

NAVIGATING INTERFAITH MARRIAGE LAW: LEGAL MOBILIZATION, LEGAL CONSCIOUSNESS, AND ADVOCACY STRATEGIES IN INDONESIA

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ABSTRACT

Interfaith marriage in Indonesia is a complex socio-legal issue intersecting state law, religious norms, and civil administration. This study analyzes the legal mobilization strategies of the Harmoni Mitra Madania Foundation in advocating for interfaith couples and examines these practices through an Islamic law perspective. Using a qualitative socio-legal approach, data from interviews and literature were analyzed using Michael McCann's legal mobilization theory. The findings reveal three main patterns. *First*, the foundation utilizes non-litigation legal mobilization through consultation, administrative assistance, and family networks. *Second*, couples actively use the law as a strategic resource, developing legal consciousness and rights discourse. *Third*, the narrowing of legal opportunity structures has shifted mobilization from litigation to network-based relational strategies. From a *maqasid al-shari'ah* perspective, this advocacy does not normatively legitimize interfaith marriage but addresses the tension between religious norms, family protection, public interest, and legal certainty. The study proposes the concept of intermediary actors in non-litigation legal mobilization.

Keyword: *Interfaith Marriage; Legal Mobilization; Legal Consciousness; Rights Advocacy*

ABSTRAK

Perkawinan beda agama di Indonesia merupakan persoalan sosio-legal kompleks yang mempertemukan hukum negara, norma agama, dan administrasi kependudukan. Penelitian ini bertujuan menganalisis strategi mobilisasi hukum oleh Yayasan Harmoni Mitra Madania dalam mendampingi pasangan beda agama, serta memahaminya dari perspektif hukum Islam. Menggunakan pendekatan sosio-legal kualitatif, data primer dari wawancara dan data sekunder dikaji menggunakan teori mobilisasi hukum Michael McCann. Hasil penelitian menunjukkan tiga temuan utama. *Pertama*, Harmoni Mitra Madania melakukan mobilisasi hukum non-litigasi melalui konsultasi, bantuan administratif, dan komunikasi keluarga. *Kedua*, pasangan beda agama secara aktif memahami hukum sebagai sumber daya strategis, yang melahirkan kesadaran hukum dan wacana hak. *Ketiga*, menyempitnya struktur peluang hukum menggeser strategi dari orientasi litigasi menjadi pendekatan non-litigasi berbasis jaringan. Dalam perspektif *maqasid al-syari'ah*, praktik ini tidak memposisikan diri sebagai pembenaran normatif atas perkawinan beda agama, melainkan upaya merespons ketegangan antara norma, perlindungan keluarga, kemaslahatan, dan kepastian hukum. Penelitian ini menawarkan konsep aktor perantara dalam mobilisasi hukum non-litigasi.

Keywords: *Perkawinan Beda Agama; Mobilisasi Hukum; Kesadaran Hukum; Advokasi Hukum*

INTRODUCTION

Interfaith Marriage is one of the most complex issues in family law, clearly demonstrating the intersection of state law, religious law, civil registration, citizenship rights, and social norms (Ibnudin et al., 2025). In Indonesia, Marriage is not merely regarded as a private relationship between two individuals. Its validity is closely connected to religious law and belief, while its registration concerns administrative order and legal certainty regarding the spouses status (Hedi et al., 2017). Consequently, when two individuals of different religious backgrounds intend to establish a family, the issue extends beyond their personal decision to marry. It also involves religious institutions, extended families, state authorities, and the potential legal consequences that may arise after the Marriage takes place (Nasir, 2022).

This complexity becomes increasingly evident due to the gap between social realities and the normative legal structure. On the one hand, interfaith couples continue to exist in Indonesian society, and some of them establish and maintain family lives together. On the other hand, Indonesian marriage law places religious law at the center of determining a marriage's validity (Imaduddin et al., 2024). Article 2, paragraph (1) of Law Number 1 of 1974 on Marriage stipulates that a marriage is valid if it is conducted in accordance with the laws of the parties' respective religions and beliefs (Maula & Muhsin, 2024). This provision is further intertwined with the requirement of marriage registration and the broader framework of population administration law.

Within the context of Islamic law in Indonesia, this issue also has a strong normative dimension. The Indonesian Ulema Council (Majelis Ulama Indonesia/MUI), through Fatwa No. 4/MUNAS VII/MUI/8/2005, declares interfaith marriage to be prohibited (haram) and invalid (Mustofa et al., 2024). This position constitutes an important religious reference for understanding Muslim responses to interfaith marriage (Suhasti et al., 2018). At the same time, however, the existence of couples who have entered into or intend to enter interfaith marriages demonstrates that the issue cannot be resolved merely by determining whether a normative prohibition exists. Once a marital relationship has been established, further issues arise concerning family acceptance, administrative status, children's legal identity, the continuity of family life, and legal certainty.

Developments in positive law indicate that the institutional space for interfaith marriage has also undergone significant changes. The Constitutional Court has adjudicated several cases concerning the constitutionality of marriage provisions, including Decision No.

68/PUU-XII/2014 (Islamiyati, 2017), Decision No. 24/PUU-XX/2022, and Decision No. 212/PUU-XXIII/2025 (Maula & Muhsin, 2024). Across this series of decisions, petitions challenging the normative basis governing interfaith marriage were not granted. The Supreme Court subsequently issued SEMA No. 2 of 2023 concerning Guidelines for Judges in Adjudicating Applications for the Registration of Marriages between Persons of Different Religions and Beliefs (Yasin et al., 2023) (. This development is significant because it affects the institutional avenues available to couples seeking to register their marriage through judicial mechanisms.

Accordingly, interfaith couples face not only questions about what is permitted or prohibited. They must also understand how legal norms operate within institutions, how rules are interpreted, who holds the relevant authority, and what resources are available to them. Under these circumstances, interfaith marriage can be examined through Michael McCann's theory of legal mobilization (Chua, 2019)(Chua & Engel, 2019). For McCann, law is not merely a collection of formal rules but also a resource that individuals and groups can use to understand problems, develop an awareness of rights, formulate strategies, and engage with institutions. Legal mobilization, therefore, does not necessarily take the form of litigation (Meakin, 2022).

This framework is relevant for understanding the role of the *Harmoni Mitra Madania* Foundation. The organization is neither a court nor a marriage registration authority, nor is it a religious institution empowered to determine the validity of a marriage. Nevertheless, it provides consultation, premarital counseling, facilitates communication with families and religious leaders, assists with administrative procedures, facilitates the implementation of marriage arrangements, and provides post-marriage support (Bonizzoni et al., 2025). This position places the organization between couples and various institutions that possess either formal authority or social legitimacy.

Couple's experiences are important because legal mobilization does not occur solely at the organizational level. Law is also interpreted and understood by the individuals who experience it. The experiences of Hindu women married to Muslim men, as well as Catholic–Muslim couples, demonstrate that law is understood as part of the process of making personal choices. They do not merely ask what the rules provide; they also compare available options, assess potential risks, consider family acceptance, and interpret administrative experiences through the language of rights and justice.

Existing studies on interfaith marriage have largely focused on the validity of marriage, judicial decisions, freedom of religion, Islamic family law, and marriage registration. These areas of inquiry are important, but they do not fully explain how individuals and civil society organizations navigate the law in everyday life when formal legal pathways become increasingly constrained. This is where the present study positions its inquiry. Rather than beginning with the question of whether interfaith marriage should be permitted or prohibited, this study examines how social actors mobilize law when they encounter legal uncertainty and normative pluralism.

On this basis, the study has three objectives. First, it examines the forms and strategies of legal mobilization employed by *Harmoni Mitra Madania* to advocate for and facilitate interfaith couples. Second, it analyzes couples' experiences in developing legal consciousness and rights-based discourse, as well as their relationship to changes in the structure of legal opportunities. Third, it analyzes these practices from the perspective of Islamic law, particularly the relationship between norms governing interfaith marriage, public interest (*maslahah*), family protection, and legal certainty.

This study argues that legal mobilization does not cease when litigation becomes difficult. Rather, the narrowing of legal opportunities may encourage a transformation in the forms of mobilization. Mobilization may shift from court-oriented strategies toward consultation, assistance, family and religious-leader networks, and administrative navigation. In this process, civil society organizations can serve as intermediaries that translate legal knowledge, connect couples with social and religious resources, and help them understand the consequences of the choices available to them.

RESEARCH METHOD

This study employs a qualitative research design with a socio-legal approach (Shidarta, 2024), viewing interfaith marriage not merely as a normative legal issue but also as a legal practice that is understood, experienced, and mobilized by social actors. The study focuses on a civil society organization engaged in advocacy and assistance for interfaith couples. Primary data were obtained through **semi-structured interviews** with the organization's leadership and couples who received assistance, with all participants' identities anonymized. Secondary data were collected through **documentary research** examining legislation, Constitutional Court decisions, Supreme Court Circular Letters, religious documents, and academic literature.

The data were analyzed qualitatively through reduction, categorization, interpretation, and conclusion drawing, using the concepts of law as a strategic resource, legal consciousness, rights discourse, mobilization networks, and legal opportunity structure within McCann's theory of legal mobilization. The empirical findings were subsequently examined in relation to positive law and religious norms to explain the relationship between legal structures and mobilization strategies. The Islamic law analysis distinguishes between *fiqh* norms governing interfaith marriage and the perspective of *maqasid al-shari'ah*, which is employed to examine public interest (*maslahah*), legal certainty, the protection of family life, potential harm (*mafsadah*), and broader social consequences, without treating it as an automatic basis for legitimizing practices that remain normatively contested.

FINDINGS AND DISCUSSION

Harmoni Mitra Madania as an Intermediary Actor in Legal Mobilization

The findings indicate that the legal mobilization undertaken by Harmoni Mitra Madania does not begin with litigation, but rather with the practical needs of couples seeking to understand how they can marry under conditions of religious difference. Couples who approach the organization do not necessarily present their concerns in the form of lawsuits or judicial applications. Instead, they raise more fundamental questions: how can they marry, who can solemnize the marriage, how can their families accept the relationship, how should they engage with religious institutions, and how can the marriage be registered? These questions demonstrate that legal uncertainty is experienced through everyday situations.

The Director of Harmoni Mitra Madania explained:

"They come because they feel they do not know how to proceed. If they share the same religion, it is relatively straightforward. If they are both Muslim, for example, they can simply arrange the marriage through the KUA. For non-Muslims, registration can be handled through the civil registry, while the marriage itself can be conducted through their respective places of worship or religious institutions. For interfaith couples, however, it becomes more difficult. That is why they come to us. Their first question is always how they can get married. To answer that question, each couple must go through a lengthy process because they first need their parents' approval." (Ahmad, 2025)

This statement demonstrates that the couple difficulties are not simply a matter of failing to understand a particular legal provision. Rather, they encounter several normative systems simultaneously. Marriage law determines the legal framework of marital validity; administrative law regulates registration and legal-administrative status; religious norms shape religious legitimacy, while families determine social acceptance. Couples must

therefore navigate multiple institutions and normative orders that do not always provide consistent answers.

Within McCann's theory, this condition can be understood through the notion of **law as a strategic resource**. Law becomes a resource because couples require knowledge to understand their legal position and anticipate the consequences of the options available to them. Mobilization does not necessarily mean resorting to the courts to obtain a judicial decision. Legal knowledge, the ability to understand institutional processes, and the capacity to connect with actors possessing relevant authority are also integral to legal mobilization (Hofmann, 2026).

Harmoni Mitra Madania occupies a distinctive position in this process. The organization has no formal authority to determine whether a marriage is legally valid. Nor is it a marriage registration institution, and it cannot compel families or religious leaders to accept a couple's decision. These limitations on formal authority instead enable the organization to perform a **bridging function**. Its knowledge is translated into consultation, while its networks are mobilized to connect couples with religious leaders, family members, and administrative resources.

This intermediary function can be described as **intermediary legal mobilization**, or legal mobilization through intermediary actors (Miežanskienė, 2023). An intermediary actor does not replace couples in making decisions. Rather, it provides information, identifies possible options, explains their potential consequences, and facilitates connections with other institutions. Legal mobilization in this context is therefore primarily **facilitative**. Its objective is not necessarily to change existing rules, but to help social actors understand and navigate the rules that govern their circumstances.

The **first form of assistance** is consultation concerning the possible arrangements for conducting the marriage. These consultations develop into discussions of the legal and religious consequences of the available options. Consultation, therefore, cannot be understood merely as the transmission of information. It constitutes a process of **interpretation** (Nolan-Haley, 1998), through which the organization and the couples jointly identify potential problems and determine what information is necessary for informed decision-making.

The **second form** is premarital counseling. Such counseling is important because couples face challenges not only before marriage but also throughout their subsequent family life. Religious differences may affect relationships with extended family, the religious identity

of children, religious practices within the household, and population-administration matters (Rifayanti et al., 2024). Addressing these issues at an early stage gives couples an opportunity to consider their options more consciously and anticipate potential difficulties.

The **third form** involves communication with families. In the context of interfaith marriage, families possess significant social legitimacy. Family opposition may constitute an obstacle no less significant than administrative barriers. Advocacy, therefore, cannot be limited to legal language (Feise-Nasr, 2022). *Harmoni Mitra Madania* also employs theological communication and dialogue to explain the diversity of perspectives concerning interfaith marriage (Nassif, 2026).

The **fourth form** involves networks of religious leaders. The organization itself does not possess the religious authority to solemnize marriages (Amzat, 2020). The implementation of a marriage consequently requires engagement with religious actors who possess legitimacy within their respective communities (Imran et al., 2024). Such networks constitute a mobilization resource because they enable the organization to help couples access religious actors who may otherwise be beyond their reach through legal knowledge alone.

The **fifth form** consists of administrative assistance and post-marriage support. This assistance demonstrates that legal mobilization is an ongoing process (Rosidah et al., 2023). Legal issues do not end when the marriage ceremony is completed. Registration status, population administration, family relationships, and matters concerning children may generate new legal needs (Jatmiko et al., 2022). Legal mobilization is therefore more appropriately understood as a **process of navigation rather than a singular event**.

These findings broaden the understanding of legal advocacy. Advocacy does not always take the form of litigation, campaigning, or legislative reform (Ismail et al., 2025). In certain contexts, it may take the form of individualized assistance that connects social actors with relevant resources. Civil society organizations can function as a form of **social infrastructure** that makes law more intelligible and accessible to those who experience its consequences (McFaul & Fitzgerald, 2021).

From a socio-legal perspective, this position is significant because it demonstrates that the operation of law is not determined solely by institutions possessing formal authority (Voltolini & Lonardo, 2026). Non-state actors can influence how law is understood and used without possessing formal law-making powers. Studies of legal mobilization should therefore

pay greater attention to intermediary organizations, particularly in contexts characterized by religious pluralism and institutional complexity (Lestari et al., 2025)

Legal Consciousness, Rights Discourse, and Couples Strategies for Navigating the Law

Legal mobilization at the organizational level cannot be separated from couples' understanding of the law. The findings indicate that consultation and administrative experiences contribute to the formation of **legal consciousness** (Hertogh, 2024). In McCann's understanding, legal consciousness is not merely the ability to recall the content of legal provisions. It encompasses how individuals position themselves in relation to the law, understand opportunities and constraints, assess risks, and connect personal experiences with ideas of rights (Horák et al., 2021).

The informants' experiences illustrate this process. One informant and their partner had known each other since university and had been in a relationship for approximately seven years before deciding to marry. They agreed to maintain their respective religions. This decision did not emerge suddenly but developed through discussions and considerations concerning their future family life. Thus, the law was not the sole factor shaping their decision. Rather, law became one source of consideration that interacted with religious identity, personal relationships, family considerations, and plans for a shared life.

Consultation with *Harmoni Mitra Madania* provided the couples with a space to transform personal concerns into issues that could be understood through legal categories. Questions about how to marry evolved into questions concerning legal validity, registration, institutional authority, administrative consequences, and the relationship between marriage and religious norms. This transformation constitutes an important dimension of the formation of legal consciousness.

Legal consciousness is also evident in the couple's ability to compare available options. One informant explained:

In our view, it was not an attempt to circumvent the law, because what is regulated by the state is permissible if we read the Population Administration Law. If a court order is used, that is also permitted under Article 35. However, we did not use a court order because, in practice, the outcomes vary: some courts grant the applications, while others reject them (Nanda, 2025).

This statement demonstrates that the informants were not merely aware of the existence of legal rules. Rather, they sought to understand the relationship between legal provisions, institutional practices, and the possible outcomes of different strategies. The

informant compared administrative mechanisms with judicial determinations while taking variations in institutional practice into account. Within McCann's framework, the ability to perceive law as a field of possibilities constitutes an important dimension of legal mobilization (Chua & Engel, 2019)(Vargas Murillo & Falconi Tupiño, 2026).

However, this interpretation should be understood as the informant's subjective understanding. The study does not treat the informant's statement as a normative conclusion that the strategy was necessarily lawful under positive law or religious law. Its analytical value instead lies in revealing how a couple understood the law and constructed a justification for their choice. In socio-legal research, such experiences constitute empirical evidence of **legal consciousness** (Cowan, 2004).

Another informant explained:

The approach we took was a temporary religious conversion. In our view, this was simply a way to make the marriage official. It was not a lie because our religious convictions remained with each of us (Nanda, 2025).

This statement illustrates an attempt to maintain religious identities while simultaneously meeting administrative requirements. It reveals a tension between personal identity, religious norms, and the need to obtain a status that can be formally recognized by administrative institutions (Suhasti et al., 2018).

The study does not seek to determine whether this interpretation is right or wrong. What matters analytically is understanding how couples construct the relationship between religious identity and legal needs. This strategy demonstrates that law may be experienced as a **space of negotiation** (Muchimah et al., 2026), in which couples attempt to interpret the boundaries between personal identity and institutional requirements.

The experience of another informant reveals a different dimension of legal consciousness, particularly when administrative difficulties are interpreted through the language of rights. The informant stated:

"Because of the difficulties we encountered in registering our marriage, we registered it with the Civil Registry Office in Tangerang because the marriage was solemnized by a church in Tangerang, in accordance with the regulations applicable at that time. As a result of the difficulties, we experienced in registering the marriage, we felt discriminated against and experienced the state as unjust (Johanes, 2025).

This statement demonstrates a shift in the interpretation of experience. Initially, the problem appeared to be procedural—the difficulty of registering the marriage. Over time,

however, that experience became connected to broader ideas of discrimination and injustice. From McCann's perspective, such a transformation is significant because rights discourse can connect personal experiences to broader normative principles (Lejeune & Oriane, 2014).

In this study, rights discourse need not be understood as a process of litigation. The language of rights may emerge through conversations, consultations, administrative experiences, and organizational communication. When couples describe themselves as having been treated unfairly, their administrative experiences acquire a broader normative dimension (Kirk, 2022). They begin to connect difficulties in registration with equality, freedom of religion, the right to establish a family, and legal certainty.

Nevertheless, informants' claims of discrimination must be distinguished from the researchers' legal conclusions. The study records that couples interpreted their administrative experiences as discriminatory and unjust. This represents the informants' experiences and interpretations. The researchers do not automatically transform these perceptions into a legal conclusion that every obstacle to marriage registration constitutes unlawful discrimination. This distinction is essential for maintaining analytical rigor in socio-legal research.

Legal consciousness is also shaped by changes in the legal opportunity structure. When couples become aware that judicial or administrative mechanisms no longer provide the same opportunities as before, they adjust their strategies. Legal consciousness, therefore, involves understanding not only what can be done but also what is becoming increasingly difficult to pursue (de Hart & Besselsen, 2021).

In this context, SEMA No. 2 of 2023 is particularly significant. The circular letter altered the institutional environment that interfaith couples faced. From the perspective of legal opportunity structure, changes in institutional policy influence perceptions of the likelihood that a particular strategy will succeed (Zainal Arifin, Naufal Ghani Bayhaqi, 2024). As judicial avenues become more constrained, couples and organizations must seek alternative forms of legal mobilization.

Mobilization consequently becomes increasingly relational (Odasso, 2021). Couples need to communicate with their families, seek religious leaders willing to assist, understand administrative procedures, and obtain information from organizations. Legal strategies are therefore constructed not only through legal documents but also through social networks.

These networks demonstrate the reciprocal relationship between rights discourse and legal consciousness (Vargas Murillo & Falconi Tupiño, 2026). Awareness of rights encourages couples to seek avenues for recognition, while experiences with institutions

reshape how they understand and articulate those rights. Legal mobilization thus unfolds as an iterative process: experience generates interpretation; interpretation generates strategy; strategy produces new experiences; and these new experiences reshape legal consciousness.

These findings demonstrate that the law has a social life. Couples do not encounter law merely as passive subjects. They read, interpret, compare, and adapt to legal rules and institutional practices. Under such conditions, law can function simultaneously as a resource and a constraint. This ambivalence is a central characteristic of legal mobilization.

Accordingly, the informant's experiences reinforce the argument that legal mobilization needs to be understood from below. Focusing exclusively on judicial decisions is insufficient to understand how the law operates in the lives of interfaith couples. Before, during, and after their encounters with formal institutions, couples develop strategies and meanings that themselves constitute an integral part of the legal process.

The Narrowing of Legal Opportunity Structures, Legal Pluralism, and the Islamic Law Perspective

Legal mobilization by *Harmoni Mitra Madania* takes place within a changing legal opportunity structure. According to the Director, before SEMA No. 2 of 2023, administrative practices varied across jurisdictions. In certain areas, the registration of interfaith marriages was reportedly accommodated, while in other circumstances, couples sought a court order. Such variations demonstrate that legal opportunities are determined not only by the text of legal norms but also by how institutions interpret and implement them.

In McCann's theory, the legal opportunity structure is important because it determines the space available to actors to articulate their interests. Such structures are not entirely static (Vanhala, 2018). They may change because of judicial decisions, administrative policies, institutional transformations, and shifts in social practices. These changes, in turn, influence actors' strategies.

Constitutional Court Decision No. 68/PUU-XII/2014 represents an important point in the development of interfaith marriage law. The Court rejected the constitutional challenge to the provisions underlying the issue. Subsequent developments through Decision No. 24/PUU-XX/2022 and Decision No. 212/PUU-XXIII/2025 demonstrate the continuity of the Court's position in maintaining a normative construction of marriage that links marital validity to religious law. In the context of this study, this sequence of decisions is important not merely as a legal history but as an institutional environment that shapes couples' choices.

SEMA No. 2 of 2023 is particularly significant because it provides guidance to judges in adjudicating applications for the registration of marriages between persons of different religions and beliefs. As a result, an institutional avenue that may previously have been perceived as an available option has become increasingly constrained. This change has affected how couples and organizations perceive the courts as a legal resource.

However, the narrowing of formal opportunities does not mean that legal mobilization ends. The findings instead demonstrate adaptation. As the courts cease to be the only, or even the primary, avenue, the organization has strengthened consultation, family communication, networks of religious leaders, and administrative assistance. Mobilization has shifted from court-centered mobilization toward networked and intermediary mobilization (Aspinwall, 2021).

This shift is theoretically significant. The concept of legal opportunity structure not only explains whether legal opportunities exist but also helps explain changes in strategic forms (Junge, 2025). When opportunities for litigation become more constrained, actors may develop alternative strategies that do not directly challenge state institutions. They may turn to negotiation, consultation, networking, or other forms of social advocacy.

Interfaith marriage also reveals the operation of legal pluralism. Couples encounter state law, religious norms, the practices of religious institutions, family norms, and social understandings of marriage (Imomov et al., 2026). These normative orders may reinforce one another, but they may also generate competing demands. Couples, therefore, navigate among multiple sources of normativity.

Harmoni Mitra Madania serves as a bridge among these sources. Consultation helps couples understand the consequences of their choices. Family communication seeks to reduce normative conflict within the immediate social environment. Networks of religious leaders create opportunities for couples to obtain forms of religious legitimacy. Administrative assistance helps couples deal with state institutions. None of these resources operates in isolation.

Legal pluralism in this study does not imply that all normative orders possess equal authority. The state exercises formal authority, religious institutions possess religious legitimacy, and families exercise social authority (Adylbekkyzy, 2026). The point is rather that, in couples' lived experiences, these different forms of authority coexist and influence decision-making. Law, as experienced by couples, is therefore plural in an experiential sense.

The perspective of Islamic law must be situated within this plural normative structure. MUI Fatwa No. 4/MUNAS VII/MUI/8/2005 declares interfaith marriage to be *haram* and invalid. This position must be recognized as a relevant religious norm within the Indonesian context. Accordingly, Harmoni Mitra Madania's activities should not automatically be understood as representing the entirety of Islamic legal thought or as providing religious legitimacy for interfaith marriage.

Rather, there is a tension between this religious norm and the social realities encountered by the organization and the couples it assists. Couples have established relationships, confronted family expectations, faced administrative needs, and, in some cases, already formed households. When normative prescriptions interact with social realities, questions arise about how to manage their social and legal consequences.

At this point, *maqasid al-shari'ah* can serve as an analytical framework. *Maqasid* examines an issue not solely in terms of its formal structure but also considers the purposes of law and the attainment of *maslahah*. Through a systems approach, Jasser Auda (AUDA, 2019) emphasizes the importance of understanding law holistically and multidimensionally, considering the interrelationships among the different dimensions of human life. This approach is relevant to recognizing that marriage has consequences that extend beyond the relationship between two individuals.

Nevertheless, *maqasid* should not be used simplistically to conclude that every interfaith marriage becomes permissible merely because it produces certain benefits. This study adopts a more cautious analytical position (Güney, 2024). *Maqasid* is employed to identify and examine questions of *maslahah*, rather than to automatically set aside religious norms that continue to constitute the basis of prohibition (Duc, 2026).

From the perspective of *maslahah*, issues that require attention include the legal certainty of the spouses' status, the protection of family life, parent-child relations, population administration, and the potential for conflict within the family (Hanafi et al., 2026). These constitute social consequences that should be considered in policy formulation and community assistance. However, such considerations do not, by themselves, determine the normative status of interfaith marriage under Islamic law.

The informants' experiences demonstrate that normative conflict is not limited to the theoretical level. It also emerges within family relationships. Initially, the mother of the Muslim husband did not accept the decision to marry. Over the course of family life and following the birth of a child, however, the relationship improved. This finding demonstrates

that family relationships may change after a marriage decision has been made (Whindari et al., 2025). From a *maqasid* perspective, such changes may be understood as part of the social realities that need to be examined, without treating them as a sufficient basis for determining the applicable legal ruling.

The issue of children also reveals a long-term dimension. Marriage is not a one-time administrative event. It generates family relationships, identity, care arrangements, education, and various administrative needs (Ruth Elita, Fathiyyah Layla, Chelsy Naristya, Zulfhan Akbar, 2019). Consequently, policies concerning interfaith marriage have implications extending beyond the marrying couple. Considerations of family protection are therefore relevant to policy analysis and community assistance.

In this context, Harmoni Mitra Madania's role is not to determine Islamic law. The organization has no authority to alter religious fatwas or establish religious doctrine. Its role is more appropriately understood as assisting individuals situated at the intersection of multiple normative orders. The organization helps couples obtain information, communicate with their families, establish relationships with religious leaders, and address administrative difficulties.

Accordingly, the practices of Harmoni Mitra Madania demonstrate a form of legal mobilization situated between compliance, negotiation, and adaptation. The organization does not directly challenge religious or state norms through litigation. Instead, it helps couples navigate the consequences of the prevailing norms. This form of mobilization is significant because it demonstrates that civil society actors can operate within constrained institutional spaces without necessarily seeking to transform formal law.

Theoretically, these findings can be formulated as a model of non-litigation legal mobilization through intermediary actors (Romadhon & Bahori, 2023). The process begins with legal uncertainty, followed by couples' search for information; the organization then provides consultation; legal consciousness develops; administrative experiences generate rights discourse; family and religious networks are activated; and strategies are subsequently adjusted to the available legal opportunity structure. Mobilization, therefore, unfolds dynamically and iteratively (Van der Pas, 2024).

This model extends McCann's theory (Chua, 2019) in two respects. First, legal resources consist not only of rights and litigation procedures but also of knowledge, interpretive capacity, networks, and the ability to bridge institutions. Second, mobilization

may be undertaken by intermediary actors that lack formal authority but possess the social capacity to translate and mediate legal knowledge.

Within the context of Islamic law, this model demonstrates that interfaith marriage cannot be understood solely as a binary question of permissibility and prohibition. Normative, institutional, and empirical dimensions interact with one another. Religious norms remain important, but social realities generate problems that require responses at the levels of assistance, administration, and public policy.

Accordingly, this study does not seek to provide normative legitimacy for interfaith marriage. Its contribution lies in explaining how individuals and organizations respond to the issue when multiple normative orders operate simultaneously. This approach allows Islamic law to be taken seriously while also enabling social realities to be examined empirically.

Ultimately, the narrowing of the legal opportunity structure makes the function of intermediary actors increasingly important (Vanhala, 2018). When formal avenues become limited, couples require resources to understand the law and its consequences. Civil society organizations can occupy part of this space through consultation, networks, and assistance. Their role, however, remains bounded because such organizations cannot replace either state authority or religious authority.

The findings also demonstrate that public policy concerning interfaith marriage needs to consider how legal rules are experienced by society. Legal certainty is not merely a matter of whether rules exist. It also concerns people's ability to understand those rules, obtain consistent information, and anticipate the consequences of their actions. In this context, intermediary actors occupy an important position.

Overall, the findings reveal a three-way relationship: changes in law influence mobilization strategies; mobilization strategies shape legal consciousness; and legal consciousness influences how couples navigate normative plurality. Islamic law then provides a normative layer through which the tensions among norms, *maslahah*, and social realities can be examined. These three dimensions need to be maintained in balance so that the analysis does not become either a form of normative justification or a merely empirical description.

CONCLUSION

This study demonstrates that legal mobilization in interfaith marriages does not necessarily take the form of litigation. It also operates through consultation, premarital counseling, administrative assistance, family communication, networks of religious leaders, facilitation of marriage arrangements, and post-marriage support. In this context, civil society organizations function as intermediary actors that, although lacking formal authority to determine the validity or registration of a marriage, provide knowledge, networks, and social resources that help couples navigate legal plurality.

Couples' experiences reveal the development of both legal consciousness and rights discourse. Their interpretations of legal rules, administrative risks, and registration experiences may develop into broader understandings of rights, discrimination, and justice. Meanwhile, changes in the legal opportunity structure, particularly following developments in Constitutional Court decisions and SEMA No. 2 of 2023, have narrowed some formal avenues that were previously perceived as available. This condition has not brought legal mobilization to an end. However, it has encouraged a shift from court-centered mobilization toward networked and intermediary mobilization through families, religious leaders, consultations, and administrative navigation.

From the perspective of Islamic law, these forms of assistance cannot be understood as automatically legitimizing interfaith marriage. MUI Fatwa No. 4/MUNAS VII/MUI/8/2005 remains an important normative reference that prohibits interfaith marriage. The perspective of *maqasid al-shari'ah* is employed to examine its socio-legal consequences, particularly legal certainty, family protection, parent-child relations, *maslahah*, and potential harm, without treating *maslahah* as an automatic basis for altering established normative provisions.

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