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Interfaith Marriage and The Dilemma of National Legal: A Comparative Analysis of Religious Identity and Human Rights

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Original Article

Abstract

The legal regulation of interfaith marriage in Indonesia continues to present unresolved legal issues and regulatory conflicts, resulting in legal uncertainty and potential human rights concerns. The absence of explicit provisions governing interfaith marriage in the Marriage Law has led to divergent interpretations in both administrative and judicial practice. This study aims to critically examine the legal framework governing interfaith marriage in Indonesia and to compare it with regulatory approaches adopted in several other countries in order to identify differences shaped by cultural contexts, religious identity, and varying levels of societal tolerance. This research employs a normative juridical method, incorporating statutory, conceptual, and comparative approaches. The findings indicate that Indonesia occupies an intermediate position between adherence to religious norms and the protection of citizens' constitutional rights, in contrast to jurisdictions that adopt more secular or pluralistic legal models. The study concludes that a more inclusive reformulation of marriage law policy is necessary to enhance legal certainty and ensure respect for human rights.

Keywords: *Interfaith Marriage, Marriage Law, Family Law*

Abstrak

Pengaturan hukum perkawinan beda agama di Indonesia masih menyisakan permasalahan hukum yang berdampak pada ketidakpastian hukum serta potensi pelanggaran hak asasi manusia. Ketiadaan pengaturan eksplisit dalam Undang-Undang Perkawinan menimbulkan perbedaan tafsir dalam pelaksanaan administrasi dan proses peradilan. Penelitian ini bertujuan menganalisis pengaturan hukum perkawinan beda agama di Indonesia serta membandingkannya dengan kebijakan di beberapa negara lain untuk memahami perbedaan pendekatan yang dipengaruhi oleh faktor budaya, identitas keagamaan, dan tingkat toleransi. Metode penelitian yang digunakan adalah yuridis normatif dengan pendekatan perundang-undangan, konseptual, dan komparatif. Hasil penelitian menunjukkan bahwa Indonesia cenderung berada pada posisi ambigu antara prinsip religius dan perlindungan hak konstitusional warga negara, berbeda dengan negara-negara yang mengadopsi pendekatan sekuler atau pluralistik. Penelitian ini menyimpulkan bahwa diperlukan perumusan kebijakan hukum perkawinan yang lebih berorientasi pada kepastian hukum serta menghormati hak asasi manusia.

Kata kunci: *Pernikahan Beda Agama, Undang-Undang Perkawinan, Hukum Keluarga*

1. INTRODUCTION

Marriage is a social and legal institution that encompasses personal, religious, and public dimensions. In many legal systems, marriage is understood not merely as a private relationship between two individuals but as an institution imbued with moral values, religious identity, and the state's interest in maintaining social order. This multidimensional character becomes especially salient in the context of marriages between individuals of different religions. Interfaith marriage situates individuals at the intersection of religious freedom, the right to form a family, and the state's authority to regulate social life in accordance with prevailing normative values.

Increased population mobility, international migration, urbanization, and intensified cross-cultural interaction have contributed to the growing prevalence of interfaith marriage, particularly in societies characterized by diversity and high levels of pluralism. In many Western countries, interfaith marriage—including marriages involving Muslims—has become an integral feature of multicultural social life. This development has been accompanied by a gradual shift in perspectives on religious norms, moving from rigid and formalistic interpretations toward more contextual, dialogical, and human rights–oriented approaches. Nevertheless, these sociocultural transformations have not always been matched by corresponding legal developments, especially in jurisdictions where law remains closely intertwined with religion and public morality.

Indonesia, as a state founded upon the principle of diversity, faces significant challenges in responding to the phenomenon of interfaith marriage. Although religious pluralism is constitutionally acknowledged, national marriage regulation continues to be strongly influenced by a normative religious framework. Law Number 1 of 1974 concerning Marriage requires that a marriage be conducted in accordance with the religious law and beliefs of the parties, yet it does not provide explicit provisions addressing the permissibility of interfaith marriage. This normative formulation has generated legal ambiguity, resulting in administrative refusals to register interfaith marriages and encouraging various forms of legal circumvention, including formalistic religious conversion, marriage abroad, or applications for judicial authorization.

The legal complexity surrounding interfaith marriage has intensified following the issuance of Supreme Court Circular Letter Number 2 of 2023, which explicitly instructs judges to reject applications for the registration of interfaith marriages. This policy signals a shift from a previously ambivalent state stance toward a more restrictive regulatory approach. While the policy is justified as an effort to maintain coherence between marriage law and prevailing religious values, it has also provoked substantial debate regarding the permissible limits of state intervention in the private sphere of citizens, particularly with respect to the right to form a family and to freely practice one's religion.

From a human rights perspective, interfaith marriage occupies a sensitive space between the forum *internum* and forum *externum* of religious freedom. The state bears an obligation to respect and protect an individual's right to choose a life partner, insofar as such choice does not disrupt public order in a proportionate and reasonable manner. Accordingly, restrictions on interfaith marriage raise fundamental questions concerning the compatibility of national law with human rights principles, both those enshrined in the Indonesian Constitution and those contained in international human rights instruments ratified by Indonesia.

Beyond normative and doctrinal considerations, sociological evidence suggests that interfaith marriage is not a marginal phenomenon in Indonesia. Empirical studies indicate that interfaith couples are often able to establish harmonious family lives through processes of identity negotiation, tolerance, and mutual understanding. This social reality reveals a persistent gap between law on the books and law in action, which, if left unaddressed, risks undermining the legitimacy and social acceptance of the legal system itself.

Comparative experiences from other jurisdictions confronting similar challenges demonstrate that legal responses to interfaith marriage are neither uniform nor deterministic. Several countries, shaped by different cultural and religious contexts, have adopted more accommodating legal frameworks while seeking to balance religious values with the protection of individual rights. Such comparisons underscore that legal policy is the product of normative choices influenced by historical experience, social structure, and prevailing levels of societal tolerance, rather than an inevitable or singular legal outcome.

Scholarship on interfaith marriage has developed along multidisciplinary lines, drawing on theological, sociological, anthropological, and legal perspectives. Existing studies demonstrate that interfaith marriage is shaped not only by religious doctrine but also by the interplay of human rights norms, legal pluralism, state policy, and broader socio-cultural contexts.

From an Islamic legal perspective and within the context of Muslim diasporic experiences, Haji highlights the increasing prevalence of interfaith marriages between Muslims and non-Muslims in North America and other Western societies. This study draws a clear distinction between traditional and reformist interpretations of Islamic law. Traditional approaches generally permit Muslim men to marry women from the People of the Book while prohibiting Muslim women from marrying non-Muslims. By contrast, reformist perspectives emphasize contextual ijtihad, taking into account the lived realities of Muslims as religious minorities in Western contexts. Beyond doctrinal analysis, Haji also examines the empirical experiences of Muslim–non-Muslim couples, who frequently encounter challenges such as familial resistance, pressures to convert,

and issues related to child-rearing, while simultaneously creating spaces for interfaith dialogue and the development of reflective religious identities.[1]

Sociological and demographic studies from diverse regions further contribute comparative insights into the patterns and dynamics of interfaith marriage. Crespin-Boucaud, drawing on Demographic and Health Surveys data from fifteen Sub-Saharan African countries, finds that while interethnic marriages have increased, interfaith marriages have declined due to shifts in the religious landscape, suggesting that religious boundaries remain more rigid than ethnic ones.[2] Similarly, a historical study by Fernihough et al. on pre–World War I Ireland demonstrates that low rates of interfaith marriage cannot be attributed solely to religious intolerance but are also shaped by the structure of local marriage markets. Together, these studies underscore the importance of situating interfaith marriage within its specific structural and historical context.[3]

A contrasting perspective emerges from East Africa. Tilahun et al., through a historical ethnographic study of Wollo, Ethiopia, show that marriages between Muslims and Christians have served as a foundation for sustained social harmony over several centuries. This pattern has been facilitated by inclusive Sufi traditions, cultural integration, and adaptive political arrangements. The study illustrates that interfaith tolerance can become socially institutionalized when shared social values are prioritized over doctrinal differences.[4]

In contrast to these global experiences, research on interfaith marriage in Indonesia has predominantly focused on normative legal analysis and regulatory conflict. Witoko and Budhisulistyawati argue that Law Number 1 of 1974 on Marriage implicitly forecloses the legal possibility of interfaith marriage by requiring marital validity to be determined by the religious law of each party. This regulatory framework has encouraged practices of legal circumvention, including marriages conducted abroad or formalistic religious conversion.[5] A similar conclusion is reached by Hidayatullah et al., who highlight normative gaps and inconsistencies between the Marriage Law and the Population Administration Law, thereby creating space for divergent judicial interpretations.[6]

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1 Reeshma Haji, "Interfaith Marriage in North America and Abroad," in *Oxford Research Encyclopedia of Religion* (Oxford: Oxford Universsity Press, 2023), https://doi.org/10.1093/acrefore/9780199340378.013.862.

2 Juliette Crespin-Boucaud, "Interethnic and Interfaith Marriages in Sub-Saharan Africa," *World Development* 125 (2020): 104668, https://doi.org/10.1016/j.worlddev.2019.104668.

3 Alan Fernihough, Cormac Ó Gráda, and Brendan M. Walsh, "Intermarriage in a Divided Society: Ireland a Century Ago," *Explorations in Economic History* 56 (2015): 1–14, https://doi.org/10.1016/j.eeh.2014.11.002.

4 Muluneh Animut Tilahun, Mellese Madda Gatisso, and Abdu Mohammed Ali, "Interreligious Marriage in Wollo, Ethiopia: Historical Factors Underpinning Its Development and Prevalence," *Social Sciences & Humanities Open* 11 (2025): 101611, https://www.sciencedirect.com/science/article/pii/S2590291125003390.

5 Prasetyo Ade Witoko and Ambar Budhisulistyawati, "Penyelundupan Hukum Perkawinan Beda Agama Di Indonesia," *Jurnal Hukum Dan Pembangunan Ekonomi* 7, no. 2 (2019): 251–57, https://doi.org/10.20961/hpe.v7i2.43015.

6 Tomi Hidayatullah, Oemar Moechthar, and Dimipta Aprilia, "Inter-Religious Marriage: A Comparison Analysis of Indonesian Law With Other Countries," *Notaire* 6, no. 2 (2023): 291–30, https://doi.org/10.20473/ntr.v6i2.45871.

Harjanto et al. further enrich the literature through a qualitative study grounded in the lived experiences of long-term interfaith couples in Indonesia. Their findings suggest that although national law normatively rejects interfaith marriage, such unions continue to function harmoniously in practice, challenging the assumption that religious difference necessarily undermines the family institution.[7]

The human rights implications of interfaith marriage regulation are examined more explicitly by Firdaus, who critiques Supreme Court Circular Letter Number 2 of 2023, which instructs judges to reject applications for the registration of interfaith marriages. Firdaus characterizes this policy as an excessive form of state intervention into citizens' private lives, arguing that it undermines judicial independence and contravenes international human rights standards. The study identifies a normative conflict between Article 2(1) of the Marriage Law and Article 35(a) of the Population Administration Law, highlighting ongoing tensions within Indonesia's legal framework governing marriage.[8]

A progressive approach within Islamic legal thought is advanced by Aziz et al. through an analysis grounded in *maqāṣid al-sharīʿah*. The study argues that although restrictions on the registration of interfaith marriages are intended to safeguard religious values and lineage, such policies may conflict with human rights principles, which themselves constitute an integral component of the maqāṣid. Accordingly, the authors call for a balanced approach that reconciles religious norms with the protection of human rights.[9]

A comparative study by Imaduddin et al., examining the regulatory frameworks of Indonesia and Malaysia, further illustrates divergent state approaches to interfaith marriage. The study finds that Indonesia adopts an ambivalent position—neither explicitly prohibiting interfaith marriage nor providing a clear and comprehensive legal framework—whereas Malaysia enforces an explicit prohibition. These findings underscore the extent to which policy divergence is shaped by differing configurations of the relationship between the state and religion.[10]

While existing scholarship has addressed interfaith marriage from theological, sociological, and juridical perspectives, significant gaps remain in studies that systematically integrate analysis of Indonesian national law with cross-national policy

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7 Rudy Harjanto et al., "The Benefits and Challenges of Same-Religious and Interfaith Marriages," *Russian Law Journal* 11 (2023): 1139–50, https://cyberleninka.ru/article/n/the-benefits-and-challenges-of-same-religious-and-interfaith-marriages.

8 Muhammad Ihsan Firdaus, "State Intervention on Interfaith Marriage through the Supreme Court's Circular in Indonesia: Human Rights Overview," *Human Rights in the Global South (HRGS)* 4, no. 1 (2025): 29–58, https://doi.org/10.56784/hrgs.v4i1.111.

9 Abdul Aziz et al., "Supreme Court's Decision Regarding the Prohibition of Interfaith Marriage and Its Relevance of Maqaṣid Al-Shari'ah," *Jurnal Hukum Islam* 22, no. 1 (2024): 213–48, https://doi.org/10.28918/jhi_v22i1_8.

10 Zhorif Agung Imaduddin, Deslaely Putranti, and Muhammad Habibi Miftakhul Marwa, "Interreligious Marriage in Indonesia and Malaysia: Strict and Loose Legal Policy," *Ahwal* 17, no. 2 (2024): 185–204, https://doi.org/10.14421/ahwal.2024.17203.

comparisons within a human rights and legal pluralism framework. This study contributes to the literature by critically examining regulatory disharmony in Indonesia's interfaith marriage regime and situating it within a comparative analysis of legal practices in jurisdictions characterized by varying levels of tolerance and differing legal systems. The aim is to formulate a more just, contextual, and constitutionally grounded regulatory model. Accordingly, this research pursues the following objectives:

1) To analyze the legal regulation of interfaith marriage in Indonesia, with particular attention to normative issues, regulatory conflicts, and their implications for human rights protection.
2) To compare Indonesia's legal approach to interfaith marriage with those adopted in selected foreign jurisdictions in order to identify differences shaped by cultural factors, religious identity, and levels of societal tolerance.

2. RESEARCH METHODOLOGY

This study employs a normative legal (doctrinal) research approach with descriptive–analytical and prescriptive–critical orientations to examine the regulation of interfaith marriage from the perspectives of positive law, human rights, and comparative law. A normative approach is adopted because the analysis centers on legal norms, principles, judicial policies, and the rationality of regulatory frameworks, rather than on empirical measurement of social behavior.

The research integrates several methodological approaches. A statutory approach is used to examine the Marriage Law, the Population Administration Law, and relevant Supreme Court policies. A conceptual approach is employed to analyze key legal concepts, including marriage as a human right, freedom of religion, legal pluralism, and the rule of law. In addition, a case-based approach is applied to assess judicial decisions concerning the registration of interfaith marriages, while a comparative legal approach is undertaken by examining regulatory models in selected jurisdictions, namely Canada, the United Kingdom, the Netherlands, Singapore, and Malaysia. A human rights–based approach further informs the analysis by evaluating the extent to which legal norms and practices conform to principles of non-discrimination, religious freedom, and the right to form a family.

The legal materials utilized in this study consist of primary, secondary, and tertiary sources, collected through a comprehensive literature review. Data analysis is conducted qualitatively and normatively through systematic and teleological interpretation, accompanied by a critical assessment of the coherence, substantive justice, and legitimacy of the existing regulatory framework. The findings of the analysis form the basis for developing legal arguments and normative recommendations that are constitutionally grounded and responsive to the needs of a pluralistic society.

3. RESEARCH RESULT AND DISCUSSION

3.1. Legal Regulation of Interfaith Marriage in Indonesia: Normative Issues, Regulatory Conflicts, and Human Rights Implications

This section critically examines the legal regulation of interfaith marriage in Indonesia, with particular attention to normative ambiguities, regulatory inconsistencies, and their implications for the protection of human rights, especially the right to form a family and freedom of religion. The analysis draws on statutory provisions, judicial policies, and judicial practice, situating interfaith marriage within the broader context of Indonesia's social and legal pluralism.

The legal framework governing interfaith marriage in Indonesia is characterized by ambivalence and normative incoherence. Law Number 1 of 1974 on Marriage, as amended by Law Number 16 of 2019, does not expressly regulate interfaith marriage. However, Article 2(1) requires that a marriage be valid according to the religious law and beliefs of the parties. This provision positions religion as the primary basis of marital legality, thereby implicitly delegating the determination of marital validity to religious norms.

Given that nearly all officially recognized religions in Indonesia do not doctrinally endorse interfaith marriage, this provision effectively operates as an indirect prohibition. In practice, this restrictive effect is reinforced by the 1980 fatwa of the Indonesian Ulema Council (Majelis Ulama Indonesia, MUI), which explicitly prohibits interfaith marriage for Muslims, both men and women. Although positive law does not formally ban interfaith marriage, the interaction between religious doctrine and state law produces a clear prohibitive outcome.

The regulatory landscape became more restrictive following the issuance of Supreme Court Circular Letter (SEMA) Number 2 of 2023, which instructs district courts to reject all applications for the registration of interfaith marriages. Empirical findings indicate that this policy effectively eliminates judicial discretion that previously allowed judges to rely on human rights considerations or the Population Administration Law as a legal basis for accommodating interfaith marriages.

A horizontal normative conflict also exists between the Marriage Law and Law Number 24 of 2013 on Population Administration. While the Marriage Law predicates marital validity on religious law, the Population Administration Law permits administrative recognition of marriages that have been declared by a court or conducted abroad. This lack of regulatory synchronization generates legal uncertainty and facilitates practices of legal circumvention.

Such ambiguity produces tangible practical consequences, including uncertainty in determining the applicable religious law, the practice of dual religious marriages, marriages conducted abroad and subsequently registered in Indonesia, confusion

regarding the competent marriage registration authority, and uncertainty concerning judicial jurisdiction over interfaith marriage and divorce disputes. These conditions reveal a significant gap between law on the books and law in action.

From a human rights perspective, Indonesia's regulatory approach to interfaith marriage has the potential to unduly restrict individuals' rights to form a family and to exercise religious freedom. Article 10 of Law Number 39 of 1999 on Human Rights, which reflects the principles of the Universal Declaration of Human Rights (UDHR), guarantees the right of every person to establish a family based on free consent. Within this normative framework, state-imposed restrictions on interfaith marriage through the incorporation of religious norms into positive law raise serious constitutional concerns.

Moreover, Supreme Court Circular Letter Number 2 of 2023 not only limits citizens' fundamental rights but also risks undermining judicial independence by constraining judicial reasoning and legal discovery (rechtsvinding). Rather than maintaining a position of restraint, the state—through judicial administrative policy—assumes an active role in regulating the private sphere, whereas under human rights principles, state obligations are predominantly negative, requiring non-interference in the absence of a genuine threat to public order.

These findings are consistent with Firdaus, who identifies a normative conflict between the Marriage Law and the Population Administration Law and argues that the Supreme Court Circular Letter potentially violates both human rights principles and judicial independence.[11] This study also corroborates Haji's observations regarding the social challenges faced by interfaith couples, such as familial pressure and issues related to children's education, while extending the analysis by demonstrating that such challenges are significantly intensified by state-created legal uncertainty.[12]

This approach departs from the normative–dogmatic position advanced by Witoko and Budhisulistyawati, which asserts the absolute invalidity of interfaith marriages. The present study demonstrates that such a position overlooks social realities and human rights considerations and, in practice, contributes to the proliferation of legal circumvention.[13] By contrast, the findings of this research align more closely with a critical and progressive perspective that conceives of law as an instrument for achieving substantive justice.

The central challenge in regulating interfaith marriage in Indonesia does not lie primarily in religious difference per se, but in the inability of national law to respond fairly, coherently, and consistently to pluralistic social realities. Although interfaith marriage is often assumed to generate conflict, such tensions are largely potential in

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11 Firdaus, "State Intervention on Interfaith Marriage through the Supreme Court's Circular in Indonesia: Human Rights Overview."

12 Haji, "Interfaith Marriage in North America and Abroad."

13 Witoko and Budhisulistyawati, "Penyelundupan Hukum Perkawinan Beda Agama Di Indonesia."

nature and can be managed through communication, commitment, and mutual respect, as emphasized in scholarly analyses of interfaith families.[14]

Moreover, the potential benefits of interfaith marriage—including the strengthening of interreligious tolerance, the reduction of religious stereotyping, and the promotion of multicultural education for children—are constrained by restrictive legal approaches.[15] Rather than limiting the space for interfaith dialogue, the state, through its marriage law policy, should establish a legal framework that enables difference to coexist with dignity.

This study concludes that the current legal regulation of interfaith marriage in Indonesia falls short of ensuring legal certainty, substantive justice, and balanced protection of human rights. Regulatory inconsistencies, uneven judicial policies, and the predominance of normative–religious reasoning have fostered practices of legal circumvention and weakened the law's capacity to function as an instrument of social integration. Accordingly, a clearer, more proportionate, and context-sensitive reformulation of marriage law policy is required to enable national law to serve as a unifying framework within Indonesia's diverse society.

3.2. Comparative Legal Policies on Interfaith Marriage: Indonesia and Selected Jurisdictions

This section compares Indonesia's legal policy on interfaith marriage with those of several other countries in order to identify differences in regulatory approaches shaped by cultural contexts, religious identity, and levels of societal tolerance. Employing a comparative legal method, the analysis examines how states with differing social structures, legal traditions, and configurations of religion–state relations respond to interfaith marriage and assesses the implications of these responses for the protection of individual rights and social integration.

Broadly, legal policies on interfaith marriage may be categorized into two principal models: a religion-based regulatory model and a civil-based regulatory model. Indonesia and Malaysia exemplify the former, whereas Canada, the United Kingdom, the Netherlands, and Singapore reflect the latter. Ethiopia occupies a distinct position, characterized by a strong socio-cultural accommodation of interfaith marriage, despite the absence of a fully liberal legal framework.

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[14] Aishah Khoirunnisa et al., "Social Relations and Religious Law: The Phenomenon of Interfaith Marriage in Cisantana Village, Kuningan Regency, West Java," *Dimas: Jurnal Pemikiran Agama Untuk Pemberdayaan* 25, no. 1 (2025): 1–20, https://doi.org/10.21580/dms.v25i1.25749; Jordan Soliz and Colleen Warner, "Familial Solidarity and Religious Identity: Communication and Interfaith Families," in *The SAGE Handbook of Family Communication*, ed. Lynn H. Turner and Richard West (California: SAGE Publications, Inc., 2015), 401–16, https://doi.org/10.4135/9781483375366.n26.

[15] Firman Suryadi and Rina Puspita, "Interfaith Marriage and Its Implications for Children's Education in Multicultural Families," *Indonesian Journal of Islamic Law* 6, no. 2 (2023): 37–55, https://doi.org/10.35719/ijil.v6i2.2016.

In Indonesia, marriage regulation is grounded in the principle of religiosity, as reflected in Article 2(1) of the Marriage Law, which conditions marital validity on compliance with the religious law and beliefs of the parties. While this provision does not expressly prohibit interfaith marriage, it fails to provide a clear legal framework governing such unions, thereby generating legal ambiguity and encouraging practices of legal evasion. By contrast, Malaysia adopts a more explicit and restrictive approach. Through the Law Reform (Marriage and Divorce) Act 1976 and the Islamic Family Law Act 1984, Malaysia expressly prohibits interfaith marriage involving Muslims and requires religious conversion as a prerequisite for marriage.[16] This policy is rooted in a normative interpretation of Islamic doctrine and is applied consistently across Malaysia's legal system.

وَلَا تَنْكِحُوا الْمُشْرِكٰتِ حَتّٰى يُؤْمِنَّۗ وَلَاَمَةٌ مُّؤْمِنَةٌ خَيْرٌ مِّنْ مُّشْرِكَةٍ وَّلَوْ اَعْجَبَتْكُمْۚ وَلَا تُنْكِحُوا الْمُشْرِكِيْنَ حَتّٰى يُؤْمِنُوْاۗ وَلَعَبْدٌ مُّؤْمِنٌ خَيْرٌ مِّنْ مُّشْرِكٍ وَّلَوْ اَعْجَبَكُمْۗ اُولٰۤىِٕكَ يَدْعُوْنَ اِلَى النَّارِۖ وَاللّٰهُ يَدْعُوْٓا اِلَى الْجَنَّةِ وَالْمَغْفِرَةِ بِاِذْنِهٖۚ وَيُبَيِّنُ اٰيٰتِهٖ لِلنَّاسِ لَعَلَّهُمْ يَتَذَكَّرُوْنَ ﴿٢٢١﴾

"Do not marry polytheistic women until they believe. Indeed, a believing slave woman is better than a polytheistic woman, even though she may please you. And do not marry polytheistic men [to believing women] until they believe. Indeed, a believing slave man is better than a polytheistic man, even though he may please you. Those invite to the Fire, while Allah invites to Paradise and forgiveness, by His permission. And He makes His signs clear to the people so that they may take heed."

In contrast, Canada, the United Kingdom, the Netherlands, and Singapore adopt a predominantly civil and secular approach to marriage law. In Canada, marital validity is determined by civil requirements such as free consent, legal capacity, and the absence of prior marital bonds, without regard to religious affiliation. Similarly, marriage laws in the United Kingdom and the Netherlands do not condition marital validity on religious identity, resulting in full legal recognition of interfaith marriages. Singapore, through the Women's Charter and the Registry of Marriages (ROM), likewise affirms equality before the law and non-discrimination on religious grounds, supported by streamlined and efficient administrative procedures.[17]

Ethiopia presents a different model. Although Islam and Christianity maintain clear doctrinal distinctions, social practices—particularly in regions such as Wollo—

[16] Imaduddin, Putranti, and Marwa, "Interreligious Marriage in Indonesia and Malaysia: Strict and Loose Legal Policy."

[17] Hidayatullah, Moechthar, and Aprilia, "Inter-Religious Marriage: A Comparison Analysis of Indonesian Law With Other Countries."

demonstrate a high degree of acceptance of interfaith marriage.[18] Historical governance patterns, political accommodation, and a deeply embedded culture of tolerance have contributed to the perception of interfaith marriage as a mechanism of social cohesion rather than a threat to religious identity.

The level of societal tolerance and the configuration of religion–state relations emerge as decisive factors in shaping legal policies on interfaith marriage. States with secular legal systems and multicultural social structures tend to separate religious doctrine from the legal validity of marriage, whereas states that adopt religion-centered legal frameworks are more likely to rely on religious norms as the primary source of marital legitimacy.

A restrictive legal approach does not necessarily prevent interfaith marriage; rather, it tends to generate legal conflict, intensify social pressure, and encourage practices of legal circumvention. By contrast, a religiously neutral legal framework does not eliminate the social challenges inherent in interfaith unions but provides greater legal certainty and more robust protection of individual rights.

The findings of this study are consistent with those of Maloko et al., who demonstrate that interfaith marriage is influenced primarily by levels of individual religiosity rather than by economic or racial factors alone.[19] The results also corroborate the observations of Moghissi and Ghorashi that Muslims in Western societies often experience tension between social compatibility and emotional attachment when selecting a life partner.[20] This study extends prior scholarship by showing that such dilemmas are significantly exacerbated or mitigated by the design of state legal policies governing marriage.

Furthermore, the findings complement those of Crespin-Boucaud and Fernihough et al., which emphasize the role of historical experience and social structure in shaping patterns of intermarriage.[21] The present study demonstrates that legal policy cannot be disentangled from its historical and cultural context, as illustrated by the Ethiopian case, where interfaith harmony has been sustained through social tolerance despite the absence of fully secular marriage legislation.

Variations in legal approaches to interfaith marriage reflect the normative choices made by states in balancing collective identity and individual rights. In many Western countries, notwithstanding the persistence of anti-immigrant and anti-Muslim sentiment, marriage law remains formally neutral in order to safeguard individual

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[18] Tilahun, Gatisso, and Ali, "Interreligious Marriage in Wollo, Ethiopia: Historical Factors Underpinning Its Development and Prevalence."

[19] Muhammad Thahir Maloko et al., "Analyzing The Prohibition of Interfaith Marriage in Indonesia: Legal, Religious, and Human Rights Perspectives," *Cogent Social Sciences* 10, no. 1 (2024): 1–12, https://doi.org/10.1080/23311886.2024.2308174.

[20] Haideh Moghissi and Halleh Ghorashi, eds., *Muslim Diaspora in the West Negotiating Gender, Home and Belonging*, 1st ed. (Oxfordshire: Routledge, Taylor & Francis, 2010).

[21] Crespin-Boucaud, "Interethnic and Interfaith Marriages in Sub-Saharan Africa"; Fernihough, Gráda, and Walsh, "Intermarriage in a Divided Society: Ireland a Century Ago."

freedoms. In this context, preferences for religious endogamy in Europe appear to be driven more by social and psychological factors—such as uncertainty reduction—than by explicit legal prohibitions.

In Indonesia and Malaysia, by contrast, marriage laws reflect state efforts to protect the religious identity of the majority population.[22] This study demonstrates, however, that such approaches risk producing social exclusion and undermining legal legitimacy when they fail to correspond with the realities of increasingly pluralistic societies. Indonesia's ambivalent regulatory stance, in particular, creates a legal gray area that may be more problematic than Malaysia's explicit prohibition.

The Ethiopian experience offers an important insight that tolerance is shaped not only by formal legal arrangements but also by inclusive cultural practices and social policies.[23] Where shared values and mutual respect are prioritized, religious difference does not necessarily generate conflict and may instead function as a source of social cohesion.

Although no single regulatory model can be regarded as universally ideal, legal certainty, regulatory coherence, and respect for human rights constitute essential elements of any framework governing interfaith marriage. An overly religious legal approach that disregards social plurality risks producing injustice and facilitating legal abuse. Conversely, a civil and religiously neutral framework has proven more adaptable in multicultural societies, although it must be complemented by supportive social policies to manage cultural tensions.

The findings underscore the urgency of reformulating marriage law policies that are clearer, more consistent, and more responsive to social diversity, while drawing selectively on comparative experiences without disregarding local values. National law should function as an instrument of just social integration rather than as a mere reflection of majority dogma in addressing the challenges of interfaith marriage in an increasingly diverse society.

4. CONCLUSION

This study critically examines the legal regulation of interfaith marriage in Indonesia, with particular attention to normative ambiguities, regulatory conflicts, and their implications for the protection of human rights. It further compares Indonesia's regulatory framework with marriage law policies in several other countries in order to identify differences in legal approaches shaped by cultural contexts, religious identities, and varying levels of societal tolerance. The findings indicate that Indonesian marriage law remains normatively indeterminate due to the absence of explicit provisions

[22] Imaduddin, Putranti, and Marwa, "Interreligious Marriage in Indonesia and Malaysia: Strict and Loose Legal Policy."

[23] Tilahun, Gatisso, and Ali, "Interreligious Marriage in Wollo, Ethiopia: Historical Factors Underpinning Its Development and Prevalence."

governing interfaith marriage, resulting in interpretive inconsistencies among the Marriage Law, population administration legislation, and judicial practice. This condition generates legal uncertainty and poses risks to the effective realization of citizens' constitutional rights.

Comparative analysis reveals a broad spectrum of regulatory models, ranging from secular frameworks that guarantee freedom of interfaith marriage to religiously grounded systems that impose stringent restrictions. These findings underscore that marriage law policy is closely shaped by the configuration of relations between the state, religion, and society. This research provides a conceptual foundation for policymakers in formulating marriage regulations that are more inclusive, equitable, and consistent with human rights principles. Nevertheless, this study is limited by its predominantly normative approach and the relatively small number of comparator jurisdictions. Future research is therefore recommended to incorporate empirical methods and broader cross-regional comparisons in order to strengthen policy recommendations for the reform of marriage law in Indonesia.

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