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From Pluralism to Unification: The Transformation of Marriage Law in Indonesia Before and After the 1974 Marriage Law

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Abstract

This study examines the historical transformation of marriage law in Indonesia from a plural legal structure inherited from the colonial period to a unified national legal framework established through Law Number 1 of 1974 concerning Marriage. Employing a non empirical qualitative approach based on library research, the study analyzes primary legal sources including Law Number 1 of 1974, Government Regulation Number 9 of 1975, Government Regulation Number 10 of 1983, the Compilation of Islamic Law of 1991, Law Number 16 of 2019, and Constitutional Court Decision Number 22/PUU XV/2017. Secondary sources consist of scholarly publications addressing legal pluralism, family law reform, gender equality, and child protection. The findings demonstrate that the 1974 Marriage Law constituted a fundamental shift from fragmented legal regimes based on religion and social classification toward a national system emphasizing legal certainty, marriage registration, monogamy, and equal legal standards. Subsequent reforms strengthened administrative regulation and expanded protection of women and children. Despite these developments, challenges concerning interfaith marriage, customary communities, legal pluralism, and human rights continue to influence the contemporary development of Indonesian marriage law.

Keywords : Marriage Law, Legal Pluralism, Legal Unification, Family Law Reform, Child Protection.



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INTRODUCTION

The regulation of marriage has become one of the most contested domains within contemporary legal scholarship because it lies at the intersection of state formation, legal pluralism, religious authority, citizenship, gender equality, and human rights. Across many postcolonial societies, recent debates have increasingly focused on how nation states reconcile inherited plural legal orders with the demand for coherent national legal systems capable of guaranteeing legal certainty and equal protection before the law. Within this broader global discourse, Indonesia represents a particularly significant case because its legal development reflects a complex transition from colonial legal fragmentation toward the construction of a unified national legal framework. Prior to the enactment of Law Number 1 of 1974 concerning Marriage, marriage regulation in Indonesia operated under multiple normative regimes that differentiated citizens according to religion, ethnicity, and legal status, producing overlapping jurisdictions and divergent legal consequences.

The enactment of Law Number 1 of 1974 and its subsequent implementation through Government Regulation Number 9 of 1975 marked a decisive effort to transform legal pluralism into a national framework of family law that sought to harmonize diverse normative traditions while preserving religious legitimacy (Republic of Indonesia, 1974; Republic of Indonesia, 1975). Subsequent reforms, particularly the amendment introduced through Law Number 16 of 2019, further demonstrated the dynamic evolution of Indonesian marriage law in response to changing constitutional standards, child protection concerns, and contemporary social realities (Republic of Indonesia, 2019). This historical trajectory has positioned Indonesia at the center of international discussions concerning the relationship between legal unification, cultural diversity, and the modernization of family law.

Existing scholarship has generated important insights into the transformation of Indonesian family law by examining the interaction between religious norms, state authority, and social change.

Studies on the reproduction of Islamic law under conditions of globalization have demonstrated that legal reform in Indonesia cannot be understood merely as state driven codification because it also reflects continuous negotiations among religious institutions, political actors, and societal expectations (Umar et al., 2023). Research on Islamic legal politics has further emphasized that the Marriage Law of 1974 represented not only a legal instrument but also a political compromise that accommodated competing ideological visions regarding the role of religion in national legislation (Santosa et al., 2026).

Other studies have highlighted the continuing challenges posed by interfaith marriage, revealing how legal unification has not entirely eliminated normative tensions between state law and social diversity (Rahmatullah & Suhendra, 2025; Syaifuddin et al., 2025). Recent analyses of marriage law reform have also underscored the need to reassess existing legal frameworks in light of technological transformation, changing family structures, and evolving societal values, suggesting that legal modernization remains an unfinished project rather than a completed achievement (Mu'in et al., 2024). Collectively, these studies demonstrate that the development of Indonesian marriage law constitutes a multifaceted process involving legal continuity, institutional adaptation, and persistent social negotiation.

Despite these valuable contributions, the existing literature remains characterized by a significant conceptual limitation because most studies examine contemporary legal controversies without systematically reconstructing the historical transformation from pre 1974 legal pluralism to post 1974 legal unification as a single analytical process. Research concerning interfaith marriage tends to focus on present regulatory dilemmas and judicial interpretation rather than investigating how those dilemmas emerged from the historical structure of plural legal governance inherited from the colonial period (Rahmatullah & Suhendra, 2025; Resty & Fithriyyah, 2026). Studies addressing Islamic legal politics frequently emphasize legislative outcomes while paying insufficient attention to the broader historical relationship between customary law, Islamic law, colonial legal institutions, and the formation of national legal identity (Santosa et al., 2026). Similarly, discussions of legal reform often evaluate contemporary effectiveness without adequately explaining the historical mechanisms through which legal unification altered the normative foundations of marriage regulation itself (Mu'in et al., 2024). As a result, the literature has yet to provide a comprehensive account capable of connecting colonial legal pluralism, post independence nation building, and contemporary family law reform within a coherent historical framework.

This gap carries important scientific and practical implications because unresolved questions regarding the origins and consequences of legal unification continue to shape contemporary debates about marriage regulation in Indonesia. Ongoing disputes surrounding interfaith marriage, religious authority, legal recognition, and the boundaries of state intervention reveal that many contemporary challenges cannot be fully understood without examining the historical transformation that redefined the relationship between law, religion, and citizenship (Resty & Fithriyyah, 2026; Syaifuddin et al., 2025). The amendment introduced through Law Number 16 of 2019 illustrates that marriage law remains a living legal institution whose legitimacy depends upon its capacity to respond to changing social expectations while preserving legal certainty and constitutional values (Republic of Indonesia, 2019). At the same time, continuing calls for reform demonstrate that legal unification should not be treated as a completed historical achievement but rather as an evolving process requiring critical evaluation in light of emerging social realities and contemporary legal challenges (Mu'in et al., 2024). A deeper understanding of the historical foundations of unification is therefore essential for assessing both the strengths and limitations of Indonesia's current family law regime.

Positioned within this scholarly landscape, the present study advances the argument that the transformation of Indonesian marriage law cannot be adequately explained through either a purely doctrinal analysis of legislation or a narrowly contemporary examination of legal disputes. Instead, it requires a historically grounded investigation that traces how diverse colonial legal regimes governing indigenous communities, Muslims, Christians, Europeans, Chinese populations, and mixed marriages were gradually reconfigured into a unified national legal system. Such an approach enables a more comprehensive understanding of how legal unification functioned simultaneously as a project of nation building, legal modernization, and institutional consolidation. By examining the transition from pluralism to unification through the historical development of marriage law before and after the enactment of Law Number 1 of 1974, this study seeks to bridge the analytical divide between historical

legal scholarship and contemporary family law research while offering a more nuanced interpretation of the relationship between legal diversity and state integration.

This study aims to analyze the historical transformation of marriage law in Indonesia before and after the enactment of the 1974 Marriage Law by investigating the shift from a plural legal order toward a unified national framework. Employing a qualitative library research design based on the systematic examination of statutory materials, historical legal sources, and scholarly literature, the study seeks to explain the legal, political, and social dynamics that shaped this transformation and to evaluate its implications for the development of Indonesian family law. Theoretically, the study contributes to the literature on legal pluralism, legal unification, and state formation by proposing a historically integrated framework for understanding the evolution of marriage regulation in Indonesia. Methodologically, it contributes through the application of a historical comparative analysis that connects colonial legal structures, post independence legal reforms, and contemporary developments within a single analytical narrative, thereby providing a more comprehensive explanation of how national family law emerged from a fragmented plural legal landscape.

RESEARCH METHODS

This study employs a non empirical qualitative research design in the form of library research, which is appropriate for examining the historical transformation of marriage law in Indonesia from a plural legal system to a unified national legal framework. The study relies exclusively on documentary and textual sources rather than field generated data because its primary objective is to reconstruct legal developments and analyze normative changes across different historical periods. Primary sources consist of major legal instruments governing marriage law, including Law Number 1 of 1974 concerning Marriage, Government Regulation Number 9 of 1975 concerning the Implementation of Law Number 1 of 1974, Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, and Constitutional Court Decision Number 22/PUU XV/2017. Secondary sources include scholarly books, peer reviewed journal articles, legal commentaries, and historical studies relevant to Indonesian family law, legal pluralism, and legal unification. Sources were selected based on their direct relevance to the historical evolution of marriage regulation, their scholarly credibility, and their capacity to explain the interaction between customary law, Islamic law, colonial legal institutions, and national legislation. The analytical framework combines historical legal analysis and comparative legal analysis to investigate the continuity and transformation of legal principles before and after the enactment of the 1974 Marriage Law.

The analytical procedure was conducted through systematic document examination involving data identification, classification, interpretation, and synthesis. Relevant legal texts and scholarly materials were first organized according to historical periods and substantive legal themes, including legal pluralism, marriage regulation, legal unification, gender equality, and child protection. The collected materials were subsequently subjected to qualitative content analysis in order to identify patterns of legal change, institutional restructuring, and normative continuity across different regulatory regimes. Interpretive analysis was then employed to evaluate the broader legal and social implications of the transition from fragmented colonial regulations to a unified national marriage law system. To ensure methodological rigor, the study applied source triangulation by comparing statutory provisions, judicial decisions, and scholarly interpretations from multiple authoritative sources. The credibility and trustworthiness of the findings were further strengthened through consistency checks between historical evidence and contemporary legal developments, enabling a comprehensive and balanced reconstruction of the evolution of Indonesian marriage law.

RESULTS AND DISCUSSION

Historical Configuration of Legal Pluralism in Indonesian Marriage Law Prior to the 1974 Marriage Law

The historical analysis demonstrates that Indonesian marriage law before 1974 was characterized by a highly fragmented legal structure that reflected colonial classifications of population groups. Marriage regulation was not governed by a single national legal framework but was distributed across religious, customary, and colonial legal regimes. This arrangement created multiple legal authorities that operated simultaneously within the same territorial jurisdiction. Historical legal scholarship

identifies this condition as a classic manifestation of legal pluralism within colonial governance systems (Umar et al., 2023).

The documentary sources reveal that colonial administrators deliberately maintained legal differentiation rather than pursuing legal uniformity. Different categories of citizens were subjected to distinct marriage regulations according to ethnicity, religion, and social status. This approach reflected administrative pragmatism that prioritized governance efficiency over legal equality. Similar observations concerning the persistence of plural legal arrangements have been emphasized in contemporary studies of Indonesian family law development (Muhyidin & Setyawan, 2025).

Within indigenous communities, customary law constituted the primary normative foundation governing marriage formation and family relations. Marriage was interpreted as a collective social institution connecting kinship groups rather than merely establishing a contractual relationship between individuals. Legal consequences were closely linked to lineage systems, inheritance structures, and communal obligations. Current analyses of customary legal resilience indicate that these socio cultural foundations continue to influence marriage practices in several regions of Indonesia (Amri et al., 2026).

For Muslim communities, marriage regulation evolved through complex interactions between Islamic jurisprudence and colonial legal policy. Documentary evidence indicates that Islamic legal norms were initially recognized through legal compilations and judicial practice before being subjected to restrictions under later colonial reforms. Competing theories regarding the authority of Islamic law generated enduring debates concerning the relationship between religion and state law. The historical significance of these debates remains central to contemporary discussions on Islamic family law reform in Indonesia (Santosa et al., 2026).

The analysis further shows that European, Chinese, and Christian indigenous populations were regulated through separate legal instruments that contained different principles regarding marriage validity, registration, and family rights. Such diversity generated varying legal consequences for citizens depending on their legal classification rather than their substantive marital circumstances. The coexistence of multiple regulatory systems complicated legal certainty and judicial consistency across the archipelago. Comparative legal studies identify this situation as one of the principal factors motivating later efforts toward national legal unification (Dalimunthe et al., 2026).

Table 1. Major Marriage Law Regimes in Indonesia Before the Enactment of Law Number 1 of 1974

Population Group	Principal Legal Source	Main Regulatory Characteristic
Indigenous Customary Communities	Customary Law	Kinship based marriage regulation and communal obligations
Indigenous Muslims	Islamic Law, Compendium Freijer, Religious Practice	Religious validity and Islamic family norms
Indigenous Christians	HOCI 1933	Christian marriage regulation under colonial legislation
Europeans	Burgerlijk Wetboek	Civil marriage framework and monogamous orientation
Chinese Communities	Burgerlijk Wetboek with specific exceptions	Civil legal regulation with administrative modifications
Mixed Marriages	Regeling op de Gemengde Huwelijken 1896	Regulation of marriages involving different legal groups

Source: Synthesized by the author from Republic of Indonesia (1974), Dalimunthe et al. (2026), and historical legal literature examined in this study.

The classification presented in Table 1 illustrates the institutional fragmentation that characterized pre 1974 marriage regulation. Each legal regime possessed distinct procedural requirements and normative assumptions regarding marital relationships. The absence of a unified legal framework limited the development of consistent legal protection for citizens. Historical legal analysis

suggests that fragmentation produced structural disparities in access to legal certainty and family rights (Kennedy, 2025).

The findings also indicate that legal pluralism functioned not only as a legal phenomenon but also as a political instrument of colonial administration. Regulatory diversity enabled authorities to govern heterogeneous populations while preserving existing social divisions. Legal categories became mechanisms through which social identities were institutionalized within formal law. Similar conclusions have been advanced in studies examining the political dimensions of family law formation in Indonesia (Farid et al., 2026).

From a theoretical perspective, the pre 1974 system reflects the interaction between legal pluralism and normative competition. Customary law, Islamic law, and Western legal principles simultaneously claimed authority over marriage regulation. This overlap generated recurring tensions concerning legal legitimacy and jurisdictional boundaries. Contemporary scholarship continues to identify these tensions as a defining feature of Indonesian legal development before national codification efforts emerged (Hafis et al., 2026).

The historical evidence further demonstrates that questions concerning gender relations and family rights were addressed differently across legal regimes. Rights and obligations within marriage depended heavily on the applicable legal system rather than a common national standard. Variations in legal treatment contributed to unequal patterns of protection among different social groups. Recent analyses of gender justice in Indonesian family law highlight the limitations inherent in such fragmented regulatory arrangements (Al Kadumi et al., 2024).

The overall findings confirm that the period preceding the 1974 Marriage Law was dominated by institutionalized legal pluralism rooted in colonial governance, religious diversity, and customary traditions. Although these systems provided normative frameworks for their respective communities, they also generated significant challenges related to legal certainty, equality, and administrative coherence. The persistence of these challenges created strong normative justification for subsequent unification initiatives within national legislation. Scholarly assessments of marriage law reform consistently identify the transition from pluralism to unification as a pivotal stage in the modernization of Indonesian family law (Busriyanti et al., 2025; Mu'in et al., 2024; Jalil et al., 2024).

Legal Unification Through the 1974 Marriage Law: Political Context, Objectives, and Institutional Transformation

The enactment of Law Number 1 of 1974 concerning Marriage marked a decisive turning point in the evolution of Indonesian family law from a fragmented legal order toward a unified national system. Historical legal analysis demonstrates that the legislative initiative emerged from increasing concerns regarding legal inconsistency, unequal treatment among citizens, and the absence of a coherent national framework capable of supporting state consolidation after independence. The existence of multiple regulatory regimes generated divergent legal consequences for similar marital issues, thereby creating difficulties in legal administration and judicial practice. Scholars argue that legal unification became an essential component of nation building because the development of a modern state required a more integrated legal structure capable of transcending inherited regulatory fragmentation (Santosa et al., 2026).

The political process leading to the adoption of the Marriage Law was characterized by intensive negotiations among religious leaders, government officials, and members of parliament. Debates surrounding the bill reflected differing perspectives concerning the relationship between religion, state authority, and family regulation within a plural society. Farid et al. (2026) demonstrate that legislative deliberations involved complex compromises designed to reconcile religious aspirations with broader national legal objectives. The final statutory formulation represented a negotiated legal framework that accommodated religious legitimacy while simultaneously establishing state authority over the administration of marriage.

The legislative discourse also reflected broader efforts to strengthen national integration through legal reform. During the early decades of independence, policymakers increasingly viewed legal diversity as a challenge to administrative effectiveness and legal certainty. The adoption of a unified marriage statute therefore carried symbolic and institutional significance because it reinforced the principle that all citizens should be governed within a common national legal framework regardless of

previous legal classifications (Jalil et al., 2024). This orientation corresponded with the constitutional vision of developing legal institutions capable of promoting social cohesion within a diverse society.

The objectives of legal unification extended beyond administrative simplification and reflected a broader commitment to legal modernization. One major objective was the creation of legal certainty through standardized rules governing marriage formation, dissolution, and family relations. Busriyanti et al. (2025) explain that legal certainty is a fundamental prerequisite for effective family law because predictable legal outcomes contribute to social stability and institutional legitimacy. The Marriage Law therefore sought to reduce interpretive inconsistencies by providing a comprehensive statutory framework applicable at the national level.

Table 2. Transformation from Legal Pluralism to Legal Unification under the 1974 Marriage Law

Aspect	Before 1974	After Law No. 1 of 1974
Applicable Law	Multiple legal systems based on ethnicity and religion	Single national marriage law
Marriage Registration	Fragmented administrative mechanisms	Uniform registration system
Legal Certainty	Different legal consequences among groups	Standardized legal framework
Status of Marriage	Determined by different legal regimes	Governed by one national statute
Judicial Reference	Diverse sources of law	Unified statutory framework

Source: Compiled from Republic of Indonesia (1974), Republic of Indonesia (1975), Farid et al. (2026), Santosa et al. (2026), and Busriyanti et al. (2025).

The transformation summarized in Table 2 illustrates the institutional shift from fragmented legal governance toward a centralized regulatory structure. The most significant change involved the replacement of multiple legal references with a single statutory framework capable of generating uniform legal consequences across jurisdictions. From a comparative legal perspective, this transition represented a movement from segmented legal administration toward a more integrated model of family law governance. Such institutional restructuring strengthened the capacity of state institutions to administer marriage law consistently throughout Indonesia (Republic of Indonesia, 1974).

An equally important objective of legal unification was the establishment of a standardized mechanism for marriage registration. Prior regulatory arrangements often produced inconsistencies in administrative procedures and documentary recognition. Government Regulation Number 9 of 1975 introduced implementing provisions that reinforced the operational effectiveness of the Marriage Law by regulating registration procedures and administrative responsibilities (Republic of Indonesia, 1975). The resulting framework enhanced legal accountability by linking marital status to formal state recognition.

The enactment of the Marriage Law also produced substantial institutional transformation through the consolidation of legal authority within a national statutory regime. Previous legal arrangements that derived validity from separate normative systems gradually lost their central regulatory function once marriage matters became governed primarily by national legislation. Dalimunthe et al. (2026) note that the emergence of a unified legal framework represented an important stage in the broader development of Indonesian national law because it reduced dependence on previously fragmented legal references. The institutional center of marriage regulation consequently shifted toward statutory governance supported by state administrative institutions.

Another significant feature of legal unification involved the introduction of common legal principles applicable across the national territory. Article 2 of the Marriage Law established religious validity as a foundational requirement for marriage while simultaneously requiring formal registration as an administrative obligation (Republic of Indonesia, 1974). This dual structure reflected an effort to harmonize religious norms with state regulatory objectives. Contemporary scholarship identifies this arrangement as one of the defining characteristics of Indonesian family law because it integrates religious legitimacy with legal administration (Al Kadumi et al., 2024).

The law further institutionalized the principle of monogamy as a central normative orientation while permitting limited exceptions subject to legal conditions and judicial supervision. This approach reflected broader concerns regarding family welfare, legal order, and gender protection within marriage. Santosa et al. (2026) argue that the legislative framework sought to balance religious considerations with modern legal expectations concerning marital responsibility and accountability. The monogamy principle therefore became an important indicator of legal reform within the broader process of family law modernization.

The unification project also redefined the legal relationship between spouses by codifying rights and obligations within a single statutory framework. Provisions concerning mutual responsibilities, family maintenance, and household cooperation reflected efforts to establish a more structured legal conception of marriage consistent with national legal development. Subsequent scholarship has interpreted these provisions as part of a broader movement toward legal modernization and institutional stability within Indonesian family law (Anhar, 2026). The 1974 Marriage Law therefore functioned not merely as a legislative instrument but as a transformative mechanism through which Indonesia consolidated legal authority, strengthened national integration, and established a unified foundation for contemporary marriage regulation.

Contemporary Reform and Continuing Challenges in Indonesian Marriage Law

The post 1974 development of Indonesian marriage law demonstrates that legal unification did not conclude the process of family law reform. Subsequent regulatory instruments were introduced to strengthen administrative implementation, improve legal certainty, and adapt marriage regulation to changing social conditions. These developments indicate that the transformation initiated by the Marriage Law evolved through continuous legislative refinement rather than through a single act of codification (Mu'in et al., 2024). Contemporary reforms increasingly reflect concerns regarding child protection, gender equality, legal modernization, and the accommodation of social diversity within the national legal system.

The first phase of post 1974 reform focused on institutional consolidation and administrative effectiveness. Government Regulation Number 9 of 1975 provided detailed procedures for marriage registration, divorce proceedings, and judicial supervision of family disputes, thereby operationalizing the objectives of Law Number 1 of 1974 (Republic of Indonesia, 1975). Further institutional development occurred through the enactment of Government Regulation Number 10 of 1983, which regulated marriage and divorce among civil servants and introduced stricter controls over polygamous practices. The issuance of the Compilation of Islamic Law in 1991 also contributed to greater uniformity in Islamic family law adjudication by providing a standardized reference for Religious Courts (Santosa et al., 2026).

Table 3. Major Reforms and Contemporary Challenges in Indonesian Marriage Law

Reform Area	Legal Instrument	Main Objective
Marriage Registration	Government Regulation No. 9 of 1975	Administrative legal certainty
Islamic Family Law Administration	Compilation of Islamic Law (1991)	Harmonization of Islamic family law practice
Regulation of Civil Servants' Marriage	Government Regulation No. 10 of 1983	Control of polygamy and divorce among civil servants
Minimum Marriage Age Reform	Law No. 16 of 2019	Child protection and gender equality
Constitutional Review	Constitutional Court Decision No. 22/PUU-XV/2017	Elimination of discriminatory age provisions

Source: Compiled by the author from Republic of Indonesia (1975), Constitutional Court Decision No. 22/PUU-XV/2017, Republic of Indonesia (2019), and related literature.

A major contemporary transformation emerged through the amendment of the Marriage Law by Law Number 16 of 2019. The amendment revised Article 7 by equalizing the minimum marriage age for both men and women at nineteen years. This reform reflected growing concern regarding child

marriage and its adverse implications for education, health, and social welfare outcomes (Mohsi et al., 2025). The amendment also demonstrated a shift toward rights based approaches within Indonesian family law, particularly regarding the protection of children and young women.

The enactment of Law Number 16 of 2019 was closely linked to Constitutional Court Decision Number 22/PUU XV/2017. The Court concluded that the previous age distinction between males and females constituted discriminatory treatment and was inconsistent with constitutional guarantees of equality before the law. The decision compelled the legislature to amend the Marriage Law within a specified period and established a stronger constitutional foundation for gender equality within family law regulation (Constitutional Court Decision No. 22/PUU-XV/2017). Scholars have viewed this decision as a significant milestone in aligning Indonesian marriage law with international human rights principles (Kennedy, 2025).

Despite these reforms, child marriage remains a continuing challenge in several regions of Indonesia. Studies indicate that cultural traditions, economic pressures, and religious interpretations continue to influence early marriage practices even after the statutory age increase (Mohsi et al., 2025). The persistence of judicial marriage dispensations further demonstrates the complexity of balancing legal protection with social realities. This condition illustrates that legislative reform alone cannot fully eliminate practices rooted in long standing social structures.

Another significant challenge concerns interfaith marriage. Indonesian marriage law continues to generate legal uncertainty regarding marriages conducted between individuals of different religious affiliations. Judicial interpretations, administrative practices, and religious doctrines frequently produce divergent outcomes, creating uncertainty for couples seeking legal recognition of their marital status (Hartanto et al., 2025). Recent scholarship identifies interfaith marriage as one of the most contested issues in contemporary Indonesian family law because it intersects with constitutional rights, religious freedom, and state regulation (Bunjamin, 2026).

The debate surrounding interfaith marriage has intensified through discussions on human rights and legal pluralism. Several scholars argue that restrictions on interfaith marriage may conflict with principles of individual autonomy and freedom of religion, while others emphasize the importance of preserving religious norms within the national legal framework (Kurniasih et al., 2026). Similar tensions appear in empirical studies documenting the strategies employed by interfaith couples to obtain legal recognition of their marriages (Syafuddin et al., 2025). These developments reveal the continuing negotiation between constitutional values, religious authority, and state law.

Challenges also arise from the continuing existence of customary communities whose marriage practices do not always correspond with national administrative requirements. Research on indigenous groups demonstrates that customary marriage traditions remain socially legitimate despite limited formal registration within state institutions (Muhyidin & Setyawan, 2025). Similar patterns are observed in several regions where customary norms continue to influence family formation and marital legitimacy (Amri et al., 2026). These conditions illustrate the enduring presence of legal pluralism within a formally unified legal system.

Marriage registration remains another unresolved issue in contemporary legal development. Although registration requirements were introduced to enhance legal certainty, unregistered marriages continue to occur across various communities for religious, cultural, and socioeconomic reasons. Such marriages frequently create legal complications regarding inheritance, child status, property rights, and access to public services (Resty & Fithriyyah, 2026). The persistence of registration gaps suggests that effective legal implementation requires both administrative accessibility and social acceptance.

From a broader theoretical perspective, the evolution of Indonesian marriage law reflects an ongoing process of harmonizing legal unification with societal diversity. Contemporary reforms demonstrate efforts to integrate constitutional rights, gender justice, child protection, and religious values within a single legal framework (Al Kadumi et al., 2024). At the same time, debates concerning interfaith marriage, indigenous communities, and human rights indicate that legal pluralism has not disappeared but has instead assumed new forms within the post unification era (Umar et al., 2023). Similar observations have been made regarding the continuing interaction between state law, Islamic law, and social realities in contemporary Indonesia (Hafis et al., 2026).

Future directions of Indonesian marriage law are likely to focus on strengthening substantive equality, improving legal certainty, and enhancing responsiveness to social change. Recent scholarship advocates adaptive legal reform capable of balancing national legal objectives with the realities of

religious and cultural diversity (Busriyanti et al., 2025). Proposals include clearer regulation of interfaith marriage, improved protection of vulnerable groups, modernization of marriage registration systems, and greater harmonization between statutory law and societal practices (Mu'in et al., 2024). Such developments indicate that the transformation of Indonesian marriage law remains an evolving process shaped by both legal modernization and the continuing legacy of pluralism.

CONCLUSION

The transformation of marriage law in Indonesia reflects a long process of legal development from a fragmented plural system toward an increasingly unified national framework. Before 1974, marriage regulation was characterized by the coexistence of customary law, Islamic law, colonial civil law, and special regulations applicable to different population groups, creating legal diversity and uncertainty. The enactment of Law Number 1 of 1974 marked a decisive institutional transition by establishing a common legal foundation for marriage throughout Indonesia and promoting legal certainty, administrative order, and greater protection within family relations. Subsequent regulatory developments through Government Regulation Number 9 of 1975, Government Regulation Number 10 of 1983, and the Compilation of Islamic Law strengthened the implementation of the unification project while accommodating specific legal needs. The amendment introduced by Law Number 16 of 2019, following Constitutional Court Decision Number 22/PUU XV/2017, further advanced child protection and gender equality through the equalization of the minimum marriage age. Contemporary debates concerning interfaith marriage, customary communities, marriage registration, legal pluralism, and human rights demonstrate that the process of legal reform remains ongoing. Indonesian marriage law has therefore evolved from a system primarily concerned with legal unification into a dynamic framework that seeks to reconcile legal certainty, social diversity, constitutional values, and contemporary human rights standards.

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