



Available online at: <http://jurnal.president.university.ac.id>

PROBLEMATIKA HUKUM

| ISSN (Print) 2477-1198 | ISSN (Online) 2503-4812 |



Legal Analysis: Interfaith Marriage Between Muslim Men and Buddhist Women In Indonesia And Myanmar

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Article	Abstract
Keywords: <i>Interfaith Marriage, Muslim and Buddhist, Legal Uncertainties, Human Rights</i>	Interfaith marriage leads to intricate legal and social challenges in countries, including Indonesia and Myanmar, where constitutional guarantees of religious freedom intersect with religious principles and state legislation. This article explores the legal complexities surrounding interfaith marriages in these nations, with a focus on marriages between Muslim men and Buddhist women. In Indonesia, while interfaith marriage is neither explicitly permitted nor prohibited, legal uncertainties arise from conflicting religious principles and national laws. Myanmar, on the other hand, allows interfaith marriage for Buddhist women through specific legislation. The registration process for such marriages varies between the two countries, further complicating the legal landscape. From a human rights perspective, restrictions on interfaith marriage in Indonesia and statute laws focused on majority Buddhists in Myanmar violate principles of freedom of religion and nondiscrimination. This analysis highlights the challenges and complexities of balancing religious freedoms, national laws, and human rights principles in the context of interfaith marriage in Indonesia and Myanmar.
Article History Received: Aug., 25, 2024, Reviewed: Sept.,22, 2024 Accepted: Oct., 27, 2024 Published: Dec, 02 ,2024	

1. INTRODUCTION

Interfaith marriage, a marriage between individuals of different religious backgrounds, presents complex legal and social challenges, particularly in countries Indonesia and Myanmar of which respective Constitutions guarantee the right to freedom of religion based on the freedom of belief.¹ This article delves into the legal analysis surrounding interfaith marriages in Indonesia and Myanmar, exploring applied laws and registration processes within each jurisdiction, reflecting how religious principles and state legislation for interfaith marriage play a complexed role and how they affect the interfaith couples in protecting and fulfilling their marriage and religious rights.

In both Indonesia and Myanmar, interfaith marriage involving Muslim men and Buddhist women raises significant legal questions and tensions. While Indonesia is a state with a Muslim-majority population of 87.2% and a Buddhist minority of 0.7%², Myanmar features a Buddhist majority of 87.9% and a Muslim population of 4.3%.³ In Islam, religious teaching does not allow the interfaith marriage and even views the dangers behind it⁴ while there is no any prohibition of interfaith marriage in Buddhism as marriage is a civil institution as consensual contract as well as religion and marriage are not absolutely relevant with each other.

In the same way as different religion principles relating to interfaith marriage between Islam and Buddhism, national legislation and court decisions create legal uncertainties and gaps for interfaith couples, particularly those involving Muslim men and Buddhist women in Muslim-majority country, Indonesia and Buddhist-majority country, Myanmar.

This article aims to analysis the legal complexities of interfaith marriage in Indonesia and Myanmar, with a specific focus on marriages between Muslim men and Buddhist women. By analyzing religious doctrines, national laws, court decisions, and human rights perspectives, the objective is to provide a comprehensive understanding of the

¹ Article 34 of the Myanmar Constitution (2008); Article 28 E (2) of the Indonesia Constitution (1954).

² Statistics Indonesia (Badan Pusat Statistik). Population Census 2010.

³ Nina Evason, "Myanmar (Burmese) Culture," Cultural Atlas, 2017.

⁴ Nurcholish, A. (2015). Interfaith Marriage in the Constitution and the Islamic Law Dynamics in Indonesia. *Al-Mawarid Journal of Islamic Law*, 15(1).

legal framework governing interfaith unions in these countries.

The following sections of this paper will delve into three key areas: the legal status of interfaith marriage in Indonesia and Myanmar, the registration process for interfaith marriages in both countries, and a human rights perspective on the implications of existing legal frameworks. Indonesia interfaith marriage will be mainly analyzed from the perspective Muslim men and that of Myanmar will be discussed from the sides of Buddhist women due to the laws applied in each country.

In essence, this article seeks to offer insights into the complexities of balancing religious freedoms, national laws, and human rights principles in Indonesia and Myanmar with respect to interfaith marriage.

2. RESEARCH METHODS

Normative legal research is the methodology employed in this legal study. In this journal article, normative legal research and law of comparative research will be utilized. Initially, the author conducts library research through published legal articles, court judgments, and literature concerning interfaith marriages references, or influences as well as laws, notifications and procedures of government and legislative body and precedents of courts as primary sources. The author will analyze facts with an emphasis on laws and procedures of Indonesia and Myanmar. Based on this analysis, particular conclusions or solutions to the problems will be made.

3. ANALYSIS AND DISCUSSION

3.1 Is Interfaith Marriage allowed (Between Muslim men and Buddhist women in Indonesia and Myanmar)

The interfaith marriage system between Muslim men and Buddhist women in Indonesia and Myanmar have differences in practices and legalities.

3.1.1 Interfaith Marriage in Indonesia

Interfaith marriage is permitted nor prohibited in Indonesia. Apart from the conversion into the same religion, there are 3 points of view on interfaith marriage in Indonesia which are (1) Interfaith marriage is prohibited (2) Interfaith marriage is not

clearly banned in accordance with the national law (3) Interfaith marriage is allowed by the court approval. However, this case is still controversial among some scholars. The background facts that raise the legal conflicts of the mentioned points of views are

Religious Principles, Marriage Law 1974, and Court Decisions.

Islamic and Buddhism Principles: Islamic marriages must be the same religion and requires a religious ceremony.⁵ Interfaith unions are likewise forbidden by Islam, according to Surah Al-Baqarah verse 221, however a Muslim man in Islam, is still permissible to marry a woman of different religions, provided that interfaith marriage with a Catholic woman is prohibited in principle.⁶ According to the Explanation of the 1991 Indonesian Compilation of Islamic Law, “two sources of Islamic law form the basis for determining the legality of marriage: (i) the Holy Quran (Al-Quran Al-Kareem) and (ii) the 1991 Indonesian Compilation of Islamic Law (KHI)”. The Compilation Law “KHI” is applied by the Religious Court Judges as a material law.⁷ The Compilation Law expressly prohibits interfaith marriage of both Muslim men⁸ and Muslim women with non-Muslims.⁹ On the other hand, the teachings of Buddhism allow interfaith of Buddhists and adherents of other religions to marry as long as the marriage complies with the procedures of Buddhism.¹⁰ Moreover, the interfaith marriage can be conducted without the conversion of religion of the non-Buddhist party.¹¹

⁵ *Marriage - U.S. Embassy & Consulates in Indonesia*. (2022, August 1). U.S. Embassy & Consulates in Indonesia. <https://id.usembassy.gov/u-s-citizen-services/marriage/>

⁶ Hukumonline. (2023, April 3). *Is Interfaith Marriage Allowed in Indonesia? This is the Law*. <https://www.hukumonline.com/klinik/a/is-interfaith-marriage-allowed-in-indonesia-this-is-the-law-lt642aa9e75bff2/>

⁷ *The Explanation of the 1991 Indonesian Compilation of Islamic Law*.

⁸ *The 1991 Indonesian Compilation of Islamic Law* provides, "It's prohibited to perpetuate marriage between men and women due to certain circumstances: a. because the woman is still married to someone else; b. women in iddah; c. women aren't Muslim"

⁹ Ibid., provides, "A Muslim woman is prohibited from marrying a man who is not Muslim"

¹⁰ Kadir, M. Y. A., & Rizki, F. (2023). Interfaith Marriage in Indonesia: A Critique of Court Verdicts. *Yuridika: Volume 38*(1).

¹¹ *Indonesian Constitutional Court Decision No 68/PUU-XII/2014*.

Marriage Law 1974: The marriage law of 1974 is the first national marriage law that regulates marriage for Indonesian citizens.¹² There are two perspectives of whether the interfaith marriage is allowed or not in this law, based on the Article 2 which provides that¹³

- 1) Marriage is valid/legal if it is conducted according to their respective religions and beliefs; and
- 2) Every marriage shall be entered in a register conform to the statutory regulations. Accordingly, the two fundamental needs for a legal marriage are their respective religions and beliefs and a registered marriage by the Marriage Registrars. To fulfill the former one, legal uncertainties appear due to the fact the different principles of different religions. Imagine that a Muslim man and Buddhist woman who are Indonesians, will get married in Indonesia. According to the aforementioned principles of Islam and Buddhism, the Muslim man has to follow the rule that forbids the interfaith marriage while Buddhist woman is influenced by her religious principle that allow the interfaith marriage. So, the legal issue of which religious law must be preferred occurs and there is no clarification or provision of this issue in the Marriage Law 1974. The legal vacuum stemming from the Article 2(2) will be discussed in the Registration Process Part.

Moreover, the Article 8(f) of the Marriage Law 1974 forbids the marriage against the respective religions, nevertheless, there is no definite law that stipulates which religion is preferred in interfaith religion and there is no specific provision of prohibition of interfaith marriage in the national marriage law. Furthermore, the definition of the Article 57 of the Marriage Law states that “a mixed marriage is a marriage between two persons who in Indonesia are subject to different laws due to difference of citizenship, whilst one of them is and Indonesian citizen.”¹⁴ Thus, the Article is just emphasized on the mix marriage due to different citizenships, and there are no stipulations for interfaith marriages for different religions and same citizenship.

¹² Nurcholish, A. (2015). Interfaith Marriage in the Constitution and the Islamic Law Dynamics in Indonesia. *Al-Mawarid Journal of Islamic Law*, 15(1).

¹³ Article (2) of the Indonesian Marriage Law 1974.

¹⁴ *Ibid.*, Article (57).

Court Decisions: A Court letter, with the signature of Supreme Court Chief Justice Muhammad Syarifuddin, ordering lower courts to uphold Article 2 of the 1974 Marriage Law, and the letter confirms legality of only marriages within the same religion.¹⁵ However The jurisprudence of the Supreme Court, namely the Decision of the Supreme Court Number 1400K/PDT/1986 clarified that the Civil Registration Office was permitted to hold interfaith marriages, stating that the marriage is valid according to the law if the Civil Registration Office gives permission. The leading case of the Supreme Court of Indonesia is the interfaith marriage of a Muslim woman with a Protestant Christian partner, with the decision that submission of the marriage registration at the Civil Registration Office do not need to perform the marriage in accordance with the Islamic religion.¹⁶ Specifically the Supreme Court Decree stated: “The Marriage Law does not regulate anything that mentions a difference in religion can prohibit citizens to marry. This is in line with the 1945 Constitution Article 27, that every citizen is equal before law, including same rights to get married with other citizens who have different religions. This is also in line with the spirit of the 1945 Constitution Article 27 about a guarantee for freedom of religion.”¹⁷ To support the court decisions, there is a Principle *Ius Curia Novit /Curia Novit Juice*¹⁸ specified in Article 10 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power (Law of Justice) which states that “Courts are prohibited from refusing to examine and it is obligatory for judges to examine legal uncertainties in unclear laws and provisions as a symbol of freedom of judiciary”.¹⁹ Based on *Ius Curia Novit Juice* Principle and Law Number 48 of 2009, the judges have power to accept interfaith marriage cases taken to the court due to the legal uncertainties.²⁰ First Level Courts in Indonesia accept cases of Applications for Determination of Interfaith Marriages. ²¹There was a case in 2020 that a Muslim man

¹⁵ AsiaNews.it. (n.d.). *Supreme Court bans interfaith marriages*. <https://www.asianews.it/news-en/Supreme-Court-bans-interfaith-marriages-58840.html>

¹⁶ Hukumonline. (2023b, April 3). *Is Interfaith Marriage Allowed in Indonesia? This is the Law*. <https://www.hukumonline.com/klinik/a/is-interfaith-marriage-allowed-in-indonesia-this-is-the-law-lt642aa9e75bff2/>

¹⁷ Nurcholish, A., & Baso, A. (Year). *Pernikahan Beda Agama* (pp. 312-313).

¹⁸ Desimaliati. (2022). *Legality of registration for international religious marriage based on court decisions according to law and regulations in Indonesia. Volume 6(2)*, July-December, (pp. 77-90).

¹⁹ *Law Number 48 of 2009 concerning Judicial Power (Law of Justice)*, Article 10, paragraph (1)

²⁰ Harahap, Y. (2016). *Civil Procedure Law on Lawsuits, Trials, Confiscations, Evidence and Court Decisions*. Jakarta: Sinar Grafika.

²¹ Desimaliati. (2022). *Legality of registration for international religious marriage based on court decisions according*

and Buddhist woman got permission to marry from the court during their pre-wedding period.²²

3.1.2 Interfaith Marriage in Myanmar

Interfaith marriage is officially allowed in Myanmar National Law as long as a Myanmar citizen Buddhist woman is involved, promulgating the Buddhist women as per Law No.50, 2015 of the Myanmar Buddhist Women's Special Marriage Law. This law is emphasized on marriage disputes of Buddhist women with non-Buddhist man.²³ If a Buddhist woman marries with a Muslim man in Myanmar, the marriage must be registered at the Township General Administrative Department.²⁴ According to the Article 3(b) of the Myanmar Buddhist Women's Special Marriage Law 2015, "Myanmar Buddhist Women means a woman who is a citizen and professes Buddhist Faith or a woman who was born of the parents who profess Buddhist faith. Provided that if the woman distinctly converted from Buddhism to another religion and officially professes the religion, this woman shall not be deemed as a Buddhist woman on the ground that she was born of parents who profess the Buddhist faith." Therefore, if a Buddhist woman converts to Islam or other religions to marry a Muslim man or other non-Buddhist man, she is not protected under this law. In addition, as per Article 19 of this law, the husband must respect his wife's religious beliefs and practices and he cannot force her to convert to his religion or any other, nor can he insult her faith in any way. If the husband violates these provisions, the woman has the right to divorce him, retaining custody of any children and receiving compensation for damages even though anything mentioned in other existing law or custom.²⁵ It means that even if there is a religious law for Muslim marriage, this Myanmar Buddhist Women's Marriage Law influence on them and Muslim men and Buddhist women are bound by this law if they perform the interfaith marriage.

to law and regulations in Indonesia. Volume 6(2), July-December, pp. (77-90).

²² 209/ Pdt.P /2020/PN Kds (Holy District Court)

²³ Article (1) and (2) of the Myanmar Buddhist Women's Special Marriage Law 2015

²⁴ Ibid., Chapter (3)

²⁵ Ibid., Article (1)

Based on the national Buddhist Women's Special Marriage Law, legal conflicts are already solved, stipulating the priority of the national law overwhelming any customary or religious laws as long as a marriage with a Buddhist woman.

3.2 Registration Process of interfaith marriage or how to make the marriage legal in Indonesia and Myanmar

3.2.1 Registration Process of Interfaith Marriage in Indonesia

A marriage registration exists as a very large juridical influence on a legal acknowledgment²⁶ and several issues and negative consequences are faced as a result of lack of legal registration. Islam, Catholic, Protestant Christianity, Hinduism, Buddhism, and Confucianism are official religions approved by the Indonesian House of Representatives and different requirements must be filled to make the marriage legally valid.²⁷ The implementing regulations state that non-Muslim marriages must be registered with the Civil Registry Office following the religious ceremony, while Muslim marriages must be registered with the local Office of Religious Affairs.²⁸ However, interfaith marriage is still challenging in Indonesia due to the Indonesian Marriage Law 1974, Compilation of Islamic laws in Indonesia and religious norms which cause legal uncertainties affecting the society. As the registration is compulsory for a legal marriage,²⁹ people who want to perform interfaith marriages choose two ways **Marriage abroad and applying for Court approval.**

Marriage Abroad. Whether interfaith marriage abroad for Indonesians is legally valid is still raising disputes among scholars. Article 56 of the Marriage law 1974 explicitly states that "Indonesian nationals or between an Indonesian national and a foreign national shall be legitimate if carried out according to the laws in force in the state wherein the marriage has been performed and insofar as the Indonesian national is concerned, the marriage is not in contravention with the provisions of this Law."³⁰ Such

²⁶ Zainuddin, A., Jamil, A., & Sumanto, D. (2022). *Marriage Registration Law Reformulation in Indonesia (Study of Law and Regulations on Marriage)*. Volume 28(3), September, (pp. 492-505).

²⁷ *Marriage - U.S. Embassy & Consulates in Indonesia*. (2022, August 1). U.S. Embassy & Consulates in Indonesia. <https://id.usembassy.gov/u-s-citizen-services/marriage/>

²⁸ Government Regulation Number 9 of 1975, Indonesia.

²⁹ Article 2(2) of the Indonesian Marriage Law 1974.

³⁰ *Ibid.*, Article 56(1) of the Law No. 1 of 1974 on Marriage.

marriages must be registered in Indonesia within one year of a couple's return to the country.³¹ Ministry of Home Affairs enacts a regulation No. 12 of 2010 about Guide to Marriage Registration and Reporting Foreign Certificate (Pedoman Pencatatan Perkawinan dan Pelaporan Akta yang Diterbitkan oleh Negara Lain) to ensure that marriage done abroad still can be registered through civil registration institution.³² In this matter, to decide if the interfaith marriage abroad is permitted relies on the consistency with the Marriage law, however, the Marriage law does not explicitly promulgate the prohibition of interfaith marriage. In reality, middle and upper class of Indonesia citizens' choices are marriages abroad and civil registration if they come back Indonesia without any court approval.³³

Court Approval: Even though Indonesian interfaith marriages abroad can register without court approval, it is necessary for those inside Indonesia to receive court approval due to the Law No. 23 of 2006 about population administration which stipulates that interfaith marriage can be registered officially as long as there is a court approval.³⁴ The marriages of interfaith couples get legitimacy from the state during both pre married and after married period at several first level courts in Indonesia.³⁵ A summary of some data from the many applications for interfaith marriages received, examined and decided by several district courts in Indonesia.³⁶ It is found that acceptance of Interfaith marriage cases are based on the following laws - Article 29 paragraph (2) of the 1945 Constitution, Law No.1 of 1974 concerning Marriage, Law No.23 of 2006 concerning Population Administration, Universal declaration of Human Rights, Law No.12/2005 concerning Ratification of the International Covenant on Civil and Political Rights, Law No.11/2005 concerning Ratification of the International Covenant on Economic, Social and Cultural Rights, Law No.48/2009 on Judicial Power Law No.39/1999 on Human Rights, and Law

³¹ *Ibid.* Article 56(2)

³² Nurcholish, A. (2015). Interfaith Marriage in the Constitution and the Islamic Law Dynamics in Indonesia. *Al-Mawarid Journal of Islamic Law*, 15(1).

³³ *Ibid.*

³⁴ Article 35(a) of the Law No. 23 of 2006, Indonesia.

³⁵ Desimaliati. (2022). *Legality of registration for international religious marriage based on court decisions according to law and regulations in Indonesia*. Volume 6(2), July-December.

³⁶ *Ibid.*

No. 9 of 1975 concerning the Implementation of the Marriage Law.³⁷ Nevertheless, several Court Decisions have rejected applications for permission to enter into and register the marriages of interfaith couples³⁸ and these couples, including Muslim men and Buddhist women interfaith couples in Indonesia are still encountering unfair obstacles.

3.2.2 Registration Process of Interfaith Marriage in Myanmar

As the interfaith marriage between non-Buddhist men and Buddhist women are officially allowed, the legal registration can be done by the instructions provided in the Myanmar Buddhist Women's Special Marriage Law. If a Buddhist woman marries with a Muslim man in Myanmar, the marriage must be registered at the Township General Administrative Department where the woman resides.³⁹ If the cohabitation between a non-Buddhist man and a Myanmar Buddhist woman is amounted to the cohabitation under Myanmar Customary Law, it is regarded as solemnizing their marriage under this law, and either party can apply for a marriage certificate from the Registrar, who will process it as if he solemnized the marriage.⁴⁰ Although Dhammathats, the primary source of Myanmar customary law, do not specify the essential conditions of the contract of marriage, certain requirements are prescribed by customs to constitute a valid marriage. They are as follows:

- 1) The man should attain his puberty.
- 2) The woman should be a spinster above and 20 years of age, a widow, a divorcee, or a spinster under 20 years of age who has obtained her parents' or guardians' consent.
- 3) The parties must give their mutual and free consent to become husband and wife presently.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Article 23 (a) of the Myanmar Buddhist Women's Special Marriage Law 2015.

⁴⁰ Ibid., Article 22.

- 4) The parties must be mentally competent to contract as tested by section 12 of the Contract Act.
- 5) The woman must not have an existing valid marriage.⁴¹ Cohabitation without marriage lead to compulsory marriage registration. If a Myanmar Buddhist woman and a non-Buddhist man cohabit without registration, the woman or her family can inform the Registrar, who will summon both parties; if they wish to register, the marriage is solemnized, otherwise, the case goes to court where it may be deemed solemnized, and the Registrar records the marriage accordingly.⁴² In addition, no one shall remarry or illegally live together as husband and wife during the marriage is valid according to any Law, religion or custom.⁴³ In relevance with the Special Marriage Law, it can be assumed that the law deters the illegal marriages that can stem from the Islamic religious law for the interfaith marriages between Buddhist women and Islamic men, preventing Buddhist women from being illegal wives of Muslim men.

3.3 Human Rights Perspective

3.3.1 Human Rights Perspective for Indonesia Interfaith Marriage

An Indonesian legal scholar argues that marriage law cannot be separated from the theme of Islamic law. Indonesia is not a religious state but a rule of law state. In the Pancasila sense, the law in this country refers to the consensus of the basic ideology of the state.”⁴⁴ Nonetheless, Article 22 of Indonesia Human Rights Law 1999 guarantees the freedom of religious, giving everyone the right to freedom of religion and choose to practice the religion freely based on his or her belief.⁴⁵ What is the freedom of Religion? Office of the United Nations High Commissioner for Human Rights notes that freedom of religion is the right to choose what religion to follow and to worship without undue

⁴¹ Sein, M. (2014). *Myanmar Customary Law* (12th ed.). (p. 54).

⁴² Article 23 of the Myanmar Buddhist Women’s Special Marriage Law 2015.

⁴³ Ibid., Article 12.

⁴⁴ Elnizar, N. E. (2018, June 20). UU Perkawinan Harus Sesuai dengan Konsensus Ideologi Negara Pancasila. *hukumonline.com*. <http://www.hukumonline.com/berita/baca/lt5b1fc284265b7/uu-perkawinan-harus-sesuai-dengan-konsensus-ideologi-negara-pancasila>

⁴⁵ Article 22 of the Indonesian Human Rights Law 1999

interference. Restricting interfaith marriages unless one partner converts to the other's religion is unfair violating the freedom of religion and impeding individuals' rights to marry based on their own beliefs. This restriction undermines the freedom to marry the person they love, irrespective of religious differences.

Under perspective of human rights, the law of marriage clearly violates the Universal Declaration of Human Rights, Article 16 (1): “Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.”

Additionally, International Convention On The Elimination of All Forms of Racial Discrimination 1965 (ICERD), which has been ratified to the Law No. 29 of 1999. This law wants to ensure that any civil events of citizens can be registered, including marriage, as asserted in Article 2 of that law: “Every citizen has the rights to achieve equal treatment in Citizen and Civil Registration.”⁴⁶ Making the interfaith marriage processes within Indonesia complexed and difficult with the rejections of court approval does not fulfill the citizens’ right guaranteed by the Article 2 of ICERD. Therefore, religious, marriage and citizenship rights of Muslim men and Buddhist women relating to interfaith marriage are being violated due to the legal uncertainties and gaps.

3.3.2 Human Rights Perspective for Myanmar Interfaith Marriage

Right to marriage and freedom of religion of Buddhist women can be enjoyed in the marriage with non-Buddhist men in matters of legal and registered marriage, practice of monogamy, legal rights stemmed from the marriage, and non-conversion of religion. The Union Parliament of Myanmar (Pyidaungsu Hluttaw) enacts the law that protect only Buddhist women’s marriage as a national law that influences on any existing laws, customary laws and religious laws.⁴⁷ Article 2(2) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) provides that “The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present

⁴⁶ Desimaliati. (2022). *Legality of registration for international religious marriage based on court decisions according to law and regulations in Indonesia. Volume 6(2)*, July-December

⁴⁷ Preamble of the Myanmar Buddhist Women’s Marriage Law 2015.

Covenant will be exercised without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”⁴⁸ Myanmar, as a state party to ICESCR,⁴⁹ has responsibility to protect all citizens regardless of religion. Enactment of a national law focused on only Buddhist women can raise legal conflicts leading to discrimination of religions and national laws for all religions must be implemented and all women in all religions are to be legally protected relating to interfaith marriage although there can be challenging to make consistencies between religious laws.

4. CONCLUSION

In conclusion, the legal complexities surrounding interfaith marriage in Indonesia and Myanmar are to be carefully handled and considered to balance between religious freedoms, national laws, and human rights principles. In relevance with interfaith marriages, while Indonesia grapples with legal uncertainties stemming from conflicting national law, religious laws and court decisions, Myanmar's legislation provides clearer protection for only Buddhist women with the enactment of national law which overwhelmed any religious laws regardless of Myanmar women in other religions. Both countries fall short in fully upholding the rights of interfaith couples, Moving forward, it is important for both countries to prioritize the rights of all citizens, regardless of their religious background, ensuring that interfaith couples are afforded the same recognition and protections as couples of same religion, creating a society that embraces diversity and respects individual freedoms.

⁴⁸ Article 2 (2) of the International Covenant on Economic, Social and Cultural Rights.

⁴⁹ UNTC. (n.d.). https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=_en

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