

## SEEKING ANSWERS IN RUANG (NY)AMAN: A STUDY OF INTERFAITH PRE-MARITAL AND MARRIAGE COUNSELLING IN INDONESIA

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### ABSTRACT

One of the unresolved legal issues in Indonesian Marriage Law which has generated more controversy over a longer period is the legal vacuum for couples of differing religions. The dilemma of uncertainty between marriage permissibility across religious lines and the refusal of civil authorities have enforced the interfaith couples to find a way with circumventing the marriage law. Few alternative ways have been done independently, but as it widely flourished and rapidly increased, the interfaith couples have tried to seek for solution socially. Ruang (Ny)aman is one of the alternative safe-space sharing platforms for interreligious couples and families. Through social media, this organization has managed to organized a consulting event for interfaith-couple-to-be to let them prepare for their future household stability. Using an empirical approach, this study sought to analyze the usage of social media for interfaith pre-marital and marriage consultation and its impact on searching for legality. This study argues that social media has become new counselling tools for interfaith couples in which they will use the platform for reference when it comes to verifying news or seeking information or opinions. The spiritual and social convictions may help interfaith couples bond through shared values and beliefs, and encourage participation in shared activities. With this strategy, support on interfaith marriage could be gained through the participation of society in an open platform as part of co-construction on the interfaith matters.

**Keywords:** Interfaith marriage, Social media, Ruang (nya)aman

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### 1. Introduction

Almost countries in the world cannot denied the chances and possibilities of having relations between those who have different religious beliefs with the reality of multi-religious setting. An interfaith relationship also has been identified as relation that involves intimate interpersonal contact - dating, cohabitation, and marriage - between people of different beliefs (Yahya & Boag, 2014a). An interesting fact from this phenomenon is the multiple aspects affected such practices (i.e., religiosity, religious affiliation, cultural identity, family connectedness, social network, sexual values) which intended to be included but not limited to religious ones, although religiosity are still the most obvious factor influencing openness to

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interfaith relationships ([Hughes & Dickson, 2005](#); [Sprecher, 2011](#); [Cila & Lalonde, 2014](#); [Yahya & Boag, 2014a, 2014b](#); [Juneman & Rahardjo, 2013](#); [Bhatoo & Bhowon, 2018](#); [Yang & Chang, 2017](#)).

[Yahya & Boag \(2014b\)](#) indicated religious teaching and cultural tradition as two aspects of religiosity which are relevant to understand factors influencing interfaith relationships. The religious teaching consists of spoken or written law that can be found in the holy books and other resources, while cultural tradition concerns more with cultural identity, traditions and beliefs about some acceptable actions and customs that were created by the people of that culture. Some culture have evolved with time, whereas others follow the same traditions as they did the decade or even centuries ago. While debates between those who forced to stick with the traditions and those who preferred to do some changes occurred, interfaith relationship somehow considered relatively common and acceptable in the society.

In present days, with the reason to legalizing such practices, interfaith marriage has changed from the sociological, cultural, economic, religious and even legal setting. Although commonly forbidden by religious teachings and still considered as taboo by most societies; with the increasing number of interfaith marriage practices, the phenomenon has represented a deep erosion of social boundaries. According to Barnett (1962), this reality occurs with several causes: (a) existence of the group as minority, in which the rate will be higher than in a setting as majority; (b) unbalanced sex ration; (c) development of cultural similarities; (d) disturbing psychological factors; (e) acceptance of certain cultural values; and (f) weakening of institutional controls over marriage.

Put into an example to one of the majority Muslim country, Indonesia; where the practices could not be separated with the issues on plurality and diversity. In 1980s to 1990s, the intermarried couples were dominated by non-Muslim community with a ratio 1:8. However, in the 2000s, the couples were subjected to more categories with Muslim-Christian (48%), Muslim-Catholic (42%), and the remaining 10% are Muslim-Hindu, Muslim-Buddhist, Muslim-Confucian, Christian-Buddhist, Christian-Hindu, and Christian-Confucian ([Aini, 2014](#); [Nurkholish, 2015](#)). These findings indicated the practices of interfaith marriage in Indonesia which continues to increase year by year and spread almost to the corners of the country. From this reality, questions could bearising with respect to factors facilitating and inhibiting such relations.

An interesting note to be highlighted from Indonesian case is the unresolved legal issues which affected the legal vacuum for couples of differing religions. The 1974 Marriage Law does not address interfaith marriage directly, and for years the permissibility of marriage across religious lines was uncertain. This uncertainty somehow has been largely resolved by the various ruling from some of the religious bodies which stated clearly that marriage between persons of a different religion is forbidden. But while there is a broad agreement in both the legal community and the public at large, the legal authorities are far less certain on the issue. The registration marriage processes create barriers to the recognition of such marriages, with the Civil Registry Offices (*KCS*) tasked who registering marriages of couples from differing religions and the Office of Religious Affairs (*KUA*) who only register marriages involving Muslims. However, in practices, interfaith couples usually facing obstacles from the civil authorities who refuse to register with a similar argument on

“unblessed marriage should not be legalized” ([Cammack in Jones, et al., 2009](#); [Chou, Wu, & Chou, 2017](#)).

Prohibition of interfaith marriage also may add other issues on children and heritage in the future which related to freedom of religion, equal treatment before the law, and the right to form a family. With this dilemma, interfaith couples who want to be married usually try to find a way by circumventing the marriage law. Few alternative ways have been done independently, but as it widely flourished and rapidly increased, the interfaith couples have tried to seek for solution socially. Consultation can become part of the solution with a basic idea that interfaith marriage practices have guideline and policy which may differ and even contradictory with the normal marriage practices and have a direct effect to the practitioners ([Eaton, 1994](#); [Ho, 2019](#); [Hughes & Dickson, 2005](#); [Shaffer, 2008](#)). *Ruang (Ny)amanKe:Kini* has been chosen as the object of study as the alternative safe-space sharing platforms for interreligious couples and families. Through social media, this organization has managed to gather people from different religious affiliation to discuss interfaith issues.

Based on the above description, the study was aim to address following questions: What is the role of *Ruang (Ny)amanas* one of the facilitators for interfaith pre-marital and marriage counselling bodies? How do the participants respond toward answers provided on their issues? And how do the participants feel it impacts upon them? Participants of the following background partook in the study: (1) Holding Indonesian citizenship or Permanent Residence (PR); (2) Represent one of six official religions in Indonesia: Islam, Protestantism, Catholicism, Hinduism, Buddhism, or Confucianism; and (3) Were in an interfaith relationship - dating, cohabitation, and marriage - during the data collection. As an introduction, Part One will highlight briefly on the historical framework of the practices, providing the background and some current debate on the law. Part Two examines the role of *Ruang (Ny)amanKe:Kini* as one of the counselling facilitators. Part Three discusses some findings related with the impact of interfaith marriages to the idea of legalizing such practices based on Indonesia context. Part Four will provide summary and conclusions that might be useful to the study of interfaith marriage practices in Indonesia.

## 2. Interfaith Marriage Practices in Indonesian Context

In the social history of Indonesia, interfaith marriage practices had been recognized and implemented by the Dutch colonial and kept in force by the government of newly Republic of Indonesia more or less three decades later. Interfaith marriage recognized as a „mixed-marriage“ which arranged for the first time in the *Regeling op de Gemengde Huwelijken, Staatblad* 1898 No. 158 before the birth of the Marriage Law No. 1 of 1974. One of the provisions in the regulations of mixed-marriage is in the Article 7 paragraph (2) which stipulates that „the differences in religion, class, population or origin cannot be a barrier to marital sustainability“ ([Purwahasanto, 1992:10-13](#)). However, insofar as the marriage law is concerned, Indonesia has not implemented a unified marriage law since its independence, where there were several marriage laws enforced at the time: (a) the Islamic marriage law regulates the marriage among all Indonesian Muslims, (b) the Civil Code regulates the marriage among persons who are subject to Western law, (c) the Ordinance of 1933 for the marriage of Indonesian Christians, and (d) the customary law (*hukum adat*) for those who are neither Muslims nor Christians ([Subekti, 1973:9-15](#)).

The above practices have forced the government to submit a new marriage bill to the parliament on 31 July 1973. After a long and heated debate and revision, the bill was then passed by the parliament on 22 December 1973 and signed by President Soeharto on 2 January 1974, and today renowned as the Indonesian Marriage Law No. 1 of 1974 ([Azra in Salim, 2003:76-95](#)). One interesting fact from this law is that the marriage law has not regulated all aspects related to marriage, such as marriage of different religions. With this statement, interfaith marriage in Indonesia according to some experts and legal practitioners can be found in three views:

- 1) Interfaith marriage cannot be justified and constitutes an infringement of the marriage as stated in the Article 2 paragraph (1): „*marriage is legitimate if it is conducted according to the laws of respective religions and beliefs of the parties involved*“. With this article, marriage from different religions is considered invalid and void by law.
- 2) Interfaith marriage is permissible, valid and can be carried out because it is covered in a mixed-marriage as set in Article 57 of the Marriage Law, i.e. two persons in Indonesia are subject to different laws. According to this second view, the chapter not only governs marriage between two persons of different nationalities, but also regulates the marriage between two persons of different religions.
- 3) The marriage law does not regulate interfaith marriage matters. Therefore, when referring to Article 66 of the Marriage Law which emphasizes that other rules governing marriage shall be declared null and void. However, since marriage legislation has not been regulated, then the old regulations can be re-enacted, so the issue of marriage of different religions should be guided by mixed-marriage regulations ([Trisnaningsih, 2007:57](#)).

This categorization cannot be detached from the history of religion itself. The prohibition of interfaith marriage in Indonesia can be mapped out beyond Indonesian legal contexts, since it was related to the development of Islamic law. [Aini \(2014\)](#) examined the historical roots of forbidding such practices, which accordingly, the reasons of prohibition can be traced back starting from the formation period of Islamic history, to Arabic paternalism which embedded in marriage law, to the political disharmony which had leads to religious segregation, and continuously until the Dutch imperialism which strengthens the religious exclusion in Indonesia. The legal categorization had localized and segregated Indonesian communities through the application of the law, and the impact of this policy was the construction of the social-cultural identity. Extreme exclusion created primordial sentiment and social and psychological barriers, particularly in the case of marriage. From this historical background, it could be understood that religious doctrines have greatly influenced the Indonesian marriage laws in a variety of legal systems, and in the case of interfaith relationship, this influence is obvious in leading to a prohibition.

Apart from the above issues, many couples will still find ways to perform the interfaith marriage. One of the popular ways to perform interfaith marriage is through social organizations which facilitate the processes. Paramadina Foundation and The Wahid Institute are renowned to continuously organized events to solved the interfaith matters. However, there are still many groups who disagree and even condemned such practices directly or indirectly. As an alternative, conducting such marriage overseas become the other option for them to perform the practice legally and to get recognition from the law after it been registered to the Civil Registry Office (KCS). Yet this solution is less preferred since it forces couples to spend extra expenses. Another solution that can be through is looking for a court decision. Concerning this method, the intermarried couple is required to register their

marriage at the Civil Registry Office (KCS) since there is no governmental office to acknowledge interfaith marriages. In the case of an unregistered marriage, the women have no legal right to claim alimony at the time of divorce and children born of such marriages have no right of inheritance from their parents. The final option is by committing hypocritical religious conversion prior to marriage solemnization, and reconversion post the marriage contract in order to meet formally all legal conditions. This solution has often regarded that in Indonesia, the state has managed religion by making religious practices less focused on spirituality and more a matter of state administration (Rosidah, 2013; Seo, 2013; Aini, 2014; Setiyowati, 2015; Ansor & Amri, 2016).

Concerning this matter, some of the religious bodies have made a different approach. With the reality of the increasing number of interfaith marriage practices, religious doctrines in present days has been transformed and incorporated into social and cultural contexts (Nurcholish, 2010, 2015; Ahmad, 2016). A study by Muchaddam (2014) should be highlighted to show different opinions of religious leaders in Indonesia towards the idea of legalizing interfaith marriage. Table 1.1 demonstrates two different opinions on the legality of interfaith marriage in Indonesia. Group A argued that religious teaching had prohibited the practice of interfaith marriage with no exception, while Group B assumed that inter-faith marriage is part of human rights. Universal human rights have maintained that every human being has a right to build a family regardless of religious consideration.

**Table 1: Religious Leaders Opinions towards Interfaith Marriage Practices**

Group A	Group B
Indonesian Council of Islamic Scholars (MUI)	Indonesian Conference on Religion and Peace (ICRP)
Front Pembela Islam (FPI)	Human Rights Working Group (HRWG) Indonesia
Central Leadership of Muhammadiyah	National Commission for Women
Central Leadership of Nahdhatul Ulama	National Commission of Human Rights
Hindu Dharma Council of Indonesia (PHDI)	Indonesian Church Association (PGI)
	Indonesian Bishops Conference (KWI)
	Guardianship of the Indonesian Buddhist Community (WALUBI)
	Supreme Council for Confucian Religion in Indonesia (MATAKIN)

Although the list of supporters are more in Group B, in reality, the perspectives towards interfaith relationship are still dominant with the idea that such practices are forbidden. The disagreement among organizers in responding to the interfaith marriages are still happening, whereas the fulfillment of the right to marry is a part of human rights. In fact, the legal prohibition of interfaith marriage and a variety of resistance from prominent leaders to interfaith marriage cannot stop the practices. This observable fact should be an important reason for the Constitutional Court either to grant or deny the practical of interfaith marriage. The state has more responsibility in the form to clear the regulations or the actions of officials since Indonesia is based on law. With this certainty, the quest for resolution was acted through social-cultural approaches by establishing appreciative public spaces as an attempt to support the practices.

### 3. Ruang (Ny)aman and The Interfaith Marriage Practices

One of the safe-space platforms provided to share and discuss public matters was *KeKini*; founded by four Indonesian ladies who were actively involved in humanitarian sector: Ratna Fitriani, Kamala Chandrakirana, Ukke R. Kosasih, and Anik Wusari. *Ke:Kini* was started from the idea of the importance of creating sustainable resources to support humanitarian work. Accordingly, it was a basic need to have an open platform that can help people to feel safe and comfort on interacting, exchanging ideas and collaborating within the public space. Through this activity, it was expected that all parties can take part in giving contribution to the country in their own ways. *Ke:Kini* was located at Cikini Raya No. 43/45, Menteng, Central Jakarta and affiliated with *Indonesia untuk Kemanusiaan* (IKa); a non-profit organization (NGOs) that support the realization of social justice and peace (adapted from <http://www.kekini.org/tentang-kami>).

*Ke:Kini* has supported the community by providing spaces for work and/or other activities. One of the activity offered was named *Ruang Ny(aman)*; a joint initiative of *Ke:Kini 'Ruang Bersama'* co-working space, with Magdalene and The O Project. The idea of collaboration is for having a monthly gathering for women to freely share stories on some common issues that they are facing and possibly learn some life skill while they are into it. Through this activity, it was hoped to be part of public solutions which can help to inspire Indonesian women for a brighter future (adapted from <https://magdalene.co/story/ruang-nyaman-a-safe-space-to-share>).

In one of the session, *Ruang (Ny)aman* brought up an issue on „Interfaith Marriage Dilemma“ featuring Ahmad Nurcholish; a consultant of interfaith pre-marital and marriage consulting bodies under Harmoni Mitra Foundation and activist from Indonesian Center for Religious Studies and Peace (ICRP). As a practitioner, he productively wrote books and articles to share his experiences and ideas on interfaith matters. *Kado Cinta Bagi Pasangan Nikah Beda Agama* (2008) and *101 Menjawab Masalah Beda Agama* (2011) are two examples of his writing to be consumed by practitioners and non-practitioners.

In the event that was held in mid-June 2018, 70 participants with range age from 20-30s attended and bring different topics towards interfaith matters while seeking for solutions. In the consultation room, Nurcholish started with elaboration on differences and similarities between religions and problems having in interfaith relationships. He expanded the explanation not only on religious issues but also regarding family connectedness as personal and social support. He ended up with an explanation on how to perform and conduct interfaith marriage until it will be legalized according to Indonesia marriage law. By the end of the lecture, all participant are welcomed and encouraged to share their problems and opinions toward interfaith matters.

One of the participants was Rika (anonymous). She is a Muslim who having relations up to 8 years with a Hindu man who works in the Indonesian National Armed Forces. Her questions related to the difficulty to perform a marriage in Indonesia since the administrative village or subdistrict are refused to give her a letter of approval with the reason that they are uncomfortable with Rika's family. While the law had mentioned to those who work as a civil servant must register their marriage in the Civil Registry Office (KCS), Rika and her partner are still unable to tie the knot properly. She delivered the question emotionally and seek for solution to the problem that she and her partner faced. Receiving the question, Nurcholish answered it with a solution that one of the partners must able to change or convert their religion the partners prior to marriage solemnization. Accordingly, Hindu and Islam are two religions that shunned and strictly banned interfaith marriage practices. Unlike Christian or Catholic who recognized the idea of „marriage dispensation“, Hinduism and Islam will only formalized the marriage if the couple both are under the same religion. Therefore, religious conversion becomes the only solution for them to achieve recognition for their marriage.

Another query comes from Tony (anonymous). He is Catholic and his future wife will be a Muslim. Tony asked that whether he need to solemnize his wedding with two ways: by performing marriage the Office in Religious Affairs (*KUA*) and gained blessings from the Church. The issue that he faced was related with the registration of marriage to the Civil Registry Office (*KCS*) where he was required to show a letter of approval from both parents. According to Indonesian Marriage Law, couples who are above 25 years old are not required with the letter. However, the civil authorities from Population and Civil Registration Agency (*Discukcapil*) make it become compulsory for Tony and his partner with a thought to prevent undesirable things such as marriage cancellation. Corresponding to Tony, Rio (anonymous) delivered the same question, with a same case that he is a Catholic while his future wife is a Muslim. His question expanded to the idea that he and his partner both undesired to do the religious conversion. Responding to both matters, Nurcholish answered that both of them are not necessarily to change their religion since in Catholic and Christian have similar teaching on marriage dispensation for interfaith marriage, as well as Islam.

Related to Islam, Sarah (anonymous) delivered question regarding liken interfaith intimate relationship with adultery (*zina/kumpul kebo*). Nurcholish responded from the normative approach, which accordingly, the Quran and the law had stated on the permissibility of interfaith marriage. He mentioned several verses and interpretation of such practices. By quoting his book, he informed the audiences that although interfaith marriage practitioners were still discriminated in their own country, which by fact, the law and religion supported the practices.

Apart from above discussion, Nurcholish extended his explanation to the issues of raising children in interfaith circle. Accordingly, there are three models that can be adopted for interfaith family. The first model was through a prenuptial agreement, where couples stated before their marry concerning the religion of their future children: if the baby was boy, he will follow his father's faith; as for the girl, she will follow her mother's. The second model is the determination of children's religion based on birth order of the child. As for the third model, which are the most popular, let their children determine their own religion after they were introduced with both traditions. Nurcholish compliment this explanation to ensure participants that interfaith marriage is legal in religion and law and has been practiced in Indonesia for decades.

#### 4. Summary and Conclusions

From the above narratives, there are some notes that can be taken from *Ruang (Ny)aman*. *Ruang (Ny)aman* has become an alternative safe-space sharing platforms for all issues related to women and public affairs. In that room, participants are free to express their stories and problems without fear to be judged. In the „Interfaith Marriage Dilemma“ classes, the attendees are not merely practitioners, but families and other non-practitioners who are concerned to the issues are welcomed to share some notion. Discussions between practitioner and non-practitioner were held in order to find solutions and some collective supports.

As we have been invited to join the participant, we are able to follow the event from the beginning to the end of the consultation session. Other than attending the monthly gathering, we have been informed that the consultation was continuing through online platform. All participants were invited to join their social media such as WhatsApp, Instagram and Facebook to received information regarding interfaith matters. Close group discussions have been conducted to support interfaith marriage practices in Indonesia. The action shows that the support and communication to interfaith couples do not stop at the end of classes, but they continuously expand their time to help other practitioners who were unable to attend the

classes. Social media has become the new way alternative among interfaith couples to communicate and share their stories. Through this activity, the consultation session is not limited to time and place since people with different beliefs were gathered under the same platform. They were shared with pieces of information and stories of other couples and expected that the media can be referred to gain information on interfaith relationships.

The online consultation become part of spiritual convictions where an outsider can help the interfaith couple to bond through shared values and belief which may encourage them to participate in shared activities. The goal of counseling is to assist the practitioner to view their differences flexibly and use them as an advantage while they develop a unique and blended culture. In this case, social networks and support will influence the quality of relations. Interfaith couples who lack supportive communication from social networks can lead to more problems and conflicts ([Eaton, 1994](#); [Hughes & Dickson, 2005](#); [Shaffer, 2008](#); [Chapman, 2011](#)).

Additionally, through this movement, it shows a generational shift in the community in terms of attitudes toward interfaith relations. When the former generation has reluctant to accept interfaith relations, today, the young generation has moved toward openness and acceptance. This was based on the idea of human basic rights where people have the freedom to choose their partner in life. It was too often for interfaith couples to redraw, re-negotiate and even manipulate boundaries of the community only to accommodate their love marriages. Hence, the sharing activity has given hope to the community that Indonesia may arrange proper regulations for interfaith marriage with respect to their needs as part of the citizen.

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