

## Article

# Indonesian Catholic Bishops' Attitudes toward Three Controverting Issues during Indonesia's New Order (1966–1998)

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**Abstract:** This article portrays how the Catholic Church in Indonesia in the 1980s faced some legal civil decrees that were contrary to Catholic beliefs, but they nonetheless responded in a wise manner. Since the Second Vatican Council, the Catholic Church has had a new outlook on the relationship between Church and State. As stated in canon 22 of the 1983 Code of Canon Law, the Church is willing to accept and observe civil law, as long as it is “not contrary to divine law and unless canon law provides otherwise”. There were three instances in which the Catholic Church in Indonesia had to deal with such controverting matters. The first was the divorce issue and the second was the enforcement of family planning. In both cases, the Catholic Church strongly opposes them. The third issue was the law on inter-religious marriage, which the State strongly prohibits, although the Catholic Church provides dispensation. The observation of the Indonesian Bishops' Conference's opinions shows that the Catholic Church were able to maintain good relations with the State because the bishops could apply the Catholic teachings in the Indonesian context and better distinguish the rights of being Catholic from the rights of being an Indonesian citizen.

**Keywords:** Catholic Church–State relationship; the Indonesian bishops; family law; remarriage; inter-religious marriage; family planning



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## 1. Introduction

The Second Vatican Council resembles a Copernican revolution centering on the views of the Catholic Church and its relationship with the State because it brought a paradigm shift in its relationship with the world (Nóda 2018). After some time, the Catholic Church now no longer sees itself as a ‘perfect society’ with its own laws separate from civil laws. Granted as a human institution, the Catholic Church identifies itself as a ‘spiritual entity’ having its own set of laws where members can live harmoniously, as mentioned in the Second Vatican Council's dogmatic constitution on the Church *Lumen Gentium* and Declaration on Religious Freedom *Dignitatis Humanae*. Based on the said documents, the Catholic Church respects the existence of the State along with all its powers and authority, including the authority of the Catholic Church as a human institution. Subsequently, the Catholic Church applies the principle of separation of Church and State in addressing State matters.

Under the pretext of ‘spiritual entity’ (De Mey 2011), such self-understanding is evident in canon 1752, the last canon of the 1983 Code of Canon Law, which stipulates “*salus animarum, suprema lex*” (salvation of souls is the supreme law). The said canon is also reminiscent of the slogan “*salus populi, suprema lex esto*,” (the welfare of the people shall be the supreme law) as written by Cicero in his book *De Legibus* (book III, part III, sub. VIII), which is then recognized universally within civil laws. The Catholic Church defines itself as a ‘spiritual entity’ by altering the word ‘*populi*’ to ‘*animarum*’; thus focusing on the salvation of souls instead of physical salvation (Román 2019).

To further emphasize this point, canon 22 regulates the separation of Church and State by stipulating: “Civil laws to which the law of the Church yields are to be observed in canon law with the same effects, insofar as they are not contrary to divine law and unless

canon law provides otherwise". In this regard, it is clear to say that the Catholic Church respects the existence of civil law and, if necessary, 'adopts' it. Considering the Catholic Church is a spiritual entity with its own value system, the issues faced by the Church are state regulations that conflict with the principles or values of the Catholic Church. The phrase "Insofar as they are not contrary to divine law and unless canon law provides otherwise," mentioned in Canon 22, indicates the possibility of conflicting issues but does not offer alternative solutions for contradictory matters.

The Catholic Church in Indonesia exists in a country where 88% of the population is Muslim. Despite Indonesia not being an Islamic state, Islamic values can have significant ramifications on the laws of the State (Wahyudi 2015). As for the Catholic Church, several laws are viewed to be contradictory to Catholic morality. This article explains controverting issues by discussing three legal rulings in the New Order era (1966–1998) that are contrary to Catholic values and highlights the Church's response and reaction toward such issues.

The New Order era of Indonesia (1966–1998) is usually known as Soeharto's (the second president) presidential era following the so-called Old Order era (1945–1965) or Soekarno's (the first president) presidential era (Karsono 2013). There have been many studies about this era since Soeharto ran his presidency in unique ways. His era began with the mass killing of members of the communist party, which was very controversial (Cribb 2012; Keys and Cottle 2017), followed by the banning of the communist party in Indonesia (Mayrudin and Zulfiana 2017). Since then, being a communist, which is usually associated with atheism, is considered taboo in Indonesian society. On the other side, the members of the communist party who survived were obliged to embrace one of the recognized religions. Many of them chose to be Christian, which in turn brought social problems, especially in the relationship between Muslims and Christians (Narciso 2008).

Some academicians commonly say that this New Order era was an authoritarian era of Soeharto (Anderson 2008; Bouchier 2015) because the military was behind him (Berger 1997), together with some Chinese Catholic activists (Singh 2001; Nair 2022). Such a relationship was very unique because Indonesia is a Muslim country. However, this relation diminished in the second half of the era (1980–1998) when Soeharto became closer to Islam (Aspinall and Fealy 2010). These studies describe the New Order of Indonesia from a socio-political point of view. Some other studies portray it in the context of socio-religious studies, which is quite interesting because of the role of religions in Indonesian society, including in the New Order era (Narciso 2008; Aritonang and Steenbrink 2010; Wardaya 2016; Haryanto 2019).

Thus far, there has been no study on how Indonesian Catholic bishops struggled to respond to the State's policies that were not in line with Catholic teachings. By examining their responses, it will become clearer what the attitudes of those bishops were concerning the relationship between the Catholic Church in Indonesia and the Catholic Church in general, the relationship between the Catholic Church and the State, and the relationship between the Church and the faithful.

The article begins by outlining how the State recognizes the Catholic Church, and vice versa, how the Catholic Church perceives the State. Within this context, the three controverting issues will be described and analyzed. In conclusion, some highlights about the views and attitudes of the Indonesian Catholic bishops are described.

## 2. The State of Questions and the Method

Since Indonesia is well-known for having the biggest Muslim population in the world, though it is not an Islamic state, there are some State policies that are not in line with Catholic values. The state of questions of this article are (1) what State policies were not in line with Catholic values, (2) when and how these occurred, and finally, (3) how the Indonesian Catholic bishops' responded to these issues. The focus of the analysis is the Indonesian bishops' responses as the bases of the examination of how the Catholic Church in Indonesia applied Catholic teachings in the unique context of Indonesia. There is, in a certain sense, a tension here. On the one hand, the bishops should obey Catholic teachings,

but on the other hand, they should ‘serve’ the State. The examination of how the Indonesian bishops could survive this tension is portrayed from a relatively narrow point of view, i.e., canon 22 of the Code of Canon Law mentioned earlier.

This article is historical and legal in character, so the data are collected from the legal documents of both the State and the Catholic Church (the Bishops’ Conference) during the New Order era (1966–1998). This is the socio-political background of this article, but since this article is more legal and historical in character, such a background is not described in detail. The study is limited to this era due to the article’s limit.

### 3. Church and State in Indonesia (in General)

Since Indonesia’s independence in 1945, the State and the Catholic Church have recognized each other politically and juridically. The State acknowledges the Catholic Church as one of the six officially recognized religions in Indonesia, along with Islam, Protestantism, Hinduism, Buddhism, and Confucianism. Interestingly, Indonesia inherited the policy of the Dutch East Indies government by distinguishing the Catholic Church from the Protestant Christian Church as different religions (Ropi 2017; Irianto 2019). Other policies of the Dutch East Indies government towards the Catholic Church were also adopted, i.e., the establishment of ecclesiastical institutions such as parishes and seminaries, as stipulated in Staatsblad 1927 No. 156 (and also no. 157 and 532) on *Regeling van de Reorganisatie der Kerkgenootschappen* (Regulations of the Legal Position of Church Associations). The Indonesian government still recognizes this law, as mentioned in the Decree of the Director General of Agrarian and Transmigration No. 1/Dd-AT/Agr/67 concerning the appointment of the Roman Catholic Church Body as a legal entity that can have land ownership rights. In other words, the Catholic Church has an opportune position in Indonesia.

The recognition that the Catholic Church has in Indonesia can first be seen as juridically based. The background of such recognition is the strong religiosity of the Indonesian people (McDaniel 2015). Paragraph 3 of the Preamble of the 1945 Indonesian Constitution, which asserts that Indonesia’s independence is a blessing from The Almighty God, reflects such religiosity. Paragraph 4 of the same Preamble continues to assert that the State is based on the constitution following the five basic principles of the State ideology, *Pancasila*: the belief in the One and Only God, justice and civilized humanity, the unity of Indonesia, democracy guided by the inner wisdom in the unanimity arising out of deliberations amongst representatives, and social justice for the whole of the people of Indonesia. It is essential to emphasize that the spiritual foundation of the nation is first and foremost the principle of the belief in the One and Only God.

In line with the Preamble, the 1945 Constitution mentions the religious basis of the State and recognizes the religious freedom of the people. Article 29 of the 1945 Constitution stipulates:

The State shall be based upon the belief in the One and Only God.

The State guarantees the freedom of worship for all inhabitants, each according to his/her religion or belief.

In the Annotations to the Constitution, it is only stated in paragraph 1 of article 29 that “this section emphasizes the belief of the Indonesian people in the One and Only God”. There is no further elucidation in paragraph 2. Before the amendment, article 29 was the only article that guaranteed freedom of religion in Indonesia. After the 1945 Constitution was amended in 1999, Article 29 above was strengthened by two more provisions:

Article 28E

(1) Every person shall be free to choose and to practice the religion of his/her choice, to choose one’s education, to choose one’s employment, to choose one’s citizenship, and to choose one’s place of residence within the state territory, to leave it and to subsequently return to it.

(2) Every person shall have the right to the freedom to believe his/her faith and to express his/her views and thoughts, following his/her conscience.

#### Article 28I

(1) The rights to life, freedom from torture, freedom of thought and conscience, freedom of religion, freedom from enslavement, recognition as a person before the law, and the right not to be tried under a law with retrospective effect are all human rights that cannot be limited under any circumstances.

As for the Catholic Church in Indonesia, bishops formally recognize the sovereignty of the State and on many occasions have recognized the position of the Church as part of Indonesian society. Since the beginning of the Republic of Indonesia, the Indonesian Bishops' Conference (the IBC) has recognized *Pancasila* as the best basis for building an independent nation and a common platform that can unify the nation with its heterogeneity. The Church accepts *Pancasila* wholeheartedly and praises God for *Pancasila*. Moreover, the Church declares itself to be the defender of *Pancasila*. As well as being a unifying factor, *Pancasila* plays the role of a social justice guardian in Indonesia. *Pancasila* strengthens the people's brotherhood amidst crisis, helps them to find political mechanisms to solve national problems, and acts as a measuring signal of national progress (Hadiwardoyo 2013).

Moreover, the Church regards the values contained in *Pancasila* as being aligned with Christian values supporting the mission of the Church. Thus, the Church's acceptance of *Pancasila* is not merely based on practical considerations. That acceptance is reflected in the theme on the agenda of the grand assembly of Indonesian Catholics on the occasion of the 450 years celebration (on 8–12 July 1984) of the Indonesian Catholic Church: "*Meningkatkan Partisipasi Umat Katolik Indonesia dalam Membangun Masyarakat Pancasila*" (Increasing the Indonesian Catholics' Participation in Developing *Pancasila* Society). This theme reflects, on the one hand, the awareness of the Indonesian Catholics as a part of Indonesian society and, on the other hand, the Catholics' acceptance of *Pancasila*.

The Church's acceptance of *Pancasila* can be traced back to the alteration in the statutes of the IBC in 1986. Previously, the name of the IBC was *Majelis Agung Waligereja Indonesia* or MAWI (the Supreme Council of Indonesian Bishops of the SCIB), which was changed to *Konferensi Waligereja Indonesia*, or KWI (the Indonesian Bishops' Conference or the IBC) in 1987. The name change was based on Law No. 8 of 1985 on Social Organizations in which *Pancasila* is figured as the sole ideology. As the State considered MAWI as a social organization, new clauses on the IBC were inserted, such as in Article 3:

In the light of the catholic faith, KWI is based on *Pancasila* in its involvement in the social life of the nation.

Based on the above-mentioned Article 3, the Church formally recognizes *Pancasila* as the national ideology, which is following the State's views. In answering the Vatican's objection to this Article, the IBC states that "the inclusion of the principle of *Pancasila* in the corpus of the statutes is a compromise, the fruit of hard and arduous bargaining between the KWI and the Indonesian government". With such a compromise, the Catholic Church has the following advantages:

- a. The official document defines the essential characteristic of the Church; i.e., the ecclesial and religious characters, amid the concrete contexts of the society, and in the Church's social involvement within Indonesian society.
- b. The *Pancasila* is not only the ideological basis of the State but also a way of life promoting the values of the Catholic faith.
- c. The ecclesial nature of the Conference is comprehensible.

It is also important to note that the Church is permitted to restrict the scope of *Pancasila* as an ideology by deleting the word "sole" or "only" and by adding the phrase "in the light of Christian faith". Furthermore, the phrase "in the social life of the nation" is important in limiting the scope of *Pancasila*.

On a practical level, the IBC supported the New Order government's main concern for economic development, as mentioned in the statement on socio-economic development

(entitled *Pernyataan Bersama Majelis Agung Waligereja tentang Pembangunan Sosial Ekonomi*, Joint Statement of the Supreme Council of Bishops on Socio-Economic Development) in October 1966, and also the First Five Years Development Plan on 1 April 1969. During the appraisal of the Second Five Years Plan in 1974, the Church regarded itself as a partner in the development and had a positive attitude towards the government's efforts. However, the IBC also had its criticisms as the Church focused on the mental and moral dimensions of development. The Church wanted to fulfill its 'prophetic' role; i.e., to motivate and to inspire. From this perspective, the Catholic Church considers itself a moral entity, not a political one. Moreover, this basic position was repeated several times in the IBC's statements as the principle of participation.

#### 4. Three Controverting Issues

The Catholic Church and the Indonesian government have an amicable relationship. Although historically there has never been a serious conflict between the two parties, there have been several state policies that limited the scope of the Church's rights. Nonetheless, the problems were proficiently resolved as the matters were more practical, by implementing solutions such as the laws on foreign aid for religions and on the building of religious houses. Some policies conflicted with the teachings of the Catholic Church as elaborated on in the sections below.

##### 4.1. Issue 1: Inter-Religious Marriage

###### 4.1.1. State's Policy

Following the second amendment of the 1945 Constitution, the right to marry belongs to every citizen in Indonesia, as mentioned in Article 28B. There was no such constitutional guarantee prior to the second amendment. The guarantee is under Article 6 (a) of Law No. 10 of 1992 on Population Growth and Welfare Family Development (Law No. 10/1992), signed on 16 April 1992, which states that each individual has the right to build a family. This stipulation coincides with Article 5 paragraph 1, which guarantees the equal right and obligation of each individual to develop a prosperous family.

Conversely, the essential law on marriage, Law No. 1 of 1974 on Marriage (Law No. 1/1974), signed on 2 January 1974, does not acknowledge the equal rights and obligations of individuals to have a prosperous family. The first article on Law No. 1 of 1974 only states the following concept of marriage:

A marriage is a spiritual and physical bond between a man and a woman as a couple of a husband and of a wife who has a goal to build a happy and everlasting family based on the One and Only God.

The above-mentioned Article, mentioning "based on the One and Only God", reflects the significance of the religious dimension of marriage based on the view of the State. The elucidation of this article is as follows:

As a state based on *Pancasila*, the first principle of which is the One and Only God, marriage has a close relationship with religion/spirituality, so that marriage has not only a physical component but has in its spiritual element an important role . . .

A similar statement occurs in Article 1, points 4 and 11 of Law No. 10/1992 mentioning the devotion to the One and Only God as an essential value to provide "quality of people and family". This notion is asserted again in Article 4 (a) of the government regulation No. 21 of 1994 (signed on 1 June 1994), which mentions the religious function of a family.

The religious dimension within the concept of marriage replaced the previous concept mentioned in Dutch East Indies' law (Malik 2001; Supriadi 2002). Formerly, a marriage was considered merely a secular affair. In the general elucidation Point 3, the insertion of the religious dimension is an attempt for this marriage law to accommodate elements and stipulations of religious laws. In other words, the marriage law acknowledges the existence



of marriage laws in the six officially recognized religions. Thus, the religious concept of marriage has a significant impact on marriage law, as stipulated in Article 2:

A marriage is valid if it is done according to the law of their religion and belief.

Each marriage is registered following the current regulations.

The above-mentioned Article mentions two requirements to obtain the validity of a marriage. A religious marriage is required prior to civil marriage. In other words, the State's recognition of marriage (by official registration) requires a religious marriage. On this matter, the elucidation states that there is no marriage outside the laws of one's religion and one's belief. This Article is strengthened in Article 8 (f), which states that a marriage is prohibited if the two individuals have a relationship that, according to their religion's law or other regulations, could prohibit marriage.

On the practical level, the above stipulations have compelling impacts on society. First, the law indirectly enforces each Indonesian citizen to embrace an officially recognized religion, such as Islam, Protestantism, Catholicism, Hinduism, Buddhism, or Confucianism. Second, the law indirectly enforces every religious adherent to practice their religious teachings, at least during the celebration of marriage. The clause "according to the law of their religion and belief", and the statement that there is no marriage outside religious laws, indeed affirm such enforcement.

The third impact of the above stipulations is the arduousness of undertaking the so-called mixed marriages or inter-religious marriage, i.e., a marriage between a man and a woman of different religions. Article 2 paragraph 1 causes complexity as there are no legal references to a particular religious law in the case of a mixed marriage. Amid this confusion, the following paragraph requires a religious marriage prior to the official registration. The confusion is exacerbated as the State offers unclear and inconsistent decisions (Buchanan 2010). Several legal opinions exist; however, none offer a satisfying solution. Within this ambiguity, imposing Article 2 on mixed marriages to society would mean, in the perspective of religious freedom, forcing an individual to change his/her religion, or to follow a religious law that is not his/her own, thereby resulting in religious hypocrisy, which conflicts with the first principle of *Pancasila* and Article 29 of the 1945 Constitution.

The perplexity of inter-religious marriages occurs mostly between a Muslim and a non-Muslim due to two main reasons: theological and practical. The theological reasoning is seen through the prohibition of a marriage between a Muslim woman and a non-Muslim man under Islamic law, and the prohibition of marriage according to another religion's law. The practical reasoning is the distinctiveness of Islamic marriage registration from other marriages (Bedner and Van Huis 2010). The Islamic marriages are registered by the special registration officer for Islamic marriage, divorce, and reconciliation, conducted in KUA (*Kantor Urusan Agama*, the Office of Religious Affairs), while other marriages of other religions are registered in KCS (*Kantor Catatan Sipil*, the Office of Civil Marriage Registration). Within this frame of reference, it would be difficult, for example, for a Muslim woman to register her marriage with a Catholic man in the Catholic Church (according to Canon Law) in the KUA as the marriage celebration took place in a Catholic Church. Conversely, the said marriage could not be registered in the KCS as one of them is a Muslim. In this case, the State provides an alternative to celebrating religious marriage prior to civil marriage. Article 56 of Law No. 1/1974 mentions the possibility of two Indonesian citizens, regardless of their religion, marrying abroad, after which their marriage can be registered in KCS. However, as few people can afford to go abroad, this alternative is of no value to the majority of people.

#### 4.1.2. The Indonesian Bishops' Reactions

The impossibility or prohibition of interfaith marriage is not in accordance with the views of the Catholic Church. The 1983 Code of Canon Law still provides for the possibility of dispensation for inter-ecclesiastical marriages (between a Catholic and a baptized person) and interfaith marriages (between a Catholic and an unbaptized person),

as stated in canons 1086.1-2 and 1124. One of the reasons dispensations take place is the local bishop's consideration under a social context; for example, an area where the Catholic population is a minority (Sepang 2015).

In its 1974 annual meeting, the bishops declared that due to the diversity of culture and religion in Indonesia, in which Catholics are a minority, people cannot lightly avoid inter-religious marriages. It is a sociological fact. In the bishops' view, such marriage is not a 'second-class' marriage, and the right to marriage should be respected. In this sense, the Indonesian bishops did not, and would not, refuse inter-religious marriages provided that several conditions and legal requirements were fulfilled. Nonetheless, for inter-religious marriage, controversies continue to exist due to Law No. 1/1974 on marriage (Mujiburrahman 2016).

On 12 December 1973, *Majelis Agung Waligereja Indonesia* (MAWI or the SCIB, the Supreme Council of Indonesian Bishops, the former name of the Indonesian Bishop's Conference) and the PGI (*Persatuan Gereja-gereja Indonesia*, Council of Churches in Indonesia) wrote a joint document on religious freedom as a response to the draft of the law on marriage. As Article 2 paragraph 1 of the marriage law states, a marriage is valid if it is implemented according to the law of their religion and belief. MAWI and PGI viewed this provision as controversial during the drafting process.

The said document, titled *Pokok-pokok Pemikiran Badan Pekerja Harian Dewan Gereja-gereja di Indonesia dan Majelis Agung Waligereja Indonesia* (the Principal Opinion of the Working Committee of the Indonesian Council of Churches and of the Supreme Council of Indonesian Bishops, signed on 12 December 1973), stated several points. First, the will of the individual is the principle of religious life, as implicitly stated in Article 29 paragraph 2 of the 1945 Constitution. Second, the State is forcing people to practice their religious teachings by abiding by the religious law on marriage, at least during the wedding. Third, the said Article leads individuals to profess a particular religion without genuine faith. This occurs when citizens, who do not profess a particular religion, get married, or in such cases of interfaith marriages. The controversial provisions also raised some other questions, such as the legal status of marriages of those who do not marry according to their religion, and of those who change their religion after marriage.

Since Article 2 paragraph 1 of Law No. 1/1974 is multi-interpretable (Ashsubli 2015; Setiyowati 2015), the SCIB took the more advantageous belief to benefit the people. In light of this, an important principle is a distinction between the status of a citizen and the status of an adherent of a particular religion. Such a distinction runs parallel with the separation of Church and State. The SCIB argued that the State's law on marriage should guarantee the right of its citizens to marriage, by disregarding their religious affiliation. Within this context, the IBC aimed to interpret the phrase in Article 2 paragraph 1, "*hukum masing-masing agamanya dan kepercayaannya itu*" (the law of their own religion and belief) in a broader perspective (Suhasti et al. 2018). The phrase does not only denote laws of religions derived from their own holy books, but it includes other State laws relating to certain religious groups mentioned in the said Article 2. This implies that the marriage law does not only refer to Law No. 1/1974, as other State laws relating to other religious groups are still in effect.

#### 4.2. Issue 2: Divorce and Remarriage

##### 4.2.1. State's Policy

Divorce and remarriage are other issues related to the law on marriage. The Catholic Church is infamous for not recognizing marital divorce. The Catholic Church only recognizes the annulment of marriages. However, Indonesian marriage law provides the possibility of divorce. Article 39 of Law No. 1/1974 states:

1. Divorce can only be carried out before a court session after the court concerned has tried and failed to reconcile the two parties;
2. To carry out a divorce there must be a sufficient reason that the husband and wife will not be able to live in harmony as husband and wife;

3. The procedure for divorce before a court hearing is regulated in a separate statutory regulation.

Furthermore, those who are divorced can remarry. It is indirectly stated in article 9:

“A person who is still bound by marriage to another person cannot remarry, except in the case referred to in Article 3 paragraph (2) and Article 4 of this Law”.

The provision, “those who are still married to another person cannot remarry” provides the possibility of remarriage for those who are divorced or no longer bound by marriage. In this circumstance, polygamy is a possibility, but with the conditions specified in Articles 3 and 4 of the marriage law.

#### 4.2.2. The Indonesian Bishops’ Solutions

Since the above legal provision was for the Indonesian people in general, the Catholic Church was not able to oppose it. The possibility of polygamy was not seen as a juridical problem in the Catholic Church as the law of the Catholic Church does not allow for polygamy. In such cases that Catholics remarry, the second marriage is considered invalid or not recognized. The person concerned is subject to moral sanctions from the Church.

When a divorced Catholic wants to remarry, such a case would be a pastoral problem. According to the 1983 Code of Canon Law, those who are divorced by State law are still bound to the Catholic marriage, even though they are separated. Thus, remarrying in the Catholic Church is an impossibility. Subsequently, State law does not allow divorced Catholics to remarry, based on Article 2 of the marriage law, “a marriage is valid if it is done according to the law of their religion and belief”. Since the Catholic Church cannot give a blessing to second marriages without an annulment, remarrying before the State is also prohibited.

There are three possible alternatives when a Catholic wants to remarry after a divorce. The first is that the couple can be married abroad, then register their marriage at the Civil Registry Office, as is the case for those who marry interfaith, in accordance with Article 56 of Law No. 1/1974. The second is that the Catholic converts to another religion, either temporarily, or permanently, so that they can celebrate their marriage according to their new religion and then register the marriage at the Civil Registry Office. In such cases, temporary religious conversion means that these Catholics temporarily submit themselves to the new religion but for the sole purpose of marriage. However, it should be noted that the first two methods are not valid according to the Catholic Church’s law. If implemented, they would receive moral sanctions from the Church, although varied in nature, depending on the policy of each bishop. In such cases, the bishops would implement policies according to their own respective contexts.

The third alternative is through the process of marriage annulment, which is following the Catholic Church’s law. In this sense, the divorced Catholic submits the first application for annulment of his marriage to the diocesan Tribunal. Should the annulment decision be granted, he or she could legitimately remarry. The pastoral problem is that the diocesan Tribunal grants annulment only to a few requests. The pastoral question becomes “Are they who did not get an annulment for their first marriage not able to remarry?”

For most cases, the key solution to the above-mentioned problem is some bishops’ distinction (such as in Semarang Archdiocese and Jakarta Archdiocese, then followed by some other dioceses) between the rights of a Catholic and the rights of a citizen. In other words, as Catholics, they cannot remarry; however, as citizens, they still have the right to do so. Given the constraints of State law, most bishops in Indonesia do not take a rigid stance against Catholics who remarry. The Catholics are entitled to their rights as citizens, despite having to face the consequences and moral sanctions for being Catholics. Usually, they could not receive holy communions for a certain time, though they are urged to be good Catholics still. This pastoral solution is based on case-to-case problems, and it is only semi-official. The decision on whether the divorced persons could marry would depend on the bishops’ judgment or on the diocesan Tribunal’s judgment. There is no official statement on this matter.



### 4.3. Issue 3: Family Planning

#### 4.3.1. State's Policy

Indonesia's national family planning program effectively started at the beginning of the New Order era (Chernichovsky et al. 1991). It officially began in 1970 with the establishment of *Badan Koordinasi Keluarga Berencana Nasional* (BKKBN, the National Co-ordinating Family Planning Board), based on Presidential Decree Number 8 of 1970 (signed on 22 January 1970). Prior to this, there was *Lembaga Keluarga Berencana Nasional* (LKBN, the National Family Planning Institute), a quasi-governmental institution, which was established in 1968, to implement Soeharto's political pledge in signing the World Leaders Declaration on Population in 1967. Its successor, BKKBN, was instead an official national, non-departmental institution that was directly supervised by the President, though practically it was directed by the State Minister for Social Welfare. Its main task was to assist the government in formulating population policy and coordinating all activities in the field of family planning (BPS et al. 1992). In Presidential Decree Number 35 of 1972, it was asserted that BKKBN became an exercising unit in the medical sphere. Before a further examination, it is necessary to mention that in 1974, the Minister of Education and Culture issued a decree (number 122/P/1974, signed on 17 May 1974) on population education in schools. Unfortunately, this population education was merely in support of the family planning program.

The BKKBN was established to respond to demographical issues in Indonesia. In 1970, for instance, the population of Indonesia was about 119.18 million with a 2.68% annual birth rate, making the country the fifth most populous in the world (now the fourth after the dissolution of the Soviet Union). Although this remains the primary issue for Indonesia, there are three more significant demographical problems: (1) the lopsided nature of the population in the youth age group, (2) the relatively large size of the rural population, which has led to an unstable urbanization process, and (3) the unbalanced population distribution among the islands (about 63.8% of the total population lives in Java, Madura, and Bali, which constitute only 7% of the entire territory of the country) (Hull et al. 1977).

The establishment of BKKBN was in line with the main concern of the People's Consultative Assembly. As stated in the Broad Outline of State Policy, the People's Consultative Assembly paid special concern to the population problem, and therefore used the family planning program as its primary solution. Though family planning was placed within the larger context of the national development program, it was stated from the very start that its goal would only be realized by respecting people's willingness to contribute to the program (*dengan cara sukarela*). In the 1978 Broad Outline of State Policy, the word consciousness (*kesadaran*) was added and placed together with the word free will (*sukarela*). The phrase sense of responsibility (*tanggung jawab*) was also added in the 1988 Broad Outline of State Policy. In that year there was also a change of view on family planning because it used the word movement (*gerakan*) instead of 'program' so that the State emphasized the people's involvement. Family planning, both program and movement, was also amended to consider religious values (Government Promises Support for Natural Family Planning in East Indonesia 1985). In line with the introduction of the term 'movement', the need for the active involvement of religious leaders was mentioned in the 1993 Broad Outline of State Policy. At the end of that year, the name of the program was changed to "welfare family program," placing the issue in the frame of an even broader perspective of Indonesia's national development.

The perspective above was eventually formalized into Law Number 10 of 1992 on Population Growth and Welfare Family Development (signed on 16 April 1992). One of the articles of the law underlines the need, on one hand, to control the population, and, on the other hand, to increase the overall quality of people and families. Article 1 point 4, concerning this quality, mentions devotion as well to the One and Only God as one of its important aspects. Article 12 paragraph 3 highlights this aspect further by stating that to improve the people's welfare, it will have to pay attention to religious values. On family planning, Article 16 states that its purpose is to achieve a welfare family. It is followed by

Article 17 (and implicitly also by Article 18), which asserts that the method of birth control depends on the couple's choice. Furthermore, in paragraph 2 of the Article, it is once more stated that religious values are relevant to this matter.

The above law was followed by two government regulations. The first such regulation was Government Regulation Number 21 of 1994 (signed on 1 June 1994) on the realization of welfare family development. Over time, other notions were added to this regulation, most notably the concept of a small family (in Article 8) and the use of devices and medicine in postponing pregnancy (in Article 16). Moreover, it also mentioned the importance of religious values in choosing the method of controlling pregnancy, using this method, and showing these methods in public. The prohibition of abortion, the use of a menstrual regulation device, and sterilization as a method of birth control were, therefore, in accordance with this concern. The second regulation was Government Regulation Number 27 of 1994 (signed on 3 September 1994) on population growth. The primary concern of this regulation was to reduce the rate of population growth. Article 8 paragraph 2 offered several different methods, one of them being the use of a contraceptive device, though it should be taken together with Article 9, which mentioned the concern of developing the people's quality in which religious values are considered as one important aspect (Wilopo 1997).

Taking into account the above regulations, it is clear that the State paid specific attention to religious values in the issue of family planning. However, on the lower, more practical levels, these regulations caused problems related to religious freedom, especially at the start of the introduction of family planning. The most obvious one was the State's enforcement of the use of contraceptive medicines or devices of birth control. In other words, the concept of family planning was reduced to birth control and, in turn, contraception. This view was reflected in the three broad objectives of BKKBN, i.e., (a) to expand the coverage of contraception following the targets of the government, (b) to promote continued use of contraception, and (c) to institutionalize family planning and small family norm concepts by shifting the responsibility for decisions about practicing family planning to the individual, the family, and the community (Hull and Mosley 2009).

In effect, the emphasis on the use of contraceptive medicines or devices was a form of natural birth control used by the government for most of the populace of the country. Going further, the government was even able to explicitly enforce family planning on some segments of civil society, especially for state officers. Indeed, an official statement of being "family planning acceptors" was needed for state officers for promotion to higher positions. This enforcement was easily implemented because, as mentioned above, family planning up to 1988 was officially a national program. Furthermore, as the establishment of BKKBN was under direct Presidential supervision, with important roles also played by provincial governors and the head of regency districts (*bupati and walikota*), it was easily interpreted as a program enforced by the highest governmental authorities. The Minister of Religious Affairs was also regularly mentioned among the members of the counseling board of BKKBN. This move can therefore be interpreted as the appreciation of religious values in this matter, though it was also meant as a method for the state to use religious institutions to socialize its program (Widyastari and Isarabhakdi 2016).

#### 4.3.2. The Indonesian Bishops' Opinions

The importance of planned parenthood was stated by the SCIB (the Supreme Council of Indonesian Bishops) in the *Pedoman Umat Katolik Indonesia* (the Guidelines for Indonesian Catholics) 1970 Number 10. It declared that it was the full responsibility of parents to form a good family life and to prepare their children for adult life. One way to realize such responsibilities was to plan and decide on the number of children they wanted to have. However, it should be noted that family planning was not the only basic preparation for marriage. Indeed, family planning was, therefore, placed in the socio-demographic context of Indonesia. For its part, the SCIB supported the government's norm of a happy and prosperous small family, "two kids no matter what gender" (Dodson 2019); however, it

also emphasized the observance of moral norms in achieving genuine human happiness and prosperity.

Concerning this matter, the IBC continued to point towards the SCIB's letters to the laity and the priests, circulated in 1968, regarding directives in response to the *Humanae Vitae*. In the *Pedoman* (number 11), the parents, in planning the number of their children, had to consider (a) the physical, mental, and spiritual well-being and happiness of the husband and wife, (b) the physical, mental, and spiritual well-being and happiness of their children, and (c) the well-being of others, particularly of the society in which they live in (population density, socio-economic status, etc).

Indeed, in its 1968 annual meeting, the SCIB paid serious attention to the encyclical letter *Humanae Vitae* and tried to apply it to Indonesia. A circular letter was issued and highlighted that Indonesia, as a developing country, faced many challenges in increasing the quality of life of its populace. Among its primary challenges was that at the time, the population exceeded more than 100 million. On this matter, the SCIB tried to find a balance between the two interests. On the one hand, it agreed with the Catholic values mentioned in the *Humanae Vitae*, while on the other, it was morally obliged to support the national development program and tackle the challenges that it faced. Moreover, the SCIB was aware of the difficulties Catholic families regularly faced in Indonesia. Considering such difficulties, the SCIB therefore emphasized the responsibility of couples to decide and plan for the number of children in their family, and that the method used to family plan should not be imposed by external agents, including the State and the Church. Importantly, however, the SCIB highlighted that couples should still consult a priest to discern their familial conditions, which would in turn be placed in the general context of the common good.

To supplement the 1968 circular letter to Catholics, the SCIB also drafted a circular letter to priests. In this letter, the SCIB once again emphasized the importance of each couple's personal choice in deciding the way they would implement family planning. More specifically, it laid out that couples would have to take into account the principles stated in *Humanae Vitae*, though specific familial situations would also be taken into consideration. Therefore, after careful review, the couple's decision—for the sake of the integrity of their bond and the welfare of their family—could be different from that of the *Humanae Vitae*. The SCIB even stated that in some cases, it would be impossible for couples to apply the principles mentioned in the *Humanae Vitae*. The SCIB asserted that in these cases, couples should continue their discernment honestly and that the assistance of priests would be both helpful and necessary.

Despite the issuance of these two circular letters, not all bishops in Indonesia agreed to abide by them even though seemingly all such members agreed that the population remained a pressing problem for the country. This concern thereby catapulted family planning to the forefront of discussion at the SCIB annual meeting of 1972. At the gathering, the SCIB issued a supplemental circular letter on family planning, *Penjelasan Pastoral MAWI 1972* (the SCIB's Pastoral Explanation 1972, signed on 23 November 1972), that repeated the principles stated in the 1968 circular letter and added that parents should not feel guilty for using birth control methods other than abstinence, as long as those methods did not degrade the couple's relationship and human values, such as abortion and sterilization.

The issue was again discussed in the annual bishops' meeting of 1974, where it was concluded that the Church should base its view on population issues around the dignity of the human person and the family. The Church could thereby contribute to solving the population problem through education so that each person could be responsible for oneself within the context of one's family and the surrounding society. In the same year, the bishops also decided to establish *Lembaga Kesejahteraan Keluarga Katolik Indonesia* (LK31, the Committee for the Welfare of the Indonesian Catholic Family). There it was agreed that the Church would emphasize the aspect of faith and morality by respecting individual freedom and conscience and thus, to that end, would use a persuasive–educative approach.

The viewpoint would again be repeated when the bishops met the President of Indonesia in 1975, where they emphasized the urgency to use a qualitative approach instead

of a merely quantitative one to solve problem concerns. In the latter half of the year, the SCIB also published *Pedoman Pastoral Keluarga, Pegangan dalam Menghadapi Beberapa Masalah Pembinaan Keluarga Katolik* (the Pastoral Guidelines on Some Problems of Catholic Families), which underlined the need of families to plan the birth of their children. Specifically, it highlighted the need to have a responsible attitude on such matters and reiterated the SCIB's Pastoral Explanation of 1972. This document, however, raised several objections from the Vatican as expressed in the letter of the Sacred Congregation for the Doctrine of Faith number Prot. N. 52/63 (on 6 July 1977), in which the Congregation repeated their objection to the Pastoral Explanation 1972. In response, the SCIB decided to republish the 1975 Guideline without the Pastoral Explanation of 1972.

Other decisions by the SCIB related to the family planning issue should also be mentioned here. Firstly, it was agreed in the plenary meeting of 1975 that abortion and any other methods which could cause it were not allowed to be used as part of family planning. Secondly, it was decided that the SCIB would ask moralists to formulate further guidelines on family planning, especially on the specific devices that could be used. Lastly, the SCIB asserted that there would be no change in the IBC's view on sterilization as stated in the Pastoral Explanation of 1972.

As a whole, the SCIB principally supported the State's policy regarding the population issue and its family planning program. Indeed, the SCIB regularly cooperated with the government through the *LK3I* on such matters. In this collaboration, the *LK3I* socialized the government's programs while also adapting them to Catholic views. Among the many ways of socialization was through the publication of several books. In 1989, for instance, the *LK3I* launched a joint initiative with *BKKBN* that published textbooks for elementary and secondary schools on population education as well as a book entitled *Pendidikan Keluarga Berencana* (The Family Planning Education) in which the Catholic views on family planning were presented.

The cooperation between the SCIB (then the IBC) and *BKKBN* was considered extremely successful as in 1992 there was a general change in the government's attitude toward family planning. Prior to this, while the government promoted family planning and population education as a national program, the quantitative approach to education was predominant and population education was considered merely as a supporting program of family planning. This quickly changed in the early 1990s as the government eventually adopted the viewpoint that family planning was a movement. This change was well accepted by the IBC, which saw it as an ample opportunity to give the Church the means to socialize its views on family planning (at the time the *LK3I* preferred to use the term 'responsible parenthood' instead of 'family planning', which was associated with the quantitative approach and with the government's enforcement). As a result, the IBC signed an agreement with the *BKKBN* to increase the Catholic youth's participation in the national movement of family planning through education highlighting a responsible family based on Catholic moral teachings (Hurley 1974). This was followed by a joint publication in 1993, entitled *Kasih Setia dalam Suka dan Duka* (Faithful Love in Happiness and Sorrow).

## 5. Conclusions

The above cases highlight how the Catholic Church in Indonesia (as represented by the bishops) had a respectful attitude towards the teachings of the Catholic Church in general as well as towards the policies of the Indonesian government. Moreover, generally, it appears that Indonesian bishops took the middle way as a 'win-win solution'. This meant that both the Vatican and the Indonesian government, therefore, accepted the policies taken by the Indonesian Catholic Church through its bishops.

The key to the settlement, especially in negotiating with the Vatican, was to focus on the interests of the faithful, not on the Church as an institution. In this case, the Catholic Church in Indonesia strongly adhered to the teachings of the Second Vatican Council, which prioritized personal interests over institutional interests, such as mentioned in the teachings on the Church (*Lumen Gentium*) and on the dignity of every human (*Dignitatis Humanae*).

This focus on people was also an important basis for negotiating with the Indonesian government, specifically through highlighting the interests of citizens and their freedom as human beings, which was also represented in the first and second articles of *Pancasila*, i.e., “the One and Only God,” and “the just and civilized humanity”. In this way, the Indonesian bishops distinguished clearly between rights as Catholics and rights as citizens, which formed the basis of pastoral policy. In negotiating these controverting issues with the State, it is worth noting as well that the mutual trust between the Catholic Church and the State made the negotiation easier.

The second key was the clear distinction between the essence of the teachings and the context for their application. In the Indonesian case, the IBC regarded Indonesia as unique; therefore, it needed serious consideration in applying universal Catholic teachings. Moreover, all Indonesian bishops knew that not all Catholic teachings were divine law. This meant that the bishops easily developed ideas that did not directly oppose formal Catholic teachings and did not seriously interfere with Church–State relations. Indeed, taken in another way, by further developing their ideas on Catholic teachings in Indonesia, the Indonesian bishops contributed to widening the Catholic Church’s perspective. On the other hand, however, by applying Catholic teachings vis-a-vis the State, the Catholic Church in Indonesia played a prophetic role in the nation. It means that the Catholic Church in Indonesia, through the IBC, did not blindly accept all civil laws and moral values within them; however, it recognized the need to follow all Indonesian laws, especially for certain critical cases and stances.

The attitudes of the Indonesian bishops mentioned above are in a certain sense a pearl of wisdom. They were discerned together by Indonesian bishops who knew the needs of the Indonesian Catholics. Their contextual considerations have led not only to widening theological or moral teachings but, in a certain sense, also shown a new ecclesiological face, especially for Indonesians in general. Thus far, in Indonesia, the Catholic Church has usually been classified as the Roman Catholic Church. This view has brought the impression that the Catholic Church is a foreign religion. In due course, the courage and wisdom of the Indonesian bishops in bringing Indonesian characteristics into the Catholic Church in Indonesia could reduce such an impression, and in turn, it could bring a greater blessing to the nation.

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