Social Impacts Related to the Constitutional Court's Decision on Rejecting Interfaith Marriage[1]

Impactos sociales relacionados con la decisión del Tribunal Constitucional de rechazar el matrimonio interreligioso

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Abstract

The existence of a dynamic and pluralistic Indonesian society's social life is threatened by the marriage regulations that have been established. This was stated in the Constitutional Court of the Republic of Indonesia in the case reviewing Law Number 1 of 1974 concerning Marriage and its amendment in Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974. The existence of this regulation triggers the degradation of differentiation as well as social diversity. This research formulates two problem statements: a) Why are interfaith marriages in Indonesia banned? and b) What is the social impact of the regulation prohibiting interfaith marriages in Indonesia? The purpose of this research is to analyze the social impact of the prohibition of interfaith marriages in Indonesia through the decision of the Constitutional Court. By using the research method of interviews with informants in the Buleleng Regency and Denpasar Municipality areas, as well as critical discourse analysis to study the articles in these laws and regulations, this paper will provide an analysis of the implications arising from the prohibition of interfaith marriages. The findings indicate that the prohibition of interfaith marriages impacts the

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deprivatization of the social lives of citizens. This means that the realm of intimacy for each individual has been intervened in by the state through the regulations it creates. Second, the decision of the Constitutional Court has an impact on social depluralization, meaning that the potential for amalgamation among citizens of different religious backgrounds is blocked. Law Number 1 of 1974 concerning Marriage and its update in Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 has become a trigger for social convergence. Its existence 'amputates' the fundamental lines that support the diverse lives of Indonesian society.

Keywords: interfaith marriage, social impact, the Constitutional Court of the Republic of Indonesia.

Resumen

La existencia de una sociedad indonesia dinámica y pluralista se ve amenazada por la regulación del matrimonio. Así lo afirmó el Tribunal Constitucional de la República de Indonesia en el caso de revisión de la Ley número 1 de 1974 sobre el matrimonio y su renovación en la Ley número 16 de 2019 sobre las modificaciones de la Ley número 1 de 1974. La existencia de esta regulación se convierte en un factor desencadenante de la degradación de la diferenciación y la diversidad social. Esta investigación formula dos problemas, a saber: a) ¿por qué se prohíben los matrimonios interreligiosos en Indonesia? y b) ¿cuál es el impacto social de la regulación sobre la prohibición de los matrimonios interreligiosos en Indonesia? El propósito de esta investigación es realizar un análisis del impacto social de la prohibición de los matrimonios interreligiosos en Indonesia a través de la decisión del Tribunal Constitucional. Mediante el uso del método de investigación de entrevistas con informantes en las áreas de Buleleng Regency y Denpasar Municipality, así como el análisis crítico del discurso para estudiar los artículos de estas leyes y reglamentos, este artículo proporcionará un análisis y las implicaciones que surgen de la prohibición de los matrimonios interreligiosos. La respuesta es que la prohibición de los matrimonios interreligiosos tiene un impacto en la desprivatización de la vida social de los ciudadanos. Esto significa que el Estado ha intervenido en el ámbito de la intimidad de cada individuo a través de las regulaciones que crea. En segundo lugar, con la decisión del Tribunal Constitucional, se evidencia un impacto en la despluralización social. Significa que se bloquea el potencial de fusión entre ciudadanos de diferentes orígenes religiosos. La Ley Número 1, 1974, sobre el Matrimonio, y su actualización en la Ley Número 16, Año 2019, sobre Enmiendas a la Ley Número 1, Año 1974, se ha convertido en un detonante para la convergencia social. Su existencia "amputa" las líneas fundamentales que sustentan las diversas vidas de la sociedad indonesia.

Palabras clave: matrimonio interreligioso, impacto social, Tribunal Constitucional de la República de Indonesia.

Introduction

Marriage has a plural definition. The diversification in defining marriage is caused by various factors, one of which is the social conditions of certain groups. If elaborated upon, marriage does not only impact the two people who agree to build a family institution, but it also

has implications for their socio-cultural lives. This impact has influenced the creation of various regulations, ensuring that the dignity of the family institution aligns with the consensus and reality of local social groups (Abazari, 2018; Ceilutka, 2023; Honneth, 2019). It should be noted that the existence of individuals, who are fundamentally equipped with freedom, carries the will to live collectively. The accumulation of individual freedom, along with the will to live collectively, has become a fundamental factor in the formation of the family institution (Giladi, 2018; Kautzer, 2014a, 2014b; Yasin, 2018). In other words, individual relationships that are very intimate in nature must comply with all existing regulations or norms when in the social sphere.

Norms or regulations serve as an 'umbrella' or canopy that establishes the legal standing of a family. Families that are built and deviate from norms, conventions, or regulations are considered anomalies. From a structural-functional perspective, the existence of institutions that do not align with the corridors of social rules presents two options: they must be disciplined or eliminated from the context of social life. This serves as the foundation (from a structural-functional view) for creating a harmonious social life. It can also be stated that a reality with the potential to disrupt social balance (including the process of forming family institutions) that does not conform to social conventions must be 'eliminated' from social reality itself. (Ayala, 2017; Decker, 2012; Durazzi and Geyer, 2022; Ferrarese, 2011; Marcelo, 2013). The existence of norms is the primary basis for normalizing the dynamics or potential resistance present in each individual entity.

In the social reality and cultural conditions of Indonesia, which has a plural social structure, marriage has the potential to 'cross over.' This means that the pluralistic nature of society allows or has the potential to bring together two people from different backgrounds, including those from different religious affiliations, races, ethnicities, geographical regions, or cultural contexts. Interfaith marriages, in particular, can have various progressive social impacts, as they create an associative social arena. By uniting individuals with different cultural backgrounds, these marriages expand the horizon of social diversity and produce heterogeneous social conditions (Benzer, 2011; Galeotti, 2015; Valdivia et al., 2022; Wolff, 2015). This heterogeneity is essential in the context of the social life of Indonesian society.

However, marriage and the right to establish religious institutions encounter obstacles today. This is caused by a variety of new social rules with their positivistic restraints. One of these is the ruling of the Constitutional Court of the Republic of Indonesia regarding the review of Law Number 1 of 1974 concerning Marriage, as well as its amendment in Law Number 16 of 2019. In the revised version of the Marriage Law, there are several articles that prohibit interfaith marriages. This is stated in Article 8, letter F, which prohibits two individuals of different religions (in this context, Muslim citizens and non-Muslim citizens) from establishing state institutions. If analyzed sociologically, the implications of this article manifestly or latently have a major social impact (Erman y Moller, 2016; Kautzer, 2014a; Rasmussen, 2012; Schulz, 2022;

Strydom, 2012). In other words, the issuance of this regulation stigmatizes interfaith couples as agents of resistance and has the potential to produce a dissociative social reality.

This paper aims to analyze and provide a new environment, as well as an explanation of the various impacts that could potentially arise from the enforcement of the above rules. From a sociological perspective, differences, which are a necessity, have been degraded by the presence of this rule of law. A plural Indonesian society has rights and opportunities to carry out 'social maneuvers' by building social intimacy with individuals who are different. This is the true context of plurality, preventing the potential for intersectionality to trigger social pathology. To analyze and provide theoretical answers regarding the purpose of the writing above, two formulations of the problem are raised in this paper: a) Why is interfaith marriage banned in Indonesia? and b) What is the social impact of the regulation prohibiting interfaith marriages in Indonesia?

Research Methods

In this research, the method applied is qualitative. Qualitative research focuses on social problems, analyzes them, and provides explanations for the issues being discussed (Liu, 2022; Morgan, 2018; Ravenek and Rudman, 2013). Qualitative research methods have a significant opportunity to reveal hidden ideologies contained in a text, oral traditions, or empirical life. The disclosure of various interests and certain social tendencies must be deconstructed with the aim of 'clearing' the actual paradigm (Deflory et al., 2022; Langer, 2016; Lucas and Szatrowski, 2014; Trainor and Graue, 2014). To address the problem formulation established in this study, the researcher applied two approaches: interviews and document study. The interviews aimed to obtain subjective and authentic experiences from research subjects who had interfaith marriages (Chafe, 2023; Furlong and Lester, 2022; Urcia, 2021). The interview process was conducted with informants located in Buleleng Regency and the Denpasar Municipality area, Bali Province. Second, the document study aims to capture discourse, understand the text, and dismantle the interests that exist within it. The texts in question are several articles of Law Number 16, Year 2019, which will be deconstructed using another qualitative approach, namely critical discourse analysis. Critical discourse analysis assists researchers in uncovering social realities that are placed in 'silent spaces' (J. Lee, 2014; Roulston and Shelton, 2015; Singh, 2015). Thus, the authentic truth that should be conveyed becomes 'silent' and experiences stagnation.

Results

Based on the results of the interviews and the review process of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, several findings emerged. These findings will be described as follows. First, the decision of the Constitutional Court explaining that interfaith marriages can cause various social impacts was confirmed

through the interview process. From the interviews and the resulting decision, it was explained that interfaith marriages were considered detrimental to harmony. This is based on the fact that two individuals who want to marry come from different cultures, customs, conventions, and liturgical realities. This context of heterogeneity is used as justification for the belief that when two individuals have different backgrounds (especially religious backgrounds), it will be difficult to find common ground, understanding, agreement, and consensus when getting married. It is feared that if these differences do not find a resolution, they may potentially destroy the family institution that has been built. Additionally, it was explained that when two individuals come from different cultures and socio-religious backgrounds, it can trigger social conflict. This elaboration leads to the assumption that strong differentiation becomes the root of division and dissociation, and is simultaneously one of the factors contributing to the non-sustainability of established family institutions. In other words, the results of the interviews and the review of the laws prohibiting interfaith marriages conclude that those who currently wish to marry but come from different religious practices are advised not to continue the relationship to the marriage level. If they wish to proceed to marriage, various ways to minimize these stark background differences are recommended.

Second, to minimize the occurrence of differences or even social conflict between two individuals wishing to enter into interfaith marriages, the method that must be adopted is the willingness of one individual to convert to the other's religion. Religious conversion is viewed as a middle ground or a necessary solution, allowing these two different individuals to progress to a more serious level. Changing beliefs and aligning with one partner's beliefs is considered a way to prevent potential division, contact, or social conflict. On the other hand, religious conversion is seen as a means to standardize the customs, habits, conventions, or socio-religious practices of each prospective bride and groom. The process of homogenizing social practices is very important and crucial because, once individuals decide to settle down, they assume responsibilities not only in the domestic sphere but also in the public sphere. The context of responsibility in the public sphere is essential and serves as a primary reference. By aligning with a particular religion, individuals who initially differ in theological backgrounds will find it easier to socialize with the surrounding community. In the context of Indonesian society, the process of social bonding or 'binding' oneself to the public sphere becomes crucial. Through this identification process, it is possible for individuals or couples to establish social connections and strengthen their social relations, which is a process for maintaining social capital. Maintaining social capital becomes feasible when the individuals involved share the same social or cultural background as the surrounding community. It can be stated emphatically that by undergoing religious conversion, two individuals committed to each other fulfill their social obligations as part of a social group or community and have identified themselves. By becoming uniform, the two individuals contribute to creating social harmony by minimizing conflict through differentiation elements.

Discussion

The findings obtained from the results of interviews and document studies of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, the above findings can be interpreted and elaborated as follows.

[Constitutional Court Decision on Interfaith Marriage Has Social Impact, Deprivatization of Rights and Citizens' Domestic Arena

the decision of the Constitutional Court of the Republic of Indonesia, which ruled that interfaith marriages should not be carried out, is analyzed or examined, it becomes evident that this prohibition has social consequences. The consequence of this prohibition is the deprivatization of the domestic sphere of citizens (Askay, 2015; Gearhart and Zhang, 2018; Matthes et al., 2010; Zerback and Fawzi, 2017). Deprivatization is a process that undermines or destroys intimate relationships between individuals. This intimate relationship encompasses the rights and freedoms possessed by every intelligent human being (Sherrick and Hoewe, 2018; Splichal, 2015). Privatization is a right that contains moral values; its existence cannot be disturbed or infringed upon by anything (Han et al., 2022; Sohn, 2022; Tsfati et al., 2014), including binding external values or norms. Sociologically, privatization arises from relationships between individuals who share emotional, social, cultural, or moral ties (Auxier and Vitak, 2019; Grusauskaite et al., 2023; Tornberg and Tornberg, 2022). Moreover, the existence of religion or tradition cannot distort or diminish the values inherent in these relationships (Dubois et al., 2020; Karlsen et al., 2017; Passe et al., 2018). With a statement or decision that is standard and binding (Martin et al., 2022; Wollebaek et al., 2019; Zebracki and Luger, 2019), the private values that exist in relationships between individuals who wish to establish a family institution lose their essentiality and, ultimately, become deprivatized.

We can see from the results of interviews and the analysis of the text of the law on marriage that every couple who wants to build a family institution and comes from different theological backgrounds finds it difficult to realize their desire to get married because it is hindered by positivistic regulations (Angella, 2016; Bauman, 2023; Casuso, 2022; Lamont, 2018; RLM Lee, 2011). In fact, in the review of the law, it is stated that every citizen who wants to marry and comes from a different religion is required to convert to that religion. If one partner does not want to give in and follow the religion of the other partner, it is feared that this can trigger new problems (Decker, 2012; J. Evans, 2023; Tarca, 2018). This issue arises from the assumption that married couples who still adhere to their respective religions are concerned that they cannot follow the culture of the local community, especially wives or women who follow the culture of their husbands. Additionally, from the results of the interviews and the review of the text of the legislation, it can be seen that interfaith couples who want to marry and are not of the same religion are worried that this will create social pathology, particularly due to differences in background, which are feared to disrupt the social system of the local community (Giladi,

2023; Honneth, 2018; Thompson, 2014). The more heterogeneous a family institution is, the greater the potential for social friction to occur. We can see that state intervention through its statutory products has segregated or sorted out, as well as destroyed, the private dimensions of citizens (Honneth, 2017; Petrucciani, 2019). The desire to marry, which is actually in the domestic arena, is 'dragged' into the public sphere (Oh, 2022; Sinnerbrink, 2011; Steele, 2017). Thus, the will of citizens to partner with each other experiences deprivatization or destruction of authentic boundaries and legitimacy, as it is hindered by rigid regulations.

Constitutional Court Ruling on Interfaith Marriage Triggers Depluralization of Social Differentiation – Social Convergence

The narrative echoed through the prohibition of interfaith marriages—related to the decision of the Constitutional Court—does not stop at the deprivatization of citizens' rights, nor at the 'destruction' of each individual's private arenas (Ioris, 2022; Steele, 2017; Yun, 2014). However, this regulation from a high institution in the Republic of Indonesia also triggers other social consequences. One of the implications resulting from the prohibition of interfaith marriages is the triggering of depluralization of social differentiation. The context of depluralization refers to conditions in which the diversity that exists in a social group is lost or completely destroyed (JD Evans, 2023; Moss and Pavesich, 2011; Ze'ev, 2010). The destruction and loss of this social diversity will disturb the social balance, as the process of intersection or cross-interaction loses its power. When this cross-cutting affiliation disappears (Boucher, 2021; King, 2010; Susen, 2020), a social group will be herded into social convergence. Society will be directed toward one point and normalized at that point.

Depluralization represents the process of participation or interference by the state in the dimensions of cultural life. Cultural life, which is filled with diversity, socialization between agents, and dynamics due to various differences, is lost (Casuso, 2022; Masquelier, 2012). Precisely, the loss of this reality will create social disequilibrium. Social disequilibrium indicates that agents or social groups can no longer interact with each other. The loosening or breaking of relations between different social groups eliminates social structures, which consist of adaptation, goal attainment, integration, and latency (Arnason, 2022; Delanty and Harris, 2021; Stoetzler, 2015; Yasin, 2018). Theoretically, differences are urgently needed because they can redefine and simultaneously re-articulate the nature of life in a society (Apata, 2022; Engster, 2016; Kozlarek, 2021). The loss of a plural life due to the prohibition on interfaith marriages has eradicated all structures, supports, and social knots that have existed in the daily lives of individuals.

We can see the explanation above from the interview results and the text of the Marriage Law, which is stated in Article 2, Paragraph 1, and Article 8, Letter F, Law Number 1 of 1974, and its revision in Law Number 16 of 2019. In that article, it is clearly stated that a marriage is considered valid or legal if it is carried out according to the laws of each religion and belief. This

can be interpreted as a process of prevention by the state for each individual with a different religious background, and there is a desire between them to get married. In theoretical interpretations and explanations, we will find answers; the presence of these articles is a way or an attempt to eliminate pluralism or differences that exist (Benzer, 2011; Dabrowski, 2016; Markova et al., 2020; Sarkela, 2022). Amalgamation (interfaith marriage) does not violate the law. It is a right that must be guaranteed by the state, not prevented or prohibited (Gerber and Brincat, 2016; Kellner and Winter, 2021). When the state exercises legitimacy through statutory regulations, this clearly annuls individual freedom to build a family (Garlick, 2011; Hutchinson, 2011; Tifft, 2020). That freedom may not be intervened in or disturbed by anyone, including the state.

Conclusion

The decision of the Constitutional Court of the Republic of Indonesia regarding the case for reviewing Law Number 1 of 1974, concerning Marriage, and its renewal in Law Number 16 of 2019, concerning Amendments to Law Number 1 of 1974, has implications for social problems. The existence of this rule provides a legal standing that prohibits interfaith marriages in Indonesia. Sociologically, this regulation creates various social impacts. The first social impact is the deprivatization of the domestic arena of citizens. This means that the authenticity and essentiality of citizens in their will, especially in forming family institutions, have been intervened by the state. The second social impact is that the ban on interfaith marriages by the Constitutional Court has triggered depluralization.

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