



Tolerance in the Prohibition of Interfaith Marriage: A Normative Analysis of Islamic Law and Legal Regulations in Indonesia

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Abstract

This article aims to examine the scope of tolerance regarding the prohibition of interfaith marriage by integrating the perspectives of Islamic law and Indonesia's positive legal system. The analysis focuses on the influence of Supreme Court Circular (SEMA) No.2 of 2023 and Law No.1 of 1974 on Marriage-on-marriage policy in Indonesia. The controversy surrounding interfaith marriage often centers on the tension between individual freedom, human rights, and the enforcement of religious norms as the foundation of the national legal system. This qualitative study employs a normative-juridical approach to interpret legal regulations in dialogue with Islamic scriptural texts (nash syar'i). Data were collected through a literature review, analysis of legal regulations, and examination of religious fatwas that influence social practices. The findings indicate that the prohibition of marriage between Muslim women and non-Muslim men should not be perceived as a form of intolerance. Instead, it functions as a mechanism for protecting religious values and serves as a legal instrument to balance individual rights with social order in a pluralistic society. Consequently, this study asserts that restrictions on interfaith marriage do not inherently contradict the principle of tolerance. On the contrary, they may be interpreted as a form of tolerance rooted in legal and religious values that promote peaceful coexistence while safeguarding the integrity of religious teachings and social harmony.

Keywords: Tolerance; Interfaith Marriage; Islamic Law; Positive Law

Artikel ini bertujuan mengkaji ruang toleransi dalam larangan perkawinan beda agama dengan memadukan perspektif hukum Islam dan hukum positif Indonesia. Fokus analisis diarahkan pada pengaruh Surat Edaran Mahkamah Agung (SEMA) No. 2 Tahun 2023 serta Undang-Undang No. 1 Tahun 1974 tentang Perkawinan terhadap kebijakan perkawinan di Indonesia. Kontroversi pernikahan beda agama kerap berpusat pada tarik-menarik antara kebebasan individu, hak asasi manusia, dan keberlakuan norma agama sebagai fondasi sistem hukum nasional. Penelitian dengan jenis kualitatif ini menggunakan pendekatan normatif-yuridis untuk membaca secara dialogis teks regulasi dengan nash syar'i. Data dikumpulkan melalui studi pustaka, telaah peraturan perundang-undangan, dan fatwa keagamaan yang berpengaruh dalam praktik sosial. Hasil kajian menunjukkan bahwa larangan perkawinan antara perempuan Muslim dan laki-laki non-Muslim bukan merupakan bentuk intoleransi, melainkan mekanisme perlindungan nilai-nilai agama serta instrumen hukum untuk menyeimbangkan hak individu dengan ketertiban sosial di tengah masyarakat majemuk. Dengan demikian, penelitian ini menegaskan bahwa pembatasan pernikahan beda agama tidak serta-merta bertentangan dengan prinsip toleransi. Sebaliknya, ia dapat dipahami sebagai bentuk toleransi berbasis nilai hukum dan agama yang menjamin koeksistensi damai sekaligus menjaga integritas ajaran agama dan harmoni sosial.

Kata Kunci: Toleransi; Pernikahan Beda Agama; Hukum Islam; Hukum Positif

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INTRODUCTION

Indonesia is a nation distinguished by a high degree of pluralism, wherein religious, ethnic, and cultural diversity constitute fundamental aspects of daily life.¹ One significant outcome of this diversity is the occurrence of interfaith marriages, which extend beyond personal relationships to encompass social, legal, and religious dimensions. This diversity not only exemplifies the richness of Indonesia's cultural heritage but also reflects the wide array of values upheld by individuals and communities. Nevertheless, it poses considerable challenges in terms of legal regulation and social dynamics. Interfaith marriage, in particular, is not merely a private union between two individuals; it frequently involves extended families, customary traditions, and prevailing social norms.² Consequently, the legal framework governing marriage in Indonesia becomes increasingly complex, as it must reconcile diverse religious and cultural perspectives while addressing the regulatory challenges associated with interfaith unions in a pluralistic society.³ Within this context, the prohibition of interfaith marriage is often regarded as an impediment to embracing diversity and is frequently interpreted as a manifestation of intolerance.

Marriage in Indonesia is comprehensively regulated within the national legal framework, which is grounded in the 1945 Constitution and its implementing legislation. Law No. 1 of 1974 concerning Marriage mandates that a marriage is legally valid only if it is conducted in accordance with the religious norms of the parties involved. This provision underscores that marriage is not merely a private arrangement, but a legal institution formally recognized as an integral component of the national legal system.⁴ However, the application of this provision to interfaith couples presents significant challenges. Such couples are required to satisfy the religious requirements of both faiths, which often conflict, rendering the law ostensibly universal in principle but problematic in practice. From a religious perspective, marriage is a strictly regulated institution. For example, in Islam, marriage between individuals of the same faith is strongly emphasized,⁵ while other religious traditions similarly impose doctrinal restrictions on interfaith unions.⁶ The state thus assumes a dual responsibility: to guarantee freedom of religion and to preserve social harmony.

¹ Rusli and R Tama, *Interfaith Marriage and Its Problems* (Bandung: Pionir Jaya, 1986); M Zainudin, *Pluralisme Agama: Pergulatan Dialogis Islam-Kritens Di Lndonesla* (Malang: UIN-Maliki Press, 2010).

² Santoso, "Hakekat Perkawinan Menurut Undang-Undang Perkawinan, Hukum Islam Dan Hukum Adat," *Jurnal YUDISIA* 7, no. 2 (2016): 414.

³ Andi Mappaenre, "Multicultural Education in Indonesia: Characteristics And Urgency," *Jurnal Ilmu Sosial Dan Pendidikan (JISIP)* 7, no. 2 (2023): 874.

⁴ Santoso, "Hakekat Perkawinan Menurut Undang-Undang Perkawinan, Hukum Islam Dan Hukum Adat," 414.

⁵ T. Zulkifil, "Pernikahan Berbeda Agama Dalam Perspektif Hukum Islam," *Al Mizan: Jurnal Hukum Islam Dan Ekonomi* 11, no. 1 (2024): 64–83, <https://doi.org/10.54621/jiam.v11i1.840>.

⁶ Ratma Wati et al., "Perkawinan Beda Agama Dalam Perspektif Persevation of Din (Studi Komparasi Di Indonesia, Malaysia Dan Brunei Darussalam)," *Journal of Indonesian Comparative of Syari'ah Law* 7, no. 1 (2024): 155–74, <https://doi.org/10.21111/jicl.v7i1.9544>.

This responsibility necessitates that the legal framework governing marriage, although constitutionally defined, operates effectively within a highly pluralistic society. Nevertheless, due to the tension between religious norms and the practical application of legal provisions, ambiguity and legal uncertainty persist, particularly regarding the legality and civil status of interfaith marriages.

From a legal perspective, both positive law and Islamic jurisprudence, as codified in the fatwa of the Indonesian Council of Ulama (MUI) No. 4/MUNAS VII/MUI/8/2005, explicitly prohibit interfaith marriage, particularly between Muslims and non-Muslims. This position is further reinforced by the Compilation of Islamic Law (KHI), promulgated under Presidential Instruction No. 1 of 1991. Article 40(c) of the KHI explicitly states that a marriage between a Muslim and a non-Muslim is neither recommended nor recognized as legally valid.⁷ Under both Indonesian positive law and sharia, such marriages are deemed invalid. This prohibition is grounded in sharia interpretations aimed at preventing potential harm (mafsadah). The MUI's stance is further consolidated through its fatwas, which unequivocally declare interfaith marriage as haram (forbidden) and invalid under Islamic law.⁸ This legal-religious position also corresponds with the personal views of the prominent Islamic scholar Hamka.⁹ Consequently, the prohibition of interfaith marriage in Indonesia is deeply embedded within both the positive legal framework and Islamic jurisprudence.

Although religious and jurisprudential prohibitions are well established, there is a lack of consistent and explicit administrative regulations within state law governing the legal status of interfaith marriages. This legal ambiguity prompted the Supreme Court to issue Circular Letter (SEMA) No. 2 of 2023, aimed at addressing the regulatory gap.¹⁰ However, this regulation is widely perceived as constricting the scope of tolerance and exacerbating the tension between legal norms and religious values.

Within the framework of the ongoing discourse, numerous scholars have identified tolerance as a fundamental principle for the protection of religious freedom, particularly in the context of interfaith marriage. In her article "Keberagaman dalam Toleransi Antar Umat Beragama", Sofiah Fitriani asserts that tolerance encompasses the granting of individuals' freedom to practice their religious beliefs.¹¹ Similarly, Muhammad Jayus, in his article "Toleransi dalam Perspektif Al-Qur'an", contends that tolerance is founded upon mutual acceptance and respect, and must be devoid of

⁷ Nurlizam, "Pernikahan Beda Agama Dalam Perspektif Al-Qur'an Dan Hukum Positif Di Indonesia," *Jurnal Ulunnuha* 8, no. 2 (2019): 267–90.

⁸ Majelis Ulama Indonesia, "Fatwa Tentang Perkawinan Beda Agama," 2005.

⁹ Hamka, *Tafsir Al-Azhar, Jilid 1* (Jakarta: Gema Insani, 2015), 424.

¹⁰ Ahmad Faiz Shobir Alfikri and M. Azam Rahmatullah, "Interfaith Marriage from a Legal Justice Perspective After The Supreme Court's (SEMA) 2023 Circular Letter," *Alauddin Law Development Journal* 6, no. 1 (March 26, 2024): 92–107, <https://doi.org/10.24252/aldev.v6i1.44215>.

¹¹ Shofiah Fitriani, "Keberagaman Dan Toleransi Antar Umat Beragama" 20, no. 2 (2020): 179–92.

coercion.¹² These studies are predicated on the understanding that tolerance is intrinsically connected to religious diversity and necessitates the recognition of each religion's autonomy to uphold and freely practice its doctrines, thereby promoting interreligious harmony.

Tolerance in the context of interfaith marriage does not necessarily imply permissiveness. Instead, it encompasses respect for the religious convictions of individuals who choose to reject such unions as an expression of their religious freedom. As emphasized by Fitriani and Jayus, tolerance entails recognizing an individual's right to maintain their faith without external coercion. In practice, no major religious tradition explicitly permits interfaith marriage. As examined in the works of Faiq Tobroni,¹³ Husni,¹⁴ Hermanto,¹⁵ Tagatorop,¹⁶ and Asiah,¹⁷ interfaith marriage is generally discouraged in Indonesia, both from the perspectives of positive law and Islamic jurisprudence. These studies also underscore the legal and social ramifications of such marriages, particularly concerning the legal status of children born from interfaith unions. Often, these marriages are not officially registered with the state, which may lead to potential legal and administrative challenges in the future. Therefore, tolerance in the context of interfaith marriage should not be understood in a simplistic or singular manner; rather, it must be considered in relation to both individual freedoms and the collective rights of religious communities to preserve and uphold their doctrines.

Given the complexity of the issues discussed, this study aims to examine the concept of tolerance concerning the prohibition of interfaith marriage from both Islamic and Indonesian legal perspectives. Employing a qualitative methodology with a normative-juridical analytical framework,¹⁸ the research focuses on legal documents, religious fatwas, and pertinent Islamic literature. The primary objective is to explore how positive law and Islamic jurisprudence interpret tolerance in relation to the interdiction of interfaith marriage, as well as how these interpretations manifest within

¹² Fakultas Ushuluddin, Iain Raden, and Intan Lampung, "Toleransi Dalam Perspektif Al Qur'an" 9, no. 1 (2015).

¹³ Faiq Tobroni, "Kebebasan Hak Ijtihad Nikah Beda Agama Pasca Putusan Mahkamah Konstitusi," 2015.

¹⁴ Muhammad Husni and Abdulah Pakarti, "Putusan Hakim Pengadilan Negeri Surakarta Terhadap Perkawinan Beda Agama Yang Legal Secara Hukum Negara" 5, no. 2 (2022): 99-110.

¹⁵ Agus Hermanto, Arif Fikri, and Imam Nur Hidayat, "Menyoal Tentang Perkawinan Beda Agama Dan Akibatnya Terhadap Hak Waris Di Indonesia" 5, no. 1 (2022): 68-83.

¹⁶ Andri Rifai Togatorop, "Perkawinan Beda Agama : Suatu Etis Teologis Tentang Pernikahan Menurut Undang- Undang Pernikahan Agama Kristen Dan Islam" 4, no. 1 (2023): 26-36.

¹⁷ Nur Asiah, "Perkawinan Beda Agama Menurut Undang-Undang Perkawinan Dan Hukum Islam" 10, no. 2 (2015): 204-14.

¹⁸ Afif Noor, "Socio-Legal Research: Integration of Normative and Empirical Juridical Research in Legal Research," *Jurnal Ilmiah Dunia Hukum* 7, no. 2 (April 27, 2023): 94, <https://doi.org/10.56444/jidh.v7i2.3154>.

the religious and social practices of Indonesian society.¹⁹ This study intends to contribute to the broader discourse on law, religion, and human rights, providing a more nuanced understanding of the positioning of Islamic legal thought and the Indonesian state in regulating interreligious relationships within a pluralistic context.

RESULTS AND DISCUSSION

The Regulation of Interfaith Marriage in Indonesia

This subsection seeks to analyze the manner in which Indonesia's legal regulations address interfaith marriage within the context of tolerance and religious diversity. Rather than serving exclusively as a restrictive mechanism, the law also embodies the social values that develop within a pluralistic society. Consequently, the interpretation of the Marriage Law, the Compilation of Islamic Law (KHI), and various religious fatwas should be understood within a value-based framework, specifically focusing on how the state and religious authorities negotiate the boundaries and scope of tolerance concerning interfaith marriage.

Indonesia is a nation distinguished by its extensive diversity in ethnicities, cultures, races, and religions.²⁰ A central element of this pluralism is its religious diversity, wherein multiple faiths and belief systems coexist and thrive within the country. The Indonesian government officially recognizes six religions: Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism. Furthermore, indigenous beliefs and animistic traditions remain practiced by certain segments of the population.²¹ These religious and spiritual affiliations are protected by the state in accordance with Article 29, Paragraphs 1 and 2 of the 1945 Constitution, which guarantees freedom of religion. The article explicitly states,

(1) The state is founded upon the belief in the One Supreme God. (2) The state guarantees every citizen the freedom to practice their respective religion and to worship in accordance with their beliefs.

Religious and doctrinal diversity in Indonesia inevitably results in interfaith marriages, wherein individuals from different religious backgrounds enter into matrimonial unions. These marriages have long been present within Indonesia's pluralistic society; however, they continue to generate both internal and external conflicts.²² The legal framework, which delegates the recognition of marriage validity to the respective religious doctrines of the parties involved, can be interpreted as a manifestation of state tolerance toward religious diversity. Nonetheless, this tolerance

¹⁹ Mochammad Rizky Eka Aditya et al., "The Problem of Interfaith Marriage in Indonesia: A Juridical-Normative Approach," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (December 30, 2023): 456, <https://doi.org/10.22373/ujhk.v6i2.20059>.

²⁰ Rusli and Tama, *Interfaith Marriage and Its Problems*; Zainudin, *Pluralisme Agama: Pergulatan Dialogis Islam-Kritens Di Indonesia*.

²¹ K.M Suhardana, *Panca Sraddha: Lima Keyakinan Umat Hindu* (Surabaya: Paramita, 2009).

²² Radhiah Amna and Purwadi Suhandini, "Pernikahan Beda Agama Dan Implikasinya Terhadap Pola Asuh Anak," *Journal of Educational Social Studies* 6, no. 3 (2017): 120–24.

is constrained, as the state mandates adherence to religious teachings, many of which do not accommodate interfaith marriages.

Data from the Indonesian Conference on Religion and Peace (ICRP) indicate that between 2005 and early March 2022, a total of 1,425 interfaith couples were recorded as having married in Indonesia.²³ Interfaith marriage represents both a spiritual and legal union between a man and a woman adhering to different religious doctrines, requiring the reconciliation of diverse legal and religious regulations governing marriage.²⁴ The primary aim of such unions is the establishment of a harmonious and enduring family, founded upon faith in the One Supreme God.²⁵ In light of these complexities, a pertinent question emerges: Does Indonesia possess a comprehensive legal framework to support interfaith marriage?

Prior to the enactment of Law No. 1 of 1974 concerning Marriage, interfaith marriages were initially governed by the *Regeling op de Gemengde Huwelijken* (GHR), or Regulation on Mixed Marriages. This regulation was promulgated through the Royal Decree dated December 29, 1896, No. 23, *Staatsblad* 1898 No. 158, during the Dutch colonial period. Commonly known as the Mixed Marriage Regulation (PPC), it included several provisions addressing interfaith marriages, notably Article 7, Paragraph (2), which states:

*Differences in religion, group affiliation, residency, or origin shall not serve as impediments to marriage.*²⁶

However, with the enactment of Law No. 1 of 1974 concerning Marriage, the legal recognition previously accorded to interfaith marriages under PPC S. 1898 No. 158 was formally revoked and is no longer valid within the current Indonesian legal framework.²⁷ The sole category of mixed marriage explicitly acknowledged under Law No. 1 of 1974 is stated as follows:

*A mixed marriage, as defined in this legislation, refers to a union between two individuals who are governed by different legal systems in Indonesia due to differences in nationality, with one party being an Indonesian citizen.*²⁸

The Marriage Law of 1974 no longer regards religious differences as a defining criterion for mixed marriages. Rather, it legally defines mixed marriages as unions between Indonesian citizens and foreign nationals.

²³ Lihat, "No Title," n.d., <https://populis.id/read13644/jangan-kaget-ini-jumlah-pasangan-nikah-beda-agama-di-indonesia>.

²⁴ O. S. Eoh, *Perkawinan Antar-Agama Dalam Teori Dan Praktek* (Jakarta: PT. Raja Grafindo Persada, 1996).

²⁵ Andika Prawira Buana, "Konsistensi Pengaruh Implementasi Undang- Undang No. 1 Tahun 1974 Tentang Perkawinan Terhadap Praktek Perkawinan Agama Di Makassar," *Jurnal HAM* 8, no. 2 (2017).

²⁶ Pasal 7 ayat (2) dalam Peraturan Perkawinan Campuran. Lihat keterangan di M. Anshar MK, *Marriage Law in Indonesia Crucial Issues* (Yogyakarta: Student Library, 2015); Sirman Dahwal, *Marriage Law of Different Religions in Teori and Its Practices in Indonesia* (Bandung: CV Mandar Maju, 2016).

²⁷ Dahwal, *Marriage Law of Different Religions in Teori and Its Practices in Indonesia*.

²⁸ Pasal 15 Undang-Undang Perkawinan Nomor 1 Tahun 1974

Marriage, as a legal institution, entails significant legal consequences for the parties involved.²⁹ The Indonesian legal system establishes a comprehensive regulatory framework governing marriage, principally through Law No. 1 of 1974, which explicitly provides that:

(1) A marriage is deemed legally valid only if it is conducted in accordance with the religious laws and beliefs of the respective parties. (2) Every marriage must be registered in compliance with the applicable laws and regulations.

This provision emphasizes that the validity of a marriage under Indonesian law is fundamentally dependent on its compliance with religious doctrine. Accordingly, religious laws hold a decisive influence over the legality of marriage as stipulated in Law No. 1 of 1974.³⁰ If a particular religion considers an interfaith marriage invalid, the Indonesian state correspondingly regards such a marriage as unlawful. Notably, Law No. 1 of 1974 does not explicitly address interfaith marriages in detail; it neither expressly permits, prohibits, nor legitimizes marriages between individuals of different faiths.³¹ Instead, the law operates on the principle of “normative reference” (*verwijzing*) to religious doctrine, whereby marriage regulations defer to the specific religious laws applicable to each individual’s faith. This legal framework situates the authority over interfaith marriage within the domain of religious jurisprudence rather than civil law.³²

Pursuant to Presidential Instruction No. 1 of 1991 concerning the Dissemination of the Compilation of Islamic Law (KHI), this legal compilation took a definitive stance by explicitly addressing and prohibiting interfaith marriage, as stipulated in Law No. 1 of 1974.³³ While the KHI appears to offer a more detailed framework for regulating

²⁹ Bab V, “Hukum Perkawinan Dan Itsbat Nikah: Antara Perlindungan Dan Kepastian Hukum,” in *Perlindungan Preventif Dalam Perkawinan*, 2020; Lathifah I, “Pencatatan Perkawinan: Melacak Akar Budaya Hukum Dan Respon Masyarakat Indonesia Terhadap Pencatatan Perkawinan,” *Al-Mazaahib: Jurnal Perbandingan Hukum* 3, no. 1 (2015); S. H. Syaifuddin, Muhammad, S. H. Turatmiyah, Sri, and S. H. Yahanan, Annalisa, *Hukum Perceraia* (Sinar Grafika, 2022).

³⁰ Rosa Kisworo and et al, “Mixed Marriage Law Problems Based on Jessica Iskandar’s Marriage Case with Ludwig Frans Willibald in the Perspective of International Civil Law,” *Journal of Privat Law* VII, no. Number 1 (2019).

³¹ Mudiarti Trisnarningsih, *Relevansi Kepastian Hukum Dalam Mengatur Perkawinan Beda Agama Di Indonesia* (Bandung: Utomo, 2007).

³² Kisworo and et al, “Mixed Marriage Law Problems Based on Jessica Iskandar’s Marriage Case with Ludwig Frans Willibald in the Perspective of International Civil Law.”

³³ Pasal 4: *Perkawinan adalah sah, apabila dilakukan menurut hukum Islam sesuai dengan pasal 2 ayat (1) Undang-Undang No. 1 Tahun 1974 tentang Perkawinan.*

Pasal 40 huruf c: *Dilarang melangsungkan perkawinan antara seorang pria dengan seorang wanita karena keadaan tertentu :*

- a. karena wanita yang bersangkutan masih terikat satu perkawinan dengan pria lain;*
- b. seorang wanita yang masih berada dalam masa iddah dengan pria lain;*
- c. seorang wanita yang tidak beragama islam.*

Pasal ini bertalian erat dengan Pasal 18 yang mengatur :

Bagi calon suami dan calon isteri yang akan melangsungkan perkawinan tidak terdapat halangan perkawinan sebagaimana diatur dalam bab VI. Pasal 44: Seorang wanita Islam dilarang melangsungkan perkawinan dengan seorang pria yang tidak beragama Islam. Pasal 61: Tidak sekufu tidak dapat dijadikan alasan untuk mencegah perkawinan, kecuali tidak sekufu karena perbedaan agama atau ikhtilafu al dien. Pasal 61,

interfaith marriage compared to the Marriage Law (Law No. 1 of 1974), which remains ambiguous on this issue, a significant legal challenge persists: the KHI was promulgated as a Presidential Instruction rather than as statutory legislation or its derivative regulations. Consequently, it does not occupy a formal position within the legislative hierarchy established by Law No. 12 of 2011 on the Formation of Legislative Regulations.³⁴ Therefore, the legal status of interfaith marriage remains unresolved. Despite lacking the binding authority of statutory law, the KHI has functioned sociologically as a normative guide that reflects the religious ethos of Indonesian society. This dynamic reveals the underlying legal philosophy of the KHI: it serves not only as a normative document but also as an expression of the tension between the values of religious plurality and the imperative to maintain social order grounded in religious norms.

For Muslim adherents in Indonesia, the prohibition of interfaith marriage is further substantiated by fatwas issued by the Indonesian Council of Ulama (MUI). As a prominent Islamic authority frequently consulted on issues pertaining to the Muslim community, the MUI has issued significant rulings on this matter.³⁵ The first official fatwa addressing interfaith marriage was promulgated during the Second National Congress (Munas II) of the MUI in 1980 and was subsequently reaffirmed at the Seventh National Congress (Munas VII), held from July 26 to 29, 2005, in Jakarta. The 2005 fatwa, designated as Fatwa No. 4/MUNAS VII/MUI/8/2005 on Interfaith Marriage,³⁶ states,

(1) Interfaith marriage is considered haram (forbidden) and invalid. (2) According to the predominant legal opinion (qaul mu'tamad), marriage between a Muslim man and a woman from the People of the Book (ahl al-kitab) is also regarded as haram and invalid.³⁷

Through this fatwa, the Indonesian Ulema Council (MUI) unequivocally declared that interfaith marriages, particularly those between a Muslim and a non-Muslim, are incompatible with Islamic teachings. Consequently, such marriages are deemed religiously invalid. Given the MUI's authoritative role in shaping religious discourse in Indonesia, this ruling has had significant implications for the perception and practice of interfaith marriage within the Muslim community.³⁸

merupakan tindakan pencegahan perkawinan yang diajukan sebelum terjadi perkawinan, sehingga pasal ini tidak mempunyai konsekuensi hukum bagi sah tidaknya perkawinan karena belum terjadi akad nikah. Pencegahan diajukan kepada Pengadilan Agama dalam daerah hukum tempat perkawinan akan dilangsungkan dengan memberitahukan kepada PPN setempat. Pasal 116 huruf h: *Perceraian dapat terjadi karena alasan atau alasan-alasan: h. peralihan agama atau murtad yang menyebabkan terjadinya ketidak rukunan dalam rumah tangga.*

³⁴ Zaidah Nur Rosidah, "Sinkronisasi Peraturan Perundang-Undangan Mengenai Perkawinan Beda Agama," *Al-Ahkam Jurnal Pemikiran Hukum Islam* 23, no. 1 (n.d.): 1–20.

³⁵ KH. Ma'ruf Amin, *Pengantar Dalam Himpunan Fatwa MUI 2003* (Jakarta: MUI Pusat, 2003).

³⁶ Dahwal, *Marriage Law of Different Religions in Teori and Its Practices in Indonesia*.

³⁷ Nomor : 4/MUNAS VII/MUI/8/2005

³⁸ http://www.mui.or.id/mui_in/fatwa.php?id=135

Similarly, Nahdlatul Ulama (NU), the largest Islamic organization in Indonesia, addressed this issue during its 28th National Congress (Muktamar) held in Yogyakarta in 1989.³⁹ During this congress, NU issued a fatwa stating that,

*The declaration deemed interfaith marriages invalid under Islamic law. It urged Muslims to preserve their religious identity within marriage and to remain steadfast in their faith and values. Furthermore, it emphasized the importance of interfaith dialogue, religious tolerance, and social harmony in a pluralistic society.*⁴⁰

This fatwa functions as a moral and religious directive for adherents of Nahdlatul Ulama (NU), reinforcing the prohibition of interfaith marriage while concurrently promoting interfaith dialogue and peaceful coexistence.

In the same year, during the 22nd Tarjih Congress (Muktamar Tarjih) of Muhammadiyah held in Malang, East Java, Muhammadiyah—one of Indonesia's major Islamic organizations—issued a fatwa stating that “Muslim men are not permitted to marry non-Muslim women.” This ruling reflects Muhammadiyah's interpretation of Islamic teachings, which categorically prohibit interfaith marriage under any circumstances.⁴¹

The fatwas issued by the Indonesian Ulema Council (MUI), Nahdlatul Ulama (NU), and Muhammadiyah collectively reinforce the religious prohibition of interfaith marriage within Islam. Given the significant influence of these organizations in Indonesia's Muslim community, their rulings function not only as religious guidelines but also inform judicial decision-making in cases involving interfaith marriages. Ideally, these fatwas should serve as authoritative references for Muslim individuals, religious authorities, and the judiciary when addressing legal disputes related to interfaith unions. However, the absence of explicit statutory provisions on this matter results in a legal ambiguity surrounding interfaith marriage, thereby necessitating further legal and policy deliberation.

Examining the Concept of Tolerance within the Context of Interfaith Marriage

The discourse on interfaith marriage can be divided into two primary arguments. The first critiques the interpretation of Islamic law concerning interfaith marriage, while the second explores the human rights perspective regarding the legal prohibition of these unions.

³⁹ Sidaq, “Keputusan Muktamar Nahdlatul Ulama Ke-28 Di Pondok Pesantren Al-Munawwir Krapyak Yogyakarta Pada Tanggal 26 - 29 Rabiul Akhir 1410 H. / 25 - 28 Nopember 1989 M.,” Laduni.id, 2019, <https://www.laduni.id/post/read/63120/keputusan-muktamar-nahdlatul-ulama-ke-28-pp-al-munawwir-krapyak-yogyakarta-25-28-nopember-1989-m>.

⁴⁰ Ibn Hakim, “Hukum Mengenai Nikah Beda Agama Di Indonesia,” Laduni.id, 2018, <https://www.laduni.id/post/read/30370/hukum-mengenai-nikah-beda-agama-di-indonesia.html>.

⁴¹ Ilham, “Hukum Nikah Beda Agama, Majelis Tarjih: Haram!,” MUHAMMADIYAH, Cahaya Islam Berkemajuan, 2022, <https://muhammadiyah.or.id/hukum-nikah-beda-agama-majelis-tarjih-haram/>.

In her book “Menafsir Ulang Pernikahan Lintas Agama dalam Tafsir Ulang Perkawinan Lintas Agama: Perspektif Perempuan dan Pluralisme”, Islamic scholar Musdah Mulia contends that Islam does not categorically forbid interfaith marriage. She posits that Indonesia’s current legal framework governing marriage stems from *ijtihad* (independent juristic reasoning) by scholars rather than explicit injunctions found in the Qur’an or Hadith. Given that *fiqh* (Islamic jurisprudence) permits scholarly disagreement (*ikhtilaf*), the prohibition of interfaith marriage remains a subject of ongoing debate.⁴²

Supporting this perspective, Nurcholish Madjid, in his work “Fiqh Lintas Agama”, contends that prohibiting interfaith marriage impedes interreligious relations. He argues that such unions have the potential to promote tolerance, mutual understanding, and, ultimately, social harmony. Madjid further asserts that the prohibition is not absolute (*qath’i*) but rather a contextual interpretation (*ijtihad*), originally associated with the early period of Islamic preaching when the Muslim community was relatively small.⁴³ Moreover, Sri Wahyuni, in her article “Perkawinan Beda Agama di Indonesia dan Hak Asasi Manusia”, supports the claim that no sacred texts – neither the Qur’an nor the Hadith – explicitly forbid interfaith marriage.⁴⁴ These viewpoints underscore the plurality of interpretations within Islamic jurisprudence, thereby allowing for alternative legal and theological approaches to interfaith unions.

From a human rights perspective, scholars such as Budhi Munawar (*Argumen Islam untuk Pluralisme*) and Suhadi (*Kawin Lintas Agama: Perspektif Kritik Nalar Islam*) argue that the prohibition of interfaith marriage contravenes fundamental human rights principles. They assert that these restrictions violate religious freedom and hinder the establishment of legitimate families.⁴⁵

A prominent global figure who advocated for interfaith marriage was Mahatma Gandhi. Although he is chiefly recognized for his promotion of nonviolence and social justice, Gandhi also actively supported interfaith harmony, including within the context of marriage. He maintained that love and personal relationships between individuals of differing religious backgrounds should be respected and not hindered by religious divisions. For Gandhi, interfaith marriage represented a symbol of love and unity, contributing to peace among diverse religious communities.⁴⁶ His position is consistent with broader principles of individual liberty, mutual respect, and human

⁴² Siti Musdah Mulia, *Menafsir Ulang Pernikahan Lintas Agama Dalam Tafsir Ulang Perkawinan Lintas Agama Perspektif Perempuan dan Pluralisme* (Jakarta: Kapal Perempuan, 2004), 130.

⁴³ Mun’im A. Sirry, *Fiqh Lintas Agama: Membangun Masyarakat Inklusif-Pluralis* (Jakarta: Paramadina, 2004), 164.

⁴⁴ Sri Wahyu, “Perkawinan Beda Agama Di Indonesia Dan Hak Asasi Manusia,” *IN RIGHT: Jurnal Agama Dan Hak Azasi Manusia* 1, no. 1 (2011): 131–51.

⁴⁵ Budhy Munawar-Rakhman, *Argumen Islam Untuk Pluralisme* (Jakarta: Gramedia Widiasarana Indonesia, 2010), 182; Suhadi, *Kawin Lintas Agama: Perspektif Kritik Nalar Islam*, Cet. I (Yogyakarta: LKiS, 2006), vi.

⁴⁶ Andri Rifai Togatorop, “Perkawinan Beda Agama,” *Journal of Religious and Socio-Cultural* 4, no. 1 (2023): 26–36, <https://doi.org/10.46362/jrsc.v4i1.126>.

dignity, while he also acknowledged the challenges and societal controversies associated with this issue.

Liberal interpretations, as reflected in the arguments presented by the aforementioned figures, require thorough and critical examination.⁴⁷ Their claim that there is no explicit verse in Islam prohibiting interfaith marriages is inaccurate. The Qur'an explicitly forbids such unions in verses al-Baqarah 2:221 and al-Mumtahanah 60:10. Additionally, a hadith of the Prophet Muhammad, narrated by Imam al-Bukhari in the book "Divorce," specifically in the chapter addressing the status of an idolatress or Christian woman who converts to Islam while married to a Dhimmi or a Mushrik engaged in conflict with Muslims, further substantiates this prohibition.⁴⁸ This issue remains a significant and contentious topic that merits continued scholarly investigation in future discussions.

Within the framework of the Indonesian state, the Marriage Law (Law No. 1 of 1974), which was officially enacted on January 2, 1974, establishes that a marriage is legally valid if it is conducted in accordance with the religious laws of both spouses.⁴⁹ This provision suggests that if a particular religion does not explicitly forbid interfaith marriage, such a union should be legally recognized under Indonesian law.⁵⁰ Consequently, religion constitutes a fundamental element in the formulation of Indonesia's marriage regulations.

In Indonesia, Islamic law strictly prohibits interfaith marriage, a restriction that has been reinforced through various legal and religious instruments. Presidential instructions and legal regulations explicitly ban such unions.⁵¹ In 1980, under the leadership of Prof. Dr. Hamka, the Indonesian Council of Ulama (MUI) issued a fatwa declaring that marriages between Muslims and non-Muslims are invalid according to Islamic law. This ruling was grounded in the principle of preventing potential harm (mafsadah) and was subsequently reaffirmed in later MUI fatwas prohibiting interfaith marriage. The Compilation of Islamic Law (KHI) formally upholds this prohibition. Additionally, the 28th Nahdlatul Ulama (NU) Congress in 1989 issued a fatwa affirming the invalidity of interfaith marriages, and the 22nd Muhammadiyah Tarjih Congress in the same year similarly ruled that a Muslim man may not marry a non-Muslim woman.⁵²

⁴⁷ Harda Armayanto and Maria Ulfa, "Dekonstruksi Syari'ah Dalam Pernikahan Muslimah Dengan Non-Muslim," *Ijtihad* 7, no. 2 (2013): 169–82.

⁴⁸ Muhammad bin Ismail Al-Bukhari, *Al-Jāmi' al-Ṣaḥīḥ*, vol. 3 (Cairo: al-Maktabah al-Salafiyyah, 1400), 409.

⁴⁹ Islamiyati, "Analisis Putusan Mahkamah Konstitusi No. 68/PUU/XII/2014 Kaitannya Dengan Nikah Beda Agama Menurut Hukum Islam Di Indonesia," *Jurnal Al-Ahkam* 27, no. 2 (2017): 175–76.

⁵⁰ Kisworo and et al, "Mixed Marriage Law Problems Based on Jessica Iskandar's Marriage Case with Ludwig Frans Willibald in the Perspective of International Civil Law."

⁵¹ Nurlizam, "Pernikahan Beda Agama Dalam Perspektif Al-Qur'an Dan Hukum Positif Di Indonesia."

⁵² Hamka, *Tafsir Al-Azhar*, Jilid 1.

These legal and religious prohibitions exemplify the integration of Islamic teachings into Indonesia's legal framework, illustrating that the prohibition of interfaith marriage is not solely a matter of religious doctrine but has also been formalized through statutory law. As a result, no legal provisions exist that permit interfaith marriage within the Islamic context in Indonesia.⁵³

Tolerance in the Legal Regulation of Interfaith Marriage in Indonesia: An Analytical Perspective

Tolerance is frequently linked to the realization of human rights within the context of citizenship. The term "tolerance" derives from the Latin word "tolerantia," which signifies patience; in English, it denotes patience or open-mindedness.⁵⁴ Moreover, the concept encompasses multiple interpretations, including an attitude of forbearance, allowable limits within specific parameters, and the acceptance of differing values or norms.⁵⁵ In general, tolerance is understood as the acceptance of certain religious beliefs in relation to other religions, provided that such acceptance does not conflict with fundamental religious doctrines.⁵⁶ As a result, the notion of tolerance remains broad and lacks precise definition.

Tolerance constitutes both an attitude and a practice characterized by mutual respect and acceptance of differences among individuals or groups, encompassing aspects such as religion, culture, and worldview. It plays a vital role in sustaining harmony and coexistence within diverse societies.⁵⁷ A prominent advocate of tolerance was Mahatma Gandhi, the leader of India's independence movement. Gandhi underscored the significance of tolerance and interfaith harmony in the struggle against colonialism and oppression. He posited that understanding and respecting differences are essential for cultivating a just and peaceful society. Through his philosophy of nonviolence and equality, Gandhi inspired many to adopt tolerance as a fundamental component in their pursuit of peace and social justice.⁵⁸

In Islam, the distinctions between Islamic and non-Islamic beliefs are explicitly delineated. Nevertheless, broader interpretations are frequently necessary due to the impact of cultural and societal developments over time.⁵⁹ This is exemplified in the Qur'anic verse Al-Baqarah 2:139, which states,

⁵³ Hakim, "Hukum Mengenai Nikah Beda Agama Di Indonesia." Redaksi Muhammadiyah, "Nikah Beda Agama, Bagaimana Hukumnya?," MUHAMMADIYAH, Cahaya Islam Berkemajuan, 2020, <https://muhammadiyah.or.id/nikah-beda-agama-bagaimana-hukumnya/>

⁵⁴ Echols and Shadili, *Kamus Inggris-Indonesia* (Jakarta: Gramedia Pustaka Utama, 1996), 595.

⁵⁵ Departemen Pendidikan dan Kebudayaan, *Kamus Besar Bahasa Indonesia* (Jakarta: Balai Pustaka, 1995), 1065–66.

⁵⁶ Pemerintah DKI Jakarta, *Proyek Peningkatan LBIQ DKI* (Jakarta, n.d.), 49.

⁵⁷ Harda Armayanto, "Membangun Kerukunan Dalam Bingkai Pluralisme Agama: Analisis Gagasan Pemikir Muslim Kontemporer," *Jurnal Sosiologi Agama Indonesia (JSAI)* 5, no. 1 (2024): 48–73.

⁵⁸ Muhammad Qorib, *Pluralisme Buya Syafii Marif (Gagasan Dan Pemikiran Sang Guru Bangsa)*, ed. Akrim and Gunawan, *Kumpulan Buku Dosen*, I (Yogyakarta: BILDUNG, 2019).

⁵⁹ Abdul Fatah, "Toleransi Beragama Dalam Perspektif Al-Qur'an," n.d., www.gatra.com.

“Say: ‘Do you dispute with us concerning Allah while He is our Lord and your Lord? For us are our deeds, and for you are your deeds, and to Him we are devoted’” (Qur’an 2:139).

According to Hikmat, tolerance (tasāmuḥ) signifies refinement, gentleness, and ease in interpersonal interactions. This virtue embodies iḥsān (benevolence), promoting compassion and mitigating hostility. Consequently, tolerance possesses the capacity to foster love and diminish hatred towards others.⁶⁰

Human rights (HAM) must be protected through legal, governmental, and religious mechanisms to preserve human dignity and prevent oppression, inequality, and other forms of injustice.⁶¹ The concept of human rights within Pancasila is further elaborated in the Indonesian Constitution (UUD 1945), which guarantees several fundamental rights, including: (1) the right to equality before the law and government, (2) the right to an adequate standard of living, (3) the right to freedom of association and assembly, (4) the right to freedom of expression, (5) the right to education, (6) the right to religious freedom, (7) rights applicable during armed conflicts, (8) the right to self-defense, and (9) the right to representation.⁶² Consequently, tolerance constitutes a vital element in the realization of human rights.

Budhi Munawar, in his work “Argumen Islam untuk Pluralisme”, and Suhadi, in “Kawin Lintas Agama: Perspektif Kritik Nalar Islam”, contend that interfaith marriages have the potential to incite religious conflicts. Given this possibility, it is imperative to delineate clear boundaries concerning family formation through legally recognized marriages. Several critical issues require clarification. Their perspectives are characteristic of advocates of religious pluralism, who generally support interfaith marriage. This group frequently engages in the deconstruction of Islamic law to legitimize such unions.⁶³

Firstly, marriage constitutes a legal act with intricate legal implications.⁶⁴ In Indonesia, the positive legal system offers a comprehensive legal framework governing marriage through the Marriage Law. This framework stipulates that the validity of a marriage is contingent upon its conformity with the religious values adhered to by both parties. Consequently, religious law assumes a pivotal role in the regulation of

⁶⁰ Ibu Yasin, *Samāḥāt Al-Islām Fī al-Ta’āmūl Ma’a Ghairi al-Muslimīn* (Maktabah Syamilah, n.d.), 1.

⁶¹ Pasal 1 ayat 3 Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia.

⁶² Sri Rahayu Wilujeng, “Hak Asasi Manusia: Tinjauan Dari Aspek Historis Dan Yuridis,” *Humanika: Jurnal Ilmiah Kajian Humaniora* 18, no. 2 (Desember 2013): 6–7, <https://doi.org/10.14710/humanika.18.2>

⁶³ Armayanto and Ulfa, “Dekonstruksi Syari’ah Dalam Pernikahan Muslimah Dengan Non-Muslim.” Harda Armayanto, “The Discourse of Civic Pluralism in Managing Religious Diversity in Indonesia: The Study at The Center for Religious and Cross-Cultural Studies, Universitas Gadjah Mada, Yogyakarta” (Dissertation, Malaysia, International Islamic University Malaysia, 2022); Harda Armayanto, “Problem Pluralisme Agama,” *Tsaqafah* 10, no. 2 (November 2014): 325–40, <http://dx.doi.org/10.21111/tsaqafah.v10i2.191>.

⁶⁴ V, “Hukum Perkawinan Dan Itsbat Nikah: Antara Perlindungan Dan Kepastian Hukum”; I, “Pencatatan Perkawinan: Melacak Akar Budaya Hukum Dan Respon Masyarakat Indonesia Terhadap Pencatatan Perkawinan”; Syaifuddin, Muhammad, Turatmiyah, Sri, and Yahanan, Annalisa, *Hukum Perceraia*.

marriage.⁶⁵ Within the Indonesian context, Islamic principles are encapsulated in the Compilation of Islamic Law (Kompilasi Hukum Islam, KHI), which explicitly prohibits a Muslim from marrying a non-Muslim. Although the KHI functions as an executive regulation rather than statutory legislation, it operates as a legal guideline for Muslims concerning interfaith marriages.⁶⁶ Moreover, prominent Islamic organizations, including the Indonesian Ulema Council (Majelis Ulama Indonesia, MUI)⁶⁷, Muhammadiyah,⁶⁸ and Nahdlatul Ulama (NU)⁶⁹, uniformly oppose interfaith marriages.

The issue becomes particularly problematic when interfaith marriages are permitted, resulting in legal ambiguity and inconsistencies in judicial decisions.⁷⁰ Some individuals seek legal recognition of interfaith marriages by petitioning the District Court, which may authorize such marriages and instruct the Civil Registry Office to record them.⁷¹ To address this legal vacuum and uncertainty, the Supreme Court of Indonesia issued Circular Letter No. 2 of 2023 on July 17, 2023, regarding the legal status of interfaith marriages⁷². This circular aims to guide judges, especially in district courts, by directing them to reject applications for recognition of interfaith marriages.⁷³ The Supreme Court emphasized that all religious organizations in Indonesia concur that interfaith marriages are invalid according to the religious doctrines recognized by the state.⁷⁴ This position aligns with rulings by the Constitutional Court, thereby reinforcing the prohibition of interfaith marriages and eliminating legal loopholes for their validation.

In summary, tolerance extends beyond mere kindness or hospitality towards other religions. The existence of human rights does not inherently justify interfaith marriages. While the Marriage Law (Law No. 1 of 1974) implicitly permits interfaith marriages, the Compilation of Islamic Law (KHI), although lacking equal legal authority compared to statutory law, explicitly prohibits them. Furthermore, the Supreme Court, through Circular Letter No. 2 of 2023, directs judges to reject applications for the recognition of interfaith marriages, thereby reinforcing the

⁶⁵ Kisworo and et al, "Mixed Marriage Law Problems Based on Jessica Iskandar's Marriage Case with Ludwig Frans Willibald in the Perspective of International Civil Law."

⁶⁶ Rosidah, "Sinkronisasi Peraturan Perundang-Undangan Mengenai Perkawinan Beda Agama."

⁶⁷ Amin, *Pengantar Dalam Himpunan Fatwa MUI* 2003.

⁶⁸ Ilham, "Hukum Nikah Beda Agama, Majelis Tarjih: Haram!"

⁶⁹ Sidaq, "Keputusan Mukhtamar Nahdlatul Ulama Ke-28 Di Pondok Pesantren Al-Munawwir Krapyak Yogyakarta Pada Tanggal 26 - 29 Rabiul Akhir 1410 H. / 25 - 28 Nopember 1989 M."

⁷⁰ Meliyani Sidiqah, "Legal Vacuum in Interfaith Marriage Rules in Indonesia," *Iblam Law Review* 3, no. 1 (2023): 99-110, <https://doi.org/10.52249/ilr.v3i1.119>.

⁷¹ Rosidah, "Sinkronisasi Peraturan Perundang-Undangan Mengenai Perkawinan Beda Agama."

⁷² M Karsayuda, *Interfaith Marriage Measuring the Values of Justice in the Compilation of Islamic Law* (Yogyakarta: Total Media, 2008).

⁷³ Ranti Gustriya Rizki dan Sunny Ummul Firdaus, "Hak Uji Materiil oleh Mahkamah Agung terhadap Surat Edaran yang Bersifat Mengatur," *Sovereignty* 2, no. 1 (2023): 5.

⁷⁴ Pasal 12 ayat 3 Undang-Undang Nomor 1 Tahun 1950 tentang Susunan, Kekuasaan dan Jalan Pengadilan Mahkamah Agung Indonesia.

Constitutional Court's ruling and closing any legal loopholes that might permit their legalization.

The rejection of the legalization of interfaith marriage was further reinforced by the Constitutional Court's ruling on January 31, 2023, which reaffirmed its 2014 decision (Case No. 68/PUU-XII/2014). The Court underscored the distinct roles of religion and the state in the institution of marriage: religion determines the validity of the marriage, whereas the state governs its administrative aspects. Indonesia adheres to the principle of particularity rather than universality in the context of human rights, implying that human rights must be consistent with Pancasila and the national ideology, rather than solely conforming to international standards such as the Universal Declaration of Human Rights (UDHR). Although the UDHR guarantees the right to marry irrespective of religion, the Indonesian Constitution (UUD 1945) mandates that marriage must comply with national legal requirements.

The Constitutional Court has clarified that the state's recognition of marriage is based on religious interpretations provided by authoritative institutions. The state's responsibility is limited to ensuring accurate civil registration and does not extend to determining the religious validity of a marriage. In cases where religious bodies hold differing views, such matters must be resolved internally within those institutions. The government's duty is to maintain precise population records to facilitate legal recognition and social protection. Furthermore, interfaith marriages should not be regarded as problematic when considered in the context of Article 28J(2) of the Indonesian Constitution.

In a democratic society, individual freedoms are not absolute and must be balanced with legal constraints. Such limitations are essential to ensure that the exercise of one's freedoms does not infringe upon or endanger the rights and freedoms of others. These restrictions serve to maintain social harmony and justice, enabling individuals to enjoy their rights while upholding collective moral values and public order.⁷⁵

In Indonesia, restrictions on interfaith marriage are not considered violations of human rights due to the country's non-liberal approach to human rights. Rather than separating religion from legal frameworks, Indonesia incorporates religious values into the implementation of human rights. As a nation founded on the principle of Belief in the One Almighty God, religious norms significantly influence policy-making, including legislation related to marriage. Therefore, although human rights are acknowledged, legal restrictions are maintained to balance individual rights with religious values and promote social harmony.⁷⁶

⁷⁵ JDIH Komisi Yudisial, "Perubahan Kedua Undang-Undang Dasar Negara Republik Indonesia Tahun 1945," n.d.

⁷⁶ Sipghotulloh Mujaddidi, "Konstitusionalitas Pembatasan Hak Asasi Manusia Dalam Putusan Mahkamah Konstitusi," *Jurnal Konstitusi*, 18, no. 3 (2021): 539–607, <https://doi.org/10.31078/jk1833>.

CONCLUSION

This study examines the intricate interplay among legal norms, religious doctrines, and the principle of tolerance concerning interfaith marriage in Indonesia. The findings indicate that although Law No. 1 of 1974 on Marriage employs a normative-referential approach by delegating the authority to validate marriages to the respective religious teachings, this framework engenders legal ambiguity, especially regarding interfaith unions. Islamic jurisprudence and prominent national religious organizations, including the Indonesian Ulema Council (MUI), Nahdlatul Ulama (NU), and Muhammadiyah, categorically prohibit interfaith marriage, reinforcing the religious interpretation that such unions are haram and invalid. These prohibitions are further institutionalized through legal instruments such as the Compilation of Islamic Law (KHI) and Supreme Court Regulation No. 2 of 2023 (SEMA No. 2 of 2023), which collectively close the legal gaps and consolidate the formal rejection of interfaith marriage within the judiciary.

Despite the existing legal and religious restrictions, this study argues that the prohibition of interfaith marriage should not be prematurely construed as an act of intolerance. Rather, it exemplifies a model of bounded tolerance, whereby religious communities are entitled to preserve doctrinal integrity free from external imposition. From this vantage point, the denial of interfaith marriage constitutes an exercise of religious freedom, safeguarding theological consistency while fostering interreligious harmony within a pluralistic society. This research contributes to the broader discourse on religion, law, and human rights by emphasizing that tolerance should not be equated with permissiveness. Instead, it must be understood as the mutual acknowledgment of differences, including the prerogative of religious communities to establish boundaries grounded in their values. Consequently, the legal position on interfaith marriage in Indonesia illuminates not only the tension between individual rights and collective norms but also the intricate balance necessary to maintain social harmony in a multi-faith context.

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