

Sacred Bonds or Sinful Ties? Interreligious Marriage in Islamic Law

Rafli Zidan Eka Ramadhan ^{a✉}, Rohadhatul Aisy ^a,
Shofriya Qonitatin Abidah ^B, Fateema Muslihatun ^a,
Bagus Hendradi Kusuma ^a

^a Faculty of Law, Universitas Negeri Semarang, Indonesia

^b Sultan Qaboos University, al-Seeb, Oman

✉ Corresponding email: raflizidan@mail.unnes.ac.id

Abstract

Interreligious marriage remains one of the most debated issues in Islamic law, raising questions about faith, identity, and legal restrictions. Islamic jurisprudence, derived from the Quran, Hadith, and scholarly consensus, generally prohibits Muslim women from marrying non-Muslim men while allowing Muslim men to marry Christian or Jewish women under specific conditions. This distinction is rooted in concerns over religious continuity, familial stability, and the spiritual upbringing of children. The prohibition reflects the broader Islamic principle of maintaining faith within the household and preventing potential conflicts in religious obligations between spouses. Many Muslim-majority countries have incorporated these religious principles into their national legal frameworks, enforcing restrictions on interfaith marriages. These laws are justified on the grounds of protecting Islamic values and ensuring the predominance of Muslim identity within families. However, in an increasingly globalized world, where cultural and religious boundaries are more fluid, these restrictions face growing challenges. Critics argue that such prohibitions conflict with fundamental human rights, particularly the right to marry and religious freedom. Additionally, interfaith couples often encounter significant



legal and social hurdles, including issues related to inheritance, child custody, and religious conversion. This study examines the theological, legal, and sociocultural foundations of the prohibition on interreligious marriage in Islam. By analyzing classical Islamic jurisprudence alongside modern legal and human rights perspectives, this paper explores how these restrictions impact Muslim communities today and whether evolving interpretations can accommodate interfaith unions in pluralistic societies.

KEYWORDS: *Inter-religious Marriage, Islamic Jurisprudence, Religious Conversion, Human Rights*

Introduction

Interreligious marriage, or marriage between individuals of different religious affiliations, remains one of the most controversial and sensitive issues in Islamic jurisprudence. While marriage is recognized as a sacred institution in Islam, one that ensures spiritual, moral, and social harmony, the inclusion of divergent faith identities within a marital union raises profound theological and legal dilemmas. This issue becomes especially pronounced in cases involving Muslim women, whose marriages to non-Muslim men are categorically prohibited by traditional Islamic legal doctrine.¹

Classical Islamic law, derived from the Qur'an, Hadith (Prophetic traditions), and the consensus (*ijma*) of scholars, presents a clear asymmetry in its treatment of interfaith marriage. While Muslim men are permitted—though with restrictions—to marry women from the "People of the Book" (i.e., Jews and Christians), Muslim women are unequivocally barred from marrying outside the Islamic faith. This differentiation is grounded in concerns over religious leadership within the family, preservation of Islamic identity, and the Islamic upbringing of children.

These traditional rulings have been internalized and institutionalized by many Muslim-majority countries through codified

¹ Elmali-Karakaya, Ayse. "Interfaith Marriage in Islam: Classical Islamic Resources and Contemporary Debates on Muslim Women's Interfaith Marriages." *Religions* 13.8 (2022): 726; Haqqani, Shehnaz. "The Qur'an on Muslim Women's Marriage to Non-Muslims: Premodern Exegetical Strategies, Contradictions, and Assumptions." *Journal of Qur'anic Studies* 25.1 (2023): 36-78.

personal status laws. In jurisdictions such as Egypt, Indonesia, Malaysia, and Jordan, civil law often mirrors classical fiqh (Islamic jurisprudence), translating religious prescriptions into legally binding regulations. Consequently, interfaith marriages involving Muslim women are either declared invalid, subjected to criminal penalties, or rendered legally invisible through refusal of registration.

The legal entrenchment of these religious rulings has sparked significant human rights debates at both domestic and international levels. The Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), among other instruments, affirm the rights to marry, to practice one's religion freely, and to enjoy equal protection under the law. Legal prohibitions on interfaith marriage—especially those applied asymmetrically based on gender—raise serious questions about the compatibility of Islamic family law with these international norms.²

In an increasingly interconnected and pluralistic world, where mobility, migration, and interreligious interactions are more common than ever, rigid interpretations of interfaith marriage laws are being challenged both legally and socially. Muslim diasporas in secular and multicultural societies frequently encounter dilemmas when national laws permit interfaith unions while Islamic authorities or communities condemn or reject them. This disconnect between civil legality and religious legitimacy produces complex personal, social, and spiritual consequences.³

Despite these challenges, scholarly discourse on the topic remains divided. On one side, conservative scholars and jurists continue to uphold classical rulings, citing religious texts and the consensus of earlier generations. They argue that divine prescriptions are immutable and that interfaith marriage—particularly for Muslim women—poses a threat to the integrity of the Islamic family and the faith of future generations. On the other hand, reformist scholars and human rights advocates call for reinterpreting these rulings in light of contemporary

² Carpenter, Devin. "" So Made That I Cannot Believe": The ICCPR and the Protection of Non-Religious Expression in Predominately Religious Countries." *Chicago Journal of International Law* 18.1 (2017): 216-244; Eltayeb, Mohamed Saeed M. "The Limitations on Critical Thinking on Religious Issues under Article 20 of ICCPR and Its Relation to Freedom of Expression." *Religion & Human Rights* 5.2-3 (2010): 119-135.

³ May, Simon Căbulea. "Religious democracy and the liberal principle of legitimacy." *Philosophy & Public Affairs* 37.2 (2009): 136-170.

realities and the higher objectives of Sharia (*maqasid al-shariah*), which prioritize justice, human dignity, and social welfare.

Contemporary Islamic thought has begun to witness a gradual, albeit contentious, re-examination of the scriptural and legal foundations underlying the prohibition. Scholars such as Khaled Abou El Fadl, Amina Wadud, and Abdullah Saeed argue that the original contexts of Qur'anic injunctions must be historically situated. They propose that Islamic law is not static but dynamic, allowing for reinterpretation that takes into account current sociocultural contexts, especially in societies marked by religious diversity and gender equality.⁴

This emerging discourse raises critical questions: Are the traditional prohibitions on interfaith marriage still justifiable in modern contexts? To what extent can Islamic legal reasoning evolve without compromising theological principles? How do legal systems balance religious norms with individual rights in multicultural societies? And what are the lived consequences for Muslim women caught between legal restrictions and personal choices?

The tension between religious doctrine and human rights is particularly acute in the case of gender discrimination. Muslim men's relative freedom to marry non-Muslim women, contrasted with the strict limitations imposed on Muslim women, exposes deep-rooted patriarchal assumptions in both classical jurisprudence and contemporary legal systems. These asymmetries not only affect legal status and familial relations but also raise broader questions about autonomy, equality, and justice in Islamic legal thought.⁵

⁴ Saeed, Abdullah. "Some reflections on the Contextualist approach to ethico-legal texts of the Quran." *Bulletin of the School of Oriental and African Studies* 71.2 (2008): 221-237; Sofyan, Muhammad. "Konsep Hermeneutika Otoritatif Khaled Abou El-Fadl." *Kalam* 9.2 (2015): 373-392.

⁵ Furthermore, in Indonesia, the tension between religious doctrine and human rights becomes especially evident in gender-based marriage laws. While Muslim men may marry non-Muslim women under certain interpretations, Muslim women are strictly forbidden from doing so. This unequal treatment reflects patriarchal assumptions rooted in classical Islamic jurisprudence, which positions men as religious leaders in the household. Indonesia's national marriage law, influenced by Islamic principles, reinforces this disparity, contradicting constitutional guarantees of gender equality and international human rights commitments. The resulting legal and social constraints highlight ongoing struggles between preserving religious norms and advancing women's rights in a pluralistic, democratic society. *See also* Colbran, Nicola. "Realities and challenges in realising freedom of religion or belief in Indonesia." *The*

In practice, interfaith couples in Muslim-majority societies encounter a spectrum of challenges—ranging from bureaucratic non-recognition and social ostracism to forced conversion, inheritance disputes, and child custody battles. Legal ambiguity often leads to personal distress, especially for women whose marital choices may be delegitimized by the state, their religious community, or both. In some cases, these individuals are forced to marry abroad or resort to unofficial unions, creating further legal and moral complexities.

Moreover, the debate on interreligious marriage intersects with broader concerns about religious freedom, secularism, and the role of the state in regulating personal and spiritual matters. In some countries, family law remains the last bastion of religious authority in an otherwise secular legal system, making it a highly contested domain where the boundaries between religion and law are continuously negotiated.

The increasing visibility of interfaith relationships in the public sphere—through media, migration, and advocacy movements—has prompted renewed interest in this issue among legal scholars, theologians, and policymakers. Yet, comprehensive academic research that bridges the gap between traditional Islamic jurisprudence, comparative legal frameworks, and international human rights standards remains limited. This paper seeks to contribute to that emerging dialogue.

By analyzing both the theological foundations and the legal implementations of interfaith marriage restrictions, this study aims to provide a holistic understanding of how Islamic law conceptualizes religious boundaries in marital relations. It draws from classical legal texts, contemporary fatwas, statutory laws, and human rights instruments to examine the continuity and transformation of norms surrounding interfaith unions.

International Journal of Human Rights 14.5 (2010): 678-704; Marshall, Paul. "The ambiguities of religious freedom in Indonesia." *The Review of Faith & International Affairs* 16.1 (2018): 85-96; Prasetyani, Rurin Sisilia, and Shally Saniyya Novina. "The Interpretation of Freedom of Religion and Believe: How Do University Understand This to Society?." *The Indonesian Journal of International Clinical Legal Education* 2.1 (2020): 15-28; Arvante, Jeremy Zefanya Yaka, Maulana Fuad Nugraha, and Andrew Sergei Rostislav. "A Comparative Study of Religious Freedom Between Indonesia-Russia and Its Limitations." *Jurnal Scientia Indonesia* 8.2 (2022): 197-222; Mukhlis, Mukhlis, et al. "Rejection of Former Shia Community in Sampang Perspective on Human Rights Law: Discourse of Religious Rights and Freedom in Indonesia." *Lex Scientia Law Review* 7.2 (2023): 959-994.

In doing so, this paper also interrogates whether Islamic legal traditions can accommodate pluralism without losing their normative core. It assesses the potential for legal reform through *ijtihad* (independent reasoning) and the interpretive tools offered by *maqasid al-shariah*. At the same time, it acknowledges the sociopolitical factors that shape legal discourse, including the influence of religious authorities, public opinion, and international human rights pressure.

Ultimately, this research seeks not to prescribe a definitive legal or theological position but to illuminate the complexity of the issue. It advocates for a more nuanced engagement with both Islamic and human rights perspectives, recognizing that interfaith marriage lies at the intersection of deeply held beliefs, evolving legal standards, and the lived realities of Muslims in a globalized world. Through this exploration, the paper aims to foster a more inclusive and informed conversation on faith, law, and love across religious boundaries.

Theological Justification and Gender Asymmetry in Islamic Marriage Law

The prohibition of interreligious marriage in Islamic law is deeply rooted in theological reasoning, which intertwines notions of religious identity, authority structures within the family, and concerns for generational continuity of the faith.⁶ Central to this prohibition is a distinct gender-based asymmetry: while Muslim men are permitted—under specific conditions—to marry women from the *Ahl al-Kitab* (People of the Book), Muslim women are categorically prohibited from marrying non-Muslim men. This asymmetry is not arbitrary but is built upon a theological framework that emphasizes the protective function of Islamic law over communal and familial religious integrity.

From the perspective of classical jurisprudence (*fiqh*), the male's position as *qawwam*—a guardian and provider for the family, as described in Surah An-Nisa (4:34)—carries the implicit assumption that he will determine the religious direction of the household. Thus, allowing a Muslim man to marry a Christian or Jewish woman is seen as a manageable arrangement because, theoretically, the Islamic identity of the family is preserved under his spiritual and legal authority. Conversely, if a Muslim woman were to marry a non-Muslim man, traditional Islamic scholars argue that there would be no assurance that

⁶ Lamptey, Jerusha Tanner. *Never wholly other: A Muslima theology of religious pluralism*. Oxford University Press, 2014.

Islamic practices, values, and identity would be safeguarded within the family structure, especially regarding the religious upbringing of children.

Exegetically, two verses are often cited to support this distinction. Surah Al-Baqarah (2:221) warns against marrying polytheists (*mushrikun*), stating: "*Do not marry idolatresses until they believe... nor give your daughters in marriage to idolaters until they believe...*" This verse directly prohibits giving Muslim women in marriage to non-believing men. Additionally, Surah Al-Ma'idah (5:5) provides the allowance for Muslim men to marry chaste women from the People of the Book, though this concession is often interpreted as conditional and not without restrictions. Many classical and modern scholars point out that this exception was granted in a context where Islamic social and political dominance was presumed, and the risk of religious dilution was minimal.

Contemporary scholars and reformists, however, challenge the rigidity of these traditional interpretations. They argue that these scriptural rulings were context-dependent and that the primary objective of Sharia—*maqasid al-shariah*—includes justice, human dignity, and family well-being. Scholars such as Khaled Abou El Fadl, Amina Wadud, and Abdullah Saeed have proposed more nuanced readings that consider the sociocultural realities of Muslim minorities and pluralistic societies. From this viewpoint, the categorical prohibition of interfaith marriage for Muslim women appears to conflict with the evolving norms of gender equality and the principle of religious freedom.

In addition, the issue of interfaith marriage, particularly the prohibition against Muslim women marrying non-Muslim men, has become a subject of critical re-examination among contemporary Muslim scholars and reformists. They question the rigidity of classical interpretations that have long been treated as immutable. Traditional jurisprudence has generally upheld a categorical ban on such marriages, framing it as a matter of divine command. However, modern scholars argue that these rulings were shaped by specific historical, social, and political contexts that may no longer be applicable in today's pluralistic and rights-conscious societies.⁷

⁷ See also Brake, Elizabeth. *Minimizing marriage: Marriage, morality, and the law*. Oxford University Press, 2012; Weeramantry, Christopher Gregory. *Islamic jurisprudence: an international perspective*. Springer, 1988.

Contemporary reformist scholars emphasize the significance of *maqasid al-shariah*, or the higher objectives of Islamic law, which include justice, human dignity, and the protection of family and social welfare. They contend that Islamic legal rulings should not be understood merely as fixed, literal commands, but rather as ethical guidelines meant to promote well-being and fairness. When interpreted through the lens of *maqasid*, the strict prohibition of interfaith marriage for Muslim women appears less aligned with the core principles of Islamic ethics, especially in light of evolving societal norms and the realities of Muslim minorities living in secular or multicultural contexts.

Figures such as Khaled Abou El Fadl, Amina Wadud, and Abdullah Saeed have advocated for a more contextual and dynamic approach to interpreting Islamic sources. These scholars reject overly literalist and patriarchal readings of the Qur'an and hadith, proposing instead methodologies that account for historical shifts, sociopolitical conditions, and gender dynamics. Their approaches aim to reconcile Islamic legal thought with contemporary values of equality and freedom, emphasizing that the faith must be capable of moral reasoning in diverse cultural environments.

From this perspective, the blanket prohibition on Muslim women entering interfaith marriages appears to conflict with both gender equality and the principle of religious freedom. In many modern societies, these values are fundamental to the legal and social order. Restricting Muslim women in ways that Muslim men are not restricted introduces an inherent gender bias that is increasingly difficult to justify, either ethically or theologically. Moreover, such restrictions may undermine the autonomy of Muslim women and reinforce harmful stereotypes about Islam's stance on women's rights and personal freedoms.

Moreover, modern Muslim societies are no longer uniformly patriarchal in structure, and many women today occupy leadership roles both within families and in public spheres. Therefore, the assumption that a Muslim woman lacks the religious authority or resilience to maintain her faith in an interreligious marriage is increasingly questioned. The blanket prohibition is also critiqued as lacking sufficient textual clarity and relying heavily on consensus (*ijma'*) and interpretive tradition rather than unequivocal Qur'anic injunctions.

In conclusion, while the theological rationale for gender asymmetry in Islamic marriage law is well established within classical jurisprudence, its application in contemporary contexts is subject to

growing debate. The evolving nature of family dynamics, coupled with broader human rights discourses, has opened space for reinterpreting these gendered legal distinctions. Whether Islamic law can accommodate such reinterpretations remains an ongoing conversation at the intersection of scriptural fidelity and socio-legal reform.

Legal Constraints and Human Rights Tensions in Contemporary Contexts

Legal prohibitions on interreligious marriage involving Muslims—especially Muslim women—remain firmly embedded in the statutory and religious frameworks of many Muslim-majority countries. These restrictions often originate from classical Islamic jurisprudence (*fiqh*), which historically prohibited Muslim women from marrying non-Muslim men while allowing Muslim men to marry "People of the Book." Contemporary legal systems in countries such as Egypt, Indonesia, Jordan, and Malaysia frequently codify these premodern rulings into national law, thereby criminalizing or rendering invalid marriages that cross religious boundaries, particularly those involving female Muslims. This codification reflects a broader effort by state institutions to preserve a certain vision of Islamic orthodoxy through legal means.

Although legal restrictions on interfaith marriage in Muslim-majority states are frequently defended as necessary for the preservation of Islamic moral and social order, they have come under sustained criticism for violating binding international human rights obligations. Governments often justify such measures as protective of religious identity and communal cohesion, drawing on classical Islamic jurisprudence that regards religious endogamy as essential to maintaining the integrity of the Muslim family unit. However, from a legal standpoint, these prohibitions stand in direct conflict with internationally recognized human rights instruments, most notably the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). Article 16 of the UDHR proclaims the right of men and women of full age to marry without limitation due to religion, and Articles 18 and 23 of the ICCPR guarantee both freedom of thought, conscience, and religion, as well as the right to marry and found a family. When states deny legal recognition to interreligious unions—especially those involving Muslim women—they effectively undermine these rights and entrench discriminatory legal regimes.

Moreover, the gendered application of such laws, whereby Muslim men are often permitted to marry non-Muslim women while Muslim women are not afforded the same right, constitutes a clear breach of the principle of non-discrimination as articulated in Article 26 of the ICCPR, which obliges state parties to ensure equality before the law and equal protection without discrimination. This asymmetry is also inconsistent with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which most Muslim-majority states have ratified, albeit often with reservations relating to family law. Under CEDAW, states are required to eliminate legal barriers that deny women equal rights in matters of marriage and family relations. However, the persistence of legal frameworks that bar Muslim women from interfaith marriage reflects not only a failure to comply with these obligations but also a deeper structural resistance to gender equality, often justified through religious exceptionalism.

The legal tension here is thus twofold: on one level, it involves a conflict between domestic religiously-informed laws and international legal commitments; on another, it reveals an enduring contestation between universalist and particularist conceptions of rights. While international human rights law adopts a generally universalist approach to personal freedoms, many Muslim-majority jurisdictions assert the primacy of religious norms in the regulation of family law, often invoking Article 2(1) of the ICCPR, which allows for certain limitations on rights where such restrictions are necessary to protect public morals and the rights of others. Nevertheless, international human rights bodies have increasingly rejected cultural relativist arguments when they result in clear gender-based discrimination or when religious morality is invoked to restrict basic civil liberties. As a result, these legal prohibitions have become a flashpoint in broader debates on the scope and limits of religious freedom in pluralistic societies and the permissible balance between cultural particularity and human rights universality.

This legal impasse has also raised significant questions regarding the interpretive authority of religious law in secular legal systems or those that claim hybrid legitimacy. In countries where sharia is a source of legislation—such as Egypt or Pakistan—judiciaries are often placed in the difficult position of having to reconcile constitutional guarantees

of equality and freedom with entrenched religious legal codes.⁸ In practice, courts have tended to defer to religious orthodoxy, particularly in politically conservative environments, thus reinforcing a legal hierarchy in which women's rights are subordinated to male guardianship and communal religious identity. In contrast, constitutional courts in some jurisdictions, such as Tunisia or Morocco, have shown greater willingness to reinterpret Islamic legal principles in light of constitutional and international rights commitments, thereby opening potential pathways for reform.

In essence, the prohibition of interfaith marriage for Muslim women exemplifies a broader legal and normative dilemma: how to respect religious traditions while upholding international legal standards that prioritize individual autonomy, gender equality, and the right to family life. The ongoing tension between these imperatives underscores the need for legal pluralism that does not come at the cost of fundamental human rights, and for reinterpretations of religious law that are responsive to contemporary ethical and legal frameworks. Without such engagement, states risk perpetuating a legal dualism in which commitments to international law remain nominal, while discriminatory practices persist under the guise of religious authenticity.

In practical terms, interfaith couples in Muslim-majority societies encounter a range of legal and social obstacles that challenge the very viability of their relationships. Legal systems often refuse to register or recognize such marriages, which in turn has far-reaching implications. Without legal recognition, spouses may face difficulties in securing inheritance rights, determining the religious affiliation of their children, obtaining legal custody, and accessing shared social benefits. In many cases, conversion to Islam is either implicitly or explicitly required for the marriage to be deemed valid, placing psychological and ethical pressure on non-Muslim partners and compromising the principle of freedom of conscience.

These legal and institutional barriers reflect a broader discomfort with religious pluralism in many Muslim-majority jurisdictions. Despite increasing religious diversity due to globalization, migration, and intercommunal interaction, state policies often emphasize religious homogeneity as a means of national or cultural cohesion. In some

⁸ See also Waheedi, Salma, and Kristen Stilt. "Judicial review in the context of constitutional Islam." *Comparative Judicial Review*. Edward Elgar Publishing, 2018, pp. 117-141.

contexts, interfaith marriage is perceived as a threat to the demographic or moral fabric of Muslim communities. Consequently, legal restrictions are framed not merely as religious imperatives but as matters of national identity and security, making legal reform even more politically sensitive and complex.

Country-specific examples illustrate the diversity and rigidity of these legal frameworks. In Indonesia, for instance, Law No. 1/1974 on Marriage requires both partners to share the same religion, effectively banning interfaith marriages unless one partner converts. Although some couples have attempted to bypass this restriction through civil or overseas marriages, such unions remain vulnerable to non-recognition by state institutions. In Egypt, while the civil law allows Muslim men to marry non-Muslim women, it does not afford Muslim women the same right, reflecting entrenched gender asymmetries in both religious and legal interpretations. Jordan exhibits similar patterns, where interfaith marriages involving Muslim women are not recognized, and children from such unions may face difficulties in accessing nationality or religious identity documents.⁹

The legal enforcement of these religious norms often has a gendered dimension, disproportionately impacting women. The unequal treatment stems from patriarchal assumptions embedded in traditional Islamic jurisprudence, where men are seen as religious guardians within the family. Thus, a Muslim man's marriage to a non-Muslim woman is perceived as maintaining Islamic authority over the household, whereas a Muslim woman marrying a non-Muslim man is seen as endangering the family's religious identity. These gendered legal assumptions translate into tangible discrimination in civil status laws, limiting women's ability to make autonomous life decisions.

Despite the rigidity of legal systems, some jurists and legal reformists have begun to challenge the conventional frameworks. They argue that the historical context in which the original rulings emerged no longer aligns with contemporary realities. In an age of rising intercultural exchange, minority Muslim communities living in non-Muslim societies, and increasing emphasis on human rights, maintaining absolute prohibitions becomes legally and morally problematic. Reformist scholars propose a re-evaluation of legal norms

⁹ Abu-Odeh, Lama. "Modernizing Muslim family law: the case of Egypt." *Vanderbilt Journal of Transnational Law* 37.4 (2004): 1043-1147; Berger, Maurits. "Public policy and Islamic law: The modern Dhimmī in contemporary Egyptian family law." *Islamic Law and Society* 8.1 (2001): 88-136.

in light of *maqasid al-shariah*, or the higher objectives of Islamic law, which include justice, public welfare, and protection of individual dignity.

International and domestic legal frameworks are also increasingly under pressure to respond to these tensions. Human rights organizations, feminist legal scholars, and some national constitutional courts have raised concerns about the incompatibility of religious marriage laws with equality provisions and human rights obligations. In some cases, courts have ruled in favor of interfaith couples, albeit within narrow parameters, offering limited legal precedents for broader reform. Nevertheless, institutional resistance, public conservatism, and religious-political alliances continue to block more comprehensive legal overhauls.

Civil society actors have also played a vital role in highlighting the injustices caused by these restrictions. NGOs, women's rights groups, and legal aid organizations have documented cases of discrimination and provided support for interfaith couples seeking legal recourse. Through advocacy, litigation, and public education, they have sought to shift the discourse from one centered solely on religious preservation to one that considers the lived experiences and rights of affected individuals. However, these efforts often face backlash, including accusations of undermining religious identity or promoting Western values.

Ultimately, the issue of legal restrictions on interfaith marriage in Muslim-majority contexts reveals a complex intersection between religion, law, gender, and human rights. While reform is possible, it demands nuanced engagement with both Islamic jurisprudence and international legal standards. The pathway forward requires not only legal innovation but also cultural transformation—toward a model of religious coexistence that upholds both spiritual integrity and individual liberty in an increasingly pluralistic world.

Conclusion

The legal prohibition of interfaith marriage, particularly for Muslim women, in many Muslim-majority countries illustrates the deep and ongoing conflict between religiously inspired legal norms and internationally recognized human rights standards. While these restrictions are often justified as necessary to preserve Islamic identity and moral order, they frequently result in systemic discrimination, particularly on the basis of gender and religion. By institutionalizing

patriarchal interpretations of Islamic jurisprudence, such laws not only restrict women's autonomy but also place states in direct violation of their obligations under international treaties such as the UDHR, ICCPR, and CEDAW.

As global societies become increasingly pluralistic and interconnected, the legal and moral legitimacy of these prohibitions continues to erode. The lived experiences of interfaith couples, especially those navigating legal systems that deny recognition, reveal the urgent human cost of these legal frameworks. While some jurisdictions have begun to engage in critical legal reform, the majority remain entrenched in traditionalist paradigms that resist reinterpretation of religious texts in light of contemporary human rights values. Moving forward, meaningful reform must address both the legal and theological dimensions of the issue. This requires a willingness by religious scholars and lawmakers to revisit classical jurisprudential positions through the lens of *maqasid al-shariah*—prioritizing justice, human dignity, and social welfare. At the same time, international and domestic legal actors must continue to press for the harmonization of national laws with global human rights standards. Only through such multi-layered and interdisciplinary efforts can states hope to resolve the enduring tension between religious integrity and the fundamental rights of their citizens.

References

- Abu-Odeh, Lama. "Modernizing Muslim family law: the case of Egypt." *Vanderbilt Journal of Transnational Law* 37.4 (2004): 1043-1147.
- Arvante, Jeremy Zefanya Yaka, Maulana Fuad Nugraha, and Andrew Sergei Rostislav. "A Comparative Study of Religious Freedom Between Indonesia-Russia and Its Limitations." *Jurnal Scientia Indonesia* 8.2 (2022): 197-222.
- Berger, Maurits. "Public policy and Islamic law: The modern Dhimmī in contemporary Egyptian family law." *Islamic Law and Society* 8.1 (2001): 88-136.
- Brake, Elizabeth. *Minimizing marriage: Marriage, morality, and the law*. Oxford University Press, 2012.
- Carpenter, Devin. "" So Made That I Cannot Believe": The ICCPR and the Protection of Non-Religious Expression in Predominately Religious

- Countries." *Chicago Journal of International Law* 18.1 (2017): 216-244.
- Colbran, Nicola. "Realities and challenges in realising freedom of religion or belief in Indonesia." *The International Journal of Human Rights* 14.5 (2010): 678-704.
- Elmali-Karakaya, Ayse. "Interfaith Marriage in Islam: Classical Islamic Resources and Contemporary Debates on Muslim Women's Interfaith Marriages." *Religions* 13.8 (2022): 726.
- Eltayeb, Mohamed Saeed M. "The Limitations on Critical Thinking on Religious Issues under Article 20 of ICCPR and Its Relation to Freedom of Expression." *Religion & Human Rights* 5.2-3 (2010): 119-135.
- Haqqani, Shehnaz. "The Qur'an on Muslim Women's Marriage to Non-Muslims: Premodern Exegetical Strategies, Contradictions, and Assumptions." *Journal of Qur'anic Studies* 25.1 (2023): 36-78.
- Lamprey, Jerusha Tanner. *Never wholly other: A Muslima theology of religious pluralism*. Oxford University Press, 2014.
- Marshall, Paul. "The ambiguities of religious freedom in Indonesia." *The Review of Faith & International Affairs* 16.1 (2018): 85-96.
- May, Simon Căbulea. "Religious democracy and the liberal principle of legitimacy." *Philosophy & Public Affairs* 37.2 (2009): 136-170.
- Mukhlis, Mukhlis, et al. "Rejection of Former Shia Community in Sampang Perspective on Human Rights Law: Discourse of Religious Rights and Freedom in Indonesia." *Lex Scientia Law Review* 7.2 (2023): 959-994.
- Prasetyani, Rurin Sisilia, and Shally Saniyya Novina. "The Interpretation of Freedom of Religion and Believe: How Do University Understand This to Society?." *The Indonesian Journal of International Clinical Legal Education* 2.1 (2020): 15-28.
- Saeed, Abdullah. "Some reflections on the Contextualist approach to ethico-legal texts of the Quran." *Bulletin of the School of Oriental and African Studies* 71.2 (2008): 221-237.
- Sofyan, Muhammad. "Konsep Hermeneutika Otoritatif Khaled Abou El-Fadl." *Kalam* 9.2 (2015): 373-392.
- Waheedi, Salma, and Kristen Stilt. "Judicial review in the context of constitutional Islam." *Comparative Judicial Review*. Edward Elgar Publishing, 2018, pp. 117-141.
- Weeramantry, Christopher Gregory. *Islamic jurisprudence: an international perspective*. Springer, 1988.

DECLARATION OF CONFLICTING INTERESTS

The authors state that there is no conflict of interest in the publication of this article.

FUNDING INFORMATION

None

ACKNOWLEDGMENT

None

GENERATIVE AI STATEMENT

The authors stated that artificial intelligence (AI) serves as an aid in improving the efficiency, clarity, and accessibility of scholarly writing.