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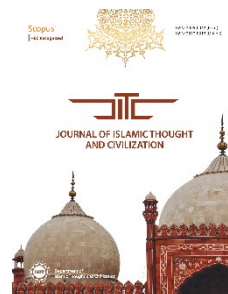
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Interfaith Marriage in the Perspective of the Qur'an: An Analysis of Social Interpretation of a Pluralistic Society in Indonesia

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Abstract

Interfaith marriage is not in harmony with state laws and religious laws. Law Number 1 of 1974 is the legal basis for marriage in Indonesia, saying that marriage is valid only if it is carried out according to each person's religious law and beliefs. The question of this paper is how the interpretation of the Qur'an views interfaith marriage and how social interpretation views interfaith marriage in formulating a pluralistic society in Indonesia. The view of the Qur'anic interpretation is that interfaith marriage is still prohibited because marriage is considered not only a personal relationship but also has broad theological and social implications. However, there are exceptions in the Qur'an regarding marriage between a Muslim man and a woman in the Qur'an; Jews and Christians. It is based on *Al-Ma'idah* verse 5, which states that it is permissible for a Muslim man to marry a woman of the *Ahlul Kitab*. Meanwhile, social interpretation tries to see the issue of interfaith marriage by considering social, political, and cultural realities from Axel Honneth's perspective. Where Axel Honneth, in the context of interfaith marriage, must provide recognition, the principles of recognition are love, law, and solidarity. These three are ways to overcome the problem of interfaith marriage by seeing the others as me who thus opens up the view of the human need to live together.

Keywords: Marriage Law, Tafsir Al-Qur'an, Social Interpretation, Different Religions

Introduction

Marriage is a social institution with important value in people's lives. In Indonesia, as a country with a majority Muslim population, marriage is not only seen from the perspective of state law but also the perspective of religious law, especially Islamic law. However, along with the development of the times and interfaith interactions, the phenomenon of interfaith marriage has become an increasingly relevant and complex issue in legal studies.¹

The social interpretation of interfaith marriage usually analyzes this phenomenon from social, cultural, and religious perspectives. In the context of a diverse society, such as in Indonesia, interfaith marriage gives rise to various dynamics that affect individuals, families, and the wider community. Interfaith marriages often involve the meeting of two different religious identities.² In a pluralistic society, this marriage can symbolize social integration, where religious differences are not a barrier but an opportunity to strengthen interreligious unity and tolerance. However, it can also pose challenges, especially when it comes to maintaining each couple's religious identity and how they

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¹J. Makalew, "Akibat Hukum dari Perkawinan Beda Agama di Indonesia," [Legal Consequences of Interfaith Marriage in Indonesia], *Lex Privatum: Journal of Law and Civil Affairs* 14. No. 2, (2013): 131-144, <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/1710>.

²Rofiatul Ubaidillah, and Nabilah Kurniati, "Interfaith Marriage in Surah Al-Baqarah Verse 221: An Analysis of Friedrich Schleiermacher's Hermeneutics," *Ulumul Qur'an: Journal of Qur'an Science and Tafsir* 4, No. 1, (March 2024): 61-74.

respond to differences in spiritual values in daily life, especially regarding children's education and worship practices.³

From a legal perspective, interfaith marriage is in the gray area in Indonesia. Legal systems based on religious principles, such as Islam, Christianity, and Hinduism, have different views on the issue. In Islam, for example, interfaith marriage is considered valid only if the husband is a Muslim and the wife is a bookkeeper (Jewish or Christian). On the other hand, Indonesia's marriage law (Law No. 1 of 1974) does not expressly regulate interfaith marriages. Still, the practice often requires the conversion of one of the spouses to meet administrative requirements.⁴

In social interpretation, these different religious views reflect the complexity of Indonesia's multicultural and multireligious society. It could also suggest that although the state officially supports pluralism, there is still a tension between individual freedom and the religious norms that underlie the legal system.⁵

The response of society to interfaith marriage varies depending on the values adhered to. In a more conservative social environment, this marriage is often viewed negatively, as it is considered a violation of religious and social norms. However, in more open communities, interfaith marriage may be more acceptable as part of an individual's human right to choose their life partner without having to be restricted by religion. This social response shows the difference in attitudes between community groups. More traditional groups tend to maintain religious exclusivity in marriage, while more liberal groups see interfaith marriage as a reflection of individual rights and religious freedom.⁶

Children from interfaith marriages are often the centre of attention in social discussions. Questions about what religion they will follow, how they will be educated, and how they will cope with dual identity often arise. In the context of a society that attaches great importance to religious identity, these children may face identity dilemmas. This shows the importance of flexibility in understanding religion at the family level and the need to build a healthy dialogue about diversity in the family. It also reflects on how interfaith marriage can be an opportunity to expand the understanding and practice of tolerance in family life. Interfaith marriage, although controversial in some circles, can be seen as a positive contribution to efforts to strengthen interfaith dialogue. This shows how personal relationships can contribute to a broader understanding among different groups.⁷

³Desri Ari Enghariano, and Amaruddin Asra, "Tafsir Ayat-Ayat Hukum Tentang Pernikahan Beda Agama Menurut Rasyid Ridha Dan Al-Maraghi," [Interpretation of Legal Verses on Interfaith Marriage According to Rashid Ridha and al-Maraghi], *Shahadah: Journal of Qur'anic Science* 5, No. 1 (2017): 71-106, <http://ejournal.fiaiunisi.ac.id/index.php/syahadah/article/view/128>.

⁴Ani Yumarni Any, "Analisis Hukum Perkawinan Beda Agama Anggota Polri Dikaitkan Dengan Undang-Undang Nomor 16 Tahun 2019 Tentang Perkawinan," [Analysis of Interfaith Marriage Law of Members of the National Police Associated with Marriage Law Number 16 of 2019], *UIR Law Review*, Vol. 7, No. 1 (2023): 8-27, <https://journal.uir.ac.id/index.php/uirlawreview/article/view/14810>.

⁵M. Roni, and M. Nasir, "Reinterpretasi Ayat Pernikahan Beda Agama," [Reinterpretation of Interfaith Marriage Verses], *Al-Qadha: Journal of Islamic Law*, Vol. 9, No. 2 (2022): 426-436, <https://journal.iainlangsa.ac.id/index.php/qadha/article/view/4636>.

⁶A. A. L. Binawan, "Refleksi Filosofis Hukum Perkawinan Beda Agama Di Indonesia," [Philosophical Reflections on Interfaith Marriage Law in Indonesia], *Legal Reflections: Journal of Legal Sciences* 7, No. 2 (2023): 249-265, <https://ejournal.uksw.edu/refleksihukum/article/view/7946>.

⁷I. Tohari, and K. Hazyimara, "Status Hak Waris Perkawinan Beda Agama di Indonesia Perspektif Yuris Islam Klasik Dan Kontemporer," [The Status of Inheritance Rights of Interfaith Marriages in Indonesia: A Classical and Contemporary Islamic Jurisprudence Perspective], *Journal*

Marriage involves not only a relationship between two individuals, but also involves social, cultural, and religious norms that prevail in society. In Indonesia, which is a country with a diversity of religions and beliefs, interfaith marriage is one of the issues that often causes controversy and debate. This issue is not only related to social and cultural aspects but also raises deep questions in the legal context, both religious law and state law.⁸

In the context of Indonesian law, marriage is regulated by Law Number 1 of 1974 concerning Marriage, which states that marriage is valid if it is carried out in accordance with the laws of each religion and belief. In practice, however, interfaith marriage poses its own challenges due to the difference in principle between Islamic law that expressly prohibits interfaith marriage, especially for Muslim women, and a more inclusive interpretation of the country's laws.⁹

Islamic law, embraced by the majority of Indonesian people, has clear provisions regarding marriage. In Islam, marriage is a worship and contract that must meet certain conditions to be valid in the eyes of religion. One of the important requirements is religious similarity between the two brides, which aims to maintain harmony in the household as well as the integrity of faith. However, in practice, the phenomenon of interfaith marriage still occurs in society, causing various dilemmas and challenges in its implementation.¹⁰

Law Number 1 of 1974 concerning Marriage, which is the basis of marriage law in Indonesia, stipulates that marriage is valid if it is carried out in accordance with the laws of each religion and belief. However, the law does not explicitly regulate the procedures or mechanisms of interfaith marriage, giving rise to mixed interpretations among the public and law enforcement.¹¹

The disharmony between the provisions of Islamic law and the Marriage Law in accommodating interfaith marriages has various significant legal implications. This includes the legal status of the spouses, their rights in marriage, and the status of the children born from the marriage. Therefore, this research is important to understand deeply how Islamic law and marriage law regulate interfaith marriage and the legal implications it causes.¹²

of Law 2, No. 1 (2023): 78-92
<http://jurnal.peradabanpublishing.com/index.php/PJLS/article/view/75>.

⁸Ana Laela, Ken Ismi Rozana, Shilfa Khilwiyatul Mutiah, "Fiqh Perkawinan Beda Agama Sebagai Upaya Harmonisasi Agama (Studi Perkawinan Beda Agama di Kota Jember)," [Fiqh of Interfaith Marriage as An Effort to Harmonize Religion: A Study of Interfaith Marriage in Jember], *Fikrah: Journal Aqidah and Islamic Studies*4, No. 1 (2016): 117-137.

⁹Desimaliati, "Legality of Registration for International Religious Marriage Based on Court Decisions According to Law and Regulations in Indonesia," *Cepalo* 6 (2) (2022): 69-82. <https://doi.org/10.25041/cepalo.v6no2.2704>.

¹⁰Rahma Amir, "Perkawinan Beda Agama di Indonesia Perspektif Hukum Islam," [Interfaith Marriage in Indonesia: An Islamic Law Perspective], *Al-Qadau Journal: Justice and Law* 6, No. 1, (2019): 99-110, <https://journal3.uin-alauddin.ac.id/index.php/al-qadau/article/view/9482>.

¹¹M. Nurkholis Al Amin, "Perkawinan Campuran Dalam Kajian Perkembangan Hukum: Antara Perkawinan Beda Agama dan Perkawinan Beda Kewarganegaraan di Indonesia" [Mixed Marriage in the Study of Legal Development: Between Interfaith Marriage and Citizenship Marriage in Indonesia], *Al-Ahwal: Journal of Islamic Family Law*, Vol. 9, No. 2, (2017): 211-212, <https://ejournal.uin-suka.ac.id/syariah/Ahwal/article/view/1189>.

¹²Y. Ni'am, and M. N. R. Maksum, "Dinamika Hukum Perkawinan Beda Agama di Indonesia Ditinjau dari Perspektif Fikih," [The Dynamics of Interfaith Marriage Law in Indonesia Reviewed from the Perspective of Fiqh], *IJM: Indonesian Journal of Multidisciplinary*, 2 (6), (2024): 783–793. Retrieved from <https://journal.csspublishing.com/index.php/ijm/article/view/961>.

In this regard, Circular Letter Number 2 of 2023 concerning “Judges” Instructions in “Adjudicating Marriage Registration Applications Between People of Different Religions and Beliefs,” aims to provide certainty and unity in the application of the law in adjudicating applications for marriage registration between people of different religions and beliefs. However, SEMA No. 2 of 2023 has caused controversy and has been addressed by pros and cons among experts. The northernmost is related to the administrative rights of citizens that have been guaranteed in the Population Administration Law, which also includes the right to marry between people of different religions. Therefore, a comprehensive solution is needed that involves various perspectives.¹³

The Supreme Court Circular Letter (SEMA) No. 2 of 2023 is a document that provides instructions to judges on how to handle cases of registration of interfaith marriages in Indonesia. Given the disharmony between religious law and state law in the case of interfaith marriage, the Supreme Court feels the need to provide clearer instructions so that judges can make fair decisions in accordance with the applicable legal provisions. The author must explore the key points generally covered in the circular as a basis for providing perspective and analysis. The basis of the SEMA Law refers to several legal provisions that apply in Indonesia, including (a) Law Number 1 of 1974 concerning Marriage. (b) Law No. 23 of 2006 concerning Population Administration (and its amendments). (c) Constitutional Court rulings related to interfaith marriage (d) Principles in Islamic law and other religious laws recognized in Indonesia.¹⁴

As for the instructions for judges, this circular provides guidance to judges to: (a) Ensure that the procedures for registering interfaith marriages are in accordance with existing provisions, both at the District Court and Religious Court levels. (b) Examining the legality and conformity of marriage with applicable law, including the religious provisions of each party. (c) Providing fair consideration by paying attention to human rights, justice, and humanity in deciding cases of interfaith marriages. (d) Prioritize mediation efforts to find a solution that is acceptable to both parties without violating laws or religious principles. (e) Ensure that decisions taken do not give rise to future conflicts of law, especially regarding marriage registration and the legal status of children born out of such marriage.¹⁵

In terms of marriage procedures and registration, this SEMA explains that the registration of interfaith marriages can be carried out if: (a) There has been a court decision with permanent legal force regarding the validity of marriage. (b) Both parties have followed the procedures prescribed by applicable law and the provisions of their respective religions. (c) No party is harmed by the decision, either legally or socially.¹⁶

Several problems related to interfaith marriage from the perspective of the Qur'ān and the Marriage Law above can be considered inconsistent, coupled with the social reality that exists in Indonesian society, where there are many interfaith marriages. Interfaith marriage is sometimes not

¹³M. Ashsubli, "Undang-Undang Perkawinan Dalam Pluralitas Hukum Agama," [Marriage Law in the Plurality of Religious Laws (Judicial Review of Interfaith Marriage Articles)], *Journal of Legal Cita*, Vol 11, No. 2, (2015): 289-302, <https://journal.uinjkt.ac.id/index.php/citahukum/article/view/2319/1748>.

¹⁴E. Juandini, "Perspektif Hukum Positif dan Hukum Islam di Indonesia terhadap Perkawinan Beda Agama,"

[Perspectives on Positive Law and Islamic Law in Indonesia towards Interfaith Marriage], *Journal on Education* 5, No. 4, (2023): 16405-16413. <https://doi.org/10.31004/joe.v5i4.2795>.

¹⁵M. Hanifah, "Interfaith Marriage Reviewed from Law Number 1 of 1974 concerning Marriage," *Soumatra Law Review* 2, No. 2, (2019): 157.

¹⁶Imadudin, "Interreligious Marriage in Indonesia and Malaysia: Strict and Loose Legal Policy," *Al-Ahwal: Jurnal Hukum Keluarga Islam*, 17 (2), (2024):185-204. <https://doi.org/10.14421/ahwal.2024.17203>

in harmony with state law and religious law. Law Number 1 of 1974 is the basis of marriage law in Indonesia, which says that marriage is only valid if it is carried out according to each person's religious law and beliefs. However, the law does not explicitly regulate interfaith marriage, which leads to different interpretations among society and law enforcement. As a result, the Supreme Court felt the need to provide clearer instructions to ensure that judges could make decisions that were fair and in accordance with applicable law. From some of these problems, this paper tries to describe the problem of interfaith marriage from the perspective of the Qur'ān and social interpretation, as well as provide a perspective on how to solve problems related to these problems.

2. Literature Review

Several research results have been written by several researchers related to interfaith marriage. However, the author's research interprets interfaith marriage from the perspective of social interpretation of the Qur'ān in finding the position and solution to the problem of interfaith marriage in Indonesia.

Muhammad Ihsan Firdaus's research highlights the dilemma between universalism and cultural relativism in legalizing interfaith marriage in Indonesia, with the finding that the principle of universalism is more relevant in providing legal certainty through the publication of the Interfaith Marriage Book. However, this study still has a *gap* in examining the aspect of social interpretation of interfaith marriage in Indonesia's pluralistic society, especially in the context of the meaning of related Qur'ānic verses. The research *Interfaith Marriage in the Perspective of the Qur'ān: An Analysis of Social Interpretation in a Pluralistic Society in Indonesia* offers *novelty* by exploring how people interpret religious texts socially in the reality of diversity. In terms of *state of the art*, this study develops a social analysis approach to the interpretation of the Qur'ān, linking it to the dynamics of pluralism and the practice of interfaith marriage in Indonesia, thus providing a new perspective in understanding the relationship between Islamic law, social interpretation, and state regulations related to interfaith marriage.¹⁷

The research by Bayu Dwi Widdy Jatmiko, Nur Putri Hidayah, and Samira Echaib highlights the legal status of interfaith marriage in Indonesia and its registration implications, with the finding that under national law, the marriage is invalid except through a court determination and registration as a non-Islamic marriage at the civil registry office. However, this study still has a *gap* in understanding how society interprets the concept of interfaith marriage from a socio-religious perspective, especially in the context of pluralism and interpretation of the Qur'ān. The research *Interfaith Marriage in the Perspective of the Qur'ān: An Analysis of Social Interpretation in a Pluralistic Society in Indonesia* offers *novelty* by exploring how the community interprets the text of the Qur'ān in the face of the reality of interfaith marriage, as well as how this social interpretation interacts with applicable legal norms. In terms of *state of the art*, this study enriches the study with a social analysis approach to religious interpretation in a plural society, providing a new perspective that connects theological understanding, social practices, and the dynamics of interfaith marriage regulations in Indonesia.¹⁸

The research of Ayi Zaenal Mutaqin, Badruzzaman M. Yunus, and Bambang Qomaruzzaman examines the views of three Indonesian interpretation scholars. Hamka, Quraish Shihab, and Musdah Mulia on interfaith marriage highlighting how socio-political contexts influence their conclusions.

¹⁷Muhammad Ihsan Firdaus, "Legalization of Interfaith Marriage in Indonesia (Between Universalism and Cultural Relativism)," *The Easta Law and Human Rights* 01, No. 02, (2023): 64-71.

¹⁸Bayu Dwi Widdy Jatmiko, Nur Putri Hidayah, and Samira Echaib, "Legal Status of Interfaith Marriage in Indonesia and Its Implications for Registration," *Journal of Human Rights, Culture and Legal System* 2, No. 3 (17 November 2022): 167-77, <https://doi.org/10.53955/jhcls.v2i3.43>.

This study shows that there is a difference in interpretation, where Hamka and Quraish Shihab tend to prohibit it except in certain circumstances. At the same time, Musdah Mulia allows it on the grounds that there is no explicit prohibition in Islam. *The gap* in this study lies in the unexplored social interpretation of interfaith marriage in Indonesian Muslim society, especially in the context of pluralism and social change. *This study's state of the art* is a mapping of various perspectives of scholarly interpretation that have been influential in Islamic discourse in Indonesia but have not specifically connected it to the social dynamics of modern society. Therefore, the research *Interfaith Marriage in the Perspective of the Qur'ān: An Analysis of Social Interpretation in a Pluralistic Society in Indonesia* presents *novelty* by analyzing how the Qur'ān's interpretation of interfaith marriage is interpreted in social practices by Indonesian Muslims, as well as how this social interpretation interacts with legal norms and the reality of life in a pluralistic society.¹⁹

Mohamad Abdun Nasir's research highlights the negotiation of Islamic law in interfaith marriages in Indonesia by identifying three main patterns: the conversion of non-Muslim couples before marriage, the conversion of Muslims to marry non-Muslim couples, and marriages without conversion by maintaining their respective beliefs. This study contributes to understanding the dynamics of Islamic law and social practices in interfaith marriages. *The gap* in this study is that there has been no in-depth exploration of how Indonesian Muslims interpret the verses of the Qur'ān in response to the reality of interfaith marriage in an increasingly pluralistic society. *This study's state of the art* is the study of the negotiation of Islamic law and social practices in interfaith marriages. Still, it has not examined how social interpretation of Qur'ānic verses shapes people's views and practices related to this phenomenon. Therefore, the research *Interfaith Marriage in the Perspective of the Qur'ān: An Analysis of Social Interpretation in a Pluralistic Society in Indonesia* offers *novelty* by examining how the social interpretation of Indonesian Muslim society towards the verses of the Qur'ān interacts with Islamic law and social reality in interfaith marriages, thus providing a new perspective on the relationship between sacred texts, law, and social practices in a pluralistic society.²⁰

The research by Zaidah Nur Rosidah, Lego Karjoko, and Mohd Rizal Palil focuses on the role of the government in protecting interfaith marriage rights in Indonesia and Malaysia, by highlighting legal dynamics and emerging social challenges, especially in border areas. The study emphasizes that although it is not legally recognized in Indonesia, courts have granted approval to a number of interfaith marriages as a form of protection of couples' rights. *The gap* in this study is the lack of exploration of how Indonesian Muslims interpret Qur'ānic verses in response to the phenomenon of interfaith marriage as part of a complex social reality. *This study's state of the art* lies in analyzing state laws and policies in dealing with interfaith marriage. Still, it has not explored how social interpretation of the Qur'ān plays a role in shaping the attitudes and policies of the Muslim community regarding this issue. Therefore, the research *Interfaith Marriage in the Perspective of the Qur'ān: An Analysis of Social Interpretation in a Pluralistic Society in Indonesia* offers *novelty* by revealing how social interpretation of Qur'ānic verses interacts with legal policies and social realities,

¹⁹Ayi Zaenal Mutaqin, Badruzzaman M. Yunus, and Bambang Qomaruzzaman, "Interfaith Marriage in the Perspectives of Indonesian Tafsir Ulama: Reviewing the Tafsir of Hamka, Quraish Shihab, and Musdah Mulia," *Hanifiya: Journal of Religious Studies* 5, No. 2 22 (November 2022): 111–22, <https://doi.org/10.15575/hanifiya.v5i2.18782>.

²⁰Mohamad Abdun Nasir, "Negotiating Muslim Interfaith Marriage in Indonesia: Integration and Conflict in Islamic Law," *Journal Mazahib* 21, No. 2 (2022): 155–86, <https://doi.org/10.21093/mj.v21i2.5436>.

thus providing a new perspective on the relationship between religious texts, state regulations, and social practices in the context of a pluralistic society in Indonesia.²¹

Yasman Mansur's research highlights aspects of Islamic law and state regulations related to interfaith marriage in Indonesia by emphasizing the inconsistency between the classical interpretation of the Qur'ān, *Maqasid Ash-Shari'ah*, and Indonesia's positive law. The study reveals that despite gaps in regulations, such as the provisions of the Population Administration Law, the MUI fatwa and marriage law still prohibit interfaith marriage. *The gap* in this study is the lack of exploration of how Muslims in Indonesia socially interpret Qur'ānic verses in the context of interfaith marriage outside of the normative and legal approach. *The state of the art* of this research lies in the analysis of the relationship between Islamic law, state regulations, and religious fatwas in determining the validity of interfaith marriages. Still, it has not discussed how people's social interpretation of Qur'ānic verses shapes the practice and perception of this phenomenon. Therefore, the research *Interfaith Marriage in the Perspective of the Qur'ān: An Analysis of Social Interpretation in a Pluralistic Society in Indonesia* offers *novelty* by examining how the social interpretation of Qur'ānic verses develops in Indonesia's pluralistic society, as well as how this understanding affects social attitudes and policies towards interfaith marriage at the community level.²²

Compared to previous studies, the novelty of this research lies in its focus on the social interpretation of the Qur'ān concerning interfaith marriage within the context of Indonesia's pluralistic society. While prior research, such as that of Yasman Mansur, Bayu Dwi Widdy Jatmiko et al., and Muhammad Ihsan Firdaus, has predominantly examined interfaith marriage from a legal and normative perspective, highlighting regulatory inconsistencies, judicial practices, and fatwas, this study shifts the lens to how social pluralism shapes the contextual interpretation of the Qur'ān. Similarly, studies like those of Ayi Zaenal Mutaqin et al. and Mohamad Abdun Nasir have explored scholarly interpretations and negotiation patterns in interfaith marriages. Still, they do not sufficiently address the dynamic social forces that influence these interpretations. By emphasizing the interaction between sacred texts and contemporary social realities, this research seeks to bridge the Qur'ānic text with the lived experiences of a modern multicultural society. This approach offers a novel framework for understanding interreligious marriage through a social interpretation more responsive to diverse communities' evolving needs.

3. Method

This study uses a qualitative method that aims to explore in depth how Qur'ānic texts about interfaith marriage are understood and applied in a pluralistic Indonesian society. This approach prioritizes understanding context, experience, and social interpretation from primary sources, such as the interpretation of the Qur'ān, as well as the community dynamics associated with the issue. This paper uses a literature research approach. This research will begin with a literature study to obtain primary data from Qur'ānic verses related to interfaith marriage, such as surah Al-Baqarah verse 221 (prohibition of marrying polytheists), surah Al-Ma'idah verse 5 (it is permissible to marry a woman of *Ahlul Kitab*). In addition, interpretive literature from various classical and contemporary scholars will be examined to understand various interpretations related to this issue, both from conservative interpretations and more modern and contextual interpretations. Books, journal articles,

²¹Zaidah Nur Rosidah, Lego Karjoko, and Mohd Rizal Palil, "The Governments Role in Interfaith Marriage Rights Protection: A Case Study of Adjustment and Social Integration," *Journal of Human Rights, Culture and Legal System* 3, No. 2 (2023): 265–87, <https://doi.org/10.53955/jhcls.v3i2.105>.

²²Yasman Mansur, "Interfaith Marriage in Perspective of Islamic Law," *GIC Proceeding* 1 (31 July 2023): 372–79, <https://doi.org/10.30983/gic.v1i1.18>.

and research on interfaith marriage and religious pluralism in Indonesia will also be additional data sources.

The data analysis method used is thematic (*maudhu'i*). Data from Qur'ānic verses related to interfaith marriage by collecting related verses, compiling themes or topics of interfaith marriage, analyzing interpretations from classical and contemporary mufassir, then relating these interpretations to the context of a pluralistic society in Indonesia. Not only that, social interpretation analysis is used to understand how the social, political, and cultural context in Indonesia affects the Qur'ān's interpretation of interfaith marriage. This research will use a social hermeneutics approach to understand how Qur'ānic verses are interpreted and applied in a society that has religious diversity. This analysis includes the role of social interpretation in interpreting verses about interfaith marriage and identifying socio-political dynamics that affect interpretation, such as interfaith marriage regulations in Indonesia and state policies.

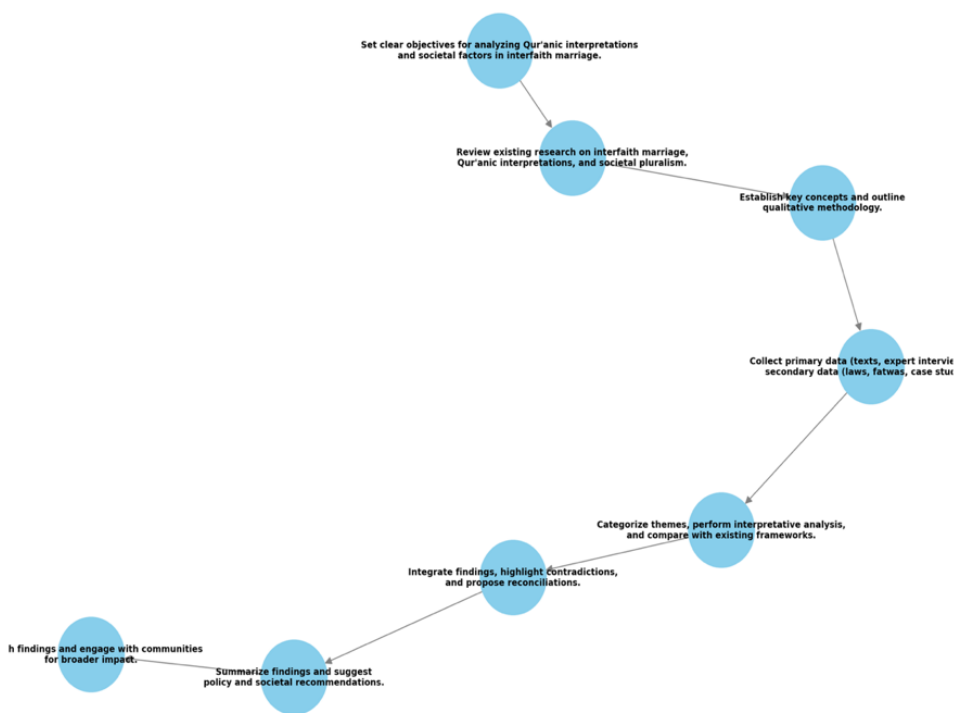


Figure 1. Research Procedure: Interfaith Marriage in the Perspective of the Quran

4. Results and Discussion

4.1. Finding the Qur'ānic Perspective on Interfaith Marriage in Indonesia

There are two views on interfaith marriage: the pros and cons. These two views certainly have their own reasons, but it is not enough for the author to not provide a perspective between the two perspectives to benefit from the law and social life in society. This study explores social interpretation by prioritizing *the aspect of Maqasid Ash-Sharia*, and then strengthens the analysis by using social integration theory and social law theory to understand how interfaith marriage in a plural society can

be a means of integration or even cause social conflict. Durkheim's theory of social integration (1997)²³ and Parsons (1951)²⁴ explain how interfaith marriage affects social cohesion and how religious norms and laws shape social interactions. Meanwhile, Ehrlich's theory of social law (1936)²⁵ and Pound's (1942)²⁶ highlight that the law is not only normative but also influenced by social realities so that the interpretation of Islamic law regarding interfaith marriage can develop in line with the dynamics of society.

In Decision No. 68/PUU-XII/2014, the Constitutional Court rejected a judicial review challenging Article 2 of Law No. 1/1974 on Marriage, affirming that marriage must follow religious laws, making interfaith marriage legally unrecognized despite administrative registration for civil status certainty. Decision No. 24/PUU-XX/2022 reinforced this stance, reiterating that Indonesian law does not permit interfaith marriage legalization. To align lower court rulings, the Supreme Court issued Circular Letter No. 2/2023, instructing judges to reject interfaith marriage registration applications, ensuring consistency with religious law-based interpretations. This judicial chronology highlights the judiciary's effort to uphold constitutional interpretations that determine marriage validity based on religious law. These measures reinforce the rejection of interfaith marriage legalization while providing legal certainty through binding administrative directives.

The debate over the validity of marriage between Muslims and non-Muslims is reinforced by the views of classical scholars such as Ibn Qayyim (1997)²⁷ as well as contemporary scholars such as Quraish Shihab (1996)²⁸ and Musdah Mulia (2007),²⁹ which show that the interpretation of interfaith marriage law is dynamic and contextual. Basically, the Qur'ānic perspective views interfaith marriage as generally considered invalid. The majority of scholars are of the opinion that a Muslim woman is not allowed to marry a non-Muslim man, while a Muslim man is allowed to marry a woman from the religion of the Book (*Ahlul Kitab*), i.e. Christianity and Judaism, under certain conditions. This is based on the interpretation of verses of the Qur'ān and hadīth that govern interfaith marriage. If referring to the perspective of Islamic law, interfaith marriage can be categorized into three aspects.

4.1.1. Marriage between a Muslim Man and a Polytheistic woman

Scholars agree that it is haram for a Muslim man to marry a polytheistic woman under any circumstances, as stated in Surah Al-Baqarah verse 221, which emphasizes that belief is a prerequisite for marriage.³⁰ The interpretation of this verse indicates that Muslim men are forbidden to marry polytheistic women who are not from the People of the Book, as reinforced by *Surah Al-Mumtahanah* verse 10, which requires testing a woman's faith before marriage. Imam Ath-Thabari explains that Allah commands believers to divorce polytheistic wives unless they embrace Islam. If a polytheistic woman migrates and sincerely accepts faith, marriage becomes permissible, but she cannot return to a polytheistic husband. Scholars widely agree that both Muslim men and women are prohibited from marrying polytheists.

²³É. Durkheim, *The Division of Labor in Society* (Free Press, 1997).

²⁴T. Parsons, *The Social System* (Free Press, 1951).

²⁵E. Ehrlich, *Fundamental Principles of the Sociology of Law* (Harvard University Press, 1936).

²⁶R. Pound, *Social Control through Law* (Yale University Press, 1942).

²⁷Ibn Qayyim al-Jawziyya, *Ahkām Ahl al-Dhimmah* (Dar Ibn Hazm, 1997).

²⁸Quraish Shihab, *Insight into the Qur'ān: Interpretation of Maudhu'i on Various Questions of the Ummah* (Jakarta: Mizan, 1996).

²⁹M. Mulia, *Islam and Women: Questions and Answers* (Jakarta: Gramedia Press, 2007).

³⁰Department of Religious Affairs Republic Indonesia, *The Qur'ān and its Tafsiir* (Jakarta: Lentera Abadi, 2010) (pustakalajnah.kemenag.go.id, 2010), https://pustakalajnah.kemenag.go.id/uploads/JILID_4-min.pdf.

4.1.2 Marriage between a Muslim man and a Woman who is a Book Scholar

Among scholars, the permissibility of marriage between a Muslim man and a woman from the People of the Book remains a matter of *ihtilaf*, though most allow it based on QS. Al-Maidah: 5/5, which permits marriage to believing women and those given the Book before Islam. Scholars interpret this verse as allowing marriage to Jewish and Christian women, with Ath-Tabari affirming that Muslim men may marry both Muslim and Book-following women. The majority view holds that such marriages are permissible since these women are not explicitly prohibited, unlike polytheistic women. However, some scholars argue that it is now difficult to identify true adherents of the Book, questioning whether modern followers meet the Qur'ānic criteria. Consequently, differing interpretations persist regarding the permissibility of such marriages.³¹

4.1.3 Marriage between Muslim women and non-Muslim Men

Scholars agree that it is haram for Muslim women to marry non-Muslim men. This prohibition also applies to Muslim women who marry men of any religion. One of the main reasons why this haram is imposed on marriage is that the husband, as the head of the family, can force his wife to follow his religion and religious beliefs. In the worst case, a Muslim woman married to a non-Muslim man will abandon the teachings of Islam.

Several Islamic groups pay great attention to the law of interfaith marriage, as shown by the following ruling: The 7th National Conference of the Indonesian Ulema Council (MUI) in 2005 determined that interfaith marriage is haram, including marrying a woman who is a Book Scholar; The 22nd Congress of the *Tarjih* and *Tajdid* Ceremony of the Muhammadiyah Central Committee in 1989 stipulated that interfaith marriage is haram without exception; and the 28th Congress of Nahdlatul Ulama (NU) in 1989 also stipulated that interfaith marriage is haram.

The discussion on interfaith marriage in Indonesia often overlooks the perspective of social interpretation. The author personally believes interfaith marriage is prohibited due to its potential impact on family continuity but acknowledges its inevitability in a pluralistic society. Therefore, the state should provide legal recognition and access to marriage registration to ensure the rights of all citizens. This paper introduces a social interpretation of the Qur'ān in understanding interfaith marriage within Indonesia's religious pluralism, shifting from normative to socio-cultural perspectives. By integrating Islamic studies with sociology, law, and cultural analysis, this research offers a more contextual and responsive interpretation relevant to multicultural societies worldwide.

5. Axel Honneth:

Love as the Basis for Recognition of Interfaith Marriage in Social Interpretation

Furthermore, the social approach in this study is also based on the concept of social recognition of Honneth (1996, 2003),³² especially his idea of love as the basis for recognition (*Love as the Basis for Recognition of Interfaith Marriage in Social Interpretation*),³³ which emphasizes that recognition of individuals in society begins from affective experiences and emotional relationships, including in the context of interfaith marriage. Axel Honneth's concept of the politics of recognition argues that love, law/rights, and solidarity are three distinct but interrelated domains of this concept. Honneth discusses the importance of the politics of two-way recognition as a condition for rational society in his book *The War for Recognition: The Moral Grammar of Social Conflict*. For Honneth, the main

³¹E. Safliana, "Konsep Perkembangan Manusia Dalam Ajaran Islam," [The Concept of Human Development in Islamic Teachings], *SINTESA: Jurnal Kajian Islam dan Sosial Keagamaan* 2 No. 2 (2021): 28-53.

³²Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* (MIT Press, 1996).

³³A. Honneth, *Recognition or Redistribution? A Philosophical Exchange* (Verso Books, 2003).

purpose of recognition is to show the fragility of human beings, that humans are papa entities that are easily caught up in violence and negate their neighbors. So, one of the important parts of dealing with interfaith marriage is seeing others as "me." It shows how fragile humans are and the importance of living together.³⁴

Recognition is formed through relationships between children and parents, fulfilling emotional needs, and dependence on love. Honneth classifies recognition into three realms: love within the family, legal recognition in civil society, and solidarity within the state, each shaping self-confidence, self-respect, and self-esteem.³⁵ These stages dialectically construct an entity's identity, where mutual recognition fosters intersubjectivity and prevents indifference. As the foundation of Honneth's recognition theory, love meets fundamental human needs and enables broader intersubjective relationships.³⁶ This reciprocal recognition should extend to interfaith marriages, ensuring their legal acknowledgment and constitutional rights as citizens.³⁷

Honneth explained that the law guarantees equality for all, and its embodiment must be understood historically, including the evolution of rights and their challenges. The ability to universalize these values requires one to be accepted by others, which Honneth calls self-esteem education.³⁸ Confession occurs because of solidarity that demands total acceptance because love is an unconditional confession and the common law applies to all.³⁹ Without universal recognition, values such as equality cannot fully meet the need for recognition of unique, always ambiguous identities. Recognition is a matter of law and a socio-collective struggle for moral rights, reconciliation, and sympathetic inter-subject relations.⁴⁰

6. Recognition as a Social Interpretation in Ensuring Equality in Interfaith Marriage in Indonesia

In various regions in Indonesia, the phenomenon of interfaith marriage often shows the dynamics between pluralism and exclusivism. Although the constitution guarantees freedom of religion and the right to form a family, in the field, couples who choose to marry interfaith often face administrative constraints and severe social pressure. Cases of interfaith marriage in various regions in Indonesia reflect the evolution of settlement on a case-by-case basis, showing a shift from administrative rejection to recognition through judicial mechanisms.

³⁴A. Honneth, "Recognition and Justice: Outline of a Plural Theory of Justice," *Journal Acta Sociologica* 47. No. 4 (2004), <https://doi.org/10.1177/0001699304048668>.

³⁵A. Honneth, "A Conversation between Axel Honneth, Amy Allen and Maeve Cooke, Frankfurt Am Main, 12 April 2010," *Journal of Power* 3, No. 2, (2010): 153-170, <https://doi.org/10.1080/17540291.2010.493695>.

³⁶A. Honneth, "Invisibility: On the Epistemology of "Recognition," - Axel Honneth," *Proceedings of the Aristotelean Society, Supplementary* (2001): 111-126. <https://doi.org/10.1111/1467-8349.00081>.

³⁷A. Honneth, *The Pathologies of Individual Freedom: Hegel's Social Theory* (Princeton University Press, 2010).

³⁸A. Honneth, " 'Reply to Andreas Kalyvas,' Critical Theory at the Crossroads: Comments on Axel Honneth's Theory of Recognition," *European Journal of Social Theory* 2, No. 2, (1999): 249-252. <https://doi.org/10.1177/13684319922224437>.

³⁹M. J. Thompson, "Axel Honneth and the Neo-Idealist Turn in Critical Theory," *Journal Philosophy and Social Criticism* 40. No. 8 (2014): 779-797, <https://doi.org/10.1177/0191453714541583>.

⁴⁰A. Petersen, "An Interview with Axel Honneth: The Role of Sociology in the Theory of Recognition," *European Journal of Social Theory* 5, No. 2, (2002): 265-277, <https://doi.org/10.1177/13684310222225441>.

In Lubuklinggau Regency, for example, couples facing opposition from the Office of Religious Affairs and Civil Registry are forced to apply through the courts, which results in a verdict considering their human rights and religious identity. In Surakarta, a number of cases have succeeded in obtaining court decisions that allow the registration of interfaith marriages despite complex administrative processes and dispensation mechanisms, marking a tendency to adjust to diversity. In South Jakarta, there was a case where the court allowed interfaith marriage on the condition that one party chose the majority religion, which sparked controversy and legal resistance from the aggrieved party. Meanwhile, in Depok and Surabaya, judicial settlements have shown progress, emphasizing the principle of religious freedom, although it has still received criticism from conservative groups. The development of these cases illustrates the transition of interfaith marriage settlement from rigid and discriminatory norms to a more inclusive approach through judicial intervention and administrative innovation.

In Mareje Village, West Lombok Regency, there is a tendency to settle interfaith marriages through the local government's recommendation. The sub-district often suggests that one of the candidate couples choose the majority religion to facilitate the marriage registration process. Although intended to simplify administration, this policy raises new problems related to the recognition of religious identity for minority groups. As a form of response to this policy, Buddhist leaders in Mareje Village have developed an identity protection strategy through a foster parent mechanism. They send their teenagers to school outside the island of Lombok to avoid pressure to change their beliefs while ensuring the sustainability of their religious values and traditions. This approach reflects efforts to defend the right to religious identity and affirms the importance of recognizing pluralism within a more inclusive legal and social framework.

The author offers a solution from the perspective of social interpretation related to interfaith marriage in Indonesia by developing an interpretation of the Qur'ān that considers the pluralism of a multicultural society, focusing on justice, benefits, and social harmony through the *Maqasid Ash-Sharia* approach. These proposals include a revision of the marriage law that still respects the religious values of the majority, special arrangements for the registration of interfaith marriages that provide legal certainty, as well as education on tolerance and interfaith dialogue in communities and religious institutions. In addition, the author encourages the involvement of Muslim scholars and religious leaders in discussing the Qur'ān's social interpretation of interfaith marriage, producing fatwas or contextual guidelines that support social harmony. The solution also includes the establishment of a mediation and counseling center for interfaith couples, which is equipped with a guidebook based on social interpretation, case studies, and practical measures to deal with legal and social challenges in a pluralistic society. The state is expected to strengthen regulations that protect the rights of individuals in interfaith marriages without violating the principles of their respective beliefs, including issuing special legal guidance that respects religious diversity.

7. Conclusion

From the perspective of Qur'ān interpretation, interfaith marriage is prohibited, but the author provides views and solutions from the perspective of social and humanitarian interpretation. In social interpretation, Axel Honneth borrows his view that recognition or legal status should be granted to people married to different religions to enjoy their constitutional rights as citizens, including access to marriage registration. If recognition occurs in the context of solidarity, where love is the unconditional recognition of the general characteristics and laws of recognition of each individual, then solidarity demands a specific recognition as a whole. If there is no universal recognition, recognition will always be of a certain value or just legal. The principles of social interpretation are the recognition of love, law, and solidarity, which must be used to recognize interfaith marriage. One way to overcome the problem of interfaith marriage is to see others like myself; It opens our eyes to the human desire to live together. Marriages of different religions must be legally recognized, and Honneth calls them dishonorable if there is no recognition in every field. In the realm of love,

disrespect is a form of insult to a person's physical integrity and a mental degradation that interferes with a person's self-confidence. In addition, the absence of recognition in the legal realm can be in the form of exceptions that prevent one party from contributing or inequality. Finally, in the context of solidarity, degrading certain lifestyles means degrading other life values.

Conflict of Interest

The manuscript author has absolutely no financial or non-financial conflict of interest regarding the subject matter or material discussed in this manuscript.

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