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Interfaith Marriage of North Sulawesi Multicultural Community in Minority Fiqh Perspective

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Abstract

The teachings of Islam and the Indonesian constitution clearly prohibit interfaith marriage. However, some Muslim communities in North Sulawesi as a minority group have entered into interfaith marriages. Therefore, this study aims to analyze the phenomenon of interreligious marriage in North Sulawesi and the achievement of minority fiqh objectives in interfaith families. This research is a field research that uses qualitative methods with a phenomenological approach. Data collection was conducted through interviews with informants consisting of 5 interfaith marriage actors, 1 village official, and 1 religious leader. The results showed that the main motivation

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for interfaith couples to marry is mutual love. They also tend to get support from their respective extended families so that the marriage runs relatively smoothly and safely. The objectives of minority fiqh are achieved in interfaith marriages in the multicultural society of North Sulawesi. Minority fiqh can be an approach in interfaith marriages in multicultural societies where Muslims are a minority, without losing their Islamic essence, it is based on the fiqh rule that changes in law can occur due to changes in times and places. Minority jurisprudence can be an alternative basis for the sustainability of interfaith families in North Sulawesi that are able to maintain their Islamic identity while still respecting their partner's beliefs.

Keywords:
Interfaith Marriage; Interfaith Family; Multicultural Society; Minority Fiqh

Introduction

In multicultural societies, interfaith marriages are more likely to occur. In some ways, this phenomenon shows the same pattern as the other types of exogamous marriages that occur between couples with different backgrounds, ranging from ethnicity, race, skin color, social class, and mass organization affiliation, to nationality. However, compared to these patterns, interfaith marriage ranks highest in its unique dynamics and controversies. This contains a number of laws that forbid this kind of union in general, despite the fact that there are numerous legal gaps that let it persist.

North Sulawesi is known for its multicultural society. In the 16th century, ethnographers mapped three major sub-ethnic groups in North Sulawesi: the Minahasan people (Tonsea, Tombulu, Tontemboan, Toulour Tonsawang, Pasan or Ratahan, Ponosakan, and Bantik), the Bolaang Mongondow people, and the Sangihe-Talaud people.[1] These three sub-ethnic groups were the original inhabitants

[1] Jessy Wenas, *Sejarah dan Kebudayaan Minahasa* (Minahasa: Institut Seni Budaya Sulawesi Utara, 2007); Merry Regina Mamuko and Yosua Prasetya Hengkengbala, "Tinjauan Etis Teologis Ibadah Kuno Dibalik Kebudayaan Ritual Mahelur Masyarakat Kristen Minahasa Sulawesi Utara," *Magenang: Jurnal Teologi dan Pendidikan Kristen* 4, no. 1 (2023): 12–24, https://doi.org/10.51667/mjtpk.v4i1.1303.

of North Sulawesi before the arrival of the Bugis, Makassarese, Ternate, Javanese, and Gorontalo. Because of this history and the dynamics of its population development,[2] Religions in North Sulawesi are also diverse, namely Christianity, Catholicism, Islam, Confucianism, Hinduism, and Buddhism. Christianity and Catholicism are the majority religions.[3]

Inter-ethnic and religious encounters in North Sulawesi result in cultural acculturation and assimilation. Assimilation in a culture or society can be interpreted as a process of changing cultural or social patterns to adapt to the majority. According to Danadjaya, in Romli's research, cultural blending as a result of assimilation occurs either directly or indirectly.[4] In this condition, interfaith marriage is inevitable.[5] Some precedents of interfaith marriage seem to cause this phenomenon to continue to occur. In fact, Law Number 16 of 2019 has clearly stated that marriage between prospective husbands and prospective wives of different religions cannot be carried out because it is contrary to applicable law in Indonesia.[6]

The marriage law, of course, faced controversy due to views on the interfaith marriage phenomenon. In a concurring opinion in Constitutional Court Decision Number 24/PUU/XX/2022, Suhartoyo explained that the Marriage Law actually shows the 'lack of attention' of the state which does not recognize and legalize marriages from

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[2] A. E Rompas and A. Sigarlaki, *Sejarah Masuknya Islam di Kota Manado* (Manado: Universitas Samratulangi, 1982).

[3] Ilham Daeng Makkelo and Manneke Budiman, *Kota Seribu Gereja: Dinamika Keagamaan dan Penggunaan Ruang di Kota Manado* (Yogyakarta: Penerbit Ombak, 2010).

[4] Khomsahrial Romli, "Akulturasi dan Asimilasi dalam Konteks Interaksi Antar Etnik," *Ijtimaiyya* 8, no. 1 (2015): 1–13, https://doi.org/https://dx.doi.org/10.24042/ijpmi.v8i1.859.

[5] Danar Yuda Pratama et al., "Pluralisme Hukum Mengenai Hak Waris Anak dari Perkawinan Beda Agama di Indonesia," *COLAS (Conference on Law and Social Studies)* 4, no. 1 (2023): 1–11, http://prosiding.unipma.ac.id/index.php/COLaS/article/view/5176/4127; Yayan Sopyan et al., "Child Exploitation by Parents in Early Marriage: Case Study in Cianjur West Java, Indonesia," *Samarah* 7, no. 3 (2023): 1921–42, https://doi.org/10.22373/sjhk.v7i3.14804.

[6] Lolita Permanasari, "Legal Analysis of Interfaith Marriage in Indonesia," *IUS POSITUM: Journal Of Law Theory And Law Enforcement* 2, no. 1 (2023): 35–44, https://doi.org/10.56943/jlte.v2i1.282; Agus Purnomo et al., "Dimensions *Maqāsid Al-Sharī'ah* and Human Rights in The Constitutional Court's Decision on Marriage Age Difference in Indonesia," *Samarah* 7, no. 3 (2023): 1397–1421, https://doi.org/10.22373/sjhk.v7i3.13283.

different religions, while the legalization of marriage according to civil law is only in the form of administrative registration. Therefore, according to him, such legal uncertainty should be resolved immediately by amending this Marriage Law because when it was formulated in 1974, the social conditions and dynamics of community life were not as complex as today. Moreover, the amendment to the Marriage Law in Law Number 16 of 2019 only changes the norms regarding the age limit for marriage as an implication of the Constitutional Court's decision Number 22/PUU-XV/2017 (Constitutional Court Decision Number 24/PUU-XX/2022 concerning the Case of Law Number 1 Year 1974 concerning Marriage).

In North Sulawesi, interfaith marriage is commonly happening.[7] Many interfaith families can easily be found in this region.[8] Two of them are the family of Letiana, a Muslim woman married to a Christian man. There is also Sumiyati, a Christian woman married to a Muslim man.[9] To this day, such interfaith families still survive in a marriage filled with the values of tolerance. However, they are a minority in their extended families and social circles. In this condition, it is likely that each partner will experience obstacles in practicing various religious teachings, such as praying and fasting for Muslims or visiting churches for Christians.

Most people in North Sulawesi view religion as a relationship between a servant and his or her God, so marriage is something that should not be contested due to differences in beliefs.[10] In fact, to this

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[7] Rosdalina Bukido et al., *Menyempurnakan Setengah Agama: Akulturasi Islam dan Budaya Lokal dalam Perkawinan Masyarakat Sulawesi Utara dan Gorontalo* (Yogyakarta: Samudra Biru, 2021); Ilham Daeng Makkelo, *Kota Seribu Gereja: Dinamika Keagamaan dan Penggunaan Ruang di Kota Manado* (Yogyakarta: Ombak, 2010); Benny Irwan Towoliu, Dimas Ero Permana, and Fonny Sangari, "Can the Chinese Cultural Attraction Become an Icon of Tourism Cultural Heritage? (A Case in China Village, Manado)," *Jurnal Ilmiah Peuradeun* 8, no. 3 (2020): 601–18, https://doi.org/10.26811/peuradeun.v8i3.382.

[8] Rosdalina Bukido et al., "Negotiating Love and Faith: Interfaith Marriage in Manado, Indonesia," *Wawasan: Jurnal Ilmiah Agama dan Sosial Budaya* 6, no. 1 (2021): 67–76, https://doi.org/10.15575/jw.v6i1.11299; Rosdiana, Ummu Hanah Yusuf Saumin, and Masayu Mashita Maisarah, "Legitimacy on Inter-Faith Marriages: An Analysis of the Role of Religious Councils on the Policy in Indonesia," *Ahkam: Jurnal Ilmu Syariah* 19, no. 1 (2019): 81–96, https://doi.org/10.15408/ajis.v19i1.11710.

[9] Sumiyati, *Interview*, Manado, 2023.

[10] Bukido et al., *Menyempurnakan Setengah Agama: Akulturasi Islam dan Budaya Lokal dalam Perkawinan Masyarakat Sulawesi Utara dan Gorontalo*.

day, interfaith families still survive and can easily be found in the region, including those where one of the partners is Muslim.[11] One of them is Sumiyati, a Christian who married a Muslim man.[12] The existence of families with this pattern, although seemingly safe and full of tolerance values within the family, remains a minority in the extended family and social environment. In this condition, the implementation of their respective religious teachings tends to be hampered, such as the implementation of prayer and fasting for Muslims.

In this context, minority fiqh finds its relevance, namely to prevent obstacles to the implementation of Islamic teachings without setting aside the harmony of interfaith households.[13] Based on the principles of shari'ah and its rules, minority fiqh has a number of objectives or targets to be achieved, namely: facilitate the process of practicing religion; maintain the essence of Muslim personality; convey universal Islamic teachings including the value of tolerance, openness, rights and freedom of religion, and answer questions and challenges.[14] These goals are a form of effort to facilitate the implementation of Islamic teachings in minority Muslim communities.[15]

So far, previous studies or research on interfaith marriage and minority fiqh in multicultural societies have been conducted separately. Some of them tend to highlight the interfaith marriages of Muslim women, such as the works of Jana Van Niekerk and Maykel

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[11] Bukido et al., "Negotiating Love and Faith: Interfaith Marriage in Manado, Indonesia."

[12] Sumiyati, Interview, Manado, 2023.

[13] Ahmad Imam Mawardi, *Fiqh Minoritas: Fiqh Al-Aqalliyyāt dan Evolusi Maqāṣid Asy-Syarī'ah dari Konsep ke Pendekatan* (Yogyakarta: Lkis Pelangi Aksara, 2010).

[14] Hasse Jubba et al., "Changes in the Political Behavior of Towani Tolotang as a Minority Religious Group: *Fiqh al-'Aqaliyyāt* Perspective," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 18, no. 2 (2023): 392–419, https://doi.org/10.19105/al-lhkam.v18i2.10184.

[15] Nurhayati, "Fiqh for Minorities: A Theoretical Study," *Ahkam: Jurnal Ilmu Syariah* 13, no. 2 (2013): 193–200, https://doi.org/10.15408/ajis.v13i2.932; Jubba et al., "Changes in the Political Behavior of Towani Tolotang as a Minority Religious Group: *Fiqh al-'Aqaliyyāt* Perspective"; Hilmi Ridho, Hamim Maftuh Elmi, and Muhammad Sibawaihi, "*Fiqh Al-Aqalliyyāt*: Jurisprudence for Muslim Minorities as a Guide to Living in Non-Muslim Countries," *Syariah: Jurnal Hukum dan Pemikiran* 23, no. 1 (2023): 91–106, https://doi.org/10.18592/sjhp.v23i1.8611.

Verkuyten[16] the research of Alex B. Leeman,[17] and Ayse Elmali-Karakaya.[18] Other than that, the second tendency looks at interfaith marriages specifically in a certain perspective, such as M. Thahir Maloko with the perspective of law, religion, and human rights,[19] Rosdalina Bukido and A. Zainal Azhar Ishak in the maqashid shari'ah perspective,[20] and Ahmad Rajafi and Arif Sugitanata in Marriage Law No. 1 Year 1974, District Court decisions, and Constitutional Court decisions in Indonesia.[21] The third trend is research that attempts to look at the phenomenon sociologically and normatively, such as the research of Murshida Khatun, Md Amirul Islam, and A.K.M Abdul Latif that explores the potential acceptance of interfaith marriage in Islam.[22]

These studies, especially the second one, have not reviewed the position of the perpetrators of interfaith marriages from the perspective of minority fiqh. In fact, both in the family environment, society, and the state, the perpetrators of interfaith marriages are part of the minority because they make choices that tend not to be the preferences of others. For this reason, this research seeks to review the

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[16] Jana Van Niekerk and Maykel Verkuyten, "Interfaith Marriage Attitudes in Muslim Majority Countries: A Multilevel Approach," *International Journal for the Psychology of Religion* 28, no. 4 (2018): 257–70, https://doi.org/10.1080/10508619.2018.1517015.

[17] Alex B Leeman, "Interfaith Marriage in Islam: An Examination of the Legal Theory behind the Traditional and Reformist Positions," *Indiana Law Journal* 84, no. 2 (2009): 743–71, https://www.repository.law.indiana.edu/ilj/vol84/iss2/9.

[18] Ayse Elmali-Karakaya, "Interfaith Marriage in Islam: Classical Islamic Resources and Contemporary Debates on Muslim Women's Interfaith Marriages," *Religions* 13, no. 8 (2022), https://doi.org/10.3390/rel13080726.

[19] 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): 1–12, https://doi.org/10.1080/23311886.2024.2308174.

[20] Rosdalina Bukido and A. Zainal Azhar Ishak, "Exploring the Verdict of Interfaith Marriage under *Maqāṣid Sharī*a Insights," *Mazahibuna* 6, no. 1 (2024): 65–79, https://doi.org/10.24252/mazahibuna.vi.43025.

[21] Ahmad Rajafi, Arif Sugitanata, and Vinna Lusiana, "The 'Double-Faced' Legal Expression: Dynamics and Legal Loopholes in Interfaith Marriages in Indonesia," *Journal of Islamic Law* 5, no. 1 (2024): 19–43, https://doi.org/10.24260/jil.v5i1.2153.

[22] Murshida Khatun, Amirul Islam, and A K M Abdul Latif, "Bridging Hearts and Cultures: Embracing Interfaith Marriages in Islam," *International Journal of Social Sciences & Humanities* 9, no. 1 (2024): 53–74, https://doi.org/https://doi.org/10.58885/ijllis.v9i1.53.mk.

empty gap by choosing a locus that has a high number of interfaith marriages. This research is considered important in exploring the possibility of formulating an alternative foundation for the sustainability of interfaith families.

Based on those backgrounds, researchers want to analyze the phenomenon of interfaith marriage in North Sulawesi and analyze the achievement of the objectives of minority fiqh in interfaith families in the multicultural society of North Sulawesi. Through these two objectives, this research argues that if the objectives of minority fiqh can be achieved in interfaith marriages in North Sulawesi, then minority fiqh can become, or be used as, one of the alternative foundations for the sustainability of interfaith families, especially in the multicultural society of North Sulawesi.

Methods

This research is a field research that uses qualitative methods with a phenomenological approach. It allows for the analysis of the phenomenon of interfaith marriage in a natural setting, not under controlled or laboratory conditions.[23] Fiqh minority is used to analyze how strong the phenomenon shows indicators of the achievement of its goals in the context of interfaith families in the multicultural society of North Sulawesi. Data collection was conducted using open-ended and structured interview techniques with five informants who had interfaith marriages in North Sulawesi Province. In selecting respondents, the researcher used a purposive sampling technique with the criteria that the respondent underwent an interfaith marriage with one of the partners being Muslim and willing to provide complete information. From there, 7 couples were obtained who met these criteria. The remaining interviews were conducted with 1 religious leader and 1 village official with the assumption that both knew the issues raised and had the relevant data needed.

Result and Discussion

The Phenomenon of Interfaith Marriage in North Sulawesi

North Sulawesi is a multicultural region, especially in terms of religion. Under such conditions, interfaith marriages are difficult to

[23] David C Williams, *Naturalistic Inquiry Materials* (Bandung: FPS IKIP Bandung, 1988).

avoid. This is particularly the case in Manado, Bitung, and Bolaang Mongondow where there are many interfaith couples in the community. This phenomenon may be closely related to the many precedents of interfaith marriages so that the next generation does not have to think twice about choosing an interfaith marriage because such things are often encountered in daily life. The following will present the phenomenon of interfaith marriage from various aspects, namely the motivation for choosing an interfaith marriage, where the couples register their marriage, the family pattern formed, and the dynamics and obstacles faced. Table 1 shows the people who practice interfaith marriage in North Sulawesi.

Table 1. Some respondents who practice interfaith marriage in North Sulawesi

Family Initials	Motivation	Marriage Registration	Family Patterns	Dynamics/ Barriers
Sumiyati (Christian) and her Muslim husband	Love each other	In the Church	Living together in their own home	Family life is harmonious, with no obstacles since the beginning of the marriage
Tesy (Muslim) and her Christian husband	Love each other	At the KUA	Living together in their own home	Family life is harmonious, with no obstacles since the beginning of the marriage
Dahnan (Islam) and his Christian wife is	Love each other	At the KUA	Living together in parents' house	Family life is harmonious. Although there were obstacles at the beginning of the marriage, both parents did not approve but changed over time.
Abraham (Muslim)	Love each other	At the KUA	Living together	Family life is harmonious.

and his christian wife			in parents' house	Although there were obstacles at the beginning of the marriage, both parents did not approve, but changed over time.
Letiana	Love each other	At the KUA	Living together in parents' house	Family life is harmonious, with no obstacles since the beginning of the marriage
Nona	Love each other	At the KUA	Living together in their own home	Family life is harmonious, no obstacles since the beginning of the marriage

Sources: researchers' interview result

Table 1 demonstrates that in North Sulawesi, interfaith marriages typically face few major challenges. With various compositions and backgrounds of the couples, the five couples who became informants in this study did not seem to show much diversity. All five couples were motivated to choose an interfaith marriage because of their mutual love for each other. In fact, all five couples come from different backgrounds which some couples consist of Muslim men and Christian women and vice versa. All five couples also registered their marriages legally, although four of them did so at the KUA (Religious Affair Office) and one at a church.

Based on the categorization made by Anshori, these five informants fall into the first category, which is when the bride and groom marry while maintaining their respective identities, and the marriage is registered at the *Dukcapil* (Population and Civil Registration Services). This category is the most ideal compared to the other four categories because there is no 'sacrifice' and the bride and groom stick to their respective beliefs to enter an interfaith marriage.

Supposing the candidates are Christian/Catholic and Muslim, then there are several forms of Interfaith Marriage.

There are two patterns: Muslim husbands with Christian wives (in the case of Dahnan and Abraham) and Christian husbands with Muslim wives (Sumiyati, Tesy, Letiana and Nona). This pattern does not seem to indicate the proportion in the field in the sense that more Muslim women are married to Christian men. However, among the six informants, interestingly, the motivations for choosing an interfaith marriage are not different from each other. This raises questions given that neither religious norms nor government regulations allow for interfaith marriages, at least explicitly.

The family's acceptance of this marriage pattern is also evident from the registration of the marriage in the official channels, namely the KUA and the church. On the other hand, the recording of five marriages at the KUA and one at the church also shows the lack of resistance from the local government and religious leaders to the practice of interfaith marriage. No one had to leave their own religion in order to enter into an interfaith marriage. Acceptance in the family environment is also evident from the family pattern where some of them live with their parents.

In the context of marriage motivation, there are often misunderstandings about why couples marry different religions, such as the assumption that there is coercion or external pressure. However, in interfaith families in North Sulawesi, the marriage is based on the pure desires and feelings of both parties without external interference. This can be seen, for example, in the interfaith couple Mrs. Sumiyati, who is a Christian, and her husband, who is a Muslim. Sumiyati states "Marriage with my Muslim husband is solely based on mutual feelings (love), there is no coercion from anyone".[24]

This statement explains that the marriage between a Christian woman and her Muslim husband was based entirely on love and personal agreement, without coercion from any party. The same statement was also made by a different couple, Mrs. Tesy who is Muslim, and her Christian husband. Tesy stated "The marriage I entered into was basically based on mutual liking (love)".[25]

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[24] Sumiyati, *Interview*, Manado, 2023.
[25] Tesy, *Interview*, Bitung, 2023.

Tessy's statement explains the same thing as Sumiyati's, only in a different position that the marriage between a Muslim woman and her Christian husband is solely based on love without coercion from any party (not a matter of coercion, but how to prioritize in choosing a partner).

These two cases show that love is the basis of their interfaith marriage in a position without the intervention of external parties, including their respective families. This does not mean that the family only takes a passive attitude or even does not care at all. In many cases, families strongly influence their children's choice of life partner, especially if the couple comes from a different religious background. The absence of parental blessing is often a major obstacle that couples of different religions who love each other have to face, although the marriage still takes place and in the end accept the marriage, as seen in the couple of Mr. Dahnan who is Muslim and his wife who is Christian. Dahnan stated that:

> "My wife and I liked each other, and we intended to get married even though our families did not approve. In the end, we went ahead with the marriage by taking guardianship from outside our families. After that, we went to our parents and family. Over time, the attitude of our extended family gradually changed, from not approving to approving".[26]

Then the statement of Mr. Abraham who is Muslim, married to his Christian wife:

> "In the process of getting married, we had all kinds of opposition, especially from both of our families. But we kept trying to communicate with each other's parents. As a result, they were willing to approve of our marriage, even though it was of different religions. In fact, after the marriage, we lived with our families, both my family and my wife's family".[27]

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[26] Dahnan, *Interview*, Bolaang Mongondow, 2023.
[27] Abraham, *Interview*, Bolaang Mongondow, 2023.

Dahnan and Abraham's statements illustrate the dynamics that often occur in interfaith marriages, where initial tensions due to differences in beliefs can gradually melt away. The changing attitude of the family, from not approving to giving blessings, shows that mutual love in living a relationship can be essential in easing the rejection that ultimately accepts the interfaith family. Thus, family support from both sides is also one of the factors that determine the success of interfaith marriage. In this context Sumiyati states:

> "Her parents and family, had no problem with the marriage, and were in fact supportive of it. It didn't just happen during the process leading up to the wedding, but also continued as they started to settle down and build a new household, until now".[28]

Sumiyati's statement explains that the parents and family, both on the woman's and husband's side, did not question the religious differences between them and even provided full support for this marriage. From the initial process leading up to the marriage, to when the couple started living a new life as husband and wife. This condition is also seen in the interfaith family of Mrs. Nona who is Muslim and her Protestant Christian husband. Nona stated that:

> "My husband's extended family, as well as my extended family, had no problem with our marriage. Both extended families were very open and tolerant of our decision to get married. This attitude continues to this day".[29]

Nona's statement describes a positive situation, where the extended family, both husband and wife, accept and support their interfaith marriage. Both families were open and tolerant of religious differences at the beginning of the marriage and in everyday life such as family events. As seen in the statement made by Dahnan.

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[28] Sumiyati, *Interview*, Manado, 2023.
[29] Nona, *Interview*, Manado, 2023.

> "My wife and I do not live in our own house, but live with our extended family. Sometimes my wife and I live with my wife's Christian family, and sometimes with my Muslim family. We live with a sense of security, openness and tolerance. We still carry out religious activities in accordance with our respective beliefs.”.[30]

Tolerance and mutual respect for differences are one of the main keys for interfaith couples in living their daily lives. No matter how harmonious the family is, some adjustments need to be made, for example in terms of food arrangements. This is confirmed in Sumiyati's statement that:

> “"At the beginning of living a family life of different religions, certain adjustments were needed, such as in the matter of food. For us, the most important thing is to understand each other's position and situation, and to have good communication about it”.[31]

It also appears in Dahnan's statement that:

> "When I was fasting, not a single dish of food was prepared on the dining table. Even if a family member ate, he or she would ask my permission first. My family also does the same for my wife, always reminding her to worship”.[32]

Both statements show that not only tolerance but also mutual understanding and good communication are very important in dealing with challenges even if they are only related to food issues. They can maintain harmony by focusing on understanding each other's positions and being open in communicating things that can cause discomfort. This can be seen in the family of Mrs. Tesi who is a Muslim and her husband who is a Christian. Tesi stated that:

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[30] Dahnan, *Interview*, Bolaang Mongondow, 2023.
[31] Sumiyati, *Interview*, Manado, 2023.
[32] Dahnan, *Interview*, Bolaang Mongondow, 2023.

> "We live our daily lives with security, love, and openness. As for the problems that arise, we communicate as well as possible. Therefore, my husband never forbids me when I want to pray, or other obligations. Vice versa, I never forbid my husband to carry out his religious obligations"[33]

Tesi's statement shows that with good communication, in addition to an open and tolerant attitude, matters related to engagement, including the celebration of religious holidays, which is often a sensitive point of problems in interfaith marriages, can be resolved. This can be seen in Sumiyati's statement:

> "During Idul Fitri, I go with my husband to his extended family. I don't just follow him but also mingle with his family. The same thing is done by her husband when it is Christmas, he comes and mingles with my extended family".[34]

Through Sumiyati's statement, it can be understood that communication, openness, and tolerance can bridge the relationship between families of different religions and their respective extended families. As seen in the statement of Mrs. Letiana, who is Muslim, married to her Christian husband. Letiana said:

> "My family does not question or feel disturbed by the religious activities that are routinely carried out by my husband. My family is open and tolerant of his activities".[35]

Based on the whole explanation above, it can be said that the harmony of interfaith marriages and between families in interfaith marriages can be created through mutual love, tolerance, openness, and good communication.

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[33] Tesi, *Interview*, Bitung, 2023.
[34] Sumiyati, *Interview*, Manado, 2023.
[35] Letiana, *Interview*, Bitung, 2023.

Interfaith marriages have become commonplace in the socio-religious life of the people of North Sulawesi. This statement shows that in North Sulawesi interfaith marriage is no longer a problem. However, this fact remains an urgent problem, especially in Islam, because it is clear that Islamic law, even explicitly, prohibits interfaith marriages. Marriage is the inner and outer bond between a man and a woman, as husband and wife, with the aim of forming a happy and eternal family or household based on the Almighty God, as stipulated in Law Number 16 of 2019 Amendment to Law Number 1 of 1974 concerning Marriage.

The Compilation of Islamic Law (KHI) states that marriage is a very strong contract, mitsaqan ghalizhan, to obey the commands of Allah and its implementation is an act of worship.[36] Thus, it needs to be emphasized that marriage is not understood as legitimizing the fulfillment of biological (sexual) needs alone, but rather understood as a vehicle for the realization of important goals that have relations with social, psychological, and religious aspects. These objectives include obtaining and continuing offspring; channeling biological (sexual) needs based on affection and responsibility; protecting oneself from destructive things; generating behavior that is serious in carrying out responsibilities, including seeking halal ownership (property); and creating a household based on love to build a prosperous society.[37]

Responding to this reality, contemporary fiqh scholars are polarized into groups that accept interfaith marriage with certain conditions (Moderate) and groups that accept interfaith marriage without strict conditions (Progressive-reformist). The first group accepts interfaith marriage with certain conditions that must be met. They state that these conditions include a commitment to maintain Islamic identity, how religion is practiced in the household, and the faith and education of children. This approach seeks to balance between religious values and contemporary social realities. The second group accepts interfaith marriage without strict conditions. They argue that love and humanity can be a valid basis for marriage, and religious differences should not be a barrier. This approach is

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[36] Busthanul Arifin, *Pelembagaan Hukum Islam di Indonesia: Akar Sejarah, Hambatan, dan Prospeknya* (Jakarta: Gema Insani Press, 1996).

[37] Ahmad Rajafi, *Nalar Hukum Keluarga Islam di Indonesia* (Yogyakarta: Istana Publishing, 2015).

more inclusive and emphasizes a more flexible and contextual interpretation of Islamic teachings.[38]

Both groups can be said to accept interfaith marriages, but there are differences in the requirements for acceptance of interfaith marriages and perspectives on religious values and social reality. In the first aspect, the Moderate Group accepts interfaith marriage but with certain conditions. They emphasize the importance of maintaining Islamic identity, religious practices in the household, and ensuring children's faith and education. These conditions aim to ensure that Islamic values are maintained in the family. The Progressive-Reformist group is more flexible and does not set strict conditions. They see love and humanity as legitimate grounds for marriage and do not see religious differences as a major barrier, focusing instead on inclusivity and a more contextualized interpretation of Islamic teachings that is open to social change.

In the second aspect, the perspective on religious values and social reality, the Moderates seek to balance religious values with contemporary social reality. They consider it important to maintain religious values in the contemporary context but still maintain the normative framework. The Progressive-Reformist group emphasizes a more contextual and inclusive interpretation of Islam. They tend to be more open to social change and adapt the interpretation of Islamic law to universal values such as love and humanity.

The similarities between the two groups are that they both recognize the social reality in which interfaith marriages will always occur, especially in very diverse or heterogeneous (multicultural) societies. Then, they place the importance of maintaining harmony in the family, the moderate group through the conditions it sets, and the progressive-reformist group through an emphasis on love and humanity. Finally, both groups try to find an acceptable solution within the framework of Islamic teachings regarding the implementation of Islamic teachings in interfaith families. This cannot be separated from the response to the two groups, namely there is one more group, namely, total rejection of interfaith marriage (Conservative), this view is held by Islamic scholars and thinkers who

[38] Van Niekerk and Verkuyten, "Interfaith Marriage Attitudes in Muslim Majority Countries: A Multilevel Approach"; Leeman, "Interfaith Marriage in Islam: An Examination of the Legal Theory behind the Traditional and Reformist Positions."

are very strict in interpreting Islamic law. They reject interfaith marriage on the grounds that it is not in accordance with the teachings of the Qur'an and Sunnah. Usually, they refer to verses that explicitly state the prohibition of marrying non-believers.[39] It is in this context that the fiqh of minorities finds its relevance.[40]

The Implementation of Minority Fiqh in Multicultural North Sulawesi's Interfaith Marriage Family

The purpose of minority fiqh is to facilitate the implementation of Islamic teachings in minority Muslim communities. These can take the form of facilitating religious practice, upholding the core characteristics of Muslims, propagating a worldwide understanding of Islam, encouraging tolerance and openness, defending religious liberties, and responding to inquiries and difficulties.[41]

The first aim is facilitating religious practice. In the context of interfaith marriage, minority fiqh tries to make it easier for Muslims to practice their religion, such as providing leeway or a more contextual approach to avoid excessive difficulties for couples living in non-Muslim communities, so that they can still practice Islam without feeling isolated or complicated. This can be seen in the case of Mr. Dahnan who stated:

> "My wife and I do not live in our own house, but live with our extended family. Sometimes my wife and I live with my wife's Christian family, and sometimes with

[39] Leeman, "Interfaith Marriage in Islam: An Examination of the Legal Theory behind the Traditional and Reformist Positions"; Van Niekerk and Verkuyten, "Interfaith Marriage Attitudes in Muslim Majority Countries: A Multilevel Approach"; Y. Sonafist and Henny Yuningsih, "Islamic Law, the State, and Human Rights: The Contestation of Interfaith Marriage Discourse on Social Media in Indonesia," *Juris: Jurnal Ilmiah Syariah* 22, no. 2 (2023): 381–91, https://doi.org/10.31958/juris.v22i2.10934.

[40] Jamal Ma'mur Asmani, "Fiqh Sosial Kiai Sahal Sebagai Fiqh Peradaban," *Al-Ahkam: Jurnal Pemikiran Hukum Islam* 24, no. 1 (2014): 31–46, https://doi.org/10.21580/wa.v2i2.390.

[41] Jubba et al., "Changes in the Political Behavior of Towani Tolotang as a Minority Religious Group: *Fiqh al-'Aqaliyyāt* Perspective"; Ridho, Elmi, and Sibawaihi, "*Fiqh Al-Aqalliyyāt*: Jurisprudence for Muslim Minorities as a Guide to Living in Non-Muslim Countries"; Nurhayati, "Fiqh for Minorities: A Theoretical Study."

> my Muslim family. We live with a sense of security, openness and tolerance.".[42]

The statement describes how Dahnan and his wife live in their respective extended families, Dahnan's family is Muslim and his wife's family is Christian. This should have put them in a difficult position, especially in practicing their respective religions. Dahnan has to practice Islamic worship in a Christian family situation. Likewise, his wife must practice Christian worship in a Muslim family.

The second aim is upholding the core characteristics of Muslims. In interfaith marriages, minority fiqh tries to maintain the Muslim identity that is the essence of his personality. This is certainly done through an approach that allows religious practices to be carried out, such as determining certain boundaries in the household. This determination can be seen, for example, in Mrs. Sumiyati's interfaith couple regarding food. Sumiyati stated that:

> "At the beginning of living a family life of different religions, certain adjustments were needed, such as in the matter of food, because there are foods that are forbidden for her husband. This required a separation between food for me and food for my husband. It didn't matter that we ate separately. For us, the most important thing is to understand each other's position and situation, and to have good communication about it".[43]

This statement explains that Sumiyati, who is a Christian, and her Muslim husband have set certain boundaries in their interfaith household. Although it seems trivial, because it is only a matter of food, this issue can trigger conflict that leads to disharmony in their family. What is most important in such cases is mutual understanding and good communication. So that these boundaries are not seen as a problem, but as a way to maintain the identity and integrity of their own families.

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[42] Dahnan, *Interview*, Bolaang Mongondow, 2023.
[43] Sumiyati, *Interview*, Manado, 2023.

The third goal is propagating a worldwide understanding of Islam. This is done through setting an example of coexisting with differences in a peaceful and understanding manner. So that Muslim couples can demonstrate Islamic values such as compassion to non-Muslim couples and the wider community.

This can be seen in the case of Mrs. Tesy, who is Muslim, and her husband, who is Christian, regarding their motivation to enter into an interfaith marriage. Tesy stated that: "The marriage is based on mutual liking (love)".[44] Then the interfaith family of Sumiyati who is Christian with her Muslim husband, where Sumiyati stated that: "Marriage with her Muslim husband is solely based on mutual liking (love), there is no coercion from anyone".[45]

These statements clearly show the value of compassion which directly shows the universal values of Islam. Thus, through this minority fiqh framework, interfaith marriage can be a means to show the inclusive and peaceful face of Islam.

The fourth objective is to encourage tolerance and openness. In the context of interfaith marriage, minority fiqh promotes tolerance and openness through encouraging couples to respect each other's religious beliefs and practices. Interfaith couples are encouraged to dialogue and find harmonious ways to overcome religious differences. This can be seen in the statement of Mr. Abraham, a Muslim, who is married to his Christian wife. Abraham stated that:

> "My wife and I intended to get married even though our families did not approve. In the end, we went ahead with the marriage by taking guardianship from outside our families. After that, we went to our parents and family".[46]

The statement illustrates that Abraham and his wife have committed to continue their interfaith marriage, even though they have not received the blessing of their parents and families. This certainly shows the dialog that occurs both between the two couples, as well as between couples and their parents and families. Indirectly,

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[44] Tesy, *Interview*, Bitung, 2023.
[45] Sumiyati, *Interview*, Manado, 2023.
[46] Abraham, *Interview*, Bolaang Mongondow, 2023.

it can be seen that they found harmonious ways to overcome the differences that exist, namely, good communication over time. The proof is that the attitude of their families can change from not approving, to approving the interfaith marriage itself. Thus, minority fiqh can be a medium of dialog or communication for interfaith family couples.

The fifth objective is defending religious liberties. In the context of interfaith marriage, fiqh minority plays a role in ensuring that the rights and religious freedoms of Muslim couples are maintained in interfaith marriages, especially the freedom to worship. This condition can be seen in the statement of Ms. Letiana, a Muslim woman, married to her Christian husband. Letiana said that:

> "My husband still carries out his religious obligations, for example going to church on Sundays. I, too, continue to carry out the obligations of Islamic teachings, such as prayer. My family does not question or feel disturbed by my husband's routine religious activities. My family is open and tolerant of his activities".[47]

This statement shows that even though the interfaith couple lives within their extended family, religious obligations, especially for Letiana who is Muslim, are still carried out without any obstacles. Her family also does not prohibit her Christian husband from worshiping. In fact, they are very open, including receiving visits from the husband's own family. Thus, minority fiqh can safeguard the rights and religious freedom of couples of different religions, especially Muslim couples.

The sixth objective is responding to enquiries and difficulties. In the context of interfaith marriage, minority fiqh can provide answers to questions and challenges that arise, contextually and inclusively. One of these questions and challenges arises from the theological context proposed by Mohammad Gamal Abdelnour:

> "There are theological, as well as sociological, obstacles to interfaith marriage, namely, fundamental differences in religious beliefs between spouses can lead to

[47] Letiana, *Interview*, Bitung, 2023.

> significant theological conflict. Also, that interfaith couples will face pressure from their families and communities, such as on religious holidays".[48]

These questions and challenges can be answered through Dahnan's statements above. If Abdelnour is referring to significant theological conflicts related to matters of worship, then it is clear that Dahnan, who is a Muslim in an interfaith family, continues to pray and fast without any theological conflicts with either his wife or his extended Christian family. Then, the question and challenge that interfaith couples will face pressure from their families and communities can be answered through the statement of Mrs. Nona, a Muslim woman, who is married to a Christian husband. Ms. Nona said that:

> "My husband's extended family, as well as my extended family, had no problem with our marriage. For example, when my husband and I visit each other at certain celebrations, or in our daily lives, the attitude of both families is still the same, open and friendly".[49]

This statement shows that the couple's extended family supports their interfaith marriage. In fact, they are very tolerant and open both in visits to certain celebrations, including their respective religious holidays, as well as in daily life. This shows that Abdelnour's questions and challenges can be overcome, or have not yet occurred, in interfaith households in North Sulawesi. Therefore, it can be said that minority fiqh provides contextual and inclusive solutions to the questions and challenges of interfaith marriage.[50]

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[48] Mohammad Gamal Abdelnour, "The Islamic Theology of Interfaith Marriages between Theology, Law, and Individual Ijtihad," *RSiS: S. Rajaratnam School of International Studies*, no. 17 (2020): 1–22, https://www.jstor.org/stable/resrep40176.

[49] Nona, *Interview*, Manado, 2023.

[50] Gugun El Guyanie and Aji Baskoro, "The Constitutional Rights of Indigenous Beliefs Adherents in Minority Fiqh Perspective," *Ijtihad : Jurnal Wacana Hukum Islam dan Kemanusiaan* 21, no. 2 (2021): 155–76, https://doi.org/10.18326/ijtihad.v21i2.155-176.

Interfaith marriage in North Sulawesi is a complex issue that requires a more contextual approach. Minority jurisprudence (fiqh al-aqalliyyat) offers a more flexible framework in addressing this reality, while still adhering to the basic principles of Islam. The Quran does have a verse that is often used as the basis for the prohibition of interfaith marriages: "And do not marry polytheists (to believing women) before they believe." (Al-Baqarah: 221). However, there are also verses that allow marriage with People of the Book: "And (it is permissible for you to marry) chaste women among those who were given the Book before you." (Al-Māʾidah: 5). In the hadith, there is a narration that shows the Prophet's flexibility in this matter: "From Jabir bin Abdullah, he said: The Messenger of Allah (SAW) said: 'We marry the women of the People of the Book, but they (men of the People of the Book) may not marry our women.'" (Reported by Ibn Shaibah and considered saheeh by Ibn Hajar). This hadith shows that there is room for interpretation and adaptation in the issue of interfaith marriage, especially in the context of minorities.

Fiqh of minorities, developed by contemporary scholars such as Yusuf Al-Qaradawi,[51] and Taha Jabir Al-Alwani,[52] emphasizes the importance of considering the socio-cultural context in the application of Islamic law. In the case of North Sulawesi, where Muslims are a minority, this approach is particularly relevant. Al-Qaradawi, in his book "Fi Fiqh al-Aqalliyyat al-Muslimah" (The Jurisprudence of Muslim Minorities), states that minority conditions require new ijtihad that takes into account maqasid al-syariah (the objectives of sharia) and contemporary realities.[53] He argues that under certain conditions, interfaith marriages can be considered to preserve Muslim faith and identity. Taha Jabir Al-Alwani, in his work Towards a Fiqh for Minorities, emphasizes the importance of understanding local and global contexts in the application of Islamic law. He argues that minority fiqh should consider the long-term benefit (maslahat) of the Muslim community.[54]

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[51] Yusuf Al-Qaradawi, *Fiqh al-Aqalliyyāt al-Muslimah* (Kairo: Dar al-Syuruq, 2011).

[52] Taha Jabir Alalwani, *Towards a Fiqh for Minorities: Some Basic Reflections* (London: International Institute of Islamic Thought, 2010).

[53] Al-Qaradawi, *Fiqh al-Aqalliyyāt al-Muslimah*.

[54] Alalwani, *Towards a Fiqh for Minorities: Some Basic Reflections*.

The phenomenon of interfaith marriage has led to a debate on the application of minority fiqh. Several arguments support the permissibility of this practice, including maqasid al-syariah to protect religion (hifdz al-din), where interfaith marriage can be a means of da'wah and protection of Muslim identity in minority contexts.[55] The maslahat aspect is also considered, by allowing interfaith marriage to prevent greater fitnah, such as zina or apostasy due to the frustration of not finding a partner of the same faith.[56]

Urf or local customs are also an important consideration, given that in the multicultural society of North Sulawesi, interfaith marriages have become part of the tradition that forms social harmony.[57] In addition, emergency conditions due to limited choice of Muslim spouses are considered a situation that requires a special solution.[58] Some contemporary scholars have given a more open view of this issue. Abdullah bin Bayyah, states that under certain conditions, Muslim marriages with non-Muslims can be considered to maintain the benefit of the community.[59]

Khaled Abou El Fadl, in his book "Reasoning with God", argues that the prohibition of interfaith marriage is more sociological than theological, and can be reinterpreted in a modern context.[60] Meanwhile, Muhamad Shahrur, with his hermeneutic approach, interprets the marriage verses in the Quran in a more contextual manner, opening space for interfaith marriage within the framework of equality and justice.[61]

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[55] Jasser Auda, *Maqāṣid Asy-Syarīʻah as Philosophy of Islamic Law* (London: International Institute of Islamic Thought, 2022).

[56] Mu ammad Sa'id Ramadan Al-Buti, *Ḍawābiṭ al-Maṣlaḥah fī asy-Syarīʿah al-Islāmiyyah* (Beirut: Muassasah al-Risalah, 1973).

[57] Salman Rahmad, "Pemikiran Muhammad Hashim Kamali dalam 'Principle of Islamic Jurisprudence,'" *Falah: Jurnal Ekonomi Syariah* 2, no. 2 (2017): 236–46, https://doi.org/10.22219/jes.v2i2.5109.

[58] Wahbah Al-Zuhayli, *Al-Fiqh al-Islāmī wa Adillatuhu* (Beirut: Dar al-Fikr, 1997).

[59] Al-Zuhayli.

[60] Khaled Abou El Fadl, *Reasoning with God: Reclaiming Shariah in the Modern Age* (London: Rowman & Littlefield, 2014).

[61] Muḥammad Shaḥrūr, *Naḥw Uṣūl Jadīdah Lil-Fiqh Al-Islāmī Fiqh Al-Marʿah.* (Dimashq: al-Ahālī Chāp-i Awwal, 2000).

The application of minority fiqh in the issue of interfaith marriage in North Sulawesi can be done with several considerations. First, education provides a deep understanding of Islam to non-Muslim couples, so that marriage can be a means of da'wah.[62] Second, a prenuptial agreement that stipulates agreements on child education and religious practices in the family.[63] Third, community support to ensure Muslim couples stay connected to the Muslim community to maintain their Islamic identity.[64] Fourth, ritual flexibility by adapting marriage rituals that respect both religious traditions without compromising Islamic principles.[65]

Minority fiqh offers a more contextual and flexible approach in addressing the issue of interfaith marriage in the multicultural communities of North Sulawesi. By adhering to the basic principles of Islam and considering social realities, this approach allows minority Muslims to maintain their Islamic identity while adapting to a multicultural environment.[66] Although still a debated topic, the permissibility of interfaith marriage in the context of minority fiqh can be a solution that bridges the ideals of Islamic teachings and the social realities of North Sulawesi society.

Finally, minority fiqh provides answers to the challenges of living as a Muslim minority in North Sulawesi, especially in terms of building a family. This is in accordance with the rule of fiqh: "Changes in the law occur as times and places change".[67] The most important thing is how this practice can be a means to strengthen faith, maintain social harmony, and realize maqasid al-syariah in the current context.

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[62] Tariq Ramadan, *Western Muslims and the Future of Islam* (Oxford: Oxford University Press, 2003).

[63] Jamal J. Nasir, *The Status of Women Under Islamic Law and Modern Islamic Legislation* (Leiden: Brill, 2009).

[64] Shammai Fishman, *Fiqh Al-Aqalliyyāt: A Legal Theory for Muslim Minorities* (Washington: Hudson Institute, 2006).

[65] Ihsan Yilmaz, *Muslim Laws, Politics and Society in Modern Nation States, Muslim Laws, Politics and Society in Modern Nation States* (London: Routledge, 2005).

[66] Andrew F. March, *Islam and Liberal Citizenship: The Search for an Overlapping Consensus* (Oxford: Oxford University Press, 2009).

[67] Al-Jawziyyah Ibn Qayyim, *Iʿlām al-Muwaqqiʿīn ʿan Rabb al-ʿĀlamīn* (Beirut: Dar al-Kutub al-ʼIlmiyyah, 1993).

Conclusion

The main finding of this research is that interfaith marriages are common in the multicultural society of North Sulawesi. The main motivation for interfaith couples to marry is due to mutual love. Some of these interfaith couples receive support from their respective extended families. The process of life also runs with a sense of security, tolerance, and harmony. Islamic law does prohibit, even explicitly, interfaith marriage. However, the reality shows that couples who are Muslims still perform the marriage, and even the teachings of Islam are implemented both in the family environment of their different religions and the environment of their extended family. This condition certainly presents a challenge to Islamic law itself. In this context, this research offers an alternative, namely the use of minority fiqh, as has been explained, and previously argued that the objectives of minority fiqh are achieved in interfaith marriages, especially in the multicultural society of North Sulawesi. However, this research is still limited to a limited scope. Issues related to child education in interfaith families, for example, have not been discussed. And how the fiqh of minorities is seen in the perspective of maqashid sharia has not been constructed as a whole. Therefore, this research suggests that further studies are needed regarding these two issues.

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