



Implementation of Marriage Rights Under the Universal Declaration of Human Rights in Indonesia

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ABSTRACT

This research examines the compatibility of Indonesia's marriage laws with the Universal Declaration of Human Rights (UDHR), emphasizing issues of equality, freedom, and non-discrimination. Article 16 of the UDHR guarantees the universal right to marry based on free and full consent, without discrimination. However, Indonesia's legal framework, particularly the 1974 Marriage Law, reflects the nation's dualist legal approach and its emphasis on particularity, whereby international human rights norms are selectively integrated into domestic law based on cultural and religious contexts. These restrictions include barriers to interfaith marriages, exclusion of non-religious individuals, and gender inequalities perpetuated by provisions such as polygamy. While the law preserves Indonesia's cultural and religious diversity, it often conflicts with international human rights standards, highlighting tensions between universal norms and local practices. The study employs a juridical normative approach, analyzing legal instruments, court decisions, and international treaties to evaluate Indonesia's partial alignment with UDHR principles. Findings reveal systemic gaps, including discriminatory legal barriers for interfaith couples and women, inconsistent application of administrative provisions for marriage registration, and cultural practices like child marriages that undermine equality and autonomy. The research underscores the need for comprehensive reforms to harmonize Indonesia's marriage laws with UDHR standards.

INTRODUCTION

Marriage rights stand as a cornerstone of fundamental human rights, reflecting the principles of equality, freedom, and dignity (Kennedy, 2023). These rights are enshrined in global human rights frameworks, notably the Universal Declaration of Human Rights (UDHR), which emphasizes the right of individuals to choose their partners and form families free from coercion or discrimination (Vundamati, 2021). UDHR is a form of international declaration adopted by the United Nations General Assembly on December 10, 1948. While it serves as a foundational document establishing universal principles of human rights, the UDHR is not legally binding, including for Indonesia. It functions as a moral and ethical guide, inspiring the development of international human rights law and national legislation, but it does not impose direct legal obligations on member states, including Indonesia, unless these principles are incorporated into binding treaties or domestic laws. Article 16 of the UDHR specifically asserts that men and women of full age have the right to marry and establish families without limitations based on race, nationality, or religion. It also mandates that marriage be entered into only with the free and full consent of the intending spouses, further highlighting the intrinsic relationship between marriage rights and human dignity. These universal principles form the foundation for legal and social structures that uphold individual autonomy and equality within marriage.

Indonesia, as the largest Muslim-majority country in the world, operates within a complex legal and cultural framework that intertwines national legislation with deeply rooted religious and traditional norms (Dewi, 2023). The country's 1974 Marriage Law, the principal legal instrument governing marriage, mandates that all marriages must conform to the religious laws of the parties involved. It also requires mutual consent from both parties and sets a legal minimum age for marriage, which was initially 19 for men and 16 for women but later amended to 19 for both genders. While the law ostensibly aims to regulate marriage in alignment with societal and cultural values, its requirement for religious conformity creates significant barriers for certain individuals and couples, particularly those in interfaith unions or those who identify as non-religious (Santoso, 2016). In practice, the framework privileges certain religious and cultural norms, raising critical questions about its compatibility with the universal principles enshrined in the UDHR.

The legal landscape governing marriage in Indonesia is fraught with challenges that often pit religious and cultural norms against international human rights obligations. For instance, interfaith marriages, though not explicitly prohibited, face considerable legal ambiguity and societal resistance, often requiring one partner to convert to the other's religion to satisfy the legal requirements for marriage registration (Betlehn, 2022). Similarly, non-religious individuals face systemic exclusion, as the absence of recognition for civil or non-religious marriage leaves them without a legal avenue to formalize their unions. These restrictions run counter to the UDHR's principles of equality and non-discrimination, calling into question the alignment of Indonesia's marriage laws with its international commitments.

This tension between domestic legal provisions and international human rights norms underpins the central problem of this research: whether Indonesia's marriage laws are fundamentally at odds with the UDHR's provisions on marriage rights (DM & Saragih, 2022). While Indonesia has ratified key international human rights instruments, its domestic framework for marriage raises concerns about its adherence to the principles of equality and freedom from discrimination. These concerns are amplified by the influence of deeply entrenched cultural practices and religious norms that often perpetuate systemic discrimination. For instance, provisions allowing polygamy under Islamic law contrast sharply with international standards that emphasize gender equality (Mehmood & Saeed, 2023). Furthermore, despite legal reforms aimed at curbing child marriages, these practices remain prevalent in many regions, reflecting the enduring influence of cultural and economic factors.

Indonesia's legal framework on marriage reflects a complex interplay between religious, cultural, and legal dimensions, each contributing to the challenges faced by individuals in exercising their marriage rights (Putri et al., 2024). The requirement for marriages to align with religious laws exemplifies the dominance of religious norms in the country's legal system, often resulting in discriminatory practices against interfaith couples, religious minorities, and non-believers. Cultural practices, such as arranged marriages and dowries, further complicate the realization of the free and full consent required under the UDHR. Additionally, gender inequality remains a pervasive issue, with societal expectations and legal provisions disproportionately affecting women's autonomy within marriage. These challenges highlight the urgent need for a critical examination of the compatibility of Indonesia's marriage laws with the UDHR.

The research seeks to address two pivotal questions: Should Indonesia continue to base its marriage laws on religious frameworks, given their significant cultural and societal influence? Are these laws aligned with international human rights standards, particularly the principles outlined in UDHR? By examining the compatibility of Indonesia's legal framework with global norms, this study aims to address this gap by examining the alignment of Indonesia's marriage laws with the UDHR's provisions on marriage rights. It seeks to analyze the extent to which Indonesian laws uphold the principles of equality, freedom, and non-discrimination articulated in the UDHR and identify the major challenges to their implementation. By doing so, the research aims to provide actionable recommendations for harmonizing Indonesia's legal framework with international human rights standards. Specifically, the study will analyze how marriage rights are defined and protected under the UDHR, evaluate the extent of Indonesia's compliance with these rights, and identify the primary obstacles to their realization in the Indonesian context.

The significance of this research lies in its potential to contribute to the broader discourse on human rights in Indonesia by addressing the intersection of law, religion, and cultural practices. By identifying gaps in the country's legal framework, the study seeks to provide evidence-based insights to support advocacy and reform efforts aimed at ensuring universal marriage rights. Its

findings are intended to inform policymakers, legal practitioners, and human rights advocates, offering practical guidance for designing laws and policies that respect both universal human rights principles and Indonesia's unique socio-cultural context. Furthermore, the research contributes to the academic understanding of human rights in Indonesia, shedding light on the interplay between international norms and domestic practices.

The research focuses on the compatibility of Indonesia's marriage laws with the UDHR, with an emphasis on issues of discrimination and the influence of religious and cultural practices. It examines the 1974 Marriage Law and its subsequent amendments, relevant international human rights instruments, and the social and cultural factors that shape marriage practices in Indonesia. However, the study also acknowledges certain limitations, including the complexity of Indonesia's diverse cultural landscape and the challenges of generalizing findings across the country. Additionally, the variability in the interpretation and enforcement of marriage laws at local levels and the lack of reliable data on marriage rights violations in marginalized communities may present challenges to the study's comprehensiveness.

LITERATURE REVIEW

Marriage rights, as a component of fundamental human rights, have long been a subject of scholarly inquiry and legal interpretation, underscoring their importance in the broader discourse of equality and personal freedom. UDHR, adopted in 1948, serves as the cornerstone of international human rights law and provides an essential framework for understanding marriage rights (Mehmood & Saeed, 2023). Article 16 of the UDHR explicitly addresses these rights, stating that men and women of full age have the right to marry and found a family, without any limitations based on race, nationality, or religion. It further emphasizes that marriage must be entered into with the free and full consent of the intending spouses and that the family, as the fundamental group unit of society, is entitled to protection by both society and the state. These provisions highlight the universality of marriage rights and their philosophical foundation in the principles of equality, dignity, and freedom.

The UDHR's articulation of marriage rights reflects the broader philosophical underpinnings of international law, which aim to safeguard individual autonomy while promoting social cohesion (E. Sundari & Retnowati, 2024). By recognizing the inherent dignity and equality of all individuals, international human rights frameworks seek to ensure that marriage is a voluntary and consensual union free from coercion, discrimination, or undue influence. This philosophical foundation is further reinforced by subsequent international instruments such as the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which elaborate on states' obligations to protect and promote marriage rights in a non-discriminatory manner (Fitri, 2023). These instruments collectively establish a robust normative framework for understanding marriage rights as an integral aspect of human rights.

As a nation that employs a dualist approach to the relationship between international and domestic law, Indonesia reflects this stance in its regulation of interfaith marriage (Hadi, 2022). While international human rights principles, such as those articulated in the UDHR 1948, uphold the right to marry without discrimination based on religion, Indonesia integrates such norms selectively through national legislation that aligns with its socio-cultural and religious context (Wardana, 2024). The dualist perspective requires that international principles be formally adopted through domestic legal instruments to have binding force (Jambak et al., 2024). Consequently, interfaith marriages in Indonesia are subject to the framework of national laws, particularly the Marriage Law of 1974, which stipulates that a marriage is valid only if conducted according to the religious laws of the parties involved. This creates a complex dynamic where international norms promoting equality and freedom must coexist with Indonesia's unique legal, cultural, and religious considerations, highlighting the challenges of harmonizing universal rights with local traditions.

Religious and customary laws play a particularly significant role in shaping marriage practices in Indonesia, often resulting in tensions between universal human rights principles and local traditions (Bukido et al., 2021). For example, Islamic law, which governs the majority of the population, permits polygamy under certain conditions, a practice that has been criticized for its potential to undermine gender equality. Similarly, customary practices such as arranged marriages and child marriages, while deeply rooted in cultural traditions, raise concerns about their compatibility with international standards on free and informed consent (Santoso, 2016). These tensions are further exacerbated by regional variations in the interpretation and application of marriage laws, reflecting the diversity of Indonesia's cultural and religious landscape.

The interplay between Indonesia's marriage laws and international human rights standards has been the subject of extensive scholarly debate, with researchers exploring the implications of religious and cultural influences on the realization of marriage rights. Studies have highlighted the challenges faced by interfaith couples, who often encounter legal and societal barriers to formalizing their unions, as well as the systemic discrimination faced by non-religious individuals, whose marriages are not legally recognized under the current framework (Maloko et al., 2024). Other studies have examined the persistence of child marriages despite legal reforms, pointing to the influence of economic and cultural factors in perpetuating these practices. These debates underscore the need for a critical examination of the compatibility of Indonesia's marriage laws with international human rights norms.

Comparative studies on marriage rights across nations provide valuable insights into the intersection of human rights and local traditions, offering perspectives that can inform the Indonesian context. For instance, countries such as South Africa and India, which similarly grapple with the coexistence of religious and customary laws within a unified legal framework, have adopted approaches that seek to balance universal human rights principles with respect

for cultural diversity. South Africa's constitutional commitment to equality and non-discrimination, combined with its recognition of customary marriages, provides a potential model for addressing similar challenges in Indonesia (Crespin-Boucaud, 2020). Meanwhile, India's legal system, which accommodates diverse religious personal laws while seeking to uphold fundamental rights, highlights the complexities and potential pitfalls of such an approach (Verma, 2017). These comparative perspectives illustrate the ways in which national laws can be harmonized with international standards while respecting local traditions.

Critical perspectives on the intersection of human rights and local traditions further illuminate the challenges of implementing universal marriage rights in diverse cultural contexts (Betlehn, 2022). Scholars have argued that the imposition of international norms on local practices can sometimes result in resistance or unintended consequences, emphasizing the importance of a culturally sensitive approach to legal reform. At the same time, others have highlighted the need for a principled commitment to human rights, arguing that cultural practices that perpetuate discrimination or inequality should not be shielded from scrutiny (Putri et al., 2024). These debates reflect the broader tensions between universality and cultural relativism that characterize the field of human rights.

The conceptual framework for this study is grounded in the definitions of key terms such as "marriage rights" and "implementation," which are critical for understanding the relationship between international norms and national laws. Marriage rights, as articulated in the UDHR and related instruments, encompass the rights of individuals to freely choose their partners, consent to marriage, and enjoy equality within marriage. Implementation, in this context, refers to the processes through which these rights are translated into legal and policy frameworks, as well as the mechanisms for ensuring their realization in practice. By examining the interplay between these concepts, the study seeks to explore the ways in which international norms are adapted to, or resisted by, national legal systems.

The relationship between international norms and national laws is a central theme of this study, reflecting the broader dynamics of globalization and legal pluralism. While international human rights instruments provide a universal standard for marriage rights, their implementation often depends on the willingness and capacity of states to align their domestic laws with these norms. In the case of Indonesia, this process is shaped by the country's unique cultural and religious context, which presents both opportunities and challenges for the realization of universal marriage rights. By analyzing the ways in which international norms are integrated into Indonesia's legal framework, the study aims to identify the gaps and tensions that hinder their effective implementation.

METHODOLOGY

This study employs a juridical normative approach, focusing on the analysis of legal texts and frameworks to assess the compatibility of Indonesian marriage laws with international human rights standards, particularly the

UDHR (Sunggono, 2019). The approach centers on a systematic examination of relevant legal instruments, providing a structured basis for identifying areas of alignment and divergence.

Primary sources form the foundation of the analysis, including international treaties such as the UDHR and related human rights conventions, Indonesian laws such as the 1974 Marriage Law, and pertinent court decisions that interpret or apply these laws (Soekanto & Mamudji, 2024). These are supplemented by secondary sources, such as academic articles, legal commentaries, and reviews, which offer critical insights and contextual understanding of the issues at hand. The combination of primary and secondary sources ensures a comprehensive and nuanced analysis of the legal and theoretical dimensions of marriage rights in Indonesia.

The study relies on document review as its primary data collection technique, examining statutes, case law, and international agreements to extract relevant information. This review is guided by an analytical framework that emphasizes normative comparison, evaluating Indonesian legal instruments against the UDHR's provisions on marriage rights (Suyanto, 2022). By identifying congruencies and gaps, the framework allows for a detailed assessment of how well Indonesia's laws align with international norms and highlights areas requiring reform. Through this methodology, the research aims to contribute actionable insights into bridging the gap between national legislation and universal human rights principles.

RESEARCH RESULT

Marriage rights, as outlined in the UDHR, are fundamental to the principles of equality, dignity, and autonomy. Article 16 of the UDHR specifically establishes the universal right of men and women of full age to marry and found a family, without discrimination based on race, nationality, or religion. The article further stipulates that marriage should be entered into only with the free and full consent of the intending spouses. These provisions emphasize freedom of choice, mutual consent, and equality in marital relationships, forming the cornerstone of marriage rights in international human rights law (Mehmood & Saeed, 2023). The UDHR also positions the family as the fundamental unit of society, deserving protection and support from both the state and society.

Although Indonesia recognizes UDHR as a universal framework for the protection of human rights, its implementation is nuanced by the nation's ideological foundation. The Constitutional Court, in its Decision No. 008/PUU-IV/2006, affirmed that the UDHR is a declaration of ideals rather than a legally binding instrument. As such, while the principles of the UDHR are respected and acknowledged as a global standard, their application must align with Indonesia's Pancasila ideology and constitutional provisions. Pancasila, as the foundational norm (*grundnorm*) of Indonesia, has long served as the basis for societal interactions (Kennedy & Wartoyo, 2024). Reflecting the first principle, "Belief in the One and Only God," regulations concerning marriage are also required to align with this principle. This approach underscores the country's

commitment to human rights within the context of its unique cultural, religious, and political framework.

This position reflects the balance Indonesia seeks to maintain between upholding universal human rights and preserving its national identity. The Constitutional Court's decision emphasizes that international human rights norms must be interpreted in a manner consistent with the values enshrined in the 1945 Constitution and the principles of Pancasila. This interpretation allows Indonesia to tailor the implementation of human rights standards to its societal context, ensuring that the UDHR serves as a guiding framework rather than a prescriptive legal obligation. This approach highlights the country's stance on human rights as being both universal in aspiration and particular in application.

Critics of this approach argue that interpreting UDHR based on national ideology risks undermining its universal applicability and diluting its principles. The UDHR was designed as a global framework to ensure the protection of human rights beyond the boundaries of cultural, religious, or ideological differences. By conditioning its implementation on local values, there is a potential to justify practices that may conflict with fundamental human rights, such as equality and non-discrimination (Galchinsky, 2010). Such an interpretation could lead to selective adherence, where rights are upheld inconsistently or disregarded entirely under the pretext of aligning with national ideologies. This counterargument emphasizes that while cultural and ideological considerations are important, they should not override the core principles of the UDHR, which aim to protect individual dignity and freedom universally.

Indonesia's marriage laws, primarily governed by Law No. 1 of 1974 on Marriage, present a complex legal framework influenced by religious norms and cultural values. The law states that a marriage is valid only if performed according to the religious laws of the parties involved. This requirement effectively incorporates religious doctrine into the legal system, thereby influencing the recognition and regulation of marriage (Permanasari, 2023). While this framework reflects Indonesia's rich cultural and religious diversity, it creates significant tensions with the universal principles outlined in the UDHR, particularly concerning interfaith marriages. Despite these tensions, administrative provisions under Law No. 23 of 2006, specifically Article 35(a), provide limited avenues for the acknowledgment of interfaith marriages, allowing them to be recorded under certain conditions (Hikmah, 2023). However, these administrative pathways are fraught with ambiguity and inconsistent application, limiting their practical utility for many couples.

Judicial decisions further illuminate the challenges in aligning Indonesia's marriage laws with the principles of the UDHR. In 2022, the Constitutional Court (Mahkamah Konstitusi), through its decision No. 24/PUU-XX/2022, reaffirmed the provision in Law No. 1 of 1974, declaring that interfaith marriages are not legally valid under Indonesian law. This decision underscores the prioritization of religious conformity over individual autonomy and equality, effectively excluding interfaith couples from accessing

their marriage rights. Constitutional Court decision mentioned that it is the duty of the state to ensure the implementation of religious teachings which is the essence of the Indonesian Constitution Article 28B and 29.

Additionally, the issuance of Supreme Court Circular No. 2 of 2023 (Surat Edaran MA No. 2 Tahun 2023) provided procedural guidance for judges in adjudicating cases involving the registration of interfaith marriages. While these guidelines aim to address procedural ambiguities, they also highlight the broader systemic reluctance to fully embrace the principles of non-discrimination and equality enshrined in the UDHR.

Case studies and observations reveal the significant practical challenges faced by individuals seeking to exercise their marriage rights in Indonesia. For instance, interfaith couples often navigate a complex and uncertain legal landscape, resorting to strategies such as converting to one partner's religion, marrying abroad, or relying on administrative loopholes to have their unions recognized (Perry, 2008). These approaches, while offering temporary solutions, underscore the personal and financial burdens imposed by a legal framework that does not fully accommodate diverse marital arrangements. Moreover, societal attitudes and cultural norms often exacerbate these challenges, with interfaith marriages frequently facing stigma and resistance from both families and communities.

The recognition of interfaith marriages under Article 35(a) of Law No. 23 of 2006 represents a partial but insufficient step toward addressing these issues. The article provides that interfaith marriages may be recorded administratively, provided that certain legal and procedural requirements are met. However, the implementation of this provision varies across jurisdictions, reflecting inconsistent interpretations and a lack of uniform guidance. In many cases, local officials are reluctant to process such registrations due to concerns about religious sensitivities or potential legal challenges, further complicating the process for interfaith couples.

The findings of this research reveal significant deviations between Indonesia's marriage laws and the principles of equality and non-discrimination articulated in the UDHR. The emphasis on religious conformity within the legal framework not only restricts access to marriage rights for certain groups but also perpetuates systemic discrimination and inequality (Cantonia & Majid, 2021). This is particularly evident in the treatment of interfaith marriages, which face legal, administrative, and societal barriers that undermine the universal principles of autonomy and equality. While administrative provisions under Law No. 23 of 2006 offer some acknowledgment of interfaith unions, these mechanisms are limited in scope and effectiveness, falling short of the comprehensive protections envisioned under the UDHR.

The practical implementation of marriage rights in Indonesia also highlights the broader challenges of balancing universal human rights principles with local cultural and religious traditions. Judicial and administrative processes are often influenced by societal attitudes and religious norms, leading to inconsistent outcomes and limited access to legal remedies

for affected individuals (Firdaus, 2023). For example, the reliance on judicial discretion in cases involving interfaith marriages has resulted in varied interpretations and applications of the law, with some judges adopting more progressive stances while others adhere strictly to traditional norms. These inconsistencies further complicate the realization of marriage rights, emphasizing the need for clearer legal guidelines and greater alignment with international human rights standards.

In conclusion, the analysis of Indonesia's marriage laws and their alignment with the UDHR underscores the complex interplay between universal human rights norms and local cultural and religious practices. While Indonesia has made some progress in acknowledging interfaith marriages through administrative provisions, significant gaps remain in the legal framework, particularly concerning the recognition and protection of diverse marital arrangements. The restrictive interpretation of marriage rights, as reflected in key judicial decisions and administrative practices, highlights the need for comprehensive reforms to ensure that the principles of equality and non-discrimination are upheld. By addressing these gaps and aligning domestic laws with international standards, Indonesia can move closer to realizing the universal principles enshrined in the UDHR and ensuring that marriage rights are accessible to all individuals, regardless of their religious or cultural background.

DISCUSSION

The implementation of marriage rights, as enshrined in the UDHR, faces significant challenges in Indonesia. Article 16 of the UDHR establishes the right of men and women of full age to marry and form a family, emphasizing principles of equality, non-discrimination, and freedom of choice. However, translating these universal norms into national legislation and practice has proven complex in Indonesia, where legal politics, religious pluralism, and deeply rooted cultural traditions intersect (Sadi et al., 2023). These dynamics have created a challenging environment for ensuring the universal realization of marriage rights, particularly for minorities, interfaith couples, and women.

One of the major challenges in implementing UDHR marriage rights in Indonesia lies in the legal and political framework shaped by the dominance of the majority. As a nation with a Muslim majority, Indonesia's legal system is heavily influenced by Islamic principles, which are embedded in the Marriage Law (Law No. 1 of 1974). This framework requires that marriages conform to the religious laws of the parties involved, effectively marginalizing individuals and couples whose unions do not align with the dominant religious norms (Amri, 2020). For example, interfaith marriages, while not explicitly prohibited, face significant legal and societal barriers, limiting their recognition and enforcement. Minority religious groups and non-believers often find themselves excluded from accessing their full marriage rights, reflecting a systemic bias that prioritizes the values of the majority over the universal principles of equality and non-discrimination.

Religious pluralism in Indonesia, while celebrated as a hallmark of the nation's diversity, also poses unique legal challenges (Kennedy & Wartoyo, 2024). The integration of religious norms into the legal framework creates discrepancies between the rights protected under international human rights law and those afforded under domestic legislation. Religious courts often have significant influence over marriage matters, and their decisions are not always aligned with the principles of autonomy and equality emphasized by the UDHR. These challenges are compounded by the lack of a unified legal system for personal matters, as different religious communities operate under separate legal frameworks, resulting in inconsistencies in the application of marriage rights.

Gender equality is another critical area where Indonesia's marriage laws diverge from UDHR principles. While international human rights frameworks emphasize the equal rights of men and women in marriage, Indonesia's laws and practices often reflect traditional gender roles that disadvantage women (Fitri, 2023). Provisions in the Marriage Law that permit polygamy, albeit under specific conditions, undermine gender equality and perpetuate discriminatory practices (Santoso, 2016). Cultural norms and societal expectations further exacerbate these inequalities, with women often facing pressure to conform to traditional roles within marriage. These disparities highlight the need for a gender-sensitive approach to legal reform, one that aligns national laws with the principles of equality and non-discrimination.

Cultural practices, while integral to Indonesia's identity, often present challenges to the implementation of marriage rights in line with human rights standards. Customs such as arranged marriages, dowry systems, and child marriages, although rooted in tradition, can conflict with the UDHR's emphasis on free and full consent and the protection of individual autonomy (Dewi, 2023). Despite legal reforms aimed at curbing child marriage, these practices remain prevalent in many parts of Indonesia, reflecting the deep-seated influence of cultural norms. Balancing respect for cultural traditions with the need to uphold universal human rights principles requires a nuanced approach that engages communities in dialogue and education.

The gaps between international norms and local practices in Indonesia are further exacerbated by structural and procedural limitations within the legal system. Administrative provisions, such as those outlined in the Population Administration Law, offer some recognition for interfaith marriages but are inconsistently applied and poorly understood (W. Sundari & Hayati, 2024). The lack of clarity and uniformity in these provisions creates barriers for couples seeking to exercise their marriage rights, while judicial decisions often reinforce restrictive interpretations of the law. Procedural inefficiencies and limited access to legal remedies further hinder the realization of marriage rights, particularly for marginalized groups.

Despite these challenges, opportunities for reform exist, offering pathways to harmonize Indonesia's marriage laws with international human rights standards. A key area for reform is the alignment of the Marriage Law with the principles of the UDHR and the administrative provisions outlined in

the Population Administration Law. Revising the Marriage Law to explicitly recognize and protect interfaith marriages, ensure gender equality, and eliminate discriminatory practices would represent a significant step toward compliance with international norms. Additionally, enhancing the clarity and accessibility of administrative procedures for marriage registration, particularly for interfaith couples, would address some of the practical barriers to the realization of marriage rights.

Understanding the challenges surrounding interfaith marriage in Indonesia requires situating the issue within the broader debate of particularity and universality in human rights discourse. While UDHR provides a universal framework that guarantees the right to marry without discrimination, its implementation often intersects with local cultural, religious, and ideological contexts such as mentioned on several Constitutional Court Decisions. Indonesia's approach to interfaith marriage, shaped by its religious pluralism and socio-political dynamics, reflects this intersection (Ukmal, 2021). By examining the tension between the universal principles of equality and non-discrimination and the particularities of Indonesia's religious and cultural traditions, the discourse on interfaith marriage becomes a microcosm of the larger debate between universal human rights and cultural relativism. This transition allows for a deeper exploration of how these opposing perspectives influence legal and societal norms governing interfaith unions.

The debate between particularity and universality in the context of interfaith marriage highlights the tension between respecting cultural and religious norms and upholding universal human rights principles (Kirchschlaeger, 2020). Universality, as espoused by UDHR, emphasizes the right of individuals to marry freely, without discrimination based on religion, race, or nationality. Article 16 of the UDHR asserts the equal right of all individuals to marry with their full and free consent, framing marriage as a fundamental human right that transcends cultural or religious boundaries. From this perspective, the prohibition or restriction of interfaith marriages represents a violation of universal principles of equality and autonomy.

In contrast, the particularity argument focuses on the importance of cultural and religious traditions in shaping societal norms and legal frameworks. In countries like Indonesia, where religion plays a central role in governance and personal status laws, interfaith marriages are often restricted to preserve religious conformity and social cohesion. Proponents of this approach argue that legal frameworks must reflect the values and beliefs of the majority to maintain cultural integrity and societal harmony. However, this emphasis on particularity often leads to the marginalization of individuals and couples whose unions do not align with dominant religious norms, raising questions about the balance between respecting local traditions and ensuring universal human rights. Reconciling these competing perspectives requires a nuanced approach that acknowledges cultural diversity while striving to uphold the fundamental rights of all individuals, regardless of their faith or background.

In this matter, Indonesia exemplifies the approach of particularity, as its legal framework reflects the strong influence of religious and cultural norms,

which often restrict interfaith marriages to preserve religious conformity and societal harmony. This emphasis on particularity is not unique to Indonesia but is also evident in other countries that prohibit or severely limit interfaith marriages. For example, nations such as Malaysia, Saudi Arabia, and Israel impose restrictions on interfaith unions, aligning their laws with dominant religious or cultural traditions to maintain social cohesion and religious identity. These countries, like Indonesia, prioritize the preservation of their cultural and religious values over the universal principles of equality and autonomy espoused by the UDHR, highlighting the broader tension between particularity and universality in the context of marriage laws worldwide.

Harmonizing Indonesia's marriage laws with international human rights standards requires a broader cultural shift toward greater acceptance of diversity and equality (Kennedy & Wartoyo, 2024). Efforts to promote education and awareness about human rights, particularly within religious and cultural communities, are essential for addressing societal resistance to change. By fostering a deeper understanding of the principles of equality, autonomy, and non-discrimination, these initiatives can help build support for legal reforms and ensure their successful implementation.

Therefore, implementation of UDHR marriage rights in Indonesia is shaped by a complex interplay of legal, political, religious, and cultural factors. While significant challenges remain, including the dominance of majority norms, gender inequalities, and cultural practices that conflict with human rights standards, there are opportunities for meaningful reform. By aligning national laws with international norms, addressing structural and procedural limitations, and engaging civil society and international organizations in the reform process, Indonesia can move closer to realizing the universal principles of equality and non-discrimination in marriage. These efforts will not only enhance the protection of marriage rights but also contribute to the broader promotion of human rights and social justice in Indonesia.

CONCLUSIONS AND RECOMMENDATIONS

Conclusion

The implementation of marriage rights as outlined in UDHR in Indonesia highlights a multifaceted legal and cultural landscape. Marriage, as a cornerstone of human rights, is intricately tied to individual autonomy, equality, and dignity. Article 16 of the UDHR underscores the universal right to marry and found a family without discrimination or coercion, and it mandates the free and full consent of both parties. Despite these universal principles, Indonesia's marriage laws, largely governed by Law No. 1 of 1974, exhibit significant tensions with these ideals due to the influence of religious, cultural, and systemic legal frameworks.

While acknowledging the cultural and societal importance of religion in Indonesia, this research critiques the existing framework for its systemic exclusion of interfaith couples, non-religious individuals, and its perpetuation of gender inequality. The need for reform is emphasized, with recommendations to balance respect for cultural and religious diversity with universal human rights principles. Therefore, the research suggests that while

religious influence cannot be ignored, the current exclusive reliance on religious frameworks requires revision to ensure inclusivity and compliance with human rights.

The key findings of this study also identify several areas where Indonesia's marriage laws diverge from the UDHR's principles, particularly regarding equality, non-discrimination, and the free and full consent of spouses. Examples include legal and societal barriers for interfaith marriages, the exclusion of non-religious individuals, and gender inequalities permitted under the law (e.g., provisions for polygamy). While some administrative mechanisms acknowledge interfaith marriages, their inconsistent application undermines their effectiveness. The findings clearly indicate that Indonesia's marriage laws are not fully aligned with UDHR standards and require significant reform to uphold the principles of autonomy, equality, and non-discrimination.

A broader reflection on the implications of these findings suggests that the challenges faced by Indonesia are emblematic of the broader struggle to balance international human rights norms with deeply rooted cultural and religious traditions. The Indonesian context underscores the complexities of applying universal human rights in diverse socio-cultural settings, particularly in regions where religious and customary norms are deeply embedded in the legal framework. These tensions are not unique to Indonesia but resonate across many Southeast Asian countries, highlighting the need for a nuanced approach that respects cultural diversity while ensuring that basic human rights are upheld.

Recommendations

To address the gaps between Indonesia's marriage laws and the principles of the UDHR, comprehensive legal reforms are urgently needed. Foremost among these is the revision of the Marriage Law to eliminate discriminatory provisions and ensure that marriage rights are accessible to all individuals, regardless of religion, belief, or gender. This includes providing explicit legal recognition for interfaith marriages and removing barriers that currently force couples to navigate convoluted processes or convert to another religion to formalize their union. Ensuring that marriage is based solely on the free and full consent of both parties is critical to upholding the principles of dignity and autonomy enshrined in the UDHR.

Gender equality must be prioritized in these reforms. Provisions allowing practices such as polygamy, which disproportionately affect women, should be reevaluated in light of international human rights standards. Aligning national laws with the principles of non-discrimination and equality is essential to safeguarding women's rights within marriage. Legal measures must also be paired with educational initiatives to challenge entrenched cultural norms and promote a broader understanding of gender equality as a fundamental human right.

Practical steps should be taken to improve access to marriage rights for marginalized groups. Administrative processes for marriage registration, particularly for interfaith couples, must be streamlined and standardized to

eliminate ambiguity and inconsistent application. Local governments and registry officials should be provided with clear guidelines and training to ensure that the law is applied fairly and consistently. These measures should be complemented by stronger enforcement mechanisms to prevent violations of marriage rights and ensure accountability for discriminatory practices.

Balancing international norms with local values requires a culturally sensitive approach to legal reform. Engagement with religious and community leaders is critical to building support for changes that align with human rights principles. Dialogues that emphasize the shared values of dignity, equality, and justice can help bridge the gap between universal norms and local practices. Additionally, initiatives that promote public education on human rights and the principles of the UDHR are essential for fostering a more inclusive and rights-respecting society.

Future research should explore marriage rights from a socio-cultural perspective to provide deeper insights into the interplay between legal frameworks and cultural practices. Comparative analyses with other Southeast Asian countries that have faced similar challenges in integrating human rights with local traditions could offer valuable lessons for Indonesia. For instance, South Africa's model of recognizing customary marriages while upholding constitutional equality could provide inspiration for reconciling religious and cultural diversity with universal human rights.

Moreover, research should focus on identifying the specific needs and challenges faced by marginalized groups, such as interfaith couples, non-religious individuals, and women, to inform targeted interventions. Understanding the lived experiences of these groups can help policymakers design more effective and inclusive laws and policies. Studies on the impact of legal reforms in reducing child marriages and promoting gender equality would also be valuable in assessing the progress and effectiveness of ongoing efforts.

In conclusion, ensuring the universal realization of marriage rights in Indonesia requires a holistic approach that combines legal reform, cultural sensitivity, and public education. By aligning domestic laws with the principles of the UDHR and addressing the structural and cultural barriers to implementation, Indonesia can move closer to realizing the universal ideals of equality, dignity, and autonomy in marriage. These efforts will not only enhance the protection of marriage rights but also strengthen Indonesia's commitment to human rights and social justice, setting an example for other nations grappling with similar challenges.

ADVANCED RESEARCH

In writing this article the researcher realizes that there are still many shortcomings in terms of language, writing, and form of presentation considering the limited knowledge and abilities of the researchers themselves. Therefore, for the perfection of the article, the researcher expects constructive criticism and suggestions from various parties.

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