MUSLIM-NON-MUSLIM

Marriage
The Institute of Southeast Asian Studies (ISEAS) was established as an autonomous organization in 1968. It is a regional centre dedicated to the study of socio-political, security and economic trends and developments in Southeast Asia and its wider geostrategic and economic environment. The Institute's research programmes are the Regional Economic Studies (RES, including ASEAN and APEC), Regional Strategic and Political Studies (RSPS), and Regional Social and Cultural Studies (RSCS).

ISEAS Publishing, an established academic press, has issued almost 2,000 books and journals. It is the largest scholarly publisher of research about Southeast Asia from within the region. ISEAS Publishing works with many other academic and trade publishers and distributors to disseminate important research and analyses from and about Southeast Asia to the rest of the world.
MUSLIM-NON-MUSLIM
Marriage
Political and Cultural
Contestations in Southeast Asia

Edited by
Gavin W. Jones,
Chee Heng Leng and
Maznah Mohamad
# CONTENTS

*Preface*  
ix

*The Contributors*  
ix

*Glossary*  
ix

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**Introduction**

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 1</td>
<td>Muslim-non-Muslim Marriage, Rights and the State in Southeast Asia</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td><em>Chee Heng Leng, Gavin W. Jones and Maznah Mohamad</em></td>
<td></td>
</tr>
</tbody>
</table>

**SECTION I**  
**Political and Legal Contestations**

| Chapter 2 | Trapped between Legal Unification and Pluralism: The Indonesian Supreme Court’s Decision on Interfaith Marriage | 33   |
|           | *Ratno Lukito*                                                   |      |

| Chapter 3 | Private Lives, Public Contention: Muslim-non-Muslim Family Disputes in Malaysia | 59   |
|           | *Maznah Mohamad, Zarizana Aziz and Chin Oy Sim*                  |      |

| Chapter 4 | Legal Aspects of Muslim-non-Muslim Marriage in Indonesia | 102  |
|           | *Mark Cammack*                                                  |      |
Chapter 5 The Politico-Religious Contestation: Hardening of the Islamic Law on Muslim-non-Muslim Marriage in Indonesia  
Suhadi Cholil  

SECTION II  
Lived Realities  

Chapter 6 “Not Muslim, not Minangkabau”: Interreligious Marriage and its Cultural Impact in Minangkabau Society  
Mina Elfira  

Chapter 7 Khao Khaek: Interfaith Marriage between Muslims and Buddhists in Southern Thailand  
Amporn Marddent  

Chapter 8 Interethnic Marriages and Conversion to Islam in Kota Bharu  
Jolanda Lindenberg  

SECTION III  
Perspectives  

Chapter 9 Promoting Gender Equity through Interreligious Marriage: Empowering Indonesian Women  
Siti Musdah Mulia  

Chapter 10 Muslim-non-Muslim Marriage in Singapore  
Noor Aisha Abdul Rahman  

Index
Among the many changes sweeping Southeast Asia, trends in marriage are prominent. These include delayed marriage and increased non-marriage, and new developments in marriage across boundaries of various kinds — including the boundaries of nation states, of ethnic groups and of different religions. In September 2006, the research cluster on the changing family in Asia of the Asia Research Institute, National University of Singapore held a conference on “International Marriage, Rights and the State in Southeast and East Asia”, followed by a one-day workshop on “Muslim-non-Muslim Marriage, Rights and the State in Southeast Asia”. This workshop brought together researchers working on Indonesia, Malaysia, Thailand and Singapore to examine various legal, political and cultural aspects of marriage across religious boundaries — specifically marriages between Muslims and non-Muslims. In order to bring the papers from this workshop to a wider audience, revised versions of a selection of papers, supplemented by one additional paper, were prepared for publication in this book.

Although the book covers a good deal of ground, it is far from comprehensive. For example, there is no separate chapter on the Philippines. However, it is our hope that the book will open up this rather sensitive topic for wider discussion. Wider discussion is much needed, because it is clear that in a globalizing
world, the frequency of cases where Muslims and non-Muslims wish to marry is likely to increase, whereas the legal situation relating to such marriages in Southeast Asia is confused and unsatisfactory.

Our thanks go to the chapter authors, who have been cooperative in following up our requests for revision. We would also like to thank Saharah Abubakar, who has provided excellent assistance in the editing of the manuscript. Finally, our thanks go to the Institute of Southeast Asian Studies, especially Mrs Triena Ong, Head of the Publications Unit, for accepting the manuscript and seeing it through to timely publication.

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*Singapore*
*September 2008*
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**Ratno Lukito** received his DCL (Doctor of Civil Law) from the Faculty of Law, McGill University, Montreal, in 2006, and is currently an associate professor at the State Islamic University Sunan Kalijaga, Yogyakarta, Indonesia. He is also an Indonesian director of the International Institute for Quranic Studies (IIQS), LibforAll Foundation Indonesia. His writings include “Shariah and the Politics of Pluralism in Indonesia: Understanding State Rational Choice in Legal Pluralism”, *Studia Islamika* (December 2007); *Interpersonal Law in Modern Indonesia: Trapped between Pluralism and Uniformism* (Center for the Study of Law and Social Change, Yogyakarta, 2007); *Hukum Sakral dan Hukum Sekuler: Konflik dan Resolusi dalam Sistem Hukum Indonesia* (2008) and *Tradisi Hukum Indonesia* (2008).

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ahl al-kitab
(Kitabiyah)
“People of the Book”; term used in the Qur’an to refer to Jews and Christians who, like Muslims, have scriptures recognized as having been revealed by God.

akad nikah
Sacred legal contract of marriage

faraid
Injunction, statutory portion, lawful share; action made obligatory on Muslims by Allah

fatwa
Ruling on a point of law or dogma given by a scholar who has the authority to do so

fiqh
Islamic jurisprudence

ijma
Social consensus

ijtihad
Independent judgment, based on recognized sources of Islam, on a legal or theological question (in contrast to taqlid, judgment based on tradition or convention)

kadi
A judge of the religious court

kafir
Infidel, non-Muslim

kaum muda
Islamic modernist movement originating in West Sumatra in the early 1900s
<table>
<thead>
<tr>
<th>Arabic</th>
<th>English</th>
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</thead>
<tbody>
<tr>
<td>khalifah fi al-ardh</td>
<td>The vice regent of God on earth</td>
</tr>
<tr>
<td>khao khaek</td>
<td>Become a Muslim, in southern Thai usage</td>
</tr>
<tr>
<td>mahar</td>
<td>A gift, mandatory in Islam, given by the groom to the bride</td>
</tr>
<tr>
<td>mufti</td>
<td>In the Singapore context, the mufti is the highest religious official appointed by the President of Singapore, and chairs the Legal Committee of the Muslim Religious Council of Singapore.</td>
</tr>
<tr>
<td>musyrik</td>
<td>Generally refers to those who believe in more than one God</td>
</tr>
<tr>
<td>nikah</td>
<td>Marry; or unite; legal union of a man and woman as husband and wife</td>
</tr>
<tr>
<td>sufi</td>
<td>A Muslim mystic</td>
</tr>
<tr>
<td>syariah</td>
<td>Divine guidance as given by the Qur’an and Sunnah and includes all aspects of Islamic beliefs and practices</td>
</tr>
<tr>
<td>tasawuf</td>
<td>Mysticism</td>
</tr>
<tr>
<td>ulama</td>
<td>Islamic scholars</td>
</tr>
<tr>
<td>wali</td>
<td>Guardian</td>
</tr>
<tr>
<td>zauj</td>
<td>To pair; used in the Qur’an, along with the term nikah, as meaning to marry</td>
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</tbody>
</table>