

Social Media and Ruang Nyaman in Seeking Legality on Interfaith Marriage

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Abstract: Interfaith marriage in Indonesia still retains a poignant social issue as Indonesian legal sphere could not accommodate its existence. The effort to seek legality on interfaith marriage is often being done through social media, creating a co-working space called Ruang Nyaman, a place to communicate, consult, and share knowledge and experience for those who want to perform this marriage. This research will shed lights on the importance and significance of social media usage, such as WhatsApp, Instagram, and Facebook, in constructing the co-working space to seek legality in interfaith marriage. The study used empirical legal research method by employing participatory observation to the informant seeking legality on interfaith marriage in Jakarta. The study found that social media plays an important role in society on the consultation about interfaith marriage to find the solution in navigating the poignant social issue arises from exercising the marriage. This research has an implication on the opening of more spaces for the legal interfaith marriage seekers in Indonesia.

1 INTRODUCTION

The phenomenon of interfaith marriage in Indonesia cannot be separated from the religious pluralism found in the society. Religious pluralism will enable the interfaith marriage. Interfaith marriages are often seen as part of identity formation. Damini Vyas said that interfaith marriage is a part of religious identity formation (Vyas, 2014), which shaped the social attitude towards tolerance and community inclusiveness (Gjuraj, 2013), so that the existence of interfaith marriages is still widely questioned in developing Countries (C.-Y.H. and Parker, 2017), (Boucaud, 2018) faced by the community of Muslim-Christian, Buddhist-Catholic, and many other religious communities (Duy Hie, 2017), (Cigdem, 2015).

Interfaith marriage in Indonesia is still exist and develop (Ansor, 2016), (Indrayanti, 2017). Noryamin Aini (2008) found that at least 15 out of 1000 couples are performing interfaith marriage in Yogyakarta. That number increased into 18 out of 1000 in 1990, and then decreased to 12 out of 1000 in 2000. The person performing interfaith marriage coming from Muslim community was only amounted to 6 out of 1000 cases while the non-Muslim community reached 50 out of 1000 cases. This finding shows that the

practice of interfaith marriage is dominated by the non-Muslim community, reaching eight times of those performed by the Muslim Community (Islam, 2014).

The data of interfaith marriage performed nationally was shown by Harmoni Institution (2015) that from 2005 until May 2015, there were at least 638 couples in Indonesia performing interfaith marriage under the presiding watch Harmoni Mitra Madania organization. From those numbers, interfaith marriage was dominated by the couple having a religion of Islam-Christianity (48%), Islam-Catholicism (42%), and the 10% are the couples having a religion of Islam-Hinduism, Islam-Buddhism, Islam-Confucianism, Christianity-Buddhism, Christianity-Hinduism, and Christianity-Confucianism.

Geographically, the interfaith marriage was mainly performed in the Greater Jakarta area (20%), Central Java (19%), Yogyakarta (15%), East Java (14%), Bali (14%), South Sulawesi (10%), East Kalimantan (6%), Sumatera (1%) (Nurcholis, 2015), and East Nusa Tenggara (1%). These numbers show that there is an increase on interfaith marriage every year and the practice was not only performed in big cities but spread all across Indonesia.

The problem is that interfaith marriage is not recognized under the Law of the Republic of Indonesia (Wahyuni, 2015). Even though Indonesia

has the Law on Marriage (Law Number 1 of 1974), said law did not accommodate legal policy in interfaith marriage. Thus, the aspirant for interfaith marriage seeks out legality so that their marriage can be recognized by the government. They seek out institution or organization that can help them seek legality for their marriage by using social media (Valunzuela, 2014)–(Bedner, 2010). The advancement of information technology has helped them build legitimate construction in legal interfaith marriage seeking.

2 INTERFAITH MARRIAGE CONSULTATION

Generally, the practice of performing interfaith marriage in Indonesia can be done in three options. *First*, the couple applied for the court stipulation beforehand and then to register the marriage to the Civil Registration Office. According to Dahwal (Dahwal, 2016), since the court stipulates the interfaith marriage and the marriage has been registered to the Civil Registration Office, then the marriage is considered legal by taking the legal and jurisprudence vacuum regarding interfaith marriage into consideration. *Second*, the marriage was done according to one of the couple's religion.

Wahyuni argued that one of the best practices in interfaith marriage is to resign oneself by converting their religion into that of their couple, whether it is just for a temporary measure or to truly convert themselves wholly (Wahyuni, 2015). *Third*, the couple performs the interfaith marriage abroad. This way, the marriage was performed under the law valid in the designated country and they can get the certificate of marriage from the country in which the marriage was performed. Afterwards, the marriage can be registered in the Civil Registration Office after they got back to Indonesia (Dahwal, 2016).

The three options was done because the Law of Marriage cannot accommodate interfaith marriage (Lukito, 2008). Moreover, judicial review to the Constitutional Court was rejected since the Constitutional Court asserted that a marriage can only be registered and the certificate of marriage can be legally made after the marriage was deemed valid in front of the religion (Setiyanto, 2016), (Syams, 2016). The limitation on interfaith marriage in Indonesia caused the aspirant to seek new ways in performing interfaith marriage.

The effort to seek the solution to interfaith marriage was realized socio-culturally through the

establishment of public space that is more appreciative towards the practice (L.A, 2015). The use of social media in establishing public space was done to bring together the legal seekers in order to share and seek the solution to perform interfaith marriage through a co-working space called *Ke:kini*. This shows that the prohibition on performing interfaith marriage could not stop the effort of many people to perform the marriage.

In *Ke:kini*, the seekers try to search for solutions by discussing and doing a consultation with experts to find the answer on the legality of interfaith marriage. *Ke:kini* was born from the spirit and idea to share and support activities in order to build a better Indonesia. *Ke:kini* started from the importance of nurturing sustainable resources that can support humanity acts. *Ke:kini* was hoped to be one of the solutions to the high number of needs for many workers in different fields to interact, exchange ideas, and collaborate in a public space that is friendly for all. The meeting of between individuals and communities in *Ke:kini* can become a push for organic changes— where each person can take parts and contributes in their own way.

Ke:kini is affiliated to *Indonesia untuk Kemanusiaan* (IKa), an institution of humanity that support the realization of social justice and peace. *Ke:kini* and IKa have the same vision to contribute to the changes in order to build a better Indonesia. One of monthly program held by *Ke:kini* every third Wednesday is called *Ruang (Ny)aman*, the result of a cooperation with Magdalene and The O Project. This program is a place for women to discuss comfortably about any issue, from their relationship, career, to sexual abuse and financial situation. First held in March 30, 2017, *Ruang (Ny)aman* also aims to become a movement to empower women. Located at the center of the city in JalanCikini Raya No.45, CikiniMenteng, Central Jakarta, this co-working space is easy to access with a strategic location.

Ke:kini was founded by Ratna Fitriani, Kamala Chandrakirana, Ukke R. Kosasih, and Anik Wusari. They are humanity workers in many government programs with the specialization in social inclusion in the education, health, social welfare, and basic infrastructure sector. The managerial team for *Ke:kini* consist of Felencia Hutabarat, Azizah Hafsaristaff, Sriyoto, and Narariya. Information about *Ke:kini* can be accessed through their website info@kekini.org, whatsapp in 085773616182, facebook in *kekiniiruangBersama*, Instagram at *@komunitaskekini* or by subscribing to their Newsletter *Ke:kini*. People can attend *Ruang Nyaman* program by registering via [Bit.ly/ruangnyaman14](http://bit.ly/ruangnyaman14) and filling the form by completing their identity such as their

fullname, email address, profession, age, and answering the question on where do they find out about the program. The form then can be submitted with a donation fee of 50k Rupiahs that will be used to provide tea and snacks.

In one of the *Ruang Nyaman* sessions, *Ke:kini* invites the expert on interfaith marriage, Ahmad Nurcholish, an activist for Indonesian Conference on Religion and Peace (ICRP) that has been counseled more than 3000 interfaith couples can has been successfully facilitated 827 interfaith couples to marry legally in Indonesia. ICRP is an independent non-sectarian non-profit NGO.

In this session held within the co-working space *Ke:kini*, there were around 70 participants having a potential husband or wife with different religion. Here, they can express their problem and the obstacle faced in their journey to get married legally. Their struggles and obstacles ranging from facing their own family such as unapproving parents, the difficulties in obtaining legal documents for registration, the requirements for their profession, and the difficulties faced by a Hindu person to perform interfaith marriage because there were so little of *pedande* (Hindu cleric) who can agree to preside an interfaith marriage. The 70 participants of *Ruang Nyaman* are registered using online registration with their age ranging from 20 to 30 years old.

In this consultation held within *RuangNyaman*, Ahmad Nurcholis answered all the problems presented by the participant regarding the interfaith marriage. Moreover, to consult further, the participant can contact him or come to the ICRP office to do a direct consultation. Ahmad Nurcholis started his story by sharing his experience on performing interfaith marriage and that he is living happily now. Ahmad Nurcholis describe how the religion in Indonesia viewed interfaith marriage, how the Law regulate the marriage, and the effort to seek legal interfaith marriage and to do approaches to the family member.

In the Questions & Answers session, moderator opens the floor so that the participant can ask about their questions. They raise their hands so that they can get a turn to express their problems regarding interfaith marriage. For example Rika (not her real name), a women Muslim that has been in a relationship for 8 years with a Hindu guy working as a member of the Indonesian National Force, shared her story about the problems they faced to perform marriage. Rika's decision was not supported by her family. She asked for letter of statement of marriage to the administrative body, but she was rejected because there was no support from her family. She recalled the problems and expresses it to the expert

while shedding a tear, hoping for a solution so that she can legally marry and registered as a husband and wife whether by performing the marriage abroad or by using other means.

However, the expert stated that it is difficult for a Hindu guy to perform interfaith marriage because unlike in Christianity or Catholicism, there are no dispensations for interfaith marriage because the *pedande* is not eager in presiding interfaith marriage. Meanwhile, to perform interfaith marriage under the Islamic rule, the non-Muslim spouse needs to convert themselves to become a Muslim.

Another example is Toni (not his real name), a Catholic guy who has a women Muslim future wife. Toni asked whether he need to marry twice, both under Catholic and Islamic rule. The expert says that for interfaith marriage between a Muslim and a Catholic, it can be done in two ways, by marrying under Islamic rule outside of Religion Affairs Office and by the blessing of the Church. According to the expert, it is possible to do interfaith marriage in Catholicism. However, to obtain legal documents, they need to apply to the Office of Population and Civil Registration and there needs to be an approval from the parents, even though in the Law of Marriage, the future bride and groom that already reach the age of 25 didn't need to obtain the approval from their parents. However, since this is related to interfaith marriage, the Office required the approval to prevent unwanted consequences such as marriage cancellation.

Rio (not his real name) a Christian guy with a women Muslim future spouse asked about how to obtain legality for their marriage without converting religion. The expert explains that for Catholicism and Christianity there is little problem in performing interfaith marriage because the religion has a dispensation to do interfaith marriage.

Sarah (not her real name) asked about whether the interfaith marriage equals to *zina* or fornication. Ahmad Nurcholis explained that interfaith marriage has a normative legal basis, both in the Holy Scripture and in the Law. The expert cite Quran verses *Surah Al- Baqarah: 221* and *Surah Al Maidah: 5* along with the Law of Marriage No. 1 of 1974 Art.2 (1) stating that the marriage is valid if done based on the rule in each of their religion or faith.

Ruang Nyaman as a form of interfaith marriage consultation facilitated by *Ke:kini* is one of the alternative in seeking legality on interfaith marriage in Jakarta. This is a space that holds alternative offers to solve the deadlock situation found in interfaith marriage in Indonesia. *Ke:kini* used social media to bring together the aspirant of interfaith marriage with

their restlessness in hope of solving their problem and to help them perform a legal marriage.

The government policy that prohibits interfaith marriage in the form of regulation and the reluctance of the officer to register interfaith marriage in many areas has moved many couple to seek alternative solution. The limited knowledge possessed by the couple has been facilitated by *Ke:kini* in *Ruang Nyaman* so that they can consider alternative option to perform legal marriage.

There are three options to perform interfaith marriage, such as: (1) Applying for the court stipulation beforehand and then to register the marriage to the Civil Registration Office; (2) The marriage was done according to one of the couple's religion, and; (3) The couple performs the interfaith marriage abroad. Through social media and *Ruang Nyaman*, the co-working space *Ke:kini* has tried to provide a solution to the problem related to interfaith marriage faced by many couples in Indonesia.

3 CONCLUSION

Interfaith marriage has faced difficulty in obtaining legality post Constitutional Court decree. The result is that the officer's reluctance of the Civil Registration Office to register interfaith marriage because it was considered as contradictory to the rule of law and religious teaching. Meanwhile many future spouses with different religion didn't have sufficient knowledge on how to perform their marriage.

Ruang Nyaman that was facilitated by *Ke:kini* is there to provide knowledge for the couples aspiring to perform interfaith marriage. By using social media such as whatsapp, facebook, and twitter, *Ke:kini* bring them together to attend the *Ruang Nyaman* program to share their problems related to interfaith marriage. In this forum, *Ke:kini* tried to find the solution in seeking the legality of interfaith marriage. Here, social media has a significant role in bringing together couples with interfaith problems to come and engage in positive discussion in this co-working space of *Ke:kini*.

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