

## Social Institutions and State Policy in Indonesia's Interfaith Marriage Regulation

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Received: 16/01/2026

Revised: 04/02/2026

Accepted: 02/03/2026

### Abstract

This study situates interfaith marriage within the broader context of Indonesia's plural society and the increasing use of alternative legal mechanisms to analyze negotiations among social institutions, state law, and religious law. The objective is to identify points of convergence and normative conflict in regulating interfaith marriage and to assess their implications for legal certainty and citizens' rights. The research applies a normative legal method grounded in legal pluralism, based on doctrinal analysis of statutory regulations, Constitutional Court decisions, Supreme Court Circular Letter Number 2 of 2023, and the Compilation of Islamic Law. The findings show that normative tension stems from differing interpretations of Article 2 of the 1974 Marriage Law and the prohibition of interfaith marriage under positive Islamic law, reinforced by judicial policy and administrative barriers to registration. These conditions create socio-religious pressure and encourage strategies such as marrying abroad or exploiting procedural loopholes. The study concludes that interfaith marriage exists within a legal gray zone shaped by power relations among the state, religious authorities, and social actors, highlighting the need for inclusive reform, legal harmonization, and responsive public services within Indonesia's plural legal system.

### Keywords

Interfaith Marriage; Legal Pluralism; Social Institutions

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## 1. INTRODUCTION

Indonesia, as a pluralistic nation with the world's largest Muslim population, faces unique complexities in marriage regulation. In the era of globalization, marriage as a universal social institution continues to undergo significant transformation (Aminudin et al., 2025; Ismail et al., 2024). One of the most controversial issues is interfaith marriage, defined here as a marriage between a man and a woman of different religious beliefs, which has been widely reported across various media platforms. Global changes have compelled adjustments to marriage law to align with human rights (HR) values and the realities of modern society (Shabah, 2020; Sonafist & Yuningsih, 2023; Zhang, 2025). This issue is particularly significant because Indonesia must reconcile modern legal frameworks with deeply rooted religious and customary values.



This complexity is rooted in Indonesia's legal system, which not only adopts civil law inherited from Dutch colonial rule but also integrates Islamic law and recognizes customary law (*hukum adat*) as a living part of society (Manse, 2024; Syahroni & Sukti, 2025). In an effort to accommodate this diversity, Law Number 1 of 1974 on Marriage and the Compilation of Islamic Law (*Kompilasi Hukum Islam/KHI*) serves as the principal instrument attempting to embrace such plurality. Nevertheless, marriage regulation situated at the intersection of state law, religious law, and customary law has itself become a persistent source of legal and social problems. (Hanif & Listyorini, 2025; Muhsin & Huda, 2024; Sumaya, 2025)

This debate manifests concretely in Indonesian judicial practice. There has been inconsistency in legal reasoning between the decisions of the District Courts, the Supreme Court, and the Constitutional Court regarding the legality of interfaith marriages (Mursalin, 2023; Pajjar, 2025; Thobroni & Yusuf, 2025). District Court rulings have generally permitted interfaith marriage, whereas the Supreme Court has shown a significant shift in its stance. Having initially permitted interfaith marriage, the Supreme Court now tends to prohibit it. This shift occurred following the Constitutional Court's judicial review of the 1974 Marriage Law against the 1945 Constitution. In essence, the Supreme Court's most recent rulings align with the Constitutional Court's interpretation, holding that interfaith marriage is contrary to Article 2 of the 1974 Marriage Law and that its prohibition does not violate human rights (Herlina, 2024). As a consequence, interfaith couples are frequently trapped in legal uncertainty and are compelled to seek solutions outside the system, such as marrying abroad. This phenomenon illustrates that state law is often unable to accommodate the religious dimensions of society adequately.

Several prior studies have examined social institutions in the context of marriage; however, these studies have generally been conducted from normative and sociological perspectives separately. Previous research has tended to focus on textual analysis of legislation or mere description of social phenomena (Lagus et al., 2025). At the same time, other studies have examined marriage exclusively through general sociological theory (Lathifah, 2021). A research gap remains: the absence of a systematic analysis that specifically maps areas of harmony and conflict between the two perspectives, particularly within the current legal context. Previous studies have been predominantly descriptive and have insufficiently analyzed the interaction between social institutions and state law as a manifestation of legal pluralism.

Based on this gap, the research question addressed in this study is: how do points of convergence and collision between social institutions and state law manifest and shape the conduct and recognition of interfaith marriage in Indonesia? To address this question, the novelty of this article lies in applying a "convergence and collision" analytical framework to understand these tensions, with a focus on the contemporary intricacies of interfaith marriage. This article proposes an analysis employing a legal

pluralism approach to dissect these interactions. Unlike previous studies that remain descriptive, this research does not stop at problem identification but also seeks to illuminate the mechanisms of adaptation and negotiation occurring in the grey zone between the state and society.

The significance of this study lies in its contribution to providing an analytical framework for understanding the complexity of marriage law in multicultural nations. Practically, the findings are expected to serve as a foundation for the development of more inclusive and effective family policies in Indonesia. Furthermore, these findings are equally relevant to other countries facing similar challenges in balancing legal pluralism, religious values, and universal human rights standards.

## 2. METHOD

This study employs normative legal research (*penelitian hukum normatif*), a method conducted through the systematic examination of library materials and secondary data. This approach was selected because it is well-suited to the study's objective of mapping and analyzing the points of convergence and collision between social institutions and state law in interfaith marriage through the examination of legislation, court decisions, and academic literature.

Legal materials are drawn from three hierarchical categories. Primary legal materials include Law Number 1 of 1974 on Marriage as amended by Law Number 16 of 2019, the Compilation of Islamic Law (*Kompilasi Hukum Islam/KHI*), the 1945 Constitution of the Republic of Indonesia, the Constitutional Court's decision on the judicial review of the Marriage Law in 2015, and relevant Supreme Court and District Court decisions on interfaith marriage. Secondary legal materials comprise marriage law and legal pluralism textbooks, peer-reviewed journals, and academic articles addressing interfaith marriage, social institutions, and the interaction between state law and religious law, as well as relevant prior research findings. Tertiary legal materials include legal dictionaries, encyclopedias, and mass media articles discussing interfaith marriage cases.

Four explicit criteria guided source selection to ensure rigor and replicability. The first criterion is relevance: all sources must directly relate to the issue of interfaith marriage and legal pluralism in Indonesia. The second criterion is recency, giving priority to literature and court decisions from the past five years to capture the most current legal developments. However, foundational classical works are retained where necessary. The third criterion is credibility, requiring that sources originate from accredited publications, official institutions, or recognized scholars in the relevant field. The fourth criterion is perspectival diversity, in which sources are deliberately selected from multiple standpoints, including positive law, Islamic law, legal sociology, and human rights, to yield a comprehensive and balanced analysis.

Data collection was conducted through systematic documentation, encompassing four procedural steps. The first step involved the inventorying of relevant legislation and court decisions. The second step involved retrieving academic literature from electronic journal databases, institutional repositories, and library collections. The third step involved the gathering of news and mass media articles as contextual supporting data. The fourth step involved systematically recording and archiving all legal materials, organized by thematic category.

Analysis was carried out using a qualitative content analysis technique through five sequential and replicable steps. The first step involved identification and classification, in which the collected legal materials were categorized into four thematic groups: formal legal provisions on interfaith marriage, court decisions related to interfaith marriage, social institutions and community practices, and theoretical perspectives on legal pluralism. The second step involved systematic interpretation, comprising the reading of legal norms with attention to intra-statutory relationships and inter-regulatory linkages, as well as the interpretation of the *ratio decidendi*, that is, the legal reasoning underlying each court decision, to understand the judicial logic applied in each case. The third step involved comparative analysis, whereby decisions from different judicial bodies, namely the District Courts, the Supreme Court, and the Constitutional Court, were systematically compared to identify patterns of consistency or inconsistency in the judicial interpretation of interfaith marriage law. The fourth step involved the mapping of convergence and collision points, using the legal pluralism analytical framework to identify areas in which state law, social institutions, and religious law interact harmoniously or mutually reinforce one another, designated as points of convergence, as well as areas in which conflict or tension among these legal systems arises, designated as points of collision. The fifth step involved synthesis and conclusion drawing, in which findings from across all sources were synthesized to answer the research question, with conclusions formulated in consideration of Indonesia's broader social, political, and legal context.

The overall analytical flow proceeds from the collection and inventorying of primary, secondary, and tertiary legal materials, through thematic classification, normative analysis of legislation, examination of court decisions to identify interpretive patterns, mapping of interactions among state law, social institutions, and religious law using the legal pluralism framework, identification of convergence and collision points, and synthesis of findings, culminating in the formulation of policy recommendations. This systematic methodological design is intended to ensure that the study is transparent, reproducible, and capable of yielding valid and reliable findings.

### 3. FINDINGS AND DISCUSSION

#### 3.1. Legal Pluralism as the Primary Analytical Framework

##### 3.1.1 Pluralism and the Transition from the Legal Monism Paradigm

Legal pluralism constitutes a significant theoretical paradigm for understanding the complexity of inter-systemic legal relations in diverse societies such as Indonesia, particularly in the context of interfaith marriage. This approach critiques the legal monism perspective, which positions the state as the sole legitimate source of law (Lintang, 2025; Rahmatika & Hafidzi, 2025; Wicaksono & Mahipal, 2025). Within a monistic perspective, law is perceived as a singular binding product, thereby relegating norms outside state-produced frameworks to a subordinate status or rendering them negligible (Griffith, 2007; Zamboni, 2025). Empirical conditions demonstrate, however, that within a single social space, multiple normative systems frequently operate concurrently, including state law, religious law, and customary law, which may mutually influence, overlap, or conflict with one another. Legal pluralism responds to this reality by acknowledging the existence and interaction of these diverse legal orders as its primary focus of inquiry. (Febrianto & Meta, 2025; Husain et al., 2024; Tamanaha, 1993; Zahiroh & Tjempaka, 2025)

The theoretical development of legal pluralism has undergone a significant transformation, evolving from a descriptive to a more critical and analytical approach. Initially, the concept was extensively employed in legal anthropology to describe colonial situations in which the customary law of indigenous societies interacted with European law introduced by colonial powers (Indraswara, 2025; Nasrullah et al., 2025; Pradhani, 2021). Subsequent developments further clarify the distinction between empirical legal pluralism, which describes social reality, and legal pluralism as theory, which provides analytical tools for examining power relations and the processes through which legal meanings are constructed. (Griffith, 2007; Tamanaha, 1993)

**Table 1.** Key Dimensions of Legal Pluralism

Dimension	Description	Example in Marriage	Interfaith Relevance
Coexistence	Multiple legal systems operating within the same social space	State law, Islamic law, and customary law simultaneously	Core empirical reality apply of Indonesian legal pluralism
Interaction	Relations ranging from conflict, adjustment, unification	Rulings from the District Court vs. the Supreme Court to reflect interpretive conflicts	Explains divergent judicial outcomes

<b>Dimension</b>	<b>Description</b>	<b>Example</b>	<b>in</b>	<b>Interfaith Relevance</b>
		<b>Marriage</b>		
Rejection of Hierarchy	The assumption that state law is not always the highest position	Society prioritizes religious Accounts for non-compliance with state norms	in law over state law	
Agency	The role of individuals/groups choosing and utilizing legal systems	Couples choose to marry in abroad or through the District Court		Explains strategic legal navigation

Source. Synthesized by the researchers from Griffiths (2013) and Tamanaha (1993)

In the Indonesian context, legal pluralism is not merely an externally adopted theory but rather a direct reflection of the nation's historical trajectory and social conditions, which formally recognize the diversity of its legal systems (Syahroni & Sukti, 2025). Indonesia's legal system itself constitutes a clear illustration of state legal pluralism, a situation in which the state deliberately incorporates and accommodates religious and customary law within the national legal framework. Legal pluralism redirects analytical attention away from the singular question of whether an act is lawful under state law toward an examination of how the concept of legality is constructed, negotiated, and contested in everyday social practice.

Notwithstanding its analytical strengths, legal pluralism is not without criticism. One critique holds that the theory risks blurring the boundary between law and other social norms (Tamanaha, 1993). To strengthen the analytical framework, this study integrates the power dimension drawn from critical legal theory. In this study, legal pluralism functions as a conceptual map that connects all elements of the analysis, including social institutions as sources of customary or religious law, state law, and the practices of various actors.

### **3.2. Theory of Social Institutions and Social Change**

Social institutions are sociological concepts that refer to the structural mechanisms of social order that regulate the behavior of groups of individuals within society. At their core, social institutions are patterned behaviors that are institutionalized, stable, and broadly recognized, functioning to fulfill basic collective needs and sustain the continuity of groups (Zia et al., 2020). In the context of this study, marriage is understood not merely as an individual contract but as one of the oldest and most universal social institutions, regulating kinship relations, reproduction, inheritance, and collective identity.

**Table 2.** Key Characteristics of Social Institutions

Characteristic	Explanation	Manifestation in Marriage	Implication
Persistence	Endures beyond the lifespan and participation of specific individuals	Marriage rules are transmitted across generations	Institutional stability
Normative Structure	Comprised of rules, values, beliefs, and standard procedures	Requirements and pillars of marriage according to religion/custom	Source of normative authority
Instrumental Function	Fulfills collective needs	Regulates reproduction, inheritance, and identity	Justifies institutional necessity
Legitimacy	Social acceptance that confers authority	Marriages sanctioned by religion/custom are viewed as legitimate	Foundation of social compliance

Source: Synthesized by the researchers from Zia et al. (2020).

Social institutions are not static; they exist in a dynamic interplay between continuity and change. In the modern era of globalization, pressure on traditional institutions has intensified. Globalization carries universal values such as individual human rights, gender equality, and secularism, which frequently conflict with the particularist and communal values that undergird many traditional institutions (Robiyanto et al., 2024; Vorbach & Ensor, 2022). In Indonesia, the processes of modernization and national development have served as primary drivers of social change with direct implications for customary and religious institutions.

Social institutions, particularly religious and customary institutions, constitute the sites where living law is formed and sustained. Law does not originate exclusively from the state; it also emerges from socially institutionalized practices. For example, religious institutions such as Islam, Catholicism, and Hinduism generate comprehensive legal systems governing the conditions, pillars, and legal consequences of marriage (Sukti, 2025). The relationship between law derived from social institutions and state law is not always straightforward; their interaction may take the form of integration, peaceful coexistence, or conflict when their respective norms are contradictory.

The strength of a social institution lies in its capacity to maintain legitimacy and compliance among its members. Three types of legitimacy have been identified: traditional, charismatic, and legal-rational legitimacy (Amanda et al., 2025). Religious and customary marriage institutions generally rely on traditional and charismatic legitimacy, whereas state law relies on legal-rational legitimacy. When these two forms of legitimacy conflict, individuals often find themselves in a dilemma of loyalty, as interfaith couples do.

### 3.3. Normative Conflict

The explicit legal vacuum in the Marriage Law creates a space in which various normative systems, including state law, religious law, and social custom, compete, thereby generating legal uncertainty for citizens. The core of the conflict lies in the interpretation of Article 2, paragraph 1, of Law Number 1 of 1974, which stipulates that the respective religious law of each party determines the validity of a marriage. From a state law perspective, this provision does not explicitly prohibit interfaith marriage; rather, it vests the validity of marriage in religious law.

However, within the framework of Islamic law as applied in Indonesia, this article constitutes the primary obstacle. The Compilation of Islamic Law, known as Kompilasi Hukum Islam, explicitly prohibits interfaith marriages for Muslims, both for men as stipulated in Article 40 letter c and for women as stipulated in Article 44. This prohibition is further reinforced by a fatwa issued by the Indonesian Ulema Council, known as Majelis Ulama Indonesia.

**Table 3.** Map of Normative Conflicts in Interfaith Marriage

Aspect	State Law	Islamic Law (KHI)	Practical Impact	Resolution Status
Legal Basis	Article 2(1) of Law No. 1/1974	Articles 40(c) and 44 KHI	Ambiguous legal status	Unresolved
Validity Interpretation	Determined by religious law	Prohibited and invalid	Conflicting authority	Contested
Constitutional Court Ruling	Religion determines substantive validity; the state is only administrative	Absolute prohibition	No avenue for recognition	legal Definitive for (state level)
SEMA 2/2023	No. Judges are prohibited from granting registration	Reinforces prohibition	Legal closed	access Binding circular
Social Legitimacy	Weak without registration	civil Strong within the religious community	Stigma and social pressure	and Ongoing tension

Sumber: Disintesis peneliti dari analisis UU No. 1 Tahun 1974, Kompilasi Hukum Islam (KHI) Pasal

40(c) dan 44, Putusan MK No. 24/PUU-XX/2022, dan SEMA No. 2 Tahun 2023

Normative conflict does not manifest solely at the level of formal law; it also extends into the social and bureaucratic spheres. Socio-religious conflict is evident in the pressure exerted by extended family networks, the stigma imposed by religious communities, and the difficulty of obtaining recognition from religious institutions. On the administrative side, the Civil Registry and Population Office (*Dinas Kependudukan dan Pencatatan Sipil, Dukcapil*) enforces regulations requiring religious uniformity in the registration of marriages. Although the Population Administration Law provides legal loopholes, in practice, in the absence of proof of registration with a recognized religious institution, Dukcapil will refuse to register the marriage. This situation creates a problematic cycle: the marriage is deemed invalid under religious law → a religious institution cannot register it → no proof is available for Dukcapil → the marriage is ultimately unrecognized by the state.

### **3.4. Points of Convergence and Negotiation Mechanisms**

#### **3.4.1. Marital Legitimation and Prenuptial Agreements as Legal Pathways**

Although Supreme Court Circular Letter Number 2 of 2023 has restricted the practice of registering interfaith marriages, first-instance courts, such as District Courts, continue to serve as arenas for legal negotiation. Before the issuance of this circular letter, several rulings permitted the registration of marriages on grounds of human rights considerations and to prevent adultery, for example, the Surabaya District Court Ruling Number 916/Pdt.P/2022/PN.Sby.

The practice of marital legitimation, known as *itsbat nikah*, for marriages that have already taken place, including unregistered religious marriages or marriages conducted abroad, represents a legal loophole. In this context, judges may invoke the principle of *rechtsvinding*, or judicial legal discovery, to grant recognition retroactively, particularly when the marriage has produced children and is considered stable. Three principal patterns are discernible in rulings granting marital legitimation petitions. First, the marriage is deemed valid on the ground that one of the parties disregarded their religion, citing earlier Supreme Court jurisprudence. Second, judges emphasize child protection and the existence of an already established household. Third, in certain cases, courts require a written agreement regulating child custody arrangements.

Furthermore, couples frequently use a prenuptial agreement in the form of a notarial deed as a means of partial legal protection. Although such a deed does not confer validation under religious or state law, it may regulate civil aspects, including marital property, financial obligations, and children's rights. In this sense, it serves as a private mechanism to create legal certainty amid broader public legal uncertainty.

### **3.4.2. Social Space, Customary Marriage, and the Double Life Strategy**

In social practice, couples also rely on customary marriage ceremonies in various regions, for example, in Bali or in West Sumatra within the Minangkabau tradition. These ceremonies provide social legitimacy even though they do not generate formal administrative recognition from the state. This situation demonstrates that within Indonesian legal pluralism, customary law may operate as an alternative normative system recognized at the local level. The double life strategy represents a highly personal, compromise-based form of negotiation. In this strategy, couples register their marriage under one religion, often through formal administrative conversion of one party, while continuing to practice their respective faiths privately. Other approaches include conducting separate religious ceremonies according to each party's faith, or marrying abroad and subsequently registering the marriage in Indonesia, though this often results in administrative difficulties. These strategies illustrate how interfaith couples navigate tensions among formal law, social legitimacy, and lived religious experience within a legally plural society.

### **3.5. Discussion: The Concepts of Convergence and Conflict in a Hybrid Legal System**

Indonesia's legal system may be regarded as a living prototype of a hybrid legal system, a complex order formed not through uniformity but through interaction and friction among positive state law, religious law, and customary law. This configuration is not unique to Indonesia. Legal pluralism in Indonesia operates at both formal and informal levels, with state law continuously renegotiating its authority vis-à-vis indigenous and religious normative systems. (Hariri & Babussalam, 2024; Wardhani et al., 2022)

The concepts of points of convergence and conflict serve as essential analytical frameworks for understanding the dynamics of intersystemic legal interaction, particularly in the context of interfaith marriage. Points of convergence refer to spaces in which various legal systems coordinate, compromise, or mutually reinforce one another, thereby producing a pluralistic form of legitimacy. Conversely, conflict arises when the values, authority, and legal logic of different systems confront one another without resolution, generating legal deadlock and uncertainty for society. (Hamida, 2022)

This analysis affirms that within a hybrid system, convergence and conflict are not static conditions but continuously negotiated processes. In this context, the state judiciary is frequently the principal arena of contestation. Interfaith marriage, situated at the intersection of state sovereignty, religious observance, and individual autonomy, offers a relevant case for mapping legal gray zones and the adaptive mechanisms that emerge from these tensions. (Bisri, 2023; Jatmiko et al., 2022)

### **3.5.1. Convergence and Conflict as Constitutive Mechanisms of the Hybrid Legal System**

The interaction between social institutions, including religion and custom, and state law is dialectical rather than linear or hierarchical. Points of convergence emerge through selective incorporation, in which the state adopts certain norms from social institutions into formal law to secure broader legitimacy. An example is Article 2 of Marriage Law Number 1 of 1974, which links the validity of marriage to the respective religious law of each party. Such convergence produces a model of integrated state legal pluralism in which religious and customary institutions are formally acknowledged within the national framework (Hamida, 2022). This approach reflects what has been described as a romantic but legalistic strategy in managing Indonesia's legal plurality, namely the incorporation of customary and religious norms into state regulation while simultaneously constraining their dynamic character. (Utama, 2021)

However, the incorporation of exclusive religious norms, such as the prohibition of interfaith marriage, may generate conflict with universal constitutional principles, including the right to establish a family and the principle of equality before the law. The prohibition has been argued to have the potential to violate fundamental human rights, particularly the rights to freedom of religion and to form a family without discrimination. (Maloko et al., 2024)

The state, which is expected to be inclusive and protective of all citizens, thus encounters tension between constitutional guarantees and religious normativity. This phenomenon demonstrates that state authority is not absolute and that its legitimacy must continually be renegotiated in relation to other sources of normative authority within society (Setiawan et al., 2024). The hybrid system, therefore, remains dynamic, oscillating among competing normative poles without reaching a final equilibrium.

### **3.5.2. The Arena of Contestation: Judiciary as a Site of Construction and Resistance**

Within a hybrid legal system, the judiciary functions not merely as a passive interpreter of law but as an arena in which the meanings of convergence and conflict are constructed and contested. Judicial reasoning becomes a site where formal positivist logic interacts with substantive social and religious normativity. Judicial decisions affirming restrictions on interfaith marriage may be understood as attempts to secure convergence with dominant religious interpretations, while simultaneously generating conflict with human rights discourse. (Rasiwan, 2025; Yarly & Triadi, 2025)

The issuance of Supreme Court Circular Letter Number 2 of 2023, which introduces an absolute prohibition on the registration of interfaith marriage, exemplifies this dynamic. The instrument seeks to ensure legal uniformity; however, its implementation has been criticized for failing to meet standards of substantive justice, particularly the principle of equality as articulated in Rawlsian theory (Alfikri & Rahmatullah, n.d.). The arena of contestation, however, extends beyond the courtroom. Certain judicial decisions demonstrate the continued negotiation of legal pluralism. For instance, Bandung District

Court Decision Number 166/Pdt.P/2022/PN.Bdg authorized the registration of an interfaith marriage through civil administration by invoking constitutional guarantees and freedom of religion (Paijar, 2025). Such decisions reflect the persistent interaction between religious norms and state law in Indonesia and illustrate the judiciary's dual role as both enforcer and interpreter of competing normative systems.

Social actors likewise respond to restrictive legal constructions through strategies of adaptation and resistance, including marriage abroad followed by administrative registration. Although these practices may formally comply with procedural requirements, they implicitly challenge the normative authority of domestic legal regulation and create gray zones where multiple legal logics coexist. Within these spaces, state administrative rules, religious doctrine, customary legitimacy, and individual rights interact without any single system achieving complete dominance. Interfaith couples who conduct symbolic ceremonies or maintain domestic unions with limited recognition effectively construct alternative normative arrangements. These hybrid norms, although lacking formal coercive power, possess significant social binding force and function as a living law that responds to social realities (Utama, 2021). In this sense, macro-level conflict may stimulate processes of convergence and normative synthesis at the micro level.

### **3.5.3. Critical Analysis and Synthesis of Findings**

The convergence and conflict framework extends beyond descriptive analysis and offers several analytical implications. First, legal uncertainty in interfaith marriage should not be interpreted as a systemic malfunction but as a structural consequence of a hybrid legal order grounded in potentially contradictory normative foundations. The coexistence of state law, religious law, and customary law inherently generates zones of ambiguity. Second, the analytical focus shifts from identifying a single correct legal answer toward managing the interaction among coexisting normative systems in a fair and balanced manner. The principal challenge lies not in eliminating pluralism but in governing it equitably. Third, societal strategies of avoidance and hybrid norm formation should be interpreted as feedback mechanisms rather than mere deviations.

These practices signal gaps between formal regulation and lived social realities. When formal law fails to accommodate evolving social conditions, individuals construct alternative pathways to secure legitimacy and protection. The convergence and conflict framework moves beyond descriptive analysis and provides important analytical implications. First, legal uncertainty in interfaith marriage should not be viewed as a systemic malfunction but as a structural consequence of a hybrid legal order grounded in potentially conflicting normative foundations. The coexistence of state law, religious law, and customary law inevitably generates zones of ambiguity. (Hamida, 2022; Nursanti, 2025)

Second, the analytical focus shifts from seeking a single correct legal answer toward managing the interaction among coexisting normative systems in a fair and balanced manner. The central challenge lies not in eliminating pluralism but in governing it equitably (Disantara, 2021). Third, societal strategies of avoidance and hybrid norm formation should be understood as feedback mechanisms rather than mere deviations. Such practices reveal gaps between formal regulation and lived social realities, particularly in the unresolved tension between religious doctrine and aspirations for legal equality. (Bisri, 2023; Lubis & Muhawir, 2023)

#### **3.5.4. Convergence as a Source of Conflict**

Analysis indicates that points of convergence between state law and religious law, although intended as mechanisms of harmonization, may, in practice, generate new forms of conflict. The incorporation of religious norms into state regulation, particularly through Article 2 of the Marriage Law, can facilitate the dominance of majority interpretations in the name of religious authority. This dynamic has been shown to disproportionately affect minority communities, whose rights to marry and establish families become subordinated to the normative hegemony of the majority religion (Rosidah et al., 2023). Such incorporation risks marginalizing minority groups and restricting individual autonomy.

This pattern reflects a central insight of critical legal theory: law, despite claims of neutrality, often operates within and reinforces existing structures of power (Maloko et al., 2024). Legal decisions that privilege dominant normative frameworks may consequently reproduce asymmetrical relations of authority. The Indonesian experience also resonates with broader global debates concerning how legally plural societies negotiate the intersection of tradition, modernity, and legal recognition, with interfaith marriage functioning as a crucial test of the legitimacy and inclusivity of hybrid legal regimes. (Jatmiko et al., 2022)

#### **3.5.5. The State as a Source of Legal Uncertainty**

The findings further demonstrate that legal uncertainty in interfaith marriage is structurally embedded in Indonesia's hybrid legal system. By grounding marital validity in religious determination while simultaneously maintaining constitutional guarantees, the state creates normative tension. Legal gray zones emerge where regulatory clarity is limited. This situation reveals a paradox: efforts to accommodate pluralism may produce uncertainty for individuals situated at the intersection of different normative regimes. The absence of clear mechanisms for resolving intersystemic contradictions intensifies this uncertainty.

#### **3.5.6. Toward Responsive Policy**

The analysis underscores the need for legal policies that respond to social and normative pluralism. Several policy directions may be considered. First, establishing alternative civil registration mechanisms independent of religious validation could provide a neutral legal pathway while respecting freedom of

religion. Such a mechanism would not negate religious marriage but would offer an additional civil option to ensure legal certainty. Second, existing social practices, including administrative registration following marriages conducted abroad, require clearer regulation to guarantee protection for spouses and children. Third, judicial interpretation could adopt a more balanced constitutional perspective that harmonizes respect for religious norms with the protection of individual rights. Institutional guidance and professional development for judges may support such an approach. Ultimately, the future of family law in Indonesia depends not on the dominance of a single normative system but on the capacity of the hybrid legal order to manage convergence and conflict constructively. Legal gray zones should not remain spaces of uncertainty but may be transformed into arenas for adaptive, inclusive, and context-sensitive justice.

#### **4. CONCLUSION**

Based on an analysis of the interaction between social institutions and state law in the practice of interfaith marriage in Indonesia, this study concludes that interfaith marriage is a concrete manifestation of complex legal pluralism. In this context, state law, religious law, and customary law operate simultaneously with different and often conflicting normative logics. The provisions of Article 2, paragraph (1) of Law Number 1 of 1974, which assigns the validity of a marriage to the religious law of each party, have instead created structural legal uncertainty. The Compilation of Islamic Law, Constitutional Court Decision Number 24/PUU-XX/2022, and Supreme Court Circular Letter Number 2 of 2023 expressly prohibit interfaith marriage for Muslims. The intersection between state law and religious law, originally intended as a means of harmonization, has, in practice, become a major source of conflict, opening the door to the dominance of conservative interpretations that could compromise the constitutional rights of individuals and minority groups.

In the face of this legal uncertainty, communities have developed various mechanisms to navigate the legal "gray" areas, such as conducting marriages abroad, applying for marriage confirmation, pursuing administrative conversion, entering into notarial agreements, or utilizing customary marriages. These practices demonstrate the existence of living law responsive to social realities, even though it has not yet received formal legal recognition. On the other hand, the judiciary serves as an arena for contesting various legal logics, where inconsistent rulings between district courts, the Supreme Court, and the Constitutional Court reflect the tension between human rights approaches and religious orthodoxy. Therefore, legal uncertainty in interfaith marriages cannot be understood solely as a failure of the legal system, but rather as a structural consequence of Indonesia's hybrid legal system, which relies on potentially conflicting institutions. Within this framework, legal policies that are more responsive to social pluralism are needed, including providing alternative civil law channels for

marriage registration that do not rely on specific religious requirements, recognizing established social practices for legal certainty and protection, and having the judiciary interpret the law more progressively and with a human rights perspective.

In line with these findings, this study recommends further empirical research using in-depth interviews with interfaith couples, religious leaders, Civil Registration and Civil Registration officials, judges, and notaries to obtain concrete data on legal negotiation practices, psychosocial impacts, and their implications for children's legal status, inheritance rights, and family social integration. Furthermore, comparative studies with countries with pluralistic legal systems are needed to identify more adaptive and inclusive policy models for the Indonesian context. At the policy level, lawmakers should also consider reformulating marriage regulations to recognize the reality of legal and social pluralism by providing a fair mechanism for resolving conflicts when different legal systems yield inconsistent outcomes.

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