

The Regulations, Practices and Impacts of Interfaith Marriage in Lombok, Indonesia

Tengku Mahathir Mas'ud, Shariffah Nuridah Aishah binti Syed
Nong Mohamad & Suyatno

Department of Law, Faculty of Law and International Relations, Universiti Sultan Zainal
Abidin, Gong Badak Campus, 21300 Kuala Nerus, Terengganu, Malaysia

Email: tengkumahathir@gmail.com, aishah@unisza.edu.my, yatno.ladiqi@gmail.com

To Link this Article: <http://dx.doi.org/10.6007/IJARBSS/v12-i11/14829> DOI:10.6007/IJARBSS/v12-i11/14829

Published Date: 07 November 2022

Abstract

One of the continuing problems faced in the society of Indonesia is the occurrence of interfaith marriage. Interfaith marriages that occur in Lombok are a social impact of a history and social relations between religions that have been running for a long time. This research was conducted with the aim of examine the regulations, practices, and the social impact of interfaith marriages that have occurred in Lombok. This study is non-doctrinal research where primer data were collected from related regulations and online interviews. The interview method using semi-structured interviews were conducted with the officers of the Lombok Population and Civil Registration Office, officers of Forum Kerukunan Umat Beragama (FKUB) and couples who have conducted interfaith marriages. Meanwhile, the secondary data were collected from article journals, books, reports, legal dictionaries and other documents. The Researcher found that Interfaith marriage regulations in Lombok applies the results of the Deliberations of religious leaders in 1984 on the agreement on procedures for solving problems between groups in the Regional Community Level 1 West Nusa Tenggara. This study also found that interfaith marriages occurred in Lombok are dominated by Islam and Hinduism religious communities which has happened since long ago due to the historical facts. This study discovered that interfaith marriage in Lombok gives effect to at least three impacts namely the social, religious and juridical side.

Keywords: Family Law, Interfaith, Marriage, Lombok, Indonesia

Introduction

Lombok is an island in West Nusa Tenggara province, Indonesia. Historically, interfaith marriage in Lombok occurred due to the intimate contact of inter-religious communication. The Islam religion entered the people of Lombok after they firstly adhered to the teachings of "animism" and "dynamism" which are the Hindu-Buddhist teachings from the Majapahit Kingdom. Islamic teachings were brought by traders from Makassar, South Sulawesi as well as expeditions by Sunan Prapen from Java Island in the 16th to 17th centuries. In contrast, the

entry of Hinduism around the 17th century in Lombok was brought by Hinduism immigrants who moved from Bali Island to Lombok Island. Today, the civilization that dominates the Sasak tribe as the indigenous people of Lombok Island is the cultural and religious traditions of Balinese Hinduism and Islam (Latifah, 2019).

Interfaith marriage or mixed marriage or interreligious marriage consists of marriage and different religions or different beliefs. In several articles that discuss According to the (Dictionaries, 2009) the definition of marriage is a relationship between husband and wife, a civil or religious ceremony that creates the status of husband and wife and can give rise to legal aspect on that status. In marriage, a consensual union of the agreement that can result the legal and social status of husband and wife. Whereas, the explanation from the Black's Law Dictionary from (Garner, 2014) states that marriages carried out with different beliefs or religions are mixed marriages.

Socio-cultural and religious diversity in Indonesia raises many issues related to legal science. Interfaith marriage is one of those issues that arise due to socio-cultural and religious diversity. Generally, the legal rules governing interfaith marriages in Indonesia are not explicitly provided in the marriage law. Marriage arrangements are regulated in Law No. 1 of 1974 on Marriage, and interfaith marriages take the legal basis of the regulation in Article 2 (1) which explains that a valid marriage is a marriage carried out according to the laws of each religion of the parties involved. This article is ambiguous since it does not clearly state whether interfaith marriage is permissible or not.

Interfaith marriage is an important issue to be discussed, considering that the rule of law in Indonesia has not provided legal certainty to this matter. In addition, the data related to the spread of religion adopted by the community through the Central Statistics Agency, West Nusa Tenggara Province in 2018 which has been updated in November 2020, states that 93.70% of the community is Muslim, and in second place as much as 4.65% of the community is Hindus (Badan Pusat Statistik Nusa Tenggara Barat, 2018). The problem of interfaith marriages occurs due to the social interactions between religious communities of Muslims and Hindus who live side by side. According to (Nasir, 2020) from the point of views of the law, religion and customs in Lombok, interfaith marriages happened because of the interaction between ethnicities and religions, as well as the influence of historical aspects, family, and friends. Therefore, this study will focus on the current legal regulations concerning interfaith marriage as well as the practices and impacts of such marriage in Lombok.

This research utilizes non-doctrinal research. It aims to see the process of applying the law and how the legal social impact of the process can provide feedbacks or suggestions to the rule-makers to design better legal rules (Abdullah, 2018). Primer data was collected from the government-issued regulations and interviews. The researcher conducted semi-structured interviews with two marriage administrative officers from Lombok Population and Civil Registration Office, two interfaith marriage couples in Lombok for the purpose to obtain a real view from the members of society to support the natural process in Lombok, and also the Head Office and member of Forum Kerukunan Umat Beragama (FKUB). To collect the information from informant, researcher conducted online interview method using telephone WhatsApp. Meanwhile, the secondary data includes article journals, books, reports, conference papers, legal dictionaries, and other relevant online or offline documents. The data were analysed by collecting primary and secondary data in the form of legal rules, cases, judges' decisions and others. Qualitative data were analysis with an approach that focuses on the reality of events and their relationship to the legal rules governing these events so as to

complete the objectivity of the research. Whereas, the objectives of the research is to find out:

- how the applicable legal regulations of interfaith marriages
- practices of interfaith marriages
- and impacts of interfaith marriages exist in Lombok, Indonesia

Interfaith Marriage Regulations in Lombok

The regulation regarding interfaith marriages in Indonesia is not explicitly regulated in the law. The marriage law, namely the Law No. 1 of 1974 on Marriage, has been the legal basis for regulating marital problems in general. However, several cases related to interfaith marriages in Indonesia and the basic decision of the parties to allow interfaith marriages refers to the marriage law, whether or not interfaith marriages have been recorded.

In Lombok, one of the islands in West Nusa Tenggara, there are regulations governing the interfaith marriages since 1984. One of the members of the FKUB from Lombok informed that a Deliberation comprising of 9 (nine) paragraphs was held between religious leaders in 1984 and they agreed on the procedures for resolving problems arising between religious groups in West Nusa Tenggara, one of which was interfaith marriage. Paragraph 5 of the Deliberation explains that interfaith marriage was invalid and it did not follow the applicable law in Indonesia. Moreover, before the marriage is carried out, two prospective brides will be advised on the religious law and the difficulties that may be encountered if the candidate holds an interfaith marriage by their parents or their religious leaders. Paragraph 4.1 of the result of the Deliberation provides that interfaith marriages can cause difficulties in the relationship between family members, the position and education of children, psychological and mental burden, vulnerability in the field of security and public order during the marriage process.

The Deliberation also provides the fundamental law for resolving interfaith marriage problems in West Nusa Tenggara. The Deliberation basically regulated the resolution of problems related to relations between community groups and one of the problems were interfaith marriage, concern to suggests mediation action for those who wish to carry out interfaith marriages. However, paragraph 6 on the Deliberation result explains that if a settlement cannot be carried out or the spouses continue to hold fast to their respective beliefs, the marriage can be carried out according to the rule of law or returned to the applicable laws and regulations in this case the marriage law (Law no. 1 of 1974 on marriage). On the other hand, (Hendrayadi, 2022) as a Head of the Population and Civil Registration Office in Lombok, explained that the marriage registration was commonly carried out following the existing rules, namely, the Law No. 23 of 2006 on Population Administration. An explanation in terms of implementation is regulated in the Government Regulation No. 40 of 2019 on the Implementation of Law No.23 of 2006 on Population Administration as Amended by Law No.24 of 2013 on Amendments to Law No.23 of 2006 on Population Administration. Furthermore, he informed that the practice of the registration of interfaith marriages that often occur in Lombok relates to marriages carried out outside the country of Indonesia for example, one of the parties from Denmark, Poland or Australia come to work in Lombok to get acquainted with the community and marry local people. However, the Population and Civil Registration Office reminds that registration can only be done on couples of the same religion. The procedure was carried out based on the Law No. 1 of 1974 on Marriage and the Law No.23 of 2006 on Population Administration as Amended by Law No.24 of 2013 on Amendments to Law No.23 of 2006 on Population Administration. According to Norma

(2022), an officer from the Population and Civil Registration Service in Lombok state that, marriage registrations are usually recorded after the marriage is held, in this case marriages with partners who have same religion or choose the religion of one of their partners.

The Practice of Interfaith Marriage

The majority of interfaith marriages in Lombok are carried out by Muslim people with Hindus. The data related to the spreading of religion was adopted by the community through the Central Statistics Agency, West Nusa Tenggara Province in 2018. It has been updated in November 2020 stating that 93.70% of the community is Muslims, and in second place as much as 4.65% of the community is Hindus (Badan Pusat Statistik Nusa Tenggara Barat, 2018). The existence of religious diversity in Lombok other than Islam and Hinduism such as Buddhism, Christianity and Confucianism has established inter-religious tolerance for a long time. The harmony that exists between Muslims and Hindus in Lombok has occurred since the Balinese Hindu community entered Lombok. Mixed marriages then occurred between the two religions in Pura Lingsar, Lombok and this situation has been expected because these communities have lived side by side for a long time, as well as the high interaction between the people (Sari et al., 2019). This explains the strong interaction between Muslims and Hindus since the beginning of the arrival of Balinese Hindus to Lombok Island, hence the marriage carried out between the two religious communities was held.

The practice of interfaith marriage in Lombok was also explained by the Lombok Population and Civil Registration Office, which deals with the issue of marriage registration in Lombok. According to (Hendrayadi, 2022) as the Head Office explained that marriages often occur in Lombok society are between Muslims and Hindu that conducted in interfaith marriages, both parties or one of the parties who want to change religion must first ask permission from the family or more precisely the parents, regarding marriages carried out with couples of different religions. For example, a non-Muslim woman wants to marry a Muslim man. Meanwhile, if a Muslim woman wants to marry a non-Muslim man, mediation will be held with parties' family and may be conducted up to three times, advising on the consequences of leaving Islam or becoming an infidel so that further action can be taken to separate them.

On the other hand, the Religious Harmony Forum (FKUB) as an institution that supports harmony between communities' religious regarding interfaith marriage, states that interfaith marriage is carried out in accordance with the agreement of the parties which includes the family. In addition, the legal basis for the existence of this institution were joint Regulation of the Minister of Religion and the Minister of Home Affairs No. 9 and No. 8 of 2006 on Guidelines for the Implementation of Regional Heads or Deputy Regional Heads in Maintaining Religious Harmony, Empowering Religious Harmony Forums, and Establishing Houses of Worship, in article 1 (6) explains the FKUB is a forum formed by the community and facilitated by the Government in order to build, maintain, and empower religious communities for harmony and prosperity. The FKUB formed at the provincial and district or city, aims to maintain and develop religious harmony in the life of society, nation and state. The membership of FKUB consists of religious leaders, namely religious community leaders, both those who lead religious organizations and those who do not lead religious organizations that are recognized or respected by the local community as role models.

According to (Supratman, 2022) as a member of FKUB, the marriages commonly handled by FKUB were couples possessing the religions of Islam and Hinduism. FKUB applies the legal basis of the Deliberation results of 1984 which state that interfaith marriages cannot be carried out since it does not conform with the national laws and regulations. Thus, there is a

need for deliberation between families to determine if a partner wants to continue the marriage, they must possess the same religion or be separated if the couple wants to stick to their respective beliefs. Specifically, (Sasaki, 2022) the Head of FKUB Lombok state that the data related to interfaith marriage in the current year that has been entered into FKUB depends on the reporting by the parties involved and village officials such as the Head of Dusun, Rukun Tetangga or Rukun Warga (RT/RW) and institutions related to the marriage. He further explained that the current reports that have been submitted to FKUB comprised interfaith marriage between Hinduism men with Muslim women in Kediri and Kuripan districts, Buddhist men with Muslim women in Lembar and Pejarakan, and Mataram districts, Muslim men with Buddhist women in Lembar district, and Muslim men with Hinduism women in Kuripan district. Meanwhile, the data for Catholics, Protestants and Confucians has not been reported to FKUB.

The Impacts of Interfaith Marriage

The definition of marriage can be found in Indonesian regulation on Marriage Law as a bond between husband and wife, and society which is also known as "formal bond". Article 1 of Law No. 1 of 1974 on Marriage defines marriage as "*a relationship of body and soul between a man and a woman as husband and wife with the purpose of establishing a happy and lasting family (household) founded on belief in God Almighty*". The article explains that the bond born of mind is divided into two namely "Bond of Birth" and "Formal Bond". Bond from birth were a bond born of a relationship between men and women to live together which results, the inner bond arises because of the birth bond that first brings men and women live together. Meanwhile, Formal Bond arise due to the bond born between a man and a woman who have performed a legal marriage according to the state, giving rise to rights and obligations.

Furthermore, there are at least three impacts that may arise from a marriage. Firstly, the juridical impact that arises due to the "birth bond" of the legal relationship of husband and wife, secondly, the social impact that arises due to the bond between parties and society, and thirdly, the religious impact that arise due to the marriage bond with the religious law of husband and wife (Rachman et al., 2020). In Indonesia, the three impacts that have been mentioned in a marriage are generally included in interfaith marriages, but more emphasis is placed on religious impact which are influenced by social impact outside the inner bond of the parties, hence it also affects the juridical impact that apply to interfaith marriages couple. From the social aspect, the interfaith marriage is greatly affected by the communication relationships between communities that develop in their environment. In practice, the social impact in interfaith marriages in Lombok occurred due to the social interaction between different religious communities. The result of the interview with (Sasaki, 2022) stated that one of the causes of interfaith marriage is influenced by the development of technology and communication that makes it easier for people to communicate. In Lombok particularly, there is a migration of social interaction which turns the district from a "village community" to a "city community". Furthermore, with the help of the advanced communication, it has become a trend for the young people to get partners or couples from a different province, ethnic, and religion.

The existence of social factors supported by the development of technology makes it easy for the people to perform interfaith marriage in Lombok. An interview has been conducted with an interfaith marriage couple named Mrs. Desak Ketut Tirtawati, who changed her name to Mrs. Fatmawati after converting to Islam and married in 2019 after the conversion. Previously, she was a Hindu who lived in West Lombok. She met her Muslim partner spouse

through the Facebook, and they reconciled to continue their relationship although they were of different faiths. She chose to change her religion and marry the Muslim man after a lengthy conversation with her family and local officials. She said there is no objections from her family members to marriage her partner with different religion. Social interaction between different religious communities due to migration of work is also a factor contributing to interfaith marriage.

An interview was held with Mrs. Jero Ketut Surtini who was a Muslim from Lombok. After dating her husband named Mr. Dewa Komang Ngurahjaya who is a Hindu, she converted to Hinduism without any coercion. She met him at the time she worked in Bima district. They decided to carry out the marriage in Lombok, the district where the wife comes from.

The influence of religious aspects of interfaith marriage in Lombok is one of the causes of marriage between different religions. According to the data related to the spread of belief adopted by the community through the Central Statistics Agency, West Nusa Tenggara Province in 2018 and updated in November 2020, 93.70 percent of the community is Muslim and 4.65 percent is Hindu. Furthermore, From centre of statistical data regarding religion in Lombok, it is explained that Islam is the religion with the highest population adopted by the community, while the second is Hinduism (Badan Pusat Statistik Nusa Tenggara Barat, 2018). Moreover, (Sasaki, 2022) explain "marriages are rife between Muslims and Hindus because they have lived together in one place for a long time." In the aspect of religion that affects interfaith marriage in Lombok is influenced by social interaction so that there is a communication relationship between religious people who settle in areas with multiple religions in it.

Juridical impact arises because of the meeting between men and women to marriage in different religion. According to (Sasaki, 2022) the head of FKUB, "interfaith marriage legally has an impact on the "name" of the party on the Family Card or Kartu Keluarga (KK) and the status of the party on the family deed whereby the status of the heir will be disconnected. Moreover, (Budiarti, 2018) in his article explained the juridical impact that can occur were the process of registering marriages conducted at the Civil Registration Office in this case will require a complicated process due to there are no legal rules that explicitly regulate the registration of interfaith marriages, except for the Court Decisions.

However, the results of an interview with (Hendrayadi, 2022) as the Head of the Population and Civil Registration Service in Lombok explained that "the records relating to interfaith marriages cannot be registered, and until nowadays the judge's decision in the District Court of Mataram regarding interfaith marriages has never made a decision to be recorded." The decision of the Court in the case of interfaith marriage is regulated in Article 35 (a) of Law no. 23 of 2006 on Population Administration. Furthermore, Article 35 (a) on the explanation state that "*What is meant by "Marriage determined by Court" is a marriage between people different religions.* Thus, juridical impacts that occur in interfaith marriage are more to the legal status of the parties in the future in family administration.

Conclusion

Indonesia's religious diversity has led to the occurrence of interfaith marriages. In Indonesia, the legal status of interfaith marriage is uncertain because the law is ambiguous. Since interfaith marriage is not explicitly permitted by Indonesian law or statute, it has become an issue. In the region of Lombok, there are also interfaith marriages. Legal arrangements pertaining to interfaith marriages adhere to the general rules of marriage law, specifically Law

No. 1 of 1974 on Marriage. The results of the Deliberations of religious leaders or communities at the district level in West Nusa Tenggara of February 1-3, 1984 on the agreement on procedures for solving problems between groups in the Regional Community Level 1 West Nusa Tenggara the legal basis for interfaith marriage is based on the diversity of religions in Lombok so that there is a need for legal rules that regulate those that arise because of social diversity.

The practice of interfaith marriage in Lombok has been done for a long time, this is also supported due to of historical facts and the spread of religion. The majority of religions that occupy the island of Lombok is a Muslim community and in the second position is Hinduism, this also makes the practice of interfaith marriage between Muslims and Hindus occur in the Lombok area. Marriage between different religions can be influenced because of the social aspects in the form of social interaction and communication relationships between people in one area. It is supported by the religious aspect that regulates the differences in marriage laws that are different between religions, but does not rule out the possibility of a religious union between spouses. In the juridical aspect of interfaith marriage will occur when the parties have become husband and wife and have an impact on the legal status of the family and heirs.

References

Journal & Book

- Abdullah, N. C. (2018). *Legal Research Methodology* (2nd ed.). Sweet & Maxwell Malaysia.
- Badan Pusat Statistik Nusa Tenggara Barat. (2018). *Persentase Penduduk Menurut Kabupaten/Kota dan Agama yang Dianut*.
<https://ntb.bps.go.id/indicator/108/333/1/persentase-penduduk-menurut-kabupaten-kota-dan-agama-yang-dianut-.html>
- Budiarti. (2018). Analisis Yuridis Perkawinan Beda Agama dengan Pendekatan Maqashid Al-Syariah dalam Konteks Negara Hukum Pancasila. *Justicia Islamica*, 15(1), 27–47.
- Dictionaries, O. (2009). *Oxford Dictionary of Law* (E. A. M. Jonathan Law (ed.); 7th Ed). Oxford University Press.
- Garner, B. A. (2014). *Black's Law Dictionary* (10th ed). Thomson Reuters.
- Latifah, N. (2019). Pola Keberagaman Masyarakat Islam di Lombok Nusa Tenggara Barat. *Jurnal Elkatarie: Jurnal Ilmu Pendidikan Dan Sosial*, 2(1), 117–145.
- Nasir, M. A. (2020). Religion, Law, and Identity: Contending Authorities on Interfaith Marriage in Lombok, Indonesia. *Islam and Christian–Muslim Relations*, 31(2), 131–150.
<https://doi.org/10.1080/09596410.2020.1773618>
- Rachman, A., Thalib, P., & Muhtar, S. (2020). *Hukum Perkawinan Indonesia Dalam Perspektif Hukum Perdata, Hukum Islam dan Hukum Administrasi* (1st ed.). Prenada Media Group.
- Sari, W. P., Paramita, S., & Azeharie, S. (2019). Harmony in Communication between Muslim and Hindu Religious Community in Lombok. *Jurnal Penelitian Komunikasi Dan Opini Publik*, 23(1), 63–75.

Website

- Badan Pusat Statistik Nusa Tenggara Barat. (2018). *Persentase Penduduk Menurut Kabupaten/Kota dan Agama yang Dianut*.
<https://ntb.bps.go.id/indicator/108/333/1/persentase-penduduk-menurut-kabupaten-kota-dan-agama-yang-dianut-.html>

Interviews

Fatmawati. (2022). Interfaith Marriage couples in Lombok. (T. M. Mas'ud, Interviewer)

Hendrayadi. (2022). Interviews about Registration of Interfaith Marriage in Lombok. (T. M. Mas'ud, Interviewer)

Sasaki, T. G. (2022). Interfaith Marriage views on FKUB Lombok. (T. M. Mas'ud, Interviewer)

Supratman, M. (2022). Interview about view of FKUB on Interfaith Marriage in Lombok. (T. Mahathir, Interviewer)

Surtini, J. K. (2022). Interfaith Marriage Couples in Lombok. (T. M. Mas'ud, Interviewer)