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Interreligious Marriage in Indonesia: Institutional Competition, Religious Monopolies, and the Dynamics of a Regulated Religious Economy

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Abstract

This article examines interreligious marriage (IRM) in Indonesia as a politically contested arena within a regulated religious economy, where religious institutions, state agencies, courts, and intermediaries compete and collaborate to control access to marital legitimacy. Rather than treating IRM as a marginal anomaly or purely doctrinal issue, the study conceptualizes it as a structured site of negotiation shaped by legal pluralism, institutional competition, and political interests. Drawing on religious economy theory, Griffiths' distinction between normative and empirical legal pluralism, and Bourdieu's concept of the juridical field, the article analyzes how authority over marriage is distributed and contested across overlapping institutions. Empirically, the study is based on qualitative fieldwork conducted between 2022 and 2025 in Jakarta, Surabaya, and Biak, combining interviews with interreligious couples and institutional actors with legal and policy analysis.

Keywords: Interreligious marriage, legal pluralism, religious economy, juridical field, Indonesia

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Introduction

This article examines interreligious marriage (IRM) in Indonesia as a politically contested arena within a regulated religious economy, where religious institutions, state agencies, courts, and brokers compete and collaborate to control access to marital legitimacy. Rather than treating IRM as a marginal anomaly or purely doctrinal problem, the study argues that it represents a structured site of negotiation in which authority, legality, and religious boundaries are actively produced and contested. The Indonesian marriage regime—anchored in Law No. 1 of 1974—formally delegates the validity of marriage to religious law while assigning administrative responsibility to the state.[2] This arrangement creates a hybrid system in which religious institutions serve as gatekeepers of legitimacy, while state bureaucracies and courts administer procedural recognition. In practice, however, this system generates a persistent tension between normative prohibition and lived reality, as interreligious couples continue to seek pathways to recognition through a variety of formal and informal strategies.

To explain this dynamic, the article situates IRM within a broader theoretical framework that combines religious economy theory with socio-legal approaches to legal pluralism and institutional competition. Religious economy theory emphasizes how individuals make strategic choices within constrained environments and how institutions seek to defend their jurisdictional authority.[3] However, to avoid reducing this framework to a descriptive metaphor, the analysis is grounded in Griffiths' distinction between *normative* and *empirical legal pluralism*. While Indonesian law formally recognizes multiple normative orders—religious, civil, and customary—empirical practice reveals how individuals navigate, combine, and sometimes circumvent these overlapping systems.[4]

[2] Lukito, 2012
[3] Iannaccone, 1998; Stark & Finke, 2000
[4] Griffiths, 1986

Building on this, von Benda-Beckmann's notion of semi-autonomous social fields helps explain how religious offices, courts, and administrative agencies operate with partial autonomy while remaining embedded within broader state structures.[5]

This study also applies Pierre Bourdieu's concept of the juridical field to examine how various actors compete for symbolic and institutional authority.[6] In this field, religious authorities strive to control doctrine over marriage, while state agencies seek to uphold administrative order and stability. Courts have historically played a middle role, offering alternative recognition pathways. Brokers, including clerics, lawyers, and bureaucratic intermediaries—act as strategic players, translating, negotiating, and sometimes exploiting these overlapping systems. Their drivers are not only legal or theological but also political: maintaining institutional authority, managing religious boundaries, expanding or defending jurisdiction, and sometimes pursuing economic or symbolic capital. These motives are not neutral. Religious groups aim to preserve doctrinal authority and communal boundaries; governments aim to sustain governance stability and avoid backlash; courts balance independence with religious pressures; and brokers are often driven by economic, professional, or ideological incentives. Interreligious marriage becomes a space where competing institutional interests are negotiated, not just regulated, making IRM a politically structured issue.

The stakes of this system are both practical and normative. On a practical level, marriage recognition determines access to a wide range of civil rights, including birth registration, inheritance, education, and social services. The absence of legal recognition often pushes couples into informal arrangements such as *nikah siri*, which disproportionately affect women and children by weakening legal protections.[7] On a socio-religious

[5] von Benda-Beckmann, 2002
[6] Bourdieu, 1987
[7] Nurmila, 2009; Platt, 2017; Robinson, 2008

level, IRM is frequently framed as a boundary issue: for many Muslim authorities, it is perceived as a threat to communal integrity, while minority religious groups often interpret restrictions as a form of discrimination.[8] These competing narratives reflect deeper tensions between pluralism and majoritarianism within Indonesia's constitutional order.[9]

At the doctrinal level, the apparent rigidity of religious prohibition masks a more complex intellectual history. Classical Islamic jurisprudence does not present a single unified position on interreligious marriage; while most jurists prohibit Muslim women from marrying non-Muslim men, many permit Muslim men to marry women from the *ahl al-kitāb*[10] under specific conditions. Contemporary Indonesian fatwas, particularly those issued by the Indonesian Ulama Council (MUI), adopt a stricter stance that reflects modern concerns over social cohesion and religious identity rather than a direct continuation of classical plurality.[11] From the perspective of *maqāṣid al-sharīʿah*—the higher objectives of Islamic law—this rigidity invites critical reassessment. If the law aims to protect religion, lineage, and social welfare, then regulatory frameworks that produce legal insecurity, unregistered unions, and gendered vulnerability may undermine these very objectives.[12] A *maqāṣid*-oriented approach thus opens space for rethinking the balance between doctrinal consistency and social reality.

Empirically, this study draws on qualitative fieldwork conducted between 2022 and 2025 in Jakarta, Surabaya, and Biak, combining ethnographic interviews with interreligious couples and institutional actors alongside legal and policy analysis. These sites were selected to

[8] Crouch, 2013

[9] See Fealy et al., 2006; Lukito, 2012; Turner, 2013; Bemmelen, 2017; Black, 2024

[10] *Ahl al-Kitāb* literally means People of the Book, which includes Jews and Christians. However, its meaning and role in Muslim societies has varied over time. See Wahyudi MH, 1998

[11] MUI issues two fatwas on interreligious marriage: 1980 and 2005. Both prohibit Muslim men and women marrying non-Muslims. See Majelis Ulama Indonesia, 2020

[12] Auda, 2008; Kamali, 2008

capture variation in religious demography, bureaucratic practice, and legal culture. While the number of cases is limited, the findings provide analytically rich insights into how couples navigate a system characterized by both constraint and opportunity. Their strategies—including conversion, dual rituals, customary marriage, overseas marriage, and, until recently, court registration—reflect not simply individual agency but constrained decision-making shaped by family pressure, economic considerations, gender dynamics, and institutional barriers.[13]

Against this backdrop, the article addresses four interrelated questions: how religious and state institutions jointly regulate access to marriage; how interreligious couples navigate and contest these constraints; what a religious economy perspective reveals about competition, monopoly, and legitimacy; and how recent regulatory developments, particularly Supreme Court Circular (SEMA) No. 2 of 2023, reshape available pathways. The analysis argues that Indonesia's marriage system operates as a state-supported religious monopoly that restricts supply, generates alternative institutional niches, and continuously produces new forms of negotiation. Interreligious marriage, in this sense, offers a revealing lens into the broader dynamics of law, religion, and politics in contemporary Indonesia.

This article is divided into three sections. The first section explores the legal framework that creates religious monopolies over marriage and highlights attempts at judicial review as examples of regulatory contestation. The second section examines how couples adopt strategies to overcome institutional obstacles, exemplifying demand-side innovation. The third section discusses the judicial market for IRM recognition and the regulatory adjustments following SEMA No. 2/2023. The conclusion synthesizes these insights, showing how interreligious marriage acts as an empirical model of Indonesia's wider religious economy.

[13] See Smith-Hefner, 2019; Hermono et al., 2023

Interreligious Marriage in the National Marriage Law and the Compilation of Islamic Law

IRM occupies an ambivalent yet analytically revealing position within Indonesia's legal and religious order. Rather than being simply prohibited or permitted, IRM is structured through a regulatory configuration that simultaneously marginalizes and manages it. This marginalization is not primarily achieved through an explicit statutory ban but through a systemic delegation of authority to religious institutions, which function as gatekeepers of marital legitimacy. Consequently, IRM is best understood not as a legal anomaly but as a product of a broader institutional arrangement in which the law, religion, and bureaucracy intersect to regulate access to marriage.

From the perspective of a regulated religious economy, this arrangement reflects a system in which religious institutions act as dominant suppliers of legitimacy within a state-controlled environment. However, this framework requires further specification through legal pluralism and Bourdieu's concept of the juridical field. Indonesia exemplifies what Griffiths refers to as "weak legal pluralism," where multiple normative orders are formally recognized but ultimately subordinated to a centralized state structure. In this system, religious law is incorporated into state law not as an autonomous alternative but as a delegated authority. At the same time, the juridical field is characterized by competition among actors—religious authorities, courts, bureaucrats, and intermediaries—each mobilizing different forms of capital to define legitimate marriage.

Within this configuration, IRM emerges as a site of institutional tension and political negotiation, rather than a purely doctrinal issue. Recent scholarship supports this view. Koschorke demonstrates that Indonesia's overlapping legal regimes produce a paradoxical condition in which interreligious marriage is doctrinally restricted yet practically

negotiable.[14] Similarly, Nisa and Bavelaar show that marriage governance in Muslim-majority societies involves multiple authorities, indicating that legitimacy is not monopolized in practice even when it is formally centralized.[15] These findings suggest that IRM is best understood as a point at which competing normative orders and institutional interests converge.

1. The National Marriage Law (UUP 1/1974): Delegated Authority, Legal Pluralism, and Political Accommodation

The Marriage Law of 1974 is commonly framed as a unifying legal instrument that replaced colonial legal pluralism with a single national framework. However, this narrative is analytically incomplete. Rather than eliminating pluralism, the law reconfigures it by embedding religious authority within the structure of state law. Article 2(1), which defines marriage as valid only if conducted in accordance with the laws of each religion and belief, effectively delegates the power to determine marital legitimacy to religious institutions. As a result, the state's role is limited to administrative registration, contingent upon prior religious validation.

This delegation is not merely procedural but structural. As Fukron observes, the Marriage Law Article 1 conceptualizes marriage as an *ikatan lahir batin* (spiritual connection) grounded in *Ketuhanan Yang Maha Esa* (the Belief in the One and Only God), thereby placing religious values at the normative core of family law.[16] Similarly, Yusuf demonstrates that administrative procedures reinforce this hierarchy: marriages must first be validated by religious authorities before they can be registered by state institutions such as the Office of Religious Affairs (KUA) or civil registrars (Dukcapil).[17] In this sense, the law does not secularize marriage but

[14] Koschorke, 2019
[15] Nisa, 2023; Bavelaar, 2023
[16] Fukron, 2014
[17] A. M. Yusuf, 1996

institutionalizes a system in which religious legitimacy precedes legal recognition.

From a legal pluralism perspective, this arrangement reflects what Griffiths terms weak or state-managed pluralism, in which multiple normative systems are formally recognized yet subordinated within a centralized legal framework. Koschorke observes this dynamic, showing that Indonesia's legal system does not resolve tensions between normative orders but instead internalizes religious norms as civil requirements.[18] Similarly, Nisa and Bavelaar show that in Muslim-majority contexts, marriage is rarely governed by a single authority. Couples frequently navigate multiple institutional actors—including clerics, courts, bureaucrats, and transnational legal frameworks—to secure recognition.[19] In Indonesia, this produces a paradoxical condition: interreligious marriage is formally restricted yet practically negotiable.

Within a religious economy framework, this structure creates a clear supply-side constraint. Religious institutions function as exclusive providers of marital legitimacy, and because most recognized religions in Indonesia do not permit interreligious marriage, IRM is effectively excluded from the formal system. The absence of an explicit statutory ban on IRM should not be interpreted as neutrality; rather, it operates as a regulatory mechanism that channels access to marriage through doctrinal compliance. Empirical evidence supports this interpretation. Aini et al. report that only around 0.5 percent of marriages recorded in the 2010 census were interreligious, one of the lowest rates globally.[20] However, this figure likely understates the actual prevalence due to pre-marital conversions and administrative barriers, indicating that the apparent rarity of IRM is partly a product of institutional design rather than social preference.

[18] Koschorke, 2019
[19] Nisa, 2023; Bavelaar, 2023
[20] Aini et al., 2019

In this light, the Marriage Law of 1974 does not merely regulate marriage; it organizes a field of authority in which religious institutions, state agencies, and individuals interact under unequal conditions. Interreligious marriage serves as a critical lens through which these dynamics can be observed, revealing how legal pluralism, institutional competition, and political interests converge to shape the boundaries of legitimate family life in Indonesia.

2. *Kompilasi Hukum Islam (KHI): Codification, Standardization, and the "Strictness Coalition"*

The introduction of the *Kompilasi Hukum Islam* (KHI), or the Compilation of Islamic Law, in 1991 further solidified this system by formalizing Islamic legal norms within the national legal structure. Rofiq and Fadhli et al. note that the implementation of KHI via Presidential Instruction No. 1 of 1991 brought together different applications of Islamic law by the religious courts (*Peradilan Agama*) under a single, standardized government interpretation.[21] Similarly, Fukron notes that the KHI functions as a written guideline for Islamic law within the national legal system, primarily for Muslims; it is not an independent law but a source of positive law that complements Law No. 1 of 1974 on Marriage and related laws. It aligns with Islamic principles and does not oppose human rights as specified in Article 18 of the 1945 Constitution. Moreover, the provisions of Law No. 1 of 1974 are consistent with the principles of the national ideology of Pancasila.

KHI's regulations prohibit interreligious marriages. Article 40(c) restricts marriage between a man and a woman under specific conditions, including "a woman who is not Muslim." This is reinforced by Article 44, which explicitly states: "A Muslim woman is forbidden from marrying a man who is not Muslim." Additionally, Article 61 on marriage bans states

[21] Rofiq, 2013; Fadhli et al., 2022

that "being unequal (not *kufu'*) cannot justify denying a marriage, except when the inequality involves religious differences (*ikhtilāf al-dīn*)."[22] As a result, KHI expands on and clarifies Law No. 1 of 1974 within an Islamic legal framework. The MUI supported this position through fatwas issued in 1980 and 2005. The first fatwa addressed the theological concerns of interreligious marriage, while the second considered its social implications.[23] As Pusjianti observes, most Indonesian ulama endorse the MUI's stricter stance, which exceeds classical Islamic jurisprudence (*fiqh*) and even the Qur'an's prohibition of marriage between Muslim men and women and non-Muslim partners.[24]

In 2004, Musda Mulia and a group of researchers from the Ministry of Religious Affairs (MoRA) released the *Counter Legal Draft Kompilasi Hukum Islam* (CLD, Counter Legal Draft of the Compilation of Islamic Law), which opposed KHI's rulings, including those on interreligious marriage. Article 54 (1-2) states that "the marriage between a Muslim and a non-Muslim is allowed" and that such marriages should be based on "mutual respect and upholding the right to religious freedom." While the CLD proposed a more inclusive approach to interreligious marriage grounded in equality and religious freedom, it was swiftly withdrawn following criticism from major religious organizations.[25] This episode demonstrates that legal interpretation is not merely a matter of doctrinal reasoning but is shaped by power relations within the juridical field.

This process illustrates Bourdieu's concept of the centralization of symbolic capital within the juridical field. By codifying Islamic law, the state prioritizes certain interpretations over others, restricting legitimate legal reasoning. In interreligious marriage, this results in a clear prohibition that reinforces pre-existing implicit restrictions in the Marriage Law. Nonetheless, this codified stance does not represent the full

[22] *Undang-Undang RI Nomor 1 Tahun 1974 Tentang Perkawinan & Kompilasi Hukum Islam*, 2015
[23] Afdillah, 2020
[24] Pujianti, 2022
[25] Koschorke, 2019

scope of Islamic legal thought, which historically shows more diversity—especially concerning marriage between Muslim men and *ahl al-kitāb* women. The contrast becomes clearer through the *maqāṣid al-sharīʿah*, which focus on justice and social welfare, suggesting that outright prohibitions may conflict with these core objectives, given ongoing issues such as unregistered unions and societal vulnerabilities.

The alignment between the Marriage Law, KHI, and MUI fatwas forms what may be described as a "strictness coalition"—a convergence of state and religious elites that stabilizes a restrictive interpretation of marriage. This coalition is not merely doctrinal but political: it reinforces institutional authority, limits interpretive diversity, and reduces challenges to existing hierarchies. By narrowing the range of acceptable legal reasoning, it consolidates symbolic capital within dominant actors while marginalizing alternative interpretations grounded in *maqāṣid* or rights-based approaches.

3. Judicial Review: Constitutional Limits and the Politics of Deference

Judicial challenges to the Marriage Law provide further insight into the structure of this system. Although petitioners have repeatedly argued that Article 2(1) violates constitutional rights to religious freedom and equality, the Constitutional Court has consistently rejected these claims. In doing so, it has reaffirmed the centrality of religious law in determining the validity of marriage.

The most prominent case occurred on 4 September 2014, when five law students and alumni from the University of Indonesia filed a petition for judicial review with the Constitutional Court (MK).[26] The petitioners argued that Article 2(1), which requires marriages to conform to religious law, discriminates against interfaith couples and violates Article 28E(2) of the 1945 Constitution, which guarantees freedom of belief, expression,

[26] Koschorke, 2019; Syarief & Nurrohman, 2014

and conscience. Drawing on Law No. 39 of 1999 on Human Rights, they further contended that such restrictions constitute discrimination, defined broadly as any limitation or exclusion based on religion or other identity markers that undermines fundamental rights, including equality before the law and freedom from coercion.

Despite these arguments, the MK rejected the petition. As reported by Sahbani (2015), the Court reaffirmed that marriage in Indonesia is intrinsically linked to religious law and that the state is constitutionally justified in requiring marriages to comply with religious norms.[27] Grounding its reasoning in the principle of *Ketuhanan Yang Maha Esa*, the MK held that the Marriage Law does not violate constitutional guarantees but instead reflects the foundational role of religion in Indonesia's legal and social order. This decision effectively closed off the possibility of expanding interreligious marriage through constitutional litigation, leading some to describe it as the "final chapter" of such efforts.

The Court's position was strongly supported by religious institutions and state actors. MUI endorsed the ruling, affirming that interreligious marriage was invalid under both Islamic and national law.[28] Similarly, the Hindu council (PHDI) emphasized that Hindu teachings do not recognize such unions, while government officials, including the Minister of Religious Affairs, reiterated that marriage in Indonesia is fundamentally grounded in religious principles.[29] Religious bureaucrats further underscored that marriage registrars (*penghulu*) are required to reject interfaith marriages.[30] These responses highlight a broad alignment between religious authorities and state institutions in maintaining doctrinal boundaries.

[27] Sahbani, 2015
[28] Susanti, 2014
[29] Sasmita, 2014
[30] Alamsyah, 2014; Marniati, 2015

Subsequent challenges have followed a similar trajectory. In 2022, Ramos Petege, a Catholic petitioner from Papua, filed a judicial review arguing that Article 2(1) prevented him from marrying his Muslim partner and violated constitutional guarantees of religious freedom and equality. However, the MK again rejected the claim, reaffirming that the validity of marriage was inseparable from religious norms and consistent with Indonesia's constitutional framework.[31]

More recently, in 2025, Muhammad Anugrah Firmansyah submitted another petition challenging Article 2(1), focusing on its legal ambiguity and inconsistent implementation. He argued that differing court practices and the impact of SEMA No. 2/2023 create uncertainty and restrict access to marriage registration, thereby affecting rights related to family status and inheritance.[32] Unlike earlier cases, this challenge emphasizes not only doctrinal restriction but also administrative inconsistency as a source of constitutional harm.[33] At the time of writing, the case remains under review.

Taken together, these judicial challenges reveal a consistent pattern: while petitioners frame interreligious marriage as a matter of individual rights, the MK consistently prioritizes religious norms as foundational to the legal validity of such marriages. This reflects not merely a legal interpretation but also a broader institutional alignment in which courts, religious authorities, and state agencies converge to maintain a religion-based framework of marriage law.

In sum, the Marriage Law, KHI, and judicial decisions create a layered yet contested system marginalizing interreligious marriage. This results from a complex institutional design blending religious doctrine, law, and judicial interpretation. From a religious economy perspective, this system produces a controlled market characterized by restricted supply

[31] Cempaka, 2022; Bumiswara, 2023
[32] Argawati, 2025
[33] Fadhil, 2025; Mulya, 2025; Rindrasari, 2025

and adjusts demand. From a legal pluralism view, it shows a hierarchical coexistence of normative orders with unequal access. Politically, it reflects ongoing negotiations between state and religious authorities, with marriage regulation as a key site of governance.

Interreligious Marriage Practices in Indonesia: Institutional Navigation, Structured Agency, and the Politics of Legitimacy

IRM in Indonesia is a structurally produced phenomenon that emerges from the interaction of doctrinal restrictions, administrative procedures, and political negotiations over authority. While the Marriage Law of 1974 does not explicitly prohibit interfaith unions, its delegation of marital validity to religious institutions creates a system in which IRM is functionally excluded. Yet, as the empirical material demonstrates, this exclusion is never total. Instead, interreligious marriage persists through a range of adaptive practices that reflect not only individual agency but also the broader institutional environment in which such agency operates. The following presents an overview of IRM practices, drawn from in-depth interviews with couples, facilitators, priests, and community mediators conducted between 2022 and 2025 in Jakarta, Surabaya, and Biak.[34]

1. Four Practices of IRM: Pathways of Negotiation under Constraint

a. *Nikah Adat*: Customary Authority as Alternative Legitimacy

Nikah adat, or customary marriage, is a key alternative to formal religious and state marriage systems, especially in Papua. In Biak, *nikah adat* is often the primary means of legitimizing unions, challenging the

[34] All interviews in this section were conducted with informed consent. Participants' anonymity was protected with altered details, and sharing or recording was limited by participants due to risks associated with interreligious marriage.

idea that state or religious laws are the primary authorities. Instead, *adat* functions as a parallel normative system with its own legitimacy.

On the island of Biak, where an Indonesian military base and a special police post bring residents of many religions into daily contact, interreligious relationships are common. Yet the dominant church, the Evangelical Christian Church (GKI), draws firm doctrinal boundaries: marriages between GKI members and followers of other Christian denominations require special recommendation letters, while unions with non-Christians are outright prohibited unless the partner converts—something GKI refuses to facilitate if conversion is done "only for marriage." Pastors Hagar, Brubi, and Moses described such unions as *beda iman* (different faith), prompting the church to decline to solemnize them.[35] Accordingly, Sinay and Hutagalung's study of interreligious marriage in Biak finds that religious gatekeeping, especially by GKI and other major churches, often prevents interfaith or interdenominational marriages from being solemnized, pushing couples toward *adat* as the most accessible and least restrictive route.[36] Faced with these religious barriers, many couples turn instead to *nikah adat*, where clan elders officiate the union, families exchange symbolic goods, and legitimacy is granted without conversion or bureaucratic approval.

This pattern in Biak reflects a broader trend across Papua, where *nikah adat* remains central to social life and family formation. Regional data show its prevalence: in Merauke, hundreds of thousands are married without registration;[37] in Manokwari, 52.89% of couples lack marriage certificates;[38] Mimika also faces similar issues, with the government retroactively legalizing 101 *nikah adat*.[39] The pattern is consistent across districts: *nikah adat* dominates.

[35] Hagar et al., *interview*, March 30, 2022
[36] Sinay & Hutagalung, 2025
[37] Keo, 2022
[38] Ichsan, 2023
[39] Mnsen, 2025

Challenges in recording citizenship—due to terrain, limited infrastructure, and mobility—lead to inconsistent and inaccessible civil registration. Reliance on *adat* leaves many marriages unregistered (*kawin belum tercatat*). Kurniawan's research indicates that many families marry outside the law because religious and bureaucratic processes are too complex or unavailable. Remote, understaffed, and costly marriage fees delay registration, as long journeys and fees deter families, so state certification is sought only when necessary (Kurniawan 2022).[40] *Nikah adat* hampers access to legal documents, affecting formal unions, birth registration, and women's inheritance rights, reinforcing long-term social and administrative disadvantages for Papuan households.

From a legal pluralism perspective, *nikah adat* demonstrates empirical pluralism, with multiple legal systems coexisting informally despite a lack of formal recognition. While state law favors religious validation, customary systems still serve as authoritative for marriage regulation, especially in areas with limited bureaucratic infrastructure and strict religious doctrines. In Papua, the prevalence of *nikah adat* results from structural factors like restrictive religious rules, limited administrative access, and socio-economic constraints. Although it provides social recognition, it often lacks legal validity, affecting inheritance, citizenship, and family rights—particularly for women and children. As a substitute provider of legitimacy, *adat* functions as an effective alternative within Indonesia's diverse legal landscape.

b. Conversion: Between Belief, Strategy, and Structural Constraint

Conversion is perhaps the most common pathway for interreligious couples seeking legal recognition. However, it is analytically misleading to interpret conversion solely as a matter of personal belief. Instead, it must

[40] Kurniawan, 2022

be understood as a practice situated at the intersection of religious identity, bureaucratic requirements, and socio-economic pressures.

Empirical cases reveal multiple forms of conversion, including cultural conversion. The Balun village in East Java represents this phenomenon, where Christians, Muslims, and Hindus convert to each other's religion for interreligious marriage purposes.[41] The village is well known for its tolerance, earning it the nickname "Desa Pancasila" (the Pancasila Village).[42] Due to the village's high level of religious tolerance, these conversions do not cause social unrest.

Another common practice is an "administrative conversion," where individuals change their religious status for legal purposes while maintaining their original beliefs. During my fieldwork in South Jakarta on 6 March 2022, a local Muslim leader (*kiai*) invited me to observe a Nigerian Christian's "*ikrar syahadat*" (declaration of faith) converting to Islam. The convert said he embraced Islam mainly to marry his Muslim girlfriend, having learned little about the religion. He approached the *kiai* for help after receiving a recommendation from the KUA, in the hope that his marriage would be approved. His partner said her family would accept their marriage if he converted.

Additionally, Gabriel, a Christian who converted to Islam "on paper" to marry Naura, obtained a *muallaf* (Muslim conversion) certificate through informal channels to avoid Islamic instructional requirements. He said he respects Islamic rituals but remains Christian and plans to revert. Naura, meanwhile, insisted that Gabriel convert to Islam, as she couldn't convert to Christianity, fearing loss of her family business and inheritance.[43]

[41] Guntur, 2016

[42] Diyaksa, 2023; Manshuri, 2019; Midaada, 2018a, 2018b; Nurdiyanto & Dani, 2023; Sudjarwo, 2023

[43] Gabriel & Naura, *interview*, October 13, 2025

This passage explains how religious conversion reflects a gap between personal belief and official identification, shaped by structural factors like family, inheritance, and gender norms. For example, Naura and Gabriel's case shows that conversion can be a means of accessing economic rights and upholding family ties, often influenced by societal pressures. Gender plays a crucial role, with Muslim women facing more restrictions, affecting their ability to convert and their bargaining power. Brokers, including religious and bureaucratic actors, facilitate these processes within existing authority networks. Ultimately, conversion is a structured practice influenced by institutional constraints, power dynamics, and socio-economic factors, not just individual choice.

c. Dual Ritual: Symbolic Negotiation and Institutional Ambiguity

Dual-ritual marriage represents a distinct strategy that prioritizes relational and symbolic recognition over formal legal certainty. By performing ceremonies in both religious traditions, couples seek to satisfy familial expectations and maintain connections to both communities. This practice reflects a form of symbolic negotiation within the juridical field. Rather than choosing a single source of legitimacy, couples engage multiple institutions, creating a layered form of recognition. However, this strategy also exposes the limits of institutional coordination. While dual rituals may achieve social acceptance, they often fail to secure legal recognition, highlighting the disjuncture between symbolic and administrative legitimacy.

Local case studies highlight both the opportunities and challenges of this approach.[44] Joanna, a Catholic married to Daffa, a Muslim, describes a stable 25-year interreligious marriage achieved through negotiations with both families. Approval was granted after Daffa reassured Joanna's parents that he would not practice polygamy, and

[44] Joanna, *interview*, October 16, 2025; Rizqi & Daffa, *interview*, October 16, 2025

Joanna agreed not to pursue his conversion. Following advice from a *kiai*, they held both Catholic and Islamic ceremonies and obtained dual certificates from Dukcapil and KUA, mainly facilitated by Daffa's mother. Another case study, that of Rizqi, shows a similar path, where prior family healthy relationship eased administrative pressures. These couples maintain their religious differences through pragmatic solutions, including adaptable domestic practices and negotiated approaches to their children's religious upbringing. Nonetheless, they recognize ongoing social pressures, especially concerning religious identity. Although they would allow their children to marry across religions, they do not actively promote this, reflecting the enduring societal and institutional barriers to interfaith marriages in Indonesia. These examples demonstrate that interreligious marriage often depends on family mediation and institutional expertise to overcome legal obstacles.

Conversely, another case highlights the vulnerabilities within this pathway.[45] Amira, a Muslim woman, dated her Catholic boyfriend for two years before consulting interreligious marriage brokers Aan Anshori and Nurcholish, along with several Muslim scholars, to address her and her family's concerns about their potential marriage. In 2022, she had an Islamic wedding at a Jakarta hotel and later took part in a blessing ceremony at the Jakarta Cathedral. Despite getting married in 2022, Amira and her partner have not yet obtained a marriage certificate from KUA or Dukcapil, and they are still working to secure one. This illustrates how outcomes depend on local conditions and individual discretion, reflecting the decentralized nature of bureaucratic practice.

Thus, performing two ceremonies alone does not guarantee registration. Father Kaderi clarifies that although Catholicism permits interreligious marriages with non-Catholics under strict conditions, the

[45] Amira, *interview*, September 19, 2025

Church's blessing does not always match legal requirements.[46] The cases of Joanna, Daffa, Rizqi, and Amira illustrate this discrepancy.

Theoretically, the dual ritual approach illustrates the difference between normative legitimacy—recognized by religious communities—and legal legitimacy—recognized by the state. Although they can overlap, they are not the same, and the divide between them allows for both innovation and uncertainty.

d. Marriage Abroad: Transnational Exit as Elite Strategy

Marriage abroad represents the most legally secure but least accessible pathway for interreligious couples. By relocating the marriage to jurisdictions that permit interfaith unions, couples bypass domestic restrictions and obtain internationally recognized marriage certificates.

The government details the process of validating marriages conducted abroad on its official website, www.indonesia.go.id. In accordance with Article 56 of the Marriage Law 1974 and Article 37 of the Citizenship Administration Law, the government states that marriages between two Indonesian citizens or between an Indonesian citizen and a foreign citizen abroad can be recognized if the proper foreign marriage documents are provided.[47]

Interreligious marriage abroad is expensive, and only a few people can afford it. Celebrities prefer to marry abroad with partners of different faiths to avoid administrative difficulties.[48] Correspondingly, Anshori testifies that, during his interreligious marriage-brokering activities, he facilitated only one interreligious marriage abroad.[49] Nevertheless, this pathway often involves brokers who specialize in transnational IRM: legal

[46] I. Kaderi, *interview*, October 16, 2025; *Kitab Hukum Kanonik*, 1983
[47] *Mendaftarkan Pernikahan Yang Berlangsung di Luar Negeri*, 2019
[48] See, for instance, Pramesti, 2021
[49] A. Anshori, *interview*, October 10, 2025

consultants who authenticate foreign documents, guides familiar with each country's procedural rules, and religious facilitators who accompany couples abroad.

From a religious-economy perspective, marrying abroad is a high-cost, high-reliability option. It provides a way to overcome supply limitations but at a cost that many cannot afford, thereby reinforcing current inequalities. Brokers are essential in enabling transnational marriages, linking couples to foreign legal frameworks and handling administrative tasks. These intermediaries expand the marriage market across borders, highlighting the global nature of interreligious marriage practices.

2. Brokerage and Institutional Mediation: The Infrastructure of Access

The comparison between Jakarta, Surabaya, and Biak illustrates how local religious and bureaucratic contexts influence pathways to interreligious marriage. In Jakarta, a high level of religious diversity and dense administrative networks facilitate 'bureaucratic shopping,' where couples may seek administrative conversion, dual-ritual weddings, or, before SEMA 2/2023, court petitions. Brokers—comprising religious, legal, bureaucratic, and NGO actors—assist couples in navigating these complex procedures. Surabaya, sharing similar urban features and being close to Surakarta's historically lenient courts, sees common practices like dual rituals and legal petitions among socially capable couples. Conversely, in Biak, *nikah adat* prevails due to geographic isolation, limited bureaucratic access, and GKI's strict stance restricting interfaith marriage, leading couples to depend on customary authority instead of the state. Civil registration is often delayed or deemed unnecessary. These differences highlight how institutional density, religious authority, and socioeconomic resources influence the options available to interfaith couples throughout Indonesia.

Table 1: Regional Comparison: Jakarta, Surabaya, and Biak

Region	Religious Demography	Bureaucratic Attitude Toward IRM	Dominant Pathway Used by Couples	Role of Brokers	Key Observations
Jakarta (Urban, Multi-faith)	High religious diversity; strong Muslim majority with significant Christian and Catholic populations	Mixed; some flexibility at Dukcapil, strong restriction at KUA; occasional court approvals pre-SEMA	Conversion (admin or sincere), dual rituals; attempts at registration	Religious, legal, NGO brokers active; strong networks	Administrative conversion common due to family pressure; well-developed broker ecosystem
Surabaya (Urban, East Java)	Muslim-majority city with active NU and Muhammadiyah ; Catholic/ Protestant minorities	Relatively more flexible courts and Dukcapil before SEMA 2/2023	Dual ritual and civil registration; court-based route historically popular	Legal and bureaucrat ic brokers especially active	Surakarta court influence shaped Surabaya couples' expectations; dual certificates were occasionally achievable
Biak, Papua (Rural, Indigenous-Christian)	Predominantly Christian (GKI) with strong *adat* structures; Muslim minority	Highly restrictive religious institutions; *adat* more influential than state	*Nikah adat*, unregistered marriages	Adat elders act as primary brokers	Interfaith unions often navigate outside state law entirely; customary legitimacy supersedes administrative validity

Within these three areas, brokers serve as an oft-invisible infrastructure that helps interreligious couples navigate institutional

challenges. These intermediaries—including religious leaders, legal experts, bureaucratic insiders, commercial agents, and NGO activists—operate in various niches but collectively form a connected network that bridges gaps in official systems. Religious brokers such as *kiai*, priests, and pastors are usually the first point of contact, offering doctrinal guidance, issuing *muallaf* certificates, or providing dispensations to help couples fulfill religious requirements, even when such conversions are mainly administrative. Legal brokers—lawyers and litigators—specialize in drafting petitions, interpreting regulations, and identifying courts or jurisdictions known for leniency, particularly before the judicial pathway was restricted by SEMA 2/2023. Their expertise often determines the outcome of legal petitions.

Bureaucratic brokers, typically KUA or Dukcapil staff, have in-depth knowledge of internal administrative processes. They help fix mismatched documents, assist couples in registration, and sometimes facilitate faster procedures informally. Commercial brokers mainly operate internationally, organizing overseas marriages in areas where interfaith unions are permitted; they manage travel, documentation, and post-marriage legalization. NGOs and civil society brokers—like JIAD activists or legal aid groups—provide counseling, rights education, and moral support, and connect couples with understanding officials or lawyers.

These actors are motivated by various incentives, including pastoral duty, legal fees, administrative efficiency, commercial profit, or ideological commitment. Nonetheless, all their roles aim to lower the high transaction costs generated by Indonesia's religious–legal marriage system. As a result, brokers become essential intermediaries, influencing the marriage choices accessible to interreligious couples.

Table 2: Broker Typology and Networks

Broker Type	Examples	Networks	Incentives	Typical Fee Range	Reported Success Rate
Religious	*Kiai*, priests, pastors	KUA, parishes, *pesantren*	Moral, community prestige	Low/Donation	High for conversion
Legal	Lawyers, litigators	District courts	Income, case reputation	Medium–High	High pre-SEMA
Bureaucratic	KUA staff, Dukcapil clerks	Internal offices	Facilitation, compliance	Low–Medium	Medium/ variable
Commercial	Overseas marriage agents	Hong Kong/ Singapore civil offices	Profit	High	Very high abroad; medium at home
NGO	JIAD, legal aid	Media, activists	Rights advocacy	Free/ donations	High popularity

Overall, interreligious marriage in Indonesia should be viewed as a deliberate negotiation within a regulated system. The methods discussed—such as customary marriage, conversion, dual rituals, and marrying abroad—serve as various approaches to overcoming institutional hurdles. These methods illustrate the tension between personal agency and structural limitations. Although couples actively influence their paths, their decisions are constrained by legal, religious, and socio-economic factors. IRM in Indonesia shows how authority is allocated, challenged, and negotiated, and how individuals adapt to systems that both restrict and facilitate their choices.

From a Bourdieusian perspective, brokers do not merely facilitate access; they redistribute power within the juridical field. By translating

institutional rules into actionable strategies, they enable actors with limited capital to navigate complex systems. At the same time, they reproduce the very structures they mediate, as their services depend on the persistence of regulatory complexity. Brokers, therefore, function as both enablers of agency and stabilizers of institutional inequality.

The Judicial Market for Interreligious Marriage Recognition

Interreligious marriage (IRM) in Indonesia is ambiguously positioned between governance, religious authority, and law. It's not explicitly banned; Article 2(1) of the 1974 Marriage Law requires religious conformity and delegates authority to religious institutions. This doesn't ban interfaith marriage but makes recognition contingent on doctrinal compliance. However, courts can grant civil recognition, creating a gap where IRM is both restricted and negotiable.

From a legal pluralism perspective, this configuration depicts a layered system with multiple normative orders coexisting in a hierarchical manner. Religious law determines the validity of marriage, and civil law handles registration. When religious validation is not possible—such as for interreligious couples—the judiciary serves as a key intermediary. Courts do not alter religious legitimacy; instead, they offer administrative recognition, allowing couples to access legal rights. This is important: judicial approval is not doctrinally legalizing interfaith marriage, but it grants civil status, bridging religious exclusion and social needs.

The courts' role in Indonesia's legal system includes not just deciding cases but also ensuring their decisions are carried out, as mandated by Law No. 14 of 1970. When a court orders a Dukcapil to register a marriage, authorities must comply as outlined in Law No. 30 of 2014, which requires officials to follow court rulings. Dukcapil offices nationwide see their role as procedural, executing court orders regardless

of religious issues.[50] This creates a dependency system in which civil registration relies on judicial approval when religious validation is missing.

Over time, this judicial mechanism evolved into a stable and widely utilized pathway. Empirical data from the Supreme Court's Decision Directory reveals 185 interreligious marriage-related decisions between 2005 and 2023, with 107 cases specifically concerning registration requests.[51] Notably, the approval rate exceeded 90 percent, indicating that courts generally adopted a permissive approach toward such petitions.[52] This pattern suggests that, in practice, the judiciary served as an alternative provider of legitimacy within a system in which religious institutions maintain a near-monopoly over the validity of marriage.

This pattern was especially clear in regional differences in judicial conduct. The Surakarta District Court set a precedent by approving the first interreligious marriage registration in 2007 and handled a significant share of such cases nationally. Courts in cities like Jakarta, Surabaya, and Yogyakarta were perceived to be more welcoming for such petitions. Interreligious couples often strategically moved or filed petitions in these areas, a process sometimes called jurisdictional shopping.[53] This behavior indicated legal awareness and a rational response to institutional differences, underscoring the uneven access within Indonesia's legal system.

From a religious economy standpoint, this legal route can be seen as a response to supply-side limitations. Religious institutions often refuse to sanctify interfaith marriages, leading to a shortage of valid marriage options for couples of different faiths. As a result, courts emerged as an alternative by providing civil recognition that meets administrative standards. Here, the judiciary acts as a competing provider within a

[50] See Fakhruddin, 2022; Hedi, 2022; Masyrafina, 2023; Pradana, 2022; Putra, 2022; Saputra, 2022

[51] See putusan3.mahkamahagung.go.id

[52] Salma & Ginting, 2022a, 2022b

[53] A. Anshori, *interview*, October 10, 2025

controlled market for legitimacy. Couples choose their pathway by selecting institutions that offer the best chances of success, considering legal certainty, costs, and procedural ease.

Table 3: Top Ten Cities with IRM Cases

City	Number of Cases
Surakarta	35
South Jakarta	8
East Jakarta	8
Bandung	4
Yogyakarta	4
Central Jakarta	3
Tangerang	3
Purwokerto	3
Surabaya	3
Magelang	3
Other Cities	33

However, this judicial accommodation faced consistent opposition. Religious groups and political figures regularly questioned the validity of court rulings that allow interreligious marriage registration. MUI, along with representatives from Muhammadiyah and other religious organizations, contended that these rulings opposed religious doctrine and threatened the integrity of the Marriage Law.[54] Politicians from parties like the United Development Party (PPP) also expressed similar

[54] Dofir, 2022; Permana, 2022; Suryarandika, 2022; Suryarandika et al., 2023

concerns, viewing judicial decisions as breaches of constitutional principles and religious norms.[55] These reactions demonstrate that the judicial route is not just a technical matter but also a battleground for institutional disputes.

At the same time, more moderate voices within legal and academic circles highlighted the ambiguities inherent in the current system. Constitutional law experts and judges pointed to the lack of legal certainty arising from reliance on judicial discretion, noting that outcomes varied significantly across courts and judges.[56] This variability reinforced inequalities, as access to marriage recognition became contingent on geographic location, social capital, and procedural knowledge. Critics argued that the absence of a clear legal framework resulted in a fragmented system that simultaneously enabled and restricted interreligious marriage.[57]

These tensions culminated in the issuance of SEMA No. 2 of 2023, which prohibited judges from granting petitions for interreligious marriage. This policy effectively closed off the judicial pathway that had previously served as the primary avenue for civil recognition. While framed as a clarification of judicial authority, the timing and context of the circular suggested a broader political motivation. Reports indicated that the Supreme Court consulted with religious organizations prior to issuing the directive, reflecting a coordinated effort to align judicial practice with dominant religious positions.[58]

Analytically, SEMA No. 2/2023 represented a process of recentralization within the juridical field, in which competing sources of legitimacy were curtailed to restore the dominance of religious authority. This shift reflected not only legal reasoning but also political alignment

[55] A. Yusuf, 2023
[56] Rahayu et al., 2022; Bumiswara, 2023
[57] Riski, 2022; Riana, 2023; A. Anshori, *interview*, October 10, 2025
[58] Firmansyah, 2023

between state institutions and religious actors seeking to reassert control over the boundaries of legitimate marriage. By eliminating judicial alternatives, the state effectively transformed a plural and contested system into a more tightly regulated hierarchy. However, this consolidation did not eliminate demand; rather, it displaced it, pushing interreligious couples toward informal, transnational, or legally ambiguous strategies. The result is a paradox: efforts to strengthen doctrinal control may ultimately increase legal uncertainty and social inequality.

Conclusion

This article has argued that IRM in Indonesia is a structured outcome of the country's legal, religious, and political configuration. By analyzing IRM through the combined frameworks of religious economy, legal pluralism, and the judiciary, the study demonstrates that marriage regulation in Indonesia operates as a system of controlled access, with religious institutions holding a near-monopoly over legitimacy, while the state organizes and enforces this authority through administrative and legal mechanisms.

The empirical findings reveal a persistent gap between normative regulation and lived reality. Although religious doctrine formally restricts interreligious marriage, couples continue to navigate the system through a range of adaptive strategies, including conversion, dual rituals, customary marriage, overseas marriage, and, until recently, judicial registration. These practices illustrate that individual agency does not operate in a vacuum but is shaped by institutional constraints, family pressures, economic considerations, and gender dynamics. Interreligious marriage, therefore, is best understood as a form of structured negotiation, where actors strategically respond to limitations while simultaneously reproducing the system in which they operate.

A key contribution of this study is its identification of institutional competition within Indonesia's marriage regime. Religious institutions, courts, and state agencies do not function as a unified system but as actors within a contested field of authority. The emergence of the judicial pathway for interreligious marriage registration, with its high approval rates and regional variation, demonstrates how alternative sources of legitimacy can develop within gaps in the system. Courts, in this context, served as intermediaries for civil recognition, partially offsetting the restrictive stance of religious authorities.

However, the issuance of SEMA No. 2/2023 marked a critical turning point. By prohibiting judges from granting interreligious marriage registration, the policy effectively eliminated the judicial pathway and recentralized authority within religious institutions. This shift reflected not only legal clarification but also a broader political alignment between state and religious actors seeking to consolidate control over marriage. The result is a more hierarchical, less flexible system in which alternative pathways are increasingly constrained.

At the same time, the restriction of formal avenues does not eliminate demand for interreligious marriage. Instead, it is likely to displace it into informal, transnational, or legally ambiguous practices, thereby increasing legal uncertainty and reinforcing socio-economic inequalities. Couples with greater resources may continue to access alternative pathways, such as marriage abroad, while those with limited means may be forced into unregistered unions, with significant implications for legal protection, particularly for women and children.

Ultimately, interreligious marriage serves as a revealing lens into Indonesia's broader socio-legal order. It highlights how law, religion, and politics intersect to shape the boundaries of legitimate social life, and how authority is distributed, contested, and renegotiated within a plural yet hierarchical system. By foregrounding both institutional dynamics and lived experiences, this study contributes to a deeper understanding of how

regulated religious systems function in practice and how individuals navigate the constraints they impose.

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