

Choosing One Religion and Getting Married: The Meaning and Legal Culture of Interfaith Marriages Couples in Purbo Pekalongan, Indonesia

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Abstract: *The evasion of law practice to obtain the legality of marriage is the focus of this paper, because interfaith marriage in Indonesia is prohibited. Its argue that when marriage is interpreted as a predestination from God as the basis of its justification, the conversion of the beliefs of different religion couples marriage is considered reasonable. The phrase "in the name of love" are not the main factor that drives a person to convert his beliefs for marriage, but rational and pragmatic considerations of the bride and groom. Conversion of beliefs in ways of interfaith couples to negotiate with the law, so that the marriage gets legality, both in religious law and state law. The practice of converting this belief shows that the culture of religious conversion law in Indonesia tends to be negative adaptive. The impact of the legal culture that is wrapped in the words magic and patriarchal culture makes women victims, because the majority of women do religious conversion.*

Keywords: Indonesian Marriage Law, legal culture, conversion of beliefs, interfaith marriage.

1. Introduction

The issue of interfaith marriage has long history. Facts show that it happened in the 16th century, that is, since the Silk Road connecting Asia to Europe and the Mediterranean.¹ Despite its existence for centuries, the issue is still relevant. The reason is that interfaith marriages are very complicated, due to problems, behavior, and decisions of couples of different religions which in the end color the legal and religious life in parts of the world.² In short, interfaith marriages are multi-faceted and multifaceted which penetrates castes³, ethnicities⁴, religions⁵, politics⁶, space⁷,

times⁸, socialsocial,⁹ cultural¹⁰, economic¹¹, and legal¹² conditions at the local level, nationally even penetrates the national barriers.

¹ Erika B. Seamon, *Interfaith Marriage In America: The Transformation Of Religion And Christianity*, First Published In 2012 By Palgrave Macmillan® In The United States— A Division Of St. Martin's Press Llc, 175, Fifth Avenue, New York, Ny 1001 p. 12.

² Robert Wuthnow, *America And The Challenges Of Religious Diversity*, Princeton: Princeton University Press, 2005, p. 34

³ Murali K. Vadivelu, "Emergence of sociocultural norms restricting intermarriage in large social strata (endogamy) coincides with foreign invasions of India." Proceedings of the National Academy of Sciences 113.16 (2016): E2215-E2217; bandingkan Chris J.Fuller, and Haripriya Narasimhan, "Companionate marriage in India: the changing marriage system in a middle-class Brahman subcaste." *Journal of the Royal Anthropological Institute* 14.4 (2008): p. 736-754.

⁴ Giok Hun Pue, "Choose One!": Challenges of Inter-Ethnic Marriages in Malaysia, *Asian Social Science*; Vol. 9, No. 17, Published by Canadian Center of Science and Education, 2013, p. 269, compare to interethnic marriage in Inggris, see Christopher Bagley, "Patterns of inter-ethnic marriage in Great Britain," *Phylon* (1960) 33.4 (1972): p. 373-379.

⁵ Heather Al-Yousuf, "Negotiating faith and identity in Muslim-Christian marriages in Britain." *Islam and Christian-Muslim Relations* 17.3 (2006): 317-329. See also Jennifer Connolly, "Forbidden Intimacies: Christian-Muslim Intermarriage in East Kalimantan, Indonesia." *American ethnologist* 36.3 (2009), p. 492-506.

⁶ Cynthia Desimone, "Covenant Marriage Legislation: How the Absence of Interfaith Religious Discourse Has Stifled the Effort to Strengthen Marriage." *Cath. UL Rev.* 52 (2002): p. 391. See Leirvik, Oddbjørn Birger. "Christianity and Islam in Norway: Politics of Religion and Interfaith Dialogue." *Canadian Diversity* 4.3 (2005), p. 7-10.

⁷ Darren E. Sherkat, "Religious intermarriage in the United States: Trends, patterns, and predictors." *Social Science Research* 33.4 (2004), p. 606-625; compare with interfaith marriages in Africa, see Phaswana, N. S. (2000), *Marital problems in religiously mixed marriages amongst the Vhavenda people of South Africa: An African-Christian perspective* (Doctoral dissertation), p. vi, di Australia, read Ata, Abe W. "Family and identity. Catholic and non-Catholic intermarriage: attitudes to children, identity and sharing household responsibilities." *Catholics and Catholicism in contemporary Australia: challenges and achievements* (2012): p. 234-251; and in Great Britain, Jones, Peter R. "Ethnic intermarriage in Britain: A further assessment." (1984): p. 398-405.

⁸ Berman, Lila Corwin. "Sociology, Jews, and intermarriage in twentieth-century America," *Jewish Social Studies* 14.2 (2008): p. 32-60; See also David M. Heer, "The trend of interfaith marriages in Canada: 1922-1957." *American Sociological Review* 27.2 (1962): p. 245-250.

⁹ Peter M. Blau, Carolyn Becker, and Kevin M. Fitzpatrick, "Intersecting social affiliations and intermarriage." *Social Forces* 62.3 (1984): p. 585-606.

¹⁰ June Andrews Horowitz, "Negotiating couplehood: The process of resolving the December dilemma among interfaith couples." *Family Process* 38.3 (1999): p. 303-323. See also Cila, Jorida, and Richard N. Lalonde. "Personal openness toward interfaith dating and marriage among Muslim young adults: The role of religiosity, cultural identity, and family connectedness," *Group Processes & Intergroup Relations* 17.3 (2014): p. 357-370.

¹¹ Chiswick, Carmel U., and Evelyn L. Lehrer. "Religious intermarriage: An economic perspective." *Contemporary Jewry* 12.1 (1991): p. 21-34.

¹² Dian Septiadani, Dharu Triasih, and Dewi Tuti Muryati. "Legal Formulation of Marriage of Different Religions For The Benefit of

In the context of state law politics in Indonesia, the state has regulated marriage in Law No. 1 of 1975 (hereinafter referred to as the Marriage Law), and other implementing legal rules¹³. The presence of the Marriage Law is the starting point for renewal, codification and unification of marriage law in Indonesia¹⁴, which is expected to end the era of marriage law pluralism¹⁵, even though the mission is still considered a failure¹⁶. Generally the 1974 Marriage Law has succeeded in creating legal unification, but there are some issues that still need further regulation, for example interfaith marriage. Interfaith marriage basically refers to the understanding a couple having different religious backgrounds¹⁷. Article 28B paragraph (1) of the Indonesian Constitution says that every person has the right to form a family and to continue the descent through a legal marriage, without discrimination. Meanwhile, Article 2 paragraph (1) of the Marriage Law states that marriage is legal, if it is carried out according to the laws of each religion and that belief. The provisions of this article do not cause problems for couples who are of the same religion, but it becomes a big problem for couples of different religions. The problem is rooted from the statement that marriage is considered legitimate if it is carried out based on the religious law of the

bride, even though the state only allows marriage to be carried out based on only one religion. The normative prohibition has triggered various problems not only law, but also social, psychological, cultural and even administrative matters for different religious couples who want to marry.

The subject of interfaith marriage in Indonesia has been analysed from various perspectives. For example, religious conversion from interfaith couples in several cities in Indonesia¹⁸, interfaith marriage discourse in Indonesian constitutional arrangements, marriage law in Indonesia¹⁹, both in the form of state rules²⁰, judges' decisions²¹ and Fatwa from religious experts²², the issue of conflict management in families is different religion²³, the model of child care in interfaith marriages, and the association of children from interfaith marriages are also not spared from the study²⁴.

It is identified that interfaith marriages in Indonesia are often carried out with legal smuggling in order to find legal loopholes for marriage legitimacy. This action triggers a diversity of legal cultures in conducting marriages and marriage registration places. Abdurrahman said the way in which interfaith couples get married is: one of the partners follows their spouse's religious beliefs and marries according to the partner's religion (either formality, coercion or without coercion); and the couple still maintains their

Society." *Hang Tuah Law Journal* 1.2 (2018): p. 171-179. Compare to Indrayanti, Kadek Wiwik, et al. "Juridical Implications of the Legal Norm Void of Interfaith Marriages in Indonesia", *Brawijaya Law Journal* Vol.4 No. 1,(2017), p. 129

¹³Fathol Hedi, Abdul Ghofur Anshori, Harun, *Legal Policy of Interfaith Marriage in Indonesia*, Hasanuddin Law Review, Volume 3 Issue 3, December 2017, p. 268

¹⁴Ali Trigiyanatno, "Izin Poligami Di Kota Pekalongan." *Ploigamy in Pekalongan City Jurnal Penelitian* 5.1 (2013), p. 1-3 ;See Muhammad Ashsubli, "Undang-Undang Perkawinan Dalam Pluralitas Hukum Agama (Judicial Review Pasal Perkawinan Beda Agama)." *Jurnal Cita Hukum* 3.2 (2016), p. 290. Read also Ratno Lukito, "The enigma of legal pluralism in Indonesian Islam: the case of interfaith marriage." *Journal of Islamic Law and Culture* 10.2 (2008): p. 179-191.

¹⁵Before the enactment of Law No. 1 of 1974, marriage laws in Indonesia were relatively diverse, both those made by the Dutch East Indies Government, customary law and also religious law. Read Basuki, Zulfa Djoko, "Perkawinan Antar Agama Dewasa Ini di Indonesia, Ditinjau dari Segi Hukum Antar Tata Hukum," *Jurnal Hukum dan Pembangunan* 17.3, 2017, p.235-243; compare to Sembiring, Elsaninta, dan Vanny Christina. "Kedudukan Hukum Perkawinan Adat Di Dalam Sistem Hukum Perkawinan Nasional Menurut UU No. 1 Tahun 1974," *Parental* 1.4 2014, p. 1-2; baca juga Adrian Bedner, and Stijn Van Huis. "Plurality of marriage law and marriage registration for Muslims in Indonesia: a plea for pragmatism," *Utrecht L. Rev.* 6 (2010), p. 175; See also Ratno Lukito, "Trapped Between Legal Unification and Pluralism. Muslim-non-muslim Marriage", *Political and Cultural Contestation in Southeast Asia* (2009), p. 34-35

¹⁶Ratno Lukito (2008) *The Enigma Of Legal Pluralism In Indonesian Islam: The Case Of Interfaith Marriage*, *Journal Of Islamic Law And Culture*, 10.2, 179-191

¹⁷J.Milton Yinger, "On The Definition of Interfaith Marriage," *Journal For The Scientific Study Of Religion*, Vol. 7, No. 1 (Spring, 1968), p. 104-107, Seealso Cavan, Ruth Shonle. "Concepts and terminology in interreligious marriage." *Journal for the scientific study of religion* (1970), p. 311-320; Compare to Aphrodite Clamar, "Interfaith marriage: Defining the issues, treating the problem,." *Psychotherapy in private practice*, 9.2 (1991), p. 79-83;and Md. Zahidul Islam, "Interfaith Marriage in Islam and Present Situation," *Global Journal of Politics and Law Research*, 2.1 (2014): p. 36-47.

¹⁸Myengkkyo Seo, "Falling in love and changing Gods: Inter-religious marriage and religious conversion in Java, Indonesia." *Indonesia and the Malay World* 41.119 (2013): p. 76-96. SriWahyuni, and RM Sudikno Mertokusumo. *Pelaksanaan perkawinan beda agama di Kabupaten Gunung Kidul*. Disertasi. Universitas Gadjah Mada, (2004), p. vi. Sri Wahyuni, *Pelaksanaan Perkawinan Campur Beda Agama Antara Warga Melayu Malaysia Dan Dayak Kalimantan Di Daerah Perbatasan Sambas Kalimantan Barat* (Antara Living Law dan Hukum Positif Indonesia), *Al-Ahwal: Jurnal Hukum Keluarga Islam*. 2017;9(1): p. 31-46, then Wedyta Laplata, "Pelaksanaan Perkawinan Beda Agama Dalam Perspektif Yuridis (Studi Kasus Di Pengadilan Negeri Surakarta)," *Jurnal Jurisprudence*. 2017;4(2): p. 75-84, See also Lyn Parker, Chang-Yau Hoon, and Raihani. "Young people's attitudes towards inter-ethnic and inter-religious socializing, courtship and marriage in Indonesia." *South East Asia Research* 22.4 (2014): p. 467-486.

¹⁹Ahmad Nurcholish, "Interfaith Marriage in the Constitution and the Islamic Law Dynamics in Indonesia." *Al-Mawarid* 15.1 (2015): p. 123-142, *Brawijaya Law Journal* 4.1 (2017): p. 129-143

²⁰Zada Khamami, "Arus utama perdebatan hukum perkawinan beda agama." *AHKAM: Jurnal Ilmu Syariah* 13.1 dan (2013). p.39

²¹Muhammad Ashsubli, "Undang-Undang Perkawinan Dalam Pluralitas Hukum Agama (Judicial Review Pasal Perkawinan Beda Agama)," *Jurnal Cita Hukum* 3.2 (2016); p. 134; bacaalso Danu Aris Setiyanto, *Perkawinan Beda Agama Pasca Putusan Mahkamah Konstitusi Nomor 68/PUU-XII/2014 Dalam Perspektif HAM*, "Al-Ahwal: Jurnal Hukum Keluarga Islam 9.1 (2017): p. 13-30.

²²Ali, Muhamad. "Fatwas on Inter-faith Marriage in Indonesia." *Studia Islamika* Vol. 9. No.3 (2002): p. 1. Seealso Samsul Hadi, *Perkawinan Beda Agama Antara 'Illat Hukum Dan Maqās'id Asy-Syari'at*, *Al-Ahwal: Jurnal Hukum Keluarga Islam*. 2016;1(1): p. 65-88

²³Asteria Agustin., Turnomo Rahardjo, and Taufik Suprihatini. "Manajemen Konflik Antarpribadi Pasangan Suami Istri Beda Agama." *Interaksi Online* 1.2 (2013). p. 1-10

²⁴Erna Kurniawati N.M.A.S.dan Elly Esra Kudubun. "Modal Sosial Keluarga Beda Agama (Studi Sosiologis Tentang Relasi Pergaulan Anak dari Pasangan Beda Agama di Salatiga)," *Cakrawala, Jurnal Penelitian Sosial*, vol 4. No. 2 (2015), p. 1-20.

religious beliefs in a second way the procedure of marriage is done alternately. Meanwhile, Wahyono Darmabrata said there were four other ways, namely filing a court ruling, marriage carried out according to each religion, temporary submission to one of the religious laws and marriage abroad²⁵.

This paper explains that interfaith marriages do not only occur in urban areas²⁶, but also occur in rural areas such as in Purbo Pekalongan. It emphasizes the meaning of couples of different religions about their marriage and legal culture²⁷ when they determine the choice of legal smuggling before the marriage takes place²⁸. We believe that diversity in adhering to or not adhering to the legal regulations of marriage, raises a variety of legal cultures.

Generally the couple believes that their marriage is a destiny of God, then it is used as a basis for justification, then the conversion of the beliefs of couples of different religions during marriage is considered normal. In addition, the magic words "in the name of love" are not the main reason a person to convert his belief in marriage. It is simply a rational and pragmatic consideration. The conversion of beliefs is successful because it is wrapped in magic words "in the name of love" in a patriarchal culture environment. As a result, in the implementation of the marriage with a different beliefs background, the majority of the bride's beliefs are "sacrificed" to be converted. This is done with the aim that the marriage gets legality, both in religious law and state law. Thus, the practice of converting beliefs shows the legal culture of marital implementation of couples who are different from the way conversions occur that tend to be negative adaptation.

The study on the meaning and culture of the marriage law of interfaith couples is important, because a reality of marriage involving two persons of different religions cannot be

²⁵W. Darmabrata, Tinjauan Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan Beserta Undang-Undang dan Peraturan Pelaksananya, (Jakarta: Gitama Jaya, 2003), p.102. Compare to Ichtianto, Laporan Akhir Analisis dan Evaluasi Hukum 20 Tahun Pelaksanaan Undang-Undang Perkawinan, Proyek Pusat Perencanaan Pembangunan Hukum Nasional, (Badan Pembinaan Hukum Nasional Departemen Kehakiman RI Tahun 1994/1995), p. 1

²⁶See Sri Wahyuni dengan setting Kulon Progo Yogyakarta, M. Seo di Kota Salatiga, Wedya Laplata di Kota Surakarta, Lyn Parker di Jakarta, while in Korea, See Yang, Jang-ae, and Kyoung-ho Shin. "Vulnerability, resilience and well-being of intermarriage: An ethnographic approach to Korean women." *Journal of International Women's Studies* 10.2 (2008).p. 46. Compare also to Bagus di Jembrana Bali, See Bagus, M.I. 2008. "Mixed Marriages in Jembrana, Bali: Mediation and Fragmentation of Citizenship and Identity in the Post-bomb(s) Bali World", *The Asia Pasific Journal of Anthropology*, 9(4): p. 346-362.

²⁷Lawrence M. Friedman, "Legal culture and social development." *Law and Society Review* (1969): 29-44. p.7

²⁸Compare that with Sintang et al. who focus on the phenomenon of religious conversion to Islam by different religious partners in Sabah Malaysia, namely pre-conversion and post-religious conversion solely to create harmony in the family.. Sintang, Suraya; Hambali, Khadijah; Baharuddin, Azizan; Ahmad, Mahmud; Nor, Mohd Roslan Mohd; et al. "Conversion to Islam and interfaith marriage in Sabah Malaysia" *Ahfad Journal*; Omdurman Vol. 31, Iss. 1, (Jun 2014): p. 46-69.

interpreted in black and white, but needs to be described contextually. Based on the issue marital legitimacy based on the religious law of the bride and groom, in reality it raises a number of multi-faceted difficulties, so the phenomenon of partners' conversion of faith before the marriage in Purbo, Pekalongan is interesting to study. The reason is that the phenomenon of interfaith marriage occurs in remote areas, southern part of Pekalongan which is on the Dieng mountainous land. This area was the target of Christianization in the Era of Dutch Colonial Government. In contrast to other Pekalongan regions which are predominantly Muslim, Muslims in Purbo actually become a minority group. In addition, there are quite a few marriages of interfaith couples in the region, there are about 13 couples with different religious backgrounds and marriages and langurs to this day.

A. Interfaith Marriage is Destiny of God

Marriage is basically a religious matter, carried out by two people of different sex who pledge a sacred promise as husband and wife to form a happy family and get offspring²⁹, including residents in Purbo. Purbo is located around 45 km from Kajen as the center of the regional government of Pekalongan Regency. Purbo is like most lives in the rural areas of Indonesia, where the demographic data is relatively plural in terms of age, sex, occupation, education, religion and so on. The population of Purbo Hamlet is 209 people, consisting of 103 men and 106 women. The number of family heads is recorded as 63 households with the majority of their education being 63% of primary (elementary and junior high school). Livelihoods are quite diverse, but farmers and laborers are the most dominant 72%. Christianity dominates more, namely 136 people (65%) and Islam as many as 73 people (35%). However, at present there is a significant downward trend in the number of followers of the Christian religion in the Purbo region and its surroundings significantly³⁰.

The existence and dominance of Christianity in Purbo, is actually inseparable from the history of rural Christianization in Java³¹ carried out by Zending³² and Kyai Sadrach³³. Precisely since the construction of the Parent Church (Javanese Apostolic Church) in 1881 in the Kasimpar region and then spread to Cemiring, Karangobar, Purbo, and Katembelan³⁴. Therefore, it is not excessive, if access in the economic sector and public facilities in this

²⁹Jane Marlen Makalew, "Akibat Hukum Dari Perkawinan Beda Agama Di Indonesia", *Jurnal Lex Privatum*, Vol.I/No.2/Apr-Jun/2013 (2013), p. 131

³⁰Balance of population in 1930, 68% Christian and 26% Islamic, and 8% Hindu (GK 1976), 62% Christian and 38% Islamic in 2003 (Petungkriono in 2004), then 61% Christian and 39 % Of Islam in 2015. See M. Alie Humaedi, "Konversi Keagamaan Pasca 1965: Mengurai Dampak Sosial Budaya dan Hubungan Islam-Kristen di Pedesaan Jawa", *Jurnal Multikultural & Multireligius* Vol. 16 No. 2, p. 219

³¹There are four patterns carried out by The Dutch Zending, Sadrach community, Mass Baptist for Former PKI and Harmony of Public Relations. Read M. Alie Humaedi, *ibid*, p. 221

³²Deliar Noer, *Gerakan Modern Islam di Indonesia 1900-1942*, Jakarta: LP3ES, 1982

³³Partonadi, *Ibid*, p. 42-54

³⁴M. Alie Humaedi, *ibid*, p. 219,

region is predominantly owned by Christians³⁵. There are two churches namely the Indonesian Bethel Church (GBI) and the Javanese Christian Church (GKJ), one Christian Kindergarten (TK) and one Christian Primary School (SD), one Christian Library and one public burial place for residents, with the position of Muslim tombs is in the upper land while the non-Muslim tombs are in the lower land. There are only one mosque, the only public facility for the Islamic community³⁶.

The religion social life in Purbo is orderly and peacefully, with a high tolerance among religious people, because the existence of local wisdom originating from Javanese philosophy *urip bebrayana karo liyane* (living in harmony with other people / creatures)³⁷. This situation makes conducive marriage between religious partners in Purbo a necessity. Many factors influence it, including structure³⁸, economy³⁹ and culture⁴⁰.

Marriage is a pleasing, moving and unforgettable moment for the thirteen interfaith couples in Purbo. They said that the marriage was not an easy thing to do because of religious differences and because there was rejection not only by relatives but also by friends. The existence of these refusals made their marriage a great event that was unforgettable throughout their lives. The experience has drained tears, mentality and energy. They fight for their love and come out as winners with a distinct marriage. They believe that despite different religions and many obstacles, they are married to God's destiny. God's destiny cannot be canceled by anyone. They believe that if marriage is God's destiny, then No. human strength can refuse it. As Wahyuni said:

"Being able to get married and have children is my dream as a woman, even though it is full of struggle, many tears and energy are drained, but God blessed, maybe it has become my destiny to marry a husband of a different religion, I am a Christian, with an Islamic husband, so we cannot refuse it. Parents and even large families cannot block, if God has willed. This is a sign that this is my soulmate who was given by God and we have to live it even though it was very difficult at first, because we had to move to Islam and

were expelled from home. This is my life choice to be with the people we love. It's fate from God,⁴¹"

On the husband's side also argued that love and soul mate are God's gifts and power, which must be accepted gratefully. Yanuar who is a Christian believes that

"Love and soulmate are God's gifts and power, I was born in a Christian family, I am sure the love of Jesus Christ brought me and my wife together. I met while attending Nursing D3 Course in Semarang. My wife is Muslim, but because of love we finally got married even though my wife's parents did not approve. Getting married is a sign of the victory of our love. I really appreciate the sacrifice of a wife who wants to convert to Christianity, so marriage can be done, and praise God we are happy until now with our two children⁴²".

The fact revealed that the informants' understanding of love and marriage have similarities among different religions couples in Purbo turned, and at the same time there is a shift, especially the meaning of ideal marriage. The majority of informants interpret the value of love as the key determinant in the occurrence of marriage. Scheler says that the mind is blind to values. Values cannot be seen and felt with the mind, but can be conveyed and felt through emotional institutions. Institutions have the right ability to capture and feel values and without requiring prior sensory experience of related objects⁴³. This is captured and felt by the informants, that when the mind is filled with feelings of love for their partner, the expression of love is blind is true. Satre defines the value as the basic assumption about what ideals are desire⁴⁴, so they, ultimately ignore the values that forbid that interfaith marriages are not permissible based on the scriptures, so that marriage occurs.

The majority of informants also interpret marriage as a legitimate bond between husband and wife to form a family and continue the offspring. Aristotle said that men and women are united for reproductive purposes, not because of intentions but natural impulses⁴⁵. But in the context of marriages of religious partners in Purbo it turns out that it is not as Aristotle said, because the motive for continuing descent in marriage is intention of the 13 couples. So we

³⁵ M. Alie Humaedi, Ibid, p. 217

³⁶ The Dusun Purbo monograph, justified by Mr. Widiyanto as Head of Purbo and H. Busun Hamlets as Islamic Religious Leaders and Pastor Heru from GKJ Purbo representing Christian figures.

³⁷ Interviews with religious leaders and community leaders in Purbo. Compare with tolerance in Mbawa Village, West Nusa Tenggara, where the population is Muslim, Protestant and Catholic. Harmonization there is more tied to the cosmological concept that originates from traditions that are bound to "land". See I Made Purna, "Kearifan Lokal Masyarakat Desa Mbawa Dalam Mewujudkan Toleransi Beragama." Jurnal Pendidikan dan Kebudayaan 1.2 (2016): p. 261-277.

³⁸ P. Spickard, "Mixed blood: Intermarriage and ethnic identity in twentieth-century America," Madison: University of Wisconsin Press, 1989. p. 23

³⁹ S. Hawwa, From cross to crescent: Religious conversion of Filipina domestic helpers in Hong Kong, Islam and Christian-Muslim Relations, 11, 2000, p. 347-367

⁴⁰ T. Klein, "Intermarriage between Germans and foreigners in Germany," Journal of Comparative Family Studies, 32-3, 2001, p. 325

⁴¹ Interview with Wahyuni during FGD di rumah Kepala Dusun Purbo, Sabtu tanggal 5 Juli 2018. Pendapat yang sama juga dibenarkan oleh Martini, Martiyana, Turah, Emy Risnati, Tupartini, Nur Azizah, Ngarisih dan Atik

⁴² Interview with Yanuar who is currently working as a nurse at the Kalisari Hospital in Batang Regency, during a FGD at the house of the head of the hamlet of Purbo (Widiyanto), Saturday, July 5, 2019. His wife Emy Risnati, who was a Muslim, now embraces Christianity. He works as a nurse in Budi Rahayu Hospital, Pekalongan City.

⁴³ Laksono Kardi, "Scheler dan Apriorisme Material Nilai dalam Perspektif Media Massa." Jurnal Filsafat 21.3 (2011): p. 182-199.

⁴⁴ Lilik Untari, "An Epistemological Review on Humanistic Education Theory," LEKSEMA: Jurnal Bahasa dan Sastra 1.1 (2016): p. 59-72.

⁴⁵ John Witte Jr. The Goods dan Goals of Marriage, Volume 76, Issue 3 (2001) Propter Honoris Respectum Volume 76, Issue 3 (2001) Propter Honoris Respectum, p. 1023

agree with Hadikusuma⁴⁶, who said that the purpose of marriage is not just to justify sexual relations, but there is a nobler goal of forming a family on the basis of love and obtaining a legitimate offspring.

The fact in Purbo also shows a shift in the meaning of the nature of marriage from thirteen couples. The shift was seen from the initial concept of ideal marriage according to the informant. The initial concept of informants when they were single was "marriage must be a believer" but when meeting and falling in love with a partner the concept changed, namely "marriage does not have to be a partner, provided there is a factor of love". The shift in the meaning of ideal marriage occurs along with the intensity of interaction between them, which impacts on a positive assessment of the prospective partner. This condition ultimately changes their perspective on love and ideal marriage turns out not to have a partner. The two symbols of "love and marriage" are then compiled as a result of mutual agreement. Sudiono said this.

"Before I was married, I had the principle that marriage must be religious, because it was taught by parents and Bible, but my outlook changed when I fell in love with my wife. I have a principle that love must be married, if you don't marry, it's not love. We must be willing to fight, sacrifice, including religion so that we can live together because the rules are not allowed, even though the family forbids it, but my wife and I are well established, and finally we are married⁴⁷".

Referring to the facts about the nature of marriage from the thirteen different religious couples in Purbo, it is true that on the one hand it strengthens Blumer's thesis on symbolic interactivity⁴⁸. However, on the other hand, it shows the development of Blumer's thesis, that the thesis does not only stop at the third level, because there is a fourth level as the starter. This fourth level shows that the enhanced meanings are then compromised and become the result of a shared consensus of the social interactions carried out.

The majority of informants consider that marriage is an order of religious teachings, and ideal marriage is a believer. The source of meaning is obtained from the Scriptures and education in the family. Families always teach and encourage their children to marry those who believe, and prohibit intimate associations with non-believers⁴⁹. But

⁴⁶Hadikusuma Hilman, *Hukum Perkawinan Indonesia : Menurut Perundangan Hukum Adat dan Hukum Agama*, Mandar Maju, Bandung (2007). p. 17

⁴⁷Interview with Sudiono (Kristen) who was married to Turah (formerly a Moslem now Christian), during the FGD at the house of the Head of Purbo Hamlet, Saturday, July 5, 2017

⁴⁸Dadi Ahmadi, "Interaksi Simbolik: Suatu Pengantar." *MediaTor (Jurnal Komunikasi)* 9.2 (2008): p. 301-316

⁴⁹The phenomenon of the prohibition of parents to children to date and marry couples of different religions also occurs in modern families in United States, See Siham Yahya dan Simon Boag "My Family Would Crucify Me!": The Perceived Influence of Social Pressure on Cross-Cultural and Interfaith Dating and Marriage, *Sexuality and Culture*, December 2014, Volume 18, Issue 4, p. 759-772, compare to Israel, where the state makes restrictions to

overtime, their understanding of marriage must eventually grow and experience change, when informants meet and interact intensely with potential partners. These interactions eventually foster positive perceptions about potential partners. They are attracted to each other, fall in love, and are comfortable with each other. This condition ultimately undermines the concept of marriage as a religious change that marrying couples of different religions is not a problem as long as they love each other and are committed to forming a family. The process of shifting the meaning of the marriage nature is in line with what Blumer said that humans act or behave towards other humans basically based on the meaning they wear to other parties.⁵⁰

The majority of informants stated this phenomenon, one of which was Nur Azizah.

"I was grown up in a Muslim family, and schooled in a madrasah outside the city. Since childhood, my parents have advised me to be good at taking care of myself and looking for a husband who is in the same faith. I also agreed, because I was sure that having a Christian husband would be difficult. But my view changed after meeting Siswanto. I think that couples do not have to have the same religion. What good is religion without love and responsibility? Siswanto gives kindness, attention and love. I also love, so I want to marry him, even though at first the family refused, and tried to prevent our marriage, but finally allowed because Siswanto wanted to convert to Islam when he was married, thank God he converted to Islam until now and we are sure it is Allah's destiny⁵¹."

The explanation above indicates that the majority of couples of different religions interpret that love is the gateway to marriage, the marriage is the destiny of God besides the life choices that must be lived. Therefore, the shifting meaning of marriage to phenomena occurs massively, when they interpret that the root of marriage is no longer a matter of religion but because love is the basis of their marital motives, the dimensions of destiny and the power of God are also used as justification.

B. Premarital Religion Conversion: Negative Adaptive Law Culture

Satjipto Rahardjo stated that in order to understand the reality of law is not enough to read the legal texts, but also at the time the legal texts are interpreted and work as legal norms in society. Rahardjo said the law's interpretation by this society is important to be examined, because it is not a law, not just because of its substantial legal substance, its complete and modern legal structure, but also its legal culture.

Jewish girls do not marry Arab men, See Yohai Hakak, "Battling Against Interfaith Relations in Israel: Religion, Therapy, and Social Services." *Journal of marital and family therapy* 42.1 (2016), p. 45-57.

⁵⁰Dadi Ahmadi, *ibid*, p. 301-316

⁵¹Interview with Nur Azizah which was justified by her husband (Siswanto) during the FGD at the house of the Head of Purbo Hamlet, Saturday, July 5, 2017. The same opinion was also confirmed by Martini, Martiayana, Turah, Emy Risnati, Tupartini, Nur Azizah, Ngarisih, Kasdoloh, Sudiono and his friends.

Legal culture is the attitudes, perceptions, beliefs of values, thoughts, and one's expectations of the rule of law⁵². In short, legal culture is the mood of a person who determines he is using (obedience), avoiding abusing it depends heavily on one's interests.

A person's interest in a rule of law, eventually triggers a diversity of legal cultures. It is no exception for the interests of interfaith couples when they want to get married, which are not permitted under Article 2 paragraph (1) of the Marriage Law. Article 2 paragraph (1) says marriage is considered valid if it is carried out based on the laws of religion and their respective beliefs. In reality, according to Purbo informants, it turns out that the fulfillment of the clauses in Article 2 paragraph (1) turns out to be difficult problems.

First of all, the family is colored by "inner warfare and psywar." Concretely, the difficulties experienced by this couple are usually in the form of opposition and denial from the relatives in the form of psychological violence (being reviled, isolated), physical violence (beaten, kicked) and economic violence (expelled from family, not considered a child, ostracized). Some cases in Pakistan have even been burned and killed by their families⁵³. The second burden is the marriage registration, due to the fact that until now there is no special institution that serves the marriage registration of interfaith couples if they refer to Article 2 paragraph (2) of the Marriage Law. Article 2 paragraphs (2) say that every marriage is recorded according to the applicable law, only OFFICE OF RELIGIOUS AFFAIRS is available for Muslims and the Civil Registry Office for non-Muslims. The table below shows the legal culture carried out by 13 couples in Purbo in order to monitor marital law.

Table 1: Legal Culture of Different Religion Marriage Couples in Carrying Out Marriage

No	Name of Husband - Wife	Marriage Place / Marriage performed by	Who changed Religion
1	Kasdolah-Wahyuni	The house of the Head of the Village / local Muslim Leader	The wife became a Moslem
2	Suteguh-Martini	The house of the Husband / local Muslim Leader	The wife became a Moslem
3	Warsito-Martiyana	Local Indonesia Religious Office Affairs// local Muslim Leader	The wife became a Moslem
4	Penggir-Tuwuh	The house of the Husband / local Muslim Leader	The wife became a Moslem
5	Suritno-Karyati	Local Indonesia Religious Office Affairs// local Muslim Leader	The wife became a Moslem
6	Tasrib-Supart	Local Indonesia Religious Office Affairs// local Muslim Leader	The wife became a Muslim
7	Bejo - Saminah	Local Indonesia Religious Office Affairs// local Muslim Leader - Duhuri	The wife became a Moslem
8	Muhidi-Ngarisih	Local Indonesia Religious Office Affairs// local Muslim Leader	The wife became a Moslem

⁵²Faisal, *Memahami Hukum Progresif*, (Thafa Media : Yogyakarta , 2014), p. 23

⁵³Kamruzzaman, *ibid*, p. 45

9	Sudiyono-Turah	GKJ Church /Reverend Heru Martono	The wife became a Christian
10	Suparjo-Nur Azizah	The house of the Wife / Local Muslim Leader	The husband became a Moslem
11	Susilo-Atik	The house of the Wife / Local Muslim Leader	The husband convert to Moslem, but after marriage he returned to Christianity and the wife became a Christian
12	Sucipto-Tupartini	GKJ Purbo/Pastor Joko Purnomo	The wife became a Christian
13	Yanuar - Emmy	GKJ Purbo/ Pastor Sukardi Citro Dahono	The wife became a Christian

Referring to Wahyono Darmabrata's thesis on the four marital legal smuggles carried out by interfaith couples, then the legal culture of the bride and groom in Purbo tends to choose to submit to the procedures of their partner's religious law by converting their religion. The legal smuggling by converting religion before the marriage is taken place. Their perception is that religious conversion is the most practical, less expensive and more rational compared to other methods. This is understandable because other legal smuggling models, which are relatively more complicated and costly, claim that they live in remote areas and have low income, especially if they have to marry abroad. All informants admit that religious conversion is the best way. For example Siswanto said as follows:

"I know that interfaith marriages are not allowed by state rules, so to be able to get married and get a marriage book/certificate (recognized by the state), I converted to religion before my wife married. I am only a factory worker, a small salary is certainly not possible for me to go to a court that is far away in Pekalongan City. The cost of transport to the city and the cost of taking care of the permit in the court must be expensive. The process must also be complicated. So I choose the most practical and inexpensive method. I just converted. After all, I don't need to spend money, just say the creed in front of the clerics. After that, marriage can be done by the head of the Indonesia Religious Office Affairs (*Kantor Urusan Agama/KUA*).

C. Interfaith Marriage: Bargaining Power of Women is Always Weak

In Purbo as well as other parts of Indonesia, the marriage system is endogamy, where parents and families participate in regulating it, therefore, the role and involvement of the groom's family as organizers for the preparation and implementation of marriages involving different religious partners becomes very dominant⁵⁴. Married with different religion partners is not an easy thing. Field facts show that

⁵⁴This condition is almost the same as interfaith marriage in India, where the majority of women enter and follow the religion of their husbands because of patriarchal social structures, especially in North India where kinship is Patrilineal See BhartiSharma, *ibid*, p. 7. See also Yolanda Imelda Fransisca Tuapattinaya, Sri Hartati, "Pengambilan Keputusan Untuk Menikah Beda Etnis: Studi Fenomenologis Pada Perempuan Jawa," *Jurnal Psikologi Undip* Vol.13 No.1 April 2014, p. 34-41

the majority of interfaith couples always face challenges and rejection, even though they are finally accepted. Of the 13 couples in Purbo, 12 women chose to follow the husband's religion, with details: 8 Christian women converted to Islam (became Muslim), and 4 Muslim women converted to Christianity, and only 1 male moving Islam following the religion of his Muslim wife⁵⁵. In other words, they prefer to convert religion to their partner's religion before carrying out their marriage, and the majority of women convert their religion to follow the religion of their husbands.

We assume there are two challenges namely Internal challenges among couples faces some difficulties in carrying out the conformity and adjustment between husband and wife⁵⁶, both pre and post-interfaith marriage. While the external challenges are they become "victims and isolated from their communities⁵⁷". Generally they get discriminatory treatment, stigma will not be happy or actions that are considered as stupid / big wrong actions, experience violence (especially psychological and physical), pressure, threats, rejection and even hostility by both family, friends and society. Paul H. Besanceney stressed that family and friends are often unhappy and try to discourage the couple⁵⁸, with the hope that marriage does not occur, because interfaith marriages are considered a deviation from religious, social norms and in the past are considered as criminal acts.⁵⁹

Even so, again in the name of love they still do marriage with their partners by converting their religion. In the context of legal culture as seen in table 1, it appears that 12 women (90%) converted and followed the religion of their husbands, and only 1 woman (10%) continued to maintain her religion even her husband who converted to Islam before marriage⁶⁰. Some informants claimed to voluntarily convert to religion, namely: Martini (becoming Islam), Karyati (becoming Islam), and Tuwuh (becoming a Christian). The reason is they feel comfortable when hanging out with their partners and are familiar with environmental conditions (neighbors, schools, caring for them in the family), and the reasons for getting God's guidance or demands. While those who felt forced to convert to religion, namely: Wahyuni (becoming Islam), Atik (becoming a Christian), Tupartini (becoming a Christian), Martiyana (becoming an Islam),

⁵⁵Data that has been analyzed is based on field observations, interviews and focus group discussions during June to August 2017.

⁵⁶Hutapea, *ibid*, p. 104

⁵⁷Kamruzzaman, *ibid*, p. 45

⁵⁸Gary A Cretser and Joseph J. Leon. "Intermarriage in the US: An overview of theory and research." *Marriage & Family Review* 5.1 (1982), p. 3-15

⁵⁹Heather McNeff, "Finding happiness: interfaith marriage in British literature, 1745-1836." *Desertation*, University of Minnesota, (2013), p. 1-36

⁶⁰Different results were shown by Nawari Ismail, his findings in 5 villages in Mlati Selaman Subdistrict because there were men who mostly converted to religion when they were going to get married with their partners who happened to be different religions. Read Nawari Ismail, *Keluarga Beda Agama dalam Masyarakat Jawa Perkotaan*, hasil penelitian yang didanai DIKTI-LP3 UMY, Yogyakarta, 2010, p. 1-56, http://repository.ums.ac.id/bitstream/handle/123456789/1897/KU_MALSON.pdf?sequence=1&isAllowed=y

Emmy (becoming a Christian), Saminah (becoming an Islam), and those who felt forced by husband's spouse and family, as experienced by Ngarisih (becoming a Christian) and Turah (becoming a Christian). Saminah said:

"I got married at 23 years old and my family often complained because I didn't get married at a young age like the other girls. I converted to Islam following my husband, rather than we were labeled as an old maiden and not married. I entered Islam willingly because it was my own choice, even though my family protested but finally agreed. They say it's up to me. I pronounce the sentence of creed in Kyai Saleh's house, because I think it is natural for women to join their husbands, including religion, because we will live with their husbands. Even though we were born Christians and used to worship at GKJ Purbo, but parents always taught that wives were obedient and devoted to their husbands, so if they want to be happy they must be obedient and loyal to their husbands. Honestly it's hard and hard at first. In the past our extended family did not like my husband, but after there were children, they would accept it even though it was not entirely his son-in-law, but if I and his grandchildren remained completely sincere⁶¹"

In the case of Saminah, the selective principle of getting a partner is ignored. She tends to want to get married even if he has to convert because of the stigma of the spinster. This is slightly different from the experience experienced by the Turah, who converted his religion because he was forced by his spouse's family and relatives.

"My family is Muslim; I meet my husband in my relative's house. I converted to Christianity because before marriage. I was asked by my husband and his family to convert, if we wanted to marry. My parents and family are angry and disagree. I was expelled from home, and I was welcomed by my husband's family. They took care of our marriage conditions and prepared a party at his house. As a woman who has not been recognized by the family, I finally converted to Christianity, praise God our household is happy. I diligently joined the service at Purbo GBB Church with my family. Everything needs a struggle, a long enough time for me to follow the Christian procedure. Indeed, now my family has accepted us as husband and wife, but we feel that there is a distance that cannot be said to date, like broken glass, although it can be repaired but not intact. That's what we feel"⁶²

The fact above shows the legal culture of most women in conducting their marriages is by converting their religion, because they were forced. Under these conditions, women are vulnerable to violence. Muhammad M. Haj-Yahia said that the conversion of beliefs carried out by real women in the feminist dimension could be considered as a form of violence against women (psychologically), but was not seriously questioned because of the strong patriarchal

⁶¹Interview with Wahyuni during FGD, *ibid*

⁶²Interview with Turah during FGD, *ibid*

culture⁶³. Twelve women, who convert religion, generally are familiar with Javanese traditions and culture that tend to be patriarchal. This condition turned out to affect the viewpoint of women about the concept of women who are good at marriage, must be obedience, loyalty and willingness to sacrifice for their families.

In Purbo, the majority of wives tend to follow the husband's religion. Muhammad Ansor, and Yaser Amri, said that under pressure from tradition and patriarchal culture, women from religious minority groups felt more comfortable when they made adjustments to the religion of the majority group⁶⁴. Although the results from Jansen show the opposite results. Jansen shows the intersection between gender and religious conversion. In Jordan Muslim women are a majority group, but it is they who convert religion to the religion of their husbands despite the minority Christians⁶⁵.

Mnookin and Kornhauser with the concept of game theory have shown that marital conditions are an arena of bargaining between couples⁶⁶, as well as bargaining between families⁶⁷, including in Purbo. The bargaining power of the majority of women in Purbo is also weak, they are more reluctant to convert their religion. This phenomenon is influenced by the dominance of patriarchal culture in the life of Javanese women⁶⁸. The dominance of patriarchal culture in Asia (including Java) raises positive and negative stigma attached to women with a distinctive figure. Positive stigma, the woman in the picture is different from the obedient wife, the person who is willing to sacrifice, the lover who is pleasant (sensual). While Primental describes the characteristics of oriental women is obedient, attentive and family-oriented⁶⁹. Meanwhile, the negative stigma attached to Asian women, which is labeled as Dragon ladies, Geisha girls, Chinese dolls, Lotus Blossom Babies are identical to erotic, sex, sensual and mysterious⁷⁰ and women who are deceitful,

materialistic, opportunistic, wealthy targets (gold digger), and cunning⁷¹.

We are of the opinion that the positive stigma attached to the female figure that is mostly familiar with Javanese tradition and culture on the one hand is an advantage, but at the same time also shows its weaknesses. This weakness is often exploited and manipulated by other parties in the name of love and sacrifice, so that the bargaining power before making marriages with different religious partners is weak. Therefore we argue that regardless of the conditions and motives, in every interfaith marriage women are in a weak and always defeated position. Women are "forced" to follow the husband's religion. The conversion of religion drives women in a complicated position. Our opinion reinforces Jansen's opinion that women often become parties who must adjust to their partner's religion⁷², because of patriarchal culture.

Women, sociologically often lose the power of agents in the determination of religion to be followed. Women are asked to adjust to the religion of their husbands. But it is different from the opinion of Seo and Gooren. Seo said gender is not a determining factor for someone to change their religion about the reason for marriage. There is a negative correlation between marriage and the obligation to follow the husband's religion. While Gooren said that couples who have stronger religious commitments (regardless of men or women) tend to invite couples to convert. Seo also believes that economic factors and domicile determine who must change interfaith marriages⁷³.

Apart from the differences of opinion above, one achievement for women who convert to religion in Purbo shows that women have a good adaptation system to protect themselves and their families from situations that endanger themselves and their families. This condition is different from women who convert their religion to husband's religion (Islam) in Western countries, not influenced by the number of minorities, patriarchal culture or situations that threaten themselves and their families, but solely because they are interested in the concept of Islamic feminism⁷⁴.

The above fact also shows that the ease with which one converts one's religion before marriage further highlights Hather's thesis which shows that religion is a private matter that can be negotiated in marriage. In addition, it also shows that marriage is a special social event, so it is not only a matter of the bride and groom but also the business of two nuclear families and their extended family. The moment of marriage is often a venue for large family gatherings,

⁶³Muhammad M. Haj-Yahia, "Beliefs About Wife Beating Among Palestinian Women: The Influence of Their Patriarchal Ideology," *Violence Against Women*, Vol 4, Issue 5, p. 533 - 558

⁶⁴Muhammad Ansor dan Yaser Amri, *Ibid*, p. 217-238.

⁶⁵Jansen, W. H. M. "Conversion, marriage and gender: Jordanians and the Christian Mission." PDF hosted at the Radboud Repository of the Radboud University Nijmegen, (2004).p.99-101 See juga Karin Van Nieuwkerk, *Women embracing Islam: gender and conversion in the West*. University of Texas Press, 2006, p. ix

⁶⁶Mnookin, R.H. and L. Kornhauser "Bargaining in the Shadow of the Law: The Case of Divorce", *Yale Law Journal*88, (1979), p. 950-997.

⁶⁷Suzanne April Brenner *The Domestication of Desire: Women, Wealth, and Modernity in Java*, Princeton University Press, New Jersey, 1998, p. 19-20

⁶⁸Abdullah, Irwan. 2003. "Penelitian Berwawasan Gender dalam Ilmu Sosial" dalam *Humaniora*, Vol. XVI, No. 3. p. 268, baca also K.K. Ruthven, *Feminist Literary Studies: an Introduction*. New York: Cambridge University Press, 1990. p. v

⁶⁹E. E. Pimentel, "Just how do I love thee? Marital relations in urban China", *Journal of Marriage and the Family*, (2000). p. 62,32-47.

⁷⁰S. Prasso, *The Asian mystique: Dragon ladies, geisha girls, & our fantasies of the exotic Orient*. New York: Public Affair, (2005). p.iii

⁷¹The negative stigma is the result of a study of interfaith marriage and multi-ethnic marriage, between Asian women and white men in the United States. See G. Hofstede, "Gender stereotypes and partner preferences of Asian women in masculine and feminine culture," *Journal of Cross-Cultural Psychology*, 27, (1996). p. 533-546.

⁷²Jansen, W. H. M. *ibid*, p. ix

⁷³M. Seo, *ibid*, p. 137

⁷⁴Margot Badran, "Feminism and Conversion: Comparing British, Dutch, and South African Life Stories". *Women Embracing Islam: Gender and Conversion in the West*. Karin van Nieuwkerk. Austin: University of Texas Press. 2006. p. 192-232.

relatives and colleagues, so that the most important role in the organization is family. In addition to involving the family, marriage also involves two ethnic groups and two different groups of friends⁷⁵.

In addition, our analysis shows that women religious conversion for women is not an easy thing, both before and after marriage. The majority said that acts of religious conversion before marriage did not get approval from parents and family. After marriage, they have difficulty adapting to their spouse, family and new environment. It is also difficult to reconnect with their family. This fact confirms Lindenberg's opinion that even though couples have successfully converted their religion, and try to adapt to the new environment to be well received by their spouse, family, friends and new environment, in the midst of efforts to bridge differences, at the same time each group change, make firm boundaries and try to distance themselves from outsiders. Strictly speaking, even though religious conversion and adaptation efforts were carried out, at the same time there was a breakdown and a breakup of relations with the family⁷⁶.

This condition was experienced and recognized by the thirteen couples in Purbo, especially women even though they claimed to be happy and harmonious with their partners. This was realized by the thirteen couples to commit to building happiness and harmony in the family, after winning love. Bellah said that religiosity can improve the quality of marriage depending on the commitment of each individual. For couples who have a lack of religious understanding, the happiness of marriage comes from the commitment that it builds; the relationship becomes good if the commitment is high and vice versa⁷⁷. In addition, a person becomes obedient or disobedient to his new religion, depends on the response between partners. In other words, negotiating religion in marriage will affect one's identity politics. Changes in women's identity politics are seen after undergoing marriage, which converts to become Muslim women, while apostates become Christian congregations

This action is forced to convert religion, because it is the easiest, practical and not high cost, when compared with the other three models of legal smuggling. This is as stated by the Envoy and justified by other informants.

"We know that marriage with two different religions is not allowed, so we negotiated first and finally our wife converted to Islam. We think that's the only way we can get married. Converting religion is not costly, the wife said two sentences of creed, and we also can get married in front of the

⁷⁵J. Lindenberg, *Interethnic marriages and Conversion to Islam in Kota Bharu*, dalam G. W. Jones, H. L. Chee, & M. Mohamad (Eds.), *Muslim-non-Muslim marriage: Political and Cultural Contestations in Southeast Asia* Singapore: Institute of Southeast Asian Studies. (2009), p. 219-254

⁷⁶J. Lindenberg, *ibid*, p. 219-254

⁷⁷Alan Booth, David R. Johnson, Ann Branaman and Alan Sica, "Belief and Behavior: Does Religion Matter in Today's Marriage?" *Journal of Marriage and Family*, Vol. 57, No. 3 (Aug., 1995), p. 661-671

prince and get a marriage certificate from Talun Office Of Religious Affairs⁷⁸,"

The explanation shows that they understand interfaith marriage is prohibited by the rule of law, and they only know the solution is by religious conversion. Ratno Lukito said that religious conversion occurs because of the demands of work, consideration due to family, marriage, efforts to cure, factors of education, obtaining guidance from God, and interfaith marriages are prohibited by state law⁷⁹. Meanwhile, Dwisaptani and Setiawan said that there were three reasons for religious conversion among Javanese people, namely the failure to find God in their religion, the weakness of religious values in family life and the conflict or crisis they experienced but their religion did not provide a solution. Furthermore Dwisaptani and Setiawan also said that religious conversion in interfaith marriages was carried out due to administrative considerations, although some were more substantial. While Atabik Hasin said that religious conversion can be influenced by the following factors: Obedience to parents, ease of marital administration and ignorance of religious teachings⁸⁰. If referring to Ratno Lukito's thesis, the conversion of religion by the bride in Purbo, more because the reason for interfaith marriage is prohibited in Indonesia, whereas if it refers to the opinion of Dwisaptani and Setiawan, religious conversion occurs because of the weak religious values concerned. According to informants, religious conversion is done because it is the most rational and pragmatic action as a solution. The purpose of these actions is not solely for reasons of love but more for administrative reasons, namely that the marriage can be carried out and legitimate both in religious law and state law.

Thus, the reason for the weakness of religious values in the family and obtaining guidance is only a reinforcing factor. Therefore, a little different from Seo said that religious conversion on the grounds of marriage is a reflection of state intervention in religious life from the religious community. Seo also said that marriage arrangements in Indonesia that prohibit interfaith marriages cause religion itself to lose its focus on building one's piety, rather than focusing more on administrative matters⁸¹. Whereas we argue that religious conversion in interfaith marriages is triggered by the shackles of state regulation, both administrative and institutional.

J. Connolly said that religious conversion is an expression of the agency⁸², based on certain interests of the person concerned, namely marriage. The facts in Purbo show that

⁷⁸Interview with Penggir during FGD, *ibid*

⁷⁹Ratno Lukito, *ibid*, p. 34-35

⁸⁰Atabik Hasin, *Masuk Islam Karena Alasan Perkawinan (Studi Kasus Perkawinan Pasangan Yang Semula Beda Agama Di Desa Borangan Kecamatan Manisrenggo Kabupaten Klaten*, Skripsi, Jurusan Ahwal Al-Syakhsiyah Fakultas Syari'ah dan Hukum Universitas Islam Negeri Walisongo Semarang 2015, p. vi-vii. Bandingkan dengan pendapat Jane Marlen Makalew, *ibid*, p. 138-139

⁸¹M. Seo, *ibid*

⁸²J. Connolly, 2003. *Becoming Christian and Dayak: A Study of Christian Conversion Among Dayaks in East Kalimantan, Indonesia*. The New School University, New York, p. 353

religious conversion is considered as a medium that can fulfill their interests in marriage. This action is carried out because religious conversion is easy as long as there is agreement between the parties and does not cost a lot. For those who geographically live in remote areas and are not rich in professions as farmers, laborers and the private sector, the amount of the costs is considered⁸³. This condition is different from the legal culture of the different religious groups in Salatiga, here M. Seo finds that legal smuggling is relatively religious, namely not only religious conversion but also those who do marriage abroad⁸⁴. This condition makes religion conversion becomes a legal culture for interfaith couples in Purbo when they are about to get married. This fact confirms the opinion of Suryana Sintang et al., that religious conversion is identical to interfaith marriage⁸⁵, while emphasizing that interfaith marriage is a micro field that is able to negotiate differences in beliefs in a very intimate domain⁸⁶, namely forming a family.

On the other hand, the religious conversion carried out by the thirteen pairs also showed that the informant's legal culture in Purbo tended to be negative adaptive. That said, because first in every marriage one bride is sincere or forced (forced) to submit to the partner's religious law which in fact is totally different, so that the marriage is legal; and both options for these actions do not conflict with Article 2 paragraph (1) of the Marriage Law, but on the other hand detrimental to the right of a person (male and female) to marry according to his beliefs. In the case of marriages of interfaith couples, women are often harmed⁸⁷. Adriaan Bedner and Stijn van Huis, women who are in interfaith marriages are often victims of gender-biased marital law, so that many women are harmed. Thus, the state through marital law has failed to protect the interests of women in marital and family institutions, when they choose to have different identities than most other women, namely marrying couples of different faiths.

The impact of the legal culture, causes the place of implementation and place of marriage registration to be diverse. There were 8 couples doing marriages in front of the local Moslem Leader both at the house of one of the

brides and the house of the Head of Village and registering their marriage at Office Of Religious Affairs Talun, while 5 couples carried out a marriage in front of the Pastor in the Gereja (both GKJ and GBI Purbo) and registered their marriage at the Office KAJEN Civil Registry.

2. Conclusion

Interfaith marriage in Indonesia is prohibited, therefore the practice of legal smuggling by brides who have different beliefs at the time of marriage to obtain the legality of their marriage in Purbo shows that the number of women converts religion to their partner's religion, namely 12 women, with details as follows: The following: 8 women converted to Islam and 4 women converted to Christianity, while only 1 man followed his wife's religion.

The majority of couples in this region interpret love as the key to opening the gates of marriage and at the same time showing a shift in the meaning of marriage from having to a believer to not having to believe as long as love and tone of closeness. They also interpret that marriage is a matter of destiny and the power of God as well as life choices. When marriage is defined as a destiny and the power of God is used as the basis of justification, then the conversion of the beliefs of the couples of different religions during marriage is considered normal.

The practice of converting this belief shows that the legal culture of couples is different in their beliefs when they are about to carry out marriage tend to be negative adaptive. The magic words "in the name of love" are not the main factor that encourages a person to convert his belief in marriage, but rather their rational and pragmatic considerations. Conversion of faith wrapped in magic words "in the name of love" is basically a product of social construction that is full of patriarchal culture. As a result, in the implementation of the marriage the majority of the beliefs of the bride were "forced and forced" to be converted in accordance with the husband's beliefs. This was done with the aim of getting the marriage legal, both religious and state law.

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⁸³Geographical location and small income make it impossible for them to ask for the determination of judges to conduct interfaith marriages, to stop at that time in the 1970s and 1990s, the Pekalongan Religious Court was in Pekalongan City, which is more than 40 km away, which requires a lot of money, especially if married abroad. Meanwhile, if they do the two procedures according to their respective religions (Islam and Christianity), it is also impossible, because the marriage plan has triggered conflicts between families, so that it is a middle way, usually things related to marriage ceremonies and things other administrative matters are left to one family only (husband or wife), while the other family does not want to take care of it because it is not pleasing for their child to marry and even convert to a different religious partner.

⁸⁴M. Seo, *ibid*

⁸⁵Suryana Sintang, Khadijah Hambali, Azizan Baharuddin, Mahmud Ahmad, Mohd Roslan Mohd Nor, Nor Adina Abdul Kadir, "Conversion to Islam and interfaith marriage in "Sabah", Malaysia," *Ahfad Journal*; Omdurman Vol. 31, Iss. 1, (Jun 2014): p. 46-69.

⁸⁶Bharti Sharma, *Diversity in Unity: Making Interfaith Marriages Work*. MS thesis. 2017, p.1

⁸⁷Adriaan Bedner dan Stijn van Huis, *ibid*, p. 182

References

- [1] Niehof & F. Lubis (Eds.), *Two Is Enough. Family Planning In Indonesia Under The New Order 1968-1998*, Niehof, Anke, Lubis, Firman (2003), *Two is Enough: Family Planning in Indonesia under the New Order 1968–1998*, KITLV Press, Leiden, 2003, p. 346-362;
- [2] Abe W. Ata, "Family and identity. Catholic and non-Catholic intermarriage: attitudes to children, identity and sharing household responsibilities." *Catholics and Catholicism in contemporary Australia: challenges and achievements* (2012): p. 234-251;
- [3] Adrian Bedner, and Stijn Van Huis. "Plurality of marriage law and marriage registration for Muslims in Indonesia: a plea for pragmatism," *Utrecht L. Rev.* 6 (2010), p. 175;
- [4] Ahmad Nurcholish, "Interfaith Marriage in the Constitution and the Islamic Law Dynamics in Indonesia." *Al-Mawarid* 15.1 (2015): p. 123-142, *Brawijaya Law Journal* 4.1 (2017): p. 129-143
- [5] Ahmad Tholabi Kharlie, *Hukum Keluarga Indonesia*, (Jakarta : Sinar Grafika, 2015), p. 9. See juga June S. Katz and Ronald S. Katz, *ibid*, p. 309
- [6] Alan Booth, David R. Johnson, Ann Branaman and Alan Sica, "Belief and Behavior: Does Religion Matter in Today's Marriage?" *Journal of Marriage and Family*, Vol. 57, No. 3 (Aug., 1995), p. 661-671
- [7] Alessandro Cigno, *The Economics of Marriage*, p. 13 di <https://www.socialpolitik.de/docs/2010/Cigno.pdf>. See pula Alessandro Cigno, *Economics of the Family* (Oxford and New York: Clarendon Press and Oxford University Press, 1991), p. 1
- [8] Ali Trigiyatno, "Izin Poligami Di Kota Pekalongan." *Jurnal Penelitian* 5.1 (2013), p. 1-3
- [9] Andrew J. Cherlin, *The Marriage-Go-Round: The State of Marriage and the Family in America Today*, Vintage Books Editions, April, 2010, p. v-vi.
- [10] Aphrodite Clamar, "Interfaith marriage: Defining the issues, treating the problem,." *Psychotherapy in private practice*, 9.2 (1991), p. 79-83;
- [11] Artodibyo, *The Effectiveness of the Marriage Law in Supporting the Family Planning Program in Indonesia*, (Malang: Institute of Law and Population of the Law Faculty of Brawijaya University, 1977), working paper.
- [12] Asteria Agustini, Turnomo Rahardjo, and Taufik Suprihatini. "Manajemen Konflik Antarpribadi Pasangan Suami Istri Beda Agama." *Interaksi Online* 1.2 (2013). p. 1-10
- [13] Atabik Hasin, *Masuk Islam Karena Alasan Perkawinan (Studi Kasus Perkawinan Pasangan Yang Semula Beda Agama Di Desa Borangan Kecamatan Manisrenggo Kabupaten Klaten*, Skripsi, Jurusan Ahwal Al-Syakhshiyah Fakultas Syari'ah dan Hukum Universitas Islam Negeri Walisongo Semarang 2015, p. vi-vii.
- [14] Bagus, M.I. 2008. "Mixed Marriages in Jembrana, Bali: Mediation and Fragmentation of Citizenship and Identity in the Post-bomb(s) Bali World", *The Asia Pacific Journal of Anthropology*, 9(4): p. 346-362.
- [15] Basuki, Zulfa Djoko, "Perkawinan Antar Agama Dewasa Ini di Indonesia, Ditinjau dari Segi Hukum Antar Tata Hukum," *Jurnal Hukum dan Pembangunan* 17.3, 2017, p. 235-243;
- [16] Bellah, R., Madsen, R., Sullivan, W., Swidler, A., & Tipton, S, *Habits of the heart: Individualism and commitment in American life*, New York: Harper & Row, (1985), p. 93-97
- [17] Bharti Sharma, *Diversity in Unity: Making Interfaith Marriages Work*. MS thesis. 2017, p.1
- [18] Bonar Hutapea, "Dinamika Penyesuaian Suami Istri Dalam Perkawinan Beda Agama", *Jurnal Penelitian dan Pengembangan Kesejahteraan Sosial*, Vol. 16 No. 01, Tahun 2011, p. 102
- [19] Carol Smart, *The Ties That Bind (Routledge Revivals): Law, Marriage and the Reproduction Relations*, (Routledge, Taylor and Francis Group, USA dan Canada, 1984), p. xi.
- [20] Chiswick, Carmel U., and Evelyn L. Lehrer. "Religious intermarriage: An economic perspective." *Contemporary Jewry* 12.1 (1991): p. 21-34.
- [21] Chris J. Fuller, and Haripriya Narasimhan, "Companionate marriage in India: the changing marriage system in a middle-class Brahman subcaste." *Journal of the Royal Anthropological Institute* 14.4 (2008): p. 736-754.
- [22] Christopher Bagley, "Patterns of inter-ethnic marriage in Great Britain," *Phylon* (1960) 33.4 (1972): p. 373-379.
- [23] Cila, Jorida, and Richard N. Lalonde. "Personal openness toward interfaith dating and marriage among Muslim young adults: The role of religiosity, cultural identity, and family connectedness," *Group Processes & Intergroup Relations* 17.3 (2014): p. 357-370.
- [24] Cynthia Desimone, "Covenant Marriage Legislation: How the Absence of Interfaith Religious Discourse Has Stifled the Effort to Strengthen Marriage." *Cath. UL Rev.* 52 (2002): p. 391.
- [25] Dadi Ahmadi, "Interaksi Simbolik: Suatu Pengantar." *MediaTor (Jurnal Komunikasi)* 9.2 (2008): p. 301-316
- [26] Daniel S. Lev, alih bahasa L. Zaini Ahmad Noeh, *Peradilan Agama Islam di Indonesia*, (Jakarta: Intermasa, 1986), cet. ke-2, p. 333-334
- [27] Danu Aris Setiyanto, "Perkawinan Beda Agama Pasca Putusan No. 68/PUU/XII/2014 Dalam Perspektif HAM", *Jurnal Al-Ah'wal*, Vol. 9, No. 1, Juni 2016 M/1437 H, p. 13;
- [28] Darren E. Sherkat, "Religious intermarriage in the United States: Trends, patterns, and predictors." *Social Science Research* 33.4 (2004), p. 606-625;
- [29] David M. Heer, "The trend of interfaith marriages in Canada: 1922-1957." *American Sociological Review* 27.2 (1962): p. 245-250.
- [30] Deliah Noer, *Gerakan Modern Islam di Indonesia 1900-1942*, Jakarta: LP3ES, 1982
- [31] Deliar Noer, *Administrasi Islam di Indonesia*, Jakarta: Rajawali, Bandung, 1983, p. 98.
- [32] Dian Septiandani, Dharu Triasih, and Dewi Tuti Muryati. "Legal Formulation of Marriage of Different Religions For The Benefit of Society." *Hang Tuah Law Journal* 1.2 (2018): p. 171-179.

- [33] Dwisaptani, R. and Setiawan.J.L. 2008.“ Konversi Agama dalam Kehidupan Pernikahan”, *Humaniora*.20(3): p.327-339.
- [34] E. E. Pimentel, “Just how do I love thee? Marital relations in urban China”, *Journal of Marriage and the Family*, (2000). p. 62,32-47.
- [35] E. L Thompson dan F. S. Yunus, “Choice of laws or choice of culture: How Western treat the Islamic marriage contract in domestic courts,” *Wis. Int'l LJ*, 25, (2007), p. 361.
- [36] Elizabeth Brake, *Minimizing Marriage : Marriage, Morality, And The Law*, Copyright © 2012 By Oxford University Press, Inc.Published By Oxford University Press, Inc.198 Madison Avenue, New York, 10016, p. 9
- [37] Elizabeth S. Scott dan Robert E. Scott, “Marriage as Relational Contract,” *Virginia Law Review*, Vol. 84, No. 7 (Oct., 1998), p. 1225-1334
- [38] Emily L. Thompson and F. Soniya Yunus. "Choice of laws or choice of culture: How Western treat the Islamic marriage contract in domestic courts," *Wis. Int'l LJ* 25 (2007), p. 361.
- [39] Erika B. Seamon, *Interfaith Marriage In America: The Transformation Of Religion And Christianity*, First Published In 2012 By Palgrave Macmillan® In The United States— A Division Of St. Martin’s Press Llc, 175, Fifth Avenue, New York, Ny 1001 p. 12.
- [40] Erna Kurniawati N.M.A.S.dan Elly Esra Kudubun."Modal Sosial Keluarga Beda Agama (Studi Sosiologis Tentang Relasi Pergaulan Anak dari Pasangan Beda Agama di Salatiga), " *Cakrawala, Jurnal Penelitian Sosial*, vol 4. No. 2 (2015), p. 1-20.
- [41] Eskridge, William N. Jr., "Comparative Law and the Same-Sex Marriage Debate: A Step-by-Step Approach Toward State Recognition", *Faculty Scholarship Series., Paper 1509*,(2000). p. 641
- [42] Evan Gerstmann, *Same-Sex Marriage and the Constitution*, Second Edition, Cambridge University Press, 2008, p.xi-xiii.
- [43] F.X. Suhardana, *Hukum Perkawinan di Indonesia*, (Jakarta : PT. Prehallindo, 2001), p. 8
- [44] Faisal, *Memahami Hukum Progresif*, (ThafaMedia : Yogyakarta , 2014), p. 23
- [45] Fathol Hedi, Abdul Ghofur Anshori, Harun, *Legal Policy of Interfaith Marriage in Indonesia*, *Hasanuddin Law Review*, Volume 3 Issue 3, December 2017, p. 268
- [46] Hofstede, “Gender stereotypes and partner preferences of Asian women in masculine and feminine culture,” *Journal of Cross-Cultural Psychology*, 27, (1996). p. 533-546.
- [47] Gary A Cretser and Joseph J. Leon. "Intermarriage in the US: An overview of theory and research." *Marriage & Family Review* 5.1 (1982), p. 3-15
- [48] Gavin W. Jones,Chee Heng Leng,Maznah Mohamad, “Muslim-Non-Muslim Marriage: Political and Cultural Contestations in Southeast Asia,” *Institute Southeast Asian Studies Singapore*, 2009, p. 1-5,
- [49] Giok Hun Pue, “Choose One!”: Challenges of Inter-Ethnic Marriages in Malaysia, *Asian Social Science*; Vol. 9, No. 17, Published by Canadian Center of Science and Education, 2013, p. 269,
- [50] Arso Sosroatmodjo dan H.Wasit Aulawi, *Hukum Perkawinan di Indonsia*, Penerbit Bulan Bintang, Jakarta, Cetakan Pertama 1975, p. 9
- [51] Hadikusuma Hilman, *Hukum Perkawinan Indonesia : Menurut Perundangan Hukum Adat dan Hukum Agama*, Mandar Maju, Bandung (2007). p. 17
- [52] Heather McNeff, "Finding happiness: interfaith marriage in British literature, 1745-1836." *Desertation, University of Minnesota*, (2013), p. 1-36
- [53] Heather Al-Yousuf, "Negotiating faith and identity in Muslim–Christian marriages in Britain." *Islam and Christian–Muslim Relations* 17.3 (2006): 317-329.
- [54] I Made Purna, "Kearifan Lokal Masyarakat Desa Mbawa Dalam Mewujudkan Toleransi Beragama." *Jurnal Pendidikan dan Kebudayaan* 1.2 (2016): p. 261-277.
- [55] Ichtianto, *Laporan Akhir Analisis dan Evaluasi Hukum 20 Tahun Pelaksanaan Undang-Undang Perkawinan, Proyek Pusat Perencanaan Pembangunan Hukum Nasional*, (Badan Pembinaan Hukum Nasional Departemen Kehakiman RI Tahun 1994/1995), p. 1
- [56] Indrayanti, Kadek Wiwik, et al. "Juridical Implications of the Legal Norm Void of Interfaith Marriages in Indonesia”,*Brawijaya Law Journal* Vol.4 No. 1,(2017), p. 129
- [57] Irwan Abdullah, “Penelitian Berwawasan Gender dalam Ilmu Sosial” dalam *Humaniora*, Vol. XVI, No. 3. 2003. p. 268,
- [58] Islamiyati, “Analisis Putusan Mahkamah Pustusan Makamah Konstitusi No. 68/PUU/XII/2014 Kaitannya Dengan Nikah Beda Agama Menurut Hukum Islam Di Indonesia”, *Al-Ahkam*, 27 (2), 2017, 157-178, Volume 27, Nomor 2, Oktober 2017, p.157
- [59] J. Connolly, 2003. *Becoming Christian and Dayak: A Study of Christian Conversion Among Dayaks in East Kalimantan, Indonesia*. The New School University, New York, p. 353
- [60] J. Lindenberg, *Interethnic marriages and Conversion to Islam in Kota Bharu*, dalam G. W. Jones, H. L. Chee, & M. Mohamad (Eds.), *Muslim-non-Muslim marriage: Political and Cultural Contestations in Southeast Asia Singapore: Institute of Southeast Asian Studies*. (2009), p. 219-254
- [61] J.Milton Yinger, “ On The Definition Of Interfaith Marriage, “ *Journal For The Scientific Study Of Religion*, Vol. 7, No. 1 (Spring, 1968), p. 104-107
- [62] Jane Marlen Makalew, “Akibat Hukum Dari Perkawinan Beda Agama Di Indonesia”, *Jurnal Lex Privatum*, Vol.I/No.2/Apr-Jun/2013 (2013), p. 131
- [63] Jang-aeYang, dan Kyoung-ho Shin. "Vulnerability, resilience and well-being of intermarriage: An ethnographic approach to Korean women." *Journal of International Women's Studies* 10.2 (2008).p. 46.
- [64] Jansen, W. H. M. "Conversion, marriage and gender: Jordanians and the Christian Mission." PDF hosted at the Radboud Repository of the Radboud University Nijmegen, (2004).p.99-101
- [65] Jennifer Connolly, "Forbidden Intimacies: Christian–Muslim Intermarriage in East Kalimantan, Indonesia." *American ethnologist* 36.3 (2009), p. 492-506.

- [66] John W. Engel, "Marriage in the People's Republic of China: Analysis of a New Law", *Journal of Marriage and Family*, Vol. 46, No. 4 (November, 1984), p. 955-961.
- [67] John Witte Jr. "The Goods dan Goals of Marriage," Volume 76, Issue 3 (2001) *Propter Honoris Respectum* Volume 76, Issue 3 (2001) *Propter Honoris Respectum*, p. 1023
- [68] Jun'ichi Akiba dan Minoru Ishikawa, "Marriage and Divorce Regulation and Recognition in Japan", *Family Law Quarterly*, Vol. 29, No. 3 (Fall 1995), p. 589-601.
- [69] June Andrews Horowitz, "Negotiating couplehood: The process of resolving the December dilemma among interfaith couples." *Family Process* 38.3 (1999): p. 303-323.
- [70] K.K. Ruthven, *Feminist Literary Studies: an Introduction*. New York: Cambridge University Press, 1990. p. v
- [71] Kardi.Laksono, "Scheler dan Apriorisme Material Nilai dalam Perspektif Media Massa." *Jurnal Filsafat* 21.3 (2011): p. 182-199.
- [72] Karin Van Nieuwkerk, *Women embracing Islam: gender and conversion in the West*. University of Texas Press, 2006, p. ix
- [73] Kate O'Shaughnessy, *Gender, State and Social Power in Contemporary Indonesia: Divorce and Marriage Law*, Routledge, 13 Jan 2009 , p. vi
- [74] Kathleen E. Hull, "The Cultural Power of Law and the Cultural Enactment of Legality: The Case of Same-Sex Marriage," *Source: Law & Social Inquiry*, Vol. 28, No. 3 (Summer, 2003), p. 629-657
- [75], "Same-Sex Marriage: The Cultural Politics of Love and Law", *Canadian Journal of Sociology* online September-October 2006, Cambridge University Press, 2006, p. 294,
- [76] Kolb and Wengert, *The Book of Concord*, p. 414-415. Baca juga Robert W. Weise, "Marriage The Divine and Blessed Walk of Life", *Concordia Journal*, Volume 40, Number 1 Article 6, 2014, p. 46-47.
- [77] Lawrence M. Friedman, "Legal culture and social development." *Law and Society Review* (1969): 29-44. p.7
- [78] Leirvik, Oddbjørn Birger. "Christianity and Islam in Norway: Politics of Religion and Interfaith Dialogue." *Canadian Diversity* 4.3 (2005), p. 7-10.
- [79] Lila Corwin Berman, "Sociology, Jews, and intermarriage in twentieth-century America," *Jewish Social Studies* 14.2 (2008): p. 32-60
- [80] Lilik Untari, "An Epistemological Review on Humanistic Education Theory," *LEKSEMA: Jurnal Bahasa dan Sastra* 1.1 (2016): p. 59-72.
- [81] Lyle E. Larson and Brenda Munro, "Religious Intermarriage in Canada in the 1980's" *Journal of Comparative Family Studies*, Vol. 21, No. 2, Intermarriage (Summer 1990), p. 239-250,
- [82] Lyn Parker, Chang-Yau Hoon, and Raihani. "Young people's attitudes towards inter-ethnic and inter-religious socializing, courtship and marriage in Indonesia." *South East Asia Research* 22.4 (2014): p. 467-486
- [83] M. Alie Humaedi, "Kiai Sadrach: Sejarah Kristenisasi Pribumi dan Pertemuannya dengan Budaya Naluri Komunitas Dieng". Dalam *Patrawidya*, Vol. VIII, Edisi 2. Yogyakarta: BPNT. 2014, p. 24
- [84], "Konversi Keagamaan Pasca 1965: Mengurai Dampak Sosial Budaya dan Hubungan Islam-Kristen di Pedesaan Jawa", *Jurnal Multikultural & Multireligius* Vol. 16 No. 2 , p. 219
- [85] M.H. Butler, J.M. Harper, "The Divine Triangle: God in the Marital System of Religious Couples," *Family Process*, 1994, p.277-286,
- [86] Maggie Gallagher, "Rites, Rights, and Social Institutions: Why and How Should the Law Support Marriage." *Notre Dame JL Ethics & Pub. Pol'y* 18 (2004), p. 225.
- [87] Mahoney, Annette, Pargament, Kenneth I., Jewell, Tracey, Swank, Aaron B., Scott, Eric, Emery, Erin, Rye, Mark, "Marriage and The Spiritual Realm: The Role of Proximal and Distal Religious Constructs in Marital Functioning", *Journal of Family Psychology*, Vol 13(3), Sep 1999, p. 321-338.
- [88] Margot Badran, "Feminism and Conversion: Comparing British, Dutch, and South African Life Stories". *Women Embracing Islam: Gender and Conversion in the West*. Karin van Nieuwkerk. Austin: University of Texas Press. 2006. p. 192-232
- [89] Maria Ulfah Subadio dan T.O. Ihromi, *Peranan dan Kedudukan Wanita Indonesia*, (Yogyakarta: Gadjah Mada University Press, 1986), p. 146-155.
- [90] Marjorie Maguire Shultz, "Contractual ordering of marriage: A new model for state policy." *Cal. L. Rev.* 70 (1982), p. 211 dan p. 265,
- [91] Mark Cammack, "Islamic Law in Indonesia's New Order." *International and Comparative Law Quarterly* Vol. 38, No. 1 (January, 1989), p. 53-73.
- [92] Mark Cammack, Lawrence A. Young and Tim Heaton, "Legislating Social Change in an Islamic Society-Indonesia's Marriage Law," *The American Journal of Comparative Law*, Vol. 44, No. 1 (Winter, 1996), p. 45-Carbone, June. "Marriage as a State of Mind: Federalism, Contract, and the Expressive Interest in Family Law." *Mich. St. L. Rev.* (2011): p. 49.
- [93] Mark Philip Strasser, *Legally Wed: Same-sex Marriage and the Constitution*, (Ithaca dan London :Cornell University Press, 1997), p. x,
- [94] Md. Kamruzzaman, "Interreligious Marriage in Bangladesh: From Human Rights Perspective International," *Journal of Education, Culture and Society*, 2016; 1(2): p. 44-51
- [95] Md. Zahidul Islam, "Interfaith Marriage in Islam and Present Situation," *Global Journal of Politics and Law Research*, 2.1 (2014): p. 36-47.
- [96] Muhamad Ali, "Fatwas on Inter-faith Marriage in Indonesia." *Studia Islamika* Vol. 9. No.3 (2002): p. 1.
- [97] Muhammad Sobari, *Perempuan dalam Budaya: Dominasi Simbolis dan Aktual Kaum Lelaki*, dalam Syafiq Hasyim (ed.) *Menakar "Harga" Perempuan*, (Bandung: Mizan, 1999), cet. Ke-2, p. 95-96
- [98] Muhammad Sodik, "Dualisme Hukum Di Indonesia: Kajian Tentang Peraturan Pencatatan

- Nikah dalam Perundang-Undangan,” Al-Ahwal, Vol. 7, No. 2, 2014 M/1436 H, 2014, p. 109
- [99] Muhammad Abdul-Rauf, "Marriage in Islam," Exposition Press. Vol. 19711, New York: 1972, p. 1-2
- [100] Muhammad Ashsubli, "Undang-Undang Perkawinan Dalam Pluralitas Hukum Agama (Judicial Review Pasal Perkawinan Beda Agama)." Jurnal Cita Hukum 3.2 (2016), p. 290,
- [101] Muhammad Ashsubli, "Undang-Undang Perkawinan Dalam Pluralitas Hukum Agama (Judicial Review Pasal Perkawinan Beda Agama)," Jurnal Cita Hukum 3.2 (2016); p. 134;
- [102] Muhammad Ashsubli, "Undang-Undang Perkawinan Dalam Pluralitas Hukum Agama (Judicial Review Pasal Perkawinan Beda Agama)" Jurnal Cita Hukum, FSH UIN Syarif Hidayatullah Jakarta, Vol.3 No.2 (2015), p. 290
- [103] Muhammad M. Haj-Yahia, "Beliefs About Wife Beating Among Palestinian Women: The Influence of Their Patriarchal Ideology," Violence Against Women, Vol 4, Issue 5, p. 533 - 558
- [104] Murali K. Vadivelu, "Emergence of sociocultural norms restricting intermarriage in large social strata (endogamy) coincides with foreign invasions of India," Proceedings of the National Academy of Sciences 113.16 (2016): E2215-E2217;
- [105] Myengkyo Seo, "Falling in love and changing gods: Inter-religious marriage and religious conversion in Java, Indonesia." Indonesia and the Malay World 41.119 (2013): p. 76-96.
- [106] Nawari Ismail, *Keluarga Beda Agama dalam Masyarakat Jawa Perkotaan*, hasil penelitian yang didanai DIKTI-LP3 UMY, Yogyakarta, 2010, p. 1-56,
<http://repository.umy.ac.id/bitstream/handle/123456789/1897/KUMPULAN.pdf?sequence=1&isAllowed=y>
- [107] Nine Is Pratiwi, "Pola Asuh Anak pada Pernikahan Beda Agama." Jurnal Pola Asuh Anak Pada Perkawinan Beda Agama, Fakultas Psikolog Universitas Gunadarma, 2012, p. 12
- [108] Novrasilofa Sinulingga, "Dekonstruksi Pranata Erturang Pada Perkawinan Semarga (Studi Kasus Masyarakat Karo Di Berastagi)", Jurnal Harmoni Sosial: Jurnal Pendidikan IPS, Volume 3, No 2, September 2016, p.167
- [109] P. Spickard, "Mixed blood: Intermarriage and ethnic identity in twentieth-century America," Madison: University of Wisconsin Press, 1989. p. 23
- [110] Pamuji, *Hukum Perkawinan Di Indonesia Dalam Konteks Kekinian* (Yogyakarta : Pustaka Pelajar , 2016, p. 97
- [111] Peter M. Blau, Carolyn Becker, and Kevin M. Fitzpatrick, "Intersecting social affiliations and intermarriage." Social Forces 62.3 (1984): p. 585-606.
- [112] Peter R. Jones, "Ethnic intermarriage in Britain: A further assessment." 1981: p. 398-405.
- [113] Phaswana, N. S. (2000), *Marital problems in religiously mixed marriages amongst the Vhavenda people of South Africa: An African-Christian perspective* (Doctoral dissertation), p. vi,
- [114] Priskila Pratita Penasthika, " Hukum Perkawinan di Indonesia (Marriage Law in Indonesia)," Journal Indonesia Law Review, Vol 2, No 1 (2012), p. 231;
- [115] R. Cecep Lukman Yasin, "The Fatwa of The Council of Indonesian Ulama on Inter-Religious Marriage," De Jure, Jurnal Syariah Dan Hukum, Volume I, Nomor 1, Agustus 2009, p. 51
- [116] R. Malik, "Kembalinya Unsur Agama Ke Dalam Hukum Perka Winan Di Indonesia," Jurnal Hukum & Pembangunan, 31(1), (2017), p. 6–22.
- [117] R.H. Mnookin, and L. Kornhauser "Bargaining in the Shadow of the Law: The Case of Divorce", Yale Law Journal 88, (1979), p. 950–997.
- [118] Ratno Lukito, "The enigma of legal pluralism in Indonesian Islam: the case of interfaith marriage." Journal of Islamic Law and Culture 10.2 (2008): p. 179-191.
- [119], "Trapped Between Legal Unification and Pluralism. Muslim-non-muslim Marriage", Political and Cultural Contestation in Southeast Asia (2009), p. 34-35
- [120] Robert Wuthnow, *America And The Challenges Of Religious Diversity*, Princeton: Princeton University Press, 2005, p. 34
- [121] Ruth ShonleCavan. "Concepts and terminology in interreligious marriage." Journal for the scientific study of religion (1970), p. 311-320;
- [122] S. Hawwa, From cross to crescent: Religious conversion of Filipina domestic helpers in Hong Kong, Islam and Christian-Muslim Relations, 11, 2000, p. 347-367
- [123] S. Prasso, *The Asian mystique: Dragon ladies, geisha girls, & our fantasies of the exotic Orient*. New York: Public Affair, (2005). p.iii
- [124] Samsul Hadi, *Perkawinan Beda Agama Antara 'Illat Hukum Dan Maqās'id Asy-Syari'at*, Al-Ahwal: Jurnal Hukum Keluarga Islam. 2016;1(1): p. 65-88
- [125] Sembiring, Elsaninta, dan Vanny Christina. "Kedudukan Hukum Perkawinan Adat Di Dalam Sistem Hukum Perkawinan Nasional Menurut UU No. 1 Tahun 1974," Parental 1.4 2014, p. 1-2;
- [126] Siham Yahya dan Simon Boag "My Family Would Crucify Me!": The Perceived Influence of Social Pressure on Cross-Cultural and Interfaith Dating and Marriage, Sexuality and Culture, December 2014, Volume 18, Issue 4, p. 759–772,
- [127] Sintang, Suraya; Hambali, Khadijah; Baharuddin, Azizan; Ahmad, Mahmud; Nor, Mohd Roslan Mohd; et al. "Conversion to Islam and interfaith marriage in Sabah Malaysia " Ahfad Journal; Omdurman Vol. 31, Iss. 1, (Jun 2014): p. 46-69.
- [128] Sri Wahyuni, "Politik Hukum Perkawinan dan Perkawinan Beda Agama di Indonesia", Jurnal Pusaka, Malang: Vol.,No. 2, Januari-Juni 2014, p. 6-7
- [129], dan RM Sudikno Mertokusumo. Pelaksanaan perkawinan beda agama di Kabupaten Gunung Kidul. Disertasi. Universitas Gadjah Mada, (2004), p. vi.
- [130], Pelaksanaan Perkawinan Campur Beda Agama Antara Warga Melayu Malaysia Dan Dayak Kalimantan Di Daerah Perbatasan Sambas Kalimantan Barat (Antara Living Law dan Hukum

- Positif Indonesia), Al-Ahwal: Jurnal Hukum Keluarga Islam. 2017;9(1): p. 31-46,
- [131] Sudirman, "Pembatasan Usia Minimal Perkawinan: Upaya Meningkatkan Martabat Perempuan." EGALITA-Vol.1, No. 2 (2006), p. 4-7
- [132] Suraya Sintang, Khadijah Hambali, Azizan Baharuddin, Mahmud Ahmad, Mohd Roslan Mohd Nor, Nor Adina Abdul Kadir, "Conversion to Islam and interfaith marriage in "Sabah", Malaysia," Ahfad Journal; Omdurman Vol. 31, Iss. 1, (Jun 2014): p. 46-69.
- [133] Susanto Zuhdi, *Cilacap-Bangkit Dan Runtuhnya Suatu Pelabuhan di Jawa 1830-1942*, Jakarta, KPG, 2002), p. 3-9, Soediman Partonadi, *Komunitas Sadrach dan Akar Kerasulannya, Suatu Ekspresi Kekristenan Jawa Pada Abad ke-XIX*, terjemahan Widi Herjati Rahadi, Taman Pustaka, Yogyakarta, 2001, p. 23;
- [134] Suzanne April Brenner *The Domestication of Desire: Women, Wealth, and Modernity in Java*, Princeton University Press, New Jersey, 1998, p. 19-20
- [135] T. Klein," Intermarriage between Germans and foreigners in Germany, " *Journal of Comparative Family Studies*, 32-3, 2001, p. 325
- [136] Trusto Subekti, "Sahnya Perkawinan Menurut Undang-Undang Nomor 1 tahun 1974 Tentang Perkawinan Ditinjau dari Hukum Perjanjian," *Jurnal Dinamika Hukum*, Vol. 10 No. 3 September 2010, p. 329
- [137] V. William Harris, James P. Marshall, Jay D. Schvaneve, "In the Eyes of God: How Attachment Theory Informs Historical and Contemporary Marriage and Religious Practices among Abrahamic Faiths", *Journal of Comparative Family Studies*, Vol. 39, No. 2 (Spring 2008), p. 259-278
- [138] W. Darmabrata, *Tinjauan Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan Beserta Undang-Undang dan Peraturan Pelaksananya*, (Jakarta: Gitama Jaya, 2003), p.102.
- [139] Wedya Laplata, "Pelaksanaan Perkawinan Beda Agama Dalam Perspektif Yuridis (Studi Kasus Di Pengadilan Negeri Surakarta)," *Jurnal Jurisprudence*. 2017;4(2): p. 75-84
- [140] Yohai Hakak, "Battling Against Interfaith Relations in Israel: Religion, Therapy, and Social Services." *Journal of marital and family therapy* 42.1 (2016), p. 45-57.
- [141] Yolanda Imelda Fransisca Tuapattinaya, Sri Hartati, "Pengambilan Keputusan Untuk Menikah Beda Etnis: Studi Fenomenologis Pada Perempuan Jawa *Jurnal Psikologi Undip* Vol.13 No.1 April 2014, p. 34-41
- [142] Zada Khamami, "Arus utama perdebatan hukum perkawinan beda agama." *AHKAM: Jurnal Ilmu Syariah* 13.1 (2013). p.39
- [143] Zaedah Nur Rosidah, "Sinkronisasi Peraturan Perundang-undangan Mengenai Perkawinan Beda Agama", *Al-Ahkam: Jurnal Pemikiran Hukum Islam*, Surakarta: Volume 23, Nomor 1, April 2013, p. 11
- [144] Zaidah Nur Rosidah, "Sinkronisasi Peraturan Perundang-undangan Mengenai Perkawinan Beda Agama." *Al-Ahkam* 23.1 (2013): p. 1-20