

Problematics of Interfaith Marriage: The Interaction between Islamic Human Rights and Universal Human Rights

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DOI:

<https://doi.org/10.47134/jcl.v3i3.1.5851>

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Received: 26/05/2026

Accepted: 29/06/2026

Published: 29/06/2026



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Abstract: *Marriage constitutes a sacred covenant that binds a man and a woman as husband and wife. Fundamentally, each religion prescribes its own regulations governing marriage. However, in practice, interfaith marriage remains prevalent in Indonesia and continues to generate debate, including among Muslim communities. This library-based research aims to examine how Islamic human rights and Western human rights perspectives respond to the practice of interfaith marriage in Indonesia. The findings indicate that, from the standpoint of universal human rights, the Kompilasi Hukum Islam (Compilation of Islamic Law) as the legal foundation regulating interfaith marriage in Indonesia is considered inconsistent with universal human rights principles, which are anthropocentric in nature, where the freedom to establish a family appears to be constrained. Conversely, within the framework of Islamic human rights, the prohibition of interfaith marriage as stipulated in the KHI is regarded as both justified and appropriate. In the context of family formation, Islamic human rights emphasize the primacy of religious values over anthropocentric principles. Islamic human rights not only recognize rights among human beings (huquq al-'ibad), but also ground these rights in fundamental obligations that are inherently binding in devotion to Allah SWT (huquq Allah).*

Keywords: *Interfaith Marriage, Islamic Human Rights, Universal Human Rights*

Introduction

Marriage constitutes a sacred institution that binds two individuals not only emotionally and biologically, but also legally and religiously. In an increasingly pluralistic society, interfaith marriage has become an unavoidable social reality. However, from both juridical and theological perspectives, this issue has generated prolonged debate, particularly when juxtaposed with two major paradigms: Universal Human Rights as articulated in the Universal Declaration of Human Rights (UDHR) and Islamic Human Rights grounded in the principles of sharia (Hosen, 2022).

The central dilemma arises from differing foundational principles regarding individual freedom. Universal Human Rights regard marriage as a fundamental right that should not be restricted by religious considerations (Petersen and Hunter, 2024). In contrast, within the tradition of Islamic law and its application in many Muslim-majority countries,

explicit limitations exist, often justified as efforts to preserve the objectives of Islamic law (maqasid al-shari'ah), particularly the protection of religion (hifz al-din). In Indonesia, this tension is further manifested in various judicial review attempts of Article 2 paragraph (1) of the Marriage Law, where the Constitutional Court has consistently maintained that the validity of a marriage is contingent upon the respective religious laws of the parties involved.

The interaction between Islamic Human Rights and Universal Human Rights in this context is no longer purely dichotomous; rather, it involves a process of identity negotiation and reinterpretation of civil rights (Nurlaelawati and Salim, 2021). The key challenge lies in how a state governed by the rule of law can guarantee citizens' rights to form a family without undermining the religious principles that serve as the social foundation of society (Arliman, 2023). This article aims to examine these contradictions and to identify a dialogical meeting point within the framework of contemporary law.

Furthermore, this discourse extends beyond the normative-theological sphere to encompass administrative aspects that significantly affect the fulfillment of civil rights for interfaith couples. Legal uncertainty surrounding marital status often results in difficulties in obtaining birth certificates for children, inheritance rights, and the protection of joint assets. From the perspective of Universal Human Rights, such administrative barriers are viewed as forms of systemic discrimination that violate the right to legal recognition. (Rahmawati, 2024). Conversely, from the standpoint of contemporary Islamic law, stricter administrative measures may be perceived as an application of *sadd al-dhari'ah* (blocking the means to harm), aimed at maintaining consistency in the implementation of sharia within the domestic sphere.

At the global level, efforts to harmonize international human rights instruments with national legal systems in Muslim-majority countries reveal a trend of "vernacularization" of human rights. This concept refers to the process of adapting universal human rights values into local languages and frameworks without eliminating their religious essence (Merry, 2024). In the context of marriage, current debates have increasingly focused on strengthening comprehensive prenuptial agreements as a middle ground to safeguard the rights of each partner without compelling either party to relinquish their beliefs. This approach is particularly relevant in light of increasing cross-border mobility, which has made interfaith interactions a common feature of modern social structures.

Therefore, this study seeks to critically evaluate the extent to which the dialectical space between Islamic law and Universal Human Rights can be optimized amid the simultaneous rise of conservatism on one hand and the liberalization of human rights on the other (Zulfikar, 2025). By focusing on recent jurisprudential developments and comparative policy analyses in several Muslim-majority countries, this research aims to provide constructive recommendations for a more inclusive reform of family law. The urgency of this study lies in the need to formulate a legal framework capable of accommodating pluralism without neglecting constitutional supremacy and the fundamental religious values that constitute the nation's identity.

Literature Review

From the perspective of international law, interfaith marriage is often regarded as a manifestation of absolute individual autonomy. Referring to Article 16 of the Universal Declaration of Human Rights (UDHR), the right to marry and to found a family must be exercised free from limitations based on race, nationality, or religion (Malik et al., 2025). Contemporary scholarship suggests that Universal Human Rights are inherently anthropocentric, placing human well-being and happiness as the ultimate objective of law. Consequently, restrictions on interfaith marriage are frequently viewed as impediments to the principle of “free consent” guaranteed under the International Covenant on Civil and Political Rights (ICCPR) (Petersen and Hunter, 2024).

In contrast to the Western approach, human rights in Islam are characterized as theocentric, wherein rights are inseparable from obligations to God. Restrictions on interfaith marriage in Islamic law, as reflected in the *Kompilasi Hukum Islam* (KHI) and fatwas issued by the Indonesian Ulema Council (MUI), are not perceived as violations of rights, but rather as measures to uphold *hifz al-din* (protection of religion) within the framework of *maqasid al-shari’ah*. Recent studies emphasize that such prohibitions are intended to ensure family welfare, particularly in relation to children’s religious upbringing and the maintenance of marital harmony grounded in shared faith (Zulfikar, 2025). Nevertheless, several reformist scholars have begun to propose reinterpretations of the concept of *ahl al-kitab* in order to better accommodate the realities of global pluralism (Al-Manisi, 2025).

Indonesian positive law has undergone a significant shift in responding to interfaith marriage. Previously, ambiguity in the interpretation of Article 2 paragraph (1) of the Marriage Law allowed interfaith couples to seek judicial determinations as a legal pathway (Nurlaelawati and Salim, 2021). However, the issuance of Supreme Court Circular Letter (SEMA) No. 2 of 2023 explicitly instructs judges to reject applications for the registration of interfaith marriages (Kharisma, 2023). This development reinforces the state’s position in prioritizing religious validity over purely civil freedoms, while simultaneously triggering renewed debate regarding access to justice for citizens who are not accommodated within dominant religious legal frameworks.

In the past five years, academic research has increasingly explored the concept of “vernacularization,” referring to the adaptation of universal human rights standards into local and religious values without necessitating mutual exclusion (Arliman, 2023). Some scholars advocate for a more inclusive reconstruction of family law through a socio-legal approach to Islamic law, which views interfaith marriage not merely as a normative violation, but as a social phenomenon requiring administrative solutions to ensure the protection of the rights of women and children.

Within the discourse on human rights protection, recent studies have also focused on the impact of interfaith marriage on the civil rights of children born from such unions. Contemporary literature indicates that the legal uncertainty surrounding parental marriage often leads to administrative discrimination against children, particularly concerning their rights to identity and inheritance (Rahmawati, 2024). Several legal scholars argue that, in the best interests of the child, the state should distinguish between the theological validity of marriage and the administrative registration of civil rights. Such an approach seeks to ensure that every child receives full state protection, as mandated by the Convention on the

Rights of the Child, without being entangled in religious normative conflicts affecting their parents.

On the other hand, comparative international law demonstrates a global trend toward accommodating interfaith marriages through the institution of “civil marriage,” which operates independently from religious authority. In several Muslim-majority countries with dual legal systems, civil law serves as a safety valve for citizens seeking to exercise their fundamental rights without infringing upon specific religious jurisdictions (Singh, 2025). However, in Indonesia, the discourse surrounding civil marriage continues to face significant ideological resistance, as it is often perceived to contradict the first principle of Pancasila. Recent studies conclude that the future resolution of tensions between Islamic Human Rights and Universal Human Rights will largely depend on the capacity of policymakers to formulate a moderate legal framework—one that respects individual autonomy while preserving the dignity of the nation’s religious identity.

Methodology

This study employs a normative legal research design of a doctrinal nature. This method is selected to analyze the coherence among legal norms found in Islamic legal literature (fiqh), international human rights instruments, and positive law in Indonesia (Kharisma, 2023). The primary focus of this research lies in the inventory and critical evaluation of both vertical and horizontal synchronization of legal norms concerning the legality of interfaith marriage.

The approaches utilized in this study include the statute approach, conceptual approach, and comparative approach. The statute approach is applied to examine Law No. 1 of 1974 on Marriage and Supreme Court Circular Letter (SEMA) No. 2 of 2023. Meanwhile, the comparative approach is used to critically compare the Universal Declaration of Human Rights (UDHR) with the Cairo Declaration on Human Rights in Islam (CDHRI), in order to identify points of convergence and divergence in the protection of the right to form a family (Petersen and Hunter, 2024).

The data sources consist of both primary and secondary legal materials. Primary legal materials include authoritative legal texts such as international human rights instruments (ICCPR), the Indonesian Civil Code, the Kompilasi Hukum Islam (KHI), and recent decisions of the Constitutional Court (Constitutional Court of the Republic of Indonesia, 2023). Secondary legal materials are derived from academic literature, including international law journals, textbooks on *maqasid al-shari’ah*, and research reports published by human rights institutions within the past five years (Siregar and Hasanah, 2026).

Data collection is conducted through systematic library research. The researcher carries out both digital and physical document tracing of judicial precedents and contemporary Islamic scholarly interpretations concerning interfaith marriage. This process involves the classification of legal materials based on their hierarchical position and relevance to the issue of civil rights of interfaith couples, in order to ensure the validity of the data analyzed (Nurlaelawati and Salim, 2024).

The data are analyzed qualitatively using a descriptive-analytical method. The researcher elaborates legal facts in detail and subsequently applies legal reasoning to assess whether current legal policies in Indonesia tend to favor the protection of religious identity

or the universality of human rights.[22] This analytical method enables a critical evaluation of the effectiveness of SEMA No. 2 of 2023 in closing legal loopholes related to the registration of interfaith marriages.

Finally, this study employs theological-sociological and futuristic legal interpretation techniques. The analysis is not confined to existing legal texts but also projects the future direction of family law reform in Indonesia (Santoso et al., 2024). By taking into account the dynamics of global pluralism, this method aims to formulate a conceptual framework capable of minimizing mafsadah (harm) without undermining the fundamental rights of citizens to belief and family life (Singh, 2026).

Result

The findings of this study reveal a fundamental tension, as well as a potential dialectical relationship, between international human rights standards and the implementation of Islamic law in Indonesia. The key findings are summarized in the following comparative table.

Table 1. Comparison of Interfaith Marriage Paradigms

Comparative Aspect	Universal Human Rights (UDHR/ICCPR)	Islamic Human Rights (Sharia/CDHRI)	Indonesian Legal Context (Post-SEMA No. 2/2023)
Philosophical Foundation	Anthropocentric (Individual Autonomy)	Theocentric (Divine Sovereignty)	Pancasila (Belief in the One and Only God)
Right to Marry	An absolute right for adult men and women without religious restrictions	A right limited by religious compliance and protection of faith	A right that must be exercised in accordance with each party's religion
Primary Objective	Individual happiness and fulfillment of civil rights	Maqasid al-Shari'ah (protection of religion and lineage)	Legal order and preservation of the sanctity of marriage
Legal Status	Recognized as valid through civil marriage	Considered invalid if contrary to fiqh (with limited interpretative exceptions)	Cannot be legally registered by the state if interfaith

Based on the compiled table, the interaction between these two human rights systems generates several major issues, namely: the conflict between individual rights and religious authority, the paradox of child rights protection, and the vernacularization of Islamic human rights.

Universal Human Rights emphasize the individual as an autonomous legal subject. However, in Indonesia, an individual's legal status in marriage is inherently attached to their religious identity. Through Supreme Court Circular Letter (SEMA) No. 2 of 2023, the state reaffirms that there is no legal space for civil marriage that circumvents religious law. This position has drawn criticism from human rights activists, who argue that it undermines the constitutional rights of citizens.

One crucial finding is the existence of a legal gap in the protection of children. When the marriage of parents is not legally recognized, children often become victims of administrative constraints. Although the Child Protection Law guarantees the rights of every child, in practice, children born from interfaith marriages frequently encounter difficulties in establishing complete legal identity, particularly in birth registration documentation.

There is also an emerging trend among scholars to pursue the “vernacularization” of human rights, referring to the adaptation of human rights values within an Islamic framework. This concept suggests that the protection of the civil rights of interfaith couples—such as population administration—can still be ensured without necessarily granting theological legitimacy to their marriage. Such an approach is considered a “middle path” to minimize mafsadah (social harm) without altering the doctrinal principles of religion.



Fig.1 Legal Process of Interfaith Marriage in Indonesia

The diagram illustrates the legal process of interfaith marriage in Indonesia, which begins with the marriage application stage, where interfaith couples submit a marriage registration request to the relevant authorities. At this stage, however, such applications are generally rejected by the Office of Religious Affairs (KUA) or the Civil Registry Office (Dinas Kependudukan dan Pencatatan Sipil/Capil), based on the provisions of Law No. 1 of 1974 on Marriage and Supreme Court Circular Letter (SEMA) No. 2 of 2023.

Prior to 2023, couples facing such rejection still had access to legal remedies, namely by submitting a petition for a court determination. In practice, such petitions were frequently granted by judges, thereby allowing couples to proceed with and legally register their marriages.

However, under the current legal framework following the issuance of SEMA No. 2 of 2023, judges are instructed not to grant such petitions. As a result, interfaith couples no longer have an effective legal pathway to obtain state recognition of their marriages. This situation ultimately leads to a legal deadlock, in which couples are unable to register their marriages as legally valid under Indonesian law.

The findings of this study indicate that in Indonesia, the interaction between Islamic Human Rights and Universal Human Rights does not occur on an equal footing. Instead, there exists a strong legal hegemony of religious norms in shaping public policy. Based on an analysis of Constitutional Court Decision No. 24/PUU-XX/2022, the state positions religion not merely as a private matter, but as a foundational element of national law. This creates a contradiction with the principles of the ICCPR (ratified by Indonesia through Law No. 12 of 2005), particularly regarding the freedom to manifest one's belief, including the right to choose a spouse

This description demonstrates that the state assumes the role of a "moral guardian," consciously restricting civil rights in order to maintain social cohesion grounded in religious values. Prior to 2023, there was a degree of ambiguity that allowed judges to exercise discretionary authority to grant the registration of interfaith marriages on humanitarian grounds. However, the findings of this study indicate that Supreme Court Circular Letter (SEMA) No. 2 of 2023 functions as a stop-gap measure that effectively terminates such judicial discretion. From a legal perspective, this development enhances legal certainty; however, from a sociological perspective, it has contributed to the emergence of "legal smuggling." Interfaith couples increasingly resort to conducting marriages abroad or undertaking temporary religious conversion (formalistic conversion) solely for administrative legality. This phenomenon demonstrates that strict legal restrictions do not eliminate interfaith marriage practices but merely displace their complexity beyond national jurisdiction.

A descriptive analysis of human rights protection reveals that women and children constitute the most vulnerable groups in unregistered interfaith marriages. In the absence of state recognition, women lose their legal entitlements to iddah maintenance, mut'ah compensation, and joint marital property in the event of divorce. From a Universal Human Rights perspective, this condition constitutes a violation of equal legal protection. Meanwhile, children born from such unions are legally recognized only in relation to their

mothers, which sociologically generates stigma and limits their inheritance rights from the paternal line. This study finds that a more progressive redefinition of *maqasid al-shari'ah* is necessary, one that prioritizes the protection of life (*hifz al-nafs*) and lineage (*hifz al-nasl*) through administrative recognition, even in the absence of theological recognition.

The interaction between Islamic Human Rights and Universal Human Rights actually converges on the concepts of justice and equality. The empirical findings indicate that both Islamic legal thought and international human rights instruments reject forms of discrimination that undermine human dignity. The difference lies primarily in the boundaries of formal recognition. In the future, this study projects the necessity of a "Civil Marriage Law" for citizens whose religious legal systems do not accommodate interfaith marriage. This is not intended to delegitimize religious law, but rather to provide state protection for universal civil rights without requiring religious institutions to alter their internal doctrines.

The interaction between Islamic Human Rights and Universal Human Rights in the issue of interfaith marriage in Indonesia reflects an ongoing struggle over legal identity. At the theoretical level, the universality of human rights often clashes with the particularism of religious values strictly upheld by the state. The liberal-individualistic paradigm of Universal Human Rights positions the freedom to choose a spouse as an autonomous human right that cannot be interfered with by any institution. In contrast, within the framework of Islamic Human Rights, rights are inseparable from the *maqasid al-shari'ah*, where the protection of monotheism (*tawhid*) and lineage (*nasab*) constitutes the limits of individual freedom.

This tension has become increasingly pronounced following the issuance of SEMA No. 2 of 2023. Legally, the circular is viewed as an effort to unify legal interpretation within the judiciary; however, substantively, it is considered a form of restriction on legal pluralism. Analysis of this policy indicates that Indonesia is reinforcing its position as a religious legal state, where the validity of a legal act (marriage) is fully dependent on religious law. This creates an expanding gap between international standards as enshrined in the ICCPR and domestic legal practice, which is increasingly conservative in matters of family law.

From a sociological legal perspective, such administrative prohibitions do not automatically eliminate interfaith marriage practices; rather, they give rise to the phenomenon of "legal smuggling." Couples with financial resources tend to marry abroad, such as in Singapore or Australia, and subsequently register their foreign marriage certificates in Indonesia. This phenomenon reflects class-based inequality, where legal recognition is accessible only to those capable of crossing jurisdictional boundaries, while lower-income couples are often left in unregistered marriages (*nikah siri*).

The impact of this legal deadlock is systemic, particularly in relation to the protection of women's human rights. In unrecognized interfaith marriages, women lack legal standing to claim post-divorce rights such as *iddah* maintenance or equitable distribution of marital property. The absence of such protection clearly contradicts the principles of Universal Human Rights, which guarantee equal protection for women within marriage. In this

context, the state in this context, the state faces a dilemma: whether to uphold the sanctity of religious norms or to provide functional protection for its vulnerable citizens.

Furthermore, children's rights constitute the most critical humanitarian issue in this debate. Children born from interfaith marriages following SEMA No. 2 of 2023 are at risk of losing the legal recognition of their father's identity in their birth certificates. Although the Constitutional Court, through several of its rulings, has sought to protect the civil relationship between children and their biological fathers, administrative barriers at the civil registration level often hinder the fulfillment of these rights. This creates a paradox in which the state, while claiming to protect religious values, may simultaneously neglect the fundamental rights of its future generations.

A deeper analysis of the Cairo Declaration on Human Rights in Islam (CDHRI) in its latest version indicates efforts to harmonize Islamic values with modern human rights standards. However, in the context of interfaith marriage, the consensus among most Muslim-majority countries, including Indonesia through the Indonesian Ulema Council (MUI), continues to adhere strongly to the principle of *sadd al-dhari'ah*. The underlying logic prioritizes the prevention of perceived harm to religious belief (*aqidah*), which is considered more important than the pursuit of individual welfare that is seen as temporary. This tension demonstrates that the discourse on Islamic human rights remains strongly influenced by the need to preserve communal boundaries rather than prioritizing personal autonomy.

The emergence of the discourse on "civil marriage" is, in fact, a moderate solution proposed by many legal scholars. Civil marriage allows the state to provide administrative legal recognition without intervening in the theological domain of religious institutions. However, in Indonesia, this idea remains difficult to accept, as it is perceived as opening the door to secularism. This debate demonstrates that marriage in Indonesia is regarded as the "last bastion" of religious moral order, making the separation between civil and sacred aspects politically and socially sensitive.

Within the context of globalization, Indonesia should begin to consider a more dialogical approach to implementing human rights standards. The vernacularization of human rights, as proposed by several contemporary scholars, suggests that universal norms should be translated into locally acceptable religious frameworks. For instance, the state may refrain from recognizing interfaith marriage in theological terms, while still issuing a "civil partnership certificate" to ensure citizens' rights in matters of inheritance, insurance, and child custody. This approach represents a middle path (*wasathiyah*) that acknowledges the reality of pluralism without undermining religious authority.

Moreover, a future challenge lies in the increasing legal awareness of society, accompanied by global access to information. Millennials and Generation Z tend to view marriage as a social contract based on mutual consent and cross-border affection. If positive law fails to adapt to these evolving social behaviors, a widening gap will emerge between *ius constituendum* (law as it ought to be) and *ius operatum* (law as it is practiced in society). Such legal unresponsiveness to sociological realities may diminish the authority of judicial institutions in the eyes of citizens.

In conclusion, it is essential to emphasize that the interaction between Islamic Human Rights and Universal Human Rights should not be perceived as a zero-sum contest. Both frameworks share a common objective, namely the elevation of human dignity (*karāmah al-insān*). There is a need for a more inclusive reconstruction of Islamic legal thought (progressive Islam) alongside a more context-sensitive interpretation of Universal Human Rights that takes local religious values into account. Only through sincere dialogue and political courage can the legal deadlock surrounding interfaith marriage in Indonesia be resolved in pursuit of social justice for all citizens.

Discussion

The interaction between Islamic Human Rights and Universal Human Rights in the issue of interfaith marriage in Indonesia reflects a fundamental struggle over legal identity. The liberal-individualistic paradigm of Universal Human Rights positions the freedom to choose a spouse as an autonomous human right that cannot be interfered with by any institution. In contrast, within the framework of Islamic Human Rights, rights are inherently tied to a theocentric dimension through the concept of *maqasid al-shari'ah*, where the protection of faith (*hifz al-din*) and lineage (*hifz al-nasl*) constitutes the constitutional boundary of individual freedom. This tension demonstrates that human rights in the context of marriage in Indonesia are not understood as value-neutral space, but rather as a domain deeply embedded with religious obligations (Hosen, 2022).

This tension has become more pronounced following the issuance of Supreme Court Circular Letter (SEMA) No. 2 of 2023, which legally functions as an instrument for the unification of judicial interpretation among judges. Through this policy, the state reinforces its position as a religious legal state that places religious validity as an absolute requirement for administrative legality. However, this policy has drawn criticism from a Universal Human Rights perspective, as it is considered to restrict legal pluralism and disregard the civil rights of citizens who are not accommodated within majority religious doctrines. This analysis indicates a shift from a more humane judicial discretion toward a more restrictive form of administrative codification (Kharisma, 2023).

From a sociological perspective, such strict legal restrictions under SEMA do not necessarily eliminate interfaith marriage practices; instead, they give rise to the phenomenon of "legal smuggling." Couples with financial capacity tend to marry abroad in order to obtain legal recognition, which is subsequently registered in Indonesia as a foreign marriage. This creates inequality in access to justice, where middle- and upper-class individuals are able to cross jurisdictional boundaries to fulfill their human rights, while lower-income couples are often left in unregistered marriages (*nikah siri*) that lack legal protection (Nurlaelawati and Salim, 2024).

The most critical implication of this legal deadlock lies in the vulnerability of women's and children's rights. In unregistered marriages, women lose their legal standing to claim post-divorce rights, while children risk losing legal recognition of their paternal identity in civil registration documents. From a Universal Human Rights perspective, this condition constitutes systemic discrimination. This study argues that the state should begin to separate the theological dimension of marriage (the domain of religion) from its civil

administrative dimension (the domain of the state) in order to ensure the fulfillment of fundamental rights for women and children without undermining religious principles (Rahmawati, 2024).

Efforts to bridge this divide may be pursued through the concept of the vernacularization of human rights, which involves translating universal standards into locally grounded values that are religiously acceptable. Several scholars propose a more inclusive reconstruction of family law through a socio-legal approach to Islamic law, which views interfaith marriage as a social reality requiring emergency administrative solutions (dharuriyyah). This approach allows the state to issue a “civil partnership certificate” as a legal instrument to protect inheritance and insurance rights, without requiring religious institutions to provide theological recognition (Santoso et al., 2024).

In conclusion, this discussion suggests that resolving the conflict between Islamic Human Rights and Universal Human Rights in Indonesia requires political courage to reform family law. If positive law remains unresponsive to the increasingly pluralistic dynamics of society, a widening gap will emerge between *ius constituendum* (law as it ought to be) and sociological reality in practice. Harmonization between the two human rights systems can only be achieved through dialogue that places human dignity (*karāmah al-insān*) as the ultimate objective of law, both in religious and universal perspectives.

Conclusion

This study concludes that the interaction between Islamic Human Rights and Universal Human Rights in the issue of interfaith marriage in Indonesia is situated within a structural and ideological tension. Although Universal Human Rights guarantee individual autonomy in forming a family without religious restrictions, the Indonesian legal system consistently applies a theocentric paradigm that places religious law as an absolute requirement for the validity of marriage. The issuance of Supreme Court Circular Letter (SEMA) No. 2 of 2023 further reinforces the dominance of religious values over civil liberties, effectively closing legal avenues for interfaith couples to obtain domestic legal recognition.

The implications of this policy are not merely administrative but also extend to the neglect of the protection of women’s and children’s human rights, who become trapped in a state of legal deadlock. Therefore, a more inclusive legal reconstruction is required, one that separates the theological domain of religion from the administrative obligations of the state. Harmonization between Islamic Human Rights and Universal Human Rights can only be achieved through a legal moderation approach that acknowledges sociological pluralism without undermining the principles of Sharia, in order to realize equal legal justice for all citizens without discrimination.

As a strategic step forward, Indonesia needs to consider formulating more accommodative regulations without altering the internal doctrines of existing religions. The primary recommendation emerging from this debate is the urgency of separating “religious events” from “civil legal events” within the institution of marriage. The state may act as an administrative facilitator through an independent civil registration system, ensuring that

citizens who are unable to comply with specific religious legal requirements still obtain full protection of their civil rights. This approach is consistent with the spirit of Universal Human Rights, which seeks to minimize discrimination, while simultaneously respecting Islamic Human Rights, which preserve the sanctity of religious rituals within the private sphere.

In addition, strengthening legal literacy and interfaith dialogue is essential to mitigating social polarization that often arises from interfaith marriage issues. State institutions such as the National Human Rights Commission (Komnas HAM) and religious bodies such as the Indonesian Ulema Council (MUI) should engage in dialogue to formulate a framework of “Civil Welfare” (Kemaslahatan Sipil) for interfaith couples and their children. This is crucial so that law is not perceived solely as a punitive instrument, but also as a protective mechanism that ensures every individual, regardless of their religious affiliation, does not lose their human dignity under national or international legal systems.

Ultimately, this study emphasizes that the future harmony between Islamic Human Rights and Universal Human Rights will largely depend on the flexibility of legal interpretation employed by policymakers. An increasingly interconnected world demands a dynamic and inclusive legal system. If Indonesia succeeds in formulating a middle path that respects divine sovereignty while upholding just and civilized humanity, then the current legal deadlock can be resolved. In this way, Indonesian marriage law will not only reflect religious compliance but may also serve as a model for other Muslim-majority countries in integrating religious values with global human rights standards.

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