

Beneath The Same Sky, Different Faiths: Why is Interfaith Marriage Prohibited in Islam?

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Abstract

Interfaith marriage remains a contentious issue in many legal and religious traditions, particularly in Islam, where it is explicitly regulated. This study explores the theological, legal, and sociocultural reasons behind the prohibition of interfaith marriage in Islam, with a focus on its implications for Muslim communities. Islamic law, derived from the Quran, Hadith, and scholarly interpretations, generally prohibits Muslim women from marrying non-Muslim men, while permitting Muslim men to marry women from the People of the Book (Christians and Jews) under specific conditions. This distinction is rooted in concerns about religious continuity, family structure, and the spiritual well-being of future generations. From a legal perspective, many Muslim-majority countries incorporate these religious principles into their national laws, restricting or entirely prohibiting interfaith unions. The justification for this prohibition is often linked to the preservation of Islamic values and the potential conflicts arising from differing religious obligations within a marriage. Sociologically, interfaith



marriages can lead to identity struggles, legal uncertainties, and challenges in raising children with a unified religious identity. However, critics argue that such prohibitions may conflict with contemporary human rights principles, including freedom of marriage and religious choice. By examining Islamic jurisprudence alongside modern legal and social perspectives, this study seeks to provide a nuanced understanding of why interfaith marriage is restricted in Islam and how these regulations impact Muslim communities globally. It also explores the evolving discourse on this issue, particularly in pluralistic societies, where legal frameworks and personal freedoms increasingly challenge traditional religious interpretations.

KEYWORDS: *Interfaith Marriage, Religious Norm, Religious Interpretations, Islamic Jurisprudence*

Introduction

Interfaith marriage remains one of the most debated issues across legal and religious traditions, particularly within Islam, where it is subject to explicit theological and legal regulation.¹ This study examines the multifaceted reasons—religious, legal, and sociocultural—behind the prohibition of interfaith marriage in Islamic law, with a particular focus on its implications for Muslim communities in both majority-Muslim and pluralistic societies. Rooted in the Qur'an, Hadith, and classical jurisprudential interpretations, Islamic law generally prohibits Muslim women from marrying non-Muslim men, while allowing Muslim men to marry women from the *People of the Book* (i.e., Christians and Jews) under specific and limited conditions. This asymmetry reflects deeper concerns regarding religious continuity, the integrity of family structures, and the spiritual well-being of future generations.

Marriage is an inherent bond between a man and a woman, uniting them as husband and wife with the objective of establishing a happy and enduring family life, in accordance with religious principles and belief in the Almighty.² Article 1 of Law No. 1 of 1974 (hereinafter

¹ Azzam, Leena Salah. "The regulation of interfaith marriages in Islamic legal discourse." *Regulation* 6 (2015): 1-2015; Nasir, Mohamad Abdun. "Negotiating Muslim Interfaith Marriage in Indonesia: Integration and Conflict in Islamic Law." *Mazahib* 21, no. 2 (2022): 155-186.

² Hori, Muhammad, and Eliva Sukma Cipta. "The purpose of marriage in Islamic philosophical perspective." *Journal of Islamicate Studies* 2, no. 1 (2019): 18-25. See also Ilahi, Andi Hidayat Anugrah. "The Evaluation of Early Marriage Law Renewal in Indonesia." *Unnes Law Journal* 7, no. 1 (2021): 129-152; Nugraheni, Prasasti Dyah. "The implementation of marriage different religion

referred to as Law No. 1/1974) defines marriage as a spiritual and legal union between a man and a woman, founded on the principle of monotheism and aimed at forming a lasting family unit.³ As such, marriage constitutes both a sacred rite and a contractual agreement, traditionally expressed through the terms *nikah* or *tazwij*. From a theological perspective, marriage is divinely ordained as a means to enhance the quality of life on earth. Furthermore, marriage is a cultural institution that evolves alongside human civilization.⁴ In simpler societies, marriage practices tend to be limited and traditional, whereas in more developed or modern societies, marriage customs are typically more complex, inclusive, and diverse.

Islamic law assigns a profound and nuanced meaning to marriage, viewing it not only as a social contract between two individuals but also as a sacred institution governed by Sharia. In Islam, marriage (*nikah*) is regarded as part of the Sunnah of the Prophet Muhammad (peace be upon him) and is aligned with human nature (*fitrah*) in the pursuit of establishing a family characterized by *sakinah* (tranquility), *mawaddah* (affection), and *rahmah* (compassion).⁵ Beyond fulfilling biological and emotional needs, marriage in Islam serves to cultivate a harmonious relationship between husband and wife and to ensure the upbringing of physically and morally healthy offspring. Numerous verses in the Qur'an and sayings of the Prophet (Hadith) emphasize the virtue of marriage as a means of safeguarding personal dignity and preventing immoral behavior. Islamic law comprehensively regulates various dimensions of marriage, including the prerequisites for a valid union, the mutual rights and obligations of spouses, and the procedures for dissolution of marriage. Therefore, a proper understanding of marriage within the framework of Islamic law is crucial for fostering a stable and prosperous family life and for upholding moral values within the broader society.

and their due to the law of the religion of marriage status." *Law and Justice* 4, no. 2 (2019): 68-82; Putri, Fadhilah Rizky Afriani. "When girl become wives: The portrait of underage marriage in Indonesia." *The Indonesian Journal of International Clinical Legal Education* 2, no. 4 (2020): 463-480.

³ See also Pujiono, Pujiono, Arif Hidayat, and Dewi Sulistianingsih. "Understanding and Litera Legis of Marriage Law in the Millennial Era for School Children." *Indonesian Journal of Advocacy and Legal Services* 3, no. 2 (2021): 183-194; Prabowo, Wahyu, et al. "Implementation of the age limitation for marriage from the perspective of Indonesian family and marriage law." *Journal of Private and Commercial Law* 7, no. 1 (2023): 69-96.

⁴ Tucker, William. *Marriage and civilization: How monogamy made us human*. Regnery Publishing, 2014.

⁵ Uddin, Ahm Ershad. "The Practice and Legitimacy of Misyār Marriage: A Critical Analysis within Islamic Law." *Yakın Doğu Üniversitesi İslam Tetkikleri Merkezi Dergisi* 9, no. 2 (2023): 254-270; Al-Farsi, Khaled. "Exploring sharia law in Islamic jurisprudence." *Social Science Chronicle* 2, no. 1 (2022): 1-20.

This study of interfaith marriage and religious-state relations highlights the complex interplay between human rights, religious teachings, and the legal framework in Indonesia. It begins by affirming that marriage is not only a fundamental human right protected by the Constitution and international treaties, but also an important aspect of individual freedom in the contemporary democratic landscape.⁶ The authors note that while globalization has encouraged increased diversity and acceptance of different backgrounds, it has at the same time also created tensions that threaten social harmony and national cohesion. The book's introduction emphasizes that Indonesia's elite often reject these modern values, preferring conservative religious teachings.

This ideological struggle is reflected in the ongoing debate around interfaith marriage, especially after the recent court decision allowing interfaith marriage, which sparked significant public discourse and opposition from various religious and political figures. This research aims to critically analyze these developments, focusing on how state institutions negotiate interfaith marriage in a broader context from a legal and religious perspective. Finally, this study seeks to explore the arguments of supporters and opponents of interfaith marriage, which reveal the delicate balance between human rights advocacy and adherence to religious law in Indonesian society.

Islamic law, which is recognized as an obligation for all its adherents, is a set of guidelines that govern the behavior of *mukallaf*, or those who have been burdened with responsibility. Islamic Sharia contains the commandments that Allah SWT gives to His people through a prophet, including those related to *amaliyah* (behavior) and belief (*aqidah*). According to terminology, Islamic Sharia refers to the path that humans take to reach God. Muhammad Daud Ali asserts that Islamic law acts as a framework for evaluating how people behave in a context social and spiritual.⁷ Islamic law regulates social, political, and economic relations between humans, or *muamalah*, in addition to human relations with God through worship. Islamic law in this case seeks to provide social justice, welfare, and order. The Qur'an, a sacred text containing revelation from God, Hadith, which is the words and deeds of the Prophet Muhammad SAW, and *ijtihad*, which is the attempt of scholars

⁶ Gerber, Paula, Kristine Tay, and Adiva Sifris. "Marriage: A human right for all?." *Marital rights*. Routledge, 2017. 21-46; Schwelb, Egon. "Marriage and human rights." *The American Journal of Comparative Law* 12, no. 3 (1963): 337-383.

⁷ Daud Ali, Muhammad. *Hukum Islam (Pengantar Ilmu Hukum dan Tata Hukum Islam di Indonesia)*. Jakarta: Rajagrafindo Persada, 1998.

to establish laws based on accepted principles, are the main sources of Islamic law. Islamic law stands out for its moral and spiritual depth, as each rule takes into account the inner qualities or intentions of the individual in addition to regulating behavior beyond. Thus, Islamic law has a broader purpose, namely to achieve happiness and prosperity in life both in this world and in the hereafter.

Especially when considering Islamic law, interfaith marriage is a complicated topic that often sparks discussion. According to Islamic law, a marriage is considered valid if it meets a number of conditions, one of which is that both brides and grooms have the same beliefs. Islamic teachings state that a Muslim is forbidden and forbidden to marry a non-Muslim, especially a non-Muslim. This is supported by a number of Qur'anic verses and scholarly fatwas that emphasize that a Muslim cannot marry a polytheistic or non-Muslim woman. Law No. 1/1974 on Marriage and Compilation of Islamic Law (KHI) regulates interfaith marriage in Indonesia. Article 40 of the KHI clearly prohibits a Muslim man from marrying a non-Muslim woman. This shows that interfaith marriage is not valid according to positive law.⁸ This is based on Surah Al-Baqarah verse 221 in the Qur'an, which highlights that Muslims are not allowed to marry polytheistic women until they convert to Islam. There are no special rules relating to interfaith marriage under Law No. 1/1974. Marriage is considered valid if it is carried out in accordance with the rules of each religion, according to Article 2 paragraph (1). As a result, interfaith marriages often face administrative and legal difficulties, such as different registrations in government offices, depending on the religion of each spouse. Interfaith marriage is often considered invalid under Indonesian positive law and Islamic law, and can raise a number of legal issues, especially with regard to inheritance rights and the status of children.

This is based on Surah Al-Baqarah verse 221 in the Qur'an, which highlights that Muslims are not allowed to marry polytheistic women until they convert to Islam. "*And do not marry polytheistic women before they believe,*" it is written in the Holy Scriptures. Indeed, unless they are also believers, a believing slave should not marry a polytheistic slave who believes.⁹ Surah Al-Baqarah, Al-Qur'an: 221. However, both openly

⁸ See Kharisudin, Kharisudin. "Nikah Siri Dalam Perspektif Kompilasi Hukum Islam Dan Undang-Undang Perkawinan Indonesia." *Perspektif: Kajian Masalah Hukum dan Pembangunan* 26, no. 1 (2021): 48-56.

⁹ Suyaman, Prahasti. "Tinjauan Sosiologis Al-Quran Surah Al-Baqarah Ayat 221 Tentang Pernikahan Beda Agama." *Mutawasith: Jurnal Hukum Islam* 4, no. 2 (2021): 116-27; Asyrof, M. Husnul Khulukil, Anwar Sa'dullah, and Abdul Wafi. "Penafsiran Surat Al-Baqarah Ayat 221 Dan

and covertly, interfaith marriage is still a common thing in society. By marrying according to their respective religious customs, some couples try to achieve balance, but this often causes problems in official records.

In Indonesia's pluralistic social and cultural context, interfaith marriage is a challenge. Discussions about interfaith tolerance often come up alongside this issue, although in practice, many scholars and religious organizations assert that interfaith marriage remains haram and invalid in the Islamic view.¹⁰ Therefore, it is important to understand the perspective of Islamic law on interfaith marriage and its impact on the society and individuals involved. In some cases, couples who want to legally marry may choose to marry civilly first and then perform their respective religious ceremonies. However, this method also has its own challenges, such as differences in legal recognition and social status. Interfaith marriage in Islamic law and positive law in Indonesia is a complex topic and requires deep attention. It is important for couples who want to get married to understand and respect the laws and traditions of their respective religions in order to avoid legal and social problems that may arise.

Interfaith Marriage in Islamic Law

In Indonesia, interfaith marriage is a complicated topic and has been debated for a long time. In the Quran, Allah SWT states: *"And among the signs of His power is that He created for you wives of your own kind, so that you may be inclined and at peace with Him, and He will make love and affection among you. Indeed, in such a thing there are signs for the thinkers."* (Qs. Ar. Ruum: 21).

Because marriage serves as a tool to achieve peace, love, and affection in family life in addition to serving as a social link. Muslims should respect the institution of marriage as part of the worship of Allah by understanding this important meaning. In this context, God created men and women of the same sex, so that they could complement each other and feel attraction to one another. This shows that marriage is a component of a divine design as opposed to a social relationship.

Although Law No. 1/1974 and Law No. 23/2006 regulate the criteria and process of marriage without specifically prohibiting

Al-Maidah Ayat 5 Tentang Pernikahan Beda Agama Perspektif Empat Madzhab." *Jurnal Hikmatina* 5, no. 2 (2023): 96-103.

¹⁰ Adil, Muhammad, and Syahril Jamil. "Interfaith marriage in Indonesia: polemics and perspectives of religious leaders and community organizations." *Religion & Human Rights* 18, no. 1 (2023): 31-53; Koschorke, Judith. "Legal Pluralism in Indonesia: The Case of Interfaith Marriages Involving Muslims." *Legal Pluralism in Muslim Contexts* (2019): 199-229.

interfaith marriage, Islamic law prohibits marriage between individuals of different religions. Law No. 1/1974 regulates the conditions of marriage, including the prohibition of interfaith marriage, and states that marriage is valid as long as it is carried out in accordance with the rules of each religion and belief (Article 2).¹¹

Interfaith marriage refers to the union between individuals from different religious backgrounds. This phenomenon is increasingly prevalent in the world, especially in diverse societies such as Indonesia. Several Indonesian scholars offer different perspectives on the legality of interfaith marriage based on Islamic law.

With some scholarly perspectives, such as Hamka and Quraish Shihab, generally conclude that interfaith marriage is forbidden unless certain conditions are met. They allow Muslim men to marry the women of the Book (Ahlu Kitab, i.e. Jews and Christianity) due to emergencies or for the purpose of Islamic da'wah. However, they emphasize the potential difficulties arising from cultural differences and religious misunderstandings that can lead to marital failure.

Musdah Mulia, unlike Hamka and Shihab, Mulia argues that there is no clear prohibition against interfaith marriage. He argues that individual choice and compatibility play an important role in the success of interfaith marriages. However, there is still legal ambiguity for couples who want to marry of different religions because these laws do not specifically regulate interfaith marriages. In fact, interfaith marriage is prohibited by Islamic law, especially for Muslims who are not allowed to marry non-Muslims unless they are Christians or Jews. The more liberal principles in the Marriage Act, which allow interfaith marriage, are contrary to this.¹²

The main obstacle is that interfaith marriages do not meet the requirements for a valid marriage under Indonesian law. If the marriage is considered legally valid, the marriage must be performed according to one of five recognized religions: Islam, Christianity, Hinduism, Buddhism, or Confucianism. Since the majority of interfaith couples are members of two different religious organizations that do not belong to

¹¹ Sidqi, Imaro, and Mhd Rasidin. "Prohibition of Interfaith Marriage in Indonesia: A Study of Constitutional Court Decision Number 24/PUU-XX/2022." *Jurnal Ilmiah Al-Syir'ah* 21, no. 1 (2023): 154-172; Nofrizal, Nofrizal, et al. "Implications of Supreme Court Jurisprudence No. 1400k/Pdt/1986 on Marriage Different Religions." *Unram Law Review* 6, no. 1 (2022).

¹² Aditya, Mochammad Rizky Eka, et al. "The Problem of Interfaith Marriage in Indonesia: A Juridical-Normative Approach." *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (2023): 456-470; Amin, Ade Ulfa, Syafruddin Syam, and Imam Yazid. "Islamic Law Perspective: The Issue of Interfaith Marriage and its Impact on Society in Indonesia." *Journal of World Science* 2, no. 8 (2023): 1268-1279.

a registered denomination, their marriage does not qualify for the following reasons:

- a. Legal Recognition: Their marriage may not be officially registered with the government office responsible for recording births and deaths.
- b. Social Perception: Lack of formal recognition can result in social stigma, which affects how society views them and potentially impacts family relationships.

In addition, although interfaith couples managed to register their marriage through administrative channels under special conditions (as outlined in Law No. 23/2019), court ratification is still uncertain. The Supreme Court's Circular Letter issued in 2023 (SEMA No. 02) instructs judges to prioritize traditional marriage law over more lenient provisions found elsewhere in the legal system.¹³

Furthermore, marriage is one of the important pillars in building a family and society. In Islam, marriage has a sacred meaning and is regulated in detail in the Quran and Hadith. One of the issues that is often discussed in the context of marriage is interfaith marriage. This marriage is a hot topic because it concerns the basic principles of religion and ethics. In this context, Islamic law emphasizes the importance of common beliefs in marriage. Marriage is considered a sacred bond that involves not only two individuals, but also the family and society. Marriage between a Muslim man and a polytheistic woman is forbidden, as is the case for polytheistic women and Muslim men. Muslim women are not allowed to marry non-Muslim or polytheistic men. This is because interfaith marriage is considered an act that is contrary to the teachings of Islam, which strongly emphasizes the value of religious harmony and belief in the marriage relationship. The hadith of the Prophet Muhammad, in addition to the Qur'an, highlights the importance of religious conformity in marriage. In a hadith, the Muhammad SAW stated that marriage should be done based on religion, so that: *marry a woman based on her wealth, social status, beauty, and religion, then choose a religious one.*

In fact, marriage must be carried out in accordance with the regulations of each religion and belief, as stated in Law No. 1/1974, article 2. This shows that the Indonesian government recognizes and

¹³ Iffan, Ahmad, and Syamsul Mujtahidin. "Kajian Progresif Hukum Ham Internasional Dan Hukum Nasional Terhadap Pemenuhan Hak Komunitas Beragama Di Luar Enam Agama Resmi Di Indonesia." *Unizar Law Review* 6, no. 2 (2023); Ali, Amum Mahbub. "Perkawinan Beda Agama dalam Perspektif Kepastian Hukum Pasca Terbitnya Surat Edaran Mahkamah Agung Nomor 2 Tahun 2023." *Ta'dibiya* 3, no. 2 (2023): 44-58.

upholds the prohibition of interfaith marriage, which is not based solely on Islamic doctrine. Interfaith marriage is haram and invalid, according to the majority of Islamic scholars. This is based on a number of reasons in the Hadith and the Qur'an that prohibit Muslims from marrying polytheistic women. Islam prohibits interfaith marriage for a number of reasons found in the Quran and Hadith. Verse 221 of Surah Al-Baqarah expressly prohibits Muslims from marrying polytheistic women before they convert to Islam. This verse even affirms that a believing slave girl, regardless of her beauty, is superior to a polytheistic woman. Verse 10 of Surah Al-Mumtahanah, which states that marriage with polytheistic women is void, supports this prohibition. Hadith narrated by Imam Muslim from the Prophet Muhammad SAW also emphasized that marriage with polytheistic women will not get blessings. The Gospel of Jesus Christ

Islam has a severe social and legal impact on interfaith marriage. The marriage has no solid basis and is not recognized by religion because it is considered invalid according to Islamic law. Religious disagreements and differences in values can lead to strits and strife within the home. Parenting is another difficult topic, especially when it comes to religious teachings and views. Interfaith marriage can sometimes lead to disapproval and embarrassment from society, especially in the Muslim community. Interfaith marriage is clearly prohibited by Islamic law and thus invalid. This prohibition is based on the Hadith and the Qur'an which prohibit Muslims from marrying polytheistic women. Interfaith marriage has significant social and legal impacts. To uphold the integrity of Islamic teachings in marriage, it is very important for Muslims to understand this commandment.¹⁴

However, interfaith marriage is not specifically prohibited in laws and regulations in Indonesia, especially Law No. 1/1974 and Law No. 23/2006. The Marriage Law does not specifically prohibit interfaith marriage, but regulates the terms and processes of marriage, including religious requirements. Both have consequences that give credence to the prohibition of interfaith marriage in Islamic law. According to the Marriage Act, each party's religion and beliefs must be followed during the marriage ceremony. This implies that according to each party's religion, the marriage must be approved by a recognized religious organization. The Office of Religious Affairs (KUA), which only handles

¹⁴ Hamdani, Muhammad Faisal, et al. "The Legal and Human Rights Challenges of Interfaith Marriage in Indonesia." *Journal of Law and Sustainable Development* 11, no. 12 (2023); Ali, Muhamad. "Fatwas on Inter-faith Marriage in Indonesia." *Studia Islamika* 9, no. 3 (2022).

Muslim marriages, is required by the Population Administration Law to register marriages. As a result, Indonesia cannot officially register interfaith marriages. Although Law No. 1/1974 provides space for interfaith marriages on the condition that they be carried out abroad and recognized by the country of origin. The marriage remains invalid under Islamic law and has the potential to cause conflict and social implications. Conflict can arise in terms of parenting, religious education, and religious rituals, while the social implications can be stigma, rejection, and disharmony within the household.

The conflict and implications of interfaith marriage in Islamic law is a sensitive issue rooted in differences in religious beliefs and values. Islamic law expressly prohibits interfaith marriage, considering it invalid and potentially causing various conflicts. Differences in beliefs can lead to disputes in terms of parenting, religious education, and religious rituals.¹⁵ In addition, social stigma and rejection from the Muslim community can add to the psychological burden on couples, as well as trigger conflicts with family and the surrounding environment. Another implication is disharmony in the household, which can lead to separation and negative impacts on children. It is important for Muslims to understand this law and avoid interfaith marriage in order to maintain family and community harmony. Conflicts arise due to differences in interpretation between Islamic law and laws and regulations.¹⁶

Interfaith Marriage Conflict in Indonesia

In Indonesia, interfaith marriage is a complicated topic, especially when considering social and legal aspects. Marriage between people of different religious backgrounds is often debated in terms of social and legal standards in a predominantly Muslim society. The Supreme Court Circular Letter (SEMA) No. 2 of 2023, which has an impact on the

¹⁵ Nasir, Mohamad Abdun. "Religion, law, and identity: contending authorities on interfaith marriage in Lombok, Indonesia." *Islam and Christian-Muslim Relations* 31, no. 2 (2020): 131-150; Adil, Muhammad, and Syahril Jamil. "Interfaith marriage in Indonesia: polemics and perspectives of religious leaders and community organizations." *Religion & Human Rights* 18, no. 1 (2023): 31-53.

¹⁶ See also Listiningrum, Prisca. "Human Rights from the Lens of the Global South: A Concern on Civil and Political Rights." *Human Rights in the Global South (HRGS)* 1, no. 1 (2022); Pujiono, Pujiono, Arif Hidayat, and Dewi Sulistianingsih. "Understanding and Litera Legis of Marriage Law in the Millennial Era for School Children." *Indonesian Journal of Advocacy and Legal Services* 3, no. 2 (2021): 183-194. For further case, please also see Mahendra, Agustya Catur. "Ambiguity of Adultery Concept (Zina) in Criminal and Justice System (A Comparison between Indonesia, Pakistan, and Turkey)." *IJCLS (Indonesian Journal of Criminal Law Studies)* 4, no. 1 (2019): 93-106.

registration of interfaith marriages, makes 2023 a significant year. The following are emphasized in the articles of this law:

- a. Article 2 paragraph (1) states that a marriage is valid if it is carried out according to the laws of each religion and its beliefs.
- b. Marriages that do not meet these provisions cannot be legally registered, as stated in Article 8 Letter F.

On July 17, 2023, the Supreme Court issued Supreme Court Circular Letter (SEMA) No. 2 of 2023, which advised judges not to grant applications registration of interfaith marriages. The purpose of this SEMA is to strengthen existing laws and stop registration. Although SEMA No. 2 of 2023 intends to prohibit the registration of interfaith marriages, courts sometimes grant applications for registration of interfaith marriages. In the context of Indonesia's diversity, the legal certainty of SEMA No. 2 of 2023 regarding the registration of interfaith marriages Decision No. 423/Pdt.P/2023/PN Jkt.Utr dated August 8, 2023, for example, shows that some courts still grant applications for the registration of interfaith marriages.

Based on data from the Indonesian Conference on Religion and Peace (ICRP), there are several important statistics regarding interfaith marriage:

- a. Number of Couples: From 2005 to 2022, there were around 1,566 couples who married from different religious backgrounds.
- b. Year 2023: This year, data shows that there are 89 Muslim couples who are engaged in interfaith marriages. This includes couples who apply for registration despite the prohibition from SEMA.¹⁷

SEMA No. 2 of 2023 has sparked a debate about whether the ban is in line with human rights and religious freedom from a legal and social point of view. Interfaith marriage is prohibited from the point of view of *Maslahah At-Tufi* (public good), which views interfaith marriage as dangerous. However, other assessments argue that such restrictions may violate the rights to freedom of family, family, and religion. Overall, although SEMA No. 2 of 2023 aims to provide legal certainty, the practice of interfaith marriage still occurs and is a controversial topic in Indonesia.

To address the complex interfaith marriage conflict in Indonesia, a comprehensive solution is needed that accommodates positive religious values and laws. The revision of the Marriage Law is an

¹⁷ Adila, Alannadya, Puguh Santoso, and Eri R. Hidayat. "Contribution Indonesian conference on religion and peace in realizing peace inter-religious." *International Journal of Arts and Social Science* 5, no. 6 (2022): 7-11; Pabbajah, Mustaqim. "Building Religious Dialogue for Peace in the Context of Plural Society in Indonesia." *Educational Research (IJMCER)* 3, no. 1 (2021): 93-98.

important step, by including clauses that regulate interfaith marriage more explicitly and clearly. This clause needs to formulate terms and conditions that acceptable to all parties, respect the rights of both parties, and provide legal certainty regarding marital status, child custody, and property division. In addition, interfaith dialogue is the key to finding common ground and common solutions that are acceptable to all parties.

Increasing public awareness of differences in legal interpretations and the importance of tolerance between religions is also an important factor. Education and socialization about cultural and religious diversity need to be improved to build understanding and empathy between community groups.¹⁸ Through these efforts, it is hoped that interfaith marriage conflicts can be overcome wisely, respect the rights of all parties, and build religious harmony in society. The conflict between Islamic law and laws and regulations in Indonesia related to interfaith marriage is a complex issue that requires a comprehensive solution. The right solution must be able to accommodate religious values and positive laws, as well as strengthen interreligious tolerance in society.

Room for flexibility in Islamic law regarding interfaith marriage

The ability of Islamic law to be flexible with respect to interfaith marriages *amaliyah*, or Islamic law, is separated into two categories. The first is *al-Qath'iyah*, or rules made on the basis of real and hard principles that have no capacity for logical interpretation. Second, the scope of *ijtihad* that allows for differences in the application of legal provisions that are not *qath'iyah*, known as *al-Zhanniyyah*. In many cases, Islamic law provides room for *ijtihad*, that is, legal reasoning that can be adapted to certain conditions and contexts. This is in line with the principle that the law must be able to respond to the challenges of the times and the ever-changing situation. One of the important rules in Islamic law is *customary customs are used as a legal benchmark*, which shows that customs and traditions can affect the application of the law.¹⁹

In the context of interfaith marriage, this means that local social and cultural norms can influence decisions about the legality and acceptance of the marriage. For example, in some communities,

¹⁸ Muhdlor, Al, et al. "Building Religious Harmony and Tolerance." *Journal of Islamic Studies* 25, no. 2 (2021): 329-349.

¹⁹ Farkhani, Farkhani, et al. "Converging Islamic and religious norms in Indonesia's state life plurality." *Indonesian Journal of Islam and Muslim Societies* 12, no. 2 (2022): 421-446.

marriage between Muslims and non-Muslims may be acceptable if it is based on the values of tolerance and mutual respect. On the other hand, there are also limitations that need to be considered. Islamic law emphasizes that any change in legal practice must remain based on *nash* (sacred texts) and *maqasid al-Shariah* (sharia goals), which emphasize justice and the benefit of the ummah. Therefore, while there is flexibility, it is important to keep such changes from conflict with the basic principles of Islam. Thus, the flexibility in Islamic law regarding interfaith marriage reflects a balance between maintaining traditional values and responding to existing social dynamics. This creates space for Muslims to adapt without losing their religious identity. If change is not possible, there will be *masyaqqah* and harm to mankind so that it will contradict *Qaidah al-Sharia'yah* which is built on the basis of alleviating, facilitating and preventing harm. In this case, the leaders of the Imam Abu Hanifah school issued many opinions that were different from the *nash* in the madhhab because they believed that Abu Hanifah had lived in the time they will definitely make a fatwa with what they have fatwa. Some of the rules that have been formulated by scholars show how the nature of flexible *fiqh* law is, among them are: it means: "*It is undeniable that there have been changes in the law due to the change of times*".

In responding to the changing times, Islamic law (*fiqh*) should be a barometer or controller of changes in social reality and not the other way around. The flexibility in Islamic law regarding interfaith marriage is reflected in the ability of the sharia to adapt to the local context and tolerance. Despite the clear prohibitions, the space for *ijtihad* and variations of *fuqoha* opinions opens up potential flexibility in the implementation of the law. However, these limitations are also determined by national rules and legal policies that apply in Indonesia. In many countries, including Indonesia, where religious and cultural diversity is an integral part of daily life, the question of the legality and ethics of marriage between a Muslim and a non-Muslim is in the spotlight. Islamic law, as a legal system derived from the Qur'an and Sunnah, has various views related to this issue. However, the existence of room for flexibility in Islamic law provides an opportunity to make adjustments to evolving social realities.

The Qur'an and Sunnah are the two main sources on which Islamic law is based. The Qur'an contains a number of verses that regulate the interaction between Muslims and non-Muslims in the context of marriage. Verse 221 of Surah Al-Baqarah is one of the verses that is often

quoted and read: "*And do not marry polyethic women before they believe. And indeed, a believing slave girl is better than a polytheistic woman, even if she attracts your heart.*"

This verse emphasizes the importance of maintaining the faith and identity of Muslims in choosing a life partner. However, there are also views that emphasize the importance of tolerance and benefits in interacting with non-Muslims. Ijtihad is important because Islamic law is not only rigid and bound to sacred texts. In contrast, Islamic law has an elastic nature that allows adjustment to changing social conditions. In this case, the scholars are expected to be able to conduct an in-depth study of the social and cultural context in which they are located. Ijtihad is a reasoning process carried out by scholars to produce new laws based on the context of the times and social situations. In the case of interfaith marriage, some scholars argue that ijtiḥād can be used to consider humanitarian and social aspects. For example, if the marriage can bring peace and harmony in the family and society, then there may be room to allow it.

Legal flexibility in this context is important so that Islamic law does not seem rigid and can answer the needs of the community. For example, in many Western countries, interfaith marriage is common and socially acceptable. On the other hand, in Muslim-majority countries, such as Indonesia, interfaith marriage is still often seen as taboo or even banned by some circles. Therefore, it is important for Muslims to consider a more open view of the issue. The principle of *maslahat* or benefit is one of the important considerations in Islamic law. *Maslahat* refers to everything that brings good or benefit to individuals and society as a whole. In the context of interfaith marriage, if the marriage can provide benefits to both parties, including the children resulting from the marriage, then this can be considered positively.

In religious life, tolerance is a very important value. The importance of respecting diversity and building positive relationships with individuals from different religious backgrounds is emphasized in various Islamic texts. In interfaith partnerships, tolerance benefits society as a whole, as well as individuals. Tolerance in interfaith marriages can be achieved when married couples respect each other even though they have different religious views. This can create a harmonious family environment where children can learn about the values of both religions without feeling pressured to choose one. While there is room for flexibility in Islamic law regarding interfaith marriage, challenges remain. One of the main challenges is the difference of

opinion among scholars regarding the legality of the marriage. Some scholars hold to conservative views that prohibit marriage between Muslims and non-Muslims based on the interpretation of sacred texts, while others are more open to the possibility of *ijtihad*. In addition, social pressure is also an important factor that influences an individual's decision to marry a partner of another religion. In many traditional Muslim communities, the stigma against interfaith marriage is still strong, so individuals may feel pressured to follow social norms rather than follow their personal beliefs.

Conclusion

The prohibition of interfaith marriage in Islam stems from a complex interplay of theological, legal, and sociocultural considerations. Rooted in the Quran, Hadith, and scholarly interpretations, Islamic jurisprudence restricts Muslim women from marrying non-Muslim men, while allowing Muslim men to marry women from the People of the Book under specific conditions. These rules are aimed at preserving religious identity, ensuring family cohesion, and safeguarding the spiritual development of future generations.

Legally, many Muslim-majority countries embed these religious principles into their national legal frameworks, reinforcing the prohibition of interfaith unions. From a sociological perspective, interfaith marriages can lead to challenges such as identity conflicts, legal ambiguities, and difficulties in religious upbringing, which further justify the traditional stance within Islamic law.

Nevertheless, in an increasingly pluralistic and rights-conscious global society, these prohibitions are subject to critical scrutiny, particularly concerning individual freedoms and human rights, such as the right to marry and freedom of religion. This study underscores that while the Islamic prohibition on interfaith marriage is deeply embedded in religious doctrine, contemporary legal and social contexts call for a more nuanced and open dialogue. Such discourse is essential for reconciling traditional religious values with evolving notions of personal autonomy and social diversity.

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