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Interfaith Families and the Law in Indonesia: Islamic Law, National Policy, and Human Rights after Supreme Court Circular Number 2 of 2023

Ahmad Yusam Thobroni¹, Nasruddin Yusuf^{2*}

¹Universitas Islam Negeri Sunan Ampel Surabaya, Indonesia

²Institut Agama Islam Negeri Manado, Indonesia

*Corresponding E-mail: nasruddinyusuf@iain-manado.ac.id

ABSTRACT

Interfaith marriage in Indonesia entered a new phase with the implementation of Supreme Court Circular No. 2 of 2023, which prohibits courts from granting petitions for the registration of interfaith marriages. This study examines the challenges of legal protection for interfaith families in North Sulawesi amid the contestation among sharia norms, national policy, and human rights. Using a socio legal approach, the research finds that the new policy reinforces the exclusivist character of sharia norms in family law practice while widening the gap of legal uncertainty for interfaith couples. Families in North Sulawesi face a dilemma between the formal demands of religious and state law and their need to live together and secure their basic rights. Many couples resort to informal or semi formal solutions, such as formal conversion, dual registration, or marrying abroad, which generate new legal risks particularly regarding the status of children and inheritance rights. Local wisdom in North Sulawesi, including tolerance, interfaith dialogue, and inclusive social practices, has proven to be an important asset for dampening potential conflict, but it is not strong enough to ensure long term legal certainty and protection. These findings underscore an urgent need for regulatory reform and harmonization between sharia, legal pluralism, and human rights principles so that the protection of interfaith families can be realized fairly and equally in Indonesia.

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1. INTRODUCTION

Interfaith marriage remains one of the most dynamic and controversial issues in Indonesia's family law practice. The complexity is especially visible in multicultural regions such as North Sulawesi, known for a plural and tolerant social reality (Bukido et al., 2021; Edi Gunawan et al., 2024). On the one hand, everyday life that emphasizes mutual respect among adherents has fostered a relatively peaceful and harmonious social space, as reflected in daily practice and local wisdom (Jayadi, 2025). On the other hand, at the regulatory level, the state has yet to provide a legal system that is genuinely fair and inclusive for interfaith families, particularly after the issuance of Supreme Court Circular Number 2 of 2023, which further underscores the prohibition on registering interfaith marriages through the courts (Safiera & Retnaningsih, 2024; Solikhudin et al., 2024).

Normatively, the position of Islamic law regarding interfaith marriage is clearly stated in the Compilation of Islamic Law and in fatwas that require religious conformity as a condition of a valid marriage (Ali, 2002; Setiawan et al., 2024). This sharia-based approach was then adopted into national law through Article 2 paragraph 1 and Article 8 letter f of Law Number 1 of 1974 on Marriage. Supreme Court Circular Number 2 of 2023 further strengthens this exclusivist orientation by instructing all judges not to accept petitions for the registration of interfaith marriages (Safiera & Retnaningsih, 2024). Although viewed by some religious stakeholders as providing legal certainty, the policy creates new problems from the perspectives of legal pluralism and human rights, because Article 32 letter a of Law Number 23 of 2006 on Population Administration still leaves a window for recognition of interfaith marriages through a court determination (Muarif, 2015; Mursalin, 2023).

Theoretically, this reality is well examined through the lenses of legal pluralism and human rights theory while remaining attentive to sharia interpretation and practice in Indonesian society (Nasir, 2022). Tamanaha explains that within a single society multiple legal orders may coexist and even compete, including religious law, state law, and local social norms. In practice, interfaith families in North Sulawesi often face a tug of war between strict sharia norms, ambiguous national legal provisions, and the social need to live together peacefully. These normative tensions affect the legal status of marriage, the protection of children, inheritance rights, and the rights of women within interfaith families.

Although several studies have highlighted aspects of the legal and social dilemmas of interfaith marriage in Indonesia, research that specifically addresses the lived experiences of interfaith families in multicultural regions such as North Sulawesi remains limited. Moreover, few studies have critically assessed the direct impact of the most recent legal policy, especially Supreme Court Circular Number 2 of 2023, on the protection of interfaith families from the perspectives of legal pluralism and human rights. Amid continuing legal uncertainty, local wisdom such as tolerance, deliberation, and social solidarity in North Sulawesi helps to reduce potential conflict, but it does not always provide equal and sustainable legal protection.

This study aims to critically analyze the challenges of protecting interfaith families in North Sulawesi amid the contestation among sharia, national policy, and human rights principles. Using a socio legal approach, it examines not only normative and formal policy aspects but also the lived experiences and adaptive strategies of interfaith families as well as the role of local wisdom in bridging regulatory gaps. The findings are expected to contribute to the development of Islamic family law that is more responsive to multicultural realities and to encourage harmonization among sharia, legal pluralism, and the protection of human rights in Indonesia.

2. METHODS

This study employs a socio legal approach to examine the dynamics between legal norms sharia, national law, and human rights principles and the social practices of interfaith families in North

Sulawesi (Cownie and Bradney, 2013). Data were collected through in-depth interviews with interfaith couples, religious leaders, civil registry officials, and legal practitioners experienced in interfaith marriage cases. In addition, the researchers conducted document analysis of regulations and court decisions, with particular attention to Supreme Court Circular Number 2 of 2023, Law Number 1 of 1974 on Marriage, and Law Number 23 of 2006 on Population Administration, along with relevant literature.

Data were analyzed thematically by identifying patterns in experiences and adaptive strategies among interfaith families confronting legal uncertainty arising from overlaps among sharia, national law, and human rights (Braun and Clarke, 2022). The researchers ensured data validity through source triangulation by comparing interview findings with legal documents and through member checking with several key Informants. The study followed social research ethics, including maintaining the confidentiality of Informant's identities and obtaining voluntary informed consent.

3. RESULTS AND DISCUSSION

Social Realities and Dynamics of Interfaith Families in North Sulawesi

Interfaith family life in North Sulawesi reflects an ongoing process of social negotiation that simultaneously reveals the richness of everyday experiences in a multicultural society. Interview data show that many interfaith couples sustain harmonious relationships in daily life despite social pressure and nontrivial administrative hurdles. A Muslim woman married to a Christian man recounted, "We have been married for more than ten years. I still perform the prayers and attend study circles, while my husband remains active in church. On every major religious day we respect one another. I sometimes join his family's Christmas celebration, and he also comes for *Idul Fitri* (Eid al Fitr) at my parents' home" (Interview, Informant A, 2024). Interfaith interaction is also evident in parenting and community participation. A Christian husband married to a Muslim wife explained, "Our children are used to seeing two traditions. They join their mother for prayers and join me for Christmas Mass. We do not force them to make a choice. They can decide their faith when they are adults" (Interview, Informant B, 2024). These patterns illustrate deliberate efforts to cultivate tolerance and respect for diversity within the household (Bukido et al., 2021).

Harmony, however, often involves compromise and real vulnerability. Some couples undertake formal religious conversion in state documents for the sake of registration, even when their personal convictions do not change. As one Informant admitted, "On my KTP (National Identity Card) I am listed as Muslim because otherwise it would be difficult to marry legally. After the wedding I still attend church. This was a necessity so the state would recognize us as a lawful couple" (Interview, Informant C, 2024). Others faced rejection from the extended family or chose a quiet wedding without parental consent, and only later gained acceptance after having children. Stigma persists in some communities, and children sometimes struggle when asked to state a single religion at school. "Our child was confused when asked about religion at school. Teachers and classmates asked many questions. We often had to explain repeatedly to avoid misunderstanding" (Interview, Informant E, 2024). These accounts illuminate a double burden for many women who navigate their roles as wives in interfaith households while safeguarding the psychological well-being of their children (Interview, Informant D, 2024).

Local practices of dialogue and joint problem-solving form a crucial safety net. Many Informants emphasized that communities are generally open and ready to help, provided communication is maintained. "If there is a problem, the extended family and neighbors become places for discussion. People here look for solutions together and do not immediately take sides" (Interview, Informant F, 2024). Such everyday solidarity operates as a first line of defense before formal legal mechanisms come into play, supported by social capital in the form of tolerance, interfaith dialogue, and local openness (Bukido et al., 2021).

Local wisdom and a culture of tolerance are central to sustaining harmony in both nuclear families and broader communities. Community norms that value deliberation, mutual cooperation, and kinship help absorb potential friction arising from religious difference. A widely cited Minahasa expression, *torang samua basudara* (we are brothers), encapsulates the ethic of living together in peace, although authors now often avoid the phrase in formal publications for reasons of sensitivity (Bukido et al., 2021; Edi Gunawan et al., 2024; Gede Agung et al., 2024). Respect for difference has become a notable element of regional identity.

When disagreements about worship or religious practice arise, mutual respect guides household decisions. “From the start we agreed that each of us is free to worship and to celebrate religious holidays. When I fast, my husband helps to keep the home comfortable. At Christmas I help with preparations at my in laws while I continue my prayers as usual” (Interview, Informant G, 2024). This norm often extends into the neighborhood as relatives from both sides join family religious or customary events, creating an inclusive atmosphere.

Tolerance is also reinforced by community structures. Traditional leaders, religious figures, and local officials frequently mediate when misunderstandings occur. As one neighborhood head explained, “If a family is of different religions, our duty is to prevent discrimination. We usually gather the extended family, sit together, and find common ground. People here are generally open and not easily provoked on religious issues because we are used to living side by side” (Interview, Informant H, 2024). Families commonly deliberate before deciding matters concerning children, religious festivals, or customary traditions, sometimes inviting religious leaders from both sides for guidance (JACOBSEN, 2002; Tjahjani and Sondakh, 2023). In several cases, children in interfaith families grow up with the understanding that their identity draws from two religious traditions.

Beyond the household, a strong tradition of collective work deepens these values. Informants described routine joint participation in social events such as religious holidays, funerals, and customary celebrations. “We often work together when there is a neighborhood event, whether for Christmas, *Idul Fitri*, or customary festivities. Everyone joins without distinction. That is what keeps us united despite religious differences,” noted a male Informant active in the neighborhood association (Interview, Informant J, 2024). Such joint activity strengthens social cohesion and lowers the risk of conflict.

Even so, new challenges can emerge when external pressures intensify, for example when national policy shifts or when campaigns that promote exclusive religious identity gain momentum. Several couples reported greater social pressure during such moments, yet most families and communities continue to rely on local wisdom as a primary foundation for navigating these dynamics.

Contestation of Sharia, National Law, and Human Rights in Interfaith Marriage

Islamic law (Sharia) explains that marriage between two people of different religions is not recognized as a valid union. This position rests on classical sources, such as the Al Qur’an, Surah Al-Baqarah: 221 and Al-Mumtahanah: 10, which explicitly prohibit marriage between a Muslim woman and a non-Muslim man, and restrict a Muslim man’s marriage to a woman of the *Ahlul Kitab* (People of the Book) to highly specific conditions that the majority of scholars still discourage or even forbid in many Muslim countries (Tohari, 2018). Within the tradition of *fiqh* (Islamic jurisprudence), both the *mazhab Syafi’i* that predominates in Indonesia and other schools such as *Hanafi* maintain a consensus that interfaith marriage is not only invalid but also violates *maqasid al shariah* (higher objectives of Islamic law), especially the protection of religion and *nasab* (lineage) descent (Izzuddin et al., 2024).

This Sharia position was then formalized within Indonesia’s national legal system. Article 2 paragraph 1 of Statute or Law Number 1 of 1974 on Marriage states that “a marriage is valid when conducted according to the law of each religion and belief.” Article 8 letter f further forbids

marriages “between two persons whose relationship is prohibited by their religion or by other applicable regulations.” The KHI (Compilation of Islamic Law), as a guide for family law among Indonesian Muslims, in Articles 40 and 44 explicitly forbids marriage between a Muslim man and a non-Muslim woman and vice versa (Eka Aditya et al., 2023; Hedi et al., 2017; Maloko et al., 2024). The MUI (Indonesian Council of Ulama) Fatwa Number 4 of 1980 on Interfaith Marriage expressly declares such unions unlawful and without legal effect in Islamic law (Edi Gunawan et al., 2024).

Affirmation of the Sharia stance and state policy against interfaith marriage was strengthened by the issuance of Supreme Court Circular Number 2 of 2023, which administratively instructs courts not to receive or grant petitions for the registration of marriages between adherents of different religions or beliefs. The circular not only entrenches the dominance of Sharia interpretation within national law but also closes the space for a so-called legal loophole that had previously been used through court determinations (Bisri, 2023; Rajafi et al., 2024). Normatively there is continuity among *sharia* interpretation, national regulation, and administrative policy in consistently rejecting and prohibiting interfaith marriage in Indonesia.

Although some Muslim majority countries show variation in practice and interpretation, the position of Islamic law in Indonesia remains highly restrictive and conservative. Enforcement of *sharia* norms within national law has serious implications, not only for the legal status of interfaith spouses but also for the protection of children and family rights. These consequences have become key drivers of adaptive strategies and socio legal problems at the community level, which are discussed further below.

Before Supreme Court Circular Number 2 of 2023, interfaith marriage in Indonesia unfolded within a legal landscape marked by ambiguity and openings for court-based solutions. Although Statute or Law Number 1 of 1974 on Marriage normatively requires religious conformity in marriage Article 2 paragraph 1 and Article 8 letter f, practice on the ground revealed diverse interpretation and administration, especially in population registration (Muarif, 2015). One commonly used opening was Article 35 letter a and Article 32 letter a of Statute or Law Number 23 of 2006 on Population Administration, which allowed the recording of marriages based on a court determination, including interfaith cases. The explanation to Article 38 letter a even states explicitly, “A marriage determined by the court is a marriage conducted between adherents of different religions or by adherents of beliefs” (Jayadi, 2025). This situation enabled interfaith couples to petition the district court, which then became the basis for the Population and Civil Registration Office (Dukcapil) to register the marriage. Outcomes varied, with some courts granting petitions and others rejecting them by reference to *sharia* norms and the Marriage Law. The result was legal uncertainty in implementation depending on judicial interpretation, Dukcapil practice, and local socio-political dynamics, placing interfaith marriage in a gray zone of compromise and administrative negotiation (Safiera & Retnaningsih, 2024).

The issuance of Supreme Court Circular Number 2 of 2023 marked a decisive turning point. The circular explicitly instructs all judges to reject petitions for the registration of interfaith marriages. Consequently, the opportunity to obtain court determinations that had functioned as a practical legal pathway was effectively closed. Two major consequences follow. First, there is uniformity of practice across district courts, eliminating disparities among regions. Second, the dominance of religious legal interpretation especially Islamic *sharia* within the national system further constricts the space for legal pluralism in interfaith marriage matters (Mursalin, 2023; Sri Maryati et al., 2024; Thesalonika & Hasanudin, 2025).

This change deprived interfaith families of formal legal mechanisms previously used to secure recognition by the state. As a result, couples face difficult choices, including administrative conversion without substantive conviction, seeking administrative solutions abroad, or living together without clear legal status in the eyes of the state. From a human rights perspective, the

closure of these legal openings increases legal vulnerability, especially for women and children, with respect to inheritance, the legal status of children, and access to valid civil registration documents.

The tightening of interfaith marriage regulation in Indonesia, reinforced by Supreme Court Circular Number 2 of 2023, not only shows the dominance of *sharia* norms and national regulation but also creates fundamental tension with human rights principles guaranteed by the constitution and international conventions. A key right directly affected is the right to choose one's spouse. Article 16 of the Universal Declaration of Human Rights and Article 23 of the International Covenant on Civil and Political Rights affirm the right of every person to marry and to found a family without discrimination based on religion or belief. The the 1945 Constitution, Article 28B also guarantees the right of every person to form a family and to continue their lineage through a lawful marriage. By prohibiting courts from registering interfaith marriages, individual choice is constrained by religious norms and exclusive state policy (Sidqi & Rasidin, 2023; Thesalonika & Hasanudin, 2025).

Significant consequences also arise for the status of children born to interfaith unions. Without formal state recognition of the parents' marriage, children may face uncertainty regarding birth certificates, inheritance, and other protections that are basic rights of the child. The Convention on the Rights of the Child, ratified by Indonesia, affirms every child's right to identity, legal recognition, and protection without discrimination based on parental status. In practice, children of interfaith unions can encounter administrative barriers in civil documentation and access to education and health services because the parents' marriage is not legally recognized by the state, producing systemic discrimination that contradicts the state's commitment to child protection (Kurttekin, 2020; Rajafi et al., 2024; Afda'u et al., 2024; Shaumi, 2025).

No less important are the implications for women's rights in interfaith families. The absence of state recognition increases women's vulnerability, particularly in divorce, spousal death, or custody disputes. Women may experience legal uncertainty concerning spousal status, inheritance, and custody because the marriage is deemed invalid. This runs counter to principles of non-discrimination and special protection for women guaranteed in the Convention on the Elimination of All Forms of Discrimination Against Women and in the 1945 Constitution, Article 28I. In practical terms, women's vulnerability is amplified in civil registration, asset division, and recognition of status as wife or mother, especially when family conflict or litigation arises (Bhatoo & Bhowon, 2018; Mursalin, 2023; Eka Aditya et al., 2023; Kurttekin, 2020; Muarif, 2015).

In short, restrictive legal policy on interfaith marriage risks injuring human rights principles, generating structural injustice, and weakening protections for vulnerable groups such as women and children. The tension between religious norms and human rights is a central challenge in developing family law that is fair, responsive, and inclusive in a multicultural society like Indonesia. Harmonization among *sharia*, national law, and international human rights standards is therefore essential so that every citizen receives equal protection and justice in family life.

Adaptive Strategies and Solutions of Interfaith Families in Response to Legal Uncertainty

Legal uncertainty arising from restrictive *sharia* norms, national policy, and the contraction of formal legal avenues after Supreme Court Circular Number 2 of 2023 has pushed interfaith families to seek adaptive solutions that are formal and informal (Rajafi et al., 2024). One of the most common strategies is formal conversion. In practice, many couples choose that one party changes religion in administrative records while privately maintaining the original faith. "When we were about to marry, I 'switched' to my husband's religion only so the marriage could be recorded at KUA. After the wedding, I continued to practice my original religion, and the family knows about this," (Interview, Informant K, 2024). This kind of formal conversion is a pragmatic compromise to obtain lawful status and to avoid future administrative complications.

Another frequently used strategy is dual registration or marrying twice, once in a religious ceremony and once in a civil office. As one Informant recounted, “We married twice, first in church according to Christian rites, then at Dukcapil to obtain a state marriage certificate. That way both families felt at ease and the children had clear documents” (Interview, Informant L, 2024). Some couples also choose to marry abroad in jurisdictions that legally allow interfaith marriage. “Because it was difficult to marry in Indonesia, we went to Singapore and married there. After that we processed our documents at Dukcapil so the marriage could be recognized here, although there were still administrative hurdles,” explained a male Informant (Interview, Informant M, 2024).

Beyond formal and semi formal routes, many families take informal paths by living together without official civil registration or by marrying only in a religious ceremony, that is *nikah sirri* (unregistered religious marriage). One male Informant said, “My wife and I agreed not to register. What matters is that the family knows and we are valid religiously. It is a bit complicated for school enrollment or inheritance though” (Interview, Informant N, 2024). While communities that are more open can sometimes accept these arrangements socially, they still leave families exposed to legal uncertainty and to administrative discrimination.

Across these adaptive strategies runs a common thread. Interfaith families consistently prioritize family unity and child protection, even when this requires compromises that are less than ideal in legal or religious terms. Local wisdom, extended family support, and community openness often help these solutions gain social acceptance even when the state does not formally recognize them (Jean Berluce, 2024; Abdulah Pakarti et al., 2023; Gede Agung et al., 2024; Shaumi, 2025).

Each strategy carries social and legal consequences that cannot be ignored. Administrative conversion, though it can deliver formal recognition, often generates internal conflict and psychological strain. Individuals who convert only to satisfy state registration requirements may experience identity dissonance and moral pressure from the nuclear family and from religious communities. Such conversions can also trigger stigma in the original religious community, where conversion may be seen as betrayal or loss of identity (Marks, 2021).

Dual registration or marrying abroad can secure administrative recognition for the family and children, yet it does not necessarily resolve social issues or domestic legal risk. On the one hand, this approach can ease access to official documents and civil rights for children (Safitri and Latumahina, 2025). On the other hand, the validity of such marriages may be questioned if legal disputes arise, especially over inheritance, divorce, or child custody. Tension may also surface if one spouse or the extended family later demands recognition aligned with their own religious norms or if there are changes in religious commitment over time. Divergent religious and state records can become sources of strain within the family and in wider social relations (Ariska et al., 2025; Bengngu, 2024).

Informal paths such as cohabitation without civil registration or a religious only marriage leave families in highly vulnerable legal positions. Children from such unions frequently face administrative barriers, from obtaining birth certificates to school enrollment and access to public services. Ambiguous legal status increases the risk of discrimination in public services and in private law claims. Women in interfaith families without clear legal status are especially vulnerable in cases of divorce or custody disputes because there is no formal recognition of the marriage or of their status as wife or mother (Safitri and Latumahina, 2025; Shaumi, 2025; Sidqi and Rasidin, 2023).

At the community level, these adaptive choices can provoke social stigma. Interfaith families, particularly those who opt for informal arrangements, are sometimes judged as deviating from prevailing social and religious norms. Stigma can undermine social integration, participation in community life, and acceptance of children in schools or civic organizations. Conflict risk increases

when pressure from exclusive religious groups or local authorities escalates. In certain contexts, social pressure or discrimination can lead to marginalization, limited economic opportunity, or even persecution.

Local wisdom, Social Capital, and the Limits of Protection in Practice

Local wisdom in the form of tolerance, *musyawarah* (deliberation), and solidarity has long served as primary social capital in the life of communities in North Sulawesi (Bukido et al., 2024). These values function as highly effective informal mechanisms for managing religious difference within families and in the wider social environment. In interfaith households, local wisdom plays a crucial role in maintaining harmony, defusing potential conflict, and strengthening networks of social support amid growing legal uncertainty produced by state policies that exclude interfaith marriage (Bukido et al., 2021).

Tolerance among adherents is not mere rhetoric but is visible in daily practice. Many interfaith families rely on mutual respect in carrying out their respective religious rituals. This value of tolerance is reinforced by a culture of dialogue, in which differences of view related to worship practices or child rearing are addressed through open discussion that honors the perspectives of each family member. An open and inclusive attitude is also evident in joint participation in major religious celebrations and community activities, so that religious difference does not become a source of division but rather an opportunity to enrich shared experience together (Abubakar et al., 2023; Bisri, 2023).

Musyawarah is the primary way to solve problems at the family and community levels. Interfaith families who face administrative dilemmas or social pressure generally involve the extended family, *tetua adat* (customary elders), or *tokoh agama* (religious leaders) in decision making. Through *musyawarah*, competing interests can be negotiated and solutions can be found that are fair and acceptable to all parties, even if not perfect. This process prevents open conflict and helps preserve social cohesion, even when the decisions taken differ from formal national norms (Carcasson and Sprain, 2016; Manuputty et al., 2024).

Social solidarity in North Sulawesi is also highly visible in support for interfaith families. Material help, moral support, and informal protection are frequently given by neighbors, relatives, and the community, especially when families face legal difficulties or social pressure. These solidaristic networks act as a protective wall for vulnerable households, filling gaps left by formal state protection and minimizing the negative effects of social discrimination. In many cases, a cohesive community can slow the advance of religious exclusivism and prevent the marginalization of interfaith families (Tjahjani and Sondakh, 2023; Abubakar et al., 2023; Eka Aditya et al., 2023; Izzuddin et al., 2024).

The effectiveness of this *local wisdom* is evident in preventing open conflict and sustaining social harmony, particularly in societies with a long history of living with diversity. Tolerance, *musyawarah*, and solidarity become the main pillars of resilience for interfaith families even when they do not receive lawful recognition from the state. As social capital, these values enable interfaith households to endure and to live together peacefully amid complex legal challenges (Bukido et al., 2021).

Yet effectiveness is not absolute. When national policy becomes more restrictive or when pressure from exclusive religious groups intensifies, this social capital encounters real limits. Local wisdom requires the backing of a more inclusive legal system so that protection for interfaith families is not merely temporary and informal but is also legally recognized and sustainable. The force of social capital has boundaries that cannot be ignored, especially for securing protection over the long term. One principal limit lies in its informal nature and heavy reliance on community consensus or close social ties, which lack the binding authority of formal state law (Gede Agung

et al., 2024; Nasriandi et al., 2023; Daffa and Anggara, 2023; Yilmaz, 2024; Bukido et al., 2024; Hasyem and Ferizaldi, 2022).

When more complex legal problems arise, such as inheritance disputes, divorce, child custody, or administrative claims over civil documentation, local wisdom often cannot provide solutions with state legal legitimacy or recognition. Decisions produced through family or community *musyawarah* tend to be morally and socially binding without juridical force. As a result, interfaith families remain at risk of losing access to basic rights, especially in the event of internal conflict, shifts in community attitudes, or intervention by outside parties that carry the matter into formal legal forums (Bukido et al., 2024; Eka Aditya et al., 2023).

Moreover, local wisdom generally cannot reach or influence the practices of state administration and rigid bureaucracy. In processing documents such as a child's birth certificate, a marriage certificate, or inheritance distribution, government agencies continue to follow national regulations. If interfaith families do not meet formal legal requirements, they and their children can be hindered from obtaining adequate protection and access to public services. This situation has been exacerbated by new policies such as Supreme Court Circular Number 2 of 2023, which further narrows the administrative space available to interfaith families and reduces the flexibility that once existed in courts or civil registry offices (Safiera and Retnaningsih, 2024).

Another limitation is the vulnerability of local wisdom to social change and shifting power dynamics within communities. Tolerance and solidarity can weaken with generational change, cultural value shifts, or the influence of more exclusive and intolerant religious groups. In such contexts, the protection offered by the community can become fragile, and interfaith families once again face risks of discrimination, exclusion, or even social persecution.

Accordingly, while local wisdom is vital for social cohesion and provides important informal protection for interfaith families, it cannot be the sole basis for securing long term legal protection. Overreliance on local wisdom can place interfaith households in a vulnerable position when confronted with formal legal problems, changes in state policy, or social dynamics that do not always favor diversity. Harmonizing the strength of local wisdom with reform of the formal legal system is therefore necessary so that protection for interfaith families can be guaranteed on a sustainable basis, both socially and juridically (Bukido et al., 2024).

Regulatory Reform for Inclusive Protection of Interfaith Families

The problem of legal protection for interfaith families in North Sulawesi and in Indonesia more broadly requires a genuine paradigm shift in state policy and legal practice. The continued dominance of Sharia-based norms and the tightening of national rules after the enactment of Supreme Court Circular Number 2 of 2023 have narrowed formal avenues for recognition and have increased exposure to administrative discrimination, social stigma, and exclusion from basic rights. In practical terms this means that families who previously relied on court determinations or administrative discretion now face a legal environment that is more closed, while daily life still demands clear documents for schooling, health services, and inheritance arrangements. In such a setting, *local wisdom* remains valuable for social harmony, yet it cannot substitute for a responsive legal system that recognizes plural realities and provides enforceable guarantees for all citizens regardless of religion, a point emphasized by recent analyses of interfaith marriage governance in Indonesia (Sidqi and Rasidin, 2023).

The first regulatory priority is to align marriage regulation and population administration with principles of non-discrimination and substantive justice. Concretely, this includes revising the Marriage Law to clarify recognition pathways for interfaith unions, harmonizing the Compilation of Islamic Law with constitutional and human rights commitments, and reopening a court-based mechanism or establishing an inclusive administrative pathway for the registration of interfaith marriages. Any pathway should be accompanied by clear procedural standards, uniform guidance

for civil registry offices, reasonable time limits, and accessible review and appeal processes. Transitional provisions are also needed for couples who already live in interfaith unions without formal recognition, so that children can obtain birth certificates without undue barriers and spouses can secure property and inheritance rights. These steps would move the system toward fairness for all citizens while reducing the legal uncertainty that now burdens women and children in particular (JACOBSEN, 2002; Kurttekin, 2020; Shaumi, 2025).

A second priority is sustained harmonization among religious norms, national law, and human rights standards that Indonesia has endorsed. This should be operationalized through a structured process of mediation and multi-level consultation that brings together religious leaders, scholars, civil society groups, and representatives of interfaith communities. The aim is to design protection formulas that respect core religious teachings while safeguarding civil status, identity documents, and welfare for vulnerable groups. Implementation must be supported by continuous legal education for civil registry officials, judges, and local administrators, including practical modules on non-discriminatory service, complaint handling, and the prevention of burdensome practices. Public communication should make procedures transparent so that families can plan their lives with certainty and do not depend on informal negotiation at the counter.

Third, public policy should recognize and empower social capital such as tolerance, *musyawarah*, and solidarity not as a replacement for formal protection but as a complementary force that strengthens cohesion and prevents conflict. Local governments can partner with civic organizations and religious forums to create mediation services at the neighborhood level, provide referral routes to legal aid, and organize community programs that normalize cooperation across religious lines. At the same time, these initiatives need to be anchored in binding administrative rules, routine monitoring, and public reporting so that support for interfaith families is not left to personal goodwill alone. Collaboration among local governments, civil society, and community groups will ensure that policy is implemented consistently and that families are not pushed back into informal solutions with weak legal effect.

Finally, the strategic outcome of regulatory reform should be inclusive, sustainable, and equal protection for all interfaith families in Indonesia. This requires an integrative approach that joins the strengths of local wisdom with progressive and workable state policy. Clear recognition pathways will reduce unnecessary litigation and administrative bargaining, while safeguards for women and children will close long standing protection gaps. With credible procedures, trained officials, and avenues for redress, Indonesia can demonstrate its commitment to diversity and to justice for all citizens, consistent with constitutional values and international obligations.

4. CONCLUSION

The findings of this study clearly show that the legal protection regime for interfaith families in *North Sulawesi* and in Indonesia more broadly remains far removed from the principles of justice, inclusivity, and respect for human rights. State policy dominated by an exclusive interpretation of *sharia*, especially after the issuance of Supreme Court Circular Number 2 of 2023, has effectively closed nearly all formal legal avenues for the recognition and protection of the rights of interfaith families. This situation not only confirms the absence of the state in fulfilling its constitutional mandate to protect the rights of every citizen without discrimination, but also places interfaith families in a highly vulnerable position, exposed to administrative criminalization, social stigma, and structural marginalization.

Local wisdom such as tolerance, deliberation, and solidarity, although effective as social defense mechanisms, cannot ultimately secure the basic rights of interfaith families on a sustainable basis. Field realities show that social resilience grounded in local wisdom is often eroded by rigid state policy and can become a kind of illusory shield that conceals the state's failure to provide substantive justice and equal protection. The consequences of adaptive strategies that families are

compelled to choose, including formalistic conversion, dual registration, or living together without legal status, tend to generate further uncertainty, risk of rights loss, and a widening of discriminatory gaps, especially for women and children who often become the primary victims of these exclusive policies.

The paradox of legal protection for interfaith families in Indonesia reveals that the national legal system has yet to harmonize *sharia* norms, legal pluralism, and human rights principles that ought to serve as both global standards and constitutional commitments. Regulatory reform and a shift in policy paradigm are therefore urgent. Without concrete measures to open inclusive and equitable legal protection for interfaith families, the state will instead entrench institutional discrimination that runs counter to Indonesia's aspiration to be a plural, just, and civilized nation.

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6. REFERENCES

- Abdulah Pakarti, M. H., Farid, D., Fathiah, I., & Hendriana. (2023). Persepsi Masyarakat terhadap Pernikahan Beda Agama: Studi tentang Stereotip, Prasangka, dan Dukungan Sosial dalam Konteks Multireligius. *El-Bait: Jurnal Hukum Keluarga Islam*, 2(2). <https://doi.org/10.53515/ebjhki.v2i2.42>
- Abubakar, F., Saadah, M., & Na'mah, U. (2023). The Transformation of the Dilemma of Role Exchange in the Household: Analyzed Gender in Family Resilience Discourse in National Law and Islamic Law. *Jurnal Ilmiah Al-Syir'ah*, 21(1), 1–18. <https://doi.org/10.30984/jis.v21i1.1864>
- Afda'u, F., Prasetyo, B., & Saryana, S. (2024). Membedah Pengaturan dan Sanksi Pernikahan Beda Agama Dalam Hukum Indonesia. *Binamulia Hukum*, 13(2), 393–406. <https://doi.org/10.37893/jbh.v13i2.946>
- Ali, M. (2002). Fatwas on Inter-faith Marriage in Indonesia. *Studia Islamika*, 9(3). <https://doi.org/10.15408/sdi.v9i3.658>
- Ariska, M. D., Saputra, S. A., Faizal, M., & Erowati, E. M. (2025). Analisis Kasus-Kasus Pernikahan WNI di Luar Negeri dalam Konteks Hukum Perdata Internasional. *Journal of Multidisciplinary Inquiry in Science, Technology and Educational Research*, 2(1b), 1508–1514. <https://doi.org/10.32672/mister.v2i1b.2696>
- Bengngu, J. G. P. (2024). Akibat Hukum Mengenai Status Anak Yang Lahir Dalam Perkawinan Campuran (Studi Perbandingan Indonesia Dan Belanda). *Ethics and Law Journal: Business and Notary*, 2(3), 119–135. <https://doi.org/10.61292/eljbn.219>

- Bhatoo, S., & Bhowon, U. (2018). Voices of young women in interfaith marriages: Experiences and challenges. *Asian Journal of Social Science*, 46(3), 281–303. https://brill.com/view/journals/ajss/46/3/article-p281_4.xml
- Bisri, H. (2023). The Legal Framework for Interfaith Marriage in Indonesia: Examining Legal Discrepancies and Court Decisions. *Ajy-Syir'ab: Jurnal Ilmu Syari'ah Dan Hukum*, 57(2), 201–229. <https://doi.org/10.14421/ajish.v57i2.1326>
- Braun, V., & Clarke, V. (2022). Thematic Analysis: A Practical Guide. *QMiP Bulletin*, 1(33), 46–50. <https://doi.org/10.53841/bpsqmp.2022.1.33.46>
- Bukido, R., Antuli, S. A. K., Harun, N., Isima, N., & Na'mah, U. (2024). Reconciling Traditions: The Role of Local Wisdom in Mediating Divorce in Indonesia's Religious Courts. *Khazanah Sosial*, 6(2), 307–320. <https://doi.org/10.15575/ks.v6i2.32809>
- Bukido, R., Gunawan, E., Usup, D., & Hayat, H. (2021). Negotiating Love and Faith: Interfaith Marriage in Manado, Indonesia. *Wawasan: Jurnal Ilmiah Agama Dan Sosial Budaya*, 6(1), 67–76. <https://doi.org/10.15575/jw.v6i1.11299>
- Carcasson, M., & Sprain, L. (2016). Beyond Problem Solving: Reconceptualizing the Work of Public Deliberation as Deliberative Inquiry. *Communication Theory*, 26(1), 41–63. <https://doi.org/10.1111/comt.12055>
- Cownie, F., & Bradney, A. (2013). Socio-legal studies: a challenge to the doctrinal approach. In *Research methods in law* (pp. 42–62). Routledge. <https://doi.org/10.4324/9780203489352-8>
- Daffa, M., & Anggara, I. (2023). The Position of Local Religions in Interfaith Relations as a Form of Religious Moderation in Indonesia. *Indonesian Journal of Religion and Society*, 5(2), 112–124. <https://doi.org/10.36256/ijrs.v5i2.369>
- Edi Gunawan, Budi Rahmat Hakim, Reza Adeputra Tohis, & Imam Mash'ud. (2024). Interfaith Marriage of North Sulawesi Multicultural Community in Minority Fiqh Perspective. *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, 19(2), 384–412. <https://doi.org/10.19105/al-lhkam.v19i2.8072>
- Eka Aditya, M. R., Khoirunnisa, D., Fawwas, F., Qiston, A., & Azizah, A. Z. (2023). The Problem of Interfaith Marriage in Indonesia: A Juridical-Normative Approach. *El-Ushab: Jurnal Hukum Keluarga*, 6(2), 456–470. <https://doi.org/10.22373/ujhk.v6i2.20059>
- Gede Agung, D. A., Nasih, A. M., Sumarmi, Idris, & Kurniawan, B. (2024). Local wisdom as a model of interfaith communication in creating religious harmony in Indonesia. *Social Sciences & Humanities Open*, 9, 100827. <https://doi.org/10.1016/j.ssaho.2024.100827>
- Hasyem, M., & Ferizaldi. (2022). Community Development Based on Local Wisdom (Study on BUMK Tirtona in Hakim Wihllang Village) Bandar District, BenerMeriah Regency). *Proceedings of the 2nd International Conference on Social Science, Political Science, and Humanities (ICoSPOLHUM 2021)*. <https://doi.org/10.2991/assehr.k.220302.021>
- Hedi, F., Anshori, A. G., & Harun, H. (2017). Legal Policy of Interfaith Marriage in Indonesia. *Hasanuddin Law Review*, 3(3), 263–276. <https://doi.org/10.20956/halrev.v3i3.1297>
- Izzuddin, A., Ni'ami, M. F., Rouf, A., & Irfan, M. (2024). From Exclusivism to Openness: Deconstructing the Role of Deaf Individuals as Marriage Witnesses in the Compilation of Islamic Law. *Al-Ahwal: Jurnal Hukum Keluarga Islam*, 17(2), 287–307. <https://doi.org/10.14421/ahwal.2024.17208>
- JACOBSEN, M. (2002). On the Question of Contemporary Identity in Minahasa, North Sulawesi Province, Indonesia. *Asian Anthropology*, 1(1), 31–58.

<https://doi.org/10.1080/1683478X.2002.10552520>

- Jayadi, S. (2025). Harmony in Diversity: Exploring Religiosity Cohesion Among Muslim, Hindu, and Buddhist Communities in North Lombok, Indonesia. *Journal of Islamic Thought and Civilization*, 15(1), 261–276. <https://doi.org/10.32350/jitc.151.15>
- Jean-Berluche, D. (2024). Faith and parenting: Investigating the intersection of religious beliefs, child welfare, and intervention strategies. *Journal of Family Trauma, Child Custody & Child Development*, 21(2), 237–249. <https://doi.org/10.1080/26904586.2023.2280197>
- Kurttekin, F. (2020). Religious education of children in interfaith marriages. *Journal of Beliefs & Values*, 41(3), 272–283. <https://doi.org/10.1080/13617672.2019.1624938>
- Maloko, M. T., Chotban, S., Fuady, M. I. N., & Hasdiwanti. (2024). Analyzing the prohibition of interfaith marriage in Indonesia: legal, religious, and human rights perspectives. *Cogent Social Sciences*, 10(1). <https://doi.org/10.1080/23311886.2024.2308174>
- Manuputty, F., Afdhal, A., & Makaruku, N. D. (2024). Membangun Keluarga Harmonis: Kombinasi Nilai Adat dan Agama di Negeri Hukurila, Maluku. *Jurnal Ilmu Sosial Dan Humaniora*, 13(1), 93–102. <https://doi.org/10.23887/jish.v13i1.73080>
- Marks, K. M. (2021). *Becoming “spiritual but not religious”: narratives on family of origin, conversion, and commitment*. <https://soar.suny.edu/handle/20.500.12648/7021>
- Muarif, M. (2015). *Legalitas perkawinan beda agama dalam Undang-undang Nomor 1 tahun 1974 Tentang Perkawinan dan Undang-undang Nomor 23 tahun 2006 Tentang Administrasi Kependudukan*. Universitas Islam Negeri Maulana Malik Ibrahim.
- Mursalin, A. (2023). Legalitas perkawinan beda agama: Mengungkap disparitas putusan pengadilan di Indonesia. *Undang: Jurnal Hukum*, 6(1), 113–150. <https://doi.org/10.22437/ujh.6.1.113-150>
- Nasir, M. A. (2022). Negotiating Muslim Interfaith Marriage in Indonesia: Integration and Conflict in Islamic Law. *Mazahib*, 21(2), 155–186. <https://doi.org/10.21093/mj.v21i2.5436>
- Nasriandi, N., Pajarianto, H., & Makmur, M. (2023). One world, many religions: The local wisdom value and social religious organizations in strengthening tolerance. *Al-Qalam*, 29(1), 112. <https://doi.org/10.31969/alq.v29i1.1224>
- Rajafi, A., Sugitanata, A., & Lusiana, V. (2024). The ‘Double-Faced’ Legal Expression: Dynamics and Legal Loopholes in Interfaith Marriages in Indonesia. *Journal of Islamic Law*, 5(1), 19–43. <https://doi.org/10.24260/jil.v5i1.2153>
- Safiera, D. E., & Retnaningsih, S. (2024). Registration of Interfaith Marriages in Indonesia Based on Supreme Court Circular Number 2 of 2023. *Asian Journal of Engineering, Social and Health*, 3(6), 1157–1169. <https://doi.org/10.46799/ajesh.v3i6.329>
- Safitri, B. R., & Latumahina, R. E. (2025). Status Hukum Anak Yang Dilahirkan Dari Perkawinan Yang Dilakukan Di Luar Negeri Namun Belum Tercatat Di Indonesia. *Innovative: Journal Of Social Science Research*, 5(3), 1591–1604. <https://doi.org/10.31004/innovative.v5i3.19214>
- Setiawan, I., Arifin, T., Saepullah, U., & Safei, A. (2024). Reforming Marriage Law in Indonesia: A Critical Examination of Islamic Law on the Ban of Interfaith Marriages. *Al-Manabij: Jurnal Kajian Hukum Islam*, 18(2), 179–198. <https://doi.org/10.24090/mnh.v18i2.11134>
- Shaumi, I. (2025). Perlindungan terhadap Anak Akibat Perceraian dari Pernikahan Beda Agama di Sitinjo Kabupaten Dairi. *Jurnal Ilmiah Mahasiswa Fakultas Hukum Universitas Malikussaleh*, 8(2). <https://doi.org/10.29103/jimfh.v8i2.20753>

- Sidqi, I., & Rasidin, M. (2023). Prohibition of Interfaith Marriage in Indonesia: A Study of Constitutional Court Decision Number 24/PUU-XX/2022. *Jurnal Ilmiah Al-Syir'ah*, 21(1), 154–172. <https://doi.org/10.30984/jis.v21i1.2337>
- Solikhudin, M., Meidina, A. R., Zayyadi, A., Faidati, A., Shufyansyah, I. G., Zain, M. F., & Faizah, N. (2024). Political-Legal Strategies in Regulating Interfaith Marriage: An Analysis of Supreme Court Circular Letter in Indonesia. *Jurnal Ilmiah Al-Syir'ah*, 22(2), 262–273. <https://doi.org/10.30984/jis.v22i2.3237>
- Sri Maryati, Achmad, H., Adang Darmawan Achmad, & Mohd Anuar Ramli. (2024). The Dynamic Landscape of Interfaith Marriage in Indonesia: Navigating The Supreme Court Circular Letter (SEMA) No. 02 of 2023 and Population Administration Law. *Daengku: Journal of Humanities and Social Sciences Innovation*, 4(3), 489–502. <https://doi.org/10.35877/454RI.daengku2613>
- Tamanaha, B. Z. (2017). Understanding Legal Pluralism: Past to Present, Local to global†. In *Legal Theory and the Social Sciences* (pp. 447–483). Routledge. <https://doi.org/10.4324/9781315091891-17>
- Thesalonika, A. A., & Hasanudin, F. (2025). The Implication of SEMA No 2/2023 on the Protection of Administrative Rights in Interfaith Marriage. *Qanun: Jurnal Hukum Keluarga Islam*, 3(1), 38. <https://doi.org/10.51825/qanun.v3i1.31754>
- Tjahjani, J., & Sondakh, S. I. (2023). Bukit Kasih Kanonang as a religious tourism site based on local wisdom of North Sulawesi, Indonesia. *International Journal of Religious Tourism and Pilgrimage*, 11(1), 6. <https://doi.org/10.21427/24AF-VN52>
- Tohari, C. (2018). Methodological and Sociological Analysis About The Fatwa Of Majelis Tarjih Muhammadiyah Concerning To The Muslim Marriage With An Ahl Al-Kitab. *Jurnal Ilmiah Al-Syir'ah*, 16(2), 161–176. <https://doi.org/10.30984/jis.v16i2.744>
- Yilmaz, I. (2024). *Sharia as Informal Law: Lived Experiences of Young Muslims in Western Societies*. Taylor & Francis. <https://doi.org/10.4324/9781003482604>