



**Marriage Annulment Due to Apostasy:
An Empirical Exploration of the Socio-Religious Perspective of FKUB Malang
City**

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Abstract

Annulment of marriage due to apostasy is a complex issue that clashes with religious doctrines, state regulations, and social dynamics in Indonesia's pluralistic society, especially in the multicultural city of Malang. This study examines the socio-religious perspective of the Malang City Religious Harmony Forum (FKUB) regarding the legal regulation of annulment of marriage due to apostasy from five official religions, namely Islam, Christianity, Catholicism, Hinduism, and Buddhism, as well as the potential for both legal and social conflicts in interfaith marriage. Using a qualitative phenomenological approach based on the social construction theory of Berger and Luckmann and Soekanto's legal sociology, data were collected through semi-structured interviews with selected FKUB representatives in a purposive manner and the analysis of the Compilation of Islamic Law (KHI) documents and related regulations. Thematic analysis reveals diverse theological views: Islam encourages cancellation (*fasakh*) with the certainty of fiqh and the normative of positive law based on *maslahah*; Christians and Catholics prioritize pastoral counseling and the perpetuation of the sacraments with conditional dispensation; Hinduism emphasizes dharma harmony and communal mediation, while Buddha prioritized non-dogmatic solutions based on *metta* and *ahimsa*. Major conflict risks include children's religious identity, custody disputes, inheritance rights, and social stigmatization. The research concludes that an inclusive regulatory framework is needed to ensure legal certainty, protect vulnerable parties, and maintain communal harmony in Indonesia's multireligious context.

Keywords: Annulment of Marriage, Apostasy, FKUB, Socio-Religious Perspectives, Interfaith Harmony.

Abstrak

Pembatalan perkawinan karena murtad merupakan isu kompleks yang berbenturan dengan doktrin agama, peraturan negara, dan dinamika sosial dalam masyarakat pluralistik Indonesia, khususnya di kota multikultural Malang. Penelitian ini mengkaji perspektif sosial keagamaan Forum Kerukunan Beragama (FKUB) Kota Malang mengenai peraturan hukum pembatalan perkawinan akibat kemurtadan dari lima agama resmi, yaitu Islam, Kristen, Katolik, Hindu, dan Buddha, serta potensi konflik baik hukum maupun sosial dalam perkawinan antaragama. Dengan menggunakan pendekatan fenomenologis kualitatif berdasarkan teori konstruksi sosial sosiologi hukum Berger dan Luckmann dan Soekanto, data dikumpulkan melalui wawancara semi-terstruktur dengan perwakilan FKUB terpilih secara purposive dan analisis dokumen Kompilasi Hukum Islam (KHI) dan peraturan terkait. Analisis tematik mengungkapkan beragam pandangan teologis: Islam mendorong pembatalan (fasakh) dengan kepastian fiqh dan hukum positif berdasarkan masalah; orang Kristen dan Katolik memprioritaskan konseling pastoral dan pengadilan sakramen dengan dispensasi bersyarat; Hinduisme menekankan harmoni dharma dan mediasi komunal, sedangkan Buddha memprioritaskan solusi non-dogmatis berdasarkan metta dan ahimsa. Risiko konflik utama termasuk identitas agama anak-anak, perselisihan hak asuh, hak warisan, dan stigmatisasi sosial. Penelitian ini menyimpulkan bahwa kerangka peraturan yang inklusif diperlukan untuk memastikan kepastian hukum, melindungi pihak-pihak yang rentan, dan menjaga kerukunan komunal dalam konteks multiagama Indonesia

Kata Kunci: Pembatalan Pernikahan, Kemurtadan, FKUB, Perspektif Sosial-Agama, Harmoni Antaragama

Introduction

Annulment of marriage due to apostasy is a complex legal and social issue in Indonesia, which is due to the involvement and interaction between religious doctrines, state regulations, and pluralistic community dynamics. In Islamic law, apostasy, a person's exit from Islam through statements, deeds, or beliefs that are contrary to Islamic principles, is considered a reason for annulment of marriage (*fasakh*), because religious equality is an essential requirement.¹ The Shafi'i school, as the dominant fiqh view in Indonesia, emphasizes that apostasy can directly

¹Mursyid Djawas and Sri Astuti Abdul Samad, "Conflict, Traditional, and Family Resistance: The Pattern of Dispute Resolution in Acehese Community According to Islamic Law," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 4, no. 1 (2020), p. 65–84; Euis Nurlaelawati, "For the Sake of Protecting Religion: Apostasy and Its Judicial Impact on Muslim's Marital Life in Indonesia," *Journal of Indonesian Islam* 10, no. 1 (2016), p. 89–112; Dedy Sumardi et al., "Transition of Civil Law to Public Law: Integration of Modern Punishment Theory in Criminal Apostasy," *Ahkam: Jurnal Ilmu Syariah* 22, no. 1 (2022); Wahbah Al-Zuhailiy, *Al-Fiqh Al-Islami Wa Adillatuhu*, Juz V (Damaskus: Dar al-Fikr, 2004), p. 243.

eliminate the bonds of marriage.² However, in the context of a multicultural society such as Malang City, this issue triggers social challenges, especially in interfaith discussions, due to differences in doctrine and religious sensitivity.

Indonesia, as the country with the largest Muslim population in the world, based on the CNBC report.³ It has significant religious diversity with Islam, Christianity, Catholicism, Hinduism, Buddhism, Confucianism, and even religious schools living side by side. In the context of marriage law, Law No. 1 of 1974 concerning Marriage and the Compilation of Islamic Law (KHI) is the main foundation for Muslims, especially in the case of annulment of marriage.⁴ As stated in KHI Article 116, marriage can be annulled based on reasons recognized by religious law, including apostasy, although this rule is not explicitly stated.⁵ On the other hand, these regulations do not directly accommodate the views of other religions, such as Christianity or Hinduism, which have different doctrines about marriage and the consequences of apostasy. This creates challenges in dealing with cases of apostasy in interfaith marriages, where the religious laws of one spouse may conflict with the religious laws of the other spouse.

Research in the period 2020-2025 has discussed many legal aspects of this issue. For example, Nadya (2025) analyzes⁶ the legal implications of annulment of marriage due to apostasy on children's inheritance rights, explores the development of progressive Islamic law with a maqasid sharia approach. A study conducted by Willya et al. (2023)⁷ focusing on religious court rulings in various regions, such as Bitung, Bireuen, and Yogyakarta, highlights how judges handle apostasy cases in the context of marriage. Although this research provides important insights into the legal aspects, socio-religious perspectives, especially from interfaith organizations such as the Forum for Religious Harmony (FKUB), have not been explored in depth.

²Stijn Cornelis Van Huis, "Khul' over the Longue Durée: The Decline of Traditional Fiqh - Based Divorce Mechanisms in Indonesian Legal Practice," *Islamic Law and Society*, 2019.

³The Royal Islamic Strategic Studies Centre, *The Muslim 500: The World's 500 Most Influential Muslims 2023*, The Royal Islamic Strategic Studies Centre, 2023; Emanuella Bungasmara Ega Tirta, "List of Countries with the Largest Muslim Population in the World, What Number Is Indonesia?," CNBC Indonesia, accessed September 28, 2025, <https://www.cnbcindonesia.com/research/20250312121233-128-617886/daftar-negara-berpenduduk-muslim-terbesar-di-dunia-ri-nomor-berapa>.

⁴Mark Cammack, "Indonesia's Compilation of Islamic Law: A Study in Legal Politics," *Washington International Law Journal* 17, no. 1 (2008), p. 1–35; Naskur Bilalu et al., "Compilation of Islamic Law as Judge's Consideration at a Religious Court in North Sulawesi, Indonesia," *Samarah* 6, no. 2 (2022).

⁵Pasal 116 Kementerian Agama RI, *Kompilasi Hukum Islam Di Indonesia* (Direktorat Jenderal Bimbingan Masyarakat Islam Direktorat Bina KUA dan Keluarga Sakinah, 2018).

⁶Ratno Lukito, "Segitiga Hukum Internasional, Municipal Dan Islam: Memahami Kompetisi, Interaksi Dan Resolusi Hukum Di Malaysia," *Asy-Syir'ah: Jurnal Ilmu Syariah Dan Hukum* 49, no. 1 (2015), p. 161–91; Kamal Muchtar, "Murtad Sebagai Alasan Perceraian Di Pengadilan Agama," *Al-Jami'ah: Journal of Islamic Studies* 41 (1990).

⁷Evra Willya, Nurlaila Harun, and Afni Anom, "Lawsuits Related To Divorce Due To Apostasy In Bitung Religious Court," *Miqot: Jurnal Ilmu-Ilmu Keislaman* 46, no. 1 (2022).

Based on some of the above research, this study focuses on the study of the views of religious people who are members of the Malang City FKUB regarding the socio-religious perspective of religious believers in Malang City about the annulment of marriage due to apostasy and the potential for conflict if a marriage with a different religion occurs. To deepen the analysis, this research will also use John Hick's theory of religious pluralism⁸ and legal sociologist Soerjono Soekanto.⁹ This study addresses two main research questions: first, how the Forum Kerukunan Umat Beragama (FKUB) views the legal provisions governing the annulment of marriage due to apostasy from the socio-religious perspectives of the five officially recognized religions; and second, what potential conflicts may arise in interfaith marriages as a result of apostasy, as well as what legal norms are considered appropriate to regulate and resolve such disputes. The purpose of writing this research is to find an ideal formulation in the form of legal rules that can accommodate the diverse views of religious believers.

This study uses a qualitative approach with a thematic analysis design integrated with a sociological perspective of religion to explore the dynamics of views on annulment of marriage due to apostasy from the perspective of religious believers in Malang City, with a focus on the FKUB community. The sociology of religion approach, as developed by Berger and Luckmann in social construction theory,¹⁰ is applied to understand how religious norms and social interactions shape responses to apostasy in the context of marriage, particularly through negotiations between religious doctrine, law, and the social structure of Malang's multicultural society. Data were collected through semi-structured interviews with FKUB activists, selected purposively based on organizational activeness and deep theological knowledge. Interviews are conducted face-to-face, recorded with ethical consent, and transcribed. The data analysis followed Braun and Clarke's thematic model, which resulted in three main themes: theological perspectives, the role of FKUB in mediation, and the interaction of social laws-norms.¹¹ The sociology of religion approach allows an analysis of how religion, as a dynamic social phenomenon, as described by Beckford, interacts with power structures and cultural norms in dealing with marital conflict.¹² Research ethics are maintained through informed consent, confidentiality of respondents' identities, and avoidance of judgmental questions, according to Creswell and Poth's guidelines.¹³

⁸John Hick, *An Interpretation of Religion: Human Responses to the Transcendent* (New Haven: Yale University Press, 1989), p. 240–45.

⁹Soerjono Soekanto, *Perspektif Teoritis Studi Hukum Dalam Masyarakat* (Jakarta: Rajawali Press, 1985).

¹⁰Norman M. Fraser and Romeo V. Turcan, "Reconstructing the Social Construction of Reality," *British Journal of Sociology* 76, no. 3 (2025).

¹¹Virginia Braun and Victoria Clarke, "Using Thematic Analysis in Psychology," *Qualitative Research in Psychology* 3, no. 2 (2006), p. 77–101.

¹²J.A. Beckford, *Social Theory and Religion* (Cambridge University Press, 2003).

¹³John W. Creswell and Cheryl N. Poth, *Qualitative Inquiry and Research Design: Choosing Among Five Approaches* (Thousand Oaks, CA: Sage Publications, 2018).

The significance of this research lies in its contribution to the discourse of family law in Indonesia, especially in the context of religious pluralism. By examining the views of FKUB, this study is expected to provide insight into how religious believers contribute to the drafting of inclusive legal regulations, which not only regulate the annulment of marriage due to apostasy but also anticipate disputes in interfaith marriages. In Malang, which has a long history as a tolerant city, FKUB's view can serve as a model for other cities in Indonesia that face similar challenges.

Religious Pluralism and Social Dynamics of Malang City

Malang City, as one of the urban and multicultural areas in East Java, provides a clear picture of the practice of religious pluralism through the diversity of Muslims, Christians, Catholics, Hindus, and Buddhists who live in harmony in religious harmony.¹⁴ This diversity directly gives color to social interactions in the educational and tourism environment, but still faces challenges, such as the issue of religious conversion in marriage that can trigger interreligious conflicts.¹⁵ The Malang City FKUB, which was established based on the Joint Regulation of the Minister of Religion and the Minister of Home Affairs Number 9 and 8 of 2006, plays a strategic role in facilitating interreligious dialogue to reduce conflicts, including through the resolution of sensitive issues such as the annulment of marriage due to apostasy. This approach is in line with the theory of legal pluralism, which emphasizes the harmonization of religious norms, state law, and social dynamics.¹⁶ Thus, FKUB is expected to be a forum that strengthens religious pluralism literature in Malang as a bridge in maintaining social harmony.

Furthermore, this study examines the views of FKUB activists on the legal rules of annulment of marriage due to apostasy from a socio-religious perspective. The study also evaluated the impact of apostasy, which, if not followed by cancellation, can create interfaith relationships, trigger disputes over children's identity, child custody, and even inheritance division.¹⁷ The main question of the study is: What is the view of FKUB activists on the legal rules of annulment of marriage due to apostasy? What are the social consequences if the cancellation is not

¹⁴Bani Syarif Maula and Ilyya Muhsin, "Interfaith Marriage and the Religion-State Relationship: Debates between Human Rights Basis and Religious Precepts," *Samarah* 8, no. 2 (2024); M. Thahir Maloko et al., "Analyzing the Prohibition of Interfaith Marriage in Indonesia: Legal, Religious, and Human Rights Perspectives," *Cogent Social Sciences* 10, no. 1 (2024).

¹⁵Umi Sumbulah, "Pluralisme Dan Kerukunan Umat Beragama Perspektif Elite Agama Di Kota Malang Pluralism and Religious Harmony in Religious Elites Perspectives in Malang City," *Analisa Journal of Social Science and Religion* 22, no. 1 (2015), p. 1–13.

¹⁶Dedy Sumardi, Ratno Lukito, and Moch Nur Ichwan, "Legal Pluralism within the Space of Sharia: Interlegality of Criminal Law Traditions in Aceh, Indonesia," *Samarah* 5, no. 1 (2021), p. 426–49; Mursyid Djawas et al., "Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism," *Hasanuddin Law Review* 10, no. 1 (2024); Ratno Lukito, "Sharī'ah and the Politics of Pluralism in Indonesia," *Studia Islamika* 14, no. 2 (2007).

¹⁷Annette Mahoney, "Religion in Families, 1999-2009: A Relational Spirituality Framework," *Journal of Marriage and Family* 72, no. 4 (2010), p. 805–27.

carried out, thus forming interreligious relations? This issue is relevant because the practice of apostasy affects not only couples but also extended families and religious communities, demanding clarity on the rule of law to prevent disharmony. Therefore, this research aims to provide insight into legal settlements that support social stability in the context of religious pluralism.

The study of Islamic family law views that apostasy results in the annulment of marriage because the requirements of religious equality are not met, as affirmed by scholars such as Imam Shafi'i and Abu Hanifah. In line with this view, the Compilation of Islamic Law (KHI) Article 75 states that cancellation does not apply retroactively to children and gono-gini property.¹⁸ If annulment is not carried out, apostasy can result in interfaith relationships that go against religious and legal norms, triggering social dilemmas such as discrimination and child identity conflicts. In contrast to Islam, religions such as Catholicism and Buddhism have a more flexible view of interfaith marriage, so apostasy creates complex legal challenges. FKUB plays a crucial role in facilitating interfaith dialogue to resolve the impact of apostasy, promoting solutions that respect religious and social norms, as seen in the resolution of conflicts over the establishment of houses of worship in Malang. Thus, clarity on the rules for annulment of marriage due to apostasy is essential to prevent the escalation of interreligious conflicts.

The Relationship of Religiosity and Psychology in Overcoming Conflict

Conflicts in the family that lead to divorce are often triggered by complex interactions between religious and psychological factors of each couple; differences in beliefs and spiritual perspectives are allegedly one of the strongest causes that trigger emotional tension.¹⁹ In heterogeneous societies, differences in views between couples often give birth to significant disparities in values. Some people view marriage as a sacred institution with a spiritual dimension, while others interpret marriage as a social contract. This contradiction of views has the potential to create cultural distance, emotional alienation, and identity disharmony that can affect the stability of the marital relationship.²⁰ The stress of this misunderstanding triggers depression or anxiety, which erodes emotional commitment in the household.²¹ Some studies show that couples with low religiosity are more prone to conflict or even divorce due to a lack of spiritual support in mitigating conflict.²² Thus,

¹⁸Imam Syafi'i, *Al-Umm*, 5th ed. (Beirut: Dar al-Ma'rifah, 1990), p. 123.

¹⁹John P. Bartkowski, Xiaohe Xu, and Martin L. Levin, "Religion and Child Development: Evidence from the Early Childhood Longitudinal Study," *Social Science Research* 37, no. 1 (2008).

²⁰Randal D. Day and Alan Acock, "Marital Well-Being and Religiousness as Mediated by Relational Virtue and Equality," *Journal of Marriage and Family* 75, no. 1 (2013); Evelyn L. Lehrer and Carmel U. Chiswick, "Religion as a Determinant of Marital Stability," *Demography* 30, no. 3 (1993).

²¹Mahoney, "Religion in Families, 1999-2009: A Relational Spirituality Framework."

²²Christopher G. Ellison, Amy M. Burdette, and W. Bradford Wilcox, "The Couple That Prays Together: Race and Ethnicity, Religion, and Relationship Quality Among Working-Age Adults," *Journal of Marriage and Family* 72, no. 4 (2010), p. 963-75.

understanding the relationship between religion and psychology is key to preventing the escalation of conflict towards divorce, which will be explored further in this narrative based on the latest empirical evidence.

Religiosity is an important part of overcoming conflicts in the family; this is based on the view that marriage is a sacred institution governed by the norms and spiritual values of the couple.²³ Differences in beliefs or views between spouses are often a trigger for disputes, for example, in educating children, celebrating holidays, or implementing household etiquette, which builds frustration and alienation. Low religiosity on either side accelerates conflict due to a lack of participation in shared religious activities, which usually strengthens emotional bonds.²⁴ Studies have found that couples who regularly attend worship together have a 50 percent lower risk of divorce, because these activities build a sense of community and shared values.²⁵ On the other hand, mixed marriages or religious differences can lead to feelings of spiritual betrayal, which triggers prolonged psychological stress. Therefore, religious factors not only affect the ritual aspect but also become the psychological foundation that determines the stability of the family.

In communities with strong religious traditions, such as countries with a majority Muslim population, religious factors are alleged to have a strong influence on the dynamics of family conflicts. Although Islamic teachings consider divorce as a last resort, it often triggers social stigma that results in depression and shame, especially in divorced couples. Research shows that women are more prone to religious disharmony, experiencing psychological stages such as anger and grief before divorce, while men tend to cope with emotional instability by looking for a new partner. Pressure from religious communities can exacerbate post-divorce psychological isolation, especially for women who face heavier social stigma.²⁶ Therefore, counseling that integrates religious and psychological approaches is important in an effort to prevent the escalation of conflict and support family mental health.

Joint religious practice in the family is one of the activities that is considered to increase marital stability and reduce the risk of divorce through strengthening emotional bonds. Research shows that couples who regularly worship together have a 14 percent lower risk of divorce, because religious communities provide psychological support that strengthens the relationship.²⁷ On the other hand, non-participation in religious activities can trigger emotional conflict, which exacerbates the problem of depression due to a lack of shared values. Differences in religious

²³Lehrer and Chiswick, "Religion as a Determinant of Marital Stability."

²⁴Bartkowski, Xu, and Levin, "Religion and Child Development: Evidence from the Early Childhood Longitudinal Study."

²⁵Ellison, Burdette, and Bradford Wilcox, "The Couple That Prays Together: Race and Ethnicity, Religion, and Relationship Quality Among Working-Age Adults."

²⁶Mahoney, "Religion in Families, 1999-2009: A Relational Spirituality Framework."

²⁷Ellison, Burdette, and Bradford Wilcox, "The Couple That Prays Together: Race and Ethnicity, Religion, and Relationship Quality Among Working-Age Adults."

commitments often increase tensions between couples, while the alignment of religious values reduces the frequency of conflict. Without religious support, a lack of psychological commitment is a major factor in the escalation of family conflicts. Therefore, strengthening joint religious practices is an effective strategy to prevent marital conflicts.

Furthermore, the interaction between religious and psychological factors is the main trigger for family conflicts that can lead to divorce. Differences in beliefs between couples often cause emotional distress, such as depression, which disrupts communication in the household.²⁸ Positive religiosity, such as joint prayer, can protect the integrity of the family, but negative religiosity, such as blaming a spouse for spiritual failure, exacerbates depression. Thus, a holistic intervention that integrates religious and psychological approaches is needed to break the cycle of conflict and maintain family stability.

Socio-Religious and Legal Conceptualization in Indonesia

Socio-religious perspective is an interdisciplinary approach to understanding the interaction between personal perspectives based on religious understanding and social dynamics in society, especially in multicultural contexts such as Indonesia. This approach integrates sociological dimensions, such as social structures, norms, and community interactions, with religious dimensions, including religious doctrines, practices, and values.²⁹ In the context of issues such as religious freedom, interfaith marriage, and annulment of marriage due to apostasy, a socio-religious perspective allows for an in-depth analysis of how religion is shaped and shaped by social contexts.³⁰ This study aims to elaborate on the meaning of socio-religious perspectives, relevant figures or philosophers, as well as the urgency of this approach in understanding socio-religious dynamics, with a focus on multicultural societies such as in the city of Malang, Indonesia.

The socio-religious perspective is an analytical approach that combines sociological theory and religious studies to understand how religion interacts with social structures and dynamics in society. According to Beckford,³¹ this approach views religion not only as a system of beliefs and values, but also as a social institution that influences and is influenced by factors such as culture, politics, and economics. In a multicultural context, this perspective is relevant for analyzing issues such as religious freedom, which often involve tensions between individual rights and collective norms. For example, in the case of annulment of marriage due to apostasy, a socio-religious perspective allows researchers to explore how religious doctrine interacts with civil law and social norms in society.

²⁸Mahoney, "Religion in Families, 1999-2009: A Relational Spirituality Framework."

²⁹P.L. Berger and T. Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (Anchor Books, 1966), p. 129-47.

³⁰James A. Beckford, *Social Theory and Religion* (Cambridge: Cambridge University Press, 2003), p. 12-15.

³¹Beckford, *Social Theory and Religion*, 2003.

Religion, as a value system that colors social life, functions as a source of identity, morality, and social cohesion, but it is not uncommon to be a source of conflict when understandings of religion are at odds in social life. In the Indonesian context, with its religious and cultural diversity, a socio-religious perspective helps to understand how religion shapes social practices and relations, including in the process of annulment of marriage. As an example of a study highlighted that in Indonesia, interfaith marriage often faces legal and social challenges, which demand a sensitive approach to religious values and cultural norms.³²

The socio-religious perspective also emphasizes the importance of religious pluralism, which is the recognition of religious diversity as a legitimate social reality.³³ This approach allows for an analysis of how religious community activists, such as the Forum for Religious Harmony (FKUB) in Malang, play a role in mediating conflicts and promoting social harmony. Thus, the socio-religious perspective provides a framework for understanding the complex dynamics between religion and society in a multicultural context.

The socio-religious perspective has been enriched by significant contributions from various figures and philosophers who integrate the sociological theories of religion and the philosophy of religion to understand the interaction between religion and social dynamics. Peter L. Berger and Thomas Luckmann, in their classic work *The Social Construction of Reality*,³⁴ introduced the theory of social construction, explaining that social reality, including religion, is formed through social interaction and the process of legitimization. This theory is relevant in socio-religious contexts to analyze how religious norms, such as those related to marriage or religious conversion, are constructed in society, for example, in the norm of annulment of marriage due to apostasy, influenced by the interaction between religious doctrine and civil law. John Hick asserts that various religious traditions have equal value in responding to transcendent reality, a relevant approach in Indonesia to analyze the contribution of religion in promoting social harmony through interreligious dialogue.³⁵

James A. Beckford³⁶ emphasizes that religious practices are a dynamic social phenomenon, influenced by political, economic, and cultural contexts, so it is important to understand the interaction of religion with power structures in mediating conflicts related to religious conversion. In the context of Buddhism, Damien Keown (2005) explains that values such as *karuna* (compassion) and *prajna* (wisdom) form the basis of flexible Buddhist ethics, supporting inclusive and non-dogmatic

³² Maula and Muhsin, "Interfaith Marriage and the Religion-State Relationship: Debates between Human Rights Basis and Religious Precepts."

³³ Hick, *An Interpretation of Religion: Human Responses to the Transcendent*.

³⁴ Berger and Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*.

³⁵ Hick, *An Interpretation of Religion: Human Responses to the Transcendent*.

³⁶ Beckford, *Social Theory and Religion*, 2003.

responses to issues such as interfaith marriage and religious conversion.³⁷ The contributions of these figures provide a strong theoretical foundation for understanding socio-religious dynamics in a multicultural society.

Theological Diversity and the Implementation of Religious Values of FKUB Activists

The perspective of social psychology shows that personal perceptions of social issues are formed through complex interactions with various factors in daily life, such as personal experiences, cultural norms, and social interactions of society. In Malang City, which is known as a multicultural area with religious diversity, including Islam, Christianity, Hinduism, Buddhism, as well as other ethnicities and beliefs, these factors interact with each other in shaping individual perceptions.³⁸ Therefore, understanding these dynamics is important to analyze how perceptions are constructed in the context of a pluralistic society.

From these diverse influences, religious beliefs emerged as the main factors that shaped personal perception, serving as a lens that gave meaning to individual values, identities, and actions. According to Berger and Luckmann's theory of social construction,³⁹ social reality including individual perceptions is constructed through social interaction, in which religion occupies a central role in creating collective meaning. In the context of sensitive issues such as annulment of marriage due to apostasy, religious beliefs not only reflect ritual doctrines or practices, but also influence the way individuals navigate family conflicts and intercommunity dynamics, as outlined in the study of the sociology of religion. In the following section, data and analysis are presented about various theological views on apostasy and its relationship with annulment of marriage.

The Perspective of a Buddhist Activist

One of the key findings of the interviews with Buddhists is the open teachings of one's view of religious freedom and religious conversion. Buddha did not restrict individuals from leaving a religion or joining another religion because the most important thing was to translate the teachings into life.⁴⁰ This teaching emphasizes respect for personal choice, which reflects the Buddha's core principles of individual autonomy and non-dogmatism. In the context of annulment of marriage due to apostasy, this flexibility has important implications. Unlike some religious traditions that may pressure former members to return or consider conversion an offense, Buddhism tends to accept individual choices without punishing them. This approach

³⁷Damien Keown, *Buddhist Ethics: A Very Short Introduction* (Oxford University Press, 2005).

³⁸Sumbulah, "Pluralisme Dan Kerukunan Umat Beragama Perspektif Elite Agama Di Kota Malang Pluralism and Religious Harmony in Religious Elites Perspectives in Malang City."

³⁹Berger and Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*, p. 129–40.

⁴⁰Interview with July Prajna, M.H, Member of FKUB from Budha, July 19, 2025

is in line with the principles of compassion (metta) and wisdom (prajna), which emphasize the importance of understanding and respecting the perspective of others.⁴¹

Buddhism offers an inclusive approach to religious freedom and social harmony, reflected in core principles such as *ahimsa* (non-violence) and *karuna* (compassion), which encourage tolerance between individuals and communities in multicultural societies.⁴² These principles, which are rooted in sacred texts such as the Tripitaka and the teachings of the Sangha, affirm that the freedom to choose or abandon one's beliefs is a fundamental right of the individual without formal sanctions against apostasy, since the Buddha's primary focus is inner transformation rather than external control.⁴³ However, in the context of a multicultural society like Malang, the application of this theological flexibility faces challenges, where social and legal dynamics often conflict with individual autonomy, so the effectiveness of the Buddhist model of tolerance depends on the integration of these values with local norms.

One of the main challenges of the approach to individual autonomy in Buddhism is the friction with strong communal dynamics, in which religious identity is tightly integrated with social structures such as the family or indigenous communities.⁴⁴ For example, in the case of apostasy triggered by interfaith marriage, social pressure from the family can create conflicts that are difficult to resolve through peaceful dialogue alone, even though teachings such as the Vinaya Pitaka reject violence against the conversion of beliefs.

The Perspective of Islamic Activists

From the perspective of Islamic legal teachings, apostasy is considered to be a valid reason for the annulment of marriage based on the majority of scholars in the study of *munakahat fiqh*, because religious similarity is an essential condition for the validity of marriage according to the dominant Shafi'i school in Malang.⁴⁵ The Compilation of Islamic Law (KHI) Article 116 implicitly supports the annulment of marriages due to apostasy, although it does not explicitly mention it, thus creating ambiguity in the practice of religious courts. To overcome this uncertainty, representatives of the Islamic Religious Harmony Forum (FKUB) in Malang support the strengthening of regulations, such as the revision of the KHI, so that apostasy is expressly declared as a reason for annulment of marriage, in line with the views of

⁴¹Keown, *Buddhist Ethics: A Very Short Introduction*.

⁴²Benjamin Schonthal, "Buddhist Perspectives on Freedom of Religion or Belief," in *Routledge Handbook of Freedom of Religion or Belief* (Routledge, 2020), p. 73–87.

⁴³Mutsalim Khareng et al., "Freedom of Religion in Islam and Buddhism: A Comparison Study of the Barriers That Determines the Freedom of Religion," *Asian Social Science* 10, no. 22 (2014).

⁴⁴Berger and Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*, p. 134.

⁴⁵Abd al-Rahman Al-Jazari, *Al-Fiqh 'Ala Al-Mazahib Al-'Arba'Ah*, Juz II (Mesir: Tijariya al-Kubra, n.d.).

Wahbah az-Zuhaili, who emphasized the importance of legal certainty in handling apostasy cases.⁴⁶ This constitutional approach aims to ensure judicial consistency while maintaining the integrity of Islamic law in the context of marriage.

The complexity of problems in marriage that occur when one spouse changes religion is not only related to Islamic law, but also related to other social problems. Ulfa Amin's study⁴⁷ shows that marriages between Muslims and non-Muslims often face significant conflicts when one of the spouses apostatizes, as differences in religious identity complicate the issue of child custody and inheritance. This negative potential includes social stigmatization of apostate individuals by the Muslim community, which can trigger family and intercommunity disputes, as identified in the dynamics of Malang's multicultural society.

Furthermore, when the marriage is allowed to continue even though one of the couples has apostatized, it is the occurrence of a marriage of different religions. Interfaith marriage in Indonesia poses complex problems that include legal, social, and psychological aspects, where the state's insensitivity to this form of marriage is the main root of uncertainty in legal status. Juridically, such marriages cannot be recorded, as affirmed by the Constitutional Court Decision Number 24/PUU-XX/2022 and the Supreme Court Circular Number 2 of 2023, thus eliminating legal protections for the wife, including the right to maintenance, inheritance, and the prevention of domestic violence. In addition, children born from such marriages only have a civil relationship with the mother, lose custody of the father, and face the psychological impact of this uncertainty of legal identity.⁴⁸ Thus, although interfaith marriage is assumed to continue to occur as a consequence of social interaction in Indonesia's pluralistic society, the absence of clear regulations exacerbates juridical problems, especially related to registration by the Office of Religious Affairs or the Civil Registry Office, which often refuses to issue marriage certificates.

The absence of registration of interfaith marriages raises further juridical problems that are structural in nature and have a long-term impact on related parties. First, the father loses the legal obligation to nurture, educate, maintain, or provide for the child, because in civil terms, there is no relationship between father and child.⁴⁹ Second, the wife experiences uncertainty in status, so she has the potential to lose her husband's maintenance rights or inheritance rights if the husband dies first. Third, joint property is not legally recognized, so there is no division during divorce; Fourth, the child is considered illegitimate, only having a civil relationship

⁴⁶Interview with Nur Salim, member of FKUB from Islam, August 20, 2025

⁴⁷Ade Ulfa Amin, Syafruddin Syam, and Imam Yazid, "Islamic Law Perspective: The Issue of Interfaith Marriage and Its Impact on Society in Indonesia," *Journal of World Science* 2, no. 8 (2023), p. 1268–1279.

⁴⁸Maula and Muhsin, "Interfaith Marriage and the Religion–State Relationship: Debates between Human Rights Basis and Religious Precepts."

⁴⁹Ahmad Muqorobin, "Interreligious Marriage And Its Validity In Indonesian Marriage Law: Jurisprudence Analysis," *Al-Ahwal* 14, no. 2 (2021).

with the mother and her family.⁵⁰ Therefore, this problem demands more inclusive regulatory reform to ensure legal protection for all parties in Indonesia's multicultural society.

The Perspective of a Christian Activist

The Protestant Christian theological perspective views apostasy, i.e. conversion to another religion, not automatically invalidating marriage, because marriage is considered a sacred and permanent bond based on inseparable divine love, as stated in Matthew.⁵¹ Representatives of the Forum for Christian Harmony in Malang, such as Rev. Israel Yacob, emphasized that when apostasy triggers domestic conflicts, pastoral counseling is the top priority to seek reconciliation in order to maintain the integrity of marriage as a form of Christ's love.⁵² This approach is based on the values of Christian teachings that emphasize forgiveness and restoration, as taught in Reformed theology, so it is important to have legal regulation of apostasy without neglecting the spiritual dimension.⁵³

Nevertheless, from a socio-religious point of view, the Christian FKUB is concerned that legal regulations that are less sensitive to Christian values may harm couples in interfaith marriages, especially because of doctrinal differences that affect family identity and inheritance management.⁵⁴ Studies on interfaith marriage show that this dynamic can result in alienation in a plural society like Malang.⁵⁵ Therefore, it is imperative to design regulations that reflect ecumenical values, such as dialogue and love between religious communities, in line with Article 29 of the 1945 Constitution, in order to promote social harmony without overriding the principles of the Christian faith.

Furthermore, research on the Christian perspective on religious diversity and interfaith marriage in Indonesia reveals the complexity of socio-religious issues, where Christian teachings encourage peaceful living as members of the body of Christ and become a light to the world in the midst of a diversity of beliefs, while remaining subject to the authority of the government established by God. Modern Christian theology prioritizes interreligious dialogue as an inclusive approach as an effort to build mutual understanding, thereby strengthening peaceful coexistence. In some studies, interfaith marriage is an opportunity to share the values of love and faith across faiths, while at the same time facing challenges in maintaining a Christian theological identity.⁵⁶

⁵⁰Maula and Muhsin, "Interfaith Marriage and the Religion-State Relationship: Debates between Human Rights Basis and Religious Precepts."

⁵¹Maula and Muhsin.

⁵² Interview with, Israel Yacob, Member of FKUB from christian, 12 August 2025

⁵³Think and Act Biblically, "God, Divorce, and Apostasy – Part One," n.d., <https://www.thinkandactbiblically.org/god-divorce-and-apostasy-part-one/>.

⁵⁴Beckford, *Social Theory and Religion*, 2003.

⁵⁵Usep Saepullah, "Inter-Religious Marriage In Islamic And Indonesian Law Perspective," *Jurnal Ilmiah Peuradeun* 7, no. 1 (2019).

⁵⁶Saepullah.

The Perspective of Hindu Activists

Conversion or withdrawal from Hinduism is seen as a denial of the dharma, this act is seen as an interference with the universal ethical principles and obligations that underlie the spiritual and social life of Hindus, as outlined in sacred texts such as *the Manusmriti*. Dharma, in Hinduism, is not just a ritual rule, but a value system that maintains cosmic harmony (rita) between individuals, society, and the universe, so apostasy is considered to violate this balance and hinder the attainment of moksha (liberation of the soul) because it is contrary to the *karmic cycle*.⁵⁷ The phenomenological perspective of religion shows that conversion is not only a change in personal beliefs but is also influenced by social dynamics such as interfaith marriage, which can trigger spiritual and communal tensions in a multicultural society like Indonesia. Therefore, apostasy in Hinduism is not only individual, but also has an impact on interrelated social and spiritual structures, demanding a sensitive approach to dharma values.⁵⁸

The consequences of apostasy will be seen in their relationship with the family, where the displaced individual will lose inheritance rights or access to family rituals, such as funeral rites, as implied in the Rigveda, which emphasizes fidelity to the dharma.⁵⁹ These impacts are holistic, encompassing spiritual consequences such as the accumulation of negative karma and practical consequences such as social stigmatization, which can exacerbate child and family identity conflicts in multicultural societies.⁶⁰

Although the consequences of apostasy in Hinduism seem harsh, the modern perspective shows flexibility, especially in a multicultural society like Indonesia, where interreligious dialogue is key to defusing conflict. However, without clarity on the rule of law of the country, apostasy can exacerbate social tensions, such as inheritance disputes or community pressures, which demand an inclusive approach.⁶¹ This literature review confirms that Hinduism, through texts such as the Bhagavad Gita, which emphasizes tolerance in the dharma, encourages cross-faith understanding to avoid the disintegration of harmony. Therefore, this understanding reinforces the importance of an adaptive legal and social framework in dealing with apostasy, thereby preserving religious diversity without sacrificing Hindu core values.

⁵⁷Klaus K. Klostermaier, *A Survey of Hinduism*, III (Albany: State University of New York Press, 2007).

⁵⁸Interview with Nyoman Sudiatmika, Member of FKUB from Hindu, August 28, 2025

⁵⁹Rigveda, *The Rigveda: The Earliest Religious Poetry of India* (Oxford: Oxford University Press, 2014).

⁶⁰Interview with Nyoman Sudiatmika, Member of FKUB from Hindu, August 28, 2025

⁶¹John Stratton Hawley and Vasudha Narayanan, eds. *In The Life of Hinduism* (Berkeley: University of California Press, 2006), p. 120–25.

The Perspective of Catholic Activists

Catholic teaching views marriage as a sacred and inseparable sacrament; this bond reflects God's eternal and faithful love, as stated in the *Catechism of the Catholic Church*.⁶² Nugroho, a Catholic lay representative with experience as chairman of a pastoral parish council, affirmed that "marriage is an inseparable monogamy, for whatever reason," emphasizing the permanent nature of marriage as a divine covenant that binds couples in love and fidelity.⁶³ In contrast to the view that marriage is a social contract, Catholic marriage is a spiritual vocation that negates divorce as an option, but provides a mechanism of annulment for marriages that are invalid in the first place, such as the result of coercion or fraud, as set forth in the *Codex Iuris Canonici*.⁶⁴ This canonical law provides universal normative certainty, distinguishes the Catholic approach from the more flexible Protestant denomination, and is reinforced through pre-marital courses that include strengthening economic, health, and psychological aspects to ensure the couple's readiness.⁶⁵ Thus, this approach affirms the Catholic commitment to preserving the sanctity of marriage while providing structured legal solutions to specific cases.

In the context of apostasy and/or interfaith marriage, Catholic teaching shows flexibility but with strict conditions, such as dispensation from bishops to ensure that Catholics remain faithful to the faith and that children are educated in Catholic teaching, as set forth in the *Codex Iuris Canonici*. Nugroho explained that "Catholicism with other religions can be done with dispensation," but violations of consensus, such as preventing Catholics from practicing their faith, can be grounds for annulment. Challenges arise when canonical law interacts with Indonesian civil law, especially Law Number 1 of 1974 concerning Marriage, which requires the same religion on identity cards (KTP), creating administrative barriers for interfaith couples. This inconsistency often forces couples to change their religious identity on their ID cards, even though they are not required by canonical law, thus complicating harmonization in Indonesia's pluralistic society.⁶⁶ Therefore, mentoring through pre-marital courses and mediation based on Catholic love values is key to preventing conflicts, such as religious tug-of-war, while promoting peaceful coexistence.

Furthermore, an analysis of the Catholic approach to interfaith marriage reveals the need for harmonization between canon law and civil law to support religious diversity in Indonesia. The study by Sperry shows that the centralized authority of the Catholic Church provides consistent legal certainty, in contrast to the autonomy of Protestant denominations, but administrative challenges such as ID

⁶²The Catholic Church, *Catechism of the Catholic Church* (Vatican City: Libreria Editrice Vaticana, 1994), p. 1601.

⁶³Interview with Nugroho, Member of FKUB from Catholic, July 26, 2025

⁶⁴*Codex Iuris Canonici, Code of Canon Law* (Vatican City: Libreria Editrice Vaticana, 1983).

⁶⁵Interview with Nugroho, Member of FKUB from Catholic, July 26, 2025

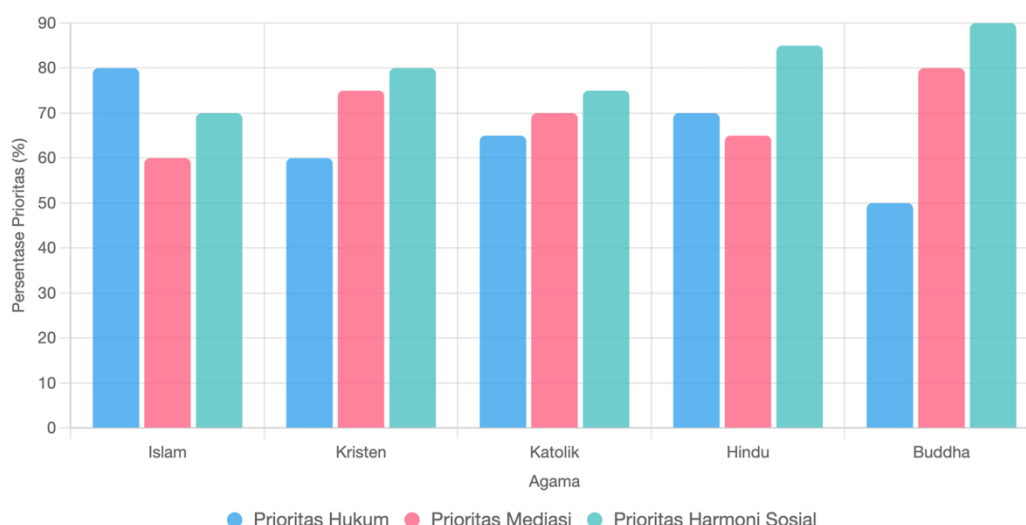
⁶⁶Interview with Nugroho, Member of FKUB from Catholic, July 26, 2025

card requirements point to the need for inclusive regulatory reform.⁶⁷ The Catholic approach that emphasizes dialogue and mentoring, as advocated by Nugroho, reflects a balance between commitment to the identity of the faith and respect for religious freedom, in line with Article 29 of the 1945 Constitution. Thus, the development of an adaptive legal framework, supported by pastoral mediation and interreligious dialogue, is essential to maintaining social harmony in a multicultural society without sacrificing the values of the Catholic sacrament of marriage.

Based on data exploration through interviews, hypotheticals with FKUB activist representatives, and analysis with theoretical frameworks of legal sociology and religious pluralism. The following chart can illustrate the distribution of views that occur in each religion that is a member of the forum, with the classification of priorities that are the focus of each one.

Chart 1.

Distribution of FKUB Activists' Views on Annulment of Marriage due to Apostasy



The Interaction of Religious, Legal and Social Values in Annulment of Marriage Due to Apostasy

The annulment of marriage due to apostasy in the context of a multicultural society such as Malang City reflects the complex interplay between religious doctrine, legal regulation, and social dynamics, which can be analyzed through the lens of the social construction theories of Peter L. Berger and Thomas Luckmann and the legal sociology of Soerjono Soekanto. Berger and Luckmann's theory explains that religious and legal norms related to apostasy are formed through a dialectical process of externalization, objectification, and internalization, in which

⁶⁷Gerard J McGlone and Len Sperry, *The Inner Life of Priests* (Liturgical Press, 2012), p. 82–84.

individuals and communities actively create and maintain social realities through interaction.⁶⁸ In an Islamic perspective, for example, apostasy is considered to violate the essential requirements of religious equality in marriage, as stipulated in the Compilation of Islamic Law (KHI) Article 116, which is objectified through the legitimacy of the ulama and the decisions of religious courts, as seen in practice in Malang. This process is reinforced by the externalization of norms through the rejection of interfaith marriage by the Office of Religious Affairs, which is then internalized by the Muslim community as a social stigmatization of apostate individuals, resulting in conflicts such as disputes over inheritance or the religious identity of children.

In contrast, Catholic teaching views marriage as an indissoluble sacrament, with an annulment mechanism for invalid cases from the start, reflecting the objectification of the value of sacredness through the church's flexible authority in allowing dispensations for interfaith marriages. Hinduism views apostasy as a denial of the *dharma*, which results in social isolation through exclusion from family rituals, such as funeral ceremonies, as implied in the *Rigveda*. Meanwhile, the Buddha adopted a non-dogmatic approach based on *metta* (compassion) and *ahimsa* (non-violence), which emphasized individual autonomy without punitive sanctions, despite facing challenges in Malang's strong communal dynamics. In this context, the Malang Forum for Religious Harmony acts as an agent of objectification, facilitating interreligious dialogue to create common norms that support social harmony, such as through mediation of conflicts related to apostasy or the establishment of houses of worship.

Viewed from a more technical perspective, the effectiveness of these laws and rules depends on the legal framework that supports religious pluralism, as studied in Soerjono Soekanto's study of legal sociology, which emphasizes that effective law requires legal certainty, law enforcement, social acceptance, facilities, and conformity to the culture of society. Law No. 1 of 1974 on Marriage and Religious Affairs shows limited legal certainty, as it does not explicitly regulate apostasy for non-Islamic religions, thus creating judicial ambiguity that marginalizes the views of minority religions such as Christianity, Catholicism, Hinduism, or Buddhism. Soekanto's concept of legal pluralism offers a solution through the development of inclusive regulations that integrate religious values, such as prenuptial clauses that include agreements on children's religious education or the division of property in anticipation of apostasy.

Conclusion

The socio-religious perspective of the Malang City Religious Harmony Forum (FKUB) demonstrates that the annulment of marriage due to apostasy is not merely a legal issue, but a multidimensional matter shaped by religious doctrine,

⁶⁸Berger and Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*.

legal frameworks, and social realities. Each religion constructs its own normative response: Islam firmly recognizes apostasy as grounds for fasakh, while still encouraging maslahah-based mediation; Christianity and Catholicism emphasize reconciliation and pastoral processes rooted in the sanctity of marriage; Hinduism prioritizes the restoration of cosmic balance through customary mediation; and Buddhism promotes individual autonomy through compassion and nonviolence. These variations reflect a broader effort to maintain both doctrinal integrity and social harmony within Indonesia's pluralistic society. At the same time, the study reveals that apostasy in interfaith marriages has significant conflict potential, particularly concerning child custody, inheritance, religious identity, and social stigma. These tensions are intensified by the dominance of Islamic legal interpretations in judicial practice and by the limited accommodation of non-Islamic perspectives within national regulations such as the Marriage Law and the Compilation of Islamic Law (KHI). As a result, legal effectiveness is constrained by normative ambiguity and uneven social acceptance. This underscores the need for more inclusive and adaptive legal frameworks that can bridge doctrinal differences while fostering social cohesion and legal certainty in multicultural contexts.

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