

# Interfaith Marriage in the Perspective of Islamic Legal Sociology

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## Abstract

Interfaith marriage continues to generate debate in plural societies, particularly in Indonesia, where religion constitutes the basis for the legal validity of marriage. This study aims to analyze the phenomenon of interfaith marriage from the perspective of Islamic legal sociology by highlighting the relationship between religious norms, state law, and social realities. This research employs a qualitative approach using a normative–empirical method through content analysis of Islamic legal sources, statutory regulations, and relevant sociological literature. The findings reveal a tension between normative legal frameworks and social practices, which has led to the emergence of various societal strategies in responding to existing legal restrictions. This article concludes that interfaith marriage is not merely an issue of normative Islamic jurisprudence, but also a social phenomenon that requires a contextual approach to ensure that Islamic law remains responsive to societal dynamics without losing its fundamental value orientation.

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## INTRODUCTION

In Islamic thought, marriage is not merely understood as a private bond between a man and a woman, but also as a social and legal institution with far-reaching implications for the broader social order. Within the framework of Islamic legal sociology, marriage is viewed as a meeting point between religious norms (*sharia*), state positive law, and evolving social realities (Indra et al., 2023; Norcahyono et al., 2024). One issue that remains particularly akryal and contested within this framework is interfaith marriage, especially in countries with Muslim-majority populations such as Indonesia.

From a normative perspective, debates on interfaith marriage in Islam are rooted in divergent interpretations of the Quran and Hadith, particularly regarding the permissibility of Muslim men marrying women from the *Ahl al-Kitab* and the prohibition of Muslim women marrying non-Muslim men (Parut et al., 2024; Rasyid & Siregar, 2025). These interpretive differences have developed within both classical and contemporary Islamic jurisprudence, resulting in a plurality of legal opinions rather than a single, unified doctrinal stance. Sociologically, such differences in interpretation do not emerge in a vacuum; rather, they are shaped by specific social, political, and cultural configurations across historical periods.

In the Indonesian context, the issue of interfaith marriage becomes increasingly complex due to the interaction between Islamic law, state law, and

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and constitutionally recognized religious pluralism. Law No. 1 of 1974 on Marriage does not explicitly regulate interfaith marriage; however, it stipulates that a marriage is legally valid only if conducted in accordance with the laws of the respective religions and beliefs of the parties involved (Arif, 2015; Sativa & Tanjung, 2023). In practice, this provision often generates juridical and sociological challenges, as it opens space for diverse interpretations among legal authorities, religious leaders, and the wider public.

From the perspective of Islamic legal sociology, law is not understood solely as a normative textual system, but also as a living social phenomenon (living law) (Asadurrohman, 2021; Fitri et al., 2024). Interfaith marriage may therefore be examined as a social reality arising from transformations in social structures, including increased interreligious interaction, urbanization, globalization, and the growing discourse on human rights and individual freedom in choosing a spouse (Azwir et al., 2022; Bilalu et al., 2022). These developments frequently encounter normative-doctrinal constructions of Islamic law, giving rise to tensions between the values of adherence to sharia and the demands of contemporary social realities.

Moreover, debates surrounding interfaith marriage also intersect with issues of gender justice, child protection, and family resilience. In many cases, interfaith couples face social stigma, administrative legal obstacles, and uncertainty regarding the legal status of their marriage and children (Abreu-Afonso et al., 2022; Sorek, 2019). These conditions indicate that interfaith marriage is not merely a matter of Islamic jurisprudence, but also a sociological and juridical issue with direct implications for everyday social life.

Although numerous studies on interfaith marriage have been conducted, much of the existing literature remains focused on normative *fiqh* debates or formal juridical analyses of marriage regulations. While such approaches are important, they have not fully captured the dynamic interaction between religious norms, state law, and lived social practices within plural societies. The limited number of studies that position interfaith marriage as a form of living law within the framework of Islamic legal sociology reveals an academic gap that warrants further investigation. Accordingly, this study aims to analyze interfaith marriage from the perspective of Islamic legal sociology by examining the dialectical relationship between sharia, positive law, and social realities, with the expectation of contributing to a more contextual, equitable, and socially responsive discourse on Islamic family law in multicultural societies.

## METHODS

This study adopts a qualitative approach using a normative empirical research design, commonly referred to as socio-legal research. This approach is employed because the issue of interfaith marriage is not solely related to Islamic legal norms derived from *fiqh* and *usul al-fiqh* but is also closely connected to social realities and legal practices as they develop within society (Ahmad et al., 2019; Asqia Az-zahra & Milhan, 2024; Mahmudi et al., 2024). From the perspective of Islamic legal sociology, law is understood as the product of interaction among normative texts, legal institutions, and the social behavior of the Muslim community.

The normative approach is applied to examine Islamic legal provisions concerning interfaith marriage as derived from the Quran, Hadith, and scholarly opinions found in classical and contemporary *fiqh* literature. In addition, this approach is used to analyze Indonesian positive law, particularly Law No. 1 of 1974 on Marriage, the Compilation of Islamic Law, and relevant judicial decisions (Masri, 2019; Millah & Jahar, 2019; Rinwanto et al., 2023; Setiawan, 2017). Meanwhile, the empirical dimension is utilized to understand how these legal norms are perceived, applied, and negotiated within the social life of a plural society.

The data sources in this study consist of primary and secondary data. Primary data include authoritative legal materials such as the Quran, Hadith, statutory regulations, and court decisions related to interfaith marriage. Secondary data comprise books on legal sociology, peer-reviewed academic journals, previous research findings, and official documents relevant to the research topic (Bilalu et al., 2022; Engkizar et al., 2024; Malaka, 2023). Data collection is conducted through content analysis by systematically reviewing fiqh literature, Islamic family law, and socio-legal studies in both printed and digital formats. Literature searches are carried out through national and international academic journal databases to ensure the use of credible and up-to-date sources. Within the empirical framework, this study also draws upon published research reports and secondary data derived from prior field studies conducted by official institutions or scholars.

Data analysis is performed using a descriptive-analytical method. The collected data are classified according to themes and their relevance to the research questions. Subsequently, the data are analyzed by examining the interconnections between Islamic legal norms, state legal provisions, and social realities. The analytical framework of Islamic legal sociology is employed to assess how Islamic law functions both as a value system and as a social instrument shaped by cultural contexts, power relations, and social change (Mujahidin, 2021; Sudarmin et al., 2023; Suwarti et al., 2022).

The results of the analysis are presented in a systematic and argumentative manner to provide a comprehensive understanding of the position of interfaith marriage within Islamic law and social practice in Indonesia. Through this methodological approach, the study is expected to produce conclusions that are not merely normative-doctrinal, but also reflective and contextual, in line with the characteristics of Islamic legal sociology (Kim, 2020; Zhang et al., 2023).

## RESULT AND DISCUSSION

Interfaith marriage is generally understood as a marital union between two individuals who adhere to different religions. Within the perspective of Islamic law, this concept cannot be separated from religious classifications in fiqh, particularly the distinction between Muslims, *Ahl al-Kitab*, and non-Muslims. Wahbah al-Zuhaili defines interfaith marriage as a marriage between a Muslim and a partner of a different faith, the regulation of which is subject to specific legal provisions derived from the Quran and Hadith (Najib et al., 2024).

Ibn Qudamah emphasizes that interfaith marriage is not merely a matter of religious difference, but is closely related to legal implications within Islamic family law, such as household leadership (*qiwāmah*), child upbringing, and the continuity of Islamic values within the family. Consequently, discussions of interfaith marriage in classical fiqh are predominantly situated within the framework of protecting religion (*hifz al-din*) and lineage (*hifz al-nas*) (Al Mustaqim, 2023).

In the Indonesian context, interfaith marriage occupies a legal grey area, as it is not explicitly regulated in Law No. 1 of 1974 on Marriage. This regulatory ambiguity has resulted in a plurality of legal interpretations and practices, both within society and the judiciary (Jalil, 2018).

From the perspective of legal sociology, interfaith marriage is understood as the outcome of interactions among legal structure, legal substance, and the legal culture of society. Accordingly, societal perceptions and acceptance of interfaith marriage are largely shaped by the social values that prevail and evolve within a given community (Thomas et al., 2019).

In traditional societies, marriage is commonly perceived as a sacred institution that must conform to religious and customary norms, with religious difference regarded as a primary barrier to marriage. However, processes of modernization,

urbanization, and intensified interreligious social interaction have contributed to significant shifts in how marriage is understood and practiced (Turner et al., 2021).

These shifts are marked by the growing prominence of individualism, rationality, and human rights discourse. The choice of a life partner is increasingly viewed as a personal right, while the authority of religious and state institutions is subject to negotiation within the private sphere. Within this context, interfaith marriage is perceived by some segments of society as an expression of individual freedom and personal affection.

Empirically, these value transformations are reflected in various practices, such as conducting interfaith marriages abroad, engaging in administrative religious conversion, or utilizing civil law mechanisms to obtain state recognition. Such practices illustrate the gap between normative law and social reality often described as the distinction between *law in books* and *law in action* (Dagan et al., 2018).

### **Social Realities of Interfaith Marriage**

In practice, interfaith couples in Indonesia adopt various strategies to legalize their marital relationships. One commonly observed pattern is conducting marriages abroad and subsequently registering them in Indonesia through civil registration mechanisms. This option is often chosen to circumvent normative and administrative barriers arising from religious differences (Jalil, 2018).

Another prevalent practice involves administrative religious conversion by one of the parties prior to the marriage. In many cases, such conversions are not necessarily grounded in genuine theological conviction but are instead motivated by pragmatic considerations aimed at fulfilling formal legal requirements for marriage. This phenomenon reflects a functional reduction of religious meaning within marital practices (Nasir, 2020).

In addition, some couples choose to cohabit without legally registered marriage or to perform religious marriages that lack state recognition. These practices illustrate ongoing tensions between state law, religious law, and the social realities faced by individuals (Dagan et al., 2018). Societal responses to interfaith marriage vary considerably and are strongly influenced by social background, educational level, and cultural environment. In heterogeneous urban settings, interfaith marriage tends to receive greater social acceptance, although resistance from immediate family members often persists. By contrast, in more homogeneous and religious communities, interfaith marriage is frequently perceived as a violation of religious and customary norms (Jaafar et al., 2025; Okenova et al., 2025).

Religious institutions generally maintain a normative-doctrinal stance in addressing interfaith marriage, emphasizing prohibitions or restrictions based on religious texts. Meanwhile, state institutions occupy a dilemmatic position, balancing the protection of citizens' freedoms with the maintenance of legal order and social harmony. This situation demonstrates that interfaith marriage constitutes a contested arena involving religious authority, state regulation, and individual agency (Rofiq, 2013).

From the perspective of Islamic legal sociology, the realities of interfaith marriage indicate that Islamic law functions not only as a set of divine norms but also as a living social system practiced within society. When Islamic legal norms encounter changing social realities, processes of negotiation, adaptation, and even resistance emerge among social actors (Thomas et al., 2019).

Interfaith marriage may therefore be understood as a reflection of the gap between normative law (*das sollen*) and social practice (*das sein*). Rather than rejecting religious values outright, individuals and communities often seek to reinterpret and adjust them to the needs and contexts of modern life. In this regard, the *maqāṣid al-shari‘ah* approach becomes relevant for assessing whether interfaith marriage

practices generate social benefit (*maslahah*) or instead produce social harm (*mafsadah*) (Syahriani et al., 2024).

Accordingly, the social realities of interfaith marriage in Indonesia reveal the complex interplay between religion, law, and social change. An Islamic legal sociology approach is therefore necessary to examine this phenomenon critically and comprehensively, ensuring that Islamic law remains responsive to social realities while maintaining its foundational value orientation.

### **Societal Implications of Interfaith Marriage**

Interfaith marriage generates complex social, legal, and psychological implications. From a legal perspective, many interfaith couples encounter administrative obstacles, including the refusal to register marriages, uncertainty regarding the legal status of children, and complications related to inheritance rights. These challenges often result in legal uncertainty and weakened civil protection for families and their children, which may further lead to socio-economic vulnerability (Suyaman & Alfiany, 2022). In addition, social pressure and stigma from surrounding communities can affect family cohesion, trigger intergenerational conflict, and compel families to adopt various coping strategies such as choosing a single religion for children, implementing multicultural education, or privatizing religious practices in order to survive within less accommodating social environments (Parut et al., 2024).

From the perspective of children, several studies indicate the potential emergence of identity confusion, social anxiety, and socio-emotional developmental challenges, particularly in the absence of strong family and community support. Nevertheless, other research findings suggest that through open communication and inclusive parenting strategies, many interfaith families are able to cultivate harmonious relationships and foster positive, plural identities among children (Muchtar, 2023).

At the societal and state levels, debates surrounding interfaith marriage have stimulated broader discussions on religious freedom, equality of rights, and the role of the state. Overly restrictive policies risk violating human rights while simultaneously producing marginalized groups within society. Consequently, there is a growing need for legal and policy frameworks that balance the protection of individual rights, civil administrative certainty, and social inclusion (Rasyid & Siregar, 2025).

Despite the challenges, interfaith marriage is not entirely devoid of potential benefits. When supported by healthy communication patterns and adequate social support, interfaith families may generate meaningful social and cultural contributions. At the family level, interfaith marriage can foster tolerance, interreligious dialogue, and respect for religious differences, positioning the family as an initial and practical space for learning pluralism. Parenting practices within interfaith families that emphasize universal values such as honesty, justice, and empathy also have the potential to nurture inclusive identities, critical thinking skills, and adaptive social competencies among children living in multicultural societies.

At a broader social level, the presence of interfaith families may contribute to strengthening social cohesion and reducing interreligious prejudice, as cross-identity interactions occur naturally and continuously (Suyaman & Alfiany, 2022). From a legal and public policy perspective, discourse on interfaith marriage has further encouraged the reform of family law toward greater responsiveness to human rights principles, legal certainty, and equality before the law, while still engaging with religious values.

Nevertheless, these potential benefits are highly conditional. When the positive outcomes of interfaith marriage weighed against the possible negative consequences particularly legal insecurity, social stigma, and psychological strain may not always

outweigh the adverse impacts. This tension underscores the need for careful sociological and legal evaluation in assessing interfaith marriage within specific social and normative contexts.

### Legal Position of Interfaith Marriage

The regulation of marriage in Indonesia is primarily governed by Law Number 1 of 1974 on Marriage and its implementing regulation, Government Regulation Number 9 of 1975. However, these legal instruments do not explicitly regulate interfaith marriage. Article 57 of the Marriage Law only addresses mixed marriages based on differences in nationality, not religion. Consequently, the legality of interfaith marriage is determined by Article 2 paragraph (1), which stipulates that a marriage is valid only if conducted in accordance with the religious law of each party, and Article 8 letter (f), which prohibits marriages that are not permitted by the parties' religious teachings (Paryadi, 2015; Rasyid & Siregar, 2025).

Judicially, interfaith marriage once gained limited recognition through Supreme Court Decision No. 1400 K/Pdt/1986, which allowed the civil registration of such marriages. Nevertheless, this avenue was definitively closed by Supreme Court Circular Letter (SEMA) No. 2 of 2023, which explicitly prohibits courts from granting permission or legal determination for interfaith marriages. The circular affirms that the authority to determine the validity of a marriage lies within religious law rather than state judicial institutions (Muqaffi et al., 2022; Putri et al., 2023).

From a human rights perspective, proponents of interfaith marriage often refer to Article 28B of the 1945 Constitution, Article 16 of the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights. These instruments recognize the right of men and women to marry without discrimination. However, within the Indonesian legal framework, the exercise of such rights is limited by the constitutional principle that marriage must conform to religious values as the foundation of marital validity.

In Islamic law, the prohibition of interfaith marriage is clearly regulated in the Compilation of Islamic Law. Article 40 letter (c) and Article 44 explicitly prohibit marriages between Muslims and non-Muslims. This prohibition is reinforced by the Indonesian Council of Ulama Fatwas of 1980 and 2005, which declare interfaith marriage unlawful and invalid according to Islamic law.

The primary normative basis for this prohibition is found in the Quran, Surah al-Baqarah verse 221, which forbids marriage with polytheists until they believe, emphasizing that differences in faith constitute a legal impediment to marriage. The rationale underlying this prohibition is the protection of religion and lineage, which are core objectives of Islamic law. Meanwhile, Surah al-Ma'idah verse 5 provides limited permission for Muslim men to marry women from the People of the Book. Classical exegetes such as Ibn Kathir interpret this provision as a specific exception that does not negate the general prohibition, but rather applies under strict conditions to prevent harm to faith and family integrity.

Quraish Shihab, in his *Tafsir al-Mishbah*, acknowledges this normative allowance but emphasizes a contextual and objectives-based approach to Islamic law. He argues that in contemporary societies, particularly in Indonesia where marriage is both a religious and legal institution, interfaith marriage often undermines the realization of marital objectives such as tranquility, affection, and compassion (Jawad & Elmali-Karakaya, 2020; Nasir, 2020; Sonafist & Yuningsih, 2023). Therefore, although textual permission exists in certain circumstances, from the perspective of public interest and the objectives of Islamic law, interfaith marriage is more appropriately avoided.

In conclusion, both Indonesian positive law and Islamic law tend to deny legal recognition to interfaith marriage, as it is considered to generate normative conflict,

legal uncertainty, and potential harm to the fundamental objectives of marriage and the higher objectives of Islamic law.

## CONCLUSION

This study demonstrates that interfaith marriage in Indonesia cannot be understood solely as a matter of normative Islamic jurisprudence, but rather as a socio-legal phenomenon arising from the interaction between Islamic law, state law, and changing social structures. By employing the perspective of the sociology of Islamic law, this research contributes to the enrichment of Islamic family law studies through a contextual approach oriented toward social welfare (maslahah) and legal responsiveness. The findings also suggest the potential for developing more adaptive forms of legal reasoning (ijtihad) and family law policies that are responsive to contemporary social realities. Future research should incorporate empirical field studies to examine the long-term impacts of interfaith marriage on family resilience, religious identity formation, and social cohesion.

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