

## INTERFAITH MARRIAGE IN ISLAMIC FAMILY LAW (Addressing the Doctrinal Provisions and Socio Religious Context in Indonesia)

Muhtadli, Rudi Hartono  
Universitas Muhammadiyah kalianda<sup>1</sup>  
Email: [mr.muhtadli@gmail.com](mailto:mr.muhtadli@gmail.com)

### Abstract

Interfaith marriage has become an important issue in the discourse of Islamic family law, especially in Indonesia, which has religious and cultural diversity. Although the state recognizes freedom of religion, the existing legal provisions often create tensions between national law and religious law, particularly concerning marriages between Muslims and non-Muslims. Law No. 1 of 1974 concerning Marriage limits interfaith marriages, which can only take place with the approval of the relevant authorities. This study employs a qualitative descriptive approach with literature analysis to understand the doctrinal views on interfaith marriage and its implications in Indonesia's socio-religious context. This paper explores the differing views of Islamic jurisprudence on interfaith marriage, such as the strict prohibition in the Shafi'i school, the more flexible stance of the Hanafi school, and the contextual approach of the Maliki school. The study also analyzes public acceptance of interfaith marriages in Indonesia, influenced by social norms, culture, and religious education. In more pluralistic areas, there is greater acceptance of interfaith marriages, while in more conservative regions, such unions are considered taboo. In conclusion, the implementation of Islamic family law concerning interfaith marriage in Indonesia requires a more inclusive and adaptive approach to social development and pluralism, while maintaining a balance between religious freedom and the values upheld by society.

**Keywords:** interfaith marriage, Islamic law, socio religious context

### A. Introductions

Interfaith marriage, or marriage between a Muslim and a non-Muslim, is a continuously evolving issue and has become a significant focus in the discourse of Islamic family law. This issue not only sparks debates among Islamic scholars but also generates sharp differences in opinion within the Muslim community, especially in countries with a plural population like Indonesia. Indonesia, known for its cultural, religious, and ethnic diversity, faces significant challenges in applying Islamic law, especially concerning interfaith marriage. In this context, Islamic family law plays a crucial role in regulating relationships between Muslims and non-Muslims in marriage, requiring a deep understanding and prudent application.<sup>2</sup>

---

<sup>1</sup> Universitas Muhammadiyah kalianda

<sup>2</sup> Muhammad S. Al-Buti, *Fiqh al-Aḥwāl al-Shakhṣiyyah*, (Damaskus: Dār al-Fikr, 2015).



In many Islamic communities, the concept of marriage is not only seen as a personal union but also as a means of preserving religious identity and ensuring the continuity of faith through family structures. This foundational aspect of marriage in Islam has contributed to the strong emphasis placed on ensuring that both partners share the same religious beliefs. The idea of maintaining religious purity within marriage is deeply ingrained in many interpretations of Islamic teachings. As a result, the idea of interfaith marriage often raises concerns regarding the possible dilution of religious practices and the challenges of raising children in a mixed-faith household.

However, with the rapid pace of globalization and increasing interaction between different cultural and religious groups, this traditional view of marriage has been challenged by the growing acceptance of individual rights and freedoms, including the freedom to marry outside one's faith. In the modern world, where religious boundaries are often more fluid, the notion of interfaith marriage has become more common, and in some contexts, even celebrated as a symbol of tolerance and mutual respect. This shift is particularly evident in societies that prioritize pluralism and individual freedoms, such as many Western democracies.

In the case of Indonesia, this changing dynamic creates a complex tension between maintaining traditional religious practices and adapting to the modern values of inclusivity and respect for diversity. This tension is compounded by Indonesia's legal system, which, while grounded in Islamic principles, is also influenced by the secular framework and the broader values of multiculturalism enshrined in the nation's constitution. The challenge lies in reconciling these two approaches, as Islamic law's strict regulations on marriage clash with the state's broader recognition of personal freedom and pluralistic society.

For Indonesia, while the state recognizes religious freedom, interfaith marriage remains a sensitive issue that triggers various legal and social polemics. One of the main reasons for these debates is the lack of uniformity in understanding Islamic law regarding interfaith marriage. In traditional Islamic law, a Muslim is only allowed to marry a Muslim woman, except when the partner is from the ahl al-kitab (Jews and Christians), which is theoretically allowed under certain conditions.<sup>3</sup> However, this is not universally accepted across all factions, especially given the diversity of opinions within various schools of

---

<sup>3</sup> M. Quraish Shihab, *Fiqh Perkawinan*, (Jakarta: Mizan, 2004).



Islamic jurisprudence. For example, the Shafi'i school explicitly forbids marriage between a Muslim and a non-Muslim, except with women from the ahl al-kitab. However, not all schools of thought share this view. The Hanafi school, which is more flexible, tends to allow marriage between a Muslim man and a Jewish or Christian woman, though it cautions against potential conflicts arising from differing religious values.<sup>4</sup> Meanwhile, the Maliki school places greater emphasis on considering the social context and the situation in which the interfaith marriage occurs. These differences reflect the complexity of applying Islamic law concerning interfaith marriages.<sup>5</sup> The mismatch between the normative provisions of Islamic law and their application in a plural and modern social context, such as Indonesia, further complicates the issue. This is particularly evident in how Indonesian society diverse in social, cultural, and religious backgrounds responds to interfaith marriages. While interfaith marriage is not explicitly regulated by law, its practice often generates tension between religious understanding and the state's policy based on religious pluralism.

It is important to note that although Indonesia upholds religious freedom as enshrined in the constitution, the state law, particularly the Marriage Law, has provisions that limit interfaith marriages. Law No. 1 of 1974 on Marriage, for instance, stipulates that valid marriages must be between individuals of the same religion, except if the two different religions obtain approval from the relevant authorities. However, interfaith marriages continue to take place, with various arguments from parties advocating for individual freedom in choosing a partner.<sup>6</sup> Furthermore, in this context, Indonesian society cannot be viewed as uniform in addressing interfaith marriages. In some areas with a Muslim-majority population, interfaith marriages are often considered taboo and not accepted by religious and social norms. Conversely, in areas with more pluralistic communities, such as Bali or Papua, there is greater acceptance of interfaith marriages. This tolerance of differences indicates that societal views also influence the acceptance of interfaith marriages.<sup>7</sup>

One of the factors influencing the acceptance or rejection of interfaith marriages is the local cultural norms that develop in society. Many people in Indonesia believe that

---

<sup>4</sup> Abdurrahman Ibn al-Qudamah, *al-Mughni*, Vol. 9, (Beirut: Dār al-Kutub al-'Ilmiyyah, 1997).

<sup>5</sup> Abdul Wahab Khallaf, *Ilmu Fiqh*, (Beirut: Dār al-Kutub al-'Ilmiyyah, 1999).

<sup>6</sup> Republik Indonesia, *Undang-Undang No. 1 Tahun 1974 tentang Perkawinan*, (Jakarta: Departemen Hukum, 1974).

<sup>7</sup> M. Quraish Shihab, *Fiqh Perkawinan*, (Jakarta: Mizan, 2004).



interfaith marriage can lead to conflicts, both within families and in society at large. Some families may feel threatened by changes to traditions or religious norms they adhere to, while others view it as a form of tolerance and religious freedom. Therefore, the acceptance of interfaith marriage depends not only on religious perspectives but also on the social dynamics that evolve within society. On the other hand, it should be noted that the Islamic family law implemented in Indonesia, while adhering to the principles of fiqh, must still consider the existing social realities. On one hand, Islamic law provides clear boundaries regarding who can be a marriage partner, but on the other hand, the context of religious freedom in Indonesia demands adjustments to the pluralistic values that exist. Thus, the discrepancy between normative Islamic law and the social reality in Indonesia requires a more thoughtful approach in formulating policies that are more inclusive and respect religious differences.

Given the complexity of this issue, this study aims to analyze the provisions of the schools of thought on interfaith marriages in Islamic family law and the challenges of its implementation in Indonesia. This approach not only examines the fiqh perspective but also takes into account the socio-religious aspects influencing the dynamics of the acceptance of interfaith marriage in Indonesia.

## **B. Research Methodology**

The research methodology used in this study is a qualitative descriptive approach with literature analysis. This research aims to understand how the provisions of Islamic jurisprudence regarding interfaith marriage are applied in Indonesia and how the socio-religious context influences the implementation of Islamic family law concerning this issue. The primary data sources in this study are Islamic law books, academic journals, and relevant legislation.

This research also refers to case studies to explore examples of interfaith marriages occurring in Indonesia and analyze how Islamic law views this phenomenon. The study examines various schools of thought, including Hanafi, Maliki, Shafi'i, and Hanbali, as well as relevant regulations in Indonesia related to interfaith marriage.

## **C. Discussion**

### **1. Doctrinal Provisions on Interfaith Marriage**



Interfaith marriage in Islamic family law is a topic debated among scholars, with clear differences of opinion between the major schools of thought. Each school offers different interpretations of the Qur'an and Hadith regarding marriage between a Muslim and a non-Muslim. For example, the Shafi'i school, often considered stricter in the application of Islamic law, provides a firm stance, not allowing a Muslim to marry a non-Muslim except for women from the ahl al-kitab (Jews and Christians).

The rationale behind the Shafi'i school's prohibition stems from a specific interpretation of the Qur'anic verse in Surah Al-Baqarah (2:221), which advises Muslim men against marrying women who are not believers in Islam, except for women from the ahl al-kitab. This stance is rooted in a broader understanding of maintaining religious purity within marriage and ensuring that both partners share a common foundation of faith. The concerns about preserving the unity of the household, especially in the context of raising children, are central to this view. According to the Shafi'i perspective, interfaith marriages risk compromising these values and potentially leading to disunity and discord within the family.

In contrast, the Hanafi school offers a more flexible interpretation, particularly regarding the marriage of a Muslim man to a woman from the ahl al-kitab. The Hanafi approach is based on the principle that the ahl al-kitab are People of the Book, who share a foundational belief in monotheism and divine revelation, which makes their marriage permissible under Islamic law. This more lenient interpretation reflects the Hanafi school's broader emphasis on contextualizing Islamic principles within the societal and historical context. However, the Hanafi school still urges caution, advising that such marriages be undertaken with careful consideration of the social and familial implications, especially in terms of religious upbringing and the potential for conflict between differing beliefs.

Meanwhile, the Maliki school adopts a unique position that places significant emphasis on the socio-cultural context in which the marriage occurs. While adhering to the core principles of the Qur'an and Hadith, the Maliki school allows for a more pragmatic approach, advocating for interfaith marriages under specific social conditions. This interpretation acknowledges the possibility that, in some contexts, interfaith marriages may contribute to social harmony and the well-being of the individuals involved, provided that the marriage does not lead to the erosion of Islamic values or create divisions within the community. The Maliki school's approach highlights the importance of contextual



factors, such as the social and political environment, in determining whether such marriages are advisable or permissible.

In addition to these doctrinal positions, there is also a growing conversation among contemporary scholars about the application of Islamic law in modern, pluralistic societies. These scholars argue that while the classical schools of thought provide a valuable framework, the unique challenges of interfaith marriage in today's globalized world require a more nuanced and flexible approach. In regions like Indonesia, where religious pluralism is an essential aspect of national identity, many scholars call for a reinterpretation of Islamic family law that takes into account the changing dynamics of interfaith relationships. This includes acknowledging the role of personal choice, the importance of mutual respect in interfaith marriages, and the need for legal frameworks that accommodate diversity while upholding the ethical principles of Islam.

#### **a. Shafi'i School and the Prohibition of Interfaith Marriage**

The Shafi'i school has a very clear view on interfaith marriage. It explicitly prohibits marriage between a Muslim and a non-Muslim, whether male or female. This provision is based on the interpretation of the Qur'anic verse, especially Surah Al-Baqarah (2:221), which states that a Muslim is only allowed to marry a Muslimah or a believing woman. However, there is an exception for marriage between a Muslim man and a woman from the ahl al-kitab, which is allowed under certain conditions, such as marrying a Jewish or Christian woman.<sup>8</sup>

This view is reinforced in many classical fiqh works, including al-Mughni by Ibn Qudamah and al-Raudhah by an-Nawawi, which state that interfaith marriage is forbidden in Islam except under the strict conditions outlined in fiqh.<sup>9</sup> This is aimed at preserving the sanctity of religion and avoiding potential conflicts in the household that may arise due to significant religious differences. The Shafi'i scholars have long emphasized that the foundation of a Muslim family should be rooted in shared religious beliefs, as it is believed that such alignment will help foster mutual understanding and harmony in the household. According to this view, differing religious practices and beliefs

---

<sup>8</sup> Al-Qur'an, Surah Al-Baqarah (2:221).

<sup>9</sup> Abdurrahman Ibn al-Qudamah, al-Mughni, Vol. 9. Beirut: Dār al-Kutub al-'Ilmiyah, 1997.



could lead to confusion, particularly in raising children and in maintaining the integrity of Islamic practices within the family.

Moreover, the Shafi'i school takes a cautious approach in permitting marriage with a woman from the ahl al-kitab. While such marriages are allowed, they are not without conditions. The woman must be a practicing member of her faith, and the marriage must not compromise the core tenets of Islam, especially in terms of religious upbringing and the safeguarding of Islamic values in the household. The Shafi'i school warns that, even within the allowances made for such marriages, the challenges posed by interfaith union particularly regarding religious harmony and the education of children should not be underestimated.

The Shafi'i position also underscores the importance of maintaining clear boundaries to protect the Muslim community's religious identity and prevent assimilation into other faiths. This approach is seen as a means to uphold the purity of Islam in a context where social and religious pressures may otherwise lead to the dilution of core beliefs. For many in the Shafi'i school, the prohibition against interfaith marriage is not merely a legal stipulation but also an ethical guideline that seeks to protect the Muslim family structure from internal divisions caused by significant theological differences. This view aligns with broader concerns within Islamic law about the preservation of religious boundaries and the prevention of syncretism or the merging of conflicting religious practices within the family.

#### **b. Hanafi School and a More Flexible Approach**

In contrast to the Shafi'i school, the Hanafi school takes a more flexible approach to interfaith marriage. According to the Hanafi school, a Muslim man is allowed to marry a woman from the ahl al-kitab, such as a Jewish or Christian woman, based on the understanding that Ahl al-Kitab are permitted to marry Muslims because they possess revealed scriptures, namely the Torah and the Gospel. However, the Hanafi school also cautions that interfaith marriages should be approached carefully, particularly concerning potential conflicts arising from differing religious values in the marriage.<sup>10</sup>

The Hanafi school's acceptance of interfaith marriage is rooted in its broader interpretation of the Qur'anic verse in Surah Al-Ma'idah (5:5), which allows Muslim men

---

<sup>10</sup> Muhammad Abdul Rauf, *Fiqh al-Mazhab Hanafi*, (Jakarta: Pustaka Firdaus, 2001).



to marry women from the ahl al-kitab. This interpretation is premised on the idea that these women belong to monotheistic faiths that share a similar religious foundation with Islam. The presence of divinely revealed scriptures, such as the Torah and the Gospel, is seen as a common ground between Muslims and the People of the Book, justifying the permissibility of marriage. The flexibility of the Hanafi school, therefore, reflects its broader approach to legal rulings, which often incorporates contextual and historical understandings of the text rather than a rigid interpretation.

However, despite this flexibility, the Hanafi school emphasizes the importance of caution when entering interfaith marriages. It acknowledges that while the ahl al-kitab share some theological commonalities with Muslims, significant differences still exist, particularly in matters of worship, religious practices, and beliefs about God. Such differences can lead to tensions in a marriage, especially when it comes to raising children in a multi-religious environment. The Hanafi school highlights that these issues can be further complicated by societal pressures, as family members or communities may oppose interfaith unions, which could strain relationships both within the marriage and with the extended family.

Moreover, the Hanafi school stresses the importance of mutual agreement between the spouses regarding their religious practices and the upbringing of their children. In this regard, the Hanafi school advises that before proceeding with an interfaith marriage, both parties should openly discuss and agree on how they will navigate the religious differences. Consulting with religious authorities and seeking guidance on how to respect both parties' beliefs is also encouraged, ensuring that the marriage remains consistent with the ethical and moral teachings of Islam. This consultation serves as a precautionary measure to mitigate any potential conflicts and ensure that both spouses are committed to maintaining religious harmony within the marriage.

Despite being more flexible, the Hanafi school still regards interfaith marriage as potentially problematic, especially in terms of differences in the religious upbringing of children and other social issues that may arise in more conservative societies. Therefore, the Hanafi school emphasizes the need for caution and the agreement of both parties in the marriage, as well as consultation with religious authorities to ensure the decision aligns with Islamic principles.

### c. Maliki School and the Social Context of Interfaith Marriage



The Maliki school, on the other hand, places more emphasis on the social context and local circumstances when considering interfaith marriage. While still adhering to basic principles in the Qur'an and Hadith, the Maliki school allows interfaith marriage by considering the social situation in which the marriage takes place. This view is more moderate compared to the Shafi'i school and emphasizes the importance of justice and social harmony.

The Maliki school allows marriage between a Muslim and a woman from the ahl al-kitab, taking into account the social and spiritual welfare of both parties.<sup>11</sup> However, they also stress that any marriage involving religious differences should be accompanied by a thorough understanding of the religious beliefs involved. Additionally, the Maliki school emphasizes the importance of involving the surrounding community in understanding and accepting the marriage to avoid social tensions that could damage interfaith relationships.

The Maliki school's approach is deeply influenced by the notion that the well-being of society as a whole must be balanced with religious teachings. It acknowledges that each society operates within its own unique cultural and social context, which can significantly shape the way religious laws should be applied. In this sense, the Maliki school does not view the rules surrounding interfaith marriage as a rigid, universal mandate but as something that must be assessed in light of the realities and complexities of the society in which the marriage occurs. For instance, in a multicultural society where different religious groups coexist peacefully, the Maliki school is more likely to permit interfaith marriages, recognizing that social cohesion and tolerance are essential to the functioning of the community.

Moreover, the Maliki school places considerable emphasis on the welfare of both partners, particularly the Muslim party, in interfaith marriages. The school considers how the marriage will affect not only the spiritual well-being of both individuals but also their place within the broader social fabric. In this regard, the Maliki school stresses the need for both parties to enter the marriage with mutual respect for each other's beliefs and practices, ensuring that the union does not lead to the erosion of individual identities. This pragmatic approach reflects the Maliki school's focus on both individual rights and social responsibilities, promoting harmony between differing religious traditions.

---

<sup>11</sup> Muhammad S. Al-Buti, *Fiqh al-Aḥwāl al-Shakhṣiyyah*, (Damaskus: Dār al-Fikr, 2015)



Another critical aspect of the Maliki school's perspective is its insistence on community involvement. The school asserts that interfaith marriages should not occur in isolation from the larger community. Community acceptance plays a vital role in ensuring that the marriage does not disrupt social harmony or create divisions. For this reason, the Maliki school encourages couples to engage in open dialogue with their families and communities before entering into such unions. This ensures that the marriage is understood in a broader context, reducing the risk of social conflict and ensuring that the couple's union is supported by those around them. Furthermore, this emphasis on communal understanding helps reinforce the idea that religion should unite, rather than divide, people, even in the context of differing beliefs.

Finally, while the Maliki school allows interfaith marriage with women from the *ahl al-kitab*, it does so with an understanding that it is a significant decision that requires careful consideration of all aspects of life, including how future generations will be raised. The Maliki school encourages couples to discuss how religious practices will be integrated into their daily lives, particularly concerning the upbringing of children. Since both partners come from different religious traditions, careful planning is necessary to ensure that the children grow up with a clear sense of religious identity, regardless of the differing beliefs of their parents. This foresight is aimed at preventing any potential confusion or conflict that may arise as a result of religious differences within the family unit.

#### **d. Diverging Opinions in Islamic Law Regarding Interfaith Marriage**

Overall, the differing views of the major *fiqh* schools highlight the complexity of implementing Islamic family law concerning interfaith marriage. Although there are varying interpretations between the stricter Shafi'i school, the more flexible Hanafi school, and the contextual Maliki school, all of these schools remain grounded in basic principles of the Qur'an and Hadith. This reflects the flexibility of Islamic law, which can adapt to social changes and the progression of time, while still maintaining the core religious values that guide decision-making.

The diversity of opinions on interfaith marriage within Islamic jurisprudence also underscores the dynamic nature of *fiqh* and the importance of context in legal rulings. While the Shafi'i school emphasizes the preservation of religious purity within marriage, the Hanafi school acknowledges the evolving social landscape, permitting interfaith



unions under specific conditions. Similarly, the Maliki school's approach is more pragmatic, understanding that in certain social contexts, interfaith marriage may be necessary to maintain peace and cohesion within diverse societies. This variance in opinions illustrates how Islamic law, while rooted in divine principles, can be responsive to the cultural, social, and political realities of the communities in which it is applied.

Furthermore, the debate surrounding interfaith marriage is not only confined to the legal interpretations of the fiqh schools but also involves a broader discussion about the role of religion in public and private life. In modern societies, where the boundaries between different religious and cultural groups are increasingly blurred, the question of interfaith marriage becomes not just a legal issue, but also an ethical and social one. The differing opinions among the fiqh schools reveal the tension between upholding traditional religious values and accommodating contemporary realities that prioritize individual freedoms and pluralism. As such, this issue continues to challenge Islamic legal scholars and communities, pushing them to reconsider and reinterpret the application of classical rulings in a modern, globalized context.

## 2. The Socio Religious Context and Legal Implications in Indonesia

The application of Islamic family law in Indonesia, although regulated under the Compilation of Islamic Law (KHI) and aligned with the Civil Code (KUHPer), continues to face significant challenges in its application to interfaith marriages. This issue arises from the fundamental differences between the more rigid principles of fiqh in regulating marriage and the state law system, which accommodates freedom of religion and pluralism. While state law acknowledges religious freedom as enshrined in the 1945 Constitution, in practice, social and cultural norms often lead to difficulties in accepting interfaith marriages. Law No. 1 of 1974 on Marriage explicitly states that a valid marriage can only occur between individuals of the same religion, with the exception that interfaith couples must obtain permission from the relevant authorities.<sup>12</sup>

The misalignment between state law and religious law creates a dilemma for Muslim communities in Indonesia, particularly in regions with a predominantly Muslim population. Many Muslim communities, especially in conservative areas like Java, Aceh,

---

<sup>12</sup> Republik Indonesia, Undang-Undang No. 1 Tahun 1974 tentang Perkawinan, (Jakarta: Departemen Hukum, 1974)



or Sumatra, continue to adhere to fiqh teachings that prohibit interfaith marriage unless specific conditions are met. For example, the Shafi'i school prohibits marriage between a Muslim and a non-Muslim, except for women from the ahl al-kitab (Jews and Christians), under certain conditions. This view is reinforced by the belief that interfaith marriages could lead to divisions within households, due to deep religious differences that could disrupt domestic harmony. Therefore, opposition to interfaith marriages often becomes part of efforts to maintain the purity of Islamic teachings in family life.<sup>13</sup>

On the other hand, there are more moderate views, especially in more pluralistic regions such as Bali, Papua, or larger cities like Jakarta, Surabaya, and Yogyakarta. In these areas, there is greater acceptance of interfaith marriage, with an emphasis on religious freedom as guaranteed by the constitution. People in these regions tend to view interfaith marriage as an individual's right to choose a life partner, while still respecting the values of religion. In this context, interfaith marriage is seen as a symbol of religious tolerance and respect for individual freedom in choosing a partner. However, despite the greater acceptance, there is still awareness that interfaith marriages should be approached with respect for the integrity of social and religious values within the family.<sup>14</sup>

Acceptance or rejection of interfaith marriage is also heavily influenced by the local cultural norms in each region. In areas where the culture emphasizes family unity and social harmony, there is a tendency to be more accepting of interfaith marriages as part of the evolving social dynamics. In contrast, in more conservative areas, where cultural focus is placed on religious traditions and moral values, interfaith marriage is often viewed as a threat to the unity and sanctity of Islamic teachings that have been adhered to for generations. This social tension becomes more evident due to the differing perspectives on diversity within Indonesia. Thus, cultural norms significantly influence how society accepts or rejects interfaith marriage, impacting the acceptance or rejection of interfaith couples.<sup>15</sup>

Aside from cultural factors, religious education received by society from an early age also plays a crucial role in shaping attitudes towards interfaith marriage. Many people are

---

<sup>13</sup> Muhammad S. Al-Buti, *Fiqh al-Aḥwāl al-Shakhṣiyyah*, (Damaskus: Dār al-Fikr, 2015).

<sup>14</sup> A. T. M. Abd al-Rahman, "Islamic Law and the Politics of Marriage in Contemporary Indonesia," *Journal of Islamic Studies* Vol. 29, No. 4 (2018): 465-485.

<sup>15</sup> T. M. Hussein, "Religion and Politics in Indonesia: The Case of Interfaith Marriage", *Asian Journal of Comparative Politics* Vol. 6, No. 1 (2020): 32-48.



taught that marriage is a sacred bond that must maintain the purity of the religion, leading them to reject interfaith marriages.<sup>16</sup> Conversely, with increased access to education and information, some segments of society are becoming more open to interfaith marriages, especially those who understand that pluralism is an integral part of the reality of life that must be accepted. This shows that social changes and more inclusive religious education play a role in influencing societal views on interfaith marriages. However, despite Indonesia officially recognizing religious freedom, much of society still adheres to strict religious norms. Therefore, while there is room for religious freedom within the constitution, the Islamic family law implemented in Indonesia must still take into account the existing social and cultural realities. The legal policies set by the state regarding interfaith marriage must strike a balance between individual freedom and adherence to the religious teachings held by the majority of society. This is where the adaptation of legal policies to accommodate religious pluralism, while upholding the fundamental principles of Islamic family law, becomes essential.<sup>17</sup>

Given the complexity and social dynamics, the implementation of legal policies on interfaith marriage requires a more inclusive approach, allowing space for tolerance and respect for religious diversity. Adjustments to societal developments and changes should be part of the legal policy formulation, ensuring that interfaith marriages are not only viewed as a threat to religious sanctity but also as part of broader social dynamics that should be respected within the framework of religious freedom and pluralism.<sup>18</sup>

#### D. Conclusion

Interfaith marriage within the context of Islamic family law in Indonesia presents numerous challenges from both religious and national legal perspectives. The tension between the more rigid principles of fiqh and the national legal system, which is more accommodating of religious freedom and pluralism, reflects significant differences in the application of the law regarding this issue. While Indonesia recognizes religious freedom, national law, particularly marriage law, imposes restrictions on interfaith marriages, which

---

<sup>16</sup> J. S. Mill, *On Liberty*, (London: John W. Parker, 1859)

<sup>17</sup> A. T. M. Abd al-Rahman, "Islamic Law and the Politics of Marriage in Contemporary Indonesia", *Journal of Islamic Studies* Vol. 29, No. 4 (2018): 473.

<sup>18</sup> T. M. Hussein, "Religion and Politics in Indonesia: The Case of Interfaith Marriage", *Asian Journal of Comparative Politics* Vol. 6, No. 1 (2020): 42.



can only take place with approval from the relevant authorities. This creates a dilemma for the Muslim community in Indonesia, especially for those living in regions with a conservative Muslim majority, who adhere to strict fiqh teachings.

In contrast, in more pluralistic areas, such as Bali or Papua, there is greater acceptance of interfaith marriage. This highlights differences in perspectives on pluralism, influenced by local social and cultural norms. Communities in these regions are more likely to prioritize individual freedom in choosing a life partner, while still maintaining the social and religious values present. The role of religious education received from an early age also influences societal attitudes toward interfaith marriage, with a large portion of society adhering to strict religious norms, while others become increasingly open to religious diversity and pluralism. On the other hand, the implementation of legal policies regarding interfaith marriage requires adjustments to the social changes occurring in Indonesia. In this context, the Islamic family law applied must strike a balance between individual freedom and adherence to the religious teachings upheld by the majority of society. Therefore, it is crucial to continuously develop more inclusive policies, which not only respect religious freedom but also take into account the evolving social-religious aspects within Indonesian society.

Overall, interfaith marriage within the context of Islamic family law in Indonesia requires a more open and adaptive approach, one that accommodates the development of times and considers the existing social and cultural diversity. Thus, interfaith marriage should not only be seen as a religious issue, but also as a social phenomenon that must be respected within the framework of religious freedom and pluralism.



## BIBLIOGRAPHY

### A. Books

Abdurrahman Ibn al-Qudamah, *al-Mughni*, Vol. 9, (Beirut: Dār al-Kutub al-‘Ilmiyyah, 1997).

Abdul Wahab Khallaf, *Ilmu Fiqh*, (Beirut: Dār al-Kutub al-‘Ilmiyyah, 1999).

Muhammad Abdul Rauf, *Fiqh al-Mazhab Hanafi*, (Jakarta: Pustaka Firdaus, 2001).

Muhammad S. Al-Buti, *Fiqh al-Aḥwāl al-Shakhṣiyyah*, (Damaskus: Dār al-Fikr, 2015).

M. Quraish Shihab, *Fiqh Perkawinan*, (Jakarta: Mizan, 2004).

J. S. Mill, *On Liberty*, (London: John W. Parker, 1859)

### B. Journals

A. T. M. Abd al-Rahman, "Islamic Law and the Politics of Marriage in Contemporary Indonesia", *Journal of Islamic Studies* Vol. 29, No. 4 (2018): 473.

T. M. Hussein, "Religion and Politics in Indonesia: The Case of Interfaith Marriage", *Asian Journal of Comparative Politics* Vol. 6, No. 1 (2020): 32-48.

### C. Act

Republik Indonesia, *Undang-Undang No. 1 Tahun 1974 tentang Perkawinan*, (Jakarta: Departemen Hukum, 1974)

