

Indonesian law on interfaith unions thrown into spotlight

Debate rages after legal challenge questions religions role in marriage

Ryan Dagur, *UCANews*, 8 December 2014



Fransisca Ike Pratiwi, a Catholic woman, and Bayu Ratno, a Muslim man, married at a Catholic church in Jakarta in 2011 (Photo courtesy of Bayu Ratno/ucanews.com)

When Ardiyanto, a devout Catholic, fell in love with a Muslim woman named Mariani, he never thought that the newfound relationship would come between him and his faith. But as the couple prepared to marry five years later, the bride's parents made a painful demand: the marriage, they said, must be Islamic.

"I had no choice," he said. "So I said yes."

The couple took a vow at the local Office of Religious Affairs, where Indonesian Muslims are required to be married. People from other faiths register their marriages at the Civil Registry Office. Now, Ardiyanto feels conflicted by this religious duality — a practising Catholic in his heart, but a Muslim before the law.

"I can't convert to Islam, which I don't belong to," he said. "I can't go to church, either, because I have said a marriage vow at the local KUA."

Ardiyanto and Mariani are not their real names — Aridyanto asked ucanews.com for anonymity because of the sensitivity of the issue. But in Indonesia, the couple is representative of a larger conundrum in the sprawling, wildly diverse nation. The Muslim faith dominates, but there are also large communities of minority religions, including Christianity, Buddhism, Hinduism, Confucianism and indigenous faiths. Now, the country's highest court is tackling the divisive issue of interfaith marriage.

In August, five law students from the state-run University of Indonesia filed a request for a judicial review, asking the Constitutional Court to examine the country's 1974 law on marriage. They take aim at an article that declares, "marriage is legitimate if done according to the law of each religion and belief" — wording that they say is too vague, and that has in practice been used to force religious conversions in interfaith unions.

Since early September, the court has been hearing from an array of the country's most influential religious leaders. Their submissions show that when it comes to religion's role in marriage, the opinions are as divergent as the country's faiths.

The right to marry

For some Christian organizations, the law is problematic. Fr. Yohanes Purba Tamtomo, representing the Indonesian bishops' conference, told the court that interfaith couples have had difficulty registering their marriages even at the civil registry. Often, one of the couples is "forced" to convert, on paper, to smooth over the bureaucratic hurdles.

According to the Catholic Church, Yohanes said, no one can force others to convert to a certain religion for the purpose of marriage. "Such a stance can also make it difficult for people to fulfill their right to marry if their partners are from different religions," he said.

Nikson Gans Lalu, from the Communion of Churches in Indonesia, told the court in his submissions that there is no theological barrier to interfaith marriages, as far as his organization is concerned. "The law's article has produced a discriminative policy for couples that want to have interfaith marriages," he said.

Jesuit Fr. Franz Magnis-Suseno, a professor at the Jakarta-based Driyarkara School of Philosophy, said faith is a personal issue, and not one for the state to dictate. "It is not the state's task to force citizens to get married according to a certain religious law," he told the court in his submissions on Dec. 4.

The government's role, he argued, is not to control religion but to provide protection and support. "So how the life of faith is performed must be decided by every citizen according to their own religion and faith," the priest said.

A representative of the Supreme Council for Confucian Religion, or Matakina, also spoke in support of interfaith marriages. "A marriage between a man and a woman is God's word. The difference of religion, race, culture and ethnicity must not prevent couples from getting married," Uung Sendana L. Linggaraja said.

On the other side of the line, the country's largest Islamic organization, Nahdlatul Ulama, opposes interfaith marriages as far as Muslims are concerned.

“It can be said that interfaith marriage cannot be done in an Islamic way and cannot be registered at (Civil Registry Office),” he told the court during his submissions. “Interfaith marriage will create problems, including the children’s religious status.”

Similarly, the top Islamic authority, the Indonesian Ulema Council, has also supported the law as it stands now.

Also, I Nengah Dana, from the Hindu institution Parisada Hindu Dharma Indonesia, has argued that interfaith marriages are not valid and that switching religions for the purpose of marriage is not a violation of human rights.

The Constitutional Court’s hearings into the matter are ongoing. But Indonesia’s religious affairs minister, Lukman Hakim Saifuddin, questions the religious foundation of interfaith marriage. “If interfaith marriage is legalized, there will be further problems,” he said in an interview with ucanews.com. “Every religion sees its own religious teachings as the right ones. So it is difficult to unite such different views.”

Respect

For Fransisca Ike Pratiwi and Bayu Ratno, however, differing faiths have not been a barrier to a successful marriage. Ratno, a Muslim, married his wife, a Christian, in a Catholic church.

“We want to make people realize that having an interfaith marriage is not always bad. The principle is simple: we respect each other. This is what we always do,” Ratno told ucanews.com. “If I can be a good Muslim and my wife can be a good Catholic, there will be no problem. Our religions have good religious teachings,” he said.

Another interfaith couple told ucanews.com that they do not see the law as an impediment to their marriage. Gregorius Charlesio Jusman, a Catholic, and Isti Nartoharjono, a Muslim, plan to wed next year. Jusman said the parents of his bride-to-be have no problem with their union. Though the couple will be married in a Catholic church, Jusman said they both plan to maintain their respective religions after marriage. “We know about the law’s article,” he said. “Well, the state must not prevent a citizen from falling in love with another person from a different religious background.”

But for Ardiyanto, the Catholic who converted to Islam at the wishes of his Muslim in-laws, married life continues to complicate his spiritual one. Ardiyanto said he remains a Catholic on the inside, despite taking his marriage vows as a Muslim. “I still have my Catholic faith in my heart,” he said.