimately impacts legal uncertainty, multiple interpretations in the application of norms, as well as violations of the constitutional rights of citizens to obtain valid population documents. The implementation of SEMA No. 2 of 2023, many district courts have rejected applications for the determination of interfaith marriage registration, so that interfaith couples cannot obtain a valid marriage certificate.<sup>5</sup> This has implications for the loss of administrative

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<sup>4</sup> Kadek Wiwik Indrayanti; Anak Agung Ayu Nanda Saraswati; Eka Nugraha Putra, "Questioning Human Rights, Looking for Justice: Analyzing the Impact of Supreme Court Circular Letter on Interfaith Marriages in Indonesia," *JOURNAL OF INDONESIAN LEGAL STUDIES* 9, no. 1 (2024): 385–416, <https://doi.org/doi.org/10.15294/jils.vol9i1.4634>.

<sup>5</sup> Suryati; Teguh Anindito; Aris Priyadi, "Kajian Yuridis Terhadap Perkawinan Beda Agama Setelah Keluarnya SEMA Nomor 2 Tahun 2023 Tentang Penolakan Permohonan

rights such as Family Cards, children's Birth Certificates, and other population documents. Not only that, but this policy also reinforces religion-based discrimination and limits the access of interfaith couples to legal protection and essential administrative services.<sup>6</sup> In the context of a constitutional state (*rechtstaat*), this condition is contrary to the principle of legality and the principle of equality before the law as mandated in Article 28D paragraph (1) of the 1945 Constitution.

A review of previous studies, research on interfaith marriage in Indonesia has been widely conducted, both from legal, sociological, and anthropological perspectives. Most studies highlighted the tension between religious norms and state norms in the regulation of interfaith marriage. Previous studies have also identified various administrative and social obstacles experienced by interfaith couples due to the absence of clear and harmonious regulations between religious norms and state norms.<sup>7</sup> However, studies that specifically talked about disharmony between SEMA Number 2 of 2023 and the Civil registration Law, as well as its implications for the administrative rights of interfaith couples, are still very limited. This is where the novelty and significance of this research lies, namely providing a critical and comprehensive analysis of the disharmony of these legal norms, as well as offering fair and inclusive legal solutions for the protection of the constitutional rights of all citizens.<sup>8</sup>

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Pencatatan Perkawinan Beda Agama," *Cakrawala Hukum* 26, no. 2 (2024): 67–75, <https://doi.org/doi.org/10.51921/chk.avecda19>.

<sup>6</sup> Haposan Sahala, Raja Sinaga, and Universitas Kristen Indonesia, "Prohibition for Indonesian Judges to Grant Requests for Registration of Marriages Between People of Different Religions and Beliefs in Indonesia," *Journal of Law, Policy and Globalization* 135, no. 1 (2023): 83–88, <https://doi.org/10.7176/JLPG/135-09>.

<sup>7</sup> Gede Dewangga Prahasta Dyatmika; Cokorde Istri Dian Laksmi Dewi; Kadek Ary Purnama Dewi, "PERNIKAHAN LINTAS AGAMA DALAM BAYANG-BAYANG AMBIGUITAS HUKUM: TINJAUAN TERHADAP UU NO. 1/1974 DAN PUTUSAN MA-MK," *Rio Law Jurnal* 6, no. 2 (2025): 875–83, <https://doi.org/dx.doi.org/10.36355/.v1i2>.

<sup>8</sup> Gabrielle Priscilla Wijaya and Mia Hadiati, "Regulatory Dynamics and Socio-Legal Impacts of Interfaith Marriages in Indonesia Post-SEMA Number 2 of 2023," *JURISPRUDENSI: Jurnal Ilmu Syari'ah, Perundang-Undangan Dan Ekonomi Islam* 17, no. 1 (2025): 91–105, <https://doi.org/doi.org/10.32505/jurisprudensi.v17i1.10070>.

This study employed a normative legal research approach, focusing on the analysis of legislation, legal doctrines, and relevant court decisions concerning the disharmony between Supreme Court Circular Letter (SEMA) Number 2 of 2023 and Law Number 23 of 2006 on Civil registration. All data utilized in this research were obtained through a systematic literature review. The initial step involved identifying and collecting primary legal materials, including SEMA Number 2 of 2023, Law Number 1 of 1974 on Marriage, Law Number 23 of 2006 on Civil registration along with its amendments, and judicial decisions related to the registration of interfaith marriages. Additionally, secondary legal materials were gathered, comprising scholarly literature, journal articles, previous research findings, and expert opinions addressing similar issues.

The data were subsequently organized into thematic groups: (1) regulations governing interfaith marriage, (2) civil registration policies, and (3) judicial practices pertaining to applications for interfaith marriage registration. Each relevant legal document and literature source was manually coded to facilitate thematic analysis. The analysis was conducted by comparing the provisions contained in SEMA and the Civil registration Law, as well as examining the implementation practices in district courts through case studies of related court decisions. The researcher also traced the legal arguments employed in these rulings and policies, identifying points of disharmony that impact the administrative rights of interfaith couples. This methodological framework allowed for a comprehensive normative assessment of the legal inconsistencies and their practical implications, providing a basis for proposing harmonization strategies to ensure legal certainty and protection of constitutional rights.

## **B. Finding and Discussion**

### **1. The Legal Inconsistency Between SEMA No. 2 of 2023 and Law No. 23 of 2006 on Civil Registration in the Context of Interfaith Marriage Registration**

The issuance of Supreme Court Circular Letter (SEMA) Number 2 of 2023 has generated significant normative tension within Indonesia's legal system, especially concerning the recognition of administrative rights for interfaith couples. This SEMA explicitly stated that judges are not permitted to grant petitions for the registration of marriages between individuals of different religions, due to its inconsistency with Article 2 paragraph (1) and Article 8 letter (f) of Law Number 1 of 1974 on Marriage. These provisions explicitly affirm that a marriage is valid only if conducted according to the laws of each party's respective religion and belief, and prohibit marriages between two persons whose union is forbidden by their religion.<sup>9</sup> As a result, interfaith couples are unable to obtain court rulings that serve as the legal basis for registration at the Civil Registry Office (Disdukcapil). However, the provisions in this SEMA contradict the norms stipulated in Law Number 23 of 2006 on Civil registration, as amended by Law Number 24 of 2013. Article 35 letter (a) of the Civil registration Law provides that the registration of marriages for Indonesian citizens of different religions or beliefs may be conducted based on a court determination if it is not possible to obtain a marriage certificate from the authorized agency. This norm is intended as an administrative solution that allows the state to record legal marriage events even if certain religious formalities are unmet, thereby ensuring legal certainty and protection of civil registration for every citizen.<sup>10</sup>

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<sup>9</sup> Muhammad Fatih Mundakir Abdissalam, "PERNIKAHAN BEDA AGAMA DALAM PRESPEKTIF SOSIOLOGI HUKUM ISLAM (Studi Kasus Desa Tanjungkarang Kecamatan Jati Kabupaten Kudus) Muhammad," *JIMSIA: JURNAL ILMU SYARIAH* 2, no. 2 (2023): 96-110, <https://jim.iainkudus.ac.id/index.php/JIMSIA/index>.

<sup>10</sup> Siti Nur Baetillah, "Perkawinan Beda Agama Dan Implikasinya Terhadap Penegakan Hukum Keluarga Di Indonesia" 1, no. 1 (2023): 65-79,

The inconsistency between SEMA and the Civil registration Law exemplifies vertical disharmony within Indonesia's hierarchical legal system. According to Hans Kelsen's theory of the hierarchy of legal norms (*Stufenbau der Rechtsordnung*), lower-level legal norms must not contradict higher-level norms. In this context, SEMA, which is not a statutory regulation enacted by the legislature, occupies a lower position than statutory law. Therefore, the substance of SEMA must not conflict with the Civil registration Law, this conflict is significant because the law is legally binding and hierarchically superior. It also creates practical challenges. Following the issuance of SEMA No. 2 of 2023, many district courts have rejected petitions for interfaith marriage registration in compliance with the Supreme Court's directive. Consequently, interfaith couples have lost access to judicial rulings previously used to register their marriages with the Civil Registry Office (Disdukcapil), limiting the judiciary's role in ensuring legal protection.

From the perspective of legal principles, this disharmony violates the doctrine of *lex superior derogat legi inferiori*, which holds that higher legal norms override lower ones. It also contradicts the principle of legality, which requires that all state actions, including those of the judiciary, be based on valid law and not conflict with higher legal norms. In this case, SEMA as a judicial guideline cannot serve as the basis for rejecting citizens' petitions if it contradicts statutory law. The impact of this disharmony is highly significant for the administrative rights of interfaith couples. When courts no longer provide access for interfaith couples to obtain legal rulings, they lose the legal basis for marriage registration at Disdukcapil. This means the state does not legally recognize these marriages, resulting in the inability to issue essential civil documents such as Family Cards, children's Birth Certificates, and other administrative documents. In this context, the right to

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<https://doi.org/https://ejournal.stai-mifda.ac.id/index.php/jmkhi/article/view/140>.

legal identity as part of human rights is neglected.<sup>11</sup> Moreover, the principle of the rule of law (*rechtstaat*), as mandated by Article 1 paragraph (3) of the 1945 Constitution, requires that all government and state institution actions comply with the law and guarantee the protection of citizens' constitutional rights. When SEMA becomes an obstacle to the exercise of citizens' administrative rights, the function of an inclusive rule of law is disrupted. Article 28D paragraph (1) of the 1945 Constitution affirms that everyone has the right to recognition, guarantees, protection, and fair legal certainty as well as equal treatment before the law. This disharmony clearly impedes the realization of these rights for interfaith couples.

In comparison, the Civil registration Law was established as a secular legal instrument designed to provide administrative protection to all residents without discrimination based on religious background. This is reflected in Article 1 number 1 of the Civil registration Law, which defines civil registration as a series of activities involving the organization and documentation of population data through the national civil registration system. The legal logic underlying the Civil registration Law is the state's recognition of legal events occurring in society, not the assessment of the religious validity of a marriage event. Therefore, marriage registration is an administrative act that should not be constrained by religious norms. As a consequence of this disharmony, overlapping authority occurs between the courts, Disdukcapil, and religious institutions. Civil Registry officials often face confusion in processing applications for interfaith marriage registration due to the absence of court rulings that can serve as the legal basis for registration.<sup>12</sup> This situation hampers public service delivery in civil registration and

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<sup>11</sup> Maryati et al., "The Dynamic Landscape of Interfaith Marriage in Indonesia: Navigating The Supreme Court Circular Letter (SEMA) No. 02 of 2023 and Civil registration Law."

<sup>12</sup> Dashilfa Afifah et al., "Keabsahan Pencatatan Perkawinan Beda Agama Antar Warga Negara Indonesia Yang Dilakukan Di Luar Negeri," *Media Hukum Indonesia (MHI)* 2, no. 3 (2024): 69-74, <https://doi.org/doi.org/10.5281/zenodo.11534715>.

creates legal uncertainty, particularly for socially and structurally vulnerable citizens. This highlighted the need for regulatory harmonization between religious norms, administrative law, and human rights principles. In a modern legal system, an inclusive approach to social regulation is essential to ensure that the law does not become a tool of exclusion against minority groups. The Supreme Court, as the highest judicial institution, should perform its function as the guardian of the constitution rather than merely acting as an extension of exclusive religious interpretations. When SEMA is used as an instrument to deny administrative rights, the essence of law as an instrument of justice is lost.

## **2. Juridical and Sociological Implications of SEMA No. 2 of 2023 for the Administrative Rights of Interfaith Couples in Indonesia**

The issuance of Supreme Court Circular Letter (SEMA) Number 2 of 2023 has significant juridical implications for the administrative rights of interfaith couples in Indonesia. This circular instructs judges not to grant applications for the registration of marriages between individuals of different religions and beliefs, based on Article 2 paragraph (1) and Article 8 letter (f) of Law Number 1 of 1974 concerning Marriage. These provisions affirmed that a valid marriage is one conducted according to the laws of each party's respective religion and belief.

The first juridical implication discussing administrative rights is the restriction on marriage registration in Indonesia. With the issuance of this SEMA, interfaith couples can no longer submit applications for marriage registration to the District Court.<sup>13</sup> Consequently, they are unable to obtain a marriage certificate legally recognized under Indonesian law, which is the basis for acquiring administrative rights such as the Family Card (Kartu Keluarga, KK) and Identity Card (*Kartu Tanda Penduduk*, KTP)

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<sup>13</sup> Evelyn Fenecia et al., "Kepastian Hukum Sema Nomor 2 Tahun 2023 Terhadap Pencatatan Perkawinan Antar-Agama Dalam Bingkai Kebhinnekaan Indonesia," *PAMALI: Pattimura Magister Law Review* 4, no. 2 (2024): 128–40, <https://doi.org/10.47268/pamali.v4i2.2192>.

with the status of “married.” Marriage registration is crucial to ensure legal certainty regarding the marital status of citizens, as noted by Arso Sastroatmodjo and A. Wasit Aulawi defines marriage registration as an act carried out by an authorized institution to record marriages and divorces in accordance with applicable regulations and to document them in an official register. Similarly, M. Yahya Harahap views marriage registration as an administrative process through which civil registry officials record important legal events related to marriage. From the perspective of the Supreme Court, the issuance of SEMA Number 2 of 2023 may be understood as an effort to maintain consistency in the application of Article 2 paragraph (1) of the Marriage Law, which requires a marriage to be conducted in accordance with the parties' respective religious laws and beliefs. The policy also aims to provide uniform guidance for judges and prevent divergent judicial decisions concerning interfaith marriage registration. Nevertheless, the implementation of this policy raises significant legal and administrative concerns. By limiting access to court determinations as a prerequisite for marriage registration, interfaith couples may encounter difficulties in obtaining official marriage certificates and related civil documents. This condition may affect access to various public services that require proof of marital status, including inheritance administration, social security benefits, and healthcare services.<sup>14</sup> Furthermore, the shift from a more permissive to a restrictive judicial approach under SEMA has created legal uncertainty for interfaith couples seeking legal recognition of their marriages. Although SEMA aims to ensure consistent interpretation of marriage law, it continues to raise concerns over legal certainty, equal access to administrative services, and the protection of constitutional rights. Several parties, including the SETARA Institute, have criticized this SEMA for being inconsistent with

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<sup>14</sup> Hasnul Arifin et al., “Legal Certainty of Interfaith Marriage After SEMA No . 02 of 2023 Maqasid Sharia Perspective,” *An-Nisa: Journal of Islamic Family Law* 2, no. 4 (2025): 258–70, <https://doi.org/doi.org/10.63142/an-nisa.v2i4.303>.

the principles of pluralism and human rights.<sup>15</sup> They argue that the SEMA restricts religious freedom and has the potential to discriminate against interfaith couples. The issuance of SEMA Number 2 of 2023 significantly impacts the administrative rights of interfaith couples in Indonesia by limiting their access to official marriage certificates, which in turn affects other administrative rights. The criticism of this SEMA highlights the tension between legal policy and the principles of human rights and pluralism in Indonesia. The SETARA Institute argues that, substantively, SEMA No. 2 of 2023 is inconsistent with Indonesia's pluralism and the foundational values of Pancasila. The sociological implications of SEMA Number 2 of 2023 on the administrative rights of interfaith couples in Indonesia are broad and affect various aspects of social life. First, it leads to social discrimination and marginalization. Without legal recognition of interfaith marriages through civil registration, these couples risk social stigma and marginalization. They are perceived as violating religious and state norms and may be ostracized or rejected by their respective communities. Society tends to assess the legality of marriage from formal aspects (marriage certificates), so couples unable to register their marriages are considered "invalid," even within social and family contexts. Children from these marriages may become victims of discrimination, for example, in education, civil registration, or inheritance rights.

Second, SEMA may intensify interreligious tensions and social polarization by reinforcing the perception that the state favors certain religious interpretations within the legal system, potentially provoking tensions between religious communities.<sup>16</sup> This may give the impression that the state favors a single religious viewpoint, thereby marginalizing more

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<sup>15</sup> Andi Saputra "SETARA Minta MA Cabut SE Larangan Hakim Izinkan Nikah Beda Agama" *Detiknews*, 2023, <https://news.detik.com/berita/d-6832184/setara-minta-ma-cabut-se-larangan-hakim-izinkan-nikah-beda-agama>. (15 Mei 2026)

<sup>16</sup> Mukhaimin Sukri and Ridham Priskap, "PERLINDUNGAN HAK KONSTITUSIONAL WARGA NEGARA DALAM PERKAWINAN BEDA AGAMA: ANALIS SEMA NOMOR 2 TAHUN 2023," *Limbago: Journal of Constitutional Law* 4, no. 2 (2024): 193–204.

inclusive religious groups. This could deepen social polarization, as pluralistic religious communities feel that the state is not neutral in public policy concerning diversity. Third, the SEMA imposes limitations on social mobility. Interfaith couples who cannot officially register their marriages face administrative barriers in accessing social services such as insurance, inheritance, household affairs, and their children's education.<sup>17</sup> This can hinder their social mobility, as without official documents, they will struggle with administrative processes that determine access to resources. Consequently, structural inequality arises, not only legally but also socially and economically. Fourth, SEMA may increase the incidence of elopement and overseas marriages as couples seek legal recognition. This reflects a gap between formal law and societal needs and may ultimately lead to legal dualism between state law and social practice. Such phenomena can erode public trust in the national legal system and foster ambiguous practices in civil registration. Fifth, the SEMA may cause internal conflicts within families and communities. Interfaith couples often face rejection from their families or religious communities. When the state fails to provide legal recognition, identity conflicts and family tensions may intensify. Children of interfaith couples may also face identity challenges due to uncertain legal and religious status. More broadly, this can disrupt social cohesion by fostering distrust among individuals and communities toward the state. Thus, the sociological implications of SEMA Number 2 of 2023 demonstrated that the policy not only affects the legal sphere but also deepens social inequality, reinforces discrimination, and potentially weakens social cohesion in Indonesia's pluralistic society. When the state closes legal avenues for diverse social practices, society will seek alternative paths that may bring greater social and cultural risks in the future.

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<sup>17</sup> Baetillah, "Perkawinan Beda Agama Dan Implikasinya Terhadap Penegakan Hukum Keluarga Di Indonesia."

### **C. Conclusion**

The contradiction between Supreme Court Circular Letter (SEMA) Number 2 of 2023 and Law Number 23 of 2006 on Civil registration demonstrated a normative inconsistency within Indonesia's legal framework governing interfaith marriages. On the other hand the Marriage Law emphasized the religious validity of marriage and serves as the primary basis for the Supreme Court's restrictive approach, the Civil registration Law provides an administrative mechanism for the registration of marriage events through court determinations. This difference in legal orientation has created uncertainty regarding the legal status and administrative recognition of interfaith marriages, particularly after the issuance of SEMA No. 2 of 2023. As a result, interfaith couples face difficulties in obtaining legal recognition of their marriages and accessing essential civil documents that are closely linked to the fulfillment of their constitutional and administrative rights.

Furthermore, the juridical and sociological implications of this normative disharmony extend beyond legal administration and affect broader aspects of social life. Although SEMA aims to ensure consistency in the application of the Marriage Law and provide uniform guidance for judges, its implementation has raised concerns regarding legal certainty, equal access to public services, and the protection of citizens' rights in a pluralistic society. Therefore, harmonizing the Marriage Law, the Civil Registration Law, and judicial policy is essential to ensure legal certainty, protect constitutional rights, and establish a more coherent and inclusive legal framework that respects Indonesia's social diversity, justice, equality before the law, and religious values.

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