



Riddah (Apostasy) Efforts In Performing Interfaith Marriages

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Abstract

The phenomenon of riddah or apostasy in the context of interfaith marriage in Indonesia poses significant legal and social complexity. A person's actions to leave religion to marry a follower of another religion raises questions related to the legality of marriage, the status of children, and social implications. Indonesia as a legal country upholds freedom of religion, but Law No. 1 of 1974 concerning Marriage requires religious conformity for couples, so the practice of riddah presents a tension between individual rights and religious norms. This study aims to analyze the efforts of riddah in interfaith marriage normatively, assess the legal, social, and moral consequences, and evaluate the harmonization between national law and fiqh principles. The research focus includes an analysis of the legal status of marriage, children's rights, and social implications for individuals and society. This research also provides normative guidance for law officials, religious leaders, and the community in handling cases of interfaith marriage that trigger riddah. The method used is normative with a descriptive qualitative approach. The analysis was carried out through the study of Islamic legal doctrines, laws and regulations, fatwas of the Indonesian Ulema Council, as well as legal and social literature related to interfaith marriage and apostasy. This approach allows the identification of legal dualism between the absolute norms of Islamic law and positive legal procedures, while assessing the social and moral implications of the phenomenon. The results of the analysis show that riddah for the sake of interfaith marriage causes legal uncertainty and potential for social conflict. Islamic law emphasizes the validity of faith as a valid condition for marriage, while national law requires religious suitability. The normative approach emphasizes the importance of harmonization between positive law, fiqh, and social norms to create legal certainty, moral protection, and social stability. The integration of norms is the main instrument in managing conflicts, guaranteeing individual rights, and maintaining justice in a pluralistic society.

I. INTRODUCTION

The phenomenon of interfaith marriage in Indonesia has given rise to complex legal and social debates. The actions of a person who leaves a certain religion in order to be able to marry a follower of another religion raises questions about the legal position of apostasy in the context of marriage. This issue is relevant because it directly intersects with the principle of religious freedom as well as the strict provisions of religious law regarding the permanence of faith (Tanjung & Tanjung, 2022).

Cases of interfaith marriage often raise dilemmas for law enforcement and the public. Some consider the act a violation of religious norms, while others emphasize the right of individuals to determine their life partner. The

tension between human rights and the provisions of religious law creates a space of conflict that requires an in-depth study from the perspectives of Islamic law, state law, and social ethics (Ilham, 2020).

Islamic law stipulates that apostasy has serious consequences, both in terms of rituals and social sanctions. The practice of interfaith marriage that triggers a person to leave his religion raises a debate about the validity of marriage and the status of children born from the marriage. The lack of legal certainty related to this case often leads to social discrimination and legal uncertainty for the parties involved.

The context of Indonesia as a legal country that upholds the principles of Pancasila and the 1945 Constitution presents its own complexities. The 1945 Constitution

guarantees freedom of religion, but marriage laws, such as Law No. 1 of 1974, require religious conformity for couples. These differences in provisions raise potential legal conflicts that need to be critically analyzed in order to provide normative clarity (Diana & Bahri, 2024).

Social dynamics also affect the practice of interfaith marriage. Community mobility, urbanization, and globalization are driving interfaith interaction. The phenomenon of interfaith romance and marriage is increasingly common, so Islamic law and state law must face the challenge of adapting to rapidly evolving social realities (Djamaluddin, 2016).

A positive legal approach alone is not enough to understand this phenomenon. Philosophical and sociological studies are needed to assess the moral, social, and legal implications that arise from the riddah effort to marry interreligious people. Understanding individual motivations, social pressures, and legal consequences is important so that legal policies can be accepted fairly and effectively (Siddik Turnip, 2021).

Research on riddah in the context of interfaith marriage is still relatively limited. Most literature emphasizes theological or ritual aspects, but rarely examines the practical legal consequences and social dynamics. This gap demonstrates the need for research that integrates the perspectives of Islamic law, state law, and legal sociology to provide a comprehensive view (Firdaus, 2020).

This study aims to analyze the phenomenon of riddah in interfaith marriage in depth, trace the legal and social impacts, and provide normative recommendations for policymakers and society. The research is expected to enrich the literature on Islamic law and marriage law in Indonesia, as well as a reference in handling cases that have the potential to cause religious and legal conflicts.

II. RESEARCH METHODS

This research uses a normative approach or legal study conceptually and analytically. The normative approach was chosen because the focus of the research is to analyze laws and regulations, Islamic legal principles, and legal doctrines related to the phenomenon of riddah in the context of interfaith marriage. The study focuses on regulations governing marriage,

apostasy, and religious freedom, both from the perspective of national law and Islamic law (Rizkia & Fardiansyah, 2023).

The research data sources consist of primary, secondary, and tertiary legal materials. Primary legal materials include Law No. 1 of 1974 concerning Marriage, Compilation of Islamic Law (KHI), as well as fatwas of the Indonesian Ulema Council relevant to apostasy and interfaith marriage. Secondary sources include books, scientific journals, articles, and previous research that discuss the legal and social aspects of interfaith marriage. Tertiary sources are encyclopedias, legal dictionaries, and official publications related to the definitions and legal terminology used in research.

Data analysis was carried out through the study of doctrine and legislation, emphasizing the comparison between national positive law and Islamic legal principles. This approach allows for the identification of gaps, inconsistencies, and potential conflicts between the provisions of state law and Islamic law. The study also examined the doctrine of fiqh related to apostasy to assess the validity of the act of riddah in the context of interfaith marriage.

This method also uses descriptive qualitative analysis, which aims to explain phenomena systematically and in depth. The descriptive approach allowed researchers to describe the legal consequences, social implications, and relevance of religious norms to interfaith marriage practices. Emphasis is placed on normative studies, so that research is evaluative and prescriptive, not just describing empirical phenomena.

This normative approach provides advantages because it can produce a comprehensive understanding of the legal status of riddah and interfaith marriage, including rational legal recommendations. This analysis is expected to be a basis for consideration for legislators, law enforcement officials, and the public in dealing with interfaith marriage cases that trigger apostasy, so as to create legal certainty and social justice.

III. RESULTS AND DISCUSSION

A. Conception of Riddah Law in the Perspective of Islamic and National Law

Riddah or apostasy in the perspective of Islamic law refers to the act of consciously and

intentionally abandoning Islam. This action has strict legal consequences, both in terms of ritual and social. Fiqh literature affirms that apostasy is a serious violation of fixed religious norms (*ahkam qat'iyah*) and has implications for the Islamic status of individuals (Tanjung & Tanjung, 2022).

The Compilation of Islamic Law provides guidance regarding the status of individuals who leave their religion, including the consequences for marriage. The assessment of the act of *riddah* must take into account intention, awareness, and social context. Islamic law emphasizes clear evidence before designating a person as an apostate so that there is no mistake in determining religious status (Rahmatika & Hafidzi, 2025).

National law through Law No. 1 of 1974 concerning Marriage requires religious conformity for married couples. The phenomenon of interfaith marriage that triggers *riddah* creates a conflict between individual rights and religious norms. This tension is the focus of normative studies to bridge the certainty of sharia law and principles (Jamaludin et al., 2024).

The fatwa of the Indonesian Ulema Council emphasizes that the act of *riddah* for the sake of marrying a believer of another religion is still categorized as a violation of religious norms. Fatwas are prescriptive and become normative guidelines for religious justice officials in handling interfaith marriage cases (Hafizah & Bustamam, 2021).

Indonesian criminal law does not explicitly regulate sanctions for apostasy, so the status of *riddah* law is more regulated through Islamic law. This ambiguity creates a normative gap that needs to be analyzed so that interfaith marriage cases still have legal certainty (Firdaus, 2020).

The fiqh perspective states that apostasy nullifies the individual's right to perform certain worship and can affect the validity of marriage. The status of marriage becomes invalid if it is done after a person leaves Islam. Religious norms are the main reference in assessing whether marriage is valid or not (Huda, 2019).

Normative analysis shows the existence of legal dualism when interfaith marriage triggers *riddah*. Religious norms are absolute, while positive law emphasizes procedural certainty. This tension is a challenge for law enforcement

and the public in understanding the correct legal position (Syauqi et al., n.d.).

The integration of national law and religious norms is urgent so that legal certainty and social justice can be achieved. Counseling and understanding of law and religion are instruments to reduce the practice of deliberate *riddah* in the context of interfaith marriage (Bardan, 2020).

The phenomenon of interfaith marriage that gives rise to *riddah* has serious implications for individual rights, the status of children, and social stability. The normative analysis emphasizes the need for synchronization between the principles of national law and fiqh to provide clear guidance for society (Rahmanita, 2019).

The application of the principle of norms in Islamic law and positive law shows that the case of *riddah* in interfaith marriage is a complex normative issue. The two sources of law need to complement each other in order to create legal certainty, moral protection, and social justice.

B. The Validity of Interfaith Marriage in a Normative Perspective

The validity of marriage in national law requires religious conformity for both spouses. Marriage after one of the parties apostatizes raises the question of whether or not marriage is legal according to the law. National legal norms aim to protect the rights of spouses and children and maintain social order (Setiyanto, 2017).

The Compilation of Islamic Law emphasizes that the marriage of an apostate is not valid according to the Shari'a. The principle of fiqh stipulates that the purity of faith is an absolute condition for the validity of marriage. The act of *riddah* for the sake of interfaith marriage cancels the marriage contract according to religious norms (Somantri, n.d.).

The fatwa of the Indonesian Ulema Council provides guidance regarding the validity or not of marriage for apostates. This fatwa serves as a normative reference for religious courts and society. The enforcement of this norm aims to protect individual rights and maintain social order (Siddik Turnip, 2021).

Positive law emphasizes the administrative procedure of marriage, while fiqh norms emphasize the aspect of intention and faith. This difference creates potential normative

conflicts in determining the legal status of marriage. Normative analysis is needed to comprehensively assess the validity of marriage (Rahmatika & Hafidzi, 2025).

Social norms affect people's perceptions of the validity of marriage. Interfaith marriage with riddah often leads to stigma, discrimination, and social pressure. Religious norms are a moral tool to maintain community harmony (Syauqi et al., n.d.).

The normative approach also highlights the legal status of children from interfaith marriages. National law provides protection for children's rights, while Islamic law calls into question the validity of parental marriage. Synchronization of norms is important to provide legal certainty and protection for the new generation (Hermawan, 2018).

Marriage administrative law requires legal documents, but it does not always reflect religious norms. This incompatibility creates uncertainty for couples and law enforcement. Normative analysis helps to elaborate on this problem systematically.

Fiqh states that the marriage of an apostate can be annulled through a religious court. This norm provides a legal basis for the aggrieved party to claim their rights. The normative approach emphasizes justice and legal certainty in the application of norms (Lizwary & Safitri, 2017).

Interfaith marriage that triggers riddah demands a thorough normative evaluation. This analysis includes laws, morals, and social norms so that the validity of marriage can be assessed comprehensively. Harmonization of norms is the main reference in judicial practice.

The application of Islamic legal norms and positive law shows that the validity of interfaith marriage with riddah is not just procedural. Norms serve as ethical, moral, and legal guidelines in assessing whether marriage is valid or not.

C. Social and Legal Implications of Riddah for Interfaith Marriage

The phenomenon of riddah due to interfaith marriage has complex social implications. Family conflicts, community divisions, and social stigma often arise. Religious norms become moral guidelines to reduce the risk of social disintegration and maintain community harmony (Firdaus, 2020).

Islamic law emphasizes the moral responsibility of the individual towards society. The act of apostasy for the sake of interfaith marriage is considered to violate the principles of social ethics and applicable moral norms. This norm becomes an instrument of control for individual behavior in society.

The legal implications for the status of children are a major concern. National law provides protection for children's rights, while Islamic law calls into question the validity of parental marriage. A normative approach is used to align the interests of children's law and fiqh principles (Faik, 2023).

The fatwa of the Indonesian Ulema Council emphasizes the need for social and legal considerations in riddah cases. Fatwas serve as a guideline for courts, couples, and society to manage conflicts due to interfaith marriages (Khairuddin, 2023).

Legal and religious counseling is an important strategy to reduce the practice of riddah. Legal and moral norms serve as a preventive tool as well as a guideline for individuals facing the dilemma of interfaith marriage (Maulana et al., 2024).

The psychological impact on individuals who perform riddah cannot be ignored. Leaving religion for marriage can be morally and socially stressful. Normative analysis emphasizes the need for legal protections that take into account the psychological well-being of the individual (Rahmanita, 2019).

The role of law enforcement is very important in dealing with interfaith marriages. National legal norms and fiqh are applied to provide legal certainty for all parties. The normative approach emphasizes the principles of justice and certainty as the basis for legal action. The harmonization of legal norms, fiqh, and social norms is the main strategy to manage the implications of riddah. The normative approach provides direction for additional regulations or guidelines for the implementation of interfaith marriage.

The phenomenon of riddah in interfaith marriage emphasizes that religious laws and norms cannot be separated from social dynamics. Normative analysis is a tool to assess and provide effective legal direction. Legal norms and fiqh serve as guidelines for the community, law enforcement officials, and the spouses involved. The normative approach is the basis for decision-making that is fair, legitimate, and in accordance

with the principles of Islamic law and national law.

CONCLUSION AND SUGGESTIONS

A. Conclusion

The phenomenon of riddah for the sake of interfaith marriage has caused significant legal and social complexity in Indonesia. From the perspective of Islamic law, apostasy is considered a serious violation of fixed religious norms, with consequences for the legality or not of marriage and the rights of the individual. The Compilation of Islamic Law and the fatwa of the Indonesian Ulema Council emphasizes that the act of riddah for the sake of interfaith marriage is still categorized as a normative violation that requires proof of individual intention and awareness. National law, through Law No. 1 of 1974 concerning Marriage, requires religious conformity for couples, but does not explicitly regulate sanctions for apostasy. This difference gives rise to a legal dualism between the procedural certainty of positive law and the absoluteness of religious norms. Social implications include family conflicts, social stigma, and challenges in protecting children's rights. The normative approach emphasizes the importance of harmonization between national law, fiqh, and social norms to create legal certainty, justice, and moral protection. Normative analysis shows that interfaith marriage with riddah is not just a procedural issue, but a complex issue that tests the integration of legal, sharia, and social ethical norms. Harmonization of norms is an important instrument to reduce conflicts, ensure legal protection for individuals and children, and maintain social stability.

B. Suggestions

The drafting of clear additional regulations regarding the status of interfaith marriage and the consequences of riddah is needed to provide legal certainty. Integrated legal and religious counseling must be carried out to increase public understanding of the impact of riddah. Religious courts need to strengthen the application of fiqh norms as normative guidelines, especially in assessing the validity of marriage and children's rights. Collaboration between law enforcement, religious leaders, and the community can reduce the practice of deliberate riddah, minimize social conflicts, and create fair legal certainty for all parties.

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