

Interfaith Marriage: Convergences and Divergences Between Islamic and Catholic Law in Indonesia

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Abstract

Interfaith marriage remains a contentious issue among Indonesia's religious communities and requires an interreligious, moderate approach rather than a single-faith perspective. This study examines Islamic and Catholic legal views on interfaith marriage, focusing on three key aspects: marital harmony, commitment to personal faith, and children's religious education. Using a comparative religion method through literature review, it analyzes sacred texts and their influence on binding laws. A phenomenological approach presents real-life experiences of interfaith couples. Both traditions cite divine revelation to justify their positions and seek to minimize the perceived risks of interfaith unions. Islamic law, based on *fiqh*, generally prohibits such marriages, while the Catholic Church discourages them but may grant dispensations if the Catholic partner vows to uphold their faith. Despite these restrictions, the study finds that interfaith families can still achieve harmony. Key to this are mutual tolerance, respect for religious freedom, and open communication between partners.

Keywords: Interfaith Marriage; Islamic Law; Catholic Church Law; Convergences; Divergences

Abstrak

Pernikahan lintas agama tetap menjadi isu yang kontroversial di antara komunitas agama di Indonesia dan membutuhkan pendekatan antaragama yang moderat daripada perspektif satu agama saja. Studi ini meneliti pandangan hukum Islam dan Katolik tentang pernikahan lintas agama, dengan fokus pada tiga aspek utama: keharmonisan rumah tangga, komitmen terhadap keyakinan pribadi, dan pendidikan agama anak-anak. Dengan menggunakan metode perbandingan agama melalui tinjauan pustaka, studi ini menganalisis teks-teks suci dan pengaruhnya terhadap hukum yang mengikat. Pendekatan fenomenologis menyajikan pengalaman nyata pasangan lintas agama. Kedua tradisi mengutip wahyu ilahi untuk membenarkan posisi mereka dan berupaya meminimalkan risiko yang dianggap terkait dengan pernikahan lintas agama. Hukum Islam, yang didasarkan pada *fiqh*, umumnya melarang pernikahan semacam ini, sementara Gereja Katolik tidak menyarankan, tapi bisa memberikan dispensasi jika pasangan Katolik bersedia mempertahankan iman mereka. Meski ada pembatasan ini, penelitian menemukan bahwa keluarga antaragama masih bisa mencapai keharmonisan. Kunci dari hal ini adalah saling toleransi, menghormati kebebasan beragama, dan komunikasi terbuka antara pasangan.

Kata kunci: Perkawinan Antaragama; Hukum Islam; Hukum Gereja Katolik; Konvergensi; Divergensi

1. Introduction

Interfaith marriages continue to occur in Indonesia, albeit infrequently,¹ indicating that social practices do not always conform to religious or legal prescriptions. Although religious adherents are expected to comply with the prohibition of such unions by the civil authorities,² some individuals pursue them due to personal, cultural, or social motivations. In rural and border regions, customary law—functioning as the community’s living law—often plays a more influential role in legitimizing interfaith marriages, while still recognizing the relevance of religious and civil law.³

Until now, discussions on interfaith marriage have largely been conducted from a single-religion perspective, predominantly Islamic, often by disparaging other religions to reinforce teachings and norms that categorically prohibit such marriages.⁴ This research responds to the need among some Islamic scholars to develop more inclusive policies on interfaith dialogue, guided by religious moderation as a contemporary national program in Indonesia.⁵ Such an approach may help address *fiqh*-related legal dilemmas involving non-Islamic perspectives and reduce disputes over interfaith marriage.⁶ According to Kementerian Agama, religious moderation entails openness, tolerance, respect for minority rights, and a commitment to justice and humanity. Its core principles—balance, mutual listening, and learning—promote understanding and cooperation, making interfaith marriage a potential bridge for dialogue.⁷ Kasdi advocates a *nusantara fiqh* that is moderate, adaptable to modernity, and reflective of Indonesia’s multiethnic and multireligious identity.⁸ As Nawawi notes, plurality is *sunnatullah* (a natural law) in Indonesia,⁹ and one inevitable consequence of this diversity is interfaith marriage. However, although *nusantara fiqh* seeks to accommodate Indonesian social realities, Kasdi

¹ Abdul Holik and Lukman Afifudin, “Perspektif Tokoh Antar Agama Terhadap Keabsahan Perkawinan Beda Agama di Wilayah Kabupaten Jombang”, *Al-Ihkam: Journal of Family Law* 16, no. 2 (2024): 198, <https://doi.org/10.20414/alihkam.v16i2.11255>; Noryamin Aini, Ariane Utomo, and Peter McDonald, “Interreligious Marriage in Indonesia,” *Journal of Religion and Demography* 6, no. 1 (2019): 191, <https://doi.org/10.1163/2589742X-00601005>.

² Heri Sulaiman, Ihwanul Muadib, and Ali Mutakin, “Pernikahan Beda Agama dalam Konteks Indonesia: Analisis Takhshiah dan ‘Amr dalam Kitab al-Mashshūl fī ‘Ilm Ushūl al Fiqh,” *JIM: Jurnal Ilmiah Mahasiswa Hukum Keluarga Islam* 1, no. 1 (2024): 45.

³ Sri Wahyuni, “Pelaksanaan Perkawinan Campur Beda Agama di Daerah Perbatasan Sambas Kalimantan Barat antara *Living Law* dan Hukum Positif Indonesia,” *Al-Ahwal* 9, no. 1 (2016): 39, <https://doi.org/10.14421/ahwal.2016.09103>.

⁴ Some examples are Lukman Hakim, Irwansyah, Wahyu Safitri, “Perkawinan Beda Agama dalam Perspektif Hadits,” *Jurnal Cerdas Hukum* 1, no. 1 (November 2022): 1-10; Sufiarina, M. Yunus, Moh. Zedzaky Alamin, Dafa Aryanto, “Salah Jalan Perkawinan Beda Agama dalam Pluralisme Indonesia,” *Krtha Bhayangkara* 18, no. 2 (2024): 430-447; Husein Rahman, “Nikah Beda Agama dalam Pandangan Al-Qur’an,” *Hermenutik: Jurnal Ilmu Al Qur’an dan Tafsir* 11, no. 2 (2017): 252-266; Rifa’I Kurniawan, Muhammad Arif, Khulwani, “Responsivitas Ulama terhadap Pernikahan Beda Agama Perspektif Mufassir Al-Qur’an dan Hukum Perkawinan di Indonesia,” *Ta’wiluna: Jurnal Ilmu Al-Qur’an, Tafsir dan Pemikiran Islam* 6, no. 1 (2025): 557-572.

⁵ Holik and Afifudin, “Perspektif Tokoh Antar Agama,” 200.

⁶ Muftidul Albab and Sakande Moussa, “Pernikahan Beda Agama Perspektif Pendidikan Islam dalam Sudut Pandang Moderasi Beragama,” *Edumasa* 1, no. 2 (2023): 16, <https://doi.org/10.15294/edumasa.v9i2>.

⁷ Kementerian Agama RI, *Moderasi Beragama* (Jakarta: Badan Litbang dan Diklat Kementerian Agama RI, 2019), 19-28.

⁸ Abdurrohman Kasdi, “Reconstruction of *Fiqh Nusantara*: Developing the Ijtihad Methodology in Formulating *Fiqh* from Indonesian Perspective,” *Qudus International Journal of Islamic Studies* 7, no. 2 (2019): 240, <http://dx.doi.org/10.21043/qijis.v7i2.4797>.

⁹ Muhammad Nawawi, “Pluralisme dalam Bingkai Islam dan Negara,” *In Right: Jurnal Agama dan Hak Azasi Manusia* 3, no. 2 (2014): 437, <https://doi.org/10.14421/inright.v3i2>.

does not address interfaith marriage within this framework.¹⁰

This research offers a novel contribution by examining interfaith marriage through a comparative study of Islamic and Catholic law. Unlike single-faith studies, it adopts a multireligious perspective to compare how both traditions assess and respond to interfaith marriage. It focuses on three common concerns shared by Muslim and Catholic scholars: household cohesion, the preservation of faith (*aqidah*), and the religious upbringing of children. By analyzing the doctrines and legal frameworks of Islam and the Catholic Church, the study identifies similarities and differences in addressing these issues.

2. Research Method

This research is a comparative study of religious law based on a literature review. Drawing on the comparative religion methodology developed by Smith,¹¹ it examines interfaith marriage as a balanced and proportionate subject of comparison. The study compares: (i) scriptural texts underlying the prohibition or permission of interfaith marriage, (ii) positive religious laws codifying those texts, and (iii) religious legal responses to interfaith marriage in relation to the three key issues identified above. In this study, interfaith marriage refers to a marital union between a man and a woman who adhere to different religions, encompassing both the pre-marital and marital stages. The term excludes cases in which religious differences arise as a result of one spouse converting to another religion after a marriage ceremony originally conducted within the same religious tradition.

This research adopts a normative-juridical approach, utilizing primary sources from the interpretations of sacred texts of both religions. It also incorporates interpretations from the judicial review conducted by the Constitutional Court of the Republic of Indonesia on interfaith marriage.¹² Secondary data is drawn from positive legal norms established by religious authorities as applications of the primary sources. Several Muslim experiences of interfaith marriage are examined to assess the effectiveness of the prohibition based on the harms associated with such marriages in relation to the three main issues.

The comparative study will proceed in three stages: first, analyzing how each tradition interprets divine revelation and sacred texts as the basis for prohibiting or permitting interfaith marriage; second, examining how these religious norms are translated into binding positive law; and third, exploring how each tradition regulates marital integrity and harmony, the protection of faith, and the religious upbringing of children.

3. Results and Discussion

3.1 Interfaith Marriage according to Al-Qur'an

The first Quranic verse prohibiting interfaith marriage appears in Surah al-Baqarah [2]:221, forbidding Muslims from marrying idolaters unless they convert to Islam. The verse contrasts the *mukmin* (believer) with the *musyrik* (idolater or polytheist), a term interpreted in two main ways. The traditionalist-restrictive view delegitimizes other faiths and strictly bans interfaith marriage, while the modernist-permissive view interprets the term more inclusively, allowing a more tolerant stance toward other religions. Hazairin adopts a traditionalist-restrictive view, labeling all non-Muslims as *musyrik* (men) or *musyrikah* (women).¹³ Fakhruddin ar-Razi similarly classifies the *Ahl al-Kitab* as *musyrik*.¹⁴ This term applies to Jews and Christians who equate others with Allah SWT by recognizing Jesus as

¹⁰ Kasdi, "Reconstruction of *Fiqh Nusantara*," 241-42.

¹¹ In Ilim A. Halim, "Metode Perbandingan Agama Proporsional dalam Persepsi W.C. Smith," *Religious: Jurnal Studi Agama-Agama dan Lintas Budaya* 4, no. 1 (2019): 41, <https://doi.org/10.15575/rjsalb.v4i.6442>.

¹² The Constitutional Court of the Republic of Indonesia, *Decision No. 24/PUU-XX/2022*, https://www.mkri.id/public/content/persidangan/putusan/22_PUU-XV_2017.pdf, accessed 4 January 2026.

¹³ As cited in the Constitutional Court of the Republic of Indonesia, *Decision No. 24/PUU-XX/2022*.

¹⁴ Sulaiman, Muadib, and Mutakin, "Pernikahan Beda Agama dalam Konteks Indonesia," 33-37.

God.¹⁵ However, others argue the Qur'an does not label Trinitarian Christians as *musyrik*, but as *kufir* within the *Ahl al-Kitab*¹⁶ or as *kafir kitabi*¹⁷.

A permissive interpretation confines *kufir* to the idolaters of Mecca at the time of the Qur'an's revelation.¹⁸ Rasyid Ridha similarly limits *musyrik* to pre-Islamic Arabs without a holy book who practiced idolatry.¹⁹ Huzaini argues that if such *musyrik* still existed, relevant verses would apply;²⁰ if not, no religion should hinder interfaith marriage—a view also supported by the Jaringan Islam Liberal.²¹

The second sacred text on interfaith marriage is Surah al-Mumtahanah [60]:10, which addresses the treatment of believing women who migrate from non-Muslim regions after being married to unbelievers, rather than directly discussing religious differences prior to marriage. Hazairin equates *kufir* in this Surah with *musyrik* in Surah al-Baqarah [2]:10, thus prohibiting interfaith marriage post-cohabitation.²² According to *mufasssirin*, conversion to Islam automatically annuls a marriage to a disbeliever, as a Muslim woman cannot remain with a *kufir* husband, and *vice versa*.²³ Believing women may remarry Muslim men regardless of whether their disbelieving husbands grant divorce. However, Shihab distinguishes between *musyrikah* wives and those from the *Ahl al-Kitab*: a convert must divorce a *musyrikah* wife but may remain married to one from the *Ahl al-Kitab*.²⁴

Unlike the previous two sacred verses, Surah al-Ma'idah [5]:5 permits Muslim men to marry women from the *Ahl al-Kitab*, provided they pay dowry, can support their wives, and do not seek the marriage for immoral purposes.²⁵ This reflects Islamic tolerance, as Muslim men accept the prophethood of Jesus. Sheikh Ahmed Sikar notes, however, that such marriages are prohibited if the women are hostile to Islam.²⁶ While the verse does not explicitly forbid Muslim women from marrying *Ahl al-Kitab* men, scholars consider this an issue of *ijtihad*.²⁷ Still, such unions are generally prohibited due to

¹⁵ Miftakul B. Ibad, "Perkawinan Beda Agama Perspektif Majelis Ulama Indonesia dan Muhammadiyah," *Al-Hukama* 9, no. 1 (2019): 212, <https://doi.org/10.15642/alhukama.2019.9.1.195-230>.

¹⁶ Muhammad Q. Shihab, *Tafsir Al-Mishbah: Pesan, Kesan, dan Keserasian Al-Qur'an*, vol. I (Jakarta: Lentera Hati, 2021), 577-78, 581.

¹⁷ Tim Penyusun Pustaka-Azet, *Leksikon Islam*, vol. I, Jakarta: Pustazet Perkasa, 1988), 295.

¹⁸ Shihab, *Tafsir Al-Mishbah*, I, 577.

¹⁹ Isna N. Fitria, "Peraturan Perkawinan Beda Agama di Indonesia dan Mesir," *Al-Hukama* 3, no. 1 (2013): 41, <https://doi.org/10.15642/al-hukama.2013.3.1.83-95>.

²⁰ Huzaini, "Perkawinan Beda Agama (Tafsir Ayat Ahkam)," *Syakhsiyyah Jurnal Hukum Keluarga Islam* 2, no. 2 (2022): 218, <https://doi.org/10.32332/syakhshiyyah.v2i2.6168>.

²¹ Muhamad Harsono, "Nikah Beda Agama Perspektif Aktifis Jaringan Islam Liberal," *Al-Ahwal* 2, no. 1 (2009): 107, <https://doi.org/10.14421/ahwal.2009.02105>.

²² As cited in the Constitutional Court, *Decision No. 24/PUU-XX/2022*.

²³ *Ibid*.

²⁴ Shihab, *Tafsir Al-Mishbah*, XIII, 605.

²⁵ Kementerian Agama RI, *Al-Qur'an dan Tafsirnya*, vol. 2, rev. ed. (Jakarta: Lentera Abadi, 2010), 359.

²⁶ Safrodin et al., "Exploring Interfaith Marriage in Qur'an: A Hermeneutic and Anthropological Analysis of Permissibility," *Journal of Islamic Thought and Civilization* 14, no. 2 (2024): 378, <https://doi.org/10.32350/jitc.142.22>.

²⁷ Saifullah, "Menguak Pemikiran Ijtihad dalam Hukum Nikah Beda Agama: Studi Perbandingan Tafsir Al-Manar dan Fiqh Lintas Agama," *Al-Syakhsiyyah* 5, no. 1 (2023): 15-16, <https://doi.org/10.30631/al-risalah.v21i2.805>; Ayi Z. Mutaqin, Badruzzaman M. Yunus, and Bambang Qomaruzzaman, "Interfaith Marriage in the Perspectives of Indonesian Tafsir Ulama: Reviewing the Tafsir of HAMKA, Quraish Shihab, and Musdah Mulia," *Hanifiya: Jurnal Studi Agama-Agama* 5, no. 2 (2022): 121-22, <http://dx.doi.org/10.15575/hanifiya.v5i2.18782>.

concerns about the husband's influence on his partner's faith.²⁸ Safrodin et al. argue that this prohibition is rooted in the patriarchal traditions that existed in Arab society before Islam.²⁹

Restrictive and traditionalist interpretations view "those who have been given the Book" (people of the Book) as referring to the original, unaltered followers of Judaism and Christianity prior to the advent of Prophet Muhammad SAW.³⁰ Consequently, modern Jews and Christians, including those in Indonesia, are not considered part of the pure *Ahl al-Kitab*. Imam ash-Shafi'i stated that Prophets Moses and Isa were sent only to the Israelites.³¹ Similarly, Nafis argues that Muslim men may marry *Ahl al-Kitab* women only if their beliefs align with the original Taurat and Gospel.³² These views extremely emphasize genealogical and ethnic criteria in prohibiting such marriages. Yet, in today's globalized world, tracing pure ethnoreligious lineages is increasingly difficult due to centuries of intermarriage and migration.

Permissive and modern interpretations view the phrase historically, intertextually, and contextually to support interfaith marriage. Historically, it refers to Jews and Christians before Islam. Intertextually, it connects to Surah Al-Ankabut [29]:46, which names Jews and Christians.³³ Semantically, Surah Al-Bayyinah [98]:1,6 shows *Ahl al-Kitab* are not *musyrik* but a distinct group acknowledged in the Qur'an. At the Prophet Muhammad's time, *Ahl al-Kitab* women were seen as in *shirk*, yet Surah Al-Ma'idah was revealed then, explicitly permitting marriage with them.³⁴

Hazairin offers a contextual interpretation by linking Surah al-Maidah [5]:5 with Surah an-Nisa [4]:25, arguing that Muslim men may marry women from *Ahl al-Kitab* only as a last resort in three cases: (1) when no Muslim woman is willing to marry him, particularly in areas with a Muslim minority or weak religious observance—though this does not apply in Indonesia today, where Muslims are the majority and Muslim women are available; (2) when he cannot obtain a consenting female slave of the same faith; and (3) when he cannot acquire a slave girl owned by another Muslim without paying a proper dowry.³⁵

Permissive interpretations view Surah al-Maidah [5]:5 as an exception to the general prohibition in Surah al-Baqarah [2:221].³⁶ The Jaringan Islam Liberal sees it as a revolutionary verse that overrides earlier bans on marrying *musyrik* individuals,³⁷ consistent with the principle that later revelations abrogate earlier ones.³⁸ In contrast, Nafis argues the dispensation was temporary—meant only when

²⁸ Hanifatul M.M. Ali and Fatum Abubakar, "Telaah Komprehensif terhadap Perkawinan Beda Agama (Perspektif Fikih, Sosial, dan Hak Asasi Manusia)," *Fala: Jurnal Ilmiah Multidisipliner* 1, no. 2 (2024): 7; Shihab, *Tafsir Al-Mishbah*, III, 36.

²⁹ Safrodin et al., "Exploring Interfaith Marriage," 379-80.

³⁰ Lajnah Ta'lif Wan Nasyr PBN, *Ahkamul Fuqaha: Solusi Problematika Aktual Hukum Islam, Keputusan Mukhtar, Munas dan Konbes Nahdlatul Ulama (1926-2015M)* (Surabaya: Khalista, 2019), 314-15; Ali Mutakin, "Fiqh Perkawinan Beda Agama di Indonesia: Kajian atas Fatwa-Fatwa NU, MUI, dan Muhammadiyah," *Al-Ahwal* 14, no. 1 (2021): 15-16, <https://doi.org/10.14421/ahwal.2021.14102>.

³¹ Fatima R. Ranguti, "Pernikahan Beda Agama dalam Islam," *Murabbi* 5, no. 2 (2022): 91.

³² As cited in the Constitutional Court, *Decision No. 24/PUU-XX/2022*.

³³ Meliyani Sidiqah, "Wanita Ahlul Kitab dan Hukum Menikahinya di Indonesia," *Jurnal USM Law Review* 6, no. 3 (2023): 1160, <https://doi.org/10.26623/julr.v6i3.7823>.

³⁴ Ibad, "Perkawinan Beda Agama," 219-20; Md. Zahidul Islam, "Interfaith Marriage in Islam and Present Situation," *Global Journal of Politics and Law Research* 2, no. 1 (2014): 42.

³⁵ As cited in the Constitutional Court, *Decision No. 24/PUU-XX/2022*.

³⁶ Ibad, "Perkawinan Beda Agama," 215; Islam, "Interfaith Marriage in Islam," 40; Safrodin et al., "Exploring Interfaith Marriage," 380.

³⁷ Harsono, "Nikah Beda Agama Perspektif Aktifis," 109.

³⁸ Lutfan Muntaqo, "Islamic Thoughts on Interfaith Marriage in Local and Global Context," *Manarul Qur'an* 20, no. 1 (2020): 75, <https://doi.org/10.32699/mq.v20i1.1615>; Huzaini, "Perkawinan Beda Agama," 218; Mutaqin, Badruzzaman and Qomaruzzaman, "Interfaith Marriage in the Perspectives," 117.

Muslim women were few—and is now revoked.³⁹ However, he does not clarify when or how Allah SWT rescinded it.

Permissive interpretation offers a flexible understanding of the phrase “*Ahl al-Kitab* women” and promotes a theology of togetherness to counter narratives of blame, division, or disbelief. Islam upholds universal values, discourages polarisation in pluralistic societies, and encourages inclusivity toward *Ahl al-Kitab*.⁴⁰ The Hanafi, Maliki, and Hambali schools affirm the unconditional permissibility of Muslim men marrying *Ahl al-Kitab* women, even if their religion has changed.⁴¹ The Qur'an permits such marriages clearly and without conditions.⁴² Imam Abu Hanifah allowed marriage with Jewish or Christian women, even those believing in the Trinity, emphasizing their possession of a Holy Book revealed by Allah.⁴³ Though *Ahl al-Kitab* do not follow Islam, they follow prophets recognized in Islam, such as Abraham and Jesus.⁴⁴

According to Ibn ‘Ajibah, those with a Holy Book are not classified as *musyrik* and thus are exempt from the prohibition.⁴⁵ *Musyrikat* refers to desires involving *shirk*, not a blanket term for non-Muslims. Shihab rejects equating *Ahl al-Kitab* with *musyrik*, a distinction also made in the Qur'an. Unlike idolaters or atheists, *Ahl al-Kitab* possess scriptures with moral guidance, which, if followed, can support a good marriage.⁴⁶ The definition of Jews and Christians extends beyond Israelite descent,⁴⁷ and includes the Magi and Shabi'in based on Surah al-Hajj [22]:17.⁴⁸ Muhammad Rashid Ridha even included Hindus, Buddhists, and Confucianists as *Ahl al-Kitab*, a view echoed by contemporary Islamic jurists who recognize as *Ahl al-Kitab* anyone believing in a Prophet or Book revealed by God.⁴⁹

3.2 Interfaith Marriage according to the Holy Bible

God, through Moses, led the Israelites toward Canaan, a land inhabited by nations practicing other religions. In Exodus 34:15–16, God explicitly commanded Moses not to form covenants with these idolaters, worship their gods, or permit intermarriage, warning such alliances would lead to spiritual infidelity. Deuteronomy 7:2–4 reiterates this prohibition, emphasizing that intermarriage could turn Israelites away from God. The underlying concern was that such unions could compromise the theological integrity of Israelite worship and dilute covenantal fidelity. The prohibition thus functioned as a safeguard for religious purity and communal devotion to the Lord.⁵⁰

Opposition to interfaith marriage was central to Ezra and Nehemiah's fifth-century BC religious reforms. Seeking to restore post-exilic Israel's pure faith and covenant with God—rooted in the Patriarchal era—they emphasized communal unity and loyalty to the Lord. At the time, 'neighbor'

³⁹ As cited in the Constitutional Court, *Decision No. 24/PUU-XX/2022*.

⁴⁰ S. Maarif, “Pesan Damai Grand Sheikh Al-Azhar dan Antikekerasan,” *Kompas*, July 19, 2024, 7.

⁴¹ As cited in the Constitutional Court, *Decision No. 24/PUU-XX/2022*.

⁴² Huzaini, “Perkawinan Beda Agama,” 216.

⁴³ Albab and Moussa, “Pernikahan Beda Agama Perspektif Pendidikan,” 21.

⁴⁴ Alex B. Leeman, “Interfaith Marriage in Islam: An Examination of the Legal Theory Behind the Traditional and Reformist Positions,” *Indiana Law Journal* 84, no. 2 (2009): 755.

⁴⁵ Hasvi Harizi, “Pernikahan Beda Agama menurut Ibnu ‘Ajibah: Analisis Tafsir Al-Bahr Al-Madid Fi Tafsir Al-Quran Al-Majid,” *Quranicum* 1, no. 1 (2024): 62, <https://doi.org/10.22373/quranicum.v1i1.4665>.

⁴⁶ Shihab, *Tafsir Al-Mishbah*, I, 581.

⁴⁷ Rangkuti, “Pernikahan Beda Agama,” 92.

⁴⁸ Sidiqah, “Wanita Ahlul Kitab,” 1158.

⁴⁹ Rangkuti, “Pernikahan Beda Agama,” 93.

⁵⁰ Alphonsus T. Raharso, “The Promise of the Catholic Party Concerning Catholic Baptism and Education of Children in Mixed Marriage (Can. 1125, no. 1): A Search for Doctrinal, Juridical, and Pastoral Explanations,” Tesis Magister (Roma: Pontificia Universitas Urbaniana, Roma, 1993), 6; Eduardus K. Pamungkas and R.F. Bhanu Viktorahadi, “Perkawinan Beda Agama Menurut Kitab Suci, Ajaran, dan Hukum Gereja,” *Religious: Jurnal Studi Agama-Agama dan Lintas Budaya* 5, no. 3 (2021): 428, <http://doi.org/10.15575/rjsalb.v5i3.14578>.

referred exclusively to fellow Jews, making mixed marriages a perceived threat to religious purity. As a result, Ezra and Nehemiah called for the dissolution of such unions (Ezra 10:3; Nehemiah 13:25), also fearing the spiritual impact on children from these marriages.⁵¹

On the other hand, the Old Testament also contains instances of interracial and interfaith marriages, most notably in the Book of Ruth (Ruth 1–4). Elimelech and Naomi, Israelites who migrated to Moab during a famine, had two sons who married Moabite women. Following the premature deaths of her husband and sons, Naomi returned to Israel, accompanied by Ruth, her Moabite daughter-in-law who adopted Naomi's faith. Ruth subsequently married Boaz, and their son Obed became the grandfather of King David. This narrative emphasizes that David's lineage includes a foreign convert, indicating that the Old Testament prioritizes sincere faith over ethnic or religious exclusivity. It further suggests that interfaith unions can function as conduits for religious conversion rather than inherently undermining religious identity.⁵²

The prohibition of interfaith marriage in the New Testament is primarily based on the teachings of the Apostle Paul in 2 Corinthians 6:14-15. Paul forbids Christian believers from being unequally yoked with unbelievers, illustrating his prohibition through the stark contrast between righteousness and lawlessness, and between light and darkness. He strongly warns Christians about the dangers of forming close associations with unbelievers. In Colossians 1:12-14, he emphasizes that believers have been rescued from the power of darkness and transferred into the Kingdom of God's Son, where they share in the inheritance of the saints in light. Consequently, they cannot have fellowship with Satan or the dominion of darkness.

Paul teaches that pagan worship equates to fellowship with demons (1 Corinthians 10:14–22). While Scripture doesn't explicitly mention marriage, it warns against participating in pagan practices and forming lasting bonds with unbelievers.⁵³ However, not all relationships with non-believers constitute pagan worship. Existing contracts, such as marriage, should be honored. If religious differences arise after marriage, the baptized spouse must not leave, as Paul states, "the unbelieving husband is sanctified through his wife, and the unbelieving wife is sanctified through her husband" (1 Corinthians 7:14a).⁵⁴

Jesus, acknowledged as the incarnate Word of God, did not explicitly address interfaith marriage. His sole teaching on marriage, situated within a discourse on divorce, references the creation account to affirm that marriage is a divinely instituted, indissoluble union between a man and a woman (Matthew 19:4–6). This teaching is grounded not in the religious identity of the spouses but in God's original design at creation.

Jesus began His proclamation of the gospel in Gentile territory (Matthew 4:15), indicating no hostility toward Gentiles and revealing God's universal, nondiscriminatory love. This inclusivity recurs throughout His ministry, as He consistently acknowledged Gentile faith. In Matthew 8:5–13 (cf. Luke 7:1–10), the story of the centurion exemplifies that entrance into the kingdom of heaven depends on faith, not ethnicity.⁵⁵ Similarly, Jesus affirmed the faith of a Syro-Phoenician woman (Matthew 15:21–28; Mark 7:24–30), a Samaritan woman at Jacob's well (John 4:1–42), and a grateful Samaritan healed of leprosy (Luke 17:11-19).

After His resurrection, Jesus commissioned His disciples to proclaim the gospel globally (Matthew 28:19–20; Mark 16:15), sending them as witnesses to preach repentance and forgiveness of sins (Luke 24:47; Acts 1:8; 13:47). Paul, as the apostle to the Gentiles, taught that they are coheirs, members of the

⁵¹ Raharso, "The Promise of the Catholic Party," 7.

⁵² *Ibid.*, 7

⁵³ Leon Moris, *The First Epistle of Paul to the Corinthians: An Introduction and Commentary* (Michigan: Inter-Varsity Press, 1991), 143.

⁵⁴ Gordon D. Fee, *The First Epistle to the Corinthians (The New International Commentary on the New Testament)* (Michigan: William B. Eerdmans Publishing Company, 1991), 301.

⁵⁵ R.T. France, *The Gospel According to Matthew: An Introduction and Commentary* (Leicester: Inter-Varsity Press, 1985), 155-56.

same body, and sharers in the promise in Christ through the gospel (Ephesians 3:6), affirming that the gospel is God's power for salvation to all who believe, both Jew and Gentile (Romans 1:16).

3.3 Prohibition under Islamic Law

The principle of benefit holds significant value in Islam. According to Shihab, the prohibition against marrying women from the *Ahl al-Kitab* is not directly based on explicit texts from the Qur'an but rather on considerations of benefit.⁵⁶ The fundamental rule of *fiqh* (Islamic jurisprudence) dictates that preventing harm (*mafsadat*) takes precedence over pursuing benefits (*maslahat*). As a result, actions that are *mubah* (permissible) or *makruh* (discouraged) can be considered *haram* (prohibited) in response to changing social circumstances, especially when the potential harm outweighs the benefit.⁵⁷ In this context, such prohibitions act as preventive measures to avoid potential harms.⁵⁸

As the largest religious organization in Indonesia, Nahdlatul Ulama (NU) has consistently affirmed the invalidity of interfaith marriages—first at its Mukhtamar (congress) in 1962, then at the Mukhtamar Thariqah Mu'tabarrah in 1968, and again at the 28th Mukhtamar in 1989. Meanwhile, Muhammadiyah, the largest and oldest Islamic organization, affirmed at its 22nd Tarjih Congress in 1989 the prohibition of interfaith marriage between a Muslim and a non-Muslim, whether from *Ahl al-Kitab* or not.

On June 1, 1980, the Indonesian Ulema Council (MUI) issued a *fatwa* stating that the marriage between a Muslim woman and a non-Muslim man is *haram*. Likewise, the marriage between a Muslim man and a non-Muslim woman is prohibited. On the other hand, MUI acknowledged the differences in views and stances regarding marriage with non-Muslim women belonging to the category of *Ahl al-Kitab*. However, based on the principle that the potential harm outweighs the benefits, such marriages were declared forbidden.⁵⁹

On July 28, 2005, MUI issued another *fatwa* stating that marriage with adherents of any religion is *haram* and invalid for both Muslim men and women. This *fatwa* also put an end to debates regarding the permissibility of marriage with women from *Ahl al-Kitab*. According to the strongest and most reliable opinion (*qaul mu'tamad*), the marriage between a Muslim man and a woman from *Ahl al-Kitab* is *haram* and invalid.⁶⁰ Thus, the permissibility of marriage with women from *Ahl al-Kitab*, as mentioned in Surah Al-Ma'idah verse 5, is disregarded and holds no significance.

The prohibition of marriage between a Muslim and a non-Muslim was later established as positive law in Indonesia through the Compilation of Islamic Law, Articles 40(c) and 44.⁶¹ This norm adopts the 1980 *fatwa* of the Indonesian Ulema Council. According to Article 61, religious differences can be a reason to prevent marriage. Similarly, under Articles 75(a) and 116(h), a marriage can be annulled or divorced if one spouse apostatizes from Islam, leading to disharmony in the household. Through this definitive prohibition, inclusivity, tolerance, and the benefits for Islamic preaching contained in Surah al-Ma'idah [5]:5 are entirely disregarded.⁶² The definitive prohibition also closes the door to *ijtihad* in addressing the phenomenon of interfaith marriage in contemporary society.⁶³

Nevertheless, modern, permissive views on interfaith marriage, although not adopted by Indonesian Islamic lawmakers, continue to evolve. These views generally permit marriage between Muslims and

⁵⁶ As cited in the Constitutional Court, *Decision No. 24/PUU-XX/2022*.

⁵⁷ Mutakin, "Fiqh Perkawinan Beda Agama," 22.

⁵⁸ Ibad, "Perkawinan Beda Agama Perspektif Majelis," 226; Mutakin, "Fiqh Perkawinan Beda Agama," 20.

⁵⁹ Sekretariat MUI, *Himpunan Fatwa Majelis Ulama Indonesia Sejak 1975* (Jakarta: Erlangga, 2011), 45.

⁶⁰ *Ibid.*, 481.

⁶¹ *Kompilasi Hukum Islam 1991*, <https://ia804503.us.archive.org/21/items/khibab-123/KHIbab123.pdf>, accessed on 22 December 2025.

⁶² Safroedin et al., "Exploring Interfaith Marriage," 377.

⁶³ Leeman, "Interfaith Marriage in Islam," 767.

non-Muslims who follow a Holy Book and believe in a universal God.⁶⁴ Some have proposed an "interfaith *fiqh*" to address interreligious marriage through *ijtihad* in specific cases.⁶⁵ Gunawan suggests "minority *fiqh*" for Muslims in minority contexts, emphasizing socio-cultural considerations in applying Islamic law.⁶⁶ The Charter of Medina, promoting unity, tolerance, and religious freedom in a multireligious society, is also cited as a reference for interfaith marriage. Additionally, the categorization of *samawi* religions (Abrahamic religions) in Islamic theology is seen as fostering closer relations between Islam, Christianity, and Judaism.⁶⁷

3.4 Prohibitions and Dispensations under the Catholic Church Law

The Catholic Church understands marriage as an event of faith, emphasizing sacramental marriage between two baptized persons. Pope Francis describes it as an extension of baptismal grace, a means of sanctification and salvation wherein Christ is present, empowering spouses to bear their crosses, forgive, and support each other. Christian marriage signifies Christ's love for the Church, making that love tangible in spousal communion.⁶⁸ According to the Code of Canon Law, the unity of faith between husband and wife provides a special firmness to the unity and indissolubility as essential characteristics of marriage (can. 1056). This shared faith enables the couple to fully cooperate with sacramental grace, enhancing both their relationship and the family's spiritual and physical well-being.⁶⁹

Interfaith marriages are viewed as undermining the sacramental nature of Christian matrimony and potentially leading to apostasy or diminished religious commitment, fostering religious indifferentism.⁷⁰ Therefore, as early as the fourth century, the Catholic Church prohibited marriages between Christians and non-Christians, initially addressing only their lawfulness. By the seventh century, such unions were deemed invalid, and by the twelfth century, this norm was codified in canon law.⁷¹ In multireligious society, these risks are often unavoidable, necessitating protective measures when they arise.⁷²

The Code of Canon Law states: "A marriage between two persons, one of whom was baptized in the Catholic Church or received into it, and the other of whom is not baptized, is invalid" (can. 1086, §1). This norm applies equally to men and women worldwide. A marriage between a Catholic and a baptized non-Catholic is classified as a mixed marriage, not an interfaith one. Such unions are valid but illicit without ecclesiastical permission (canon 1124). In contrast, marriage between a Catholic and an unbaptized person—termed disparity of cult—constitutes an impediment that renders the marriage invalid (canons 1124; 1073). The distinction between a prohibition (mixed marriage) and an impediment (disparity of cult) was first articulated in the 12th century by Catholic jurist Uguccione of Pisa.⁷³

The prohibition of interfaith marriage is rooted in both divine and positive ecclesiastical law. Divine law grants Catholics the right and duty to preserve their faith and avoid anything that might endanger

⁶⁴ Muntaqo, "Islamic Thoughts on Interfaith Marriage," 76.

⁶⁵ Saifullah, "Menguak Pemikiran Ijtihad," 13; Mutaqin et al., "Interfaith Marriage in the Perspectives," 119.

⁶⁶ Edi Gunawan et al., "Interfaith Marriage of North Sulawesi Multicultural Community in Minority Fiqh Perspective," *Al-Ihkam* 19, no. 2 (2024): 401, <https://doi.org/10.19105/al-lhkam.v19i2.8072>.

⁶⁷ Mohammad N. Salim, "Analisis Praktik Perkawinan Beda Agama di Desa Klepu Kecamatan Sooko Kabupaten Ponorogo Perspektif Fiqh Klasik dan Fiqh Lintas Agama," Skripsi Sarjana (Ponorogo: Institut Agama Islam Negeri Ponorogo, 2024), 54.

⁶⁸ Fransiskus, *Seruan Apostolik Pascasinode Amoris Laetitia*, transl. Komisi Keluarga KWI dan Couples for Christ Indonesia (Jakarta: Departemen Dokpen KWI, 2017), 43-44.

⁶⁹ Alphonsus T. Raharso, *Halangan-Halangan Nikah menurut Hukum Gereja Katolik*, ed. ke-3 (Malang: Dioma, 2016), 127.

⁷⁰ *Ibid.*, 130.

⁷¹ Luigi Chiappetta, *Il Codice di Diritto Canonico*, vol. 2, ed. 3 (Bologna: Edizione Dehoniane, 2011), 326.

⁷² Karl H. Peschke, *Christian Ethics: Moral Theology in the Light of Vatican II*, vol. 2, rev. ed. (Bangalore: Theological Publications in India, 1992), 495.

⁷³ Chiappetta, *Il Codice di Diritto*, 326-27.

it.⁷⁴ Canon 748, §1 affirms that all individuals are obligated by divine law to seek and adhere to the truth. Just as one avoids harmful substances for physical health, one must guard against threats to spiritual and moral integrity, including certain literature, entertainment, friendships, and interfaith marriages.⁷⁵ To support this divine obligation, ecclesiastical law establishes specific safeguards, such as identifying interfaith differences as marital impediments, regulating dispensations, and setting conditions for their approval.⁷⁶

The prohibitive norm on interfaith marriage, derived from ecclesiastical authority, may be dispensed by the competent ecclesiastical executive when a just and reasonable cause exists, considering the case's circumstances and the law's gravity (can. 85; 90, §1).⁷⁷ Such dispensations are more common in regions where Catholics are a minority or in multireligious societies.⁷⁸ The Bishops of the Java Region identified several just and reasonable causes for granting dispensations, including: the non-baptized party's intent to convert; the Catholic party's difficulty finding a partner of the same faith; the Catholic woman's advanced age; the risk of marriage outside the Church; the need to regularize a prior civil marriage; existing cohabitation or a close relationship; pregnancy; the desire to prevent family conflict or scandal; and the Catholic party's service to the Church or society.⁷⁹

Before granting a dispensation, the Catholic Church requires that certain conditions be met, as outlined in canon 1125, nos. 1–3. *First*, the Catholic party must declare his or her intention to avoid any danger of defecting from the faith. *Second*, he or she must sincerely promise to do all in his/her power to ensure that any children resulting from the marriage are baptized and raised in the Catholic Church. *Third*, the non-Catholic party must be informed, at an appropriate time, of these promises in such a way that it is clear that he or she is fully aware of the Catholic party's obligations. *Fourth*, both parties must receive instruction regarding the purposes and essential properties of marriage, which neither party may exclude. These requirements are essential and carry significant weight, though they do not affect the validity of the marriage.⁸⁰

A dispensation for an interfaith marriage is more readily granted when the Catholic party demonstrates genuine intent to fulfill canonical obligations. This includes active participation in ecclesial life, a devout Catholic background, a non-Catholic partner who is tolerant, a catechumen, or sympathetic to Catholicism, or plans to reside in an environment respectful of Catholic values.⁸¹ Prior to the celebration of marriage, the couple should reach a conscientious agreement on these matters, rooted in mutual respect and goodwill, to safeguard the integrity of the union. They must also avoid religious indifferentism and any attempt at coercive conversion or domination.⁸²

The Catholic Church defines interfaith marriage through a juridical-theological lens, based on baptismal status rather than religious affiliation. It distinguishes between the baptised and non-baptised, the latter being those who have not validly received baptism—i.e., water and the baptismal formula as prescribed in authorised liturgical books (cf. can. 849). Such individuals are not incorporated into Christ or the people of God and are therefore not considered members of the Church, which is constituted by the profession of faith, the sacraments, and ecclesiastical governance (cf. can. 204 §1; 205).

The term 'non-baptised' is neutral and respectful, reflecting the Catholic Church's recognition of the goodwill, values, and moral principles upheld by those outside its community. Vatican Council II affirms the presence of sacred truths and moral teachings in religions such as Hinduism and Buddhism,

⁷⁴ *Ibid.*, 327.

⁷⁵ Peschke, *Christian Ethics*, 496.

⁷⁶ Raharso, *Halangan-Halangan Nikah*, 139-49.

⁷⁷ *Ibid.*, 137-39.

⁷⁸ Jan Hendriks, *Diritto Matrimoniale: Commento ai Canoni 1055-1165 del Codice di Diritto Canonico*, transl. M. Damiani (Milano: Ancora Editrice, 1999), 264.

⁷⁹ Para Uskup Regio Jawa, *Ketentuan Pastoral Keuskupan Regio Jawa* (Jakarta: Obor, 2016), 132.

⁸⁰ Chiappetta, *Il Codice di Diritto*, 327.

⁸¹ Para Uskup Regio Jawa, *Ketentuan Pastoral*, 132.

⁸² Chiappetta, *Il Codice di Diritto*, 328.

and expresses particular respect for Islam as a monotheistic faith with divine revelation. Islam's veneration of Abraham, recognition of Jesus as a prophet, and honouring of Mary are cited as points of closeness to Catholicism. The same Council also acknowledges its deep spiritual ties to Judaism, viewing it as the "olive root" of its own tradition, from which came the Apostles and early disciples who spread the Gospel. This inclusive perspective has informed the Church's more lenient approach to interfaith marriage, grounded in the belief that all religions promote values of goodness and righteousness.⁸³

3.5 Responses and Solutions to *Mudharat* in Islamic Law and Practice

First, interfaith marriages introduce substantial religious differences into family life, complicating efforts to achieve familial harmony. Faith is regarded as the most stable foundation for fostering familial goodness and cohesion.⁸⁴ Divergent values between spouses impede the realization of a *sakinah*, *mawaddah*, and *rahmah* family. Marriages within the same religion are deemed the most reliable basis for household harmony and longevity.⁸⁵ *A fortiori* reasoning is often employed: if same-faith marriages face divorce, interfaith unions carry even greater risks. Religious disparities can introduce further conflict and diminish both partners' religious quality of life and autonomy.⁸⁶ Accordingly, Islamic positive law strictly prohibits interfaith marriage.

However, *mudharat* is not an inherent consequence of all interfaith marriages, including those involving Muslims. Aini et al. report a higher incidence of such unions in regions with greater religious heterogeneity, urban settings, and among the highly educated.⁸⁷ In communities characterized by religious tolerance, minimal social barriers, and mutual interfaith support, interfaith marriages can be harmonious and enduring.⁸⁸ Fathur adds that religious differences do not necessarily pose a significant obstacle when couples believe that all religions share core values—promoting goodness and righteousness—and that their partnership has been arranged by the Almighty.⁸⁹

Fathur found that marital harmony is fostered when families meet affective, educational, and social needs through effective communication, openness, and shared problem-solving. Spouses support one another by accepting flaws, respecting rights, and fulfilling responsibilities, resolving differences through trust and a common goal of familial peace.⁹⁰ Similarly, Syafe'i and Basid et al. reported that interfaith couples, including Muslim partners, maintain harmony by meeting essential needs—economic, emotional, and spiritual—while prioritizing tolerance and respect for religious differences. These couples separate religious belief from domestic life, focusing on balance rather than uniformity.⁹¹

⁸³ Konsili Vatikan II, "Pernyataan tentang Hubungan Gereja dengan Agama-Agama bukan Kristiani," In *Dokumen Konsili Vatikan II*, transl. R. Hardawiryana (Jakarta: Obor, 2019), srt. 2-3.

⁸⁴ Shihab, *Tafsir Al-Mishbah*, I, 579.

⁸⁵ Mutaqin et al., "Interfaith Marriage in the Perspectives," 117; Shihab, *Tafsir Al-Mishbah*, I, 576; Mutakin, "Fiqh Perkawinan Beda Agama," 19; Sulaiman et al., "Pernikahan Beda Agama dalam Konteks Indonesia," 39.

⁸⁶ Ermi S. Syafe'i, "Harmoni Keluarga Beda Agama di Mlati, Sleman, Yogyakarta," *Jurnal Asy-Syir'ah* 45, no. 1 (2011): 1247, <https://doi.org/10.14421/ajish.v45i1.14>.

⁸⁷ Aini, Utomo, and McDonald, "Interreligious Marriage in Indonesia," 208.

⁸⁸ Salim, "Analisis Praktik Perkawinan," 110; Wahyuni, "Pelaksanaan Perkawinan Campur," 40; Gunawan et al., "Interfaith Marriage of North Sulawesi," 404; Amelia S.N. Putri, "Perkawinan Beda Agama di Desa Pancasila Perspektif Muhammad Abu Zahrah," Skripsi Sarjana (Malang: UIN Maulana Malik Ibrahim, 2024), 89.

⁸⁹ Farhan I. Fathur, "Penerapan Konsep Sakinah Mawadah Warohmah (Samara) dalam Kasus Keluarga Beda Agama (Studi Kasus Desa Getasan Kecamatan Getasan Kabupaten Semarang)," Skripsi Sarjana (Semarang: UIN Walisongo, 2020), 58.

⁹⁰ *Ibid.*, 60.

⁹¹ Syafe'i, "Harmoni Keluarga Beda Agama," 1241; Abdul Basid et al., "Interfaith Marriage Controversies in Semarang: An Analysis of Qur'anic Legal Exegesis," *Malaysian Journal of Syariah and Law* 12, no. 3 (2024): 770, <https://doi.org/10.33102/mjssl.vol12no3.812>.

Gunawan et al. reinforces this view, highlighting tolerance, mutual understanding, and communication as key to sustaining interfaith marriages.⁹² Collectively, these studies address Saifullah's call for empirical insights into the security of *aqidah* in contemporary interfaith unions.⁹³

Second, interfaith marriage was once permitted in Islam only under specific conditions, primarily for *da'wah* or demographic purposes.⁹⁴ Despite this, Islamic positive law generally prohibits such unions due to the risk of apostasy for the Muslim partner. Islam warns that blending the *haram* and *halal* may erode moral clarity, allowing the forbidden to dominate.⁹⁵ Surah al-Baqarah [2]:221 mandates that a non-Muslim must convert to Islam prior to marriage. Muslim men lacking strong faith are discouraged from marrying women of the *Ahl al-Kitab*, as they may be swayed by non-Islamic influences.⁹⁶ Muslim women are categorically barred from marrying *Ahl al-Kitab* men due to concerns over male dominance in the household.⁹⁷ According to Hairunas, conversion to Islam is often viewed as the most practical and straightforward solution to avoid the risk of apostasy.⁹⁸

However, empirical evidence indicates that interfaith couples do not uniformly conform to expectations of religious conversion. Syafe'i and Basid et al. report cases where partners reject hypocritical conversions.⁹⁹ Salim notes that Muslim individuals may uphold their faith by applying the principle *lakum dinukum waliya din* ("to you your religion, and to me mine").¹⁰⁰ Similarly, Fathur describes couples who maintain harmony by respecting religious differences and supporting each other's practices—for example, a Muslim husband refrains from imposing his beliefs on his Catholic wife, who in turn encourages his devotion, including participation in Umrah. Both actively support each other's religious commitments.¹⁰¹

Fathur documented a case in which one partner temporarily converted to the other's religion to enable an interfaith marriage, despite its prohibition. The couple had agreed not to impose their beliefs on one another, and after the ceremony, both resumed their original faiths and committed to mutual religious respect.¹⁰² Similarly, Wahyuni reported a case in West Kalimantan where a partner converted by mutual agreement to fulfill formal requirements at the Office of Religious Affairs (KUA) or civil registry, while privately maintaining their original beliefs. The marriage involved dual ceremonies—one at the KUA and the other in a Church, or *vice versa*.¹⁰³

Musdah Mulia argues that interfaith marriage need not be banned; instead, its potential benefits and risks should be clearly communicated, enabling individuals to make informed choices and accept the consequences. This approach helps prevent discrimination, exploitation, and violence, particularly against women.¹⁰⁴ Similarly, Shihab maintains that interfaith marriages should follow the partners' respective religious principles, while upholding mutual respect and the freedom to practice one's faith without interference.¹⁰⁵

Third, interfaith marriages can impede Muslim couples from raising their children in accordance

⁹² Gunawan et al., "Interfaith Marriage of North Sulawesi," 397.

⁹³ Saifullah, "Menguak Pemikiran Ijtihad," 14.

⁹⁴ Mutakin, "Fiqh Perkawinan Beda Agama," 17; Saifullah, "Menguak Pemikiran Ijtihad," 13.

⁹⁵ Islam, "Interfaith Marriage in Islam," 40.

⁹⁶ Shihab, *Tafsir Al-Mishbah*, III, 37; Mutaqin et al., "Interfaith Marriage in the Perspectives," 114.

⁹⁷ Saifullah, "Menguak Pemikiran Ijtihad," 15.

⁹⁸ As cited in the Constitutional Court, *Decision No. 24/PUU-XX/2022*.

⁹⁹ Syafe'i, "Harmoni Keluarga Beda Agama," 1247; Basid et al., "Interfaith Marriage Controversies," 771.

¹⁰⁰ Salim, "Analisis Praktik Perkawinan," 68.

¹⁰¹ Fathur, "Penerapan Konsep Sakinah," 79.

¹⁰² *Ibid.*, 81-83.

¹⁰³ Wahyuni, "Pelaksanaan Perkawinan Campur," 39-40.

¹⁰⁴ In Mutaqin et al., "Interfaith Marriage in the Perspectives," 117.

¹⁰⁵ As cited in the Constitutional Court, *Decision No. 24/PUU-XX/2022*.

with Islamic values, as prescribed in Surah at-Tahrim [66]:6.¹⁰⁶ The AILA Indonesia Foundation contends that such unions often create conflict over religious upbringing, leading to confusion about religious identity.¹⁰⁷ As stated by Indonesian government children may also experience discrimination, coercion, or psychological distress due to conflicting parental faiths.¹⁰⁸ Consequently, Islamic law mandates intra-faith marriage to ensure proper Islamic education for children.

Nevertheless, Fathur identified four parenting strategies in interfaith marriages involving a Muslim spouse. *First*, parents may agree that sons follow the father's religion and daughters the mother's, providing each child with consistent religious education. *Second*, all children are raised as Muslims, while the non-Muslim partner is respected and religious tolerance is upheld. *Third*, children are given the freedom to choose their religion; for instance, a Muslim father may send his children to a Catholic school, some of whom later adopt Islam. *Fourth*, some children follow their mother's Christian faith and are raised by Christian grandparents, despite the family's Islamic religious environment.¹⁰⁹ Basid et al. found that some couples educate their children in two religions to provide information, enabling informed faith decisions later in life.¹¹⁰ In all types of arrangements, both husbands and wives apply the principles of fairness in education, care, and love toward all their children, without discrimination based on gender or religion. Salim highlights the importance of mutual agreements between spouses on these matters.¹¹¹

3.6 Catholic Perspectives on Addressing Harms

Religious differences may cause value-based conflicts in behavior and decision-making between spouses, jeopardizing marital unity. Thus, prospective spouses should be informed of and reflect on the challenges of interfaith marriages, especially regarding three key issues: marital harmony, religious obligations, and children's faith and moral education. The Catholic Church has established specific norms to address these concerns.

First, in interfaith marriages, harmony stems not from differences but from the couple's shared commitment to building a genuine partnership. Like all unions, these marriages are founded on mutual consent—an act of will by which a man and a woman, through an irrevocable covenant, give and accept one another to establish a marriage (can. 1057, §2). Within this equal partnership, spouses share marital rights and obligations that must be fulfilled based on justice.¹¹² Religious differences do not impede mutual love and commitment; rather, each partner may find support for unity and harmony in their respective faiths.

Before granting a dispensation, the Church requires both parties to be instructed on the purposes and essential properties of marriage, which neither may exclude (can. 1125, no. 3). As defined in can. 1055, §1, marriage aims at the good of the spouses and the procreation and education of children. Canon 1056 identifies unity and indissolubility as its essential properties. Interfaith couples must not reject these elements for the marriage to be valid. While the Catholic Church recognizes that other religions uphold similar doctrines, it continues to emphasize its own teachings on the principles regarding the purpose of marriage—particularly its monogamous and indissoluble nature, as non-Catholics may hold views, values, or attitudes that conflict with the essential nature and purpose of marriage.¹¹³ Interfaith marriages can indeed be harmonious and enduring, provided that both partners fully intend to form a unified and indissoluble bond aimed at the mutual good of the spouses, as well as the procreation and education of children.

Second, the Catholic Church underscores the Catholic spouse's fidelity to the faith, historically

¹⁰⁶ Ali and Abubakar, "Telaah komprehensif," 11.

¹⁰⁷ As cited in the Constitutional Court, *Decision No. 24/PUU-XX/2022*.

¹⁰⁸ *Ibid.*

¹⁰⁹ Fathur, "Penerapan Konsep Sakinah," 75-76.

¹¹⁰ Basid et al., "Interfaith Marriage Controversies," 771.

¹¹¹ Salim, "Analisis Praktik Perkawinan," 66.

¹¹² Raharso, *Paham Perkawinan dalam Hukum Gereja Katolik*, rev. ed. (Malang: Dioma, 2014), 27.

¹¹³ Chiappetta, *Il Codice di Diritto*, 328.

requiring the non-Catholic partner to pledge not to endanger or attempt to alter the Catholic's beliefs.¹¹⁴ Since 1970, however, the Church has adopted a more balanced stance, respecting the non-Catholic's conscience and religious freedom. Currently, only the Catholic spouse must formally declare the intention to remain faithful (can. 1125, n. 1). The non-Catholic party is informed of the Catholic spouse's declaration either by the Catholic party or the parish priest. This is not a mere promise but a personal moral responsibility, reflecting the Catholic's conscience rather than external imposition.¹¹⁵ These obligations are rooted in divine law and serve to safeguard the personal good of faith, grounded in membership in the Catholic Church.¹¹⁶

At one time, an older norm obliged Catholics to discreetly convert their non-Catholic spouses.¹¹⁷ The current Code of Canon Law, however, no longer imposes this duty, affirming the non-Catholic party's right to religious freedom. Conversion is not required before or during marriage. While the Church continues to proclaim the Gospel, it maintains that "no one is ever permitted to coerce persons to embrace the Catholic faith against their conscience" (can. 748, §2). This reflects the teaching of the Second Vatican Council that all individuals possess the right to religious freedom and must not be coerced in matters of faith by any person or authority, whether in private or public, alone or in community.¹¹⁸

In interfaith marriages, mutual tolerance and respect for each partner's religious beliefs are essential, enabling both to remain faithful to their convictions. In line with this, the French Bishops require the Catholic party to respect their partner's religion, reflecting the right to religious freedom.¹¹⁹ To ensure fairness and protect the Catholic partner's rights, the non-Catholic partner may also be asked to make a similar declaration. This practice is grounded in the Second Vatican Council's teaching that religious freedom entails respecting others' beliefs (1965d, art. 7).¹²⁰ Both partners must draft and sign declarations, which are submitted with the dispensation request. This aligns with the can. 1126, which mandates that bishops' conferences determine the form and documentation of such declarations, and how the non-Catholic party is to be informed.

Third, regarding the religious upbringing of children, an older norm required both parties to guarantee that their children would be baptised and educated in the Catholic faith.¹²¹ The current norm, however, upholds the non-Catholic party's freedom of conscience and religion, requiring only the Catholic party to sincerely promise to do all in their power to baptise and raise the children in the Catholic Church (can. 1125, n. 2). This requirement reflects can. 793, §1, which affirms Catholic parents' duty and right to choose appropriate means and institutions for their children's Catholic education according to local circumstances. This promise is now a condition for obtaining a dispensation and emphasizes not external imposition, but the Catholic party's moral responsibility to transmit their faith.

The Second Vatican Council also affirms that parents have a grave right and duty to educate their

¹¹⁴ *Ibid.*, 326.

¹¹⁵ Raharso, *Halangan-Halangan Nikah*, 139.

¹¹⁶ Juan I. Banãres, "Individual Diriment Impediments," In *Exegetical Commentary on the Code of Canon Law*, ed. by Angel Marzoa et al., vol. III/2 (Montreal-Chicago: Wilson&Lafleur-Midwest Theological Forum, 2004), 1183.

¹¹⁷ Raharso, *Halangan-Halangan Nikah*, 141-42.

¹¹⁸ Konsili Vatikan II, "Pernyataan tentang Kebebasan Beragama," in *Dokumen Konsili Vatikan II*, transl. R. Hardawiryana (Jakarta: Obor, 2019), art. 2.

¹¹⁹ Agostino Montan, "Disciplina Canonica Particolare circa il Matrimonio tra Cattolici e Islamici," in *Il Matrimonio tra Cattolici ed Islamici*, ed. D. Mogavero (Città del Vaticano: Libreria Editrice Vaticana, 2002), 134-35.

¹²⁰ Konsili Vatikan II, "Dekret tentang Kegiatan Misioner Gereja," in *Dokumen Konsili Vatikan II*, transl. R. Hardawiryana (Jakarta: Obor, 2019), art. 7.

¹²¹ Raharso, *Halangan-Halangan Nikah*, 139.

children, a responsibility that persists even in interfaith marriages.¹²² In such marriages, the right to educate the children is not exclusively held by the Catholic spouse, but is shared with the non-Catholic partner. Therefore, the Catholic party must merely promise to do what is possible, not guarantee success, since its fulfillment does not depend solely on their will or efforts. Other circumstances must be considered—particularly the stance and beliefs of the non-Catholic spouse, who also holds the right to raise the children according to their own convictions. The non-Catholic spouse must be informed of the Catholic partner's promise to ensure transparency.¹²³ Religious education of the children then becomes a matter of mutual agreement and dialogue among both parties. If, for instance, spouses agree that sons follow the father's religion and daughters the mother's, the Catholic promise may lose weight, but such an arrangement is not prohibited, as marriage is seen as a bilateral contract.¹²⁴

Fidelity to the Catholic faith and the Catholic upbringing of children are not of equal weight. The Catholic party holds an absolute obligation to remain faithful to the Church, even to the point of heroic witness, as this directly concerns their own salvation. In contrast, a child's salvation does not solely depend on a Catholic education, which may be attained by other means. To preserve marital unity, the Church seeks to avoid conflicts over children's education. In interfaith marriages, it emphasizes monogamy, marital indissolubility, and family harmony. Upon reaching maturity, children are free to choose their religion (Boni, 2002).¹²⁵

3.7 Convergences and Divergences

First, both Islam and Catholicism use scriptural texts to justify the prohibition of interfaith marriage. The Qur'an and the Holy Bible contain verses that both permit and prohibit such unions. In Indonesia, Islamic law favors the prohibitive verses, guided by a fundamental principle of *fiqh*—that avoiding harm takes precedence over attaining benefit. This preference is reinforced by the views of traditionalist and restrictive scholars and jurists. The Catholic Church draws a consistent message from both the texts that prohibit and those that permit interfaith marriages: a Christian must uphold the purity and fidelity of his or her faith. This obligation is rooted in divine law. In addition, the Church underscores the importance of monogamy and the indissolubility of marriage, as taught by Jesus in the Gospels. Accordingly, religious differences are not inherently incompatible with the sacred purpose of marriage, provided that both spouses seek a monogamous and indissoluble union, and the Catholic party remains committed to preserving the purity and fidelity of their faith.

Second, both Islamic and Catholic law place strong emphasis on marriages between individuals of the same faith, as such unions are considered essential for building a *sakinah, mawaddah, and rahmah* family (in Islam), or a communion of life that reflects and symbolizes the relationship between Christ and His Church (in Catholicism). In Islamic law, interfaith marriages are considered to significantly undermine this ideal and are believed to cause harm that far outweighs any potential benefit. As a result, Islamic law in Indonesia strictly prohibits such marriages, offering no room for exceptions or dispensations, even in special circumstances.

According to Catholic Church law, interfaith marriage diminishes the sacramental nature of Christian marriage. As a result, the Church considers such unions an impediment to marriage, potentially rendering them invalid. However, the Church does not absolutely prohibit interfaith marriages. Despite the difference in religious beliefs, these marriages are still recognized as unions of mutual love arranged by God. They can be considered valid only if a dispensation is granted by ecclesiastical authorities, and only in certain cases for reasonable reasons. This dispensation is granted only if all conditions are met—particularly those ensuring the protection of the faith and the fulfillment of marriage's essential

¹²² Konsili Vatikan II, "Pernyataan tentang Pendidikan Kristen," in *Dokumen Konsili Vatikan II*, transl. R. Hardawiryana (Jakarta: Obor, 2019), art. 3.

¹²³ Raharso, "The Promise of the Catholic Party," 46-47.

¹²⁴ Raharso, "*Paham Perkawinan*," 22-24.

¹²⁵ Geraldin Boni, "Disciplina Canonica Universale circa il Matrimonio tra Cattolici e Islamici," in *Il Matrimonio tra Cattolici ed Islamici*, ed. by D. Mogavero (Città del Vaticano: Libreria Editrice Vaticana, 2002), 45-46.

purposes: unity and indissolubility.

Third, Islamic law requires conversion to Islam before marriage as a means of avoiding the gravest threat to faith, namely the danger of apostasy for the Muslim partner. The Catholic Church also acknowledges the risk of apostasy in interfaith marriages. However, enforcing religious uniformity within marriage raises serious moral concerns, particularly when conversion, whether permanent or temporary, is not the result of genuine personal conviction but is instead coerced. The Catholic Church prohibits forced conversion to the Catholic faith. Conversion must be a free, personal decision made in accordance with one's conscience, both before and after marriage. Remaining faithful to the faith and preserving its purity are both moral and personal responsibilities of each individual. These goals are not achieved by compelling others to share the same religion or beliefs. Consequently, the Church permits non-Catholics to remain in their own faith and grants dispensations for interfaith marriages involving Catholics. The potential challenges of interfaith marriage can be addressed through: the safeguarding of the Catholic partner's faith, mutual respect and tolerance for each other's religious beliefs, and a shared commitment to a lifelong, indissoluble union.

Fourth, the unconditional prohibition of interfaith marriage in Islamic law effectively addresses the various harms associated with such unions, particularly those concerning marital and family harmony, religious fidelity, and the religious upbringing of children. Some devout Muslim men and women have, in fact, peacefully and successfully overcome the danger of apostasy. However, this reality is not regarded as an exception that warrants any flexibility in the prohibitive norm. Interfaith marriages, by their nature, tend to result in significant harm, as the Latin maxim states: *semel malus, semper praesumitur esse malus* (once something is deemed harmful, it is presumed to remain so).¹²⁶

The Catholic Church also recognises the same potential harms. However, it does not permit its followers to seek solutions that would violate Church law. Instead, the Church itself must establish flexible norms for the faithful who, due to certain circumstances or conditions, are unable to fully realise the ideal. This flexibility is expressed through the granting of dispensations. The Church acknowledges the values present in interfaith marriages, such as tolerance, respect for freedom of conscience and religion, mutual love expressed through a commitment to building a lifelong, indissoluble union, and the creation of a harmonious and peaceful family.

Fifth, Islamic law in Indonesia continues to grapple with internal differences of opinion, particularly between traditional-restrictive and modernist-permissive interpretations. Both perspectives—those that prohibit and those that permit interfaith marriage—are supported by strong doctrinal and juridical arguments. However, positive law tends to favour the mainstream and majority view, which rejects such unions. The experiences of Muslim men and women who enter into interfaith marriages highlight these tensions. On the one hand, they ought to be regarded as ingenious in mitigating the adverse effects of interfaith marriage on marital harmony, religious observance, and the upbringing of children. On the other, they face the dilemma of not complying with religious and civil laws.

In contrast, the Catholic Church demonstrates flexibility in its legal norms through the use of the dispensation system. This allows the Church to respond pastorally to the needs of individuals who wish to exercise their marriage rights, but their conditions require them to enter into an interfaith marriage. While the Church upholds the protection of the Catholic faith as a matter of divine law, it is willing to dispense with other requirements of an ecclesiastical nature. As a result, the Catholic Church remains largely free from internal dissent, since the same legal norms can be applied uniformly and peacefully across the world, regardless of whether Catholics are in the majority or minority. Moreover, Church law shows fairness and respect toward non-Catholic partners by honoring their conscience and religious freedom, while simultaneously requiring that the same respect be afforded to the Catholic partner, for the sake of family harmony and mutual understanding.

Sixth, Islamic legal doctrines and norms—particularly those that permit interfaith marriage under certain conditions—bear some resemblance to the laws of the Catholic Church. These permissions are

¹²⁶ L. De-Mauri, *Regulae Iuris* (Milano: Ulrico Hoepli Editore, 1984), 144.

often understood as forms of contextual *ijtihad*, rooted in a modern, tolerant, and permissive interpretation of *fiqh*. The Qur'an accords a position of respect to Christians by referring to them as *Ahl al-Kitab*. Surah al-Ma'idah [5]:5 explicitly allows Muslim men to marry women from this group. This alignment with Catholic principles is further reflected in the views of some Islamic scholars who permit interfaith marriages, provided that both partners respect each other's religious freedom and are fully informed of the potential challenges such marriages may entail before making their decision.

4. Conclusion

This research contributes to the body of scholarship on interfaith dialogue within the legal field through a parallel and proportional comparative analysis of Islamic law and Catholic Church law in Indonesia concerning interfaith marriage. This study finds that both traditions derive their legal principles from divine revelation and possess sacred texts that both prohibit and permit interfaith marriage. However, they differ significantly in translating these texts into binding positive law. Islamic law in Indonesia applies only the prohibitive verses, while disregarding the permissive ones due to the perceived harms of interfaith marriage. This approach is based on the *fiqh* principle that preventing harm takes precedence over obtaining benefit. Consequently, the prohibition is reinforced as the most effective means of eliminating the perceived harms of interfaith marriage, leaving no room for flexibility. According to its sacred texts, the Catholic Church prohibits interfaith marriage and regards it as an impediment that renders a marriage invalid. However, through the Magisterium's interpretation of these texts, the Church permits interfaith marriage as an exception on a case-by-case basis. This exception is justified by extraordinary pastoral and missionary circumstances, which do not always allow marriage between persons of the same faith. Through dispensation, the Church provides a middle ground for interfaith couples, encouraging them to move beyond individual concerns and build a shared foundation of religious and human values.

This research also successfully compares the two religious legal systems on three key issues in interfaith marriage: domestic harmony, fidelity to religious beliefs, and children's religious education. By denying any benefit of interfaith marriage, Islamic law in Indonesia provides no framework for addressing these issues fairly without conflicting with divine law and human rights. The experiences of Muslims in interfaith marriages who have overcome potential harms to build harmonious and peaceful families have not been considered in moderating the prohibition. In interfaith marriages the aspiration for religious uniformity does indeed have to be set aside, but the religious beliefs of each spouse must remain respected and uncompromised before and throughout the marriage. Both religious legal systems emphasize the duty to preserve the purity of faith and remain loyal to it, as reflected in their prohibition of apostasy. Differences in faith do not prevent interfaith couples from sharing universal religious and moral values to build a harmonious, peaceful, and enduring marriage. Moreover, issues concerning the religious and moral education of children should be resolved through sincere dialogue and mutual agreement to avoid conflicts that could threaten marital integrity. The unity and permanence of marriage, strongly emphasized by the Catholic Church, are also upheld in Islamic doctrine and law.

The Catholic Church provides a notable example of legal flexibility through its system of dispensation, enabling the prohibition of interfaith marriage to be applied prudently and contextually within pluralistic societies, including Indonesia. In this regard, Islamic law shares certain parallels with Catholic Canon Law, particularly where contemporary *ijtihad* has produced more contextual, tolerant, and permissive interpretations of *fiqh*. Establishing such common ground may facilitate future legislative efforts to revise Law No. 1 of 1974 on Marriage, which currently lacks explicit provisions governing interfaith marriage. Nevertheless, further empirical and normative research is required to assess whether the potential benefits of interfaith marriage outweigh its perceived harms. Such findings could provide a stronger basis for developing more contextual and accommodative Islamic legal approaches through *ijtihad* in regulating interfaith marriage.

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