

Legal Pluralism and The Dual Status of Catholic Divorce in Indonesia: Reformulating an Integrative Church Mediation Model for Harmonizing Civil and Canonical Jurisdictions

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Abstract. *This study aims to analyze the dualism of divorce status experienced by Catholics in Indonesia as a consequence of the normative conflict between national marriage law and Catholic Canon Law, as well as to formulate an integrative mediation model through Church institutions as a mechanism for harmonizing the two legal regimes. Existing studies have primarily focused on descriptive analyses of the relationship between state law and religious law, while limited attention has been devoted to procedural mechanisms capable of harmonizing conflicting civil and ecclesiastical jurisdictions. This normative legal research employs both statutory and conceptual approaches. The analysis is conducted through the examination of primary legal materials, including Law No. 1 of 1974 on Marriage, Government Regulation Number 9 of 1975, and the Code of Canon Law, supported by secondary legal materials from scholarly literature. Legal materials are analyzed using systematic and interdisciplinary interpretation methods. The findings reveal that the coexistence of civil divorce recognition under Article 38 of the Marriage Law and the principle of the absolute indissolubility of marriage under Canon 1141 generates a condition of legal dualism that reflects the characteristics of weak legal pluralism. This dualism gives rise to substantive legal uncertainty, ambiguity in personal status, restrictions on the civil right to remarry, and limitations on the exercise of religious rights within the Catholic Church. Consequently, the legal certainty provided by civil courts remains merely formal and administrative, without resolving the broader religious and social implications faced by Catholic divorcees. The novelty of this study lies in proposing an Integrative Church Mediation Model as a procedural harmonization mechanism that has not been comprehensively discussed in previous scholarship. The proposed model offers practical implications for judicial institutions, policymakers, and Church authorities in addressing legal uncertainty within Indonesia's pluralistic legal system. The study concludes that a holistic procedural reconstruction is necessary through the adoption of an Integrative Church Mediation Model as a pre-litigation mechanism capable of harmonizing civil and ecclesiastical jurisdictions, thereby ensuring greater legal certainty, justice, and protection for Catholics in a pluralistic legal system.*

Keywords: *Canon Law; Catholic Marriage; Divorce Status Dualism; Legal Pluralism.*

1. Introduction

The Indonesian legal framework governing marriage, as stipulated under Article 2(1) of Law No. 1 of 1974 on Marriage, doctrinally designates religious law as the principal determinant of a marriage's legal validity. (Indonesia, Central Government, "Law (Law) Number 1 of 1974 concerning Marriage,"). Notwithstanding this normative integration between state law and religious law, a significant legal contradiction emerges in the context of marital dissolution among Catholics. On the one hand, the State, through Article 38 of the Marriage Law in conjunction with Article 19 of Government Regulation Number 9 of 1975, provides a legal mechanism by which spouses may dissolve their marriage through divorce proceedings before the District Court on the grounds of irreconcilable marital discord. (Khaerul Firman Mustari; 2022). On the other hand, the internal legal order of the Catholic Church, particularly Canon 1141 of the Code of Canon Law, strictly upholds the doctrine of the indissolubility of marriage, affirming that a valid and consummated marriage (*ratum et consummatum*) is perpetual, irrevocable, and incapable of dissolution by any human authority for any reason whatsoever, save for death. Consequently, the coexistence of these divergent normative frameworks creates a profound legal antinomy concerning the dissolution of Catholic marriages. (Bonginkosi Buthelezi; 2021).

This legal-pluralist dilemma is manifested in a tangible manner within Indonesia's judicial and civil law practices. Once a District Court grants a divorce decree, the marital relationship is considered legally terminated under civil law, thereby entitling the parties to enter into a subsequent marriage in accordance with national legislation. From the standpoint of Canon Law, however, such a civil divorce judgment possesses no legal efficacy with respect to the sacramental bond established by the original marriage, which continues to subsist and bind the spouses for life. As a result of this normative inconsistency, a Catholic individual who remarries following a civil divorce is deemed to have entered into a union lacking canonical validity. (Emia Regita et al; 2024). This circumstance places the individual in a complex moral, spiritual, and juridical position, while simultaneously triggering ecclesiastical sanctions and restrictions upon certain pastoral rights within the life of the Church.

The issue of conflicting marital status is not unique to Indonesia. Similar tensions have emerged in countries with strong Catholic traditions such as the Philippines, Poland, and several Latin American jurisdictions, where civil divorce regulations interact with canonical doctrines concerning the indissolubility of marriage. Comparative experiences demonstrate the importance of institutional mechanisms capable of reducing normative conflicts between state and religious legal orders.

The urgency of addressing this issue becomes increasingly apparent when viewed against the broader demographic and marital landscape of Indonesia. According to data from the Directorate General of Population and Civil Registration (Dukcapil), Indonesia's population reached approximately 282.4 million people in the first semester of 2024, of whom 8.67 million individuals, or approximately 3.07 percent of the population, identified as Catholics. This figure demonstrates that Catholic communities constitute a significant religious minority whose legal and religious interests warrant adequate protection within Indonesia's pluralistic legal system.

At the same time, divorce remains a persistent social phenomenon in Indonesia. Data published by Statistics Indonesia (BPS) recorded 399,921 divorce cases nationwide during 2024. Although this number reflects a slight decrease compared to 408,347 cases in 2023, it remains substantially higher than pre-pandemic levels and indicates that marital dissolution continues to affect a considerable segment of Indonesian society.

Within this context, the legal consequences of divorce cannot be understood solely from the perspective of civil administration. For millions of citizens whose marital relationships are simultaneously governed by state law and religious norms, divorce may generate complex legal and social implications extending beyond the issuance of a judicial decree. The situation becomes particularly problematic for Catholics because the termination of marriage recognized by civil courts does not automatically alter their canonical status within the Catholic Church. Consequently, the coexistence of civil divorce and canonical indissolubility creates a unique legal dilemma that directly affects legal certainty, personal status, family formation, and the exercise of religious rights by Catholic believers in Indonesia's plural legal order.

Existing scholarship on Indonesian marriage law within the broader framework of legal pluralism has predominantly concentrated on the harmonization of state law and Islamic law, particularly through the Compilation of Islamic Law (*Kompilasi Hukum Islam*), or has merely provided descriptive accounts of the duality between civil and religious status among non-Muslim communities. (Andi Muhammad Syukur et al; 2019). Consequently, there remains a notable gap in the literature concerning procedural and structural solutions capable of resolving the normative deadlock arising from the coexistence of conflicting legal regimes.

The novelty of this study lies in its proposal of a conceptual reconstruction through an Integrative Mediation Model administered by ecclesiastical institutions, particularly Church tribunals and pastoral bodies. This model is envisaged as a pre-litigation harmonization mechanism intended to bridge jurisdictional discrepancies between civil and ecclesiastical authorities, thereby reducing legal conflicts and facilitating the resolution of domestic disputes involving Catholics without undermining adherence to either Canon Law or the national legal system.

Accordingly, this research seeks to examine and elucidate the structural anatomy of the dual regulatory framework governing Catholic divorce under Indonesian marriage law and Canon Law from the perspective of legal pluralism. Furthermore, it aims to critically evaluate the juridical and sociological consequences of such dualism for legal certainty in Indonesia's family law regime, with a view to formulating a foundation for substantive legal harmonization capable of ensuring justice within a pluralistic society.

The issue of the relationship between civil law and religious law in matters of marriage and divorce has attracted considerable scholarly attention, particularly within legal systems characterized by legal pluralism. Existing studies have generally focused on the normative validity of religious marriages, the interaction between state law and religious norms, and the legal consequences arising from conflicts between civil and ecclesiastical jurisdictions. However, limited attention has been devoted to the formulation of institutional mechanisms capable of harmonizing conflicting legal regimes governing Catholic divorce in Indonesia.

One of the most relevant studies was conducted by Emirza Nur Wicaksono, who examined the legal status of Catholic annulment decisions within Indonesia's national legal system through a comparative analysis of annulment and divorce concepts. The study concluded that ecclesiastical annulment and civil divorce represent distinct legal institutions with different legal consequences and jurisdictional foundations. Nevertheless, the research primarily focused on conceptual distinctions and did not explore procedural mechanisms capable of reducing normative conflicts between state courts and ecclesiastical tribunals. (Emirza Nur Wicaksono; 2026).

Similarly, Emia Regita and her colleagues analyzed the validity of civil divorce judgments involving Catholic couples from the perspective of Canon Law. Their findings demonstrate that civil divorce judgments do not affect the continuing existence of a sacramental marriage bond recognized by the Catholic Church. Consequently, Catholics who obtain a civil divorce remain canonically married unless an ecclesiastical tribunal subsequently declares the marriage null. While the study successfully identifies the normative conflict between civil and canonical law, it does not propose a legal model capable of harmonizing these competing legal orders.

Research conducted by Marianus Rago Kristeno and John Wilson B. Lena Meo further explored the sacramental nature of Catholic marriage within the broader context of religious pluralism. Their study emphasized that Catholic marriage possesses a theological and juridical character rooted in the principles of unity and indissolubility. The authors argued that these principles distinguish Catholic marriage from purely civil contractual relationships. However, the research concentrated primarily on theological and canonical dimensions without examining the implications of conflicting legal statuses for legal certainty within Indonesia's national legal system.

Beyond the Indonesian context, Bonginkosi Buthelezi examined the doctrine of indissolubility in both the Roman Catholic Church and the Anglican Church of Southern Africa. The study highlighted the central role of indissolubility as a foundational element of Catholic matrimonial law and emphasized the doctrinal resistance of Canon Law toward civil divorce mechanisms. Although the research contributes significantly to understanding the theological basis of Catholic marriage, it does not address the institutional challenges arising from the coexistence of civil and religious legal systems in pluralistic societies. (Bonginkosi Buthelezi; 2021).

The existing literature therefore demonstrates three principal limitations. First, most studies focus on the doctrinal distinction between divorce and annulment rather than the practical consequences of dual legal status. Second, previous research generally identifies normative conflicts without offering procedural solutions capable of reconciling competing legal regimes. Third, little attention has been devoted to the implications of such conflicts for legal certainty within Indonesia's plural legal order. Consequently, there remains a significant research gap concerning the development of an institutional mechanism capable of harmonizing civil and ecclesiastical jurisdictions while preserving the integrity of both legal systems.

This study seeks to fill that gap by employing legal pluralism theory and legal certainty theory to analyze the dual status of Catholic divorce in Indonesia and by proposing an Integrative Church Mediation Model as a pre-litigation harmonization mechanism. Unlike previous studies that focus primarily on doctrinal analysis, this research contributes a

procedural and institutional framework designed to bridge the jurisdictional divide between state courts and Church authorities, thereby promoting legal certainty, substantive justice, and greater protection of religious rights within Indonesia's pluralistic legal system.

Theoretical Framework and Literature Review

The constitutional relationship between the State and religion in Indonesia neither reflects an integralist model nor embraces a strictly secularist orientation. (Jufri Suyuthi Pulungan; 2018). Rather, it is characterized by a symbiotic paradigm in which both institutions exist in a mutually reinforcing relationship. Within this framework, the State relies upon religion as a source of ethical and moral values, while religious institutions depend upon state recognition and political legitimacy to sustain and strengthen their societal role. This symbiotic arrangement is most clearly reflected in Article 2(1) of Law No. 1 of 1974 on Marriage, which provides that the validity of a marriage is determined according to the laws of the respective religion and belief of the parties concerned. (Leony Valentina Lessnussa and Mia Hadiati; 2023).

Nevertheless, when applied to the dissolution of marriage, this symbiotic relationship undergoes a significant conceptual shift, giving rise to a pronounced normative conflict between positive law and Catholic Canon Law. From the perspective of civil law, marriage is regarded as a legal institution possessing both private and public dimensions. Pursuant to Articles 1 and 38 of the Marriage Law, in conjunction with Article 19 of Government Regulation Number 9 of 1975, marriage constitutes a legal relationship that may be terminated through judicial proceedings before the District Court where irreconcilable differences have been satisfactorily established through evidentiary means. Within this framework, divorce serves as an instrument of legal protection intended to secure certainty regarding civil status and to preserve the continuity of post-divorce family rights and obligations.

Conversely, Canon Law defines marriage (*matrimonium*) as a covenant (*foedus*) and a partnership of the whole of life (*consortium totius vitae*), elevated by Christ to the dignity of a sacrament for baptized persons. Canonical doctrine recognizes two essential properties of marriage, namely unity (*unitas*) and indissolubility (*indissolubilitas*). The principle of indissolubility operates both intrinsically and extrinsically. Intrinsically, the marital bond cannot be dissolved by the will of the spouses themselves; extrinsically, it cannot be dissolved by any external human authority, including the State. In the case of a valid and consummated marriage (*ratum et consummatum*), this indissoluble character is absolute and may be terminated only through the natural death of one of the spouses. (Innocentius Gerardo Mayolla and Reinardus Bhadar Agastya Rynanta; 2024).

To analyze the resulting ambiguity of legal status, this study employs legal pluralism as its principal theoretical framework. Legal pluralism rejects the doctrine of legal centralism, which elevates state law as the sole source of valid and binding norms, and instead recognizes the coexistence of multiple legal systems operating simultaneously within the same social space. John Griffiths distinguishes between two forms of legal pluralism. The first, weak legal pluralism, arises where the State formally recognizes the existence of alternative normative orders, such as religious or customary law, while subordinating them to state law and limiting their operation through statutory regulation. (Zainal Arifin Mochtar and Eddy O. S. Hiariej; 2023). The second, strong legal pluralism, exists where distinct legal systems function autonomously and derive authority from their

own internal normative structures without dependence upon state recognition or validation.

Within the Indonesian marriage law regime, the legal framework predominantly reflects the characteristics of weak legal pluralism, as religious legal systems are incorporated into and regulated by national legislation. In contrast, within the theological and ecclesiastical reality of the Catholic community, Canon Law operates as religious normative order with internal autonomy, but without direct state-enforceable authority over civil divorce consequences. The Code of Canon Law establishes its own judicial institutions, namely ecclesiastical tribunals, which possess exclusive competence to assess the validity of marriages through annulment proceedings and which doctrinally deny the legal efficacy of civil divorce judgments rendered by state courts. Consequently, legal pluralism theory demonstrates that the relationship between state law and Canon Law is fundamentally conflictual, producing a normative deadlock that directly affects Catholic individuals who are simultaneously subject to both legal orders.

In addition to legal pluralism, this study relies upon the theory of legal certainty as a normative framework for assessing the implications of the dual regulatory regime. Legal certainty extends beyond the mere existence of written legal provisions and encompasses substantive clarity, procedural orderliness, consistency of application, and predictability of legal outcomes. According to Sudikno Mertokusumo, the principal function of legal certainty is to ensure the consistent application of law so that individuals may effectively obtain the rights to which they are entitled. (Muzahar Muzahar et al; 2022). Likewise, Satjipto Rahardjo emphasizes that legal certainty arises from the harmonious interaction between substantive law, which governs conduct, and procedural law, which regulates enforcement mechanisms. (Oktaviani Ika P. Kusuma Agni and Nur Adhim; 2022).

The complexity of legal certainty may be evaluated through Jan M. Otto's five cumulative requirements, which emphasize the existence of clear legal norms, consistent implementation by competent institutions, conformity between law and social behaviour, independent adjudication, and the effective enforcement of judicial decisions. Within pluralistic legal systems such as Indonesia's, these requirements frequently remain unmet due to normative friction among competing legal orders. (Soersono; 2007).

A review of the existing literature reveals a significant analytical gap. Indonesian family law scholarship has largely focused on the harmonization of state law and Islamic law following the codification of the Compilation of Islamic Law, leaving limited attention to non-Muslim religious communities that lack a specialized codified personal law regime within the national legal framework. Research addressing the dual status of divorced Catholics has generally been confined to descriptive sociological analyses concerning the moral and spiritual consequences experienced by believers, while neglecting the question of procedural legal reconstruction.

Within the present study, legal certainty theory functions as the principal normative benchmark for evaluating the extent of legal uncertainty experienced by Catholics following civil divorce. When state law and Canon Law assign contradictory legal statuses to the same individual, the fundamental elements of legal certainty clarity, consistency, and predictability are inevitably undermined. Such substantive normative conflict generates procedural vulnerabilities, including uncertainty regarding child custody

arrangements, the distribution of marital assets, and the inability to establish a new family unit that enjoys both civil and religious legitimacy. Accordingly, the theory of legal certainty necessitates the development of an innovative procedural mechanism, namely an integrative mediation model, capable of bridging the jurisdictional divide between the District Courts and the pastoral authorities of the Catholic Church.

2. Research Methods

This study adopts a normative legal research methodology, focusing on the examination of legal principles, doctrines, and the harmonization of written legal norms governing the phenomenon of the dual status of divorce among Catholics in Indonesia. (Nanda Dwi Rizkia and Hardi Fardiansyah; 2023). To achieve its objectives, the research employs both a statutory approach and a conceptual approach. The statutory approach is utilized to conduct a doctrinal analysis of the provisions contained in Law No. 1 of 1974 on Marriage and Government Regulation Number 9 of 1975, which are critically examined in conjunction with the internal norms of the Catholic Code of Canon Law. Meanwhile, the conceptual approach is applied to explore the theoretical foundations of legal pluralism, the parameters of legal certainty, and the theo-juridical doctrine of the indissolubility of marriage, thereby providing a comprehensive legal framework for addressing the regulatory deadlock arising from the coexistence of civil and canonical legal regimes.

The legal materials employed in this research are classified into primary and secondary sources. Primary legal materials consist of national marriage legislation and the normative provisions of the Catholic Code of Canon Law. Secondary legal materials comprise scholarly textbooks, peer-reviewed journal articles, and doctrinal opinions advanced by legal scholars and experts relevant to the subject matter. These materials were collected through an extensive library research method, utilizing both physical and digital resources accessed through official legal documentation repositories and academic databases.

The analysis of legal materials is conducted through interpretative legal methods, emphasizing two principal analytical frameworks. (Muwahid; 2017). First, a systematic interpretation is employed to situate the normative conflict concerning divorce within the broader relationship between the civil legal system and the religious legal order. Second, an interdisciplinary interpretation is adopted by integrating insights from theology, the sociology of religion, and pastoral studies to provide a comprehensive and substantive assessment of the realities and implications of the dual civil and religious status experienced by Catholic individuals following divorce. Through these analytical approaches, the study seeks to formulate a coherent legal argument capable of reconciling competing normative frameworks while promoting legal certainty and substantive justice within Indonesia's pluralistic legal system.

The selection of legal materials was based on their relevance to the regulation of marriage dissolution and the interaction between civil and religious legal systems. Legal pluralism theory was chosen because it provides an analytical framework capable of explaining the coexistence of multiple normative orders governing the same legal relationship.

3. Results and Discussion

3.1. Dualism in the Regulation of Catholic Divorce under National Marriage Law and Canon Law: A Legal Pluralism Perspective

The complexity of Indonesia's marriage law regime originates from the constitutional and statutory recognition of religious law as the primary source of legitimacy for marital validity. Such a normative arrangement gives rise to significant doctrinal tensions when the dissolution of marriage among Catholics is examined through the lens of both state law and ecclesiastical law. A comparative analysis of Law No. 1 of 1974 on Marriage and the Code of Canon Law reveals fundamental differences in the conceptualization of marriage, the requirements for its validity, the legal grounds for its dissolution, and the legal consequences arising therefrom. While Indonesian marriage law regards marriage as a civil institution that may be terminated through judicial proceedings under specified circumstances, Canon Law conceptualizes marriage as a sacramental covenant that, once validly contracted and consummated, possesses an inherently indissoluble character. (Marianus Rago Kristeno and John Wilson B. Lena Meo; 2025).

These divergent paradigms reach their most pronounced expression in relation to the dissolution of marriage. Under Article 38 of the Marriage Law, the State recognizes divorce as a lawful mechanism for terminating marital relations and provides a comprehensive framework governing the civil consequences of divorce, including matters relating to children, maintenance, and property rights. In contrast, Canon 1141 of the Code of Canon Law establishes an absolute doctrinal principle that a valid and consummated marriage (*ratum et consummatum*) cannot be dissolved by any human authority, including civil courts, for any reason other than death. Consequently, a civil divorce decree issued by a District Court does not affect the continuing existence of the sacramental bond recognized by the Catholic Church. Catholics who obtain a civil divorce therefore remain bound by their original marriage in the eyes of the Church, notwithstanding the termination of their marital status under state law.

The principle of indissolubility is not merely an abstract theological doctrine but is concretely embodied within ecclesiastical legal instruments, particularly the Catholic Marriage Certificate (*Testimonium Matrimonii*). Every element contained within this document reflects the canonical understanding that marriage establishes a permanent and lifelong sacramental bond. The permanent registration of marriages within parish records demonstrates the Church's perception of marriage as an enduring spiritual reality rather than a legal relationship susceptible to termination through civil procedures. Significantly, no administrative mechanism exists within ecclesiastical records to acknowledge or register the effects of civil divorce. (Silvester Susianto Budi MSF; 2020).

Likewise, the identification of the parish jurisdiction, the designation of ecclesiastical authorities, and the documentation of the spouses' free consent (*consensus*) underscore the parties' voluntary submission to the canonical legal order. The participation of authorized ecclesiastical witnesses, including the parish priest or diocesan ordinary, together with ordinary witnesses, further confirms the public and ecclesial nature of the marital bond. Moreover, liturgical expressions affirming that the marriage was celebrated according to the rites of the Catholic Church reinforce the juridical and spiritual significance of the sacrament. Even where canonical dispensations are granted concerning certain impediments, the essential characteristic of indissolubility remains

unaffected. Consequently, from the perspective of ecclesiastical jurisdiction, a valid Catholic marriage continues to exist and remains binding throughout the lifetime of the spouses regardless of any final and binding civil divorce judgment rendered by state courts.

The phenomenon commonly described as the “dualism of status” among Indonesian Catholics represents a tangible manifestation of competing legal systems operating within the same social sphere. Applying John Griffiths’ theory of legal pluralism, Indonesia’s marriage law framework exhibits the characteristics of weak legal pluralism, whereby the State assumes a dominant position as the central legal authority while permitting the limited operation of religious legal systems. (Griffiths). Although Article 2(1) of the Marriage Law authorizes religious law to determine the validity of marriage formation, the State simultaneously restricts the autonomy of religious legal systems by monopolizing jurisdiction over the dissolution of marriage through civil courts.

From a sociological and ecclesiastical perspective, however, Catholics function within a framework more closely resembling strong legal pluralism. Canon Law operates autonomously through ecclesiastical institutions, particularly marriage tribunals, which derive their authority from theological and canonical principles rather than state recognition. These tribunals independently assess the validity of marriages through annulment proceedings and do not recognize the legal efficacy of civil divorce judgments. The coexistence of these competing normative orders creates a conflictual legal relationship that generates profound uncertainty for Catholic individuals who remain subject to both legal systems simultaneously.

This normative inconsistency further demonstrates the incomplete realization of Indonesia’s symbiotic model of state–religion relations. Although the Indonesian legal system rejects both strict secularism and religious integralism, opting instead for a model of mutual accommodation, such accommodation appears inconsistent in the context of Catholic divorce. During the formation of marriage (*in fieri*), the State fully acknowledges the authority of religious law in determining marital validity. However, during the dissolution stage (*in facto*), the State unilaterally assumes jurisdiction and disregards the doctrine of indissolubility that originally constituted the legal foundation of the marriage. As a result, the intended symbiotic relationship becomes dysfunctional, producing substantive legal uncertainty whereby an individual may simultaneously be regarded as divorced under civil law while remaining validly married under Canon Law. Such systemic disharmony necessitates the development of procedural mechanisms capable of reconciling the competing jurisdictional interests of both legal orders in a manner consistent with justice and legal certainty.

3.2. The Implications of the Dual Status of Catholic Divorce for Legal Certainty in Indonesia

Legal certainty constitutes one of the fundamental pillars of a constitutional state governed by the rule of law. It requires normative clarity, consistency in legal application, and predictability in legal outcomes. According to Sudikno Mertokusumo, legal certainty serves to ensure that legal norms are applied consistently so that individuals may effectively enjoy and enforce their rights. Similarly, Satjipto Rahardjo emphasizes that legal certainty emerges from the harmonious interaction between substantive legal norms and procedural mechanisms. In the Indonesian context, however, the coexistence

of state law and religious law generates a crisis of legal certainty arising from normative fragmentation and institutional disharmony.

When evaluated against Jan M. Otto's criteria for legal certainty, the dualism of Catholic divorce status reveals substantial deficiencies. Although both the Marriage Law and Canon Law provide internally coherent and accessible normative frameworks, they offer contradictory legal conclusions regarding the same legal relationship. (Lita Tyesta Addy Listya Wardhani et al; 2022). The consistent application of each system by its respective institutions paradoxically exacerbates fragmentation rather than promoting certainty. Furthermore, Catholics experiencing marital disputes are often compelled to resort to civil divorce proceedings because such mechanisms are the only legally recognized means of dissolving marriage under state law, despite the fact that doing so may conflict with their religious obligations. While judicial independence is formally guaranteed within the Indonesian legal system, such independence does not resolve the underlying jurisdictional conflict. Likewise, although civil divorce judgments can be implemented administratively through changes in civil registration records, they remain ineffective within the sphere of Canon Law and fail to produce complete legal consequences for the affected individuals.

The cumulative failure to satisfy these criteria demonstrates that the dualism of status experienced by Catholics generates substantive legal uncertainty and exposes structural weaknesses within Indonesia's family law system. This legal uncertainty manifests itself through several multidimensional consequences. First, Catholics who obtain a civil divorce acquire the legal status of divorcee under state law while simultaneously remaining married under Canon Law, thereby creating ambiguity in their personal legal identity. Second, although state law recognizes their right to remarry, Canon 1085 §1 establishes the impediment of a prior bond (*ligamen*), rendering any subsequent marriage canonically invalid unless the original marriage has first been declared null through an ecclesiastical annulment process. Third, individuals who remarry civilly without obtaining a canonical annulment may face significant religious consequences, including exclusion from the reception of the Holy Eucharist and other sacramental privileges. These realities illustrate that the legal protection afforded by the State remains partial and fragmented, addressing only civil and administrative concerns while failing to accommodate the religious dimension of legal personhood.

To address this normative deadlock, comprehensive reforms are required at both the judicial and legislative levels. At the judicial level, judges should adopt a more contextual and restorative approach when adjudicating divorce disputes involving Catholics. The Supreme Court should formulate uniform judicial guidelines, encourage the inclusion of pastoral assessments and ecclesiastical mediation processes, and promote interpretative approaches that recognize the broader religious implications of marriage dissolution. Through extensive and teleological interpretation, the phrase "according to religious law" contained in Article 2(1) of the Marriage Law should be understood not merely as a formal requirement for marriage formation but as encompassing the substantive legal consequences and dissolution mechanisms associated with the relevant religious tradition.

At the legislative level, the principal source of the dual-status problem lies in the absence of normative coordination between the Marriage Law and non-Islamic religious legal systems. Consequently, legislative reform is necessary to establish a coherent framework

capable of accommodating the unique characteristics of Catholic marriage and divorce. Such reform should not be construed as subordinating the State to religious authority; rather, it should seek to create a transparent and harmonized mechanism through which civil legal certainty may coexist with substantive justice and comprehensive legal protection for religious communities within Indonesia's pluralistic legal order.

4. Conclusion

The dual regulatory framework governing divorce among Catholics under Indonesian national marriage law and Catholic Canon Law reflects the shortcomings of legal unification within a system characterized by weak legal pluralism. Under this framework, the State assumes exclusive authority over the dissolution of marriage through the jurisdiction of the District Courts, while simultaneously disregarding the canonical principle of indissolubility, notwithstanding its explicit recognition of religious law as the foundational determinant of marital validity pursuant to Article 2(1) of Law No. 1 of 1974 on Marriage. This systemic normative inconsistency generates a profound legal antinomy that undermines the cumulative requirements of legal certainty as articulated by Jan M. Otto. The consequences are manifested in a multidimensional legal crisis, including the ambiguity of personal status whereby individuals are recognized as divorced under civil law while remaining bound by a valid sacramental marriage under Canon Law; the restriction of civil and personal rights to remarry due to the impediment of a prior marital bond (*ligamen*) as prescribed by Canon 1085 §1; and the limitation of religious rights through ecclesiastical sanctions, particularly exclusion from full sacramental participation, including the reception of Holy Communion. The significance and originality of this research lie in its demonstration that the legal certainty produced by civil divorce judgments is merely formalistic and administrative in nature, failing to provide comprehensive protection for individuals who remain subject to concurrent religious obligations. Accordingly, the study advocates a fundamental procedural reconstruction through the adoption of an Integrative Mediation Model administered by Church institutions, designed to function as a pre-judicial mechanism for jurisdictional harmonization and to overcome the persistent legal deadlock arising from the coexistence of conflicting civil and canonical norms. The principal contribution of this study is the formulation of an Integrative Church Mediation Model that serves as a bridge between civil and ecclesiastical jurisdictions, thereby offering a new procedural framework for resolving legal uncertainty experienced by divorced Catholics in Indonesia.

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