

POLEMICS OF RELIGION AND LOVE: DISCRIMINATION OF DIFFERENT RELIGIOUS COUPLES IN INDONESIA

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ABSTRACT

Interfaith couples in Indonesia are classified as marginalized couples. This is due to the polemic of interfaith marriage in Indonesia. In practice, interfaith couples have complex problems in carrying out the marriage process in Indonesia. Disciplining on state regulations as stipulated in the Law of the Republic of Indonesia Number 1 of 1974 concerning marriage is a single point of truth. The single truth that marriage is valid if it is carried out according to the law of each religion and belief. This of course curbs freedom and does not take sides with interfaith couples. Interfaith couples become bound by state legal counsel. Interfaith couples experience complexity in terms of maintaining love, religion and state law. This study used conventional ethnographic methodology with qualitative sources. The sources of this research were couples of different religions. The theory applied in this research is Michel Foucault's theory of power relations and knowledge. This theory is used to expose the existence of discipline and power in state regulations against interfaith couples. This research generates a new perspective in Cultural Studies research on the polemic of interfaith couples. The binding legal power of the state forms interfaith pairs as subalterns.

Key words: marriage, different religions, power relations

INTRODUCTION

Marriage to interfaith couples is a polemic in Indonesia. The Marriage Law does not clearly regulate interfaith marriages in Indonesia. This is what makes marriage for different religions in Indonesia relatively difficult and complex. Law Number 1 of 1974 concerning marriage states that marriage is declared valid if it is carried out according to the law of each religion and belief.

For interfaith couples, the declaration of the Marriage Law in Indonesia restricts their freedom of choice. Interfaith couples are bound by state regulations which state that the

validity of marriage depends on the laws of their respective religions and beliefs. This binds and restricts interfaith couples from getting married. In the 1974 legislation, there is no mention of the material legality provisions of an obligatory and absolute marriage to be carried out with religious equality. This statement can be understood that marriage cannot take place if there is no religious equality between the groom and the bride.

The law on marriage is the single truth that restricts interfaith couples from getting married. This is evidenced by the complexity of interfaith couples in managing marriage administration. In practice, interfaith couples carry out more complex administrative procedures than do religious couples. This is closely related to the public services received by interfaith couples. Interfaith couples have to go through a longer process than couples of religion.

On the other hand, the state guarantees the right of citizens to embrace their respective religions and beliefs. This is stated in the 1945 Constitution Article 29 Paragraph 2, "The state guarantees the freedom of each resident to embrace his or her own religion and to worship according to his religion and belief". Meanwhile, in Article 1 of Law no. 39 regarding Human Rights states that Human Rights are a set of things that are inherent in the nature of human existence as God's creatures and are a gift from God that must be respected, upheld and protected by the state, law, government, and every person for the sake of honor and protection of dignity and human dignity.

State regulations relating to the rights of citizens can be understood that every couple is entitled to equal treatment. In this case, interfaith couples have the right to marry and receive the same public service. For interfaith couples who experience the complexity of getting married is a discriminatory act that is not in accordance with the principles of human rights.

In this study, researchers focused on the description of discrimination for interfaith couples who should be entitled to the same treatment as couples of the same religion. State power in the form of law restricts the freedom of interfaith couples and has to go through a long process in carrying out state administrative procedures regarding marriage.

CONCEPTS AND THEORY

In this study, there are two concepts that are operationalized, namely interfaith couples and power relations. The concept of interfaith couples is meant by the polemic of interfaith

couples who tend to experience difficulties in carrying out the marriage process in Indonesia. In practice, interfaith couples have to go through a long process if they want to get married in Indonesia. The existence of the Marriage Law does not clearly state the validity of interfaith marriages in Indonesia.

Professor of Civil Law at the University of Indonesia, Professor Wahyono Darmabrata, explained that there are at least four ways that interfaith couples can marry in Indonesia. The four methods include requesting a court ruling, marriage to be carried out according to each religion, temporary submission to one of the religious laws and marrying abroad. This makes it difficult for interfaith couples to decide to get married.

In this research, Michel Foucault's theory is applied. This theory emphasizes power and discipline which forms a new knowledge. Power is understood as a form of complex strategy in a society, which in general can be recognized as more engaged in operations. Power according to Foucault emphasizes domination that is maintained by certain classes (Haryatmoko, 2016: 15).

The power of the state in the form of laws and regulations binds the colors of the country to obey and be disciplined which then produces new knowledge. This new knowledge is used to form new truths. This new truth is then used as a strategy to bind the interests of the owners of power. In this case, laws and regulations become a new truth and part of a strategy to create state stability in avoiding interreligious conflicts.

The new truth that becomes a single truth is the power of the state that dominates the entire legal system. This legal system is used for community discipline towards society, including interfaith couples. Interfaith couples do not have freedom because of the new truth which becomes a single truth. This is what makes interfaith couples part of a society that is confined to this single truth.

METHOD

This study was designed as a qualitative research conducted using conventional ethnographic methods. The location of this research is in Bali Province. The location selection was based on the finding of an interfaith couple who decided to stay in Bali because Bali is believed to be the owner of a multicultural culture. This supports interfaith couples to avoid interreligious conflicts.

Types of qualitative data obtained from primary and secondary data sources, namely the results of interviews, observations and literature studies. Informants are determined based on their competence in providing information, namely the perpetrators of interfaith couples who are married. Data collection techniques were carried out through the process of recording the results of interviews and literature studies that were relevant to this research. The data presentation is done in the form of an in-depth description and presented in a descriptive-narrative.

RESULTS OF ANALYSIS

Interfaith couples become polemic because they become part of the subaltern group and lose their freedom. Sri Wahyuni's writing entitled "Marriage of Different Religions in Indonesia and Human Rights" generally discusses the description of marriage in Indonesia to interfaith marriages. In addition, Sri Wahyuni emphasized more on human rights in relation to interfaith marriages in Indonesia. This paper is used to see an overview of interfaith marriages in Indonesia.

Another article from Sri Wahyuni in his book entitled "Marriage with Different Religions Why Go Abroad?" describes in general the philosophical values of marriage law in Indonesia. However, Sri Wahyuni emphasized the philosophical and historical aspects of the struggle for marriage regulations in Indonesia which are linked to religious law.

A different view presented in this study is the perspective of Cultural Studies looking at power relations in interfaith couples who consciously move on behalf of new knowledge which produces a single truth, namely state rules. In addition, another perspective shows that there is discrimination against interfaith couples in their struggle to defend their freedom.

The discussion in this study is divided into two, namely the first discussion related to the complexity of interfaith couples in Indonesia. This analysis discusses the workings of a single truth generated by the power relation and knowledge of state rules against interfaith couples through law. The second analysis discusses the freedom of interfaith couples which is limited by this single truth. The discussion of the two analyzes is carried out by applying Michel Foucault's theory of the power relation of knowledge.

The Complexity of Couples of Different Religions

Discrimination between interfaith couples can be seen in the practices carried out by interfaith couples in carrying out administrative processes. In having a marriage in Indonesia, interfaith couples must undergo several stages that are completely more complex and lengthy than couples of the same faith. This complex administrative process cannot be separated from the existence of laws and regulations. This statutory regulation regarding marriage has an impact on interfaith couples.

Interfaith couples are indirectly positioned as marginalized. With the existence of Marriage Law No.1, 1974, interfaith couples are positioned as partners who are oppressed by state regulations. This is evidenced by the existence of a statement in the Law that a marriage is declared valid if it is carried out according to the law of each religion and belief. Couples of two religions experience discrimination because there are two different religious laws. In this case, the state does not provide legal certainty because it raises ambiguity regarding which religious law regulates interfaith couples.

These laws and regulations can give birth to new knowledge for couples who are getting married in Indonesia. Foucault (2011: 377) states that knowledge can be trusted by everyone. Knowledge is a way of how power imposes itself on the subject without giving the impression that it comes from a particular subject, because the criteria of science seem independent of the subject. Even though this claim is part of a power strategy (Haryatmoko, 2016: 17). Konrad Kedung in Basis (2002: 33) states that Foucault's opinion about knowledge arises from arguments and works of reason, but there is also knowledge contained in life, work, conversation, and events.

In this case, statutory regulation becomes a claim that is unconsciously part of the power relationship created by the government through state law. The Marriage Law is believed to be new knowledge to give birth to a single truth. This new knowledge is what a single truth becomes. Truth created from the knowledge of a power.

Apart from statutory regulations, religions in Indonesia also do not facilitate interfaith marriages. According to Sri Wahyuni (2017: 164) most Indonesian religions do not accommodate interfaith marriages. Based on religious law, it ideally emphasizes that adherents of a religion must submit and obey their respective religious laws, including in the matter of marriage.

The Marriage Law is more likely to be integrated with religion. Thus, religion can also be said to be a philosophical foundation in the formation of a state regulation. This should be in a different realm. In this way, it can be said that religion integrates the government by dominating the laws and regulations through the religion or belief of each party.

Article 2 (1) of the Marriage Law No. 1 of 1974 states that a marriage will be valid if it is carried out by humans who have the same religion. This shows that interfaith marriages must be chosen in only one religion. Non-Islamic marriages must be registered at the Civil Registry, with Islamic marriages recorded at the Religious Affairs Registry (KUA). Furthermore, this statement confirms the interpretation that interfaith marriages appear to be impeded and obstructed. However, this law does not explicitly prohibit interfaith marriage.

Due to the polemic and complexity of interfaith marriages, not a few couples decide to obey the existing rules of law. Interfaith couples do not have the power not to follow the applicable law, whether in religion or state law. This has become a reference for interfaith couples to take several steps in maintaining their relationship.

Interfaith couples have to do several processes that are quite long. One form of discrimination that is accepted is the complexity of the interfaith marriage process, in which a couple can enter into an interfaith marriage if they request a court order. In the public service, interfaith couples can carry out and record marriage at the Civil Registry Office if an interfaith marriage couple requests a court order to carry out a marriage at the civil registry office.

For interfaith couples who want to get married in Indonesia, there are several things that can be used as a reference. As explained by Professor of Civil Law at the University of Indonesia, Professor Wahyono Darmabrata, there are at least four ways to marry between religions in Indonesia, namely as follows. First, interfaith marriage couples ask for a court order. This is in line with what was conveyed by Dimaz Yogi as one of the following interfaith couples.

"To be able to marry between religions, we have to take a longer and more complicated bureaucratic path. In addition, this lengthy process cannot be carried out in all cities in Indonesia. For interfaith couples in Indonesia, we also have to get a court order and based on my wife's and my experience, when we registered our marriage at the Denpasar City Civil Registry, the staff there did not have enough information about the interfaith marriage"

The legal basis for this court ruling is the jurisprudence of the Supreme Court in the form of decision number 1400 K / Pdt / 1986. The ruling, among other things, stated that the civil registry office was allowed to enter into interfaith marriages with the following procedure.

1. Choosing to marry a religious institution.
2. Prepare all the files that are determined to be married in the same religion.
3. Direct the marriage with the inauguration of the relevant religious leaders.
4. Request a marriage stipulation to the local district court with proof of marriage certificate from the religious institution concerned.
5. Bring the court order letter to the civil registry office to issue the deed wedding.

Furthermore, in the second stage, marriage is carried out according to each religion. This process tends to make it difficult for couples because not all religions accept or even approve of interfaith marriages. Third, interfaith marriage couples take temporary submission to one of the religious laws. This shows that couples who are married to different religions must and are forced to obey (submit) the religious law. Fourth, interfaith marriage couples get married abroad. One of the interfaith marriages can be held abroad. However, this choice is an option for couples who can be categorized as couples who are materially capable. As was done by Dimaz Yogi and his partner decided to marry abroad because the process was much easier.

“After finding out and gathering enough information, my partner and I decided to get married in Singapore because we wanted to defend our respective religions. Not only that, the marriage process that we did in Singapore was relatively much easier”

Dimaz Yogi and his partner take easy steps, however, this step cannot be done by all interfaith couples. Dimaz Yogi admits that the long process of getting married to different religions also has an impact on the high costs that will be incurred. As one of the interfaith couples in Indonesia, Dimaz yogi and his partner admit the difficulties when it comes to managing their marriage in Indonesia.

"It's a bit complicated to manage it in Indonesia and it costs more. We chose to save and get married in Singapore”

The existence of new knowledge that gave birth to single truth prevents interfaith couples from getting married in their own country. The decision to marry abroad is part of an act outside of power. However, couples who are married abroad still have to register their marriage at the Civil Registry Office. Even though interfaith couples have married overseas,

they still have to take care of administration in accordance with state regulations in Indonesia. It is this marriage registration that is a discipline for interfaith couples. Dimaz Yogi and his partner's body discipline through marriage registration is part of the control and power of state regulations.

However, this is different from the interfaith couple Noviana Kusuma and Erwin who chose to carry out a religious marriage. Noviana Kusuma, who has a Muslim background, chose to formally change her religion to Christianity so that it would be easier for her to carry out the marriage process with Erwin.

"I don't like being complicated. So, instead of spending too much energy taking care of the administration, I prefer to change religions like my husband. And also my decision to change religion did not affect my faith in God"

Noviana's discipline of body positions interfaith couples in the marginal arena. The single truth about state regulations affected Noviana's decision to change her religion so that she could marry a spouse. A single truth born from the power system puts Noviana and her partner under the control of state law. Noviana became a symbol

Freedom of Couples of Different Religions

The birth of new knowledge that becomes a single truth, namely state regulations, makes interfaith couples increasingly under state control and power. In addition, interfaith couples are also oppressed by the laws of their respective religions. This further limits the freedom of interfaith couples to marry in Indonesia. Through the Marriage Law, government officials are able to exercise social control by implementing laws and regulations that must be obeyed by the community. This is of particular concern in this analysis, namely social control. Social control born of a single truth of state power restricts the freedom of interfaith couples. In practice, the social control created by the state apparatus through the Marriage Law gives rise to different treatment or, namely discrimination. This discrimination is an impact that arises from the power that creates social control. This is what makes interfaith marriage couples seen as a community group hegemony by the power over the system created by the government.

The impact of this discrimination can be seen in public services for interfaith couples who have to carry out a longer process than couples of same religion. In addition, interfaith

couples do not get the same facilities as couples of the same religion in terms of managing the marriage process. If it is related to the existence of a power relation of the government, fully the state apparatus is the owner of the power to control the colors of the country through regulations. This regulation is the law and statute in force. Thus, citizens are required to obey and follow the rules that become the single truth. As for interfaith couples, it is part of the country's colors that must comply with the regulations made.

The existence of discrimination in public services against interfaith marriage partners cannot be separated from a system formation in state law that gives the impression that there is no element of self-coercion. In this case, the procedures for implementing interfaith marriages and regulations made by the government which are considered to be quite difficult for interfaith couples, are considered something that naturally exists with the argument that the strength of state law has been regulated in statutory regulations.

In addition, the Marriage Law tends to be integrated with religion. Thus, religion can also be said to be a philosophical foundation in the formation of a state regulation. This should be in a different realm. In this way, it can be said that religion integrates the government by dominating the laws and regulations through the religion or belief of each party. Article 2 (1) of the Marriage Law No. 1 of 1974 states that a marriage will be valid if it is carried out by humans who have the same religion. This shows that interfaith marriages must be chosen in only one religion. Non-Islamic marriages must be registered at the Civil Registry, with Islamic marriages recorded at the Religious Affairs Registry (KUA). Furthermore, this statement confirms the interpretation that interfaith marriages appear to be impeded and obstructed. However, this law does not explicitly prohibit interfaith marriage.

Based on Foucault's power relations, through the laws and regulations on marriage, state officials are seen to exercise social control over society, especially in this case interfaith marriage couples. The state apparatus through state law and religious law creates domination in a government system. This has an impact on interfaith marriage couples who do not have the freedom to choose.

CONCLUSION

Interfaith couples have the same rights as Indonesian citizens, including in getting married. However, in practice, the freedom of interfaith couples is under the control of state power in the form of statutory regulations. Interfaith couples do not have freedom in terms of

public services and facilities provided by the state. The laws and regulations do not facilitate and clearly state the law of interfaith marriage. This is what makes interfaith couples not have many choices. The existence of a single truth that is born on the basis of state regulations requires interfaith couples to obey and follow the state law system.

Laws and regulations that do not take sides with interfaith couples increasingly position interfaith couples as marginal parties. Differences in state services that prevent interfaith couples from carrying out marriage are a form of discrimination. The process that must be taken is longer and tends to be more complicated, making interfaith couples not in the same position as couples of the same religion. With the polemic of interfaith marriages, the government should make regulations that clearly accommodate interfaith couples like couples of the same religion.

In the legal system, it is necessary to have legal certainty and create inner justice public. With this, it is hoped that the government will make improvements to Law Number 1 of 1974 concerning marriage so that in relation to public services, interfaith marriage couples get equality. In addition, providing an understanding of the interpretation or interpretation of public service officials regarding the Marriage Law is very necessary so that interfaith marriage couples can carry out marriages like same-religious couples. Furthermore, the separation between religion and state law will be able to prevent religious problems associated with marriage.

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