



Interfaith Marriage According To Customary Law In Kepau Baru Village, Tebing Tinggi Sub-District, Meranti Islands Regency

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Abstract

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In general, interfaith marriages have the potential to cause legal problems, both for the married couple and for third parties, including the inheritance rights of children born from interfaith marriages. As a village with the largest number of religious adherents in Tebing Tinggi Timur Sub-district, Kepau Baru Village is also a village that is very thick with its customary law, of course in terms of marriages of different religions it cannot be avoided so that the role of the local customary leader and customary rules is needed. Therefore, the purpose of this research is first, to find out the provisions of interfaith marriages according to the Customary Law of Kepau Baru Village. Secondly, to find out the consequences of interfaith marriage according to the Customary Law of Kepau Baru Village. The type of research used in this research is sociological. The approach used by researchers is the type of sociological research. The location of the research conducted by the author is in Kepau Baru Village, East Tebing Tinggi District, Meranti Islands Regency. The population and samples in this study were the tribal chief/datuk and the perpetrators of interfaith marriages. This research uses data in the form of primary data and secondary data and data collection techniques are carried out by interview. The results of this research have two main points that can be concluded. First, the customary provisions in Kepau Baru Village for interfaith marriages must go through several stages, namely choosing one of the religions to be embraced, having been approved by both parents and the customary leader. Interfaith marriage in Kepau Baru Village requires a long process. Nevertheless, in this case, interfaith marriage according to Kepau Baru's custom is contrary to freedom of religion. Secondly, there are no major consequences of interfaith marriages in Kepau Baru Village, either in marriage registration or population data. If there are household problems in Kepau Baru Village, they are resolved by going to the customary leader for advice.

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INTRODUCTION

In the process of life and life on earth, both types of men and women crave life partners. Desiring a life partner is a fitrah before adulthood and an urge that is difficult to stem after adulthood. Therefore, religion prescribes the meeting between men and women.¹ Then direct the meeting in a form of legal bond through marriage. Marriage is an instinctual demand that applies to all His

¹ Hisam Ahyani, *Hukum Adat*, Widina Bhakti Persada Bandung, 2023, hlm.116.

creatures, both in humans, animals, and plants. Because humans are intelligent beings, for humans marriage is one of the cultures to produce offspring for the continuity and peace of their lives, which are organized and follow the development of human culture.² Because of the demands of this instinct, it does not rule out the possibility of marriages of different religions in the community.

The enactment of Law No. 1 of 1974 Concerning Marriage has relatively been able to answer the need for legislation that regulates marriage uniformly and for all groups of society in Indonesia.³ Law Number 1 of 1974 concerning Marriage is one of the manifestations of the rules of marriage order owned by the Indonesian state as a sovereign nation and state of law, complemented by Government Regulation Number 9 of 1975 concerning the implementation of Law Number 1 of 1974 concerning Marriage, and other regulations concerning marriage, in addition to other rules of marriage order such as Customary Law and Religious Law.⁴

The term adat law as used among the Indonesian people is rarely used, what is widely used in everyday speech is the term “adat” only. By using the word “adat”, what is meant is the “custom” that must generally apply in the community concerned.⁵ Customary law is an unwritten rule that serves as a guideline for most Indonesians and is maintained in daily life in both cities and villages.⁶

In customary law, marriage is not a private affair of the person performing the marriage, but also a matter of family, tribe, community, and caste. Marriage means separation from one's parents and the continuation of one's parents' line of life. In the tribe, marriage is an endeavor that causes the continuation of the tribe in an orderly manner. In the community (alliance), marriage is an important event that results in the entry of new citizens who take full responsibility for the alliance. In a caste, marriage is an important event, because castes in society (in the past) often maintained their position by organizing their own marriages.⁷

Interfaith marriage can result in not achieving true happiness in the household, interfaith marriage will cause various excesses that are prolonged in the future.⁸ And interfaith marriage has a legal impact, especially regarding the status of children. A child is considered legitimate if born from a legal marriage, as stipulated in Article 42 of Law Number 1 Year 1974. Similar provisions are also emphasized in the Compilation of Islamic Law. Therefore, if an interfaith marriage is considered invalid, then the child born from the marriage only has a civil relationship with the mother and the mother's family, while having no civil ties with the father. In general, interfaith marriages have the potential to cause

² Abd. Rozak A. Sastra, *Pengkajian Hukum Tentang Perkawinan Beda Agama (Perbandingan Beberapa Negara)*, Badan Pembinaan Hukum Nasional(BPHN) Kementerian Hukum Dan Hak Asasi Manusia, Jakarta, 2011,hlm.1.

³ Undang Undang Nomor 1 Tahun 1974 Tentang Perkawinan.

⁴ Anggreini Carolina Palandi, “*Analisa Yuridis Perkawinan Beda Agama Di Indonesia*”, Lex Privatum, Vol.I/No.2, 2013, hlm.196.

⁵ Aprilianti, *Hukum Adat Di Indonesia*, Pusaka Media, 2022, hlm.5.

⁶ Yulia, *Buku Ajar Hukum Adat*, Unimal Press, 2016,hlm.2

⁷ *Ibid.*,hlm.50.

⁸Mahasin, Ashwab. *Keabsahan Dan Dampak Perkawinan Beda Agama (Menurut Undang-Undang Perkawinan Dan Hukum Islam Di Indonesia)*. Pro Justicia: Jurnal Hukum Dan Sosial 2.1 (2022): 16-23.

legal problems of their own, both to the couple themselves and to outsiders/third parties, including the inheritance rights of children born from interfaith marriages. The validity of the marriage will give rise to rights and obligations between husband and wife. The wife's right to maintenance and joint property depends entirely on whether or not there is a valid marriage as a legal basis, as well as from a valid marriage that will give birth to legitimate children.⁹ This is because children born from an invalid marriage only have a legal relationship with their mother, as stipulated in Article 43 paragraph (1) of Law Number 1 of 1974 stipulates that; "Children born outside of marriage only have a civil relationship with their mother, their mother's family", so that all the rights of children against their father will be lost and not recognized by law.¹⁰

The foundation of religious law in carrying out marriage is very important in Law No. 1974, so that the determination of whether or not marriage is permitted depends on religious provisions. This also means that if religious law states that a marriage is not permissible, then it is also not permissible according to state law, so in an interfaith marriage, whether or not it is permissible depends on the provisions of the religion. This is in line with the Compilation of Islamic Law, which categorizes marriage between religious adherents in the chapter on marriage prohibitions. Article 40 letter (c) states that it is prohibited to marry a man with a woman who is not Muslim. As well as the authority in the determination of interfaith marriage by the court in Article 35 letter (a), if reviewed this is contradicted in Law Number 1 Year 1974 concerning marriage which does not explicitly prohibit interfaith marriage.¹¹

In the Buddhist tradition, leniency regarding interfaith marriage is possible. This is because the text does not regulate in detail about interfaith marriage. In principle, Buddhism calls for its adherents to marry fellow Buddhists. But if that cannot be done, then there is no exclusion for Buddhists who enter into such interfaith marriages. Catholicism is perhaps slightly different in its arguments about interfaith marriage. While Buddhism is relatively moderate, interfaith marriage in the Catholic tradition is ecclesiastically valid, though only through a blessing, not the sacrament of marriage. Nonetheless, these interfaith marriage couples still receive a certificate of Catholic marriage to be registered at the KCS. Even then, at the KCS, officials often request that the couple's religion must be the same, so one of them must change religion. But the church itself does not require non-Catholics to convert to Catholicism just for marriage reasons. A consequence that married couples of different religions who are blessed according to the Catholic faith have to accept is childcare. The couple must agree in the presence of witnesses and the priest or married person, that their children will be raised in

⁹ Yohen, Samantha Maria, Laurensia Clarissa Siva, dan Moody Rizqy Syailendra. *Analisis Yuridis Terhadap Pernikahan Beda Agama di Indonesia*. Veritas 9.1 (2023): 27-35.

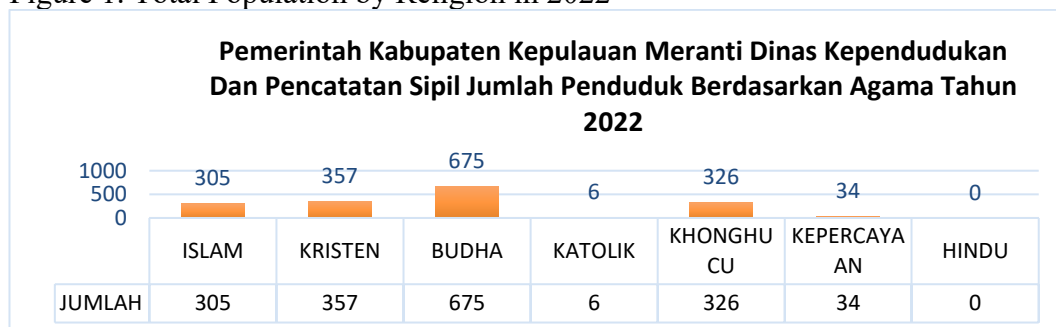
¹⁰ Anggreini Carolina Palandi, *Analisa Yuridis Perkawinan Beda Agama Di Indonesia*, Lex Privatum, Vol.I/No.2, 2013, hlm.199.

¹¹ Nur Asiah, *Kajian Hukum Terhadap Perkawinan Beda Agama Menurut Undang-Undang Perkawinan Dan Hukum Islam*, Jurnal Hukum Samudra Keadilan, Vol. 10 No. 2, 2015, hlm, 207.

the Catholic tradition. The promise is also made in the presence of the non-Catholic partner.¹²

Kepau Baru Village, Tebing Tinggi Timur Sub-district, Meranti Islands Regency is one of the traditional villages that strongly upholds the prevailing customary laws, one of which is regarding customs in marriage. With a community environment that is predominantly non-Muslim, the following is based on data from the Meranti Islands Regency Government, Population and Civil Registration Office, Population by Religion in 2022:

Figure 1. Total Population by Religion in 2022



Sumber: Data Pemerintah Kabupaten Kepulauan Meranti Dinas Kependudukan Dan Pencatatan Sipil Jumlah Penduduk Berdasarkan Agama Tahun 2022¹³

As a village with the largest number of religious adherents in Tebing Tinggi Timur Sub-district, Kepau Baru Village is also a village that is very thick with its customary law, of course in terms of interfaith marriages cannot be avoided so that the role of the local customary leader and customary rules is needed. The provisions of interfaith marriage according to customary law in Kepau Baru Village do not explicitly regulate interfaith marriage. However, based on interviews with traditional leaders, interfaith marriages are considered a violation of prevailing norms and values. However, the people of this village are very respectful of the customs that have been passed down from generation to generation, therefore traditional leaders allow interfaith marriages by going through a long process and obtaining the approval of traditional leaders, the community and the consent of the parents of both parties.

The cases of interfaith marriages in Kepau Baru Village occurred during 2022 until now there are only 4 cases, namely, marriages between Islam and Buddhism, Buddhism and Catholicism, Islam and Christianity, Buddhism and Confucianism. The following table shows the cases of interfaith marriages from 2022 to the present:

Table 1. Total Population by Religion in 2022

No	Parties	Religion
1	Muhadi dan Rilis	Islam dan Budha
2	Aking dan Yayan	Budha dan Katolik
3	Mamat dan Salma	Islam dan Kristen

¹² Siti Nur Fatoni, Pernikahan Beda Agama Menurut Tokoh Lintas Agama Di Kota Bandung, *Varia Hukum*, Vol 1, No1, 2019.hlm.112.

¹³ <http://disdukcapil.merantikab.go.id> Data Pemerintah Kabupaten Kepulauan Meranti Dinas Kependudukan Dan Pencatatan Sipil Jumlah Penduduk Berdasarkan Agama Tahun 2022

Sumber: Kantor Desa Kepau Baru

From the table above, it can be explained that cases of interfaith marriages in Kepau Baru Village, Tebing Tinggi Timur Subdistrict, in which one of the parties must subordinate themselves to their partner's religion, the meaning of subordinating themselves is to convert to their partner's religion. So from the 4 cases of interfaith marriage, Islam and Buddhism, Buddhism and Catholicism, Islam and Christianity, Buddhism and Confucianism can be carried out if the couple chooses one of the religions and the approval of traditional leaders, the community and the parents of both parties. The process in an interfaith marriage if the marriage is carried out according to the laws of each religion and belief of the couple who perform the marriage, thus, the determination of whether or not the marriage is permitted depends on religious provisions.

Therefore, the process of interfaith marriage between Islam and Buddhism, must follow the teachings of Islam where the couple must say two sentences of shahada, so that the marriage can be held or allowed, while the process in Buddhist and Catholic marriages, the couple must be baptized first, where the couple follows a Catholic marriage. And in the process of Buddhist and Khonghucu marriage, it is carried out with the condition that it is legalized by the procedure of saying the gods of Buddhists. The purpose of this research is to find out the provisions of marriage according to customary law and the settlement of interfaith marriages according to customary law in Kepau Baru Village.

Research Methods

Type of Research

The type of research used in this research is sociological. The approach used by researchers is the type of sociological research. Sociological legal research is research conducted directly at the location or in the field to obtain data for use. The location of the research conducted by the author is in Kepau Baru Village, Tebing Tinggi Timur District, Meranti Islands Regency. The author chose this research location because the author wanted how the provisions of marriage according to East Tebing Tinggi Customary Law in Kepau Baru Village and how the process of resolving marriages of different religions according to East Tebing Tinggi Customary Law in Kepau Baru Village were used as a reference for the future.

Data Collection Techniques

The population used in the study were tribal chiefs and perpetrators of interfaith marriages. The sample in this study amounted to 5 people consisting of 1 tribal chief / patuk and 4 perpetrators of interfaith marriages. Data collection methods in this study used interviews and library methods.

Data Analysis

Data analysis is carried out qualitatively which is used to examine normative or juridical aspects through analytical descriptive methods which describe the description of the data obtained and connect them to each other to obtain a general conclusion.¹⁴

¹⁴ Bambang Sunggono, *Legal Research Methods*, Raja Grafindo Persada, Jakarta, 1997, p. 129

DISCUSSION

Marriage Provisions according to Kepau Baru Village Law

Customary law applicable in Indonesia is a law that lives in the community (Living Law). Therefore, indigenous people need to understand and study it. Studying customary law is useful for understanding Indonesian legal culture. Although Indonesians can accept foreign legal culture, this only applies if it does not conflict with Indonesian legal culture.¹⁵ By studying customary law, it can be identified which ones are no longer in accordance with the times and which customary laws are still relevant and can be used as the basis for national law. Customary law itself is a law rooted in the culture of the nation.

In customary law in Indonesia, marriage is not only seen as an engagement in the civil realm, but also includes customary ties, kinship, and social relations with the surrounding environment. Whereas in the Meranti Islands Regency, where the majority of the population has a Malay tribe that upholds Malay customary values, the legal system that applies in society cannot be separated from the principle of “adat bersendi syarak, syarak bersendi Kitabullah”. This principle reflects the Malay worldview that unites custom and religion, especially Islamic teachings, in regulating various aspects of life. The Malay community in Meranti adheres to the view that adat should not conflict with Islamic law (syarak).¹⁶ Therefore, although customary law is the basis for solving social and kinship problems, Islamic values and norms remain the main foundation. In this case, syarak becomes the main guideline, while adat serves as a concrete form of sharia values in the practice of daily life, including in marriage.

Kepau Baru Village is one of the remote villages in the Meranti Islands Regency. The community is dominated by the akit and chinese tribes with religions namely Islam, Buddhism, Christianity, Confucianism and belief in spirits (animism). Kepau Baru village is one of the traditional villages that strongly upholds the prevailing customary laws, one of which is regarding customs in marriage. The majority of the community is non-Muslim. According to customary law, marriage can be a matter of kin, family, fellowship, dignity and can be a private matter, depending on the structure of the community concerned.

Therefore, in the context of Kepau Baru Village, marriage is not only understood as a relationship between two people who love each other, but also as a social event that involves the structure of the community as a whole. The marriage bond is considered to have an impact on relationships between extended families, kinship structures, and harmony in community life. In a religiously and culturally diverse society such as Kepau Baru, customary law acts as a balancing instrument to regulate social relations so that they remain in harmony with the local values upheld. Marriage according to customary law is generally a physical and mental bond between a man and a woman that not only binds them personally, but also binds two extended families in a social and cultural relationship. In the view of

¹⁵ Siska Lis Sulistiani.2021. *Hukum Adat Indonesia*. Sinar Grafika,Jakarta. Hlm.43

¹⁶ Amin, Ibnu. "Implementasi Hukum Islam Dalam Falsafah Adat Basandi Syarak, Syarak Basandi Kitabullah Di Minangkabau." *Ijtihad* 38.2 (2022).

customary law, marriage is not just a legal or religious relationship, but an important event that contains sacred, spiritual and social values. Therefore, the customary marriage process is usually carried out through certain stages that reflect respect for ancestral traditions and local community norms.

Based on information obtained from local customary leaders, marriage in the customary law of Kepau Baru Village goes through several provisions, namely:

1. Parental consent

The consent of the parents and extended family of both parties is very important and a marriage without the blessing of the extended family is often considered a violation of customary norms.

2. Tribe and Religion

In practice, marriages are usually within the same tribe or at least within the same religion. Interfaith marriages are less acceptable and can be seen as undermining traditional values and causing social conflict.

3. Application and Marriage Procedures

The traditional proposal is made by the man's family. This is followed by a family meeting to determine the customary requirements, such as honest money, offerings and other customary items.

4. Traditional marriage ceremony

Accompanied by traditional rituals such as “tepung tawar”, giving traditional advice, and traditional prayers. And traditional leaders or community leaders are usually directly involved.

In general, the stages of a traditional marriage begin with an engagement procession or what is often referred to as a proposal by the male party to the female party, which is carried out officially through family intermediaries. Once the proposal is approved, it will be followed by customary talks regarding the dowry or dowry, the auspicious day for marriage, and other conditions governed by the customs of the local community. In some tribes in Indonesia, including Malay and Akit, the dowry is not only in the form of money or goods, but can also be in the form of traditional cloth, betel nut, or heirlooms as a symbol of seriousness and appreciation.

Customary marriages can also adapt to the times, while still maintaining its core values such as deliberation, family consent and respect for tradition. In a multicultural or multi-religious society, customary law tends to be flexible and prioritizes social balance over formal rules. The village community consists of various ethnic groups and religions, but in terms of marriage, customary norms remain the main guideline adhered to by the community. Marriage according to Kepau Baru Village customary law is not only seen as the union of two individuals, but more broadly as a bond between two extended families who have social and spiritual responsibilities towards the continuation of adat. In general, customary law in Kepau Baru Village requires that a marriage must be based on the agreement of both parties to the marriage and the consent of their respective families. The proposal procession (pinang-meminang) is a very important initial stage, because through this process the seriousness and goodwill of the male party towards the female family will be seen. After the proposal process is accepted, a customary meeting is held to determine the date of the wedding and the

fulfillment of other customary requirements, including the dowry and traditional ceremonies.¹⁷

Traditional marriages in Kepau Baru are held with certain rituals involving traditional leaders, tok imam, and community leaders. Marriages that are not performed according to adat are usually considered socially invalid, even though they have been registered with the state. This shows that social recognition through customary channels is still very important in the structure of community life in Kepau Baru Village. Furthermore, in the event that the bride and groom come from different tribes or religions, adat requires an adjustment process, either in the form of embracing the same religion or a special customary agreement. The aim is to avoid conflicts of values in household and community life. Customary law also strictly prohibits the practice of forced marriage, and emphasizes that women have the right to express approval or rejection of prospective husbands, reflecting respect for the dignity of women in the local customary law system.

Under customary law in Kepau Baru Village, marriages between couples of different religions cannot simply take place without first fulfilling the main requirement set by customary law, which is to unite religions. The Kepau Baru customary community believes that religious similarity between husband and wife is an important foundation in building a harmonious household and maintaining social balance in the community. Therefore, couples who want to marry according to custom but have different religions are required to choose one of their partner's religions before they can get married. If one party is not willing to follow their partner's religion, then their marriage will not be recognized by custom, and cannot be solemnized with the applicable customary procedures.

Settlement of a Customary Marriage of Different Religions according to the Customary Law of Kepau Baru Village

An interfaith marriage, or marriage between religions, is a marriage between a man and a woman of different faiths. In this situation, each partner retains his or her religion.¹⁸ Although they have similar spiritual goals, there are differences in the implementation of religious rituals and teachings. Differences in beliefs and ways of practicing religious ceremonies that are maintained by husbands and wives in married life can potentially disrupt harmony and balance in the family. The same applies to the balance of rights and obligations of husband and wife.

There are several requirements given before conducting an interfaith marriage in the customs of Kepau Baru Village, which are as follows:

1. A pair of cloths

In this case, a pair of cloth symbolizes harmony and balance in marriage. In the custom of Kepau Baru Village, cloth is considered a symbol of protection and unity between two different individuals.

2. Rings

¹⁷ Yustina, Lita. 2019. *Eksistensi Hukum Adat dalam Masyarakat Multikultural di Kepulauan Meranti*. Pekanbaru: Lembaga Adat Melayu Riau

¹⁸ Hilman Hadikusuma, *Hukum Perkawinan Indonesia menurut Perundangan, Hukum Adat, Hukum Agama, Ctk. Ketiga*, Mandar Maju, Bandung, 2007, hlm 17

The ring in marriage symbolizes the bond and commitment. In the Kepau Baru custom, the ring symbolizes the agreement and mutual understanding between the two parties.

3. Cash

Cash symbolizes financial readiness and responsibility. It shows the couple is ready to build a life together. In Kepau Baru village, this cash is given to the woman. However, this cash should not be burdensome to the male party, but also not demeaning to the female party.

These conditions are required for couples who wish to enter into an interfaith marriage. If these conditions are not met in an interfaith marriage, then the marriage cannot be accepted or can be said to be invalid. Therefore, the applicable customary requirements must be carried out first in order to get married.

After fulfilling these requirements, couples who want to get married must also fulfill the mechanisms or rules that apply to the customs of Kepau Baru Village. As the village with the largest number of religious adherents in East Tebingtinggi Sub-district, Kepau Baru Village is also a village that is very thick with its customary laws, of course in the case of interfaith marriages, it is inevitable that the role of the local customary leader and customary rules is needed. Although there are no written customary rules, several mechanisms for interfaith marriages in Kepau Baru village include:¹⁹

1. Marriage between Islam and Buddhism

Interreligious marriage between Islam and Buddhism in Kepau Baru Village customs is a marriage that can be carried out if the male and female partner before marriage must choose the religion of one of the partners, and both partners before carrying out the marriage must get the blessing of each of the parents. In addition, if the requirements are met in the marriage process, the customary leader as the one who marries must still invite or present the local religious affairs office.

2. Marriage between Buddhism and religions outside Islam (Christianity, Confucianism, Catholicism).

Marriage between Buddhism as the majority religion of Kepau Baru Village and religions outside Islam is almost the same as the rules for marriage between Islam and Buddhism where the male and female partners before marriage must choose the religion of one of the partners, and both partners before carrying out the marriage must get the blessing of each of their parents.

The two types of rules in interfaith marriages above according to the customary rules of Kepau Baru village are implemented on the basis of the benefit of the community, which is interpreted as the steps and efforts of the Kepau Baru Village custom in avoiding and reducing the number of cases of pregnancy outside of marriage and elopement. The provisions of interfaith marriage according to customary law in Kepau Baru Village do not explicitly regulate interfaith marriage. However, interfaith marriages are considered a violation of prevailing norms and values. However, the people of this village have great respect for the customs that have been passed down from generation to generation, so traditional leaders allow interfaith marriages by going through a

¹⁹ Wawancara, Pemangku Adat, Salim, pukul 10:35 WIB. 11 Maret 2025

long process and obtaining the approval of traditional leaders, the community and the consent of the parents of both parties.

The process of interfaith marriage in Kepau Baru Village involves intensive communication between families, traditional leaders and the surrounding community. The process is not only about uniting two individuals from different religious backgrounds, but also uniting two communities with their respective norms and beliefs. Extended family deliberations are often held to reach consensus, and traditional leaders act as arbiters in bridging the differences. This process reflects the family values that are highly upheld in Kepau Baru Village. Although there are no written rules, the community believes that social harmony can be realized if every major decision such as marriage is made through a process that is full of caution and respect for local cultural values.

At first, interfaith marriages were considered to violate the norms and provisions of the customs in Kepau Baru Village. However, community leaders and the local community accepted it but with a lengthy procedure. In the customary marriage law of Kepau Baru Village, every interfaith marriage, the couple must choose one of the religions they follow. Indonesia has six recognized religions, each of which has its own regulations and tends to strictly prohibit interfaith marriages.²⁰

Customary law in Kepau Baru Village, East Tebing Tinggi Sub-district, Meranti Islands Regency is strongly influenced by the traditions and cultural values of the Akit tribe who inhabit the area. This customary law regulates various aspects of community life, ranging from natural resource management to social institutions. One of the significant indigenous communities in the Meranti Islands is the Akit tribe. This tribe has its own traditions and customary laws that regulate various aspects of life. The Akit community strongly upholds customary values in every aspect of life, including in marriage. The values that exist in custom in Kepau Baru Village are adherence to custom in this case every stage in the marriage process must be carried out in accordance with applicable customs, as a form of respect for cultural ancestors. Then the role of the *batin* or customary head as a customary leader has a central role in leading the wedding ceremony and giving advice to the married couple. As well as deliberation and agreement including in determining the dowry and wedding day. With this marriage process in accordance with customary law, the Kepau Baru Village community not only maintains customary and cultural heritage, but also strengthens the social and family system.

In the custom of Kepau Baru Village, interfaith marriages are recognized by fulfilling a number of conditions that must be met prior to marriage. The marriage that will be carried out goes through a long process, namely the consent of the couple's parents, choosing one of the religions to be adopted and obtaining the approval of traditional leaders. In this case, traditional leaders have an important role in interfaith traditional marriages, interfaith marriages in this case can be said to be valid if the marriage is approved by traditional leaders. According to local traditional leaders, interfaith marriages in Kepau Baru Village are no different

²⁰ Sundari, Wike, dan Amal Hayati. "Perkawinan Beda Agama dan Implikasinya Terhadap Terbitnya Kartu Keluarga Perspektif Undang-undang No. 1 Tahun 1974 dan Undang-undang No. 23 Tahun 2006." *UNES Law Review* 6.4, 2024, hlm 10289-10298.

from marriages in general, but still use the customs that are very strong in Kepau Baru Village. Interfaith marriage in Kepau Baru can only take place if the prospective couple chooses one religion and after marriage has the same religion.²¹

However, in customary practice in the settlement of marriage cases of interfaith couples. There is a requirement for a person to change religions in order to equalize their beliefs with their partner before entering into marriage. Such customary provisions often cause problems, especially when they conflict with the principles of human rights guaranteed by the constitution. Thus, the obligation to change religion imposed by adat can be seen as a form of restriction on the constitutional right of individuals to choose and practice religion or belief freely. In addition, the local community prioritizes social harmony and tranquility rather than pressure or discrimination against interfaith couples.

In addition, the prevailing customs in Kepau Baru Village also play a central role in regulating and harmonizing the interfaith marriage process. Local traditional leaders emphasized that adat in the village has great power in regulating the social life of the community, including in terms of marriage. However, they also emphasized that the implementation of adat must remain in line with the provisions of national law applicable in Indonesia. This is important to prevent administrative problems from arising, especially in terms of marriage registration with the competent authorities.

CONCLUSIONS AND RECOMMENDATIONS

Conclusion

From the results of the discussion described earlier, the researcher can draw the following conclusions:

1. Customary law in Kepau Baru Village plays a significant role in regulating marriage, including interfaith marriage. Although initially interfaith marriages were considered a violation of customary norms, the local community now accepts them under strict conditions. Couples who wish to marry must choose one of the religions they follow and obtain approval from traditional leaders and their parents. This rule aims to maintain social harmony, avoid invalid marriages, and prevent cases of elopement. The role of traditional leaders is very dominant in the marriage process, showing that traditional values are still highly respected.
2. Interfaith marriages in Kepau Baru Village are accepted by the local community as long as the couple adheres to the applicable customary rules. The community does not impose social sanctions or discriminate against interfaith couples, but they must fulfill certain conditions, such as obtaining the blessing of the family, choosing one religion to follow after marriage, and obtaining the approval of traditional leaders. Although the process of marrying an interfaith couple in this village is quite lengthy and requires customary approval, these rules aim to maintain social balance and avoid conflict within the family

²¹ Wawancara, Pemangku Adat, Salim, pukul 10:35 WIB. 11 Maret 2025

Suggestions

1. Traditional leaders are expected to be more adaptive to changing times while maintaining relevant customary values. They can be facilitators who help interfaith couples find a balanced solution between custom and state law.
2. Given the requirement to choose one religion before marriage, it is important to establish a more inclusive interfaith dialog in the village. This aims to increase interfaith understanding and tolerance so that adat rules can better adapt to social realities.

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