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Negotiating Religious Identity in Private Space: A Phenomenological Study of Interfaith Married Couples

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Abstract

This phenomenological study deeply reveals the subjective experiences of interfaith couples in Tana Toraja in negotiating religious identities in private spaces. The findings highlight that negotiation is a dynamic process influenced by awareness of differences, adaptation strategies, the socio-cultural context of Tana Toraja, and the formation of subjective meaning. Factors driving interfaith marriages include freedom to choose a partner, feelings of liking and love, and sometimes a lack of understanding of religion. The main implications touch on spiritual principles, with concerns about potential conflict. However, successful negotiation is based on a commitment to mutual respect, active tolerance, open and empathetic communication, compromise, the formation of inclusive family rituals, and the arrangement of space and time. The socio-cultural context of Tana Toraja, along with its family and tolerance values , also influences the dynamics of this negotiation.

Minimizing interfaith marriages internally involves several key strategies: 1) Parents or families play a crucial role in fortifying their children through controlling and teaching Islamic beliefs (*aqidah*) and morals. Moreover, 2) the Office of Religious Affairs (KUA, *Kantor Urusan Agama*) can optimize the role of Islamic Religious Counselors in each village by collaborating with Mosque Imams to provide counseling on the importance of marriage registration and educate about the potential risks associated with interfaith marriages.

Keywords: *Negotiation, Religious Identity, Private Space, Interfaith Marriage*

A. Introduction

Marriage, as a fundamental social institution, represents the union of two individuals with heterogeneous socio-cultural backgrounds.[1] In the context of globalization and increasing population mobility, the phenomenon of interfaith marriage is increasingly prevalent in various jurisdictions, including Indonesia, which has a unique multireligious and multicultural landscape.[2] This country, with its rich ethnic, cultural, and religious diversity, offers a significant observation arena for analyzing the dynamics of interactions between religious communities in the smallest social unit, namely the family.[3]

[1] Silviawati Kisiyanto and Jenny Lukito Setiawan, "Financial Relations, Conflict Resolution, and Marital Satisfaction in Marriages Less Than Ten Years," Psychopreneur Journal 2, no. 2 (2018): 92–102; Yunus Yunus, "Islam And Culture (Islamic Values In The Marriage Process Of Bugis Society)," Titian: Jurnal Ilmu Humaniora 2, no. 1 (2018): 5–7.

[2] Ana Laela, Ken Ismi Rozana, and Shilfa Khilwiyatul Mutiah, "Fiqh Of Inter-Religious Marriage As An Effort To Harmonize Religious (A Study of Inter-Religious Marriage in Jember City)," FIKRAH 4, no. 1 (June 30, 2016): 117, https://doi.org/10.21043/fikrah.v4i1.1627; Fathol Hedi, "Inter-Religious Marriage From The Perspective Of Islamic Law," nd

[3] J. Oliver, "Dialogue for Weaving Interfaith Cooperation," Journal of Chemical Information and Modeling 53, no. 9 (2013): 1689–99, https://doi.org/10.1017/CBO9781107415324.004; Ika Fatmawati Faridah, "Interfaith Tolerance in Housing Communities," KOMUNITAS: International Journal of Indonesian Society and Culture 5, no. 1 (2013): 14–25, https://doi.org/10.15294/komunitas.v5i1.2368; Umi Sumbulah

Interfaith marriages in Indonesia present a distinctive set of challenges inherent in the negotiation of religious identity between partners. As a multidimensional construct, religious identity encompasses belief systems, ritualistic practices, moral imperatives, and affiliation to a particular religious community.[4] When individuals with divergent religious backgrounds decide to form a marriage bond, they are faced with the imperative to develop mutual understanding and respect to the point of integrating beliefs into daily life practices. This process includes internalizing religious practices, influencing children's socialization and education, adopting family values, and interacting with their respective religious communities. The dynamics of this negotiation are often influenced by external pressures from social structures and communities.[5] The dominance of traditional norms in many cultural configurations in Indonesia tends to view interfaith marriage as a potential factor triggering future conflict, especially in the context of child-rearing.[6] Parents of couples with different religious backgrounds often express concerns regarding the formation of the religious identity of the next generation and the influence of heterogeneous faith backgrounds. In this context, effective communication and openness between partners are crucial in identifying mechanisms to accommodate and celebrate both religious identities without causing disintegration.[7]

and Nurjanah Nurjanah, Religious Pluralism: The Meaning and Locality of Patterns of Interfaith Harmony, Religious Pluralism: The Meaning and Locality of Patterns of Interfaith Harmony, 2013, http://103.193.19.206/index.php/al-fikra/article/viewFile/3848/2384; Ahwan Fanani, "Moderation of Islamic Jurisprudence Thought on Interfaith Relations in the Muhammadiyah Tarjih and Tajdid Council," SHAHIH*: Multidisciplinary Journal of Islamicate*2, no. 1 (2017): 53, https://doi.org/10.22515/shahih.v2i1.705.

[4] Muh Khamdan, "Mobilization of Fundamentalist Identity Politics," Al-Tahrir 18, no. 1 (2018): 193–218; Fajrul Ilmy Darussalam, "Siri' Na Pacce And Cultural Identity" 14, no. 1 (2021): 1–5, https://jurnal.iain-bone.ac.id.

[5] Nurfadillah, "Negotiation of Toriolong Beliefs with Islam in Bissu and Bugis Makassar Society," Sosioreligius 1 (2019): 12–25.

[6] Sopian Lubis, "Normative Review of Islamic Religious Education Curriculum in Instilling Anti-Corruption Values," Murabbi: Scientific Journal in Education, STIT Al-Hikmah Tebing Tinggi 02, no. 01 (2019): 31–47.

[7] et al. Tatang Zakaria, Religious Expression of Betawi Society, LP2M, 2018; Abdul

From a theological perspective, views on interfaith marriage show variability. Some denominations within Christianity show resistance to the idea of interfaith marriage based on doctrinal interpretations that emphasize the importance of the unity of faith within the family unit.[8] In the Islamic context, although there is a dispensation that allows Muslim men to marry women from among the *Ahl al-Kitab* (Christians or Jews), the majority of Muslims emphasize preserving homogeneity of belief as a prerequisite for creating domestic harmony.[9] Consequently, couples who choose to enter into interfaith marriages often need to make substantive compromises, both in daily operational decisions and in the manifestation of religious practices, in order to create an inclusive environment for all family members.

The process of adaptation of religious identity and innovation of methods in maintaining religious values is also confirmed in empirical studies that demonstrate how individuals with different religious backgrounds are able to form hybrid identities that integrate elements of both religious traditions. Comparative research also indicates that the higher the level of openness and collaboration in finding solutions that accommodate both identities, the more optimal the quality of the relationship between partners

Syatar, Muhammad Majdy Amiruddin, and Arif Rahman, "KURIOSITAS Social and Religious Communication Media," KURIOSITAS Social and Religious Communication Media Volume 5572, no. 11 (2018): 189–210.

[8] Muhammad Ashsubli, "Marriage Law In The Plurality Of Religious Law (Judicial Review of Articles on Interfaith Marriage) ,," 2015, http://www.bbc.com/; Laela, Rozana, and Mutiah, "Fiqh Of Interfaith Marriage As An Effort To Harmonize Religiously (Study of Interfaith Marriage in Jember City)," June 30, 2016; By: Agustin et al.,"Inter-Religious Marriage (A Sociological Review),"and

[9] I Gusti Made Aryana, "The Power Behind Harmony: Critical Ethnography of the Relations between Chinese and Balinese Ethnicities in Pupuan Village, Tabanan, Bali," Journal of Bali Studies 7, no. 1 (2017): 1, https://doi.org/10.24843/jkb.2017.v07.i01.p01; Ibnu Azka, Fathur Baldan Haramain, and Mohammad Cholil Alwi, "Harmonization of Tradition and Islam: Mediating Culture and Religious Beliefs in Maccera Tasi Ritual in Luwu, South Sulawesi," Heritage of Nusantara: International Journal of Religious Literature and Heritage 13, no. 1 (June 30, 2024): 30–56, https://doi.org/10.31291/hn.v13i1.736; M Thoriqul Huda, "Social Harmony in the Earth Alms Tradition of the Pancur Village Community, Bojonegoro," vol. 7, 2017.

and their integration with the wider social environment.[10] In the framework of realizing a cohesive and prosperous family, couples must initiate a transparent dialogue regarding the construction of religious identity and its implementation strategies in the dynamics of daily life. Overall, interfaith marriages in Indonesia present significant challenges in the realm of negotiating religious identity.[11] However, through the implementation of effective communication and mutual respect, couples have the potential to build a mutually supportive and harmonious existence while maintaining the fundamental values of their religious traditions.

The phenomenon of interfaith marriage presents a unique complexity beyond the pragmatic aspects of married life. One crucial dimension that emerges is the process of negotiating religious identity between partners. Religious identity, as an integral component of an individual's self-construction, includes dimensions of dogmatic beliefs, ritualistic practices, moral principles, and a sense of attachment to a particular religious community. When two individuals with divergent configurations of religious identity form a family unit, they need to develop mutual understanding and mutual respect and even negotiate religious expression in the private realm of their lives.

In this analysis, the private sphere refers to the domestic sphere and intimate interactions between husband and wife, including the manifestation of daily religious practices, child education strategies, celebration of religious holidays, and the internalization and transmission of values held in the family. How interfaith couples manage their disparities in belief in this private sphere is a determining factor in understanding relational dynamics,

[10] Irne W Desiyanti, "Factors Associated With Early Mariage In Couples Of Childbearing Age At Mapanget District Manado City," Jikmu 5, no. 2 (2015): 270–80.

[11] Individual Religiousness, "The Impact Of Religious Conversion On Individual Religious Attitudes And Behavior," Al-AdYaN 7, no. 2 (2012): 21–40.

the potential for conflict, and the mechanisms of adaptation and coexistence they develop.

Marriage, as a mechanism of legitimacy of procreation recognized by family, society, religion, and state, is an intimate relationship between a man and a woman. The marriage contract before these entities marks a moment of happiness.[12] In the context of marriage, the husband and wife have a series of rights and obligations that must be fulfilled, including those regarding children.[13] Islam, as a belief system, has formulated comprehensive guidelines on how to live a household life so that marriage is not carried out arbitrarily. Marriage occupies a significant position in Islam, so the legal basis and procedures for family life have been systematically regulated. The marriage culture shows variations through traditions and customs, but remains within the framework of Islamic teachings.

Despite normative prohibitions in several religious interpretations, the practice of interfaith marriage continues with an increasing trend in the number of perpetrators. The 1980 population census data in Indonesia indicates a significant increase in the proportion of interfaith marriages. Aini's findings in Yogyakarta show that at least 15 out of 1000 couples are perpetrators of interfaith marriages. This figure increased to 18 out of 1000 in 1990, before decreasing to 12 out of 1000 in 2000.

Furthermore, Nurcholish presents empirical data based on his experience as a counselor and mediator for interfaith marriages

[12] Agung Setiyawan, "Local Culture in A Religious Perspective: Legitimacy of Customary Law ('Urf) in Islam," ESENSIA: Journal of Ushuluddin Sciences 13, no. 2 (2012): 203, https://doi.org/10.14421/esensia.v13i2.738.

[13] Ayub Mursalin Faculty et al., "Legality of Interfaith Marriage: Revealing Disparities in Court Decisions in Indonesia," nd, https://doi.org/10.22437/ujh.6.1.113-150; Tin Herawati et al., "Social Support, Family Interaction, and Marital Quality in Working Couple Families," Journal of Family and Consumer Sciences 11, no. 1 (June 7, 2018): 1–12, https://doi.org/10.24156/jikk.2018.11.1.1; Ramli Ramli, Achmad Abubakar, and Aisyah Arsyad, "Interfaith Marriage and Its Influence on Household Life (Qur'anic Perspective)," Al Qalam: Religious and Social Scientific Journal 18, no. 4 (July 12, 2024): 3051, https://doi.org/10.35931/aq.v18i4.3624.

from 2005 to May 2015.[14] The data recorded at least 638 couples throughout Indonesia who had entered into interfaith marriages through the facilitation of non-governmental organizations (NGOs). The distribution of religions in interfaith marriages is dominated by Muslim-Christian couples (48%) and Muslim-Catholic couples (42%), with the other couples (10%) involving Muslim-Hindu, Muslim-Buddhist, Muslim-Confucian, Christian-Buddhist, Christian-Hindu, and Christian-Confucian couples. From a geographical perspective, the practice of interfaith marriages is concentrated in the Jabodetabek (Jakarta–Bogor–Depok–Tangerang–Bekasi) area (20%), Central Java (19%), Yogyakarta (15%), East Java (14%), Bali (14%), South Sulawesi (10%), East Kalimantan (6%), Sumatra (1%), and East Nusa Tenggara (1%). The latest data from the Harmoni Mitra Madania Foundation shows that the number of interfaith marriages in Indonesia as of November 2021 has reached 1051 couples.[15]

The empirical findings above indicate that the practice of interfaith marriage in Indonesia continuously increases yearly and is spread across various geographical areas. This raises fundamental questions about the factors that cause this practice, which has no explicit legal basis, to continue to exist and even escalate. This question can be continued by identifying various strategies commonly taken by interfaith couples who are planning to marry.

The Marriage Law in Indonesia does not explicitly regulate interfaith marriages, but it also does not explicitly prohibit them. Article 2 of the Marriage Law states that (1) a marriage is valid if it is conducted according to the law of each respective religion and belief, and (2) each marriage is recorded according to the applicable

[14] Made Saihu, "Religious Moderation Education: A Study Of Islamic Wasathiyah According To Nurcholish Madjid," ANDRAGOGI 3, no. 01 (2021): 16–34.

[15] Atho, Mudzhar, and Abdul Gani Abdullah. "The Search for the Legality of Interfaith Marriage in Indonesia, Jakarta: UIN Jakarta, 2021

laws and regulations. The validity of a marriage is determined by the religious law of each prospective bride and groom, while marriage registration is a formal administrative requirement—the absence of explicit regulations regarding interfaith marriages, including the registration mechanism, results in legal ambiguity. In the case of interfaith marriages, the legal status of the marriage is not definitive. Marriage law in Indonesia can be analyzed as an arena of legal plurality, in line with the concept and approach of legal and religious pluralism. Marriage is a social area regulated by more than one legal system. The issue of interfaith marriages has implications for education, psychological and psychological aspects, religious dimensions, and children's inheritance rights. Although initially, the couple may not have a problem with religious differences, the need for unification or togetherness in belief becomes relevant. Religion requires its adherents to believe in and practice religious teachings with their partners and families. Religious differences have the potential to cause domination in various aspects of family life, including religious education, formal education, and inheritance.

Differences in cultural identity, especially those rooted in religion, can affect how couples communicate, make decisions, and resolve conflicts. A deep understanding of each other's cultural backgrounds is crucial to avoiding misunderstandings and building empathy. Couples must actively negotiate how each other's religious identities are recognized and respected in their relationship. This includes discussions about religious practices at home, children's religious upbringing, participation in each other's religious communities, and how different religious values can coexist. Successful negotiation will result in a sense of security and identity validation for both parties.

Based on the results of initial observations on Friday, June 18, 2024, it was explained that there had been eight cases of interfaith marriages in the South Sangalla District. The reasons for interfaith marriages are a lack of understanding of religion, a lack

of faith in the heart, and one of the partners who converted and married in Islam, so that it was recorded by the state. However, after marriage, a convert returned to his previous religion (apostatized); another reason occurred because interfaith marriages were a chain or occurred because they were hereditary; thus, interfaith marriages became commonplace and were not a problem. These environmental factors contribute to society's acceptance of different faiths. Consequently, interfaith marriages influence the beliefs and cultures that individuals uphold.

B. Discussion

1. Reasons for interfaith marriages

In choosing a partner, there are also influencing factors, namely family background factors consisting of socioeconomic class, education, age, religion, and ethnicity, as well as personal characteristic factors consisting of physical aspects and appearance, individual attitudes and behavior, age differences, similarities in attitudes, and gender roles. The bond of marriage that forms a household established to achieve a noble goal will not be realized if the constraint is held by someone who is not worthy of it. A small child who is not yet mature and rational, or an idiot, for example, will not be able to carry out all his rights and obligations arising from the relationship between husband and wife in order to bring benefits.

However, forced marriage experienced by many women is basically psychologically unjustifiable because there are many negative consequences, both concerning physical and psychological health. Psychological consequences first appear when the matchmaking is carried out because when a woman is matched with a man she does not want, immediately, symptoms of conflict in her heart, feelings of shock, and anxiety begin to arise. Furthermore, this can cause changes in daily attitudes to become

quiet and gloomy. Feelings of nervousness, stress, and other feelings will continue until the beginning of married life. The first night is scary because being forced to serve her husband is an experience that makes her helpless, and she does not know what to do. This is where regret arises for women, and if this condition continues, then the worst consequence is domestic violence and ends in divorce.

Sociologists conclude that many people have relationships or marry their partners because they meet in their neighborhood. The power of proximity is that the closer the physical distance, the greater the possibility that two or more people will have direct contact and experience repeated exposure. Repeated exposure is the contact that occurs continuously with a stimulus.

Physical attractiveness can be a determining factor in whether someone will love another person and then enter into a romantic relationship. Physical appearance influences various types of interpersonal evaluations, including liking, judgments of guilt and innocence in court, and even the grade given to an essay. Overall, attractiveness is perceived as a positive characteristic influencing interpersonal attraction and choice.

Someone likes or loves another person because they have similarities or similarities with the other person. Many couples with similar values, beliefs, attitudes, and behaviors have a better chance of living a happy married life. However, in other cases, we also find many people loving and having relationships with other people who have many differences compared to themselves. This phenomenon can be seen from a complementary perspective. Some are attracted to other people who have many differences compared to themselves because they feel that the other person has advantages that can complement their shortcomings in themselves.

Based on the theory of social exchange that refers to reciprocal relationships, people will love and continue to love others because they provide many significant benefits to them. These benefits can be physical, psychological, material and spiritual. If the reciprocal

benefit matrix becomes unbalanced, there will be a tendency for an interpersonal relationship to become strained and eventually end.

The religious factor is the most significant element in choosing a life partner, as it determines the overall happiness and peace within a marriage. This is based on a hadith narrated by Abu Hurairah, which shows that among the four factors appointed by the Prophet to choose a future wife, religious factors must be prioritized and the first consideration when making a choice. Even in Surah Al Baqarah verse 221, it is stated that even though a woman's status is only an enslaved person if she is a believer, then it is better to marry than a free woman who is so beautiful and charming, but she is a polytheist who worships idols.[16]

Based on the informant, the cause of interfaith marriage is mutual love. The feeling of love is one of the human natures that can be the basis of a relationship; in this case, it is to have an interfaith marriage. Most of the perpetrators of interfaith marriages interviewed by the author said the cause was mutual love and had been in touch for a very long time; there is also something interesting about this interfaith marriage, Anisha, the perpetrator of an interfaith marriage, met his wife in an accident, at that time his wife had an accident in a forest, Anisha helps and takes his wife straight to the hospital. He is determined to marry his wife in just a month and a half. They carried out the marriage because he had fallen in love with his wife and vice versa, so they decided to get married even though he had just gotten to know his wife for a short time, a month and a half.

According to the author, interfaith marriages occur among Indonesian citizens mostly because they love each other and have been in a relationship for a very long time. In addition, for several reasons, for example, when an incident occurs, as stated by Anisha,

[16] Ahmad Fauzi et al., "Analysis of Interfaith Marriage in the Perspective of Maqashid Syari'ah," no. 13 (2023).

the discussion of Islamic Law[17], especially in classical Islamic legal literature, interfaith marriages can be divided into three categories: first, marriage between a Muslim man and a polytheist woman; second, marriage between a Muslim man and a woman from the people of the book; third, marriage between a Muslim woman and a non-Muslim man (both polytheists and people of the book).[18]

On the other hand, those involved in interfaith marriages feel that the strong family values and relatively high traditions of tolerance in Tana Toraja provide support for interfaith marriages. Although there may be diverse views from the extended family, efforts to maintain family harmony are often prioritized. Several participants mentioned the role of religious and community leaders who provide wise advice and emphasize the importance of harmony. However, some felt pressure or conservative views from some members of the community. Integrating local Tana Toraja cultural elements that are not explicitly related to a particular religion is a way to bridge differences and create a unique family identity. For most religious marriage participants, negotiating religious differences strengthens their love and commitment. The process of understanding and accepting differences is seen as evidence of maturity and the resilience of the relationship. Undergoing an interfaith marriage is considered an enriching experience and encourages personal growth. Participants learn to be more open and tolerant and have a broader understanding of other beliefs.

Most participants had hopes for a harmonious future for their families, where religious differences were not a barrier to happiness, and their children could grow up in an environment full of love and tolerance. The results of this study indicate that the

[17] Ana Laela, Ken Ismi Rozana, and Shilfa Khilwiyatul Mutiah, "Fiqh Of Different Religion Marriages As An Effort For Religious Harmonization (Study of Inter-Religious Marriages in Jember City)," FIKRAH 4, no. 1 (June 30, 2016): 117, https://doi.org/10.21043/fikrah.v4i1.1627.

[18] Ashsubli, "Marriage Law In The Plurality Of Religious Law (Judicial Review of Articles on Interfaith Marriage) ."

negotiation of religious identity in the private space of interfaith marriage couples in Tana Toraja is a dynamic and multidimensional process. The success of negotiations is greatly influenced by a commitment to mutual respect, open communication, the ability to compromise, and adaptation to the local socio-cultural context. The subjective experiences of couples show that religious differences are not always a source of conflict but can be an opportunity to enrich relationships and encourage personal growth.

2. Strategy Negotiating Religious Identity in Private Space

The main foundation for maintaining harmony. Participants demonstrate active tolerance by attending their partner's religious rituals or celebrations, even if they do not participate fully. They also give each other space and time to practice their respective religious practices at home. Regarding each other's beliefs, religious practices, and expectations were important strategies. Participants emphasized the importance of listening with empathy, understanding their partner's perspective without judgment, and avoiding sensitive topics that could cause conflict. Negotiations often involve compromises in various aspects. For example, some couples agree to celebrate the holidays of both religions at home or integrate religiously neutral elements of local Tana Toraja culture into family traditions. Regarding children's education, some couples choose to introduce both religions to their children at an early age, giving them the freedom to choose later or follow one religion by mutual agreement.

Some couples create new family rituals and traditions that are inclusive and accommodate both religious backgrounds. This could be praying together in a neutral way, taking turns reading scripture, or creating new meaning in an existing celebration. Arrangement of space and time at home is also part of the negotiation. Some couples have a special corner or room for worship according to

their respective religions. The division of time to attend religious activities outside the home is also negotiated so as not to disturb each other.[19]

3. Minimizing interfaith marriages in Tana Toraja Regency

Interfaith marriages are still controversial; it would not be possible for those whose economic level is insufficient. The presence of the Ministry of Religious Affairs Counselor in providing counseling to interfaith couples aims to prevent them from marriage practices that require one partner to submit to the religion of the other, either temporarily or permanently, simply because of the ignorance of the prospective bride and groom of different religions. However, in practice, some couples choose to change religions. One of the informants, Arius Darmanto Rombeallo, said:

> Interfaith marriage is prohibited in Christianity. References: 1) New Testament 2 Corinthians chapter 6 "Do not be unequally yoked". 2) Old Testament in Genesis Chapter 2, "Therefore a man shall leave his father and mother and be united to his wife". 3) Indonesian Communion of Churches (PGI). Interfaith marriage was once permitted by the Toraja Church on the grounds that it would prevent the perpetrators from committing adultery, but the permit was revoked because it was considered that the negative side outweighed the benefits. 3. The Church imposes sanctions on perpetrators of interfaith marriage in the form of: Not being nominated as a Member of the Church Council."[20]

[19] Hubertus Herianto et al., "Populism in the Face of Religious Identity Politics in Indonesia," Indonesian Journal of Philosophy 5 (2022); Rahmad Mulyadi, Diah Sartika, and Hasrian Rudi Setiawan, "Islamic Religious Education as a Means of Forming Religious Identity in a Multicultural Society," Journal of Islamic Studies, vol. 2, nd, https://pusdikra-publishing.com/index.php/jkes/home.

[20] Arius Darmanto Rombeallo, Christian Religious Figure of Tana Toraja Regency,

In addition, another informant, Pius Baturante, said that:

> In the Catholic Church Law, Canon 1086 states that marriage between a baptized person (Catholic) and an unbaptized person (non-Catholic) is invalid. Interfaith marriages can be legalized in the Catholic Church when they meet the requirements set out in the Catholic Church Canon, namely Canon 1125 and 1126, which are called Dispensation of Disparity of Cults, meaning Dispensation of Interfaith Marriage. This dispensation is only given by the Bishop (Leader of the Diocese) at the Center. Requirements for obtaining Dispensation in the Catholic Church: 1) There is a statement from the Catholic that his/her beliefs will not be disturbed or endangered by the marriage. 2) All children born from interfaith marriages must be baptized in the Catholic religion. 3) The characteristics and objectives of marriage in the Catholic religion must be conveyed to those who are not Catholics. 4) The conditions for allowing interfaith marriage in Catholicism must be conveyed in a good way to those who are not Catholics.[21]

This Islamic Religious Counselor indeed cannot be separated from the interpretation of religious figures in interpreting the validity of interfaith marriages. Article 2, Paragraph (1) of Law No. 1 of 1974 concerning Marriage states that a marriage is valid if carried out according to each person's religion and beliefs. Responding to this article, the informant is of the opinion that religion is broad; there are sociological and anthropological approaches that provide space in the law. By citing a statement from one of the religious

Interview, Saturday, June 22, 2024

[21] Pius Baturante, Catholic Religious Figure of Tana Toraja Regency, Interview, Monday, June 20, 2022

figures, the informant outlined the arguments regarding the permissibility of interfaith marriages.

> "The permissibility of interfaith marriage is when the man is Muslim. This is in accordance with the context of Islam. As for the context of other religions, in Catholicism, for example, whatever the position, whether the woman is Catholic or the man is Catholic, I am happy. Then Buddhism, this marriage is a social matter, so it is not included in religious doctrine. Hinduism, in PHDI, is the same as the view of the Ulema Council. Protestantism provides blessings for interfaith, but does not facilitate the management of civil registration. And finally, Confucianism allows it."[22]

However, this permission must be interpreted further. Religion is basically a journey with a simple concept: *laa ilaaha illa Allaah* - there is no God but Allah. Thus, in carrying out a marriage based on this religion, it is necessary to understand three main components: the concept of need, the distribution of libido, and the generation - children.

The ban on interfaith marriage in Indonesia is legally strong. In mid-June 2015, the Constitutional Court declared a ban on marrying couples of different religions. In this case, the Constitutional Court issued a decision rejecting a judicial review of several articles in Law Number 1 of 1974 concerning Marriage, based on the Constitutional Court's decision Number 68/PUU-XII/2014. Therefore, the ban on interfaith marriage, as regulated in Law Number 1 of 1974 concerning marriage, does not violate the constitution, although the five applicants for the judicial review considered that the Constitutional Court's decision was

[22] Zainal Muttaqin, Religious Figure, Chairman of the MUI, Tana Toraja Regency, Interview, Saturday, June 22, 2022

discriminatory because it did not respect the civil rights of citizens. In its decision, the Constitutional Court stated that Law Number 1 of 1974 concerning Marriage can realize the principles contained in Pancasila and the 1945 Constitution and accommodate all the realities of life in society. Furthermore, Article 28J Paragraph 2 of the 1945 Constitution states that in exercising their rights and freedoms, every citizen must submit to the restrictions stipulated by the law. According to the Constitutional Court, marriage is one of the areas of issues regulated in the legal system in Indonesia. Therefore, all actions and deeds carried out by citizens, including matters concerning marriage, must be obedient and submissive and must not conflict with applicable laws and regulations.

Therefore, the role of the Regional Branch Offices of the Office of Religious Affairs (KUA, *Kantor Urusan Agama*) is needed to carry out its duties and authorities, which have the highest number of people who practice interfaith marriages. The steps to minimize interfaith marriages are: First, conducting socialization about the importance of registering marriages and the negative impacts of interfaith marriages on families, mothers, and children through seminars and religious studies held by the KUA in each region, and holding community seminars about the dangers of interfaith marriages. Second, religious figures and traditional figures must sit together to resolve the problem of interfaith marriages because the argument for interfaith marriages is tolerance of human rights to have a partner; thus, it must be thought of again in an effort to minimize interfaith marriages that are rampant in Tana Toraja.

Determining a valid marriage based on the laws of religion of each prospective bride and groom is very important. This condition is clearly seen in Article 2 of the Marriage Law: "A marriage is valid if it is carried out according to the religion and beliefs of each." In the explanation of Article 2, Paragraph (1), it is stated that there is no marriage outside the law of one's religion and beliefs. Hazairin firmly and clearly provides an interpretation of Article 2 that for

Muslims, there is no possibility of marrying in violation of 'the law' of their own religion, likewise for Christians and Hindus. Therefore, it means a dead end for prospective brides and grooms of different religions to carry out interfaith marriages. In addition to the regulations in Article 2, they also cannot use the mixed marriage regulations in Chapter XII, Article 57 of the Marriage Law, which does not regulate interfaith marriages.

Muslims, as the majority of the Indonesian population, are especially very grateful for Article 2(1), because, with this article, the possibility of carrying out a 'secular' marriage is closed, and the possibility for a Muslim to marry a man is also closed.-polytheistic men or women, because this marriage is prohibited (invalid) according to Islamic law (fiqh). For Muslims, the prohibition on interfaith marriages is an important issue because, in the Dutch legacy of marriage regulations in the form of the Regulation on Mixed Marriages (GHR, *Regeling op de gemengde HuwelijNen*), Indonesian citizens are permitted to conduct interfaith marriages. In terms, a marriage is valid if it is carried out based on the religion and beliefs of each, respectively. For Muslims, it also means that marriage must not violate the teachings of the holy book of the Qur'an. Meanwhile, the Qur'an also contains prohibitions for male Muslims-men and women to marry polytheists, likewise, in Catholic teachings. Based on canonical law, Catholic teachings also do not permit interfaith marriages, namely marriages between Catholics and non-Catholics. It is mentioned in the 1917 Canonical book in Canon 1060:

> Very loudly the church where-which forbids marriage between two baptized persons, one a Catholic and the other a member of a heretical or schismic sect, and if there is any danger of apostasy in the Catholic spouse and her child, then it is also prohibited by divine law itself. In canon 1070 it is also stated that: The absence of legal bathing is an obstacle to marriage which results

in the marriage of Catholics with unbaptized people being invalid.

In Hinduism, there is also a teaching about samkara as the beginning of a valid marriage. The basic thing to remember is that 1) women and men must be of the same religion, the same as Hinduism, and 2) *Widiwadana*, namely religious blessings led by *Sulinggih* or *Panindita*. From the teachings about samkara, it means that interfaith marriages in Hindu teachings are also not allowed. Meanwhile, in Buddhist teachings, there are four primary keys to the happiness of husband and wife in the household, namely: 1) *sama sada* (having the same beliefs); 2) sama sila (having the same morality); 3) *sama caga* (same-both have generosity); and 4) sama pasiya (same-equally possess wisdom). Thus, the teachings of Buddhism also recommend marriage between people who have the same beliefs (Buddhists with Buddhists).

Exposure to religious teachings- This religion is a reference when understanding Article 2 (1) that a marriage is valid if it is carried out according to the faith and beliefs of each party. Therefore, based on religious law in Indonesia, interfaith marriage is relatively difficult to implement. Meanwhile, Article 66 of the Marriage Law states that with the enactment of this law, the provisions regulated in the Civil Law (Burgerlijk Wetboek), Indonesian Christian Marriage Ordinance (Huwelijk Ordonantie Christen Indonesiers, S. 1933 No. 74), Mixed Marriage Regulations (Regeling op de Gemengde Huwelijk, S. 158 of 1898), and other regulations governing marriage as far as they are regulated in the law are declared invalid. From the provisions of Article 66, it can be stated that the provisions on interfaith marriage in the GHR are no longer valid. In contrast, mixed marriages in Marriage Law have a different formulation.

However, from Article 66, several legal experts say that there is a legal vacuum regarding mixed marriages of different religions.

Since the Marriage Law does not address mixed marriages involving different faiths, the wording of Article 66 indicates that previous marriage regulations do not apply, provided they are covered under this Marriage Law.

This is, as stated by several scholars, including Purwanto S. Ganda Sybrata, that mixed marriages between religions, as long as they are not directly regulated in the Marriage Law, can be carried out according to the provisions of the GHR following the principles in the marriage law based on the teachings of Islam, *rahmatan lil alamin*. Security and order will be built if religious teachings are practiced in everyday life. Because each individual feels no need to disturb others, the impact felt is not only for the family but will also have an impact on the surrounding community, as every household feels that it is harmonious and peaceful. The integrity and harmony of the family cannot be separated from religious factors.

However, the reality is that not many people view the role of religion as a scientific factor and assume that the only thing effective in family harmony is the fulfillment of basic needs such as clothing, food, shelter, health, recreation, and education. Understanding faith in religion builds individual morals and sensitivity, improves social relationships, and strengthens family ties.

Maria Ulfa Subadio also stated that the provisions in the GHR can still be used in interfaith marriages, although the marriage of Indonesian citizens of different religions is not regulated in the Marriage Law, based on Article 66. The absence of provisions on interfaith marriages in the Marriage Law also creates uncertainty regarding the legal provisions that are used as guidelines in its implementation.

Based on the description above, the researcher concludes that interfaith marriage after enacting the Marriage Law is relatively challenging. With the absence of clear regulations on interfaith marriage in Marriage Law, there is a polemic in its understanding

and implementation. Based on Article 2 of the Marriage Law, some state that interfaith marriage is not allowed. However, based on Article 66 of the Marriage Law, some legal experts state that there is a legal vacuum so that the GHR regulation can be enforced. Thus, interfaith marriages can be registered at the Civil Registry Office. Despite ongoing debates surrounding the issue, many people today still seek legal recognition for interfaith marriages. The various practices of interfaith marriage in society often face challenges in implementation, presenting a legal issue that needs to be addressed.

Interfaith marriages are not regulated by the marriage law. Based on its inconsistency with the ideals of national unity, however, it should also be mentioned that marriages between Indonesian citizens and foreign citizens are still regulated in the Marriage Law by terming them 'mixed marriages'. This is one of the reasons why interfaith marriages are still carried out in countries that adopt the common law system in order to obtain legality through the analogy of the law. Regardless of the debate regarding the validity of marriages abroad, the idea of the need for special regulations governing this practice is to ensure social order and justice.

At least the practice of legal smuggling by temporarily submitting to the partner's religion or marrying abroad is not sustainable after the legal recognition of the implementation of interfaith marriages in Indonesia. Based on this argument, the alternative solution that can be done in cases of interfaith marriages is to submit a marriage registration to the Civil Registry Office based on the results of the court's decision as regulated in Article 35 letter (a) of Law No. 23 of 2006 concerning Population Administration.[23] This rule has been in effect for a long time, but in its implementation,

[23] Article 35 letter (a) of Law No. 23 of 2006 on Population Administration, reads: "Marriage registration as referred to in Article 34 also applies to: (a) Marriages determined by the Court." In the explanation of the article it is stated that: "What is meant by 'Marriage determined by the Court' is a marriage conducted between people of different religions.

it is still constrained by the pretext of the absence of regulations governing the practice of interfaith marriage. Following up on this problem, a special regulation is needed that provides legislation for the registration of interfaith marriages under the Civil Registry Office to create uniformity in the registration of marriages carried out by interfaith couples. This applies not only to couples with different religions but also to adherents of beliefs in Indonesia.

The court's determination of interfaith marriage in Indonesia can be considered an indication of the tendency to prioritize the principle of state law over non-state normative law of religious law, because this preference can remind us of the fact that the court is an active agent in the process of developing national law. Thus, the judge's decision in a case submitted to the court can function to provide universal values among citizens, regardless of their background. Likewise, the decision of the Supreme Court, which is enforced by overriding other court decisions, is a reflection of the realization of legal values contained in national law, even though the law stipulated is different from religious law. The Supreme Court's resolution in allowing several cases of interfaith marriage based on general principles enshrined in the constitution proves that religious law can align with state law.

The efforts made by Islamic religious instructors to establish cooperation with religious courts so that every community that will get married must first visit an Islamic religious instructor before submitting to the traditional leader. This effort has not yet produced maximum results, as evidenced by the small number of people who will get married and must first visit an Islamic religious instructor in dealing with the hardness of the hearts of couples who will get married. Based on the supporting and inhibiting factors described, it seems that the role of Islamic religious instructors is still needed. Various obstacles need to be solved in order to optimize the performance of this semi-official institution. As in the

work program in the field of advocacy and mediation listed in the 14th/2009 Islamic Religious Extension National Conference held in Jakarta on 1-3 June 2009, it was mentioned there three work programs that can be implemented: first is organizing advocacy and mediation, second is recruiting and training marriage and family advocacy and mediation personnel, and third is developing functional cooperation between the High Religious Court and the Religious Courts.

The obstacles and constraints encountered by the KUA in each sub-district in Tana Toraja, both from within and from outside, are as follows: 1) Not many people use the services of the KUA in each sub-district in Tana Toraja to consult on existing conflicts. However, there is no prohibition for asking for advice from the KUA in each sub-district in Tana Toraja. Still, people more often ask for the blessing of the traditional leader rather than from the KUA in each sub-district in Tana Toraja. 2) Limited funds and facilities that can support the implementation of family counseling and guidance tasks. 3) The relationship/coordination between the KUA in each sub-district in Tana Toraja and government agencies and community institutions is still weak. 4) Limited facilities and infrastructure, including inadequate counseling rooms to conduct counseling in a calm and comfortable atmosphere. In 50 KUA of each sub-district of Tana Toraja, there is a lack of socialization regarding interfaith marriages.

Seeing these factors, the KUA of each sub-district in Tana Toraja remains determined to reduce the occurrence of interfaith marriages in its work area, especially in the KUA of each sub-district that has a Muslim community in Tana Toraja. This fact has been proven to reduce the divorce rate among young couples. However, the KUA of each sub-district in Tana Toraja still accepts clients who ask for advice. This usually happens when a dispute between husband and wife cannot be reconciled, leading to divorce.

If this happens, the KUA officers of each sub-district in Tana Toraja will try to reconcile the two.

C. Conclusion

This study found several factors underlying the occurrence of interfaith marriages in Tana Toraja, including women's freedom to choose a prospective husband, intense feelings of liking and love, and, in some cases, a lack of deep understanding of religious teachings related to marriage. The implications of interfaith marriages, as perceived by the participants, mainly touch on spiritual principles. Concerns about potential conflict in the household due to fundamental differences between the beliefs of husband and wife are one important consideration. However, this study also shows that the primary foundation for the successful negotiation of religious identity in private lies in a strong commitment to mutual respect and active tolerance for each other's religious beliefs and practices. Open and empathetic communication is a vital instrument in understanding the perspective of the couple, overcoming potential conflicts, and reaching a compromise that accommodates both religious backgrounds. Couples also creatively form new, inclusive family rituals and traditions and organize space and time at home to support individual religious expression. The socio-cultural context of Tana Toraja also influences the dynamics of this negotiation. Family values and local traditions of tolerance can be supportive factors; however, challenges arising from differences in belief still need to be addressed and negotiated in private. The following strategies can be implemented to minimize interfaith marriages through internal factors. It includes 1) Parents and families should play a crucial role in protecting their children through controlling and teaching of faith and morals; 2) The KUA can enhance the role of Islamic Religious Counselors in each village and collaborates with mosque imams to provide counseling on

the importance of registering marriages and the potential issues that can arise from marrying individuals of different religion. In terms of external factors, several strategies can be potentially considered, including 1) The collaboration between KUA and interfaith institutions such as the Synod Working Body (the parent organization of the Toraja Church) and the Paroki or parish (the Catholic organization), to conduct joint training sessions, since interfaith marriage is also prohibited in Christianity. In Catholicism, interfaith marriage can only occur in emergencies under strict conditions and must receive recommendations from the Central organization. Also, 2) Traditional leaders must be involved in all religious and government roles in marriage matters to ensure that couples who marry can obtain legal recognition that complies with customs, religious beliefs, and government regulations. In addition, 3) The government should enforce regulations prohibiting interfaith marriage by revising Law No. 1 of 1974 regarding marriages, specifically addressing the article on interfaith marriage.

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