



# MINIATURE OF PANCASILA FAMILY: AN ANALYSIS OF INTERFAITH MARRIAGE PRACTICES AMONG THE TENGGER PEOPLE AND THEIR IMPLICATIONS FOR INDONESIAN FAMILY LAW



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## Abstract

Interfaith marriage in Indonesia remains a deeply contested issue within legal and religious perspectives, particularly following the enactment of Law Number 1 of 1974 and the Supreme Court Circular Letter Number 2 of 2023, both of which reinforce prohibitive norms and impose stricter administrative procedures. In contrast to these state-centered regulations, the Tengger indigenous community on the slopes of Mount Bromo treats interfaith marriage as a legitimate tradition aimed at sustaining social harmony. While existing studies have predominantly focused on normative legal debates and theological controversies, limited attention has been paid to local cultural practices that offer alternative, lived models of coexistence. This gap is crucial because indigenous experiences provide socio-legal insights that are often overlooked in state-centered analyses. Addressing this gap, this article explores how interfaith marriage is understood and practiced within Tengger customary law, examines its implications for Indonesia's national family law framework, and analyzes the idea of the "miniature Pancasila family" as an expression of legal pluralism at the community level. Drawing on qualitative socio-legal research conducted in Ngadas, Wonokerto, and Ngadisari, the findings show that communal harmony is preserved through the waralaga custom and the philosophical principle of rukun, alongside pragmatic administrative strategies, such as "temporary conversion", employed to meet state requirements. These insights suggest that Indonesia's family law could benefit from more contextual and pluralistic approaches that resonate more closely with Pancasila's foundational values.

## Abstrak

Artikel ini menjelaskan bahwa fenomena perkawinan beda agama di Indonesia terus memicu perdebatan hukum dan keagamaan, terutama sejak berlakunya Undang-Undang Nomor 1 Tahun 1974 serta Surat Edaran Mahkamah Agung Nomor 2 Tahun 2023 yang menegaskan larangan dan pengetatan administrasi. Berbeda dengan itu, komunitas adat Tengger di lereng Gunung Bromo justru memandang perkawinan beda agama sebagai tradisi yang sah dan dapat menjaga kerukunan sosial. Kajian sebelumnya masih berfokus pada perdebatan normatif-teologis, sehingga kurang memberi perhatian pada praktik budaya lokal yang menawarkan model koeksistensi alternatif. Kekurangan ini penting karena pengalaman hidup komunitas adat memberikan dinamika sosiolegal yang jarang terungkap dalam analisis yang berpusat pada negara. Artikel ini mengkaji bagaimana perkawinan beda agama dipahami dan dijalankan dalam adat Tengger, implikasinya terhadap hukum keluarga nasional, serta bagaimana konsep "keluarga miniatur Pancasila" mencerminkan pluralisme hukum pada tingkat komunitas. Berdasarkan penelitian kualitatif sosio-legal di Ngadas, Wonokerto, dan Ngadisari, temuan menunjukkan bahwa harmoni dipelihara melalui adat waralaga dan filosofi rukun, sementara strategi administratif seperti "konversi sementara" digunakan untuk memenuhi syarat negara. Temuan ini menegaskan perlunya regulasi keluarga yang lebih kontekstual dan pluralistik sesuai nilai Pancasila.



## Background

The term "Pancasila Family" gained national attention after President Prabowo Subianto highlighted it during the 2024 Christmas celebration.<sup>1</sup> The concept reflects Indonesia's plural and multicultural social reality, shaped by its diverse religious, cultural, and ethnic landscape: Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism. Within this plural setting, interfaith marriage emerges as an inevitable phenomenon and a logical consequence of nation built on diversity. Data from the Indonesian Conference on Religion and Peace (ICRP) reveal that between 2003 and 2023, there were 1,655 recorded interfaith marriages in Indonesia.<sup>2</sup> Historically, such practices are not new; they can be traced back to earlier periods, such as the Majapahit era, when the king's marriage to a Princess of Champa illustrates how interfaith unions once functioned as socio – political bridges within the archipelago.

Despite this historical precedent, Indonesia's contemporary family law continues to provide no clear legal framework for interfaith marriage. This legal vacuum creates uncertainty for citizens who are entitled to legal protection, as evidenced by high – profile cases such as those involving public figures Rizky Febian and Mahalini, whose marriage registrations were rejected. Ideally, as a Pancasila – based nation, Indonesia should uphold diversity as a foundational principle, supporting families that embody Pancasila's values of unity, tolerance, and social harmony.<sup>3</sup>

The discourse surrounding interfaith marriage has intensified as a result of this legal ambiguity. Significant scholarship includes Suhadi Cholil's<sup>4</sup> *I Come from a Pancasila Family*, which highlights interfaith marriage as both a historical and social reality in Indonesia. Likewise, Eva F. Nisa's<sup>5</sup> *Interfaith Marriages in Indonesia* shows that although interfaith unions are increasingly common, the state continues to enforce strict regulatory barriers, prompting progressive religious actors to craft alternative narratives that distinguish the practice from coercive religious conversion. In the contemporary era, digital platforms have opened new spaces for public debate, with social media serving as a critical arena where progressive groups, Islamists, and Muslim feminists negotiate and critique state policies. Nevertheless, amid rising conservatism, the path toward formal legal recognition of interfaith marriage remains uncertain.

Recent studies further enrich the discussion on interfaith marriage in Indonesia. Amiruddin examines the tensions between Islamic law and national law, while Fikriana and Erpandi<sup>6</sup> highlight the predominance of religious interpretation in determining the

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<sup>1</sup>Presiden Prabowo: Saya Bukti Keluarga Pancasila, Directed By Garuda TV, 2024, 02:47, <https://www.youtube.com/watch?v=Jewkcc1hrug>.

<sup>2</sup>Komnas Ham And Icrp, *Pernikahan Beda Agama: Kesaksian, Argumen Keagamaan Dan Analisis Kebijakan* (Komnas Ham, 2005).

<sup>3</sup>Pengesahan Pernikahan Rizky Febian dan Mahalini Ditolak Pengadilan Agama', Accessed 29 December 2024. <https://www.kompas.com/hype/read/2024/11/26/101011566/Pengesahan-Pernikahan-Rizky-Febian-dan-Mahalini-Ditolak-Pengadilan-Agama>.

<sup>4</sup>Suhadi, *'I Come From A Pancasila Family': A Discursive Study On Muslim-Christian Identity Transformation In Indonesian Post-Reformasi Era* (Lit Verlag Münster, 2014).

<sup>5</sup>Eva F Nisa, 'Interfaith Marriages In Indonesia: Between The Law, State Ideology, And Progressive Muslim Voices', In *Muslim Marriage and Non-Marriage: Where Religion and Politics Meet Intimate Life*, Ed. Julie McBrien And Annelies Moors, Islam, Culture And Society (Leuven University Press, 2023), <https://doi.org/10.2307/Jj.5076197.16>.

<sup>6</sup>Askana Fikriana and Syahri Erpandi, 'Koeksistensi Hukum Perkawinan Islam di Indonesia Interpretasi Mahkamah Konstitusi terhadap Pernikahan Beda Agama di Indonesia', *Dalihan Na Tolu: Jurnal Hukum, Politik dan Komunikasi Indonesia* 2, no. 01 (2023): 53 – 59, <https://jurnal.seaninstitute.or.id/index.php/Jhui/article/view/283>.

validity of marital unions. Meanwhile, Suhartiningsih<sup>7</sup>, Fida<sup>8</sup>, and Tuqo focus on the Tengger community, illustrating how local values and Islamic legal reasoning support a socially tolerant structure. Collectively, these studies reveal that although normative legal analysis remains dominant, there is growing recognition of the need for a contextual and pluralistic legal framework. In this context, the Tengger community on the slopes of Mount Bromo offers a distinctive social example: for generations, they have practiced interfaith marriage, mostly between Hindus and Muslims, as an integral part of their religious and cultural traditions. The community imposes no strict boundaries on interreligious interaction, allowing interfaith unions to naturally integrate into social structure, while local wisdom continues to maintain harmony despite pressures of rapid modernization.

This study does not aim to promote or legitimize interfaith marriage from a normative religious standpoint. Instead, it seeks to explore the lived realities of the Tengger community, uncovering local perspectives, social constructions, and practical consequences of interfaith marriages. The goal is to provide empirically grounded data that can inform policymakers in harmonizing Indonesia's family law with diverse social practices. Employing a qualitative socio-legal methodology, the study integrates multiple analytical lenses: a statutes approach to analyze existing regulations, a conceptual approach grounded in Islamic legal doctrines, customary law, and Jasser Auda's<sup>9</sup> *maqāṣid shari'ah* framework, and a historical approach to trace the evolution of family and legal pluralism in Indonesia. Research subjects include Tengger community members who practice interfaith marriage, while the object of study focuses on the interplay among customary norms, religious principles, and state law as manifested in the "Pancasila Family." Data were collected through in-depth interviews, field observations, and document analysis, with triangulation employed to ensure validity. All findings were analyzed using the theoretical frameworks of legal pluralism and *maqāṣid shari'ah*, particularly the principles of public good (*maṣlaḥah*) and family protection (*ḥifẓ al-usrah*). By integrating these approaches, the study moves beyond mere description, offering a critical examination of the interactions among religious law, customary law, and state law as they unfold in the social practices of the Tengger community.

## Interfaith Marriage Practices in the Context of Tengger Customs

The material object of this research is the practice of interfaith marriage within the Tengger indigenous community, located on the slopes of Mount Bromo, East Java. The Tengger people are known for their strong commitment to *rukun* (social harmony), tolerance, and social balance, despite living within a religiously diverse environment encompassing Hinduism, Islam, Buddhism, and Christianity. In the socio-cultural setting, marriage is viewed not merely as a legal or religious contract but as a foundation for maintaining communal harmony and preserving cultural continuity. Interviews with local leaders support this perspective: The Head of Ngadas Village explained that interfaith marriages are accepted primarily because maintaining *rukun* is paramount for the stability

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<sup>7</sup>Eka Suhartiningsih Et Al., 'Makna Perkawinan Bagi Masyarakat Suku Tengger dalam Perspektif Hukum Islam', *Usrah: Jurnal Hukum Keluarga Islam* 4, No. 1 (2023): 121 – 41, <https://Jurnal.Staim-Probolinggo.Ac.Id/Usrah/Article/View/666>.

<sup>8</sup>Suhartiningsih Et Al., 'Makna Perkawinan Bagi Masyarakat Suku Tengger dalam Perspektif Hukum Islam'.

<sup>9</sup>Jasser Auda, *Maqāṣid Al-Shari'ah As Philosophy of Islamic Law* (International Institute of Islamic Thought (Iiit), 2022); Jasser Auda, 'A Maqāṣidī Approach to Contemporary Application of The Shari 'Ah', *Intellectual Discourse* 19, No. 2 (2011).

of communal life. Customary elders echoed this view, while interfaith couples noted that social acceptance enables the formation of stable households. These accounts illustrate how Tengger wisdom actively sustains social cohesion and embodies Indonesia's pluralism in community's daily practice.<sup>10</sup>

Furthermore, the phenomenon of interfaith marriage within the Tengger community represents a tangible form of interaction among customary law, religious law, and state law. Although Indonesia's positive legal law, specifically Law Number 1 of 1974 on Marriage and Supreme Court Circular Letter Number 2 of 2023, imposes administrative and legal constraints on interfaith marriage, The Tengger people have developed adaptive mechanisms rooted in their local cultural traditions. As confirmed by the Head of Ngadas Village in an interview, "the community consistently adapts customary practices to the needs of families, including in case of interfaith marriage, as long as social harmony is maintained."<sup>11</sup> These adaptations include the observance of customary rituals such as waralaga, as well as pragmatic administrative strategies, including so – called "temporary conversion," to fulfill state requirements. This phenomenon illustrates a living system of legal pluralism, in which local values function as mediating forces between religious norms and state regulations, thereby ensuring family integrity and social harmony of within Indonesia's multicultural society.

The phenomenon of interfaith marriage within Tengger society reflects a unique social dynamic operating alongside the dominance of restrictive national legal norms. For the Tengger society, marriage is understood not merely as a formal religious bond, but also as an integral part of cultural continuity and the preservation of social harmony. This reality can be analytically understood through Max Weber's theory of *verstehen*<sup>12</sup>, which emphasizes understanding social action by grasping the subjective meanings attributed to individuals within their specific cultural context.<sup>13</sup> This practice differs from broader trends in East Javanese society, which often display more exclusive attitudes toward religious difference. The Tengger commitment to inclusivity can be traced to a historical legacy associated with the Majapahit era, which continues to be embodied in enduring values of tolerance and social harmony.<sup>14</sup>

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<sup>10</sup>Interview with the Head of Ngadas Village, Mr. Kastaman, conducted on 17 August 2025 at 10:00 a.m. WIB, at the Office of the Head of Ngadas Village, Sukapura District, Probolinggo Regency, East Java.

<sup>11</sup>Interview with the Head of Ngadas Village, Mr. Kastaman, conducted on 17 August 2025 at 10:00 a.m. WIB, at the Office of the Head of Ngadas Village, Sukapura District, Probolinggo Regency, East Java; Interview with Mr. Miko, Head of the Village Consultative Body (BKD) of Ngadas Village, which corroborated information on interfaith marriage. The interview was conducted on 17 August 2025 at 11:30 a.m., at the Ngadas Village Office, Sukapura District, Banyuwangi Regency.

<sup>12</sup>Max Weber, *Economy And Society : An Outline Of Interpretive Sociology* ( University Of California Press , 1978). Page 34.

<sup>13</sup>Haryo Pradipta Adi, *The Phenomenon of Interfaith Marriage Processes and the Meaning of Families of Different Religions (Case Study in the Tengger Tribe Community in Tosari Village, Pasuruan District)* , UNS (Sebelas Maret University ) , 2019, <https://digilib.uns.ac.id/dokumen/78077/fenomena-proses-perkawinan-lintas-agama-dan-makna-keluarga-berbeda-agama-studi-kasus-di-masyarakat-suku-tengger-di-desa-tosari-kabupaten-pasuruan>.

<sup>14</sup>"Dynamics Of Cultural Life Of The Tengger Tribal Community In Cross-Religious Harmony | Pedagogy : Scientific Journal Of Educational Sciences," Accessed August 20, 2025, [https://ejournal.upm.ac.id/index.php/pedagogy/article/view/1253?utm\\_source=chatgpt.com](https://ejournal.upm.ac.id/index.php/pedagogy/article/view/1253?utm_source=chatgpt.com).

In the context of ritual practice, Victor Turner<sup>15</sup> explains that marriage, including interfaith marriage, is a liminal event that facilitates the transformation of one's social status. In Ngadas, for example, interfaith marriages are carried out through a series of traditional rituals that emphasize symbols of togetherness rather than religious separation, as reflected by a village elder saying, "In our tradition, every marriage, regardless of the couple's religious affiliation, must visibly express unity, because communal harmony is more important than differences." Furthermore, the Head of Ngadas Village explained that interfaith marriage has long been accommodated within local customary practices because communal harmony (*rukun*) is regarded as the highest social value. He stated, "In Ngadas, we have never problematized religious differences in marriage; what matters is that the family remains harmonious and does not generate tension within the community." He further emphasized that Tengger traditions are designed to maintain balance and togetherness, noting "Our customary law consistently adapts to the needs of community members, including when couples of different religions wish to marry, as long as the value of social harmony is upheld." This perspective shows the pivotal role of village leadership in safeguarding inclusive marital practices that align with Tengger cultural principles.<sup>16</sup>

From a legal perspective, Indonesia has strict regulations regarding marriage. Law No. 1 of 1974, Article 2, emphasizes that a marriage is considered valid if it is conducted according to the laws of the respective religions of the parties involved, while Article 8 prohibits marriage in cases where religious prohibitions apply.<sup>17</sup> This condition is further reinforced by Supreme Court Circular Letter No. 2 of 2023, which stipulates courts to no longer grant requests for interfaith marriages.<sup>18</sup> However, in practice, this regulatory framework creates a legal vacuum, resulting in the continued occurrence of interfaith marriages through alternative channels such as civil marriages, legalization abroad, or the strategy of temporary conversion.<sup>19</sup> In local practice, the

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<sup>15</sup>Victor W. Turner, *The Ritual Process: Structure and Anti- Structure* (Transaction Publishers , 2011). Page 45.

<sup>16</sup>"Interview with the Head of Ngadas Village, Mr. Kastaman on August 17, 2025 At 10:00 Wib at the office of the Head of Ngadas Village, Sukapura District, Probolinggo Regency, East Java "; "Interview with Jeki, 28 years old and an elementary school teacher in Ngadisari and a Bromo motorcycle taxi driver, on August 17, 2025 At 07:00 in front of the Fan Inn Family of Ngadisari Village "; "Interview with Kurniawan, a Tenggerese person from Ngadisari Village who is used to being a motorbike taxi driver from Mount Bromo, August 16, 2025, Tenggerese , Ngadisari Village, Sukapura District , Probolinggo Regency."

<sup>17</sup>Saekan Erniati Effendi, "The History of The Compilation of Islamic Law," Arloka Publisher Surabaya, 1997; Roni Efendi, "Interfaith Marriage In The Sociological Paradigm Jurisprudence ," *Al Hurriyah: Jurnal Hukum Islam* 5, No. 1 (2020): 49 – 56; Clara Brigitta and Gunawan Djajaputra , "Analysis of The Implementation of Interfaith Marriage According to The Marriage Law ," *Unes Law Review* 6, No. 4 (2024): 4, <https://doi.org/10.31933/Unesrev.V6i4.2028>; Syaddan Dintara Lubis, "Interfaith Marriage Based on Islamic Law and Law Number 1 of 1974 Concerning Marriage (Analysis of Determination No. 42/ Pdt.P /2014/ Pn.Unr )," *Arbiter: Scientific Journal of Master of Law* 5, No. 1 (2023): 113 – 23, <https://doi.org/10.31289/Arbiter.V5i1.1685>.

<sup>18</sup>Brigitta And Djajaputra, "Analysis of The Implementation of Interfaith Marriage According to The Marriage Law." This was reinforced by the author when attending a weekend conference at UNAIR regarding human rights, with the topic of interfaith marriage, the clause related to SEMA is a technical element that violates the constitution, because the birth of SEMA did not depart from the discussion of the bill and good constitutional rules, it was only a response from the supreme court, and the worst thing is that the judges do not dare to ignore the SEMA, if they ignore it the judges cannot strike the gavel (cannot hold a trial).

<sup>19</sup>Wongperancis, "The Efforts of The Plaintiff from The Surabaya District Court to The Supreme Court Officially Banning Interfaith Marriage," Reddit Post, R/ Indonesia, July 19, 2023,



Tenggerese community has developed adaptive mechanisms to ensure that interfaith marriages can still be carried out. A case study in Tosari shows two main legalization pathways, either through the Religious Affairs Office (KUA) or through the Parisadha Hindu Dharma Indonesia (PHDI), depending on the religion of the prospective couple. Some couples choose a "temporary conversion" strategy to fulfill administrative requirements and subsequently return to their original religion after marriage.<sup>20</sup> Based on primary interview data from Ngadas, this practice functions as a flexible strategy to bridge state demands with local social needs. As the village head noted, "We adjust administrative procedures to comply with state regulations, while ensuring that community members can still enter into marriage in accordance with customary practices and their social needs."<sup>21</sup> Rooted in the Majapahit philosophy of Bhinneka Tunggal Ika (Unity in Diversity), Tenggerese tolerance thus maintains pluralistic practices. In Ngadas, interfaith couples are not viewed as a social threat, but rather as an expression of freedom of choice and religion.<sup>22</sup> This demonstrates how local wisdom continues to maintain social stability, even though similar practices elsewhere often lead to social stigma.

From a local Islamic perspective, as defined by Eka, marriage is understood more as the essence of social and familial ties rather than merely as a formal religious requirement.<sup>23</sup> This understanding demonstrates how rural religious wisdom tends to be more flexible in interpreting religious teachings, especially in relation to interfaith marriage. Such interpretive flexibility of interpretation creates a space for compromise between religious law and customary law.<sup>24</sup> This flexibility is also evident in the local language used to distinguish between "Tengger marriage with Tengger" (unions between individuals of the same religion and faith) and "Tengger customary marriage with non – Tengger" (involving Islam, Buddhism, Christianity, and other religions). As expressed directly by Jeki, a Bromo motorcycle taxi driver and elementary school teacher who graduated from a Hindu college in Malang and was born in Ngadas Village, "Here, we

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[https://Www.Reddit.Com/R/Indonesia/Comments/154026e/Buah\\_Upaya\\_Penggugat\\_Pn\\_Surabaya\\_Hingga\\_Ma\\_Resmi/](https://Www.Reddit.Com/R/Indonesia/Comments/154026e/Buah_Upaya_Penggugat_Pn_Surabaya_Hingga_Ma_Resmi/).

<sup>20</sup>Adi, *The Phenomenon of Interfaith Marriage Processes And The Meaning of Interfaith Families (Case Study in The Tengger Community in Tosari Village, Pasuruan District)*; Amiruddin Amiruddin, "Interfaith Marriage In Indonesia: A Comparative Study Of Islamic Law And National Law," *Jurnal Tahqiqat: Scientific Journal of Islamic Legal Thought* 18, No. 1 (2024): 1, <https://doi.org/10.61393/Tahqiqat.V18i1.207>; Askana Fikriana and Syahri Erpandi, "Coexistence of Islamic Marriage Law In Indonesia Constitutional Court Interpretation of Interfaith Marriage in Indonesia," *Dalihan Na Tolu : Indonesian Journal of Law, Politics And Communication* 2, No. 01 (2023): 53 – 59, <https://jurnal.seaninstitute.or.id/index.php/jhui/article/view/283>; M. Taufiq Hidayat Et Al., "Islamic Law And Law in Indonesia on Interfaith Marriage," *Arzusin* 3, No. 1 (2023): 11 – 27, <https://doi.org/10.58578/Arzusin.V3i1.822>; Sri Wahyuni, *Interfaith Marriage: Why Go Abroad?* (Pustaka Alvabet, 2017).

<sup>21</sup>"Interview with brother Jeki, 28 years old and an elementary school teacher in Ngadisari and a Bromo motorcycle taxi driver, on August 17, 2025 at 07:00 in front of the Fan Inn family of Ngadisari village"; "Interview with Kurniawan, a Tenggerese person from Ngadisari village who is used to being a motorbike taxi driver from Mount Bromo, August 16, 2025, Tenggerese, Ngadisari Village, Sukapura District, Probolinggo Regency."

<sup>22</sup>*The Relationship of Pluralism Towards the Coexistence of The Ngadas Customary Community in Religious Diversity—Macapat Bulletin*, January 7, 2020, <https://macapat.ub.ac.id/hubungan-pluralisme-terhadap-koeksistensi-masyarakat-adat-ngadas-dalam-keberagaman-agama/>.

<sup>23</sup>Eka Suhartiningih Et Al., "The Meaning of Marriage for The Tenger Tribe Community from an Islamic Legal Perspective," *Usrah: Journal of Islamic Family Law* 4, No. 1 (2023): 121 – 41, <https://jurnal.staim-probolinggo.ac.id/usrah/article/view/666>.

<sup>24</sup>John R. Bowen, *Islam, Law, And Equality in Indonesia: An Anthropology of Public Reasoning* (Cambridge University Press, 2003), <https://doi.org/10.1017/Cbo9780511615122>.

distinguish between marriages among fellow Tengger and Tengger customary marriages with outsiders, whether they are Muslim, Buddhist, Christian, or adherents of other religions."<sup>25</sup>

The Tenggerese community's acceptance of interfaith marriages does not cause serious social conflict. The prevailing social norm frames religion as a personal matter, while marriage is understood primarily as a means of building family harmony.<sup>26</sup> Therefore, the stigma commonly associated with interfaith marriage in other areas is largely irrelevant in the Tengger context. This reflects a basic principle within Tengger society: social harmony is more important than rigid religious identity barriers.<sup>27</sup> This perspective is illustrated by the account of Mr. Warsiko, whose siblings are both in interfaith marriages. His Hindu brother married a woman from the neighboring village of Wonokerto, and his Hindu sister married a Muslim man from the same village. While the older brother now runs a Semeru stall west of the Ngadisari Village Hall alley, the younger sister continues to live in Ngadas Village. According to Warsiko, such interfaith marriages are considered commonplace within the Tengger community, provided that the customary waralaga process is carried out according to established tradition. As a Tenggerese wedding custom, waralaga functions as a key social mechanism through which interfaith unions are normalized.<sup>28</sup>



Figure 1. Interview with Mr. Warsiko<sup>29</sup>

<sup>25</sup>'wawancara dengan saudara Jeki umur 28 tahun dan seorang guru SD di Ngadisari dan ojek Bromo, pada tanggal 17 Agustus 2025 pukul 07:00 di depan penginapan fan family Desa Ngadisari'.

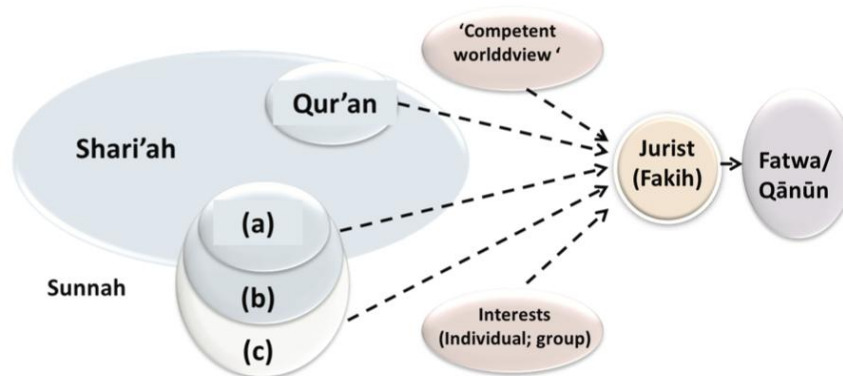
<sup>26</sup>*The Relationship Between Pluralism and The Coexistence of The Ngadas Customary Community in Religious Diversity – Macapat Bulletin.*

<sup>27</sup> "Interview with the Head of Ngadas Village, Mr. Kastaman on August 17, 2025 At 10:00 Wib at the Office of The Head of Ngadas Village, Sukapura District, Probolinggo Regency, East Java "; "Interview With Jeki, 28 Years Old And An Elementary School Teacher In Ngadisari And A Bromo Motorcycle Taxi Driver, On August 17, 2025 At 07:00 In Front of The Fan Inn Family of Ngadisari Village "; "Interview With Kurniawan, A Tenggerese Person From Ngadisari Village Who Is Used To Being A Motorbike Taxi Driver From Mount Bromo, August 16, 2025, Tenggerese , Ngadisari Village, Sukapura District , Probolinggo Regency."

<sup>28</sup>"Interview With Mr. Warsiko, One of The Employees at The Ngadisari Village Office on August 17, 2025 at 10:00 Wib and Took Place in Front of The Ngadisari Village Hall, at That Time We Wanted to Wait for The Head of Ngadisari Village."

<sup>29</sup>Interview with Mr. Warsiko, a staff member of the Ngadisari Village Office, conducted on 17 August 2025 at 10:00 a.m. WIB, in front of the Ngadisari Village Hall, while waiting for the Head of Ngadisari Village.

Thus, the dynamics of interfaith marriage in Tengger community reflect a complex interaction among state law, religious interpretation, and local culture.<sup>30</sup> From a sociological perspective, Weber's theory of *verstehen* helps explain the subjective meanings underlying Tenggerese social actions, while Turner's theory emphasizes the ritual aspects of marriage that function to strengthen social solidarity. In addition, Malinowski's functionalist view highlights marriage as a social institution aimed at maintaining balance within the community. Within the legal framework, the tension between Indonesia's formal marriage law and local customary practices does not merely indicate conflict, but rather demonstrates social creativity in finding a workable middle ground. This negotiation requires a progressive mode of religious interpretation, for example by engaging *maqāṣid shari'ah* as articulated by Jasser Auda. Such an approach can serve as an entry point for building a post-modernist dimension of *fiqh*, in which *fiqh* is understood as a living, ethical framework, while positive law (*qanūn*) is inspired by open and contextual *ijtihad*:<sup>31</sup>



**Figure 2.** Post – Modernist reading of the concepts of *fiqh* and *qānūn* in the mechanism of interfaith marriage in Indonesia.

Ultimately, the Tengger community exemplifies how social harmony can be preserved amid religious diversity within marital life. Their lived experience shows that differences in faith do not necessarily lead to conflict; rather, they can serve as a foundation for mutual respect and peaceful coexistence. Grounded in the core value of *rukun* (harmony) and reinforced through traditional practices such as *waralaga*, the Tengger people successfully integrate cultural wisdom into everyday social relations, thereby fostering stable, inclusive, and resilient family relationships. This social reality reflects the community's ability to balance customary norms, religious values, and state regulations in a pragmatic and culturally sensitive manner. In doing so, the Tengger case illustrates that unity and peace can actively flourish, even within pluralistic settings.

## Implications for National Family Law Regulations

First, Indonesia's positive legal architecture regarding marriage rests on Law No. 1 of 1974 (Article 2 paragraph (1), which stipulates that a marriage is valid only if conducted in accordance with the laws of the respective to religions; and paragraph (2), which

<sup>30</sup>Merle Calvin Ricklefs, *Modern Indonesian History 1200–2008* (Serambi Publishers, 2008), 1200–.

<sup>31</sup>Jasser Auda, *Maqāṣid Al-Shari'ah as Philosophy of Islamic Law* (International Institute of Islamic Thought (Iiit), 2022); Jasser Auda, "A MaqasIdi Approach to Contemporary Application of The Shari 'Ah," *Intellectual Discourse* 19, No. 2 (2011).



requires mandatory registration. This framework is further reinforced by the Civil Registration Law governing administrative procedures, the Compilation of Islamic Law<sup>32</sup> (KHI) for Muslims, which explicitly prohibits interfaith marriage, and judicial practice following Supreme Court Circular Letter No. 2 of 2023, which directs courts to reject applications related to the registration of interfaith marriages. Taken together, these instruments construct a legal regime that prioritizes uniformity in religious foundations as the basis for both the validity and registration of marriage. Moreover, Constitutional Court Decision No. 68/PUU – XII/2014, along with the constitutional discourse surrounding Case No. 24/PUU – XX/2022, emphasizes a clear constitutional boundary: the state does not open legal channels for the recognition of interfaith marriages within the national legal system. As a result, avenues commonly referred to as "administrative engineering" have become increasingly constrained. This condition intensifies the structural tension between lived social needs and the national legal structure, especially at the stage of marriage legalization and registration.<sup>33</sup>

The legal framework governing interfaith marriage in Indonesia shows a consistent trajectory toward reinforcing religious uniformity as the basis of marital legitimacy. Law No. 1 of 1974 places religion at the center of determining marital validity, while the Civil Registration Law places administrative recording as a procedural requirement. For a considerable period, however, the historical loophole in Article 35(a) of the Civil Registration Law, which allows the registration of marriages "determined by the court," functioned as a legal backdoor mechanism that enabled interfaith couples to secure recognition through judicial rulings. This pathway was subsequently curtailed through administrative clarifications emphasizing that registration is permissible only upon explicit court ruling, a space that was further narrowed by the issuance of SEMA 2/2023.<sup>34</sup> As a result, many interfaith couples resort to alternative strategies such as temporary religious conversion, contracting marriages abroad, or postponing official registration altogether. These practices generate significant legal problems, particularly concerning the civil status of children, inheritance rights, and access to social security. This restrictive trajectory aligns closely with the Compilation of Islamic Law (KHI), especially Article 40(c) and Article 44, which explicitly prohibit interfaith marriage for Muslims and have been consistently reinforced through judicial interpretations and internal court policies. The Constitutional Court Decisions No. 68/PUU – XII/2014 and No. 24/PUU – XX/2022 further affirmed the constitutionality of linking marital legitimacy to religion, thereby signaling courts to avoid using civil registration as an alternative channel.

Within this national legal framework, tensions become evident when confronted with inclusive social practices such as those found in the Tengger community. While legal structures emphasize uniformity and administrative certainty, indigenous communities tend to prioritize social harmony and family protection. Field interviews conducted in Ngadas illustrate this contrast clearly. The Head of Ngadas Village explained, "We align administrative procedures with state regulations, while community members continue to practice interfaith marriage in accordance with customary norms, provided that social

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<sup>32</sup>Effendi, "History of The Compilation of Islamic Law"; *Compilation of Islamic Law* (Pustaka Widyatama, 2004).

<sup>33</sup>Joni Dwi Purwanto, "Analysis of Constitutional Court Considerations on Inter – Religious Marriages from The Perspective of Progressive Law and Maqasid Syari'ah (Comparative Study of Decision Number.68/Puu – Xii/2014 and Decision Number.24/Puu – Xx/2022)" (Other, Iain Salatiga, 2024), [Http://E – Repository. Perpus.Uinsalatiga.Ac.Id/20633/](http://E – Repository. Perpus.Uinsalatiga.Ac.Id/20633/).

<sup>34</sup>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): 762 – 77, –, <https://doi.org/10.33102/mjssl.vol12no3.812>.

harmony is maintained."<sup>35</sup> Interfaith couples likewise confirmed that temporary religious convergence is commonly used solely to meet administrative requirements, after which the customary waralaga ritual is performed. These socio-cultural strategies show how the Tengger people creatively navigate legal constraints in order to safeguard essential family rights, including child protection, inheritance, and access to social security, while maintaining community cohesion. Yet national policy instruments, including recent administrative guidelines and SEMA 2/2023, tend to prioritize the prevention of administrative inconsistency rather than accommodating such localized practices. As a result, the legal system reinforces a structural preference for religious uniformity over pluralistic recognition.

Based on interviews conducted with several community leaders and interfaith couples in Ngadas and Ngadisari villages, this study finds that interfaith marriage has long been socially accepted as an integral part of Tengger tradition. The Head of Ngadas Village, Mr. Kastaman, explained that interfaith marriage is not perceived as a social problem within the community, stating, "For us, interfaith marriage is not a big issue. What matters most is harmony and mutual respect. No one is forced to convert because everyone already understands their own boundaries." This statement emphasizes the primacy of social harmony over formal religious conformity in Tengger society.<sup>36</sup>

Similarly, a traditional leader and local shaman, Mr. Jeki, explained that Tengger customs distinguish between marriages among fellow Tengger people and marriages between Tengger and non-Tengger partners of different religious backgrounds. He emphasized that this distinction does not function as an exclusionary boundary, but rather as a cultural mechanism to ensure that every marital union remains aligned with the community's core value of rukun (harmony). He explained, "We have waralaga, a kind of customary agreement that in a household, harmony must be maintained even if the spouses have different religions. If a problem arises, it is resolved through deliberation, not through anger or division." Such customary mechanisms serve as effective means of maintaining social order amid the absence of accommodating state legal provisions. Another resident, Mr. Kurniawan, shared his experience, "I am Muslim, and my wife is Hindu. We married through Tengger customary rites and continue practicing our respective religions. Our children are free to choose their faith, as long as they remain respectful and polite."<sup>37</sup>

Taken together, these interviews demonstrate that interfaith marriage in the Tengger community is deeply rooted in the values of rukun (harmony), tolerance, and respect for tradition. Marriage is understood not merely as a legal or religious contract, but as a social institution aimed at preserving balance and cohesion through local wisdom. Thus, the Tengger people's experiences a locally grounded model of harmonious family life that reflects the principles of the "Pancasila Family" within Indonesia's pluralistic society.

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<sup>35</sup>Interview with the Head of Ngadas Village, Mr. Kastaman, conducted on 17 August 2025 at 10:00 a.m. WIB, at the Office of the Head of Ngadas Village, Sukapura District, Probolinggo Regency, East Java.

<sup>36</sup>Interview With the Head of Ngadas Village, Mr. Kastaman, Conducted on August 17, 2025, At 10:00 A.M. Local Time, at The Office of The Head of Ngadas Village, Sukapura District, Probolinggo Regency, East Java.

<sup>37</sup>"The Interview With The Head Of Ngadas Village, Mr. Kastaman, Was Conducted on August 17, 2025, At 10:00 A.M. Local Time, in The Office of The Ngadas Village Head, Sukapura District, Probolinggo Regency, East Java.

Jasser Auda's concept of the Six Bridges of Maqāṣid<sup>38</sup> provides a systems—based analytical framework that shifts legal reasoning from a text—positivistic orientation toward substantive goals of Islamic law. Within this framework, the primary focus is placed on the protection the of family protection (ḥifẓ al—usrah), human dignity (karamah), religious freedom, and public welfare (maṣlaḥah). These objectives are approached through key characteristics of systems thinking, namely connectedness, openness, and multidimensionality. Applied to the question of marriage regulation, this maqāṣid—oriented framework does not aim to reinterpret existing local practice, but rather to offer a normative model of an ideal Marriage Law. From this perspective, the state could consider the creation of a special civil registration channel for interfaith couples who fulfill clearly defined due process requirements, such as counseling, a formal declaration of allegiance to the constitution, and legally binding guarantees for the rights of children, including inheritance and civil status. Importantly, such a mechanism would not compel any theological reinterpretation of religious doctrines. From a constitutional standpoint, this approach maintains the rule of law. From a maqāṣid perspective, it functions as a preventive measure against harm (mafsadah) in the form of stateless family status.<sup>39</sup> Recent academic discourse on the interfaith marriage prohibition and critical analysis of the Constitutional Court's decisions provide space for future policy—oriented arguments.

The seventh operationalization of maqāṣid in policy proposes a clear separation between religious legitimacy (religious authority) and civil registration (state authority). Under this approach, civil registration would be conducted through a court—ordered scheme that prioritizes the protection of fundamental rights, including children's welfare, joint property, inheritance, and access to social security. Courts would perform non—discriminatory verification, ensuring that marriages meet criteria of legal maturity, informed consent, while avoiding coercion or sham marriages. Importantly, religious communities are safeguarded under this model, as there would be no obligation for religious institutions to conduct interfaith rites. This design is compatible with Article 35 (a) of the Civil Registration Law and current administrative practices, and can be harmonized with SEMA 2/2023 when its focus is strictly on civil registration rather than conferring "religious legalization."<sup>40</sup>

The eighth legislative judicial recommendation is the harmonization of key legal instruments: Law No. 1/1974, the Compilation of Islamic Law (KHI), the Population Administration Law, and SEMA 2/2023 through a maqāṣid—based policy shift that prioritizes family protection and legal certainty. This approach is particularly relevant in light of Tengger practices, where local leaders, including the Head of Ngadas Village, emphasize that administrative compliance should not undermine community harmony. Figures such as Mr. Jeki highlight that customary mechanisms already function effectively to safeguard families in interfaith unions. One practical measure could be the establishment of an explicit, binding, and constitutionally fenced chapter on interfaith civil registration, emphasizing that religious legitimacy remains under the authority of respective religious bodies. While Constitutional Court rulings limit formal religious

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<sup>38</sup>Auda, "A Maqāṣidī Approach to Contemporary Application of The Sharī 'Ah"; Auda, *Maqāṣid Al-Sharī'ah as Philosophy of Islamic Law*.

<sup>39</sup>"Reforming Modernity: Ethics and the New Human in The Philosophy of Abdurrahman Taha, Written by Wael B. Hallaq," Researchgate, Accessed August 20, 2025, [https://www.researchgate.net/publication/345383418\\_Reforming\\_Modernity\\_Ethics\\_And\\_The\\_New\\_Human\\_In\\_The\\_Philosophy\\_Of\\_Abdurrahman\\_Taha\\_Written\\_By\\_Wael\\_B\\_Hallaq](https://www.researchgate.net/publication/345383418_Reforming_Modernity_Ethics_And_The_New_Human_In_The_Philosophy_Of_Abdurrahman_Taha_Written_By_Wael_B_Hallaq).

<sup>40</sup>Komnas Ham And Icrp, *Interfaith Marriage: Testimony, Religious Arguments and Policy Analysis* (Komnas Ham, 2005).

recognition of interfaith unions, civil registration policies can still prevent legal limbo, reduce the social burden of "dark status" families, maintain the continuity of children's rights, and continues to respect the internal freedom of religious communities.<sup>41</sup>

## **The Concept of a "Miniature Pancasila Family" as a Reflection of Legal Pluralism in Indonesia**

Peaceful coexistence within interfaith households represents a complex social reality in Indonesia. In many contexts, interfaith marriages are often considered problematic, both from legal and religious perspectives. However, the Tengger community offers a different model, in which interfaith marriage is not seen merely as a violation of norms, but as part of a strategy to maintain social and cultural harmony. In this context, the Tengger interfaith family can be understood as a miniature representation of the Pancasila family, a microcosm mirroring the nation's broader ideal of uniting diversity within a single communal framework. This concept is reflected in the practical application of the first and third Pancasila principles. The value of Belief in One Almighty God is manifested in the community's acceptance of different religions within a single household. As the Head of Ngadas Village explained,<sup>42</sup> "Residents here are free to practice their respective forms of worship, provided that social harmony is maintained." Meanwhile, the principle of Indonesian Unity is embodied in the communal expectation that interfaith families maintain harmony through Tengger customs such as waralaga. Traditional leader Mr. Jeki noted,<sup>43</sup> "bringing together two different families so that they can continue to live in balance." These testimonies illustrate that Tengger interfaith households do not merely coexist but actively enact Pancasila values through their everyday practices. Unity and tolerance are implemented in daily family life, where religious differences serve as a means of strengthening family ties and fostering social harmony, rather than a source of conflict.<sup>44</sup>

Suhadi Cholil's research on the concept of the "Pancasila Family" provides an important theoretical basis for understanding this phenomenon. According to Suhadi, the idea of the Pancasila family arose from the real-life experiences of communities confronting religious differences within the private sphere while still striving to maintain family ties. In Suhadi's view, families composed of members of different religions do not threaten national unity; rather, they constitute a "miniature Indonesia" rich in diversity yet united in everyday life. This perspective closely aligns with Tengger practices, which emphasize harmony, mutual cooperation, and togetherness over doctrinal differences.<sup>45</sup> Furthermore, the Tengger community demonstrates that interfaith families not only survive but also serve as a basis for social solidarity. Children born in such families are exposed to multiple religious traditions, which in turn foster a habitus of tolerance from

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<sup>41</sup>Dr Prakash Shah Et Al., *Family, Religion and Law: Cultural Encounters in Europe* (Ashgate Publishing Ltd., 2014).

<sup>42</sup>Interview with the Head of Ngadas Village, Mr. Kastaman, conducted on 17 August 2025 at 10:00 a.m. WIB, at the Office of the Head of Ngadas Village, Sukapura District, Probolinggo Regency, East Java.

<sup>43</sup>Interview with Mr. Jeki, aged 28, an elementary school teacher in Ngadisari and a Bromo motorcycle taxi driver, conducted on 17 August 2025 at 7:00 a.m., in front of the Fan Family guesthouse, Ngadisari Village.

<sup>44</sup>Suhadi, *"I Come from a Pancasila Family": A Discursive Study on Muslim-Christian Identity Transformation in Indonesian Post-Reformasi Era* (Lit Verlag Münster, 2014).

<sup>45</sup>Suhadi, *I Come from a Pancasila Family*; Wahyuni, "The Legal Politics of Marriage and Interfaith Marriage in Indonesia."

an early age. This experience aligns with what Suhadi calls "inclusive consciousness," in which individuals become accustomed to living with plurality without perceiving it as a threat to their religious or cultural identity. In this sense, interfaith households in Tengger can be understood as social laboratories for the practice of authentic tolerance.

Mr. Kastaman explained that interfaith marriages within the Tengger community are guided by long-standing customary principles that prioritize social harmony over doctrinal differences. He emphasized that, in practice, the community actively seeks ways to ensure cohesion between, even when administrative requirements introduce additional layers of complexity. As he stated, "For us, interfaith marriage is not a big issue. What matters most is harmony and mutual respect. No one is forced to convert because everyone already understands their own boundaries." This statement emphasizes that, within the Tengger social order, harmony is valued more highly than formal religious conformity.<sup>46</sup> Meanwhile, a traditional leader and local shaman, Mr. Jeki, stated that Tengger customary practices have historically provided space for interfaith marriages as part of maintaining communal balance. He added that these practices are not intended to challenge religious doctrines but to ensure that every household can live in harmony within the broader social fabric. As he explained, "We have waralaga, a kind of customary agreement that in a household, harmony must be maintained even if the spouses have different religions. If a problem arises, it is resolved through deliberation, not through anger or division." Such customary mechanisms serve as effective means of maintaining social order amid the absence of accommodating state legal provisions. This lived experience is further illustrated by Mr. Kurniawan, a community member who shared "I am Muslim, and my wife is Hindu. We married through Tengger customary rites and continue practicing our respective religions. Our children are free to choose their faith, as long as they remain respectful and polite."<sup>47</sup>

However, these practices are not free from challenges. From a legal perspective, interfaith marriage remains problematic because of the absence of a clear legal framework within Indonesia's family law system. Moreover, theologically, many formal religious authorities maintain restrictive positions that reject interfaith unions. However, the social reality of the Tengger community demonstrates that local wisdom can function as mediating force, bridging the gap between legal rigidity and theological exclusivism. Within this context, the notion of "miniature Pancasila family" does not emerge from formal legal construction, but rather from lived cultural practices that emphasize the values of harmony, balance, and social cohesion. When integrated into broader national discourse, Tengger interfaith family practices offer a critical reflection: Pancasila should not be understood merely as an abstract ideological construct, but as a set of values that acquire meaning through everyday life. Tengger interfaith families demonstrate that the principles of Pancasila are not confined to symbolic slogans or political rhetoric, but are enacted through ordinary yet significant actions: mutual respect between spouses, ethical child-rearing, and the continuous maintenance of social harmony. In other words, the Pancasila family is not a utopian ideal, but a reality born of local wisdom.<sup>48</sup>

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<sup>46</sup>Interview with the Head of Ngadas village, Mr. Kastaman, conducted on August 17, 2025, at 10:00 a.m. local time, at the office of the Head of Ngadas Village, Sukapura District, Probolinggo Regency, East Java.

<sup>47</sup>"The Interview With The Head Of Ngadas Village, Mr. Kastaman, Was Conducted on August 17, 2025, At 10:00 A.M. Local Time, In the Office of The Ngadas Village Head, Sukapura District, Probolinggo Regency, East Java.

<sup>48</sup> Suhadi, *I Come from A Pancasila Family*; Wahyuni, "Legal Transplant ."



This phenomenon also presents a challenge to the national discourse on pluralism and diversity. On the one hand, the state can learn from the Tengger community's practices in building social harmony, recognizing that local wisdom has the capacity to enrich national approaches to managing diversity. On the other hand, these practices underscore the need for Pancasila, as the philosophical foundation of the state, to be translated into more inclusive public policies so that interfaith families are no longer socially or legally marginalized. In this regard, Suhadi's research provides a conceptual foundation for viewing "miniature Pancasila families" not as deviations from national norms, but rather as real contributions to the realization of Pancasila in everyday life. Ultimately, interfaith families in Tengger thus reflect how the Indonesian nation might meaningfully interpret Pancasila. Their lived experiences teach that difference is not a threat to social cohesion, but rather a potential source of collective strength. Tengger local wisdom, which combines cultural values with a deeply rooted spirit of tolerance, presents a formula for harmony that is highly relevant to contemporary Indonesia, particularly amid frequently issues of intolerance. In this sense, miniature Pancasila families are not merely conceptual ideas, but living social practices grounded in local traditions, worthy of national inspiration.

## Conclusion

The findings of this study reveal a complex yet harmonious interaction between law, religion, and culture within the practice of interfaith marriage among the Tengger community.

*First*, the Tengger experience demonstrates that local customs and traditional wisdom play a vital role in maintaining social harmony. Through customary rituals such as waralaga and the principle of rukun (living in harmony), religious differences are not perceived as obstacles but rather as opportunities to strengthen social solidarity. This reality illustrates the flexibility of religious interpretation at the grassroots level and highlights the capacity of local culture in creating spaces of compromise between customary law, religious law, and the lived social needs of the community.

*Second*, from a legal perspective, interfaith marriage in Tengger remains constrained by Indonesia's formal regulations, particularly Law No. 1 of 1974, the Compilation of Islamic Law (KHI), and Supreme Court Circular Letter No. 2 of 2023, all of which prohibit the formal registration of interfaith marriages. these regulations create structural tension between state law, which enforces legal uniformity, and the indigenous community's social realities that value plurality. In response, the Tengger people has adopted adaptive strategies such as "temporary conversion" to gain administrative legality while preserving customary legitimacy. This practice reflects Indonesia's living legal pluralism, where customary and state laws coexist dynamically within everyday social life.

*Third*, the concept of the "miniature Pancasila family" as reflected in Tengger interfaith marriages provides a profound example of Indonesia's legal and social pluralism in practice. The lived experiences of these families confirm that Pancasila is not merely a normative ideology but a concrete moral framework grounded in harmony, tolerance, and cooperation. This phenomenon serves as both a critique and a reminder for the state to formulate more inclusive family law policies that embrace diversity while ensuring the protection of citizens' rights.

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