



## **A HUMAN RIGHTS REVIEW OF INTERFAITH MARRIAGE: BETWEEN THE UNIVERSALITY OF WESTERN HUMAN RIGHTS AND THE CONTEXT OF ISLAMIC SHARIA**

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### **Abstract:**

Marriage is a sacred promise made by a man and his partner to become husband and wife. Basically, each religion has its own provisions regarding marriage. In fact, many interfaith marriages are found, especially this finding is found in Indonesia, where interfaith marriages are carried out so that this practice is a topic of discussion until now, and in practice, many Muslims still practice interfaith marriages. In this library research study, the aim is to examine how Western human rights and Islamic human rights view the practice of interfaith marriage in Indonesia. The results of this study show that from a Western human rights perspective, it can be concluded that the Compilation of Islamic Law as the legal basis for interfaith marriage in Indonesia is not in accordance with universal human rights principles that are anthropocentric in nature. Freedom of religion seems to be a threat to the Western view of human rights in Indonesia. Meanwhile, in Islamic human rights, the prohibition of interfaith marriage in the Compilation of Islamic Law is a natural and correct thing from an Islamic human rights perspective. Human rights and norms in society. In terms of freedom to form a family, religious values must be prioritized over anthropocentrism. This is what differentiates it from anthropocentric Western human rights. Islamic human rights not only recognize the rights of fellow human beings (*lawful worship*) but this right is based on the basic human obligation which is binding to serve Allah SWT (*God bless you*) which is theocentric in nature.

**Keywords:** : *Marriage, Interfaith, Human Rights*

### **INTRODUCTION**

One of the most central issues in Islamic family law today is interfaith marriage. In Indonesia, interfaith marriage is a taboo issue that is difficult to resolve. Although this issue has long been a topic of discussion among academics and religious figures, it has always stalled before reaching a unanimous conclusion (Cahyatunnisa, 2023). The marriage law for Indonesians is Law No. 1 of 1974 on Marriage, which was officially recognized from the date it was enacted, which was January 2, 1974, then came into force on October 1, 1975, through Indonesian Government Regulation No. 9 of 1975 on the Implementation of Law No. 1 of 1974 on Marriage(sari, 2024).

This research addresses the intense discussion of Human Rights (HAM). This stems from the strong liberalism embraced by Western nations. Although human rights values are universal, several issues remain controversial regarding

their implementation. One such issue is the right to marry even if the couple has different religions (Rianto et al., 2024). Simply put, according to the Big Indonesian Dictionary (KBBI), marriage is essentially the union of a family between a man and a woman (Istianingrum et al., 2023). In this sense, it is not a problem as long as it does not touch on idealistic principles. When people have fundamental beliefs, marriage is not permitted on religious grounds.

In fact, in the concept of human rights built by the West, a person is not discriminated against on the basis of religion, including in matters of marriage, in the Western concept, then of course it is very contrary to the concept of human rights in Islam in terms of the values he espouses in Islam simply restricts whether or not it is possible to carry out a religious marriage by calling them as infidels *dhimmi* or from the group of polytheists to believers (Muhaimin et al., 2023). Therefore, a common mindset is that interfaith marriage is forbidden. However, in a social context, especially in Indonesia, where over 86.93% of the population is Muslim. The occurrence of an important social dynamic that must be taken into account in the practice of interfaith marriages in Indonesia has a diversity of various aspects, including religion, which is the possibility of the continuation of interfaith marriages.

## **RESEARCH METHODS**

This research writing uses the research type library research (library research). Library research is a series of activities related to library data collection methods, reading and recording, and processing research materials. The author's research is based on data related to Human Rights. The research sources used are primary and secondary. Namely: Primary Legal Materials, Primary legal materials are binding legal materials. The primary legal materials in this study are Human Rights. Secondary Legal Materials, Secondary legal materials in this study include written materials related to human rights, Western thought and Islamic thought (Aisawa & Lesmana, 2023). The research source collection technique uses documentation techniques or document studies. Using primary materials in the form of Human Rights and secondary materials in the form of books, dictionaries and so on as support in the analysis of the problem. The data analysis technique used is the descriptive analysis method, namely by outlining the main problem and then drawing conclusions.

## **RESULTS AND DISCUSSION**

### **Interfaith Marriage in Indonesia**

An interfaith marriage is a marriage that takes place between a prospective husband and a prospective wife who have different religions or beliefs, such as a marriage between a Muslim man and a Christian, Hindu, Buddhist, Confucian woman or vice versa, a Muslim woman married to a man who adheres to a belief other than Islam (Aljanni et al., 2024). In Islamic law, there are several terms used to describe people who adhere to religions other than Islam, namely polytheists, infidels, and people of the book. Several religions in Indonesia, such as Catholicism and Protestantism, believe that marriage is a sacrament, and therefore, interfaith marriage is prohibited as it is considered unsuitable.

However, the prohibition on interfaith marriage is not as strict, as the Church still grants dispensations for couples wishing to marry of different faiths. These dispensations must be accompanied by a written agreement and agreed upon by both parties (Putri & Jannah, 2024). These agreements include the marriage being held in the Church, instilling love and the principle of monogamy

in the marriage (a once-in-a-lifetime marriage). Educate and baptize their children as Christians (Catholic) or Protestant), and it does not interfere if one of the partners carries out religious rituals according to his/her religion,

So it can be concluded that the elements can be submitted *new* In a judicial review (PK) case, evidence based on new circumstances that has the power to change the judge's decision and is discovered after the trial has concluded. According to Hinduism, marriage is a bond between a man and a woman as husband and wife to regulate proper sexual relations and procreate. The marriage must be conducted according to Hindu religious ceremonies and laws; otherwise, the marriage is considered invalid (Rachim et al., 2025). Interfaith marriages in Hinduism are strictly forbidden, because a valid marriage is a marriage performed through a sacred ceremony by the Pendede. Pendede cannot bless couples of different faiths unless the non-Hindu party is willing to embrace Hinduism by first following the Sudi Vadhani ceremony with a sense of inner readiness, sincerity, sincerity and without compulsion to embrace Hinduism.

Interfaith marriages are not specifically regulated in Buddhism, so interfaith marriages are not a problem according to Buddhism. Non-Buddhist couples who wish to marry are not required to convert to Buddhism first; however, the rituals and legalization must follow Buddhist procedures (Wardani, 2023). In Confucianism, marriage between a man and a woman is a divine promise. Differences in thought, ethnicity, race, culture, nation, socio-political background, or religion are not barriers to marriage. Confucian marriage is prohibited if it takes place between close clans (family) and its implementation is not in accordance with applicable moral and religious rules.

Before the enactment of Law No. 1 of 1974, Indonesia had an intergroup legal regulation governing mixed marriages. The regulation in question was a regulation enacted by the Dutch East Indies colonial government, known as the *Regeling op de Gemengde Huwelijken* (GHR), or Regulations on Mixed Marriages, as contained in *Staatsblad* 1898 No. 158 (Soemarmi et al., 2024). Article 1 of the GHR explains that what is meant by mixed marriage is "Marriage between people who in Indonesia are subject to different laws". There are three groups of opinions on whether the GHR also applies to inter-religious and inter-regional marriages, namely, first, the group that has a "broad" stance which assumes that mixed marriages between religions and between regions are included in the GHR; second, the group that has a "narrow" stance which assumes that mixed marriages between religions and between regions are not included in the GHR; and third, the group that has a "half-broad half-narrow" stance which assumes that only inter-religious marriages are included in the GHR, while inter-regional marriages are not included in the GHR. (Saraswati et al., 2024) Following the enactment of Law No. 1 of 1974, regulations regarding interfaith marriages tended to become more restrictive. This was based on the following reasons: first, considering the history of the 1973 Marriage Law, particularly the debates concerning it. "Differences due to nationality, ethnicity, country of origin, place of origin, religion, beliefs and descent are not obstacles to marriage" and then there is a renewal, so interfaith marriage is not possible (prohibited) in Indonesia.

Second, there are several articles which are then used as the basis for prohibiting interfaith marriages, in Law No. 1 of 1974, namely Article 2 paragraph (1) and Article 8 letter (f). In Article 2 paragraph (1) it is stated, "Marriage is valid, if it is carried out according to the law of each religion and its beliefs." Then in the explanation it is stated "With the formulation of Article 2 paragraph (1), there is no marriage outside the law of each religion and its beliefs, in accordance with

the 1945 Constitution (Akbar & Khalid, 2025). What is meant by the law of each religion and its beliefs includes the provisions of the laws that apply to the religious group and its beliefs as long as they do not conflict or are not determined otherwise in this Law."

If this article is understood carefully, then it can be known that the law leaves it to each religion to determine the ways and conditions of the implementation of the marriage, in addition to the ways and conditions that have been set by the State. So in a marriage prohibited or not, or whether the prospective bride and groom have met the conditions or not, then in addition to that depends on the provisions found in Law No. 1 of 1974, it is also determined by the respective religious laws. From the point of view of the religions in Indonesia, a marriage of different religions cannot be allowed because it is not in accordance with the laws of the religions in Indonesia.(Widyawati & Dianti, 2024) This opinion is strengthened by the existence of article 8 letter (f) which states that "Marriage is prohibited between two people who; have a relationship that, by their religion or other applicable rules, is forbidden to marry".

Third, referring to Article 66 of the Marriage Law No. 1 of 1974 which states that "For marriage and all matters related to marriage based on this law, then with the enactment of this law, the provisions regulated in the Civil Code (Burgelijks Wetboek), the Indonesian Christian Marriage Ordinance (Huwelijks Ordonantie Chisten Indonesiers S. 1933 No. 74), the Regulations on Mixed Marriages (Regeling op de gemengde Huwelijken S. 1989 No. 158), and in other regulations that regulate a marriage to the extent that they are already in this Law, are declared invalid."

From article 66 there is a provision which clearly states that the provisions of the GHR (STB. 1898/158) as stated at the beginning can no longer be applied because in addition to the provisions having been regulated in Law No. 1 of 1974, the GHR also contains principles which are contrary to the principle of legal balance between husband and wife as adopted by Law No. 1 of 1974. Apart from that, the formulations regarding mixed marriages contained in the GHR are different from the formulations contained in article 57 of the Marriage Law No. 1 of 1974 which states that "What is meant by mixed marriage in this Law is a marriage between two people who in Indonesia are subject to different laws, because of differences in foreign citizenship and one of the parties is an Indonesian citizen (Karomah, 2023). The above formulation limits itself only to marriages between Indonesian citizens and foreign citizens. Marriages between Indonesian citizens are subject to different laws.

In the Law on Human Rights in Indonesia, besides religious freedom, there is also the freedom to marry and continue the lineage, as stated in Article 10 (1) which states; Everyone has the right to form a family and continue a lineage through a legal marriage contract. However, there is a subsequent paragraph which states that marriage is determined according to the law. Thus, the right to carry out marriage is limited by the existence of the Marriage Law. Apart from that, in Article 2 of the Marriage Law, a legal marriage is a marriage carried out based on the religion and beliefs of each person.

This article has always been positioned as prohibiting interfaith marriage, as marriages must be conducted in accordance with each individual's religion and beliefs, while it is impossible for a marriage to be conducted with two religious ceremonies(Yusuf, 2025). Therefore, in an interfaith marriage, one party must convert to the other's religion. This is the solution or resolution to the problem of interfaith marriages formulated by the Religious Court, which states; a) In

accordance with the spirit of Law No. 1 of 1974 concerning Marriage, which adheres to the principle of balance between husband and wife, both parties must hold discussions to determine which religious law will be used in a marriage. b) Because there are no regulations regarding this matter in the Marriage Law, the Mixed Marriage Regulations (GHR) can be used, namely that the marriage can be conducted according to the law applicable to the husband (Article 6).

Based on this clause, the Religious Court advises the parties to first deliberate on which religious law to use in their marriage, or to use the husband's law (based on the GHR). This means that interfaith marriages are strongly encouraged to adhere to the religion of one of the parties, or in other words, that one party is required to follow the religious law of the other party in order for the marriage to be valid. With this practice of interfaith marriage, it can be concluded that religious freedom in Indonesia has not been implemented freely, because this is a pattern of coercion by the institution of marriage against people to embrace a particular religion in order to carry out the marriage.

### **Interfaith Marriage from a Western Human Rights Perspective**

Human rights, often referred to as HAM, is a highly discussed idea today. This idea has become a benchmark for human judgment regarding good and bad. Anything that violates human rights is considered bad, and anything that conforms to them is considered good. Human rights have become, as it were, a new religion, serving as a guide for human life (Alfahis & Soetikno, 2023).

John Locke stated that human rights are rights that are given directly by God Almighty as natural rights. Therefore, there is no power in the world that can revoke human rights. In Law Number 39 of 1999 concerning Human Rights (Wulandari et al., 2023), Article 1 states that: "Human Rights are a set of rights that are inherent in the nature and existence of humans as creatures of God Almighty and are a gift that must be respected by every human being, upheld, and protected by the State, law, government, and every person for the sake of honor and protection of human dignity and honor." The formulation of human rights that is considered legal and used as a standard at this time is that published by the United Nations Agency, which was declared on December 10, 1948 and is better known as "The Universal Declaration of Human Rights", abbreviated as UDHR.

In this important western human rights concept which is highly promoted, marriage is formulated in an international legal instrument, namely the Universal Declaration of Human Rights 1948 (UDHR), specifically in Article 16 in 3 paragraphs, namely: "Men and women of full age, without any limitation due to nationality, citizenship, or religion, have the right to marry and to found a family (Harsya & Lubis, 2023). They have equal rights as to marriage, during marriage, and upon its dissolution." Marriage can only be entered into based on the free choice and consent of both parties; and the family is the natural and fundamental unit of society and is entitled to protection from society and the state.

This concept can be interpreted as granting the freedom to marry without considering religious values. This contradicts Law No. 1 of 1974, which states that marriage must be conducted in accordance with each person's religion. This explanation of the law was later strengthened by Law No. 39 of 1999. Article 50 of this law includes a clause stating that "Women who are adults and/or married have the right to conduct legal acts themselves, unless otherwise stipulated by their religious law." According to the author's understanding, based on in-depth

research, it can be explained that human rights are based on two interrelated concepts that form the basis of the ideology of capitalism: natural law theory and liberalism(Ashri & Triyana, 2024). Natural law theory discusses the principle that everything exists because of that's how it is. The central theme of this theory is the natural rights that every human being is given by God. This theory was originally proposed by Aristotle, then developed by Thomas Aquinas in a European-Christian context, and then further developed by the Social Contract theorists, namely Thomas Hobbes, John Locke, and J.J. Rousseau, who were also liberal thinkers.

In the international concept, the doctrine agrees that human rights are natural rights owned by humanity because of their high status as God's creatures. Meanwhile, in the Islamic concept, human rights are positioned based on divine values, generally implemented through respect for others in the form of an obligation to not act outside of what is contained in religious values(Marini & Darmayanti, 2023). In the understanding of both concepts, there are several similarities, first, human rights exist for humans because of God. Thus, the natural function that human rights are inherent in all humanity becomes clear, because every human being is God's creation. Furthermore, explicitly about human rights in the international perspective, based on this understanding, it is finally agreed that human rights are a gift given by God Almighty, which has a concept similar to Islamic human rights.

The concept of human rights emerged from a long struggle and is often seen as a representation of the suffering of victims of oppression and abuse, which opened awareness to this idea. The evolutionary history of human rights continues alongside human civilization, as these rights are an inherent part of human existence. The primary reason a person has human rights is simply because they are human. The essence of human rights lies in the protection of life and human dignity.(Hendrawarman et al., 2025) This is also stated in Article 1 of the Declaration of Human Rights, which states that all human beings are born free and equal in dignity and rights. Human beings are endowed with reason and conscience and the desire to associate with one another in the bonds of brotherhood.

Human rights are rights that belong to every human being from birth, regardless of any distinction. These rights are universal and cannot be diminished or revoked by anyone. These rights are essential for maintaining human honor and dignity. These rights are inherently inalienable, meaning that no one can take or diminish these rights from a person. Human rights are essential for maintaining human honor and dignity. These rights enable people to live, develop, and reach their full potential. They also protect people from various forms of violations, such as slavery, torture, and discrimination(Beddu, 2023). This is in accordance with Article 4 of the Human Rights Declaration which states that no one can be enslaved or enslaved; slavery and slave trade in any form must be prohibited. According to John Locke, the state was formed to protect basic human rights. These basic human rights are natural, meaning they are inherent in humans from birth. These basic human rights include the right to life, the right to liberty, and the right to own property, as stated in Article Universal Declaration. The state has an obligation to ensure that these basic human rights are not violated by anyone. The state cannot be absolute, meaning it cannot have unlimited power. The state must be limited by basic human rights. Thus, the state cannot violate basic human rights, even if those rights are contrary to positive law.

Human rights are human rights from birth.

As presented by.<sup>25</sup> Human rights are innate and inherent to every individual from birth, as outlined by John Locke. These privileges are not bestowed upon us by the state or government, but rather by God. Furthermore, these rights apply universally and do not discriminate based on race, religion, social status, or ethnicity (Leiwakabessy et al., 2023). As a result of this view, several key implications emerge: first, it is impossible for anyone, including governments, to take away human rights; second, states have an obligation to ensure that these freedoms remain protected; finally, everyone has the right to ask that their fundamental rights be respected and upheld.

Human rights have a universal nature.

Locke believed that human rights are universal rights that apply to every individual, regardless of race, religion, ethnicity, or social status. According to Locke, human rights inherent in humans as a gift from God (Panjaitan & Nurhadiyanto, 2023). From this perspective, there are several important consequences. First, human rights cannot be compromised or changed to suit the wishes of the majority. Second, every individual has an equal right to enjoy human rights, regardless of their background.

HAM is a part of rights that cannot be revoked.

Locke put forward.<sup>30</sup> that human rights are intrinsic rights that cannot be revoked by anyone, including the government. Locke emphasized that human rights are rights that are naturally inherent in humans, bestowed upon them by God. This viewpoint has several key consequences. First, the government has no right to violate human rights. Second, every individual has the right to demand respect and protection of their human rights, even when those rights conflict with applicable law. (Fatahillah & Hariyadi, 2024)

Ham and Country

Locke argued that the state should be limited by human rights. The state is not permitted to violate human rights, even if those rights conflict with the positive laws in force within a given state. Locke argued that the state was formed to protect human rights, not to violate them (Mumpuni, 2024). Locke's view has several important implications. First, the state must not be absolute. Second, the state must respect and protect human rights. Third, everyone has the right to demand that their human rights be upheld by the state. State power is limited by natural human rights. These natural human rights include the right to life, the right to liberty, and the right to own property. The state may not violate natural human rights, even if these rights conflict with positive law.

Human rights according to the Western understanding are solely anthropocentric in nature. This means that everything is centered on humans, thus humans have a very important position because the benchmark of truth is according to humans themselves, so their nature is subjective. On the other hand, human rights seen from an Islamic perspective have a theory-centric nature (Syarifah & Firdausiyah, 2023). This means that everything is centered on God. Because the measure of truth is according to God, thus God has a very important position. In this connection, A.K. Brohi stated: "In contrast to the strategic approach to human rights, Islam places great importance on respecting basic human rights and freedoms as part of the quality aspect of human rights from an Islamic perspective." From a Western perspective, it can be concluded that the Compilation of Islamic Law, as the legal basis for interfaith marriage in

Indonesia, does not conform to universal human rights principles. Religious freedom seems to pose a threat to Western human rights in Indonesia. The state was established to protect basic human rights. These basic human rights are natural, meaning they are inherent in humans from birth.

These fundamental human rights include the right to life, the right to liberty, and the right to own property, as stated in Article 3 of the Universal Declaration. States have an obligation to ensure that these fundamental human rights are not violated by anyone. States cannot be absolute, meaning the state cannot have unlimited power. The state should be limited by basic human rights. Thus, the state cannot violate basic human rights, even if those rights are contrary to positive law.

### **Human Rights in Islamic Perspective**

In Arabic, human rights is *al-huqūq al-insaniyyah*. The root word *Haqq* (plural *Huqūq*). *Haqq* has several meanings, among others belonging, determination, and certainty. Also contains the meaning of "determining something and allowing it" as found in Q.S. Yasin (36): 7, "set and explain" as in Q.S. al-Anfāl (8): 8, "the limited part" as in Q.S. al-Baqarah (2): 241 and "fair as opposed to false" as in Q.S. Yūnus (10): 35. So the most important element in the word *Haqq* is validity, determination, and truth. *Fuqahā'* gives the understanding of rights as a specificity on which *syar'i* law is established or a specificity that is protected. This definition contains the rights of God and the rights of servants (Mulyaningsih & Ifan, 2025).

There are several principles between human rights seen from the western and Islamic perspectives. Human rights according to the western perspective are solely anthropocentric. This means that everything is viewed from human considerations and is centered on humans. Thus, humans are very important in this position as a benchmark for truth is according to humans so that its nature is subjective. On the other hand, human rights seen from the Islamic perspective are theocentric, which means that everything regarding human rights is centered on God (Samanha & Hayati, 2023). Therefore, the measure of truth is according to God. Thus, God is very important. The conflict between Western and Islamic human rights also stems from fundamental differences in their conceptual origins. Western human rights prioritize human freedom or liberalization. However, in Islamic human rights, this cannot be fully recognized, as this religion teaches that Allah SWT is the owner of the universe, and therefore no human being is free to do anything except with His permission.

In Islamic law, human rights are substantively core within the teachings of Islam itself, which in this context oblige individuals to respect the rights of others. These include prohibitions on killing, stealing, and so on. The codification of human rights began with the Medina Charter, a kind of political contract between the Prophet Muhammad (peace be upon him) and the people of Medina, placing the Prophet as their leader. The Medina Charter contains several basic concepts regarding rights, as outlined in the "Preamble" paragraph (Hartanto et al., 2023). These concepts encompass five main meanings: the placement of Allah SWT's name at the top, a written social contract, plurality of participants, open membership, and unity in diversity. The human rights contained in the Medina Charter can be divided into three categories: the right to life, the right to liberty, and the right to pursue happiness.

Herein lies the fundamental difference between human rights according to Western thought patterns and human rights according to Islamic teachings. The



theoretical-centric concept for Islam means that humans must first believe that the basic teachings of Islam are based on the two sentences of the shahada: devotion to God but Allah and Muhammad as His messenger. Only then can humans implement the values of good deeds contained in Islam according to the contents of the faith itself. From this description, it can be seen that in Islam, humans do not have human rights. In this concept, a person only burdened with an obligation or duty to God *Subhanahu Was Light* because where he is a human being must obey the law, but in these duties lie all the rights and freedoms granted by Islam.

Human beings recognize the rights of themselves and recognize the rights of other humans, because this is an obligation imposed by Islamic law to obey the laws of Allah *Subhanahu Was Light* therefore, human rights in Islamic law do not simply emphasize human rights themselves, but rights are based on the human obligation to devote oneself to God *Subhanahu got up*. as its creator. The guidance of Allah SWT which contains the rights and obligations has been conveyed to mankind since mankind existed. The first man (Adam) was sent to the world believing that God had given guidance to mankind. Then when humans as a nation become forgetful of the Divine guidance, God sent the Prophet Muhammad *Shallallah Alaihi Wasallam* to remind you of the existence of the Prophet Muhammad's sending *Shallallah Alaihi Wasallam* for mankind as the last prophet to convey the values of truth and exemplary behavior in a perfect life for mankind throughout all ages in accordance with the guidance of Allah *Subhanahu Wa Ta'ala* (Agustin et al., 2025). This then clearly shows that in the Islamic perspective the concept of human rights is not a result of evolution born from human thought but is the result of the Divine evolution of God Almighty *Subhanahu Wa Ta'ala* which has been revealed by the prophets and apostles since the beginning of the existence of mankind on this earth whose status is as caliph.

Therefore, humans are obliged to follow the provisions that have been determined by God. *Subhanahu Was Light* The obligations imposed on humans are divided into two categories, namely *Huqūqullah* And he has another right. *Huqūqullah* (rights of God) is an obligation of man's obligation to God *Shallallahu Alaihi Wasallam* which is implemented in various forms of worship, while *huqūqul ibād* (rights human) is a human obligation towards fellow human beings and towards God's creatures. *Subhanahu Was Light* others who are on earth (Yulianto & Asmawati, 2024). The rights of Allah do not mean that the rights requested by Allah are beneficial to Allah because the rights of Allah are in accordance with the rights of His creatures.

From the discussion outlined above, it can be concluded that Islam recognizes the concept of inherent human rights, granted by God to His servants, humans. This logically follows that God alone may determine which rights humans can have and which cannot. Substantively, human rights in Islam are more directed at implementing basic human obligations, namely the obligation for humans to refrain from harming other humans. The guidelines for this are found within Islam itself, while the codification is found in the Medina Charter, which provides a formulation of the rights granted to humanity.

From an Islamic perspective, human rights should be limited, limited by religious values and local regulations of a region or nation. Interfaith marriage has always been theologically considered *makruh* (reprehensible) or even *haram* (forbidden) in Indonesia (Rosmita et al., 2024). Therefore, the prohibition of interfaith marriage in the Compilation of Islamic Law (KHI) is reasonable and correct from a legal, human rights, and societal perspective. Freedom to form a

family must prioritize religious values over anthropocentric ones. This is what differentiates it from anthropocentric Western human rights. Islamic human rights not only recognize the rights of fellow human beings (huququl ibad), but these rights are based on the binding human obligation to serve Allah SWT (huququllah).

## CONCLUSION

Based on the problem framework that the researcher has created, the researcher has reached the following conclusion: That interfaith marriage in this study can be viewed from 2 (two) perspectives, namely the group with Western human rights thinking that prioritizes an anthropocentric point of view. This group assumes that marriage is within the private sphere of individuals and not within the realm of religion, as stated in the UN Declaration of Human Rights. This Declaration states in Article 16 Paragraph (1), where marriage can be carried out without certain limitations, including religion. The second group is the understanding of Islamic human rights that prioritizes a theocentric point of view, where marriage is a form of maintenance and obedience to religious teachings, not necessarily prioritizing humanitarian issues. Ultimately, from a human rights perspective, interfaith marriage is left to each participant by considering the potential negative impacts that may arise in the future.

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