

DISCRIMINATION IN THE REGISTRATION OF MARRIAGES OF DIFFERENT RELIGIONS: REGULATION AND PRACTICE IN SOUTHEAST ASIA



Wensislaus Parut¹, Ferdi Yufriadi², Valensius Ngardi³, Meisya Anggraini Rizki⁴

*Correspondence :

Email :

ferdiyufriadi07@gmail.com

Authors Affiliation:

¹ Pontificia Facolta Teologica Marianum, Italy

² IDRIS Darulfunun Institute, Indonesia

³ Universitas Islam Negeri Sunan Kalijaga Yogyakarta, Indonesia

⁴ Universitas Gadjah Mada, Indonesia

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Abstract

This research focuses on discrimination against religious minorities in Indonesia, Malaysia and Brunei Darussalam, three countries with strong religious traditions and legal systems. As a result of this diversity, different religious backgrounds often raise significant legal and social issues when they want to register their marriages, resulting in unpredictable events and difficulties when settling serious matters. This research utilises a qualitative methodology to examine legal texts, court judgements, court decisions, and data from case studies and interviews, which illustrate the complex interaction between religious and sectarian law. Through a comparative analysis of laws in Indonesia, Malaysia and Brunei Darussalam, this study explains how religious and sectarian norms in the legal system impact discriminatory practices. The research findings of legal and administrative challenges faced by interfaith couples, such as denial of marriage registration and the risk of social stigma, suggest a broader tension between religious authorities and state governance. With comprehensive legal reforms that not only address religious issues but also protect the rights of all individuals, and provide valuable insights and recommendations that can be implemented globally by those responsible for the practice of law, particularly in Indonesia, Malaysia and Brunei Darussalam.

Penelitian ini berfokus pada diskriminasi terhadap minoritas agama di Indonesia, Malaysia dan Brunei Darussalam, tiga negara dengan tradisi agama dan sistem hukum yang kuat. Sebagai akibat dari keragaman ini, latar belakang agama yang berbeda sering kali menimbulkan masalah hukum dan sosial yang signifikan ketika mereka ingin mendaftarkan pernikahan mereka, yang mengakibatkan kejadian-kejadian yang tidak dapat diprediksi dan kesulitan dalam menyelesaikan masalah-masalah yang serius. Penelitian ini menggunakan metodologi kualitatif untuk mengkaji teks-teks hukum, putusan pengadilan, keputusan pengadilan, dan data dari studi kasus dan wawancara, yang menggambarkan interaksi yang kompleks antara hukum agama dan hukum sektarian. Melalui analisis komparatif terhadap hukum di Indonesia, Malaysia dan Brunei Darussalam, penelitian ini menjelaskan bagaimana norma-norma agama dan sektarian dalam sistem hukum berdampak pada praktik-praktik diskriminasi. Temuan penelitian mengenai tantangan hukum dan administratif yang dihadapi oleh pasangan beda agama, seperti penolakan pencatatan pernikahan dan risiko stigma sosial, menunjukkan adanya ketegangan yang lebih luas antara otoritas agama dan pemerintahan negara. Dengan reformasi hukum yang komprehensif yang tidak hanya menangani isu-isu agama tetapi juga melindungi hak-hak semua individu, dan memberikan wawasan dan rekomendasi yang berharga yang dapat diimplementasikan secara global oleh mereka yang bertanggung jawab atas praktik hukum, khususnya di Indonesia, Malaysia dan Brunei Darussalam.

INTRDUCTION

Interfaith marriage reflects the connection between two individuals from different belief backgrounds, creating opportunities for mutual understanding and appreciation of diversity, even as it can face social and legal challenges.¹ In this context, interfaith marriage transcends being merely an emotional bond between two people; it also serves as a bridge linking two distinct cultures and traditions. Couples entering such unions often encounter the challenge of reconciling their differences, whether in religious practices, family traditions, or the values they uphold. Throughout this process, they learn to communicate openly, respect each other's differences, and find solutions that allow both partners to feel comfortable and valued. This willingness to engage in dialogue and foster understanding becomes a crucial element in building a harmonious life together, despite the many obstacles they may encounter.² It is a testament to their commitment not only to each other but also to the idea that love can indeed transcend boundaries, bringing together people from varied backgrounds into a shared future.

Interfaith marriages often become subjects of controversy within society, influenced by prevailing social norms, familial pressures, and stringent legal regulations. In countries like Indonesia,³ Malaysia, and Brunei Darussalam, there is a tendency for the populace to uphold conservative views regarding marriage, viewing interfaith unions as violations of established religious and cultural norms. This creates immense social pressure on interfaith couples, who may feel alienated from their communities and face discrimination.⁴ For instance, these individuals often encounter rejection from family members or may even be prohibited from participating in specific social events. This societal pressure frequently forces those in such relationships to conceal their unions, which can severely impact their emotional and mental well-being. Family involvement, which ideally should provide support, can often transform into a source of conflict, complicating the dynamics of interfaith relationships. The struggle between societal expectations and personal desires can be a significant hurdle, underscoring the importance of open communication and understanding in maintaining the relationship.

When it comes to legal aspects, Indonesia, Malaysia, and Brunei Darussalam have regulations that generally restrict or outright ban interfaith marriages, creating significant barriers for couples seeking to formalize their unions.⁵ In Indonesia, despite some individuals attempting to gain legal recognition through the courts, the outcomes of such efforts are often inconsistent and do not guarantee legal protection for interfaith couples.⁶ In Malaysia, regulations that require non-Muslims to convert to Islam before marrying

¹ Juliette Crespín – Boucaud, 'Interethnic and Interfaith Marriages in Sub-Saharan Africa', *World Development* 125 (January 2020): 104668, <https://doi.org/10.1016/j.worlddev.2019.104668>.

² David C. Dollahite and Loren D. Marks, eds., *Strengths in Diverse Families of Faith: Exploring Religious Differences*, 1st ed. (Routledge, 2020), <https://doi.org/10.4324/9780429296307>.

³ Kemas Muhammad Gemilang et al., 'Discussing the Phenomenon of the Appointment of Judges in District Courts Regarding Interfaith Marriages from a Legal Logic Perspective', *Al-Istinbath: Jurnal Hukum Islam* 8, no. 2 November (9 November 2023): 307, <https://doi.org/10.29240/jhi.v8i2.8185>.

⁴ Roudi Nazarinia Roy et al., 'An Introduction to the Special Section on Multiracial Families: The Challenges, Strengths, and Work That Remains', *Journal of Child and Family Studies* 31, no. 3 (March 2022): 599 – 608, <https://doi.org/10.1007/s10826-022-02260-x>.

⁵ Shweta Verma and Neelam Sukhramani, 'Interfaith Marriages and Negotiated Spaces', *Society and Culture in South Asia* 4, no. 1 (January 2018): 16 – 43, <https://doi.org/10.1177/2393861717730620>.

⁶ Ermi Suhasti, Siti Djazimah, and Hartini Hartini, 'Polemics on Interfaith Marriage in Indonesia between Rules and Practices', *Al-Jami'ah: Journal of Islamic Studies* 56, no. 2 (30 May 2019): 367 – 94, <https://doi.org/10.14421/ajis.2018.562.367-394>.

a Muslim present a substantial obstacle for many couples. Brunei Darussalam's strict Sharia law complicates the situation even further, as it nearly eliminates any legal acknowledgment of interfaith marriages. This scenario leads many interfaith couples to seek alternative solutions, such as marrying abroad, in order to circumvent the legal limitations imposed by their home countries. In this regard, it is essential to advocate for legal reforms that are more inclusive, respecting religious diversity while also safeguarding the rights of couples choosing to marry outside their religious affiliations. Such reforms would foster a more equitable environment, ensuring that individual rights are protected in a multicultural and pluralistic society, ultimately contributing to a more harmonious coexistence among diverse communities.

A more inclusive approach that values diversity in the context of marriage is essential, as the freedom to choose a partner without regard to religious differences can foster a more harmonious society. In many cultures, the institution of marriage is often intertwined with religious beliefs, leading to a perception that interfaith unions are inherently problematic.⁷ However, by recognizing and respecting the choices of individuals to marry across religious lines, societies can begin to dismantle prejudices and create an environment that celebrates diversity rather than fearing it. This shift in perspective not only encourages tolerance and understanding but also empowers individuals to embrace their identities and beliefs. When couples are free to navigate their relationship based on love and mutual respect rather than societal constraints, they are more likely to contribute positively to their communities, demonstrating that love knows no boundaries.⁸ Moreover, embracing such diversity can lead to richer cultural exchanges, as interfaith families blend traditions and practices, fostering a sense of unity that transcends individual beliefs.

This research aims to analyze the regulations and practices of interfaith marriage registration in Indonesia, Malaysia, and Brunei Darussalam, evaluate existing policies, and provide recommendations to support pluralism and the rights of interfaith couples. The study acknowledges the complexity of the legal framework governing marriage in these three countries, where religious doctrines significantly influence civil law. By conducting a comprehensive analysis of this regulatory landscape, the research seeks to uncover the nuances and challenges faced by interfaith couples in their quest for legal recognition. It is essential to understand how these laws not only impact the couples directly involved but also reflect broader societal attitudes toward diversity and acceptance. The significance of this research lies in its ability to provide in-depth insights into the interaction between law and social values in the context of interfaith marriage, as well as to encourage discussions about the need for more inclusive legal reforms. By advocating for these changes, this research hopes to contribute to a more pluralistic and harmonious society, where love and commitment are celebrated in all their forms.

METHODS

This research uses a qualitative approach to examine the regulation and practice of interfaith marriage registration across Indonesia, Malaysia, and Brunei Darussalam. The research conducted a thorough literature review, focusing on the interpretation of legal texts, local regulations, and related documents to understand the basic principles and

⁷ Jana Van Niekerk and Maykel Verkuyten, 'Interfaith Marriage Attitudes in Muslim Majority Countries: A Multilevel Approach', *The International Journal for the Psychology of Religion* 28, no. 4 (2 October 2018): 257–70, <https://doi.org/10.1080/10508619.2018.1517015>.

⁸ Zheng Mu, 'Hui Muslims' Endogamy and Inter marriages: Marriage Markets, Islamic Culture, and Economic Growth', *Journal of Comparative Family Studies* 52, no. 4 (1 January 2022): 540–68, <https://doi.org/10.3138/jcfs.52.4.02>.

procedural aspects of interfaith marriage registration. The study provides a fundamental understanding of the existing legal framework and practices in these three countries. To deepen the analysis, the study incorporates a policy analysis that tracks the development of government policies, recent legislative changes, and their implications for the practical implementation of interfaith marriage registration. This analysis aims to uncover how policy changes impact the actual process and the experiences of those involved. The research also uses case studies to document the personal experiences of couples who have gone through the process of registering an interfaith marriage, revealing the social and legal challenges they face through detailed narratives. The research utilized in-depth interviews with officials from the population and civil registration offices, religious leaders, and legal experts. These interviews offered a range of perspectives, which contributed to a more nuanced understanding of the issue. A public opinion survey was conducted to gather insights into public attitudes, social norms, and socio-cultural factors that influence perceptions of interfaith marriage. The data collected, whether from surveys, interviews, or case studies, was analyzed using an interpretative approach to explore the meanings, experiences, and perceptions associated with the registration of interfaith marriages. The research also includes historical analyses to provide context on how changing times and historical developments have shaped the regulation of interfaith marriage. By integrating these methodological components, this research aims to create a comprehensive and interpretative narrative of interfaith marriage registration in Indonesia, Malaysia, and Brunei Darussalam, offering valuable insights into the legal and social dimensions of the issue.

RESULT AND DISCUSSION

Regulation and Practices of Interfaith Marriage in Southeast Asia

Law Number 1 of 1974 on Marriage in Indonesia serves as the main legal foundation regulating the validity of marriage, emphasizing that a marriage is considered valid if it is conducted in accordance with the religious laws of each party.⁹ Article 8 letter (f) of the Marriage Law explicitly prohibits marriages where both parties have a relationship that is forbidden by their religion or other applicable regulations, which includes interfaith marriages. To reinforce this provision, the Compilation of Islamic Law (KHI) further strengthens the prohibition of interfaith marriages through Article 40 (c) and Article 44, which prohibit Muslim men from marrying non-Muslim women and vice versa. Muslim women are also forbidden from marrying non-Muslim men. This shows that Indonesia's legal system pays close attention to religious rules, especially concerning religious identity in marriage. The Indonesian Council of Ulama's (MUI) Fatwa Number 4 of 2005 further reinforces this prohibition by declaring that interfaith marriages are forbidden (haram) and invalid according to Islamic teachings.¹⁰ Despite several instances where District Courts, such as in Surabaya, Central Jakarta, and Yogyakarta, approved interfaith marriage applications, the Supreme Court (MA) took a firm stance by issuing Supreme

⁹ Noer Yasin, Musataklima Musataklima, and Ahmad Wahidi, 'Interlegality Perkawinan Beda Agama Vis a Vis Surat Edaran Mahkamah Agung Nomot 2 Tahun 2023 Tentang Penolakan Permohonan Pencatatan Perkawinan Beda Agama Di Indonesia', *Jurnal Penelitian Hukum De Jure* 23, no. 4 (22 November 2023): 389, <https://doi.org/10.30641/dejure.2023.V23.389> – 402.

¹⁰ Ali Mutakin, 'FIQH PERKAWINAN BEDA AGAMA DI INDONESIA: Kajian Atas Fatwa – Fatwa NU, MUI Dan Muhammadiyah', *Al-Ahwal: Jurnal Hukum Keluarga Islam* 14, no. 1 (10 May 2021): 11, <https://doi.org/10.14421/ahwal.2021.14102>.

Court Circular (SEMA) Number 2 of 2023.¹¹ This circular aims to prohibit judges of District Courts from validating interfaith marriages, thereby minimizing the possibility of different interpretations of the law at lower court levels. This regulation reflects a strict approach in preserving the integrity and consistency of Islamic law in marriage practices in Indonesia.¹²

The situation in Malaysia is slightly different, although there are similarities in the application of religious principles in marriage law. While the Malaysian constitution guarantees freedom of religion, in practice, interfaith marriage laws present significant obstacles. Non-Muslims who wish to marry a Muslim are required to convert to Islam first. This provision is stipulated in Article 3 paragraph 1 of the Malaysian Constitution, which establishes Islam as the official religion of the state, as well as the Law Reform (Marriage and Divorce) Act 1976, which affirms that marriages must comply with Islamic law for Muslims. Consequently, interfaith marriages that do not meet the conditions of Sharia are not legally recognized, and such marriages cannot be registered in the country.¹³ The Sharia Court holds full authority over matters of marriage, divorce, and other issues related to Muslims, while non-Muslims fall under the jurisdiction of civil law. This dual legal system often creates challenges, particularly for interfaith couples, as they must navigate two different and often disconnected legal systems.¹⁴ For non-Muslims unwilling to convert to Islam, the option of marrying a Muslim becomes extremely limited, which, in turn, has significant legal and social implications concerning their rights in marriage, divorce, and inheritance.

Brunei Darussalam adopts a far stricter approach in enforcing Sharia law concerning interfaith marriages. The country strictly prohibits interfaith marriages through various provisions in its legislation, such as Article 43 paragraph 1 of Penggal 77 of 1984 and several articles in Islamic Law Family (Chapter 217).¹⁵ Brunei's legal framework unequivocally states that interfaith marriages are invalid and cannot be registered in the country. This underscores the government's strong commitment to upholding Islamic law, leaving no room for recognition or exception regarding interfaith marriages.¹⁶ If an interfaith marriage is carried out, its legal status will not be recognized by the state, and any rights or obligations arising from the marriage will not be protected under the law. This legal approach demonstrates that Brunei has the most stringent system compared to Indonesia and Malaysia in regulating interfaith marriages. In this context, Brunei provides

¹¹ Sulis Rahayu, 'Legal Implications of Enforcement of the Supreme Court Circular Number 2 of 2023 on the Civil Rights of Interfaith Marriages', *Formosa Journal of Applied Sciences* 2, no. 11 (30 November 2023): 2885–96, <https://doi.org/10.55927/fjas.v2i11.6965>.

¹² Dhea Eldi Safiera and Sonyendah Retnaningsih, 'Registration of Interfaith Marriages in Indonesia Based on Supreme Court Circular Number 2 of 2023', *Asian Journal of Engineering, Social and Health* 3, no. 6 (4 June 2024): 1157–69, <https://doi.org/10.46799/ajesh.v3i6.329>.

¹³ Zaidah Nur Rosidah, Lego Karjoko, and Mohd Rizal Palil, 'The Government's Role in Interfaith Marriage Rights Protection: A Case Study of Adjustment and Social Integration', *Journal of Human Rights, Culture and Legal System* 3, no. 2 (2 June 2023): 265–87, <https://doi.org/10.53955/jhcls.v3i2.105>.

¹⁴ Najibah Mohd Zin et al., 'THE AMENDMENT TO THE LAW REFORM (MARRIAGE AND DIVORCE) ACT 1976: RECONCILING THE IRRECONCILABLE', *IJUM Law Journal* 29, no. (S1) (12 May 2021): 1–15, [https://doi.org/10.31436/iiumlj.v29i\(S1\).631](https://doi.org/10.31436/iiumlj.v29i(S1).631).

¹⁵ Abdurrahman Raden Aji Haqqi, 'ISLAMIC LAW IN STATE LIFE OF BRUNEI DARUSSALAM', *Journal of Malay Islamic Studies* 1, no. 2 (30 December 2017): 81–92, <https://doi.org/10.19109/jmis.v1i2.2540>.

¹⁶ Ida Lestiwati, Maisa Maisa, and Abdul Manan, 'Comparison of the Legal Regulation of Adultery as Social Control in Society: A Comparison Between Indonesia, Malaysia, Brunei Darussalam, and Turkey', *SASI* 30, no. 2 (28 June 2024): 183, <https://doi.org/10.47268/sasi.v30i2.2049>.

absolutely no legal or social tolerance for marriages between individuals of different religions, whether in terms of recognition or legal protection. This highly restrictive policy reflects that Sharia law in Brunei is not merely a religious guideline but is fully integrated into the national legal system, governing various aspects of public life, including marriage.

Legal regulations, social and cultural norms play an important role in reinforcing the prohibition of interfaith marriage in these three countries. Although in Indonesia the legal system provides certain loopholes through court judgements, social pressure on interfaith couples is still considerable. The predominantly Muslim society often holds conservative views on marriage, especially concerning religious identity, leading to societal resistance against interfaith unions. Couples who attempt to marry outside their faith often face not only legal hurdles but also social ostracism from their communities. Meanwhile, in Malaysia, the requirement for religious conversion before marriage between a Muslim and a non-Muslim is often accompanied by significant social and cultural demands. This conversion is not merely a legal formality but is embedded in a broader cultural expectation that those marrying into the Muslim faith fully embrace Islamic norms. These expectations are reinforced by strong familial and community influences, further limiting the acceptance of interfaith marriages. In Brunei, where Islamic principles deeply permeate both legal and cultural spheres, there is almost no space for social acceptance of interfaith marriages. The fusion of Islamic law and cultural practices creates an environment where such marriages are strictly forbidden, not only by law but also by deeply ingrained social norms.

Indonesia more inclusive legal reforms on interfaith marriage, resistance from conservative religious groups and the recently issued Supreme Court Circular Letter (SEMA) No. 2 of 2023 have significantly impeded progress.¹⁷ Efforts to reform laws in favor of interfaith marriages have been met with pushback from Islamic organizations and religious leaders who view such reforms as threats to religious purity and social cohesion. Similarly, in Malaysia, attempts to reform the legal system to accommodate interfaith marriages face formidable challenges due to the dominant role of Sharia law, which governs the personal and familial matters of Muslims.¹⁸ Any move toward reform risks creating tension between the civil legal system and Sharia, complicating the path to change. In Brunei, the possibility of reform is even more remote. With a legal system heavily centered on Sharia, there is little room for debate or legislative reform concerning interfaith marriage.¹⁹ The laws are so deeply intertwined with religious doctrine that altering them would be perceived as a challenge to the fundamental religious fabric of the state.²⁰ Consequently, Brunei maintains one of the most rigid stances on this issue, making any prospects for legal reform nearly impossible in the current sociopolitical climate.

¹⁷ Amum Mahbub Ali, 'INTERFAITH MARRIAGE PERSPECTIVE OF LEGAL CERTAINTY AFTER THE ISSUANCE OF THE SUPREME COURT CIRCULAR NUMBER 2 OF 2023', *Ta'dibiya* 3, no. 2 (1 October 2023): 44–58, <https://doi.org/10.61624/japi.v3i2.57>.

¹⁸ Humairah Zainal, 'Intersectional Identities: Influences of Religion, Race, and Gender on the Intimate Relationships of Single Singaporean Malay-Muslim Women', *Marriage & Family Review* 54, no. 4 (19 May 2018): 351–73, <https://doi.org/10.1080/01494929.2017.1414725>.

¹⁹ Hannah K. Shoaf et al., 'Strengths and Strategies in Interfaith Marriages', *Marriage & Family Review* 58, no. 8 (17 November 2022): 675–701, <https://doi.org/10.1080/01494929.2022.2093311>.

²⁰ Thomas P. Dirth and Nyla R. Branscombe, 'Recognizing Ableism: A Social Identity Analysis of Disabled People Perceiving Discrimination as Illegitimate', *Journal of Social Issues* 75, no. 3 (September 2019): 786–813, <https://doi.org/10.1111/josi.12345>.

Interfaith Marriage from a Legal and Human Rights Perspective

Interfaith marriage in Southeast Asia involves human rights, particularly the right to freedom of religion. Couples have the right to choose and practice their respective religious beliefs without facing discrimination.²¹ This right is enshrined in various international human rights documents that recognize and protect the fundamental freedom of religion for every individual. This freedom includes the right to adopt, practice, and disseminate religious teachings without interference or undue pressure from others, including the state. In the context of interfaith marriage, couples have the right to decide and celebrate their respective religious beliefs in line with their values and teachings. The significance of religious freedom in interfaith marriage is not only a personal issue but also an essential part of human rights that should be acknowledged and respected by both the state and society. Ensuring that couples can practice their religious beliefs without hindrance or discrimination is a crucial step in creating a fair marital environment that respects human rights.²²

Regulations on interfaith marriage in Southeast Asia have been scrutinized through the lens of human rights principles. While certain aspects of these regulations appear to align with human rights, other areas require closer examination to ensure better protection of these rights.²³ Freedom of religion, recognized as a human right, is acknowledged, yet requirements and procedures in some regions may still pose challenges for couples seeking interfaith marriages. Although regulations generally prohibit discrimination, couples of different faiths may still face social and administrative discrimination during the marriage process. The requirement for approval from religious leaders or local religious institutions can act as a barrier and may not always reflect human rights principles, particularly if such approval is coercive or discriminatory. The right to marry is recognized as a human right, but regulations supporting marriage within specific religious contexts may need to be reconsidered to ensure equal rights for all. The rights of children to access and practice their own religious beliefs within interfaith families also need greater recognition and protection. Equality before the law is not always fully guaranteed, especially concerning the economic and social rights of interfaith couples. Enhancing education and legal awareness regarding human rights, particularly in the context of interfaith marriage, is essential to addressing prejudice and discrimination. Further evaluation and reform of regulations can contribute to creating a more inclusive environment that respects human rights, addressing aspects that may not fully align with these principles.²⁴

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

²² Rosdalina Bukido et al., 'Negotiating Love and Faith: Interfaith Marriage in Manado, Indonesia', *Wawasan: Jurnal Ilmiah Agama Dan Sosial Budaya* 6, no. 1 (20 August 2021): 67–76, <https://doi.org/10.15575/jw.v6i1.11299>.

²³ Aulil Amri, 'Perkawinan Beda Agama Menurut Hukum Positif Dan Hukum Islam', *Media Syari'ah* 22, no. 1 (6 May 2020): 48, <https://doi.org/10.22373/jms.v22i1.6719>.

²⁴ Sally Azaria, 'Christian Youth Preferences in Interfaith Marriage: A Study Case in Surabaya, Indonesia', in *Proceedings of the 4th International Conference on Law, Social Sciences, and Education, ICLSSE 2022, 28 October 2022, Singaraja, Bali, Indonesia* (Proceedings of the 4th International Conference on Law, Social Sciences, and Education, ICLSSE 2022, 28 October 2022, Singaraja, Bali, Indonesia, Singaraja, Indonesia: EAI, 2023), <https://doi.org/10.4108/eai.28-10-2022.2326394>.

The principle of equality before the law must be upheld, ensuring that interfaith marriages are not deemed inferior or granted fewer rights than marriages within the same religious context. Every marriage, regardless of religious differences, should be treated with equal respect and afforded the same legal rights and considerations. Recognizing and upholding this principle is essential to fostering a legal framework that respects the fundamental right to marry without discrimination based on religious diversity. In the context of interfaith marriages, the commitment to equality ensures that couples are granted the same legal standing, protection, and rights as their counterparts in same-faith marriages, contributing to a more inclusive and fair legal environment.²⁵

Interfaith marriages in Southeast Asia often lead couples to consider options such as marrying abroad or converting their religion. The decision to pursue either of these options is influenced by the various interfaith marriage rules, complex administrative requirements, and social pressures within the region. Some interfaith couples choose to marry abroad to gain legal recognition without facing the constraints of stricter regulations in their home countries. Many Southeast Asian countries allow marriages solemnized abroad to be registered domestically, thereby giving legal recognition to the union. On the other hand, some interfaith couples may consider changing their religion to have their marriage legally recognized within their country. This decision is complex, involving personal beliefs, spiritual values, and the ethical implications of conversion, sometimes referred to as apostasy. This choice raises important ethical, social, and legal questions that need careful consideration, reflecting the broader challenges faced by interfaith couples in Southeast Asia.²⁶

Inclusive approach to interfaith marriage

Establishing a dialogue forum that encompasses all religions within the community, promoting diversity, and fostering an inclusive atmosphere where every participant feels heard and respected is pivotal for meaningful interfaith engagement. The forum should be a representation of the rich tapestry of religious beliefs present, ensuring that all faith communities have a voice in the conversation. In order to achieve this, inclusivity measures such as equal representation, unbiased facilitation, and mechanisms to address power dynamics should be put in place. Open and respectful communication is paramount, creating an environment where diverse opinions can be expressed without fear of judgment. Cultural sensitivity is a guiding principle, appreciating and respecting the uniqueness of each religious group's practices.²⁷

Accessible platforms, both physically and linguistically, should be provided to accommodate varying needs. Neutral facilitators, well-versed in cultural nuances, can guide discussions objectively. Feedback mechanisms ensure continuous improvement, allowing participants to contribute to the ongoing refinement of the forum's inclusivity.²⁸

²⁵ Muhammad Faisal Hamdani et al., 'The Legal and Human Rights Challenges of Interfaith Marriage in Indonesia', *Journal of Law and Sustainable Development* 11, no. 12 (14 December 2023): e1020, <https://doi.org/10.55908/sdgs.v11i12.1020>.

²⁶ Recep Zığdem, 'Interfaith Marriage in Comparative Perspective', *Acta Orientalia Academiae Scientiarum Hungaricae* 68, no. 1 (March 2015): 59–86, <https://doi.org/10.1556/AOrient.68.2015.1.4>.

²⁷ Umi Sumbulah, Agus Purnomo, and Jamilah Jamilah, 'ISLAM, LOCAL WISDOM AND RELIGIOUS HARMONY: RELIGIOUS MODERATION IN EAST-JAVA CHRISTIAN VILLAGE BASES', *El Harakah: Jurnal Budaya Islam* 24, no. 1 (30 June 2022): 21–39, <https://doi.org/10.18860/eh.v24i1.16264>.

²⁸ Sumit Sonkar, 'Policing Interfaith Marriages: Constitutional Infidelity of the Love Jihad Ordinance', *Journal of Law and Religion* 37, no. 3 (September 2022): 432–45, <https://doi.org/10.1017/jlr.2022.37>.

Celebrating religious diversity through shared experiences within the forum contributes to a sense of unity. Ultimately, the commitment to translating dialogue outcomes into tangible actions or policy changes underscores the forum's dedication to fostering understanding, harmony, and cooperation among the diverse religious communities it represents.²⁹ Discussing and understanding various religious perspectives on Southeast Asia interfaith marriage policy is a critical approach that promotes intercultural and interfaith dialogue. In this context, a thorough analysis of the views of different religions is necessary to embrace the diversity of beliefs and religions.³⁰ An in-depth discussion of the Islamic perspective on interfaith marriage is essential. Exploring the Quranic and hadith understandings of interfaith marriage and detailing the views of Islamic scholars who have deep insights on this subject is a first step towards understanding this perspective.³¹

The perspectives of other religions such as Christianity, Hinduism, Buddhism and other religions present in Southeast Asia also need to be considered. Identifying the basic values, norms and key teachings relating to interfaith marriage from the perspective of each religion will provide a comprehensive picture. In forming this understanding, it is important to respect each religion's internal framework and avoid misinterpretation or generalisation. This will help prevent stereotyping and encourage an open and balanced discussion. Listening to the views and experiences of practitioners and religious leaders from each tradition can provide deeper insights. Direct dialogue with religious leaders and community members can reveal nuances that cannot be achieved through analysis of religious texts alone. To achieve a thorough understanding, a comparison of perspectives from different religions is necessary. Investigating similarities, differences and areas of conflict in religious interpretation can yield findings that enrich dialogue and create a foundation for mutual understanding.³²

Accommodating changes and advances in society's views on interfaith marriage is a complex but important task in the formulation of relevant policies. The government must remain proactive in understanding social dynamics and changing societal values regarding interfaith marriage.³³ The policy adaptation process should involve continuous monitoring of social changes and societal views. An in-depth understanding of external factors that may influence these views, such as cultural developments, global values and social trends, provides the basis for policy adjustments. Policy adjustments should be inclusive and involve the active participation of various community groups.³⁴

Open dialogue with advocacy groups, religious leaders and human rights

²⁹ Elvi Widayati, 'The Worldview Of Social Harmony Bulding In The Pluralisme A Phenomenology Study in Balun Village, Turi District, Lamongan Regency', *Journal of Islamic Civilization* 1, no. 1 (15 April 2019): 49–61, <https://doi.org/10.33086/jic.v1i1.945>.

³⁰ Магна Јесъс Gutierrez Del Moral, 'Libertad Religiosa e Igualdad de Gñero En La Jurisprudencia Del Tribunal Europeo de Derechos Humanos', *Revista Catalana de Dret Pùblic*, no. 66 (14 June 2023): 204–22, <https://doi.org/10.58992/rcdp.i66.2023.3870>.

³¹ Francis–Vincent Anthony, 'Intercultural Lived Ecclesiology: The Asian Synodal Praxis of Communion, Participatio et Missio Inter Gentes', *Religions* 14, no. 7 (21 July 2023): 942, <https://doi.org/10.3390/rel14070942>.

³² Felice Lifshitz, '"A Piece of Cachou Called Ivanhoe": Elizabeth Taylor, Medievalist Historical Film and American Interfaith Marriage', *Journal of Jewish Studies* 70, no. 2 (1 October 2019): 375–97, <https://doi.org/10.18647/3423/jjs-2019>.

³³ Nikos Koumoutzis, 'Judicial Review of Mufti Decisions Applying Islamic Family Law in Greece', *Laws* 12, no. 3 (15 June 2023): 58, <https://doi.org/10.3390/laws12030058>.

³⁴ Insa Nolte, '"At Least I Am Married": Muslim–Christian Marriage and Gender in Southwest Nigeria', *Social Anthropology* 28, no. 2 (May 2020): 434–50, <https://doi.org/10.1111/1469-8676.12765>.

organisations helps to explore different viewpoints and understand the dynamics more holistically. Education and awareness campaigns are also important instruments in accommodating changing community views. Providing accurate information, promoting a better understanding of interfaith marriage, and raising awareness of its benefits and possible challenges can shape more positive perspectives. Social impact analysis is a critical step to evaluate the implications of policy changes on society as a whole. This includes assessing both positive and negative effects, with the aim of minimising negative impacts as much as possible. Flexibility in the implementation of interfaith marriage policies is also a focus, ensuring that procedures and requirements can adapt to the needs and dynamics of society. This approach makes room for unique situations and allows for timely adaptation. The importance of open dialogue continues to be emphasised, where government, religious leaders, academics and civil society can exchange ideas and views. This creates an enabling environment for a constructive exchange of ideas to design policies that are more responsive and in line with society's evolving views on interfaith marriage.³⁵ By bringing all these aspects together, the government can form a dynamic policy framework, accommodating the changing views of society and supporting the sustainability of harmony in diversity.

CONCLUSION

The conclusion of this study shows that discrimination in the registration of interfaith marriages in Indonesia, Malaysia and Brunei Darussalam is strongly influenced by the religious norms embedded in each country's legal framework. In Indonesia, Law No. 1 Year 1974 implies that marriage is only valid if both partners are of the same religion, without providing a clear option for interfaith couples. Malaysia through its Marriage and Divorce Act 1976 also requires non – Muslims to convert before marrying a Muslim, while in Brunei Darussalam, the Islamic Family Code (Chapter 217) expressly prohibits interfaith marriage without exception. Strong administrative and social barriers, such as formal refusal of registration and social stigma, further exacerbate this situation, emphasising the need for more inclusive and equitable legal reforms. Dialogue between religious authorities and state institutions is important to produce regulations that respect religious pluralism, while civil registration officers need to be trained to understand the protection of civil rights for all citizens. Future researchers are advised to investigate the social and psychological impacts that interfaith couples experience due to discrimination in marriage registration, as well as explore the practices of other countries that successfully accommodate interfaith marriages. Thus, this research is expected to provide new insights into innovative solutions to address the tension between religious law and civil rights, including the role of technology in facilitating interfaith marriage registration.

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³⁵ Robert Lance Snyder, 'American Patricians: Charles McCarry's Mythic Family Saga', *Orbis Litterarum* 77, no. 2 (April 2022): 103 – 13, <https://doi.org/10.1111/oli.12295>.

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