

The Concept of Islamic Moderation: A Response to the Polemics of Interfaith Marriage in Indonesia

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Abstract

The phenomenon of interfaith marriages continues to be an issue of controversy. While this type of marriage offers a huge opportunity for strengthening interfaith relations, the obstacles they're faced with are extremely critical. People in interfaith marriages must always deal with worries about societal involvement and adaptability, not simply on an individual stage but also within their wider families, the country itself, and their future kids. Considering these problems, living in a fast-globalizing civilization where individuals from different cultures are frequently interacting indicates that marriages between people of different faiths will continue to be common. As a result, the purpose set by the writer in this research is to examine the issue of marriage between faiths in Indonesia from the perspective of Islamic moderation. Given the fact that Indonesia has the world's biggest Muslim population, religious beliefs and social behaviors will always be rooted in society's traditions. The methodology applied to this study is qualitative research utilizing library-based collecting techniques; the writer gathers data from publications, scientific journals, and other resources. The author utilizes qualitative research, which provides data presented in the form of observations and descriptions integrated within the text under analysis. Moderation in Islam, as a concept, presents a holistic perspective. A decision must take into account a variety of variables, which involve not only religious beliefs but also mental, moral, social, and other considerations. Islamic moderation is a useful instrument for addressing the phenomenon of interfaith marriage that has emerged in Indonesia. Moderation is a heart; moderation is a way

Keywords: Islamic Moderation, Interfaith Marriage, useful instrument

Abstrak

Fenomena pernikahan lintas agama terus menjadi isu kontroversial. Meskipun jenis pernikahan ini menawarkan peluang besar untuk memperkuat hubungan antaragama, hambatan yang mereka hadapi sangatlah kritis. Orang-orang dalam pernikahan lintas agama harus selalu menghadapi kekhawatiran tentang keterlibatan dan adaptabilitas sosial, tidak hanya pada tingkat individu tetapi juga dalam keluarga besar mereka, negara itu sendiri, dan anak-anak mereka di masa depan. Mempertimbangkan masalah-masalah ini, hidup dalam peradaban yang semakin mengglobal di mana individu dari berbagai budaya sering berinteraksi menunjukkan bahwa pernikahan antara orang-orang dari agama yang berbeda akan terus menjadi umum. Oleh karena itu, tujuan yang ditetapkan oleh penulis dalam penelitian ini adalah untuk mengkaji masalah pernikahan lintas agama di Indonesia dari perspektif moderasi Islam. Mengingat fakta bahwa Indonesia memiliki populasi Muslim terbesar di dunia, keyakinan agama dan perilaku sosial akan selalu berakar pada tradisi masyarakat. Metodologi yang diterapkan dalam penelitian ini adalah penelitian kualitatif dengan menggunakan teknik pengumpulan berbasis perpustakaan; penulis mengumpulkan data dari publikasi, jurnal ilmiah, dan sumber lainnya. Penulis menggunakan penelitian kualitatif, yang menyajikan data dalam bentuk observasi dan deskripsi yang terintegrasi dalam teks yang dianalisis. Moderasi dalam Islam, sebagai konsep, menyajikan perspektif holistik. Sebuah keputusan harus mempertimbangkan berbagai variabel, yang tidak hanya melibatkan keyakinan agama tetapi juga pertimbangan mental, moral, sosial, dan lainnya. Moderasi Islam adalah alat yang berguna untuk menangani fenomena pernikahan lintas agama yang telah muncul di Indonesia. Moderasi adalah inti; moderasi adalah jalan.

Kata Kunci: Moderasi Islam, Pernikahan Lintas Agama, instrumen yang berguna

A. Introduction

Indonesia represents a heterogeneous and diversified country with a wide range of races, cultures, skin tones, and religions. One of the most fundamental sides of Indonesia's pluralism is the diversity of religions practiced by its population. Interfaith marriage is a contentious issue in Indonesia related of the country's multiculturalism. Given that Indonesia is the world's largest Muslim-majority country, interfaith marriage is a frequently controversial issue. This is the case due a great number of Muslims believe that interfaith marriage is expressly prohibited in Islam. Interfaith marriages will continue to occur in Indonesia, due to the nations that are various backgrounds and endless interactions across different faiths and cultures. Interfaith marriages are becoming more common in Indonesia year after year.

According to Ahmad Nurcholis, Program Director of the Indonesia Conference on Religion and Peace (ICRP), 12 to 15 couples married on average per month.¹

In the Islamic world, generally speaking, marriages of different faiths among Muslims and non-Muslims are forbidden. The restriction is more than a prohibition implemented without considering the consequences of interfaith marriage. They lead to various dangers, among them: interfaith marriages similar to sexual immorality, not receiving reward for prayer, difficulty of privileges granted for children in the form of support and guardianship, also and lack of inheritance rights. Diverse faiths marriages are additionally identified as one of the reasons for marriage prohibitions in article 61 of the KHI.² Interfaith marriage causes instability in the household due to the contrary with *maqashid sharia*.³

The term Islamic moderation has become widely accepted as a value and manner of life in Islam. Religious moderation is a tool for observing and engaging in behavior that acknowledges and responds to variations religion diversity, in addition to distinctions in ethnicity, race, customs, ethics, and culture with the aim to sustain interfaith and national harmony. Moderation promotes fairness and balance. One of the fundamental principles of religious moderation is to consistently strike a balance between two things, including, rights and obligations, reason and revelation, individual pursuits and communal advantages, body and mind, religious sources and religious leaders' *ijtihad*, suitable ideas and reality at all, and the balance between the past and future.⁴

In this study, the author will examine the phenomena of interfaith marriage and its interaction to the concept of Islamic moderation, combined with the aim of bringing additional understanding and fresh perspectives toward the topic of interfaith marriage and religious moderation.

B. Interfaith Marriage in Islam

¹ BBC News. "Pernikahan beda agama: MA disebut mengalami 'kemunduran luar biasa' karena melarang hakim kabulkan permohonan nikah beda agama." BBC News Indonesia. July 20, 2023. <https://www.bbc.com/indonesia/articles/c19141wvx14o>.

² Dian Ramadhan and Imam Qolyubi. "Religious Moderation as A Solution of Interfaith Marriages in Multicultural Society." *JASSP* 1 (2): 127–35, 2021. <https://doi.org/10.23960/jassp.v1i2.31>.

³ Uswatun Hasanah Sampuju, Suraya Attamimi, and Muhammad Syarief Hidayatullah. "The Impact of Interfaith Marriage from the Maqashid Sharia Perspective." *Proceeding of International Conference on Islamic and Interdisciplinary Studies* 2 (August): 119–23, 2023.

⁴ Diyana Yasmin. "Strengthening and Challenges of Religious Moderation in Indonesia: Toward a Moderate Society." *Wasathiyah: Jurnal Studi Moderasi Beragama Indonesia* 1 (1): 1–10, 2023

Marriage is a holy and sacred relationship in Islam, and the Qur'an refers to it as *mitsaqan galizha*, which means "strong agreement" (QS. An-Nisa: 21). Marriage in Islam serves as not merely a ceremonial ritual, but also an act of worship.

The philosophy of marriage in Islam can be formulated as follows: First, Islam views marriage as a sacred thing because it has a special covenant involving Allah SWT. Second, marriage is a way to legalize what was originally prohibited (*zina*) in a legal way. Third, marriage is a method to reproduce the human population on earth in a legal way. Fourth, a deep psychological dimension between husband and wife is also established in marriage. Couples who were originally strangers become together, to create a harmonious family. Fifth, marriage is also related to the sociological dimension, since marriage causes a person to have a new status that is considered a member of society as a whole. Furthermore, it results in the birth of children who intuitively need legitimate caretakers and protectors, which are the two parents.⁵

Based on the reasoning presented above, we can conclude that marriage is about more than just religion; there are also psychological and social elements that must be taken into consideration. Due to the fact things are interconnected to achieve an delighted family.

The Quran contains three verses that address the topic of interfaith marriage: surah 2:221, surah 5:5, and surah 60:10. All three verses were revealed during the Medina period. A large number of Muslim scholars frequently use the first two verses (2:221 and 5:5) to argue against Muslim discussion of interfaith marriage.⁶

As written in one of its verses;

"Do not marry "mushrik"/polytheistic women until they believe; a believing slave-woman is preferable compared to a free polytheist, even if she appears attractive to you. And do not marry your ladies to polytheistic men until they believe, since a believing slave-man is preferable to a free polytheist, no matter how appealing he looks to you. They invite you to the Fire, whereas Allah invites you to Paradise and pardon thanks to His mercy.¹ He reveals His revelations obvious to the people, so that they may be alert." (QS. Al-Baqarah [2]: 221)

As a result, debates arose concerning the definition of the term "mushrik" in the interpretation; who is a mushrik? Are non-Muslims considered mushriks as well as just polytheists? Or does the term seem to refer to non-Muslims who declare to be enemies of Islam and Muslims?

⁵ Muhammad Karsayuda. *Perkawinan Beda Agama: Menakar Nilai-Nilai Keadilan Dalam Kompilasi Hukum Islam*. Yogyakarta: Total Media, 2006. <https://library.umy.ac.id/koleksi/view/69036/Perkawinan-Beda-Agama--menakar-nilai-nilai-keadilan-kompilasi-hukum-islam>

⁶ Ayse Elmali-Karakaya. "Interfaith Marriage in Islam: Classical Islamic Resources and Contemporary Debates on Muslim Women's Interfaith Marriages." *Religions* 13 (8): 726, 2022. <https://doi.org/10.3390/rel13080726>

Quoting from Elmali-Karkaya⁷ the majority of classical scholars including Kasani, At-Tabari, Ibn Kathir, Abu Yusuf, believe that the word "mushrikat" in the text does not refer to women from ahl al-Kitab. According to Qatadah and Said bin Jubayr, the expression "mushrikat" exclusively referred to polytheist Arab women.

Referencing research undertaken by Ramadhan and Qolyubi⁸, stated that according to Al-Maraghi, the mushrik in the passage represents polytheism in general. Because he applies the approach "al-'ibrah bi 'umum al-lafzhi la bi khusus al-sabab" (the benchmark for understanding Qur'anic verses is according to the text of the verse, not based on special reasons). As a result, al-Maraghi asserts that it is forbidden for a Muslim man to marry a polytheist woman. The prohibition applies to all polytheist women in the world, regardless of where they live. Musthafa Al Maraghi Unless they are willing to believe in Allah SWT and the Prophet Muhammad SAW. If they choose to believe, there is no barrier for a Muslim to form family and marriage relationships with them.

In the discussion of interfaith marriage, particular terminology can be employed, such as exogamy, which refers to Muslim women marrying ahl al-kitab men in general, and endogamy, which refers to Muslim men marrying ahl al-kitab women.⁹

Exogamy, on the other hand, was not permitted by any of the early Muslim scholars. Khaled Abu El Fadl states, "I have a not mindful of any single disagreement on that, which seems quite uncommon within Islamic jurisprudence since Muslim jurists frequently opposed on several topics, however this was not a single of them." According to Kecia Ali, Muslim jurists not only assumed that Muslim women weren't allowed to wed non-Muslim males, but they also did not see the need to expand on their confirmation or rationale. Although Alex examined every potential meanings of Q 2:221, he never mentioned exogamy, regardless of faith.

According to Islamic norms, either Muslim men and women are forbidden from marriage polytheists and must get married fellow Muslims. Muslim scholars, however, define 'believer' and 'polytheist' distinctly for men and women. Women-kitabi (Jews and Christians) are acknowledged as believers, not polytheists. Nevertheless, kitabi-men which practice the same religion as kitabi-women are excluded. As a result, Muslim women are prohibited from marrying males of another faith on Islam. This restriction is based mostly on scholarly agreement, which

⁷ Elmali-Karakaya, Ayse. 2022. "Interfaith Marriage in Islam: Classical Islamic Resources and Contemporary Debates on Muslim Women's Interfaith Marriages." *Religions* 13 (8): 726. <https://doi.org/10.3390/rel13080726>

⁸ Ramadhan, Dian, and Imam Qolyubi. 2021. "Religious Moderation as A Solution of Interfaith Marriages in Multicultural Society." *JASSP* 1 (2): 127–35. <https://doi.org/10.23960/jassp.v1i2.31>.

⁹ Abdelnour, Mohammad Gamal. 2020. "The Islamic Theology of Interfaith Marriages between Theology, Law, and Individual Ijtihad." *S. Rajaratnam School of International Studies*. <https://www.jstor.org/stable/resrep40176>

generally comes from cultural and societal perspectives on marital and roles of gender within family relationships, rather than purely on religion literature for reference.¹⁰

Classical Muslim scholars failed to recognize the changing societal situations and reevaluate the Islamic principles regulating marriage between different faiths among Muslim women (exogamy), just like they done for interfaith marriage in Muslim males as well. On the opposite end of the spectrum, a few modern Muslim scholars claim that the lack of any clear forbidding on the Quran shows that Islam removes the option of with whom to marry to the Muslim woman, which means she needs to think about her circumstances as well as her expected husband's views on her beliefs before coming to the selection for herself.¹¹

In response to the query, why is it permitted to marry women from the ahl al-kitab regardless of whether they are not Muslims? As stated by Ibn Taymiyyah, QS. 5:5 allows for the marriage of ahl al-kitab women. Kitabi can be referred to in the Quran called Members of the Book, consequently that we are unable to label them disbelievers. Then Ibn Taymiyyah refers to QS. 2:62, which reads: "The believers [Muslims], the Jews, the Christians, and the Shabiin, whoever believes in Allah and the Last Day and performs good, they will receive a reward from their Lord. They don't feel afraid and do not grieve."¹²

Muhammad Abduh, a contemporary Muslim scholar, reinterpreted what the term "Islam" meant, and he was extremely concerned not to identify non-Muslims as kuffar. As a matter of fact, he goes to such an extent as to convey that anyone who refers to a non-Muslim as a kafir is guilty of a terrible act that violates Islam's fundamental philosophy.¹³

Rasyid Ridha argues that the people of the book are not just two communities, either Jews or Christians. But concerning religious beliefs and other believers as well who are guided by the holy book can be said to be the people of the book. This is based on factual facts and also the explanation of the Koran itself. That every people has a Prophet whom Allah gave a book.¹⁴

¹⁰ Elmali-Karakaya, Ayse. 2022. "Interfaith Marriage in Islam: Classical Islamic Resources and Contemporary Debates on Muslim Women's Interfaith Marriages." *Religions* 13 (8): 726. <https://doi.org/10.3390/rel13080726>

¹¹ Ibid

¹² Abdelnour, Mohammad Gamal. 2020. "The Islamic Theology of Interfaith Marriages between Theology, Law, and Individual Ijtihad." S. Rajaratnam School of International Studies. <https://www.jstor.org/stable/resrep40176>

¹³ Ibid

¹⁴ Roni, Muhammad, and Muhammad Nasir. 2022. "Reinterpretasi Ayat Pernikahan Beda Agama." *Al-Qadha : Jurnal Hukum Islam Dan Perundang-Undangan* 9 (2): 426–36. <https://doi.org/10.32505/qadha.v9i2.4636>.

The understanding of the term ahl al-Kitab by some scholars, especially contemporary scholars, has developed more broadly, so that it includes adherents of the Magi, Sabi'un, Hinduism, Buddhism, Confucianism and so forth.¹⁵

In terms of interpreting the term "mushrikat" (which is used as the basis for the prohibition of interfaith marriage) scholars (both traditional and contemporary) have various opinions on this matter, the first group, considers it to include of all non-Muslims with the exception of Jews and Christians, the second category, which argues that the term is specific to polytheist Arab women, the third classification, considers that mushrikat are people who are openly threatening, fighting and rebelling against the principles of Islam.

C. The Polemics of Interfaith Marriage in Indonesia

Indonesia, as a legal country, has its own regulations regarding marriage laws. Law of the Republic of Indonesia Number 16 of 2019 on the Amendment to Law Number 1 of 1974 Concerning Marriage that is currently in effect mentions in relation to interfaith marriages that a marriage is valid if it is carried out based on religion/belief and must be registered. However, regarding the interfaith marriage, there is actually no explicitness whether it is prohibited by this Marriage Law.

According to Article 40 of the Compilation of Islamic Law, marriage is strictly prohibited between an Islamic male and a non-Muslim woman, including a woman of the Book. According to Article 44 of the Compilation of Islamic Law, marriage between a Muslim woman and a non-Muslim man is forbidden.

In the Indonesian context, interfaith marriage is a problem in the civil and political rights system. The UN in a convention on civil and political rights has emphasized that no interference is allowed with a person's self and family.¹⁶ This implies that in the selection of a partner, basically, everyone has their own freedom that cannot be limited by any institution. The only requirement is that it is mutual consent between the two partners and does not cause harm to others. This is what is called human rights in the anthropocentric Western perspective.¹⁷

Of all things considered, this is completely opposed to Islamic beliefs; marrying a partner is not something that is absolutely free. In the hadith, the Prophet Muhammad (peace be upon him) advises choosing a companion based on qualities that prioritize religion. As a result, Islam obliges marriage to be between Muslims.

¹⁵ Parah, Naila. 2016. "KONSEP AHL AL-KITAB MENURUT PEMIKIRAN RASYID RIDHA DALAM TAFSIR AL- MANAR." *Rausyan Fikr: Jurnal Ilmu Studi Ushuluddin Dan Filsafat* 12 (2): 221–49. <https://doi.org/10.24239/rsy.v12i2.83>

¹⁶ International Covenant on Civil and Political Rights." n.d. OHCHR. Accessed January 29, <https://www.ohchr.org/en/instruments-mechanisms/instruments/internationalcovenant-civil-and-political-rights>

¹⁷ Tobroni, Faiq. 2011. "Kawin Beda Agama Dalam Legislasi Hukum Perkawinan Indonesia Perspektif HAM." *Al-Mawarid: Jurnal Hukum Islam* 11 (2). <https://journal.uii.ac.id/JHI/article/view/2859>

The majority of scholars let Muslim men to marry women from ahl al-kitab (Jews and Christians).

Looking back, the debate about interfaith marriages began in the 1980s. The Supreme Court (MA) announced Supreme Court Decision No.1400 K/Pdt/1986, which indicated that interfaith marriages are permitted in Indonesia if a court judgment has been obtained. Since the decision's issue, the civil registry office has been allowed to register interfaith marriages with a court order.¹⁸

After the Supreme Court issued Decision number 1400 K/pdt/1986 which decided the cassation application for the implementation of interfaith marriage, starting at that time many judges decided by using the precedent of the Supreme Court decision number 1400 K/pdt/1986 to decide the application for interfaith marriage to be held in Indonesia. The legal consequences of the implementation of interfaith marriages are that all statuses related to marriage and the status of children are considered as legitimate children.¹⁹

In the same context, the prohibition of interfaith marriages violates human rights. According to Article 16, paragraph 1 of the Universal Declaration of Human Rights, "Men and women of mature age, without regard for nationality, citizenship, or religion, have the right to marry and form families." Then, according to Article 23 paragraph 2 of the International Covenant on Civil and Political Rights, "the right of men and women of marriageable age to marry and establish a family shall be recognized."

Meanwhile, Indonesia has its own set of regulations regarding human rights. Article 28J of the 1945 Constitution states that the application of human rights must take into consideration morals, religious values, security, and public order. That is the uniqueness of religion and human rights in the Indonesian manner.

Cultural Relativism is another human rights theory. In agreement with the concept of cultural relativism, local cultural traditions (local and regional) in religion, politics, economics, and law define the presence and scope of individuals' civil and political rights in each particular community. Ethical and moral norms depend differently on location and period. This cultural foundation serves as one of the factors that influence the level of attention devoted to human rights. Even Rhoda E. Howard pointed out that the notion of cultural relativism is an ideological instrument used to protect the purposes of certain newly emerging and powerful groups.²⁰

¹⁸ BBC News. 2023. "Pernikahan beda agama: MA disebut mengalami 'kemunduran luar biasa' karena melarang hakim kabulkan permohonan nikah beda agama." BBC News Indonesia. July 20, 2023. <https://www.bbc.com/indonesia/articles/c1914lwkxl4o>

¹⁹ Saputra, Muhamad Arsy Surya, and Lina Jamilah. 2022. "Perkawinan Beda Agama Menurut Peraturan Perkawinan di Indonesia Dihubungkan dengan Putusan Mahkamah Agung" 2 (1)

²⁰ Firdaus, Muhammad Ihsan. 2023. "The Legalization of Interfaith Marriage in Indonesia (Between Universalism and Cultural Relativism)." *The Easta Journal Law and Human Rights* 1 (02): 64–72. <https://doi.org/10.58812/eslhr.v1i02.52>

D. The Concept of Moderation in Islam towards Interfaith Marriage

A great deal of civilization and religions adhere to the universal virtue of moderation. Moderation is a concept that defines the "in the middle position" between two extremes.²¹ According to the Prophet, the word "wasat" in the term "wasathiyyah" implies "just" ('adl). This is the fundamental definition of wasat, and it is clearly involved in "knowledge" and the "practice of witnessing," each of which can be only required of people who have understanding (knowledgeable). Justice requires an individual to have knowledge and freedom (ikhtiyar), since it is impossible to be just, decide the best beneficial purposes, achieve virtue, and be moderate with lack of knowledge and freedom.²²

As stated by Kamal Hasan, al-Qaraḍawi's idea of moderation covers a wide range of elements. It advocates for righteousness (al-khayriyyah), justice (al-'adl), power (al-quwwah), oneness (al-wahdah), uprightness (al-istiqaamah), and peace (al-amn).²³

Ibn Miskawayh and al-Ghazali's philosophical approach to ethics is based on the notion of the human soul (nafs al-insan). The soul of an individual looks like a seed blossoming in a garden. The seed affects the features of the plant. The incredible beauty of a gardens can be created up of the plant life that coexists. Consequently, in ideal, humankind with the welfare of the community is fundamentally related to the well-being of each individual soul. In practice, the greater the number of people with a moderate soul, the greater the probability it is that society will develop a moderate characteristic, leading to an increase of justice in both individuals and society.²⁴

Based on this belief, Muslims should be considered a better option to non-Muslims. In Islamic context, the term "al-tawaasut" refers to being moderate and avoiding excessive acts and expressions. As a result, "wasatiyyah" in Islam indicates an individual is unwilling to exaggerate or exceed Allah's limitation, as well as does

²¹ Ibrahim, Haslina. 2018. "The Principle of Wasatiyyah (Moderation) and the Social Concept of Islam: Countering Extremism in Religion." *AL-ITQAN: JOURNAL OF ISLAMIC SCIENCES AND COMPARATIVE STUDIES* 2 (1): 39–48

²² Ahmad, Md Asham. 2011. "MODERATION IN ISLAM: A CONCEPTUAL ANALYSIS OF WASATIYYAH." *TAFHIM: IKIM Journal of Islam and the Contemporary World* 4. <https://tafhim.ikim.gov.my/index.php/tafhim/article/view/83>

²³ Miharja, Nurhidayahti Mohammad. 2014. "Voice of Islamic Moderation from the Malay World: By Mohd Kamal Hassan (Perak, Malaysia: Emerging Markets Innovative Research, 2011. 358 Pages.)." *American Journal of Islam and Society* 31 (4): 108–11. <https://doi.org/10.35632/ajis.v31i4.1070>

²⁴ Ibrahim, Haslina. 2018. "The Principle of Wasatiyyah (Moderation) and the Social Concept of Islam: Countering Extremism in Religion." *AL-ITQAN: JOURNAL OF ISLAMIC SCIENCES AND COMPARATIVE STUDIES* 2 (1): 39–48

one ignore it in order to come under of Allah's limit. Moderation in religion involves following the path of Prophet Muhamad.²⁵

The Ministry of Religious Affairs (in 2019) suggested a number of principles regarding moderation in Islam, including; *islah* (reform), *'itidal* (straight and firm), *shura* (deliberation), *tawazun* (balanced), *tasamuh* (tolerant), *musawah* (egalitarian), *tathawwur wa ibtikar* (dynamic and innovative), and *aulawiyah* (prioritizing the main).²⁶ The complete image focused only on a broad conceptual portrayal of religious moderation in Indonesia, rather than its assessment.

Wasatiyyah, on the other hand, is characterized as "a suitable expression which happens toward individuals with a sound disposition or intelligence, differentiated by its rejection to both fanaticism and obvious negligence." It is largely a rational idea without hardly any dogmatic implications, but it is also religiously ethical because the Quran advocates for it.²⁷ *Wasatiyyah* is a transitive (*muta'addi*) notion in the meaning that it cannot be independently functioning until it gets used to an issue that meets the criteria for which it might be qualified.²⁸

Wahbah al-Zubayli defines *wasatiyyah* as "moderation and balance (*I'tidal*) in beliefs, character, and morality according to the way of treating others, as well as the structures that are applied in the the social, political and government institutions system."²⁹

The concept of Islamic moderation represents several of the classifications commonly used to describe Muslim identities which include modernist, progressive, and Islam reformist. Such moderate terminology is seen as the most ideal among the other languages. While moderates are also known as modernists, progressives, and reformists, none of these categories replace the word moderate. The reason behind this relies on the reliability of the Holy Quran and the Prophet's Hadith, both guide Muslims to be moderate. This is the context where the term "moderate" derives in Islamic tradition. Furthermore, the term *wasatiyyah* refers to identity, because *wasatiyyah* is the central aspect of Islam.³⁰

²⁵ Yaakub, Muhamadul Bakir, and Khatijah Othman. 2016. "A Textual Analysis For The Term 'wasatiyyah' (Islamic Moderation) In Selected Quranic Verses And Prophetic Tradition," October. <http://localhost:8080/jspui/handle/123456789/8500>

²⁶ Latifa, Rena, Muhamad Fahri, Imam Subchi, and Naufal Fadhil Mahida. 2022. "The Intention of Becoming Religiously Moderate in Indonesian Muslims: Do Knowledge and Attitude Interfere?" *Religions* 13 (6): 540. <https://doi.org/10.3390/rel13060540>

²⁷ Mutaqin, Zezen Zaenal, Zacky K Umam, and Farid F Saenong. n.d. "Wasatiyya: Islamic Moderation in Indonesia (ISL201/ISL301)."

²⁸ Ibid

²⁹ Ibid

³⁰ Yanti, Betria Zarpina, and Doli Witro. 2020. "Islamic Moderation as A Resolution of Different Conflicts of Religion." *Andragogi: Jurnal Diklat Teknis Pendidikan Dan Keagamaan* 8 (1): 446–57. <https://doi.org/10.36052/andragogi.v8i1.127>

In addressing the issue of moderation, Kamali asserts that we need to always consider the necessity of balancing our understanding between *Mutaghayyirat* (things that can change) and *Tsawabit* (things that cannot change). In this sense, he emphasizes the importance of interpreting the methodology that we derive from the scriptural sources. *Wasatiyyah*, in his words, should be based on the value of *tawhid* and it is also important to consider the diversity of various schools of thought.³¹

Moderation in Islam provides a useful way to overcome intellectual stagnation. This method is appropriate to handling with marriages between faiths in Indonesian multicultural societies, as it requires embracing variations of opinion, looking for to comprehend comprehensive sources of religious principles, as well as implementing the notion of justice to interfaith marriages rather than getting fanatical regarding a single opinion or ideas.³²

Referring to the concept of *washatiyyah* that has been mentioned, there are several requirements in analyzing *washatiyyah* and implementing it in dealing with a problem, especially in the case of interfaith marriage. The author argues that interfaith marriage shouldn't be immediately prohibited; instead of it needs to take into account a wide range of considerations which include its psychological and societal dimensions.

In choosing a person to be a life partner, in the author's opinion, someone must have gone through various considerations and challenges, resulting in a decision to choose a life commitment forever with someone. and we must acknowledge this option as his individual right in choosing the life he will live. Obviously, being married to someone of the same religion or of a different religion will have its own consequences. As a wise and mature individual, it is crucial that we think about "are we prepared for the consequences?"

If the choice is made through a rational and mature decision-making process, then of course the interfaith couple needs to ask the judge for approval of their marriage. Based on the Supreme Court Decision No.1400 K/Pdt/1986, which indicated that interfaith marriages are permitted in Indonesia if a court judgment has been obtained. Since the decision's issue, the civil registry office has been allowed to register interfaith marriages with a court order. Indonesia is a country of law, and as a society we are also obliged to obey it.

Marriage is a challenging journey; if one is forced to marry another person due to incompatible principles and goals, it will be tough to keep going while obstacles will always arise.

E. Results

³¹ Mutaqin, Zezen Zaenal, Zacky K Umam, and Farid F Saenong. n.d. "Wasatiyya: Islamic Moderation in Indonesia (ISL201/ISL301)."

³² Ramadhan, Dian, and Imam Qolyubi. 2021. "Religious Moderation as A Solution of Interfaith Marriages in Multicultural Society." *JASSP* 1 (2): 127–35. <https://doi.org/10.23960/jassp.v1i2.31>

Interfaith marriage is not recognized by Indonesian positive law, since Article 2 paragraph (1) of Law Number 1 of 1974 concerning Marriage states that an authorized marriage is founded on the laws of each religion and belief. Nevertheless, this is not adequate to accommodate the growing complexity of marriage legislation in Indonesia.

Islamic moderation also known as *wasatiyyah*, is a term that describes inherited values, attitudes, and ways of life embraced by members of identically a common community. *Wasatiyyah* as a way of life has complexities in its application. The conceptual term has been described by numerous scholars, but in practice it is very ambiguous and has become a challenge in its own right (especially for Muslims) when dealing with the social realities that arise.

Moderation in Islam provides a useful way to overcome intellectual stagnation. This method is appropriate to handling with marriages between faiths in Indonesian multicultural societies, as it requires embracing variations of opinion, looking for to comprehend comprehensive sources of religious principles, as well as implementing the notion of justice to interfaith marriages rather than getting fanatical regarding a single opinion or ideas.

In viewing the phenomenon of interfaith marriage by using the concept of religious moderation approach, then interfaith marriage is not an absolute prohibition, in the sense that interfaith marriage still gets space to be allowed in Indonesia. The Supreme Court (MA) announced Supreme Court Decision No.1400 K/Pdt/1986, which indicated that interfaith marriages are permitted in Indonesia if a court judgment has been obtained. Since the decision's issue, the civil registry office has been allowed to register interfaith marriages with a court order.

References

- Abdelnour, Mohammad Gamal. "The Islamic Theology of Interfaith Marriages between Theology, Law, and Individual Ijtihad." *S. Rajaratnam School of International Studies*. 2020. <https://www.jstor.org/stable/resrep40176>.
- Ahmad, Md Asham. "MODERATION IN ISLAM: A CONCEPTUAL ANALYSIS OF WASATIYYAH." *TAFHIM: IKIM Journal of Islam and the Contemporary World* 4. 2011 <https://tafhim.ikim.gov.my/index.php/tafhim/article/view/83>.
- BBC News. "Pernikahan beda agama: MA disebut mengalami 'kemunduran luar biasa' karena melarang hakim kabulkan permohonan nikah beda agama." *BBC News Indonesia*. July 20, 2023. <https://www.bbc.com/indonesia/articles/c1914lwkxl4o>.
- Elmali-Karakaya, Ayse. "Interfaith Marriage in Islam: Classical Islamic Resources and Contemporary Debates on Muslim Women's Interfaith Marriages." *Religions* 13 (8): 726, 2022. <https://doi.org/10.3390/rel13080726>.
- Firdaus, Muhammad Ihsan. "The Legalization of Interfaith Marriage in Indonesia (Between Universalism and Cultural Relativism)." *The Easta Journal Law and Human Rights* 1 (02): 64–72, 2023. <https://doi.org/10.58812/eslhr.v1i02.52>.

- Hayat, Imran, and Tahira Basharat. "A Critical Study on the Principles of Interfaith Marriages: A Perspective of Classical Discourse of Islam" 20 (February): 1–12 2023
- Ibrahim, Haslina. "The Principle of Wasatiyyah (Moderation) and the Social Concept of Islam: Countering Extremism in Religion." *AL-ITQAN: JOURNAL OF ISLAMIC SCIENCES AND COMPARATIVE STUDIES* 2 (1): 39–48, 2018.
- "International Covenant on Civil and Political Rights." n.d. OHCHR. Accessed January 29, 2024. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.
- Karsayuda, Muhammad. *Perkawinan Beda Agama: Menakar Nilai-Nilai Keadilan Dalam Kompilasi Hukum Islam*. Yogyakarta: Total Media. 2006 <https://library.umy.ac.id/koleksi/view/69036/Perkawinan-Beda-Agama--menakar-nilai-nilai-keadilan-kompilasi-hukum-islam>.
- Latifa, Rena, Muhamad Fahri, Imam Subchi, and Naufal Fadhil Mahida. "The Intention of Becoming Religiously Moderate in Indonesian Muslims: Do Knowledge and Attitude Interfere?" *Religions* 13 (6): 540, 2022. <https://doi.org/10.3390/rel13060540>.
- Mahkamah Konstitusi Republik Indonesia. "HAK DAN KEWAJIBAN WARGA NEGARA INDONESIA DENGAN UUD 45 | Mahkamah Konstitusi Republik Indonesia." November 8, 2015. <https://www.mkri.id/index.php?id=11732&page=web.Berita>.
- Miharja, Nurhidayati Mohammad. "Voice of Islamic Moderation from the Malay World: By Mohd Kamal Hassan (Perak, Malaysia: Emerging Markets Innovative Research, 2011. 358 Pages)." *American Journal of Islam and Society* 31 (4): 108–11, 2014. <https://doi.org/10.35632/ajis.v31i4.1070>.
- Mutaqin, Zezen Zaenal, Zacky K Umam, and Farid F Saenong. n.d. "Wasatiyya: Islamic Moderation in Indonesia (ISL201/ISL301)."
- Nations, United. n.d. "Universal Declaration of Human Rights." United Nations. United Nations. Accessed January 29, 2024. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.
- Parah, Naila. "KONSEP AHL AL-KITAB MENURUT PEMIKIRAN RASYID RIDHA DALAM TAFSIR AL- MANAR." *Rausyan Fikr: Jurnal Ilmu Studi Ushuluddin Dan Filsafat* 12 (2): 221–49, 2016. <https://doi.org/10.24239/rsy.v12i2.83>.
- Ramadhan, Dian, and Imam Qolyubi. "Religious Moderation as A Solution of Interfaith Marriages in Multicultural Society." *JASSP* 1 (2): 127–35, 2021. <https://doi.org/10.23960/jassp.v1i2.31>.
- Roni, Muhammad, and Muhammad Nasir. "Reinterpretasi Ayat Pernikahan Beda Agama." *Al-Qadha : Jurnal Hukum Islam Dan Perundang-Undangan* 9 (2): 426–36, 2022. <https://doi.org/10.32505/qadha.v9i2.4636>.
- Sampuju, Uswatun Hasanah, Suraya Attamimi, and Muhammad Syarief Hidayatullah. "The Impact of Interfaith Marriage from the Maqashid Sharia Perspective." *Proceeding of International Conference on Islamic and Interdisciplinary Studies* 2 (August): 119–23, 2023.

- Saputra, Muhamad Arsy Surya, and Lina Jamilah. "Perkawinan Beda Agama Menurut Peraturan Perkawinan di Indonesia Dihubungkan dengan Putusan Mahkamah Agung" 2 (1), 2022.
- Tobroni, Faiq. "Kawin Beda Agama Dalam Legislasi Hukum Perkawinan Indonesia Perspektif HAM." *Al-Mawarid: Jurnal Hukum Islam* 11 (2), 2011. <https://journal.uui.ac.id/JHI/article/view/2859>.
- "UU No. 16 Tahun 2019." n.d. Database Peraturan | JDIH BPK. Accessed January 30, 2024. <http://peraturan.bpk.go.id/Details/122740/uu-no-16-tahun-2019>.
- Yaakub, Muhamadul Bakir, and Khatijah Othman. "A Textual Analysis For The Term 'wasatiyyah' (Islamic Moderation) In Selected Quranic Verses And Prophetic Tradition," October, 2016. <http://localhost:8080/jspui/handle/123456789/8500>.
- Yanti, Betria Zarpina, and Doli Witro. "Islamic Moderation as A Resolution of Different Conflicts of Religion." *Andragogi: Jurnal Diklat Teknis Pendidikan Dan Keagamaan* 8 (1): 446–57, 2020. <https://doi.org/10.36052/andragogi.v8i1.127>.
- Yasmin, Diyana. "Strengthening and Challenges of Religious Moderation in Indonesia: Toward a Moderate Society." *Wasathiyah: Jurnal Studi Moderasi Beragama Indonesia* 1 (1): 1–10, 2023.