



Interfaith Marriage in Indonesia: Polemics and Perspectives of Religious Leaders and Community Organizations

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Abstract

The increasing number of interfaith marriages has recently sparked polemics in society. This study aims to investigate the polemics between the *ulama* (Muslim religious scholars) and interfaith marriage counseling activists and discuss the arguments among religious community organizations and activists supporting interfaith marriage. In addition, this research also investigates how polemics were conveyed through online media. The present investigation was based on a qualitative approach, administering data sources in the form of observations on online media regarding interfaith marriage. Data analysis employed an interpretive method involving three stages: restatement, description, and interpretation. The *restatement* was accomplished by citing online news containing arguments relevant to this research's theme. The *description* was conducted by correlating all research data to find patterns of information. The *interpretation* was constructed by focusing on the social context of the data to reveal the meaning behind experts' statements or ideas and to draw conclusions afterward. The results indicated concerns regarding the understanding and practice in a society where interfaith marriage was assumed to be permissible. In addition, the organizations supporting interfaith marriage viewed the Marriage Law as multi-interpretable and sparked controversies in the community.

Keywords

interfaith marriage – Indonesia – online media – polemics – religious leaders – community organizations – civil rights – right to marry

1 Introduction

Polemics regarding interfaith marriage in Indonesia have re-emerged as a topic of debate in society. This condition was triggered by the marriage of President Joko Widodo's special staff, Ayu Kartika Dewi (Muslim) and Gerald Sebastian Budiman (Catholic). The marriage contract was held at 07.30–08.15 WIB (Wester Indonesian Time), and the blessing was done at 10.00–10.45 WIB on Friday 18 March 2022. The Indonesian people learned about this event after Ayu and Gerald announced it through their respective *Instagram* accounts, @ayukartikadewi and @geraldbastian. In addition, the marriage contract procession at the Borobudur hotel and the blessing at the Cathedral church were broadcast live on Ayu Kartika Dewi's *YouTube* channel.

The wedding procession was initially shown via social media and then went viral due to many responses from Indonesian people. This event captured the public's attention for quite a long time, from March to mid-2022. Hence, debates among community leaders and organizations could be easily noticed through various online media. Almost all Indonesian mass media¹ were involved in reporting this occasion, including Kompas Gramedia, JPNN (Jawa Post News Network), MNC (Media Nusantara Citra) Group, TransCorp, Media Group, Vivaneews, PT SCM (Surya Citra Media), Mahaka Group, Media Bali Post Group, Tempo Media Group, and Bisnis Indonesia Group.

An online media from the Kompas Gramedia group, namely *Tribunnews.com*,² reported a broad chronology: the wedding procession with Islamic procedures at the Borobudur Hotel of Jakarta, the marriage contract led by a

1 Aa Bambang A.S., 'Periode Perkembangan Media Massa', 18(1) *Jurnal Studi Komunikasi Dan Media* (2014), pp. 119–32.

2 Garudea Prabawati, 'Ayu Kartika Dewi Menikah Beda Agama, Akad Nikah Dan Pemberkatan Di Gereja Katedral', *Tribunnews.com*, 2022; Fahdi Fahlevi, 'MUI: Nikah Beda Agama Hukumnya Tidak Sah', *Tribunnews.Com*, 2022; Ahmad Haris, 'Majelis Ulama Indonesia Jelaskan Hukum Nikah Beda Agama: Menurut Islam Tidak Sah Majelis Ulama Indonesia Jelaskan Hukum Nikah Beda Agama: Menurut Islam Tidak Sah!', <https://Banten.Tribunnews.Com/2022/03/09/Majelis-Ulama-Indonesia-Jelaskan-Hukum-Nikah-Beda-Tribunnews.Com>, 2022.

marriage officiant from the State Islamic University of Jakarta, Prof. Dr. Zainun Kamal, and the blessing at the Jakarta Cathedral Church by Cardinal Ignatius Suharyo. Furthermore, several online media groups also reported the biodata of Ayu Kartika Dewi and Gerald Sebastian Budiman, such as full name, hometown, education, occupation, and even daily activities. They also presented various responses from several religious leaders, as conducted by *Tribun-timur.com*.³ It displayed the response of Imam Shamsi Ali, a global Muslim leader who was also an *Imam* (Muslim religious leader) at the Islamic Center of New York and Director of the Jamaica Center. He highlighted how interfaith marriage received significant attention as the married couple were known as influencers.

Other online media such as *iNews.id* from the MNC group,⁴ *Viva.co.id* from *Vivanews*,⁵ *CNN Indonesia.com* from the Trans Group,⁶ and *Solo Pos.com* from the *Bisnis Indonesia Group*⁷ also reported Islamic religious scholars' reactions, including Amirsyah Tambunan (a fiqh scholar/a Secretary General of *MUI*), who argued that interfaith marriages were invalid. In addition, there were also statements from several other scholars: Yahya Zainul Ma'arif/Buya Yahya (a fiqh scholar), Ustad Abdul Somad/*UAS* (a fiqh scholar), Khalid Basalamah (a fiqh scholar from the Salafi school of thought), Ustad Adi Hidayat/*UAH* (a Hadith scholar), Bahauddin Nursalim/Gus Baha (a fiqh scholar), and Cholil Nafis (a fiqh scholar). Furthermore, there was also a family law expert named Neng Zubaidah who commented.

3 Edi Sumardi, 'Pernikahan Beda Agama Stafsus Jokowi Ayu Kartika Dewi Dan Gerald Bastian Disoroti Imam Dari Amerika', *Tribun-Timur.com*, 2022.

4 Widya Michella, 'Pernikahan Beda Agama Stafsus Jokowi Tidak Sah, Ditegaskan Sekjen MUI', *iNewsSerpong.id*, 2022.

5 Syahdan Nurdin, 'Viral Stafsus Presiden Nikah Beda Agama, Netizen Ini Minta Maaf! Artikel Ini Sudah Tayang Di *VIVA.Co.Id* Pada Hari Minggu, 20 Maret 2022--08:05 WIB Judul Artikel: Viral Stafsus Presiden Nikah Beda Agama, Netizen Ini Minta Maaf! Link Artikel: [Https://Www.viva.co.id](https://www.viva.co.id), 2022; Syahrul Ansyari, 'Staf Khusus Jokowi Nikah Beda Agama, MUI Sebut Tidak Boleh Artikel Ini Sudah Tayang Di *VIVA.Co.Id* Pada Hari Jumat, 18 Maret 2022--20:03 WIB Judul Artikel: Staf Khusus Jokowi Nikah Beda Agama, MUI Sebut Tidak Boleh Link Artikel: [https://Www.Viva.Co.Id/b](https://www.viva.co.id/b)', *viva.co.id*, 2022.

6 RZR/DAL, 'MUI Respons Stafsus Jokowi Nikah Beda Agama', *cnnindonesia.com*, 2022, <https://www.cnnindonesia.com/nasional/20220318183750-20-773366/mui-respons-stafsus-jokowi-nikah-beda-agama-tidak-dibolehkan>.

7 Chelin Indra Sushmita, 'Hukum Nikah Beda Agama', *solopos*, 2022, <https://www.solopos.com/hukum-nikah-beda-agama-uas-neraka-jahanam-tempatmu-1269646>.

Meanwhile, *Metrotvnews.com*,⁸ *JPNN.com*, *Fajar.co.id*, and *Kabarfajar.com* from the Jawa Post group,⁹ and *Suara.com* from the Tempo Media Group¹⁰ presented the responses of Quraish Shihab (a *tafsir*—Qur’anic exegesis—scholar), Ahmad Nuril Huda (a family law scholar), and Guntur Romli (a fiqh scholar) who allowed interfaith marriages. Apart from that, the media groups mentioned earlier also reported the arguments of Ahmad Nurcholish, a counselor for interfaith marriage and a director of the Indonesian Conference on Religion and Peace (ICRP), and Ilma Sovri, a director of the Indonesian Movement for All (*PIS; Pergerakan Indonesia untuk Semua*). They agreed that interfaith marriages were valid as long as the couples could understand each other’s differences. In this regard, Nurcholish argued that Law Number 1 of 1974 must be revised because it sparked controversies and was inclined to trigger multiple interpretations, leading to the non-fulfillment of citizens’ civil rights. He also conveyed the consistently increasing number each year, amounting to 1,425 interfaith marriage couples from 2005 to 5 March 2022. Correspondingly, Ilma Sovri stated that there had been 400 thousand of children born to these couples.

However, if it were not for the marriage of the President’s special staff, it might not have gone viral, considering that many similar events have occurred in Indonesia. Likewise, *Kumparannews* confirmed that interfaith marriages had been encountered in various provinces in Indonesia.¹¹

The data above revealed that Surakarta City had the highest number of interfaith marriages; 37 out of 73 (50.7 percent) of cases in Indonesia occurred at the Surakarta District Court. This indicates that Central Java was the province with the most interfaith marriages nationally, precisely 46, followed by East Java with 8 cases. The impacts of interfaith marriages were explored, for instance through field research by Darajat¹² in Wonorejo Village, Situbondo Regency. He concludes that they were proven to negatively impact the couple, leading to unfavourable consequences, especially for the continuity of children’s education. Affan,¹³ furthermore, concluded that an essential aspect of

8 Metrotv, ‘Nasihat Konselor Nikah Beda Agama: Keyakinan Harus Sama’, *Metrotvnews.com*, 2022.

9 Andy Alwan Nasution, ‘Mengupas Polemik Pernikahan Beda Agama’, *JPPN.COM*, 2022.

10 Agung Sandy Lesmana, ‘Gelar Akad Dan Pemberkatan, Stafus Jokowi Ayu Kartika Resmi Menikah Beda Agama Dengan Gerald Bastian’, *Suara.Com*, 2022.

11 Cut Salma dan Tri Vosa Ginting, ‘Nikah Beda Agama Ternyata Paling Banyak Terjadi Di Surakarta, Kok Bisa?’, *kumparan.com*, 2022.

12 Muhaiminah Darajat, ‘Perkawinan Beda Agama Dan Dampaknya Terhadap Pendidikan Anak Di Desa Wonorejo Kabupaten Situbondo’, 20(2) *Fenomena* (2021), pp. 249–266, <https://doi.org/10.35719/phenomena.v20i2.65>.

13 M. Sa’i Affan, ‘Analisis Antropologi Hukum Di Kalangan Keluarga Nikah Beda Agama Di Kec. Kotagede Kab. Yogyakarta’, *TESIS*, 2017.

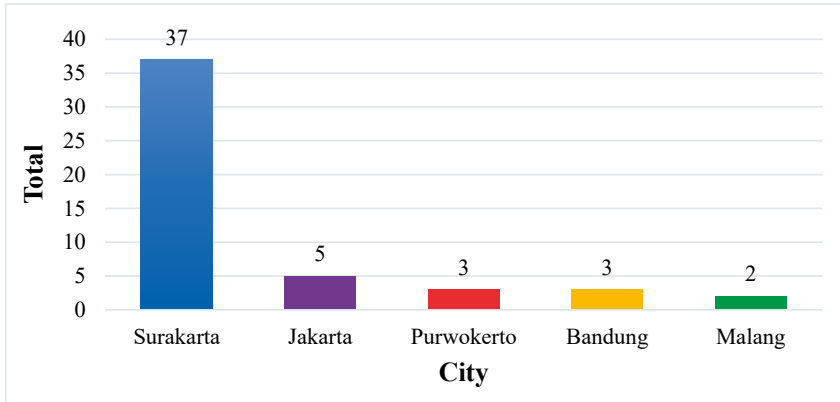


FIGURE 1 Five cities with the Most Applications for Civil Registration of Interfaith Marriages in Indonesia

SOURCE: DATA ON 73 COPIES OF COURT DECISIONS PROCESSED BY KUMPARAN.COM

marriage was challenging to fulfill, namely the nature of mutual understanding. In addition, there would be obstacles to establishing intense communication within the family. Moreover, Yunus and Aini¹⁴ reported other negative effects of interfaith marriages, such as inharmonious households, anxiety, communication difficulties, and problems regarding inheritance distribution.

The present study aims to re-examine previous discussions receiving less attention in the form of lessons learned from the increasing number of interfaith marriages every year. In particular, the research questions were formulated as follows: (i) How to understand the polemics between the Islamic scientific community and interfaith marriage counseling activists?; (ii) How to understand the polemics between religious organizations and social organizations that promote interfaith marriages?; and (iii) How is the media coverage of these same polemics regarding interfaith marriages? These three questions and subjects contribute to determining the public's understanding of interfaith marriage regulations.

This research was based on the argument that the rules of interfaith marriage in Law Number 1 of 1974 could raise public awareness about the importance of maintaining the benefit of human beings. Polemics in society, which have recently become quite severe in various online media, must be responded to

14 Fakhurrizi M.Yunus and Zahratul Aini, 'Perkawinan Beda Agama Dalam Undang-Undang Nomor 23 Tahun 2006 Tentang Administrasi Kependudukan (Tinjauan Hukum Islam)', *Media Syari'ah*, 2020, <https://doi.org/10.22373/jms.v20i2.6512>.

wisely and treated as an opportunity to understand each other.¹⁵ Disagreement is considered typical in the community. Therefore, ulama, religious organizations, and legal experts are needed to socialize these policies and regulations. Simultaneously, according to Anggraeni and Rizal,¹⁶ the information conveyed by the media needs to consider common rules in society. Media should not only be business-oriented¹⁷ but has to help convey information about the importance of understanding policies or regulations made by the government for the good of the community.¹⁸

Polemics regarding the regulations on interfaith marriage in Indonesia affect religious understanding and practice for adherents of state-recognized religions, namely Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism.¹⁹ Masduqi²⁰ Masduqi says that the government cannot interfere with religion's existing autonomy. From the perspective of particular

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- 15 Ibnu Jazari, 'Tidak Sah Nya Perwalian Karena Tidak Sah Nya Pernikahan', *2 Jurnal Ilmiah Ahwal Syakhshiyah (JAS)* (2020), p. 1, <https://doi.org/10.33474/jas.v2i2.6837>; Karimuddin Karimuddin et al., 'Standardisasi Nafkah Istri: Studi Perbandingan Mazhab Maliki Dan Mazhab Syafi'i', *Media Syari'ah : Wahana Kajian Hukum Islam Dan Pranata Sosial* (2021), <https://doi.org/10.22373/jms.v23i1.8655>; Satriana Satriana, 'Studi Komparatif Pelaksanaan Poligami Rasulullah Dan Pelaksanaan Poligami Pada Zaman Kekinian Menurut Inpres Nomor 1 Tahun 1991 Tentang Kompilasi Hukum Islam (Studi Kec. Mare)', *Jurnal Al-Dustur: Journal of Politic and Islamic Law* (2019), <https://doi.org/10.30863/jad.viii.351>.
 - 16 A.H Anggraeni and R. D. Rizal, 'Pelaksanaan Perjanjian Jual Beli Melalui Internet (E-Commerce) Ditinjau Dari Aspek Hukum Perdataan', *SALAM: Jurnal Sosial Dan Budaya Syar-i, II* (2019), pp. 204–14, <https://doi.org/10.1017/cb09781139093927.012>.
 - 17 A. Masduqi, 'Hubungan Antaragama Dalam Bidang Pendidikan, Perkawinan, Penguburan Jenazah, Dan Upacara Hari-Hari Besar Keagamaan', *2 Al-Riwayah: Jurnal Kependidikan* (2017), pp. 297–322.
 - 18 Acan Mahdi, 'Berita Sebagai Representasi Ideologi Media (Sebuah Telaah Kritis)' *9(2) Al-Hikmah* (2015), <https://doi.org/10.24260/al-hikmah.v9i2.324>; Choirul Mahfud, 'Ideologi Media Islam Indonesia Dalam Agenda Dakwah: Antara Jurnalisme Profetik Dan Jurnalisme Provokatif', *Jurnal Dakwah* (2014); Ahmad Muttaqin, 'Agama Dalam Representasi Ideologi Media Massa', *6:2 KOMUNIKA: Jurnal Dakwah Dan Komunikasi* (1970), <https://doi.org/10.24090/komunika.v6i2.349>.
 - 19 Yasin Baidi, 'Fenomena Nikah Beda Agama Di Indonesia: Telaah Terhadap Putusan Mahkamah Agung Republik Indonesia No. 1400 K/Pdt/1996', *SOSIO-RELIGIA* (2010); Mahmuddin, 'Strategi Dakwah Kontemporer Dalam Menghadapi Pola Hidup Modern', in *Prosiding Seminar Nasional Dakwah Dan Komunikasi*, 2018; Rosdiana Rosdiana and Ahmad Bahtiar, 'Preferences of Children's Religious Interfaith Marriages: Case Study in The International Conference on Religion and Peace (ICRP)', *Justicia Islamica* (2020), <https://doi.org/10.21154/justicia.v17i2.1967>.
 - 20 Masduqi, 'Hubungan Antaragama Dalam Bidang Pendidikan, Perkawinan, Penguburan Jenazah, Dan Upacara Hari-Hari Besar Keagamaan'.

religious adherents, interfaith marriage is not permitted.²¹ The practice of interfaith marriage initiates controversies in the community,²² which has an impact on the issues to be faced by each couple, including the children's inheritance.²³ Rosdiana²⁴ argues that in parenting in interfaith marriages, couples teach two religious teachings at once. In addition, they take over the children's education and later offer them an agreement to choose one of their parents' religions. Several countries also encountered the problem of marriage registration of interfaith marriages, such as Pakistan, England, Canada, Malaysia,

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- 21 Asiah Nur, 'Kajian Hukum Terhadap Perkawinan Beda Agama Menurut Undang-Undang Perkawinan Dan Hukum Islam', 10(2) *Jurnal Hukum Samudra Keadilan* (2015), p. 214; Isna Noor Fitria, 'Peraturan Perkawinan Beda Agama Di Indonesia Dan Mesir', *The Indonesian Journal of Islamic Family Law* (2013); Anita Kamilah, 'Keabsahan Perkawinan Beda Agama Yang Dilaksanakan Di Luar Negeri', 1(1) *Tahkim (Jurnal Peradaban Dan Hukum Islam)* (2018), <https://doi.org/10.29313/tahkim.viii.3325>; Dian Khoreanita Pratiwi, 'Tinjauan Yuridis Penyelundupan Hukum Perkawinan Beda Agama Berdasarkan Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan', 2(1) *Jurnal Hukum Media Bhakti* (2020), <https://doi.org/10.32501/jhmb.v2i1.15>; Pujiono Pujiono, 'Penentuan Hak Mewaris Anak Yang Lahir Dari Perkawinan Beda Agama Ditinjau Dari Hukum Islam Dan Hukum Perdata', *Sol Justicia* (2020); Syatriadin Syatriadin, 'Kerukunan Umat Beragama Dalam Konteks Keluarga Beda Agama', *AL-FURQAN* (2019); Prasetyo Ade Witoko and Ambar Budhisulistiyawati, 'Penyelundupan Hukum Perkawinan Beda Agama Di Indonesia', 7(2) *Jurnal Hukum Dan Pembangunan Ekonomi* (2019), p. 251, <https://doi.org/10.20961/hpe.v7i2.43015>.
- 22 S Yahya and Boag, 'Till Faith Do Us Part ...: Relation between Religious Affiliation and Attitudes toward Cross-Cultural and Interfaith Dating and Marriage', 6 *Marriage & Family Review* (2014), pp. 480–504.
- 23 Rafid Abbas, 'Ijtihad Umar Bin Khattab Tentang Hukum Perkawinan Perspektif Kompilasi Hukum Islam', 4(2) *Al-Hukama'* (2014), pp. 474–99; Kaharuddin Kaharuddin and Syafruddin Syafruddin, 'Pernikahan Beda Agama Dan Dampak Terhadap Pendidikan Agama Anak', 4(1) *SANGAJI: Jurnal Pemikiran Syariah Dan Hukum* (2020), pp. 53–81, <https://doi.org/10.52266/sangaji.v4i1.479>; Rosdiana and Bahtiar, 'Preferences of Children's Religious Interfaith Marriages: Case Study in The International Conference on Religion and Peace (ICRP)'.
 24 Rosdiana and Bahtiar, 'Preferences of Children's Religious Interfaith Marriages: Case Study in The International Conference on Religion and Peace (ICRP)'.

and Singapore.²⁵ Registration is essential in marriage.²⁶ Hence, it is considered void in state regulations if it is not registered, despite being legal according to religion.²⁷

The regulations on interfaith marriage in Indonesia are not clearly explained in Law Number 1 of 1974, causing the emergence of polemics in comprehension and implementation. Article 2 states that citizens cannot marry people of different religions. Meanwhile, article 66 provides an opportunity, understood by legal experts, implying that there is a loophole for those who want interfaith marriages to be carried out by registering at the Civil Registry Office. This possibility can occur because the provisions regarding the term *mixed marriage* in Article 66 differ from several previous regulations.²⁸ No study has

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- 25 Mukti Al, Wuri Arenggoasih, 'Ethics and Human Dignity as Communication of Javanese Family That Interfaith Religious Life', *Psychology and Education Journal* (2021), <https://doi.org/10.17762/pae.v58i1.1799>; Alessandro Cigno, Alessandro Gioffré, and Annalisa Luporini, 'Evolution of Individual Preferences and Persistence of Family Rules', *Review of Economics of the Household* (2021), <https://doi.org/10.1007/s1150-020-09499-7>; Nining Herlina, Zainal Asikin, and Lalu Husni, 'Legal Protection of Civils Rights on Childrens' Birth from the Unrecorded Marriage', *International Journal of Multicultural and Multireligious Understanding* (2019), <https://doi.org/10.18415/ijmmu.v6i3.935>; Ahmad Rifqi Hidayat and Aidha Trisanty, 'Analisis Market Share Perbankan Syariah Di Indonesia', *At-Taqaddum* (2020), <https://doi.org/10.21580/at.v12i2.6449>; Gianluca Parolin, 'Interfaith Marriages and Muslim Communities in Scotland: A Hybrid Legal Solution?', *Electronic Journal of Islamic and Middle Eastern Law* (2015); Mansyur Radjab et al., 'Religious Tolerance Practices: A Case Study of Family with Different Religions in Toraja Ethnicity South Sulawesi Province, Indonesia', *International Journal of Management* (2020), <https://doi.org/10.34218/IJMJ.11.5.2020.104>; Rabia Binte Sajjad Ahmed Saeedi, 'Women's Rights of Inheritance: An Overview in the Present Era', *Islamic Sciences* (2020), <https://doi.org/10.52337/islsci.v3i1.26>; Rachmi Sulistyarini et al., 'The Contact Point of Customary Law and Islamic Law (Legal History Perspective)', *International Journal of Social Sciences and Management* (2018), <https://doi.org/10.3126/ijssm.v5i2.19672>; Mehmet Zihni Sungur and Yasin Bez, 'Cultural Factors in the Treatment of Sexual Dysfunction in Muslim Clients', *Current Sexual Health Reports* (2016), <https://doi.org/10.1007/s11930-016-0068-z>.
- 26 R. Garipova, 'Married or Not Married? On the Obligatory Registration of Muslim Marriages in Nineteenth-Century Russia', 24(1-2) *Islamic Law and Society* (2017), pp. 83-95; M. Hafid, 'The Concept of Istihsan Abu Hanifah in Indonesian Islamic Family Law (Review of Marriage Registration as an Accumulative Condition)', 6(3) *LEGAL BRIEF* (2022), pp. 583-95; Mansor H. Ibrahim, 'Capital Regulation and Islamic Banking Performance: Panel Evidence', *Buletin Ekonomi Moneter Dan Perbankan* (2019), <https://doi.org/10.21098/bemp.v22i1.1029>.
- 27 Vilas Sawrikar et al., 'Transdiagnostic Clinical Staging for Childhood Mental Health: An Adjunctive Tool for Classifying Internalizing and Externalizing Syndromes That Emerge in Children Aged 5-11 Years' (2022).
- 28 Siti Nurbaeti, 'Hadis Tentang Nasab Anak Zina Dalam Perspektif Ibnu Qayyim Al-Jauziyyah', *Holistic Al-Hadis* (2018), <https://doi.org/10.32678/holistic.v4i02.3232>; Sri Wahyuni, 'Pelaksanaan Perkawinan Campur Beda Agama Antara Warga Melayu Malaysia

revealed the exact number of interfaith marriage couples, given the difficulties of finding factual data from official registrations in state-owned institutions. Consequently, the present research presented the number of interfaith married couples based on online media data conveyed by counseling activists. In addition, there needs to be more investigation discussing inter-media polemics in the context of interfaith marriage in Indonesia and other countries.

2 Method

2.1 Study Settings

This study employed a qualitative approach, presenting the primary data obtained from the arguments of Muslim religious scholars, family law experts, religious organizations, and social organizations. The Islamic religious scholars selected in the present study were those who were most involved in polemics in online media and were selected for their excellence of Islamic scholarship (as proven by their educational background). Their viewpoints were subsequently categorized into supportive and oppositional toward interfaith marriage. The opposing group of scholars included Amirsyah Tambunan, Yahya Zainul Ma'arif (Buya Yahya), Ustad Abdul Somad (UAS), Khalid Basalamah, Ustad Adi Hidayat (UAH), Bahauddin Nursalim (Gus Baha), Cholil Nafis, as well as a family law expert named Neng Zubaidah. On the other hand, the supportive group consisted of Quraish Shihab, Ahmad Nuril Huda, and Guntur Romli. For the record, their perspectives were not associated with any particular religious organization.

In addition, statements or decisions from religious organizations that supported or rejected interfaith marriage were conveyed by each board in online media. The Indonesian Ulama Council (*MUI*), Muhammadiyah, and Nahdlatul Ulama (*NU*) were categorized into oppositional religious organizations. Meanwhile, the supporters were social organizations such as the Liberal Islam Network (*JIL*), the Indonesian Conference on Religion and Peace (*ICRP*), and the Islamic Movement for All (*PIS*). Furthermore, the related documents were in the form of decisions of fatwa institutions, such as *MUI*, the Tarjih and Tadjid Council of Muhammadiyah, the Bahstul Masa'il Institute of *NU*, as well as policies of social organizations, including *JIL*, *ICRP*, and *PIS*. Furthermore, the secondary data were collected from journal articles and books related to

Dan Dayak Kalimantan Di Daerah Perbatasan Sambas Kalimantan Barat (Antara Living Law Dan Hukum Positif Indonesia), 9(1) *Al-Ahwal: Jurnal Hukum Keluarga Islam* (2017), p. 31, <https://doi.org/10.14421/ahwal.2016.09103>.

the research topic. Finally, the data in this study were also obtained through online media.

2.2 *Data Collection*

Data collection began with a desk review to map the materials related to the research topic, namely the polemics of interfaith marriage. The data were obtained from relevant online sources in the form of news, journals, proceedings, books, and literature. Given a large number of online media, the Indonesian Press Council, in 2021, verified 1700 media companies.²⁹ Thus, the researchers only involved online media belonging to 11 major groups—as previously mentioned—existing in Indonesia as the samples.

2.3 *Data Analysis*

The research data were analyzed through data reduction, data display, and data verification stages. The collected data were reduced to thematic summaries and narrative stories of respondents, and they were subsequently analyzed through three stages: restatement, description, and interpretation. The *restatement* was carried out by citing online news as relevant arguments. The *description* was conducted by correlating the complete data to find patterns of information. The final stage was *interpretation*, aiming to reveal the meaning behind each expert's statement or opinion, which was done by taking into account the social context of the data to conclude.

3 Results

3.1 *Theme 1: Polemics between Ulama and Interfaith Marriage Activists*

The polemics between ulama (Islamic scholars) and interfaith marriage activists in Indonesia have been a long-standing issue in the country. While the ulama generally hold the view that interfaith marriage is haram (forbidden) in Islam, the activists argue that such marriages should be allowed and even encouraged as a means of promoting religious harmony and reducing interfaith tensions.

The issue has gained significant attention in recent years, with high-profile cases of interfaith couples facing discrimination and even violence from religious hardliners. In response, interfaith marriage activists have called for legal reforms to recognize interfaith marriages and provide legal protections for

29 Farih Maulana Sidik, 'Dewan Pers Verifikasi 370 Perusahaan Media Selama 2021', detiknews.com, n.d.

couples. However, their efforts have been met with resistance from the ulama and conservative Muslim groups, who argue that interfaith marriage is a threat to Islamic values and could lead to the erosion of Muslim identity in Indonesia. The ulama have also pointed to the potential difficulties and challenges that interfaith couples may face in terms of raising children and navigating religious differences.

The polemics between the ulama and interfaith marriage activists highlight broader tensions in Indonesian society between traditional religious values and modern notions of pluralism and tolerance. While there have been some efforts to promote interfaith dialogue and understanding, the issue of interfaith marriage remains a contentious one that requires further engagement and dialogue between different groups in Indonesian society.

The discourse of interfaith marriage in Indonesia has recently been a polemic in society, especially among Muslim religious scholars (ulama) and interfaith marriage activists, including the experts of fiqh, tafsir (Qur'anic exegesis), hadith, *tasawwuf*, and family law. The debate seemed to turn to the next level when it was carried out through online and social media such as *Facebook*, *WhatsApp*, *Instagram*, *Twitter*, and *YouTube*.

The debate of the scholars could be accessed in various online media, including SoloPos.com from the Bisnis Indonesia Group³⁰ and Fajar.co.id from the Jawa Post Group (JPNN),³¹ citing the *YouTube* channel 'Dakwah Sang Ustadz' (Thursday, 10 March 2022). The now-popular ulama, Ustad Abdul Somad (UAS), argued that 'Interfaith marriage is adultery! If a Muslim woman marries a person of a different religion and then apostatizes, hell will be her place.' A similar argument could also be seen in Akurat.Co,³² quoting the argument of Ustad Adi Hidayat (UAH) in a video on the 'Adi Hidayat Official' *YouTube* channel (23 March 2022). He stated that the prohibition of interfaith marriage is explained in the Quran, surah al-Baqarah verse 221. According to him, there was a ban on marriage between men and women of different religions, whether for Muslim men with non-Muslim women or vice versa. In addition to UAS and UAH, there was another famous Islamic religious scholar in online media, namely Khalid Basalamah.

30 Sushmita, 'Hukum Nikah Beda Agama'.

31 Riki Iskandar, 'Sudah Banyak Yang Menikah Beda Agama', *fajar.co.id*, 2022, <https://fajar.co.id/2022/03/10/sudah-banyak-yang-nikah-beda-agama-di-indonesia/>.

32 Akmad Fauzi, 'Menikah Beda Agama Apakah Boleh', *akurat.co*, 2022, <https://akurat.co/menikah-beda-agama-apa-boleh-ini-jawaban-uah>.

Khalid Basalamah, via *Kabarfajar.com*,³³ in a video on his Instagram feed, said, 'Why are you married to a non-Muslim? Allah Almighty forbids Muslims to marry non-Muslims. Therefore, every follower of the Prophet is not allowed to marry anyone other than a Muslim. It is better to marry someone with the same faith rather than marry on a mere consensual basis. Because, in Islam, religion cannot be exchanged for anything.'

As reported by *Viva.co.id* from *Vivanews*,³⁴ citing the *YouTube* channel '*Ngaji Online*', Gus Baha described, '[r]egarding the regulations on interfaith marriage, based on the interpretation of surah al-Maidah verse 5, women from Jews and Christians can be married by a Muslim. However, a Muslim woman must not be married to an infidel man or someone who shuts himself off from Islam. Therefore, in Islamic law, there will never be any argument that allows interfaith marriage; the topic of discussion will only be about women'. Yahya Zainul Ma'arif or Buya Yahya, via *CNN Indonesia.com* from the *Trans Group*,³⁵ as cited in a *YouTube* channel (9 March 2022), argued that interfaith marriage was invalid. He asserted that the marriage was invalid if any Muslim woman married a non-Muslim man. If the marriage continued, their relationship would be considered adulterous. Buya Yahya added, 'Muslim women are noble figures. Thus, the interfaith marriage is invalid and categorized as adultery, a major sin'. He also emphasized that '[w]hat if such a marriage has happened? So advise her. If it turns out that the child is someone who forces her to be married, can it be said to be the sin of her parents? That must be clarified further. Suppose the parents do not educate her properly, and the child turns out to be doing this. In that case, they get the sin.' A family law expert named Neng Zubaidah, via *Viva.co.id* from *Vivanews*³⁶ citing the *Facebook* account

33 Dela Fitria, 'Larangan Menikah Dengan Selain Islam', *kabarfajar.com*, 2022, <https://www.kabarfajar.com/religi/pr-1133104334/larangan-menikah-dengan-selain-islam-ini-paparan-ustadz-khalid-basalamah>.

34 Nurdin, 'Viral Stafsus Presiden Nikah Beda Agama, Netizen Ini Minta Maaf! Artikel Ini Sudah Tayang Di *VIVA.Co.Id* Pada Hari Minggu, 20 Maret 2022-08:05 WIB Judul Artikel: Viral Stafsus Presiden Nikah Beda Agama, Netizen Ini Minta Maaf! Link Artikel: <https://www.viva.co.id/b/>'; Ansyari, 'Staf Khusus Jokowi Nikah Beda Agama, MUI Sebut Tidak Boleh Artikel Ini Sudah Tayang Di *VIVA.Co.Id* Pada Hari Jumat, 18 Maret 2022-20:03 WIB Judul Artikel: Staf Khusus Jokowi Nikah Beda Agama, MUI Sebut Tidak Boleh Link Artikel: <https://www.viva.co.id/b/>'.

35 RZR/DAL, 'MUI Respons Stafsus Jokowi Nikah Beda Agama'.

36 Nurdin, 'Viral Stafsus Presiden Nikah Beda Agama, Netizen Ini Minta Maaf! Artikel Ini Sudah Tayang Di *VIVA.Co.Id* Pada Hari Minggu, 20 Maret 2022-08:05 WIB Judul Artikel: Viral Stafsus Presiden Nikah Beda Agama, Netizen Ini Minta Maaf! Link Artikel: <https://www.viva.co.id/b/>'; Ansyari, 'Staf Khusus Jokowi Nikah Beda Agama, MUI Sebut Tidak Boleh Artikel Ini Sudah Tayang Di *VIVA.Co.Id* Pada Hari Jumat, 18 Maret 2022-20:03 WIB Judul Artikel: <https://www.viva.co.id/b/>'.

'tvOneNews', argued, '[b]ased on Law Number 1 of 1974, Article 2 Paragraph 1 explains that a marriage is legal according to the religion or beliefs.' Based on the regulation, she stated that interfaith marriage was prohibited under Islamic law, the Marriage Law, and the Compilation of Islamic Law.

In contrast to the religious scholars above, a well-known tafsir expert named Quraish Shihab, through *Metrotvnews.com*³⁷ citing a video entitled '*Pernikahan Dalam Islam: Nikah Beda Agama*' ('Marriage in Islam: Interfaith Marriage') in the 'Shihab & Shihab' *YouTube* channel (14 March 2022), explained that the Quran authorizes Muslim men to marry Jewish and Christian women. Quraish Shihab elaborated, 'Islam allows a Muslim man to accompany his wife to church, indicating him to be allowed to marry an *Ahlul Kitab* (People of the Book; both believers and disbelievers as indicated in the Quran).' However, he clarified that it did not apply otherwise, that a Muslim woman should not marry a non-Muslim man. It was because if a non-Muslim man married a Muslim woman, she might be forced to apostatize. Another ulama who was also active on social media, Guntur Romli, through *Suara.com* from Tempo Media Group,³⁸ *Kabarfajar.com* from the Jawa Post group,³⁹ and *Populis.id*⁴⁰ citing a video posted on the 'Cokro tv' *YouTube* channel with the title '*Nikah Beda Agama Halal Dalam Alquran, Ini Ayatnya*' ('Interfaith Marriage is Allowed in the Quran, This is the Verse'), asserted that, 'I think those who forbid it cited wrong verses in the Quran'. Thus, it could be concluded that interfaith marriage should be allowed and legalized in this context. Another supporter of interfaith marriage who was also popular on social media was Ahmad Nurul Huda (Gus NH), an interfaith marriage counselor, in the post entitled '*Salang Sanggah, Nikah Beda Agama Hanya Memikirkan Duniawi, Tidak Peduli Akhirat?*' ('People are Refuting Each Other, Does Interfaith Marriage Only Focus on the World and Ignore the Afterlife?') on *Tvonenews.com*⁴¹ explained that the interfaith marriage was allowed.

The polemics have been observed because they represent a clash between traditional Islamic values and modern ideas of individual rights and freedom.

Staf Khusus Jokowi Nikah Beda Agama, MUI Sebut Tidak Boleh Link Artikel : <https://www.viva.co.id/b/>.

37 Metrotv, 'Nasihat Konselor Nikah Beda Agama: Keyakinan Harus Sama'.

38 Ruth Meliana Dwi Indriani, '4 Pernyataan Guntur Romli Soal Nikah Beda Agama: Tidak Haram Asal', *suara.com*, n.d.

39 Nasution, 'Mengupas Polemik Pernikahan Beda Agama' (2022).

40 Andy Alwan Nasution, 'Mengupas Polemik Pernikahan Beda Agama', *JPPN.COM* (2022), <https://populis.id/read13502/mengupas-polemik-pernikahan-beda-agama-bagian-dua>.

41 Tim TVONE, 'Nikah Beda Agama Tidak Sah', *TVonenews.com*, 2022, <https://www.tvonenews.com/berita/nasional/31050-mui-nikah-beda-agama-tidak-sah-ini-fatwanya?page=all>.

The issue of interfaith marriage has become particularly contentious in Indonesia because it is a country with a diverse religious population, where the Muslim community constitutes the majority. As a result, the debate has become a sensitive issue with potential political and social implications.

Moreover, interfaith marriage is not just a religious issue but also a legal one. Indonesian law requires individuals to register their religion with the government, and this can become a barrier to interfaith marriages. It is a particularly thorny issue for couples who want to marry but face legal hurdles because of their different religions.

TABLE 1 Responses of Muslim religious scholars

No.	Public figure	Response	Pros/Cons
01	Ustad Abdul Somad	Interfaith marriage is adultery! If a Muslim woman marries a person of a different religion and then apostatizes, hell will be her place.	Cons
02	Amirsyah Tambunan	Interfaith marriage is invalid.	Cons
03	Ustad Adi Hidayat	There is a prohibition on marriage between men and women of different religions, whether for Muslim men with non-Muslim women or vice versa.	Cons
04	Khalid Basalamah	Allah Almighty forbids Muslims to marry non-Muslims.	Cons
05	Ahmad Nuril Huda (Gus NH)	Interfaith marriage is allowed.	Pro
06	Bahauddin Nursalim (Gus Baha)	<i>Ahli Kitab</i> (People of the Book; both believers and disbelievers as indicated in the Quran) from Jews and Christians can be married by a Muslim. However, a Muslim woman must not be married to an infidel or a man who shuts himself off from Islam.	Cons
07	Yahya Zainul Ma'arif (Buya Yahya)	Interfaith marriage is invalid.	Cons
08	Quraysh Shihab	Quran allows a Muslim man to marry an <i>Ahlul Kitab</i> (People of the Book) woman, precisely Jews and Christians.	Pro

TABLE 1 Responses of Muslim religious scholars (*cont.*)

No.	Public figure	Response	Pros/Cons
09	Neng Zubaidah (a Family Law Expert)	Based on Islamic law, the Marriage Law, and the Compilation of Islamic Law, interfaith marriage is prohibited.	Cons
10	Guntur Romli	Interfaith marriage should be allowed and legalized.	Pro

Based on Table 1, seven of ten ulama stated that they were against interfaith marriage, while three supported it. The supporters argued that there were many explanations for interfaith marriage, including the Quran, Hadith, Muslim religious scholars' arguments, and the Marriage Law. For scholars rejecting interfaith marriage, the polemics in society emerged as a concern about destroying the holistic meaning of marriage. Meanwhile, interfaith marriage was allowed for those supporting it, as there was no absolute prohibition. Overall, the polemics between the ulama and interfaith marriage activists in Indonesia highlight the tension between religious tradition and modernity, as well as the importance of balancing individual rights with the preservation of cultural and religious values.

3.2 *Theme 2: The Polemics between Community Organizations and Legal and Community Activists about Interfaith Marriage in Indonesia*

Community organizations, particularly religion-based groups, have opposed the recognition of interfaith marriages, arguing that it goes against the tenets of their faith and could lead to religious conflicts. On the other hand, legal and community activists argue that the prohibition of interfaith marriages is a violation of human rights and discriminates against interfaith couples.

In 2019, the Indonesian Constitutional Court rejected a petition to revise the marriage law to allow for interfaith marriages. The court's decision was met with criticism from legal and community activists who argued that it failed to uphold human rights and the principle of equality before the law. The polemics surrounding interfaith marriage in Indonesia reflect the tension between the country's diverse religious and cultural identities and the legal framework that governs them. The issue also highlights the ongoing struggle to balance the protection of religious values with the promotion of individual rights and freedoms.

The Indonesian Ulema Council (*MUI*) in *Munas* (National Conference) VII issued Fatwa Number 4/Munas VII/8/2005 on Interfaith Marriage dated 28th of July 2005, addressing two issues: (i) interfaith marriage is invalid and illegal; and (ii) the marriage of a Muslim man to a woman of *Ahlul Kitab*, according to the *qaul mu'tamad*, is invalid and illegal. The *MUI*, through the head of the Sharia and Halal Economics Division, KH Sholahuddin Al-Aiyub, as published in the *Republika.co.id*,⁴² emphasized that interfaith marriage was prohibited and illegal in Indonesia. According to him, the *MUI* has issued a fatwa concerning mixed marriages since 2005. He stated, '[t]he law has claimed that interfaith marriage is invalid, either by state or religious regulation. It should apply to all Indonesian citizens.' According to him, a fatwa regarding the ban on interfaith marriage was issued because there were many cases back then and because of thoughts justifying interfaith marriage under the pretext of human rights and benefits would be widely spreading in the community. He added, '[t]o realize and maintain a peaceful married life, the *MUI* considers it necessary to issue a fatwa on interfaith marriage to serve as a guideline.' In line with the *MUI*, Nahdlatul Ulama (*NU*) also expressed a firm stance, as cited in *Republika.co.id*.⁴³ Ahmad Fahrurrozi, the head of *PBNU*, through the *NU* Congress in 1960, the *Tharīqah Mu'tabarāh* Congress in 1968, and the 28th Congress in Yogyakarta at the end of November 1989, emphasized that a marriage between two people of different religions in Indonesia was invalid and illegal.⁴⁴ Correspondingly, through the letter signed by the Head of Muhammadiyah, Din Syamsuddin, Muhammadiyah confirmed that interfaith marriage was invalid. This decision was made in the 22nd *Tarjih* Congress held in Malang in 1989, 'Muhammadiyah Confirms that Interfaith Marriage is Unlawful (*Haram*)'.⁴⁵

Unlike the three major community organizations above, the founder of *Jaringan Islam Liberal* (*JIL*; Liberal Islam Network), Ulil Abshar Abdalla, stated

42 Mabruroh, 'Nikah Beda Agama Tidak Sah Menurut Agama Dan Negara', *republika.co.id*, 2022, <https://www.republika.co.id/berita/r8fecp320/mui-nikah-beda-agama-tidak-sah-menu-rut-hukum-agama-dan-negara>.

43 Nashih Nashrullah, 'Ketua PBNU Respons PN Jaksel Yang Afirmasi Nikah Beda Agama', *republika.co.id*, n.d.

44 I. R Siddik Turnip, 'Perkawinan Beda Agama: Perspektif Ulama Tafsir, Fatwa MUI Dan Hukum Keluarga Islam Di Indonesia', 6(1) *Al-Tadabbur: Jurnal Ilmu Al-Qur'an Dan Tafsir* (2021), pp. 1–14; A. Zahro, *Tradisi Intelektual NU; Lajnah Bahtsul Masail 1926–1999: Tradisi Intelektual NU, LkiS Pelangi Aksara* (2004).

45 Isal Mawardi, 'Muhammadiyah Soal Viral Nikah Beda Ahama', *Detiknews.Com*, 2022, https://news.detik.com/berita/d-5976375/muhammadiyah-soal-viral-nikah-beda-agama-tak-sah-menurut-uu-hukum-islam?_ga=2.127832581.943660326.1653305057-521457543.1618342764.

that, as cited in *Republika.co.id*,⁴⁶ 'I never recommend interfaith marriage. In this regard, there were many undergraduate and postgraduate friends opposing the *JIL* idea or those who wanted to marry people of different religions. I said marriage should provide equality between a man and a woman, especially in sensitive issues such as religion.' This statement was found on the AlFahmu Institute *YouTube* channel in a debate session with Ustaz Fahmi Salim. He asserted that there should be a similarity between couples regarding religion. According to Ulil, only some were prepared for having different religions in one family. He also explained that it was ideal to marry a person of the same religion. He also conveyed another controversial statement through a *Twitter* account, @ulil, in response to a question about interfaith marriage in Islam. He wrote, '[i]n my opinion, interfaith marriage is allowed by Islam. Of course, it is in my interpretation.' The tweet was posted to answer Ricky Hidayat's question through the @hidayat_ricky account; 'Om @ulil, does *JIL* support interfaith marriage? Just out of curiosity.'

As cited in *JPNN.com*,⁴⁷ the Chairman of the Indonesian Conference on Religion and Peace (ICRP), Ahmad Nurcholish, argued that Indonesia could not make explicit regulations prohibiting interfaith marriage. He said, '[g]etting married is a part of civil rights for citizens. Therefore, Indonesia cannot issue a regulation prohibiting those of different religions from marrying because it is bound by the consequences of ratifying the human rights covenant.' The same thing was conveyed by the Coordinator of the *Pergerakan Indonesia untuk Semua (PIS)*, Ilma Novri Yanti, published in *Suara.com*⁴⁸ and *Populis.com*.⁴⁹ She believed that women would suffer the most if interfaith marriages were not registered. 'So, in our observation, we do not just marry off or provide a solution to be allowed to get married. Because, to be honest, in an unregistered marriage, the woman is certainly harmed', she said.

46 Republika, 'Saya Tidak Pernah Mengajukan Nikah Beda Agama', *republika.co.id*, 2022, <https://maktabu.republika.co.id/posts/81762/ulil-abshar-abdala-saya-tidak-pernah-mengajukan-nikah-beda-agama>.

47 Nasution, 'Mengupas Polemik Pernikahan Beda Agama', 2022.

48 Reza Gunadha, 'Sebut Setidaknya Ada 400 Ribu Anak Dari Pernikahan Beda Agama', *suara.com*, 2022, <https://www.suara.com/news/2022/03/23/140739/sebut-setidaknya-ada-400-ribu-anak-dari-pernikahan-beda-agama-koordinator-pis-sering-abai-dengan-kemampuan>.

49 Nasution, 'Mengupas Polemik Pernikahan Beda Agama', 2022.

TABLE 2 Responses of community organizations

No.	Organization	Discourse/Response	Pros/Cons
01	<i>MUI</i> (Indonesian Ulema Council)	Interfaith marriage is invalid and illegal, including the marriage of a Muslim man to a woman of <i>Ahlul Kitab</i> (People of the Book; both believers and disbelievers as indicated in the Quran).	Cons
02	Muhammadiyah	Muhammadiyah emphasizes that interfaith marriage is invalid.	Cons
03	NU (Nahdlatul Ulama)	Marriage between two people of different religions in Indonesia is invalid and illegal.	Cons
04	<i>JIL</i> (<i>Jaringan Islam Liberal</i> ; Liberal Islam Network); Ulil Abshor Abdalla	Interfaith marriage is allowed in Islam.	Pro
05	ICRP (Indonesian Conference on Religion and Peace) and an Interfaith Marriage Counselor; Ahmad Nurcholis	Indonesia cannot make explicit regulations prohibiting interfaith marriage because it is a part of citizens' civil rights.	Pro
06	<i>PIS</i> (<i>Pergerakan Indonesia untuk Semua</i>); Ilma Sovri Yanti	The woman suffers the most if an interfaith marriage were not registered.	Pro

Based on Table 2, three religious organizations, such as *MUI*, NU, and Muhammadiyah, agreed that interfaith marriage was invalid and illegal. They claimed that the regulations issued by the government in the form of the Marriage Law were for the good of society. Meanwhile, three other associations, such as *JIL*, ICRP, and *PIS*, supported and allowed interfaith marriage as they perceived that people's civil rights were universal.

3.3 Theme 3: Polemics of Information on Interfaith Marriage in Online Media

In Indonesia, there have also been separate polemics surrounding the information on interfaith marriage that is shared in online media. Some argue that the

information is often biased and promotes negative stereotypes about interfaith couples, while others believe that it is necessary to inform the public about the risks and challenges that come with interfaith marriages.

The polemics of interfaith marriage were informed in different ways through online media. The conservative ones were inclined to share the arguments of religious scholars, figures, and legal experts they claimed to be appropriate. These media included Inews.id from the MNC group, Viva.co.id from Vivanews, CNN Indonesia.com from the Trans Group, Solo Pos.com from Bisnis Indonesia Group, and Kabarfajar.com. Meanwhile, media with moderate content would likely cover responses from both parties; for example, online media from the Kompas Gramedia Group (Tribunnews.com and Tribun-Timur.com), Metrotvnews.com, JPNN.com, Fajar.co.id, Kabarfajar.com from the Jawa Post Group, and Tempo Media Group (Suara.com and Akurat.Co). For more details, information from these media can be seen in the following table:

TABLE 3 Media responses

No.	Media	Response	Classification
1	Inews.id from the MNC group, Viva.co.id from the Vivanews, CNN Indonesia.com from the Trans Group, Solo Pos.com from the Bisnis Indonesia Group, and Kabarfajar.com	They only reported the news containing vocal or strict arguments from particular scholars or organizations.	Conservative contents
2	Kompas Gramedia Group (Tribunnews.com and Tribun-Timur.com), Metrotvnews.com, JPNN.com, Fajar.co.id, Kabarfajar.com from Jawa Post Group, and Tempo Media Group (Suara.com and Akurat. Co)	They incorporated balanced views (covering both sides) regarding interfaith marriages from scholars, religious organizations, and humanitarian organizations.	Moderate contents

Based on Table 3, media groups such as iNews.id from the MNC group, Viva.co.id from Vivanews, CNN Indonesia.com from the Trans Group, Solo Pos.com from the Bisnis Indonesia Group, and Kabarfajar.com would likely provide more attention to the news rejecting interfaith marriage. On the other hand, there were moderate media groups such as Kompas Gramedia Group (Tribunnews.com and Tribun-Timur.com), Metrotvnews.com, JPNN.com,

Fajar.co.id, Kabarfajar.com from the Jawa Post Group, and Tempo Media Group (Suara.com and Akurat.Co).

One of the reasons for this polemic is the sensitivity of the issue in Indonesia, where the majority of the population follows Islam and there are laws that regulate interfaith marriages. Some community organizations and religious leaders are concerned that interfaith marriages may threaten the religious harmony of the country and lead to social conflicts.

On the other hand, legal and community activists argue that the biased information shared in online media can lead to discrimination against interfaith couples and violate their human rights. They also believe that there should be more open and constructive discussions about interfaith marriages in online media to promote mutual understanding and respect.

Overall, the polemics of information on interfaith marriage in online media reflect the complex and sensitive nature of the issue in Indonesia, where there are diverse perspectives and interests involved.

4 Discussion

Republika.co.id⁵⁰ and Populis.id⁵¹ presented the arguments discussed by three well-known scholars: Gus Baha, Quraish Shihab, and Ahmad Nurcholish. They assumed that there were differences in understanding interfaith marriage. In this context, Quraish Shihab and Ahmad Nurcholish highlighted the following viewpoints: *First*, surah al-Maidah verse 5 allows marrying women from the *Ahli Kitab* (People of the Book). *Second*, the general *ijtihad* postulates that Islam is *rahmatan lil alamin* (mercy to the universe), understanding that Islam is appropriate, suitable, and compatible with the development of times and places. *Third*, the presence of the principles of *fiqhiyah al-daruratu tubihu al-mahzurat* (urgency can allow what is initially prohibited) and *al-musyaqqatu tajlibu al-taisir* (hardships can open up a space of relief). They believed that it emerged as a result of understanding surah al-Maidah verse 5 and a Hadith; *Iza ijtahada al-hakim faashaba falahu ajrani faiza akhtha'a falahu ajrun wahidun* (if a jurist performs *ijtihad* and the argument is correct, he will be given one or two rewards; if the argument is incorrect, he will earn one reward).

50 'Nikah Beda Agama, Begini Beda Dalil Ahmad Nurcholis, Gus Baha Hingga Quraish Shihab' <https://Maktabu.Republika.Co.Id/Posts/81472/Nikah-Beda-Agama-Begini-Beda-Dalil-Ahmad-Nurcholis-Gus-Baha-Hingga-Quraish-Shihab>, *republika.co.id*, n.d.

51 Nugroho Dwi Yanto, 'Heboh Pernikahan Beda Agama Stafus Jokowi, Ini Perbedaan Dalil Nurcholis, Gus Baha, Sampai Quraish Shihab', *populis.id*, n.d.

Meanwhile, the parties rejecting the interfaith marriage continued to resist consistently. The world's Muslim religious scholars, from the *Majmu' Buhus* of Saudi Arabia members, the Egyptian *Ifta'* Council, and the Indonesian Ulema Council, agreed that interfaith marriage was not allowed. The basis was the verses of the Quran, the Hadith, and the arguments of the ulama.

First, surah Baqarah verse 221 was understood by most Sunni Muslim scholars as an apparent prohibition for Muslim women to be married to non-Muslim men from any group, whether non-Muslims who worship idols, *Ahli Kitab* (People of the Book) from Jews and Christians, or others. The founder of the Shafi'i school of thought, Muhammad ibn Idris al-Shafi'i asserted that it was not lawful (*halal*) for a non-Muslim man to marry neither a Muslim woman nor an enslaved Muslim. Al-Shafi'i did not distinguish infidels, the *Ahli Kitab* (People of the Book), or any other group.⁵² Furthermore, surah al-Mumtahanah verse 10 was comprehended as another explanation that Muslim women are not legally married to non-Muslim men. In this context, Imam Bukhari and Imam Atha agreed that if a non-Muslim woman converted to Islam and was followed by her husband during the *iddah* period, her husband remained unlawful for her except if they got married again with a new dowry.⁵³

Second, there is the Postulate of *Sunnah F'iliyah*, or the practice by Prophet Muhammad (PBUH) narrated by Imam al-Tirmizi. At that time, the Prophet Muhammad (PBUH) separated every Muslim woman who had just converted to Islam from their husband, who still did not want to do the same. Furthermore, he once divorced his daughter, Zainab, from her husband, who refused to convert to Islam. And then, after the husband converted, he remarried him with his daughter, using a new dowry for a new marriage.⁵⁴

52 Muhammad Muhajir and Arif Al Anang, 'The Portrait of Interreligious Harmony: A Phenomenon Study of Inter-Faith Family Harmony in Gunung Kidul, Yogyakarta: Potret Kerukunan Umat Beragama: Studi Fenomena Keharmonisan Keluarga Antar Agama Di Gunung Kidul, Yogyakarta', 44(1) *Dialog* (2021), pp. 100–116; Onytra Nirwana Prihatin and Muhammad Faozan, 'Problematika Perkawinan Beda Agama Dalam Konteks Hukum Islam Dan Solusinya', 7(1) *TAFATQ: Jurnal Hukum Ekonomi Syariah Dan Ahwal Syahsiyah* (2022), pp. 85–98.

53 Roshimah Shamsuddin, Mohd Siroj Abdul Lathiff, and Mohd Tajuddin Ismail, 'Uslub Dakwah Nabi SAW Terhadap Wanita Bukan Islam (The Prophet's Methodology of Da'wah to Non-Muslim Women)', *Journal of Al-Tamaddun* 12, no. 1 (2017): 1–13; Widodo Budidarmo and Rineke Sara, 'Juridical Review of Interfaith Marriages and Its Legal Consequences Regarding Inheritance Sharing', in *Proceedings of the First Multidiscipline International Conference, MIC 2021, October 30 2021, Jakarta, Indonesia*, 2022.

54 Farah Deeba Chowdhury, 'Dowry, Women, and Law in Bangladesh', *International Journal of Law, Policy and the Family* 24, no. 2 (2010): 198–221; M. Alfar Redha, 'Isbat Nikah

Third, the Postulate of *Ijma' Ulama* on the agreement of the Muslim religious scholars on the prohibition of Muslim women from marrying non-Muslim men, both classical and contemporary ulama, stated that there was a definite law (*qath'i*) without any different viewpoint. The ulama of the Hanafi school of thought was Aini (Aini, 2001); from the Maliki were Imam al-Qurtubi (Qurthubi, 2006) and Imam Ibnu Juzza' al-Gharnathi (Gharnathi, 2007); from the Shafi'i were Muhammad ibn Idris (Syafi'i, 2007), al-Mawardi (Mawardi, 2009), and Ibn Shalah (Ibnus Shalah, 2004); from the Hambali were Ibn Qudamah (Ibnu Qudamah, 2005) and Ibn Taimiyah (Ibnu Taimiyah, 2005); from the Zahiri Ulama was Ibn Hazm (Ibnu Hazm, 1996); from the contemporary ulama were Muhammad Abu Zahrah (Zahrah, 1987). The other contemporary ulama generally argued the same as the previously mentioned parties. The prohibition of Muslim women from being married to non-Muslim men was also supported by the ulama of *Darul Ifta' al-Mushriyah*, as seen in the Fatwa number 15,719 issued in 2020 by Sheikh Prof. Dr. Syaqui Ibrahim Alam.

The above arguments became a reference for religious community organizations such as NU, Muhammadiyah, and MUI. Through the 28th Congress in Yogyakarta in November 1989, NU declared that interfaith marriages in Indonesia were legally invalid. Muhammadiyah, through the PP Muhammadiyah *Tarjih* and *Tajdid* Council, determined that a Muslim woman was prohibited from marrying a non-Muslim man. Through the Second National Conference in 1980, the MUI issued a fatwa on interfaith marriage. When it was enacted, the Board of *Munas* (National Conference) II was Buya Hamka. The MUI issued two decisions: (i) the marriage of a Muslim woman with a non-Muslim man is invalid; and (ii) a Muslim man is not allowed to marry a non-Muslim woman.

5 Conclusion and Limitations of the Present Study

The regulations issued by the government in the form of the Marriage Law to regulate the relationship between men and women through the institution of marriage received various responses from the organizations supporting interfaith marriage and subsequently sparked controversies in society. As revealed in the online media, there were polemics among ulama, interfaith marriage counseling activists, religious community organizations, and marriage counseling organizations. The rejection of the Marriage Law was based on the assumption that it had multiple interpretations and discriminatory impacts on

Pasangan Muaf Dalam Hukum Islam Dan Hukum Positif Di Indonesia; *Al-Adl: Jurnal Hukum* 15, no. 1 (2023): 106–31.

the public services for couples of interfaith marriages, indicating that the regulation has been detrimental to the community since it was issued. Meanwhile, supports for the Marriage Law was based on the general assumption that it was made to maintain the benefit of the community in this world to the hereafter.

The method of online media observation in this study allowed the researcher to compile different thoughts in society regarding the marriage regulations issued by the government in the form of the Marriage Law. Polemics regarding marriage rules were illustrated by online news comprising various viewpoints. The disagreements among several groups, such as ulama, interfaith marriage counseling activists, community organizations, and the community, could also be found in diverse media.

The present study data were limited to texts, in which the research findings relied on observations on the media conveying the debate over interfaith marriage regulations. It resulted in the study needing more authority to draw empirical conclusions from the field data obtained by carefully observing and conducting in-depth interviews with the parties involved in the debate over the rejection and support for interfaith marriage. Therefore, more comprehensive future research is required to cover more perspectives of the parties engaged in the arguments.

Since the social representation was situated socio-historically and socio-culturally, this study's results should be interpreted carefully. The researchers are aware of the limitations regarding selecting public figures as research informants. However, this investigation was designed to comprehend polemics occurring in society between Muslim religious scholars and interfaith marriage counseling activists and between religious community organizations and activist organizations supporting interfaith marriage. Future studies are deemed necessary to explore the triggers for the re-emergence of these polemics in the form of disagreements between the religious community organizations and the activist organizations supporting interfaith marriage, as well as the consequences in the community of living a tolerant life and respecting the overall values.