

## Implications of the Law of Religious Moderation on Interfaith Marriages

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### ABSTRACT

*This research examines the implications of religious moderation on interfaith marriages in the city of Manado. The method used is qualitative with a case study approach; data collection is through observation, interviews, and documentation, which is then processed using the triangulation method. The findings show that religious moderation indirectly influences the sustainability of interfaith marriages in Manado. The implications are realized in the form of religious moderation, which aims to eliminate or minimize violence in the name of religion and uphold diversity through upholding the values of tolerance, thereby increasing guarantees for the continuity of interfaith marriages. These implications become more complex than the laws governing interfaith marriages, especially the Marriage Law (UU Number 16 of 2019) and the Compilation of Islamic Law (KHI). The implications of religious moderation in interfaith marriages underscore the need for legal transformation that recognizes religious diversity as a social asset, encourages interreligious dialogue, and ensures that legal regulations do not hinder individual religious freedom. Encouraging policy reforms that respect differences in beliefs is crucial in creating inclusive spaces and respecting human rights in interfaith marriages.*

**Keywords:** religious moderation; marriage between different religions; tolerance; law.

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## **INTRODUCTION**

The rejection of interfaith marriages in the Compilation of Islamic Law (KHI) is firm. Because it is based on the primary sources of law, namely the Al-Qur'an, Hadith, and the opinions of the ulama contained in the Taurat books, it is also due to considering the impact of interfaith marriages, for example, marital status, child status, children's representative rights, matters regarding inheritance, and potential conflicts within interfaith families (Rizqon, 2022). In reality, even though Islamic law and positive law prohibit it, there are still many Muslim communities in Indonesia that carry out interfaith marriages.

Apart from Manado City, intermarriage also occurs in various regions in Indonesia. The latest case of an interfaith marriage occurred in Pontianak between 'RNA' (the Muslim groom) and 'M' (the Catholic Christian bride). Then, the marriage took place in Jakarta between 'AKD' (a Muslim woman) and 'GS' (a Christian man). Furthermore, in Semarang between Christian men and Muslim women (Rizqon, 2022). According to the records of the Indonesia Conference on Religion and Peace (ICRP), in Indonesia from 2005 to March 2022, there were 1,425 interfaith couples. It means that every year, an average of 84 interfaith marriages occur (Bahri & Elimartati, 2022). Not to mention interfaith marriages in previous years both within the country (Dahwal, 2012) and abroad (Wahyuni, 2017).

According to some researchers, cases of interfaith marriages will increase (Supriyo, 2020; Zeinudin, 2019). Due to Indonesian society's diverse or pluralistic characteristics, human values (Baso & Nurcholis, 2010), tolerance, pluralism, openness to local culture, and the like are the main pillars (Fitrawati, 2021). These values are seen as having the potential to create a 'toll road' for Muslim communities (men and women) to carry out interfaith marriages (Nasution, 2011). This condition certainly raises concerns for the majority of society. On the one hand, only these values can maintain the diversity, which is also the identity and uniqueness of Indonesian society (Kementerian Agama, 2019). However, on the other hand, it can 'preserve' interfaith marriages.

These concerns are increasing along with implementing the National Program of the Government of the Republic of Indonesia, mainly implemented by the Ministry of Religion (Kementerian Agama) from 2019 to 2024, religious moderation. As is generally known, the main aim of religious moderation is to eliminate, or at least minimize, intolerant attitudes, including radical and extreme attitudes in religion, while maintaining religious harmony and diversity in Indonesia. This goal can only be realized by living up to its central values: national commitment, tolerance, anti-radicalism, violence, and accommodating local culture (Aziz et al., 2021). These values are commensurate with the above values, making it possible to create 'toll roads' and 'preserve interfaith marriages' (Afriliani, 2022).

Responding to this uncertainty, the Secretary of the Directorate General (SESDITJEN) of Islamic Guidance at the Ministry of Religion, Muhammad Fuad

Nasar, emphasized that "interfaith marriages have nothing to do with the religious moderation program because interfaith marriages are not a form of tolerance for harmony between religious communities or the current practice of religious moderation." intensified by the government" (Komariah, 2022). However, some people (especially certain scholars) still believe that religious moderation has implications for interfaith marriages. It has several articles published in digital information media, such as the one written by Luthfiah Jufri titled Due to Religious Moderation, the Space for Marriages of Different Religions is Expanding (Jufri, 2022). The article entitled Interfaith Marriage, Poison Pluralism, and Religious Moderation was written by Sari (2022). Ramadhana (2022) wrote an article titled Interfaith Marriage, Currents of Religious Moderation.

These articles state that religious moderation has implications for interfaith marriages. However, these statements can still be said to be assumptive because they do not show field data related to this matter. Meanwhile, field research on interfaith marriage, especially in Manado, has not linked it to religious moderation. For example, research entitled Negotiating Love and Faith: Interfaith Marriage in Manado, Indonesia (Bukido et al., 2021) only analyzes why Manadonese people carry out interfaith marriages, research on Law Analysis Towards Judicial Review of Interfaith Marriage (Bukido et al., 2020). Then there is research entitled Interreligious Marriages in Indonesia: From Legal Disharmony to Legal Conflict (Alifa et al., 2023), which only examines legal conflicts regarding the legality of interfaith marriages.

Based on this reality, conducting field research regarding the implications of religious moderation on interfaith marriages is very important. With this research, whether the religious moderation that the government is intensifying has implications for interfaith marriages, for example, the rise of interfaith marriages, the openness of Muslim communities in carrying out interfaith marriages, or even the perpetuation of interfaith marriages. Moreover, how do these implications affect the law in Indonesia? This article results from field research on interfaith marriages in Manado City. The reason for choosing Manado City as a research locus is that Manado City has a multicultural society, especially regarding religion. Second, there are many interfaith marriages. Third, religious moderation has been socialized in Manado City.

## **METHODS**

This research uses a qualitative method with a case study approach. In this research, the researcher is the main instrument in collecting and interpreting data. Data was collected through participant observation, interviews, documentation, and triangulation (Creswell, 2014). This research data consists of primary data and secondary data. Primary data is the leading data obtained directly from married couples of different religions in North Sulawesi, which was extracted through partisan observation and interviews (Lincoln & Guba, 1985). Meanwhile, secondary data is additional data taken indirectly in the field through references from books or scientific articles relevant to this research (Williams, 1988).

The concepts used in the analysis are interfaith marriage and religious moderation. An interfaith marriage is an inner and outer bond between a man and a woman of different religions as husband and wife (Efendi, 2020). In this research, the research target is interfaith marriages carried out by Muslims, both men and women. For example, a Muslim man marries a non-Muslim woman, or a Muslim woman marries a non-Muslim man. Next, the problem studied in this research is marriages or households with different religions, namely the implications of religious moderation values for interfaith marriages.

In Islam, religious moderation is often called Wasathiyah, which essentially means balance in all matters of worldly and spiritual life, which must always be accompanied by efforts to adapt to the situation faced based on religious guidance and the objective conditions being experienced (Shihab, 2019). Religious moderation has become a national government program. The indicators are explained in the book Religious Moderation published by the Ministry of Religion of the Republic of Indonesia: National Commitment, tolerance, anti-radicalism and Violence, and Accommodating Local Culture (Aziz et al., 2021).

These concepts are positioned as values of religious moderation. First, the value of national commitment looks at the religious perspectives and expressions of married couples of different religions regarding state ideology, especially their acceptance of Pancasila as a principle in the state. Second, the value of tolerance is whether the partner gives space and does not interfere with their partner in religious activities and expressing their opinions. Third, the anti-radicalism and violence values see whether the husband and wife reject radicalism and violent behavior. Fourth, the value of accommodating local culture is to see whether they accept and are open to local culture (Kementerian Agama, 2019).

## **RESULTS AND DISCUSSION**

### **Interfaith Marriage in Manado City**

Manado is a pluralistic city, especially in terms of religion. The community in this city does not only consist of Muslims but also non-Muslims, including local beliefs. With such conditions in society, interfaith marriages cannot be avoided. Our research found that in Manado, several married couples of different religions have lived married lives for quite a long time.

*The first* is Tessy, a Muslim housewife who finds love in marriage with a Christian man. Despite religious differences, their decision to marry was based on mutual love. Tessy's extended family accepted and had no problem with her decision to marry a man with different religious beliefs, as she expressed in 2023. It shows how love and respect for different beliefs can unite in a harmonious relationship (interview with Tessy, 2023).

After the wedding, Tessy and her husband lived a domestic life full of peace, affection, and openness. They face problems like any other family, but these

problems are not related to differences in religious beliefs. Tessy stated that her husband never prevented her from carrying out religious obligations such as praying, fasting, attending recitations, or attending Muslim religious celebrations. Likewise, Tessy never hinders her husband in carrying out his religious obligations. They support and encourage each other to carry out their respective religious obligations. It shows that respecting each other's religious beliefs is essential in their household, and they both support and understand their partner's religious practices without any prohibitions or restrictions.

*Second*, Letiana, a Muslim housewife, also experienced an interfaith marriage with a Christian man because of their mutual love. According to Letiana, their marriage took place peacefully and without any problems. Letiana's and her husband's extended families had no problem with their decision to get married, even though they had differences in religious beliefs (interview with Letiana, 2023).

After the wedding, Letiana and her husband chose not to live alone but decided to live with Letiana's extended family. This decision was not due to family coercion but their own choice. This decision was due to their desire to get further guidance and support from Letiana's parents because they still felt new to married life. Letiana emphasized that the decision was not related to religious sentiments. For them, living with an extended family is a choice based on a desire to receive further direction and support in starting married life. It shows that their decision was not the result of pressure related to religious beliefs but rather a choice to obtain guidance from the family in the initial journey of their marriage.

Like other families, Letiana's family's daily life goes on peacefully. Even though there are religious differences, they remain steadfast in carrying out their respective religious obligations. Letiana's husband attends church on Sundays according to his beliefs, while Letiana adheres to Islamic teachings in her religious obligations. However, their extended family does not consider or feel disturbed by their religious routine. On the contrary, they show openness and tolerance towards these religious practices. Letiana explained that her family was very open to regular visits from her husband's family. The same thing applies vice versa, where the husband's extended family is also friendly and open when Letiana, her husband, or Letiana's extended family visit or even stay overnight. It confirms that the relationship between these two families is tolerant of differences in beliefs and mutually accepting and open to each other in a harmonious relationship.

*The third* is Dahnan, a Muslim family head married to a Christian wife, which differs significantly from Tessy and Letiana's experience. Dahnan revealed that the process of their marriage required great effort and was full of obstacles. It is because of disapproval from both sides of the extended family: Dahnan's and his wife's families. Dahnan explained that his family did not want him to marry a Christian woman, while his wife's family also disapproved of their daughter marrying a Muslim man like Dahnan. The conflict between these two large families became a significant obstacle in their marriage journey, requiring them to face complex challenges and obstacles before finally deciding to marry.

According to Dahnan, even though their two families did not give their blessing, he and his wife still loved each other and were determined to continue their marriage. They decided to take guardianship outside their respective families to carry out the marriage. After the wedding process was carried out, they then faced their respective parents and extended family. However, as time passed, the attitude of Dahnan's extended family and his wife slowly changed from not approving it to approving their marriage. This change in attitude occurred gradually. Initially, their families disapproved of the marriage but then began to accept and give their blessing to the couple. It shows that even though initially there was no blessing from the family, over time, the togetherness and dedication of Dahnan and his wife in their marriage managed to pave the way for acceptance by their extended family (interview with Dahnan, 2023).

After going through a marital struggle, Dahnan and his wife did not immediately live in their household but chose to live with their respective extended families. Dahnan explained that sometimes they lived with his wife's Christian family and sometimes with Dahnan's Muslim family. A safe, open, and tolerant atmosphere is created in their daily lives. Even though they live with an extended family with different religious beliefs, they still carry out religious activities according to their beliefs. Dahnan performs prayers and fasts and attends various religious events with his wife, who continues to carry out her religious obligations following Christian teachings. It shows that even though they live with families with different religious beliefs, they still carry out religious activities with complete respect and tolerance for each other's beliefs.

The religious activities carried out by Dahnan and his wife were still carried out both in Dahnan's family and in his wife's family, as he explained. When he is with his wife's family, for example, during Ramadan, Dahnan continues to fast according to Islamic teachings. Dahnan's wife's family did not feel disturbed by these religious activities; instead, they showed openness and respect for Dahnan's religious practices.

It was reflected when Dahnan fasted; no food dishes were provided at the dining table. If a family member wants to eat, they will ask Dahnan's permission first as a sign of respect for his fast. Apart from that, the wife's family also provides sahur meals to support Dahnan's fasting. Not only that, Dahnan's family also plays an active role in supporting his wife's religious activities. They always remind us to carry out our worship with full awareness. It shows that despite differences in religious beliefs, both sides of the family support, respect, and appreciate each other's religious practices without causing tension or problems in their relationship.

*Fourth*, Abraham, the head of a Muslim family, married a Christian wife for reasons of mutual love, as he expressed. However, various conflicts, especially from their extended families, led to their marriage. Abraham stated that his parents did not give their blessing for him to marry a woman who had Christian beliefs. Likewise, the wife's parents also did not permit their daughter to marry a Muslim man like Abraham (interview with Abraham, 2023).

Abraham continued his story, revealing that they continued to try to communicate with their respective parents as time went by. As a result, their families finally gave their blessing to the marriage. After getting married, they chose to live with their families, Abraham's and his wife's families. A safe, open, and tolerant atmosphere is created in their daily lives. Despite having different religious beliefs, Abraham's wife still attends church on Sundays following her religious teachings, while Abraham himself continues to carry out religious obligations in Islam. However, their religious activities disturbed neither Abraham's nor his wife's family.

It shows that even though initially without the family's blessing, continuous communication efforts brought change, creating a harmonious atmosphere between the two families, which allowed Abraham and his wife to continue carrying out their respective religious activities without causing discomfort or conflict in their household.

The religious routine carried out by Abraham and his wife continues with a sense of security. It was realized because of the open attitude and tolerance that was instilled between the two of them and their families. Even though problems arise in the family, it is confident that these problems do not originate from religious conflict. Abraham stated that since they became an interfaith family, their lives have continued well, safely, and harmoniously, similar to other families.

The importance of openness, tolerance, and respect for differences in beliefs has helped them maintain household harmony, allow religious routines to continue without disruption, and ensure that any problems that arise in the family do not stem from religious differences. It confirms that harmony in their family is not due to uniformity in religious beliefs but rather an attitude of mutual respect and acceptance of differences that makes them feel safe, calm, and peaceful in family life.

### **Religious Moderation and its Acceptance in Manado City**

The government, especially the Ministry of Religion, has promoted religious moderation through various activities. So, this program has spread to every corner of Indonesia. In Java, the mainstreaming of religious moderation is carried out mainly through the Government and the Massive Religious Harmony Forum (FKUB) so that most of the population understands the values of religious moderation (Huda, 2021). In contrast to other regions, Toraja introduces religious moderation to society through adjustments to existing customs. It contains the values of religious moderation itself (Michael et al., 2022).

Research in Manado City shows that the majority of people gain an understanding of religious moderation through outreach organized by the government as well as through information media and social media. Tessy, one of the residents, said that her knowledge about religious moderation was obtained from various outreach and discussions on information platforms and social media.

For him, religious moderation provides significant benefits for maintaining the continuity of religious life in Manado. This region is known for its religious diversity, where there are not only followers of Islam but also Catholic Christians, Protestants, Pentecostals, Hindus, Buddhists, and Jews. Even though conflicts between religions rarely occur, religious moderation is considered to prevent potential conflicts from arising in the future.

Tessy also emphasized that the values of tolerance introduced by religious moderation play an essential role in maintaining harmony for families with different beliefs in Manado. For him, the religious moderation policy has provided more comfort for the lives of heterogeneous religious families in the region.

Letiana, on the same occasion, also revealed that the values of religious moderation, especially tolerance, provide guarantees for the continuity of households with different beliefs. He emphasized that the presence of religious moderation does not mean that his married life was not going well previously. Everything is running harmoniously. However, the tolerance value of religious moderation provides additional strength for feelings of security in his family.

Dahnan, using his own experience, revealed that he was familiar with the discourse of religious moderation through outreach efforts at the school where he worked. For him, this program is very relevant, considering the diversity of Indonesian society. According to him, the values of tolerance instilled by religious moderation can reduce the possibility of violence committed in the name of religion, such as cases of terrorist movements and so on that have occurred before. Dahnan highlighted that the value of tolerance also significantly impacts his family's survival with different religious beliefs. Thus, he sees that the values of tolerance championed by religious moderation are essential for stability and harmony in society and are also directly beneficial for the continuity of family life with different religious belief backgrounds.

In his view, Abraham stated that the value of tolerance, as an integral part of religious moderation, has been implemented in his family environment for a long time. He acknowledged awareness of the importance of this value in a life entirely of diverse religious beliefs. Although implementing religious moderation may come with some delay, Abraham is confident that the program will bring significant benefits. For him, the benefits are not only limited to his own family but will also be felt by the Bolaang Mongondow community. According to him, religious moderation will contribute significantly to maintaining harmony between religious communities in his region and throughout Indonesia. Abraham believes that with religious moderation, the values of tolerance will continue to be well maintained and maintained, ultimately bringing benefits to harmony between religious communities in Indonesia.

The explanations presented provide a comprehensive picture of the importance of religious moderation in the context of religious diversity in Indonesia. Through the experiences and views of individuals such as Tessy,



Letiana, Dahnan, and Abraham, it can be seen that the socialization of religious moderation by the government and information media has had a significant impact. People in various regions, such as Manado and Bolaang Mongondow, have benefited from the values of tolerance introduced by religious moderation. Even though most of them have previously implemented the values of tolerance, religious moderation further reinforces harmony and security in families with different beliefs. These descriptions show the need for a deeper understanding of religious moderation as a basis for maintaining harmony and tolerance between religious communities in Indonesia and how each region responds and applies these values according to the existing social, cultural, and religious context.

### **Implications of Religious Moderation on Interfaith Marriage Laws**

As explained in the previous section, religious moderation is a National Program of the Government of the Republic of Indonesia implemented through the Ministry of Religion (Kemenag). Religious moderation is often called Wasathiyah, which means balance in worldly and spiritual matters. The basic principle is fairness and balance. The principle of fairness is to maintain a balance between two things. Meanwhile, the principle of balance emphasizes perspective and attachment to always taking sides with equality, justice, and humanity.

Based on these principles, the Ministry of Religion then formulated indicators of religious moderation, namely tolerance, national commitment, anti-radicalism and violence, and accommodation of local culture. Through these indicators, it can be understood that religious moderation aims to eliminate, or at least minimize, violence in the name of religion and maintain the diversity that has long existed and lived in Indonesia. However, based on research results in Manado, religious moderation appears to be more realized in maintaining diversity, only in a different form, namely the continuation of interfaith marriages. In other words, religious moderation has indirect implications for interfaith marriages.

These findings are based on the methodological commitment used in this research, namely positioning religious moderation indicators as religious moderation values. First, the value of national commitment to see the religious views and expressions of married couples of different religions towards state ideology, especially their acceptance of Pancasila as a principle in the state. Second, the tolerance value to see whether the partner provides space and does not interfere with their partner in religious activities and expressing their opinions. Third, the value of anti-radicalism and violence to see whether husband and wife reject radicalism and violent behavior. Fourth is the value of accommodating local culture to see whether they accept and are open to it.

If we look at models of religious moderation in other countries, such as America, non-governmental organizations generally carry out the approach to religious moderation (Friedmann, 2003). At the same time, interfaith marriage laws vary by state, with some states having stricter requirements than others. In India, religious moderation programs aim to promote interfaith tolerance and harmony,

while marriage law relies on religious personal laws, which can make the process of interfaith marriage complex (Chawla, 2023). Egypt also has a long history of religious moderation and observing religious laws regarding interfaith marriages, where rules and procedures can vary depending on an individual's religion (Friedmann, 2003). In each case, policies and responses to religious moderation and the regulation of interfaith marriage are greatly influenced by the cultural, legal, and policy frameworks that exist in each country (Karimullah, 2023).

The implications of religious moderation on the lives of people in interfaith marriages can be seen in the aspect of tolerance, that interfaith couples give each other space and do not interfere with their partners in carrying out religious activities and expressing their opinions. This is seen in the case of interfaith marriages between mother Tessy, mother Letiana, father Dahnan, and father Abraham. This fact shows that the national program of religious moderation, which aims to eliminate or minimize violence in the name of religion and maintain diversity, is increasingly providing space for the continuation of interfaith marriages, especially in the city of Manado.

The implications of religious moderation for interfaith marriages reflect the critical role of the values of tolerance and respect for religious freedom in marital relationships. Religious moderation highlights the importance of giving space to couples with different religious beliefs to carry out their religious activities without interference or interference from their partner. It creates an environment where both can respect each other's beliefs, thus strengthening the bond in the marriage. Tolerance in interfaith marriages can be seen in the marriages experienced by Tessy, Letiana, Dahnan, and Abraham, which shows how the principles of religious moderation allow interfaith marriages to continue harmoniously without sacrificing religious identity.

Moreover, the relationship between the national religious moderation program and the success of interfaith marriages shows the positive impact of this policy on society (Menchik, 2019), especially in the city of Manado. The program aims to eliminate or minimize conflict in the name of religion, forming a solid foundation for respect for religious diversity domestically. Recognition of individual religious rights is the primary support for harmony in interfaith marriage relationships, creating a supportive environment for the growth and sustainability of these relationships.

However, these implications can become complicated when faced with interfaith marriage laws, especially the Marriage Law (UU Number 16 of 2019) and the Compilation of Islamic Law (KHI). Law Number 16 of 2019 concerning Marriage and KHI prohibits interfaith marriages, even though the main aim of religious moderation is to maintain diversity. Tolerance is an indicator and the principal value of religious moderation, while tolerance is the primary value that maintains the continuity of interfaith marriages. However, religious moderation cannot change the law on interfaith marriages contained in the Marriage Law and the Compilation of Islamic Law.

A dilemma arises between implementing laws that align with specific religious norms and respecting diversity and individual freedom (Joffe & Neil, 2013). Consequently, legal aspects that limit interfaith marriages can be considered obstacles to the realization of the values of religious moderation. Efforts to balance legal needs, religious values, and the principles of religious moderation must run according to their respective corridors. So that the principles of equality and equal standing in the eyes of the law and freedom to practice their respective religious teachings can continue to run well without feeling restricted by regulations and the rights of others.

Finding solutions to various religious-related family problems requires open dialogue between stakeholders, including religious leaders, human rights activists, and policymakers, to reach a middle ground that respects individual religious freedom while considering the values of religious moderation. It is essential to create a legal framework that pays more attention to religious diversity and ensures the protection of human rights without compromising the fundamental principles of religious moderation.

The approach of using Human Rights (HAM) law as a basis for cases of interfaith marriages in the context of religious moderation is used by human rights defenders as a potential step to respect perpetrators of interfaith marriages (Rogers, 2018). Human rights principles can affirm an individual's right to choose a life partner based on religious beliefs without discrimination. It can be a basis for balancing the conflict between the prohibition on interfaith marriages in the Marriage Law (UU Number 16 of 2019) and the Compilation of Islamic Law (KHI) with the values of religious moderation that encourage tolerance and recognition of religious diversity.

In the Indonesian context, the conflict between the law and the values of religious moderation in the case of interfaith marriages can produce paradoxes. Using human rights principles as a legal basis can help balance individual human rights with applicable legal considerations so that religious moderation is not only ideological but also legally recognized and protected. However, implementing human rights principles in cases like this may require further revision or review of existing laws to achieve better harmony between legal aspects, religious values, and the principles of religious moderation in Indonesian society.

## **CONCLUSION**

Religious moderation aims to eliminate or minimize violence in the name of religion and maintain diversity through upholding the values of tolerance, as the implication of religious moderation is to increase guarantees for the continuity of interfaith marriages in Manado. For practitioners of interfaith marriages, the principles of religious moderation make it possible to continue interfaith marriages in harmony without sacrificing religious identity. However, these implications become complicated when faced with the law on interfaith marriages in Indonesia, as contained in Law Number 16 of 2019 concerning Marriage and the Compilation

of Islamic Law (KHI), which prohibits interfaith marriages, even though one of the main aims of religious moderation is to maintaining diversity where interfaith marriages are also included in this diversity.

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