Cultural Pluralism and Islamic Legal Ethics: Reimagining Family Law for Interreligious Marriages in Banyumas

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Abstract

This research explores the encounter between cultural pluralism and Islamic legal ethics within the context of interreligious marriage in Banyumas, Indonesia. Although there are formal legal and religious restrictions toward interfaith marriage, many couples in Banyumas continue to perform their respective religious rituals within shared domestic life. By utilizing a socio-legal approach and qualitative methods which included in-depth interviews, participant observation, as well as document analysis, this study focused attention on significant ritual moments such as marriage ceremonies, birth traditions, and death rites, because those moments constituted crucial arenas where religious norms, legal expectations, and cultural values intersected and were tangibly negotiated. The findings of the research indicate that cultural values such as *rukun* (harmony), *tepa selira* (mutual consideration), and *cablaka* (openness) play a central role in enabling peaceful coexistence and symbolic negotiation within those households. Rather than adhering rigidly to legal formalism, interreligious families rely upon adaptive ethical reasoning which is rooted in Islamic principles, particularly *maqasid al-shari'ah* (the higher objectives of Islamic law). This research offers a rearticulated framework for family law which is inclusive, contextual, and responsive toward the realities of life within plural

society. This study also proposes a dynamic model of Islamic legal ethics which integrates legal pluralism, human dignity, and protection of fundamental rights, as well as offers new pathways for legal reform within the context of multicultural society with Muslim majority.

Keywords: Cultural Pluralism, Family Law Reform, Interreligious Marriage, Islamic Legal Ethics, Socio-Legal Studies.

Introduction

Interreligious marriage is recognized as one of the most complex and controversial legal issues within the family law system in Indonesia. [1] Since the enactment of Law Number 1 of 1974 concerning Marriage, the legal position toward interfaith matrimony has not yet found a final and inclusive form.[2] Article 2 paragraph (1) of the Law stipulates that a marriage is valid when conducted according to the law of each respective religion and belief, which implicitly excludes the possibility of marriage between individuals of different religions. In addition, through the Circular Letter of the Supreme Court Number 2 of 2023, the Supreme Court affirms that courts are not justified in granting applications for registration of marriages between adherents of different religions.[3] Consequently, couples of divergent faiths do not possess legal space to undertake family life legitimately under state law, although social reality demonstrates that interfaith families continue to exist and even expand in various regions,[4] such as Banyumas Regency, Central Java.

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[1] Muhammad Salahuddin Salahuddin et al., "Practice of Interfaith Marriages in Indonesia on Islamic Jurisprudence," *International Journal of Social Science and Religion (IJSSR)*, December 13, 2023, 477–90, https://doi.org/10.53639/ijssr.v4i3.205; Kemas Muhammad Gemilang et al., "Discussing the Phenomenon of the Appointment of Judges in District Courts Regarding Interfaith Marriages from a Legal Logic Perspective," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 2 November (2023): 307, https://doi.org/10.29240/jhi.v8i2.8185.

[2] Jumarim et al., "The Interplay of Fiqh, Adat, and State Marriage Law: Shaping Legal Consciousness of Sasak Women," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 19, no. 1 (2024): 27–52, https://doi.org/10.19105/al-lhkam.v19i1.10522; Okti Nur Hidayah et al., "Reconstruction of Islamic Family Law: Analyzing Marital Issues Through Multimedia," *Interdisciplinary Journal of Social Science and Education (IJSSE)*, March 19, 2024, 1–10, https://doi.org/10.53639/ijsse.v2i1.14.

[3] Asy'ari Asy'ari and Triansyah Fisa, "Interfaith Marriage in Perspectives of Classical and Modern Scholars," *Al-Manahij: Jurnal Kajian Hukum Islam*, November 25, 2022, 287–300, https://doi.org/10.24090/mnh.v16i2.6772.

[4] Bani Syarif Maula and Ilyya Muhsin, "Interfaith Marriage and the Religion–State Relationship: Debates between Human Rights Basis and Religious Precepts," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (2024): 791, https://doi.org/10.22373/sjhk.v8i2.19479; Azhari Akmal Tarigan et al., "Islam and Christianity at Rumah Gadang: The Household Characteristics of Minangnese Interfaith Marriage," *JURIS (Jurnal Ilmiah Syariah)* 23, no. 1 (2024): 27, https://doi.org/10.31958/juris.v23i1.11926.

The phenomenon in Banyumas demonstrates a distance between formal law and social reality, understood as a gap between law in books and law in action.[5] Based on the explanation of the Pastor of the Javanese Christian Church Banyumas in this research interview, during his leadership there were approximately twenty-five couples who carried out marriage ceremonies in the church with backgrounds of religious difference. Until the research was conducted, those couples remained bound in marital relations, although in several cases the relationship ended because one spouse passed away, not because of legal divorce.[6]

The values of local cultural wisdom live and develop in the social practices of the Banyumas community, indirectly shaping legal culture that functions as an alternative social norm amid the limitations of formal legal norms. The concept of legal culture as developed by Lawrence M. Friedman encompasses society's values, attitudes, and expectations toward law and the legal system,[7] which in this context becomes highly relevant for understanding the dynamics of interreligious families in Banyumas.

Within the sphere of Islamic law, the issue of interfaith family cannot be answered adequately solely through a normative doctrinal approach focused on formal legality. The complexity of contemporary social relations demands an approach that not only reads legal texts, but also considers the objectives and values the law intends to realize. In this context the framework of *maqāṣid al sharīʿah*[8] becomes relevant. First, *maqāṣid* is oriented toward legal objectives, namely protection of religion, life, intellect, lineage, and property, thus enabling legal interpretation focused on substantive benefit, not merely formal compliance. Second, the *maqāṣid* approach opens space for contextualization with continuously changing social realities, because it places social transformation as part of legal consideration. Third, in its contemporary development, *maqāṣid* provides an ethical framework capable of integrating human values, freedom of religion, and social justice without detaching from the tradition of *uṣūl al fiqh*. Therefore, the use of *maqāṣid* in this research is not intended to replace classical jurisprudence, but to reread the issue of interfaith family at the level of legal ethics and objectives within a plural society such as Banyumas.

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[5] Bani Syarif Maula et al., "Marital Property in Marriages of Different Nationalities in Indonesia According to National Law and Islamic Law," *El-Aqwal : Journal of Sharia and Comparative Law*, January 15, 2024, 1–16, https://doi.org/10.24090/el-aqwal.v3i1.10508.

[6] Pendeta Maria Pus, "Pernikahan Beda Agama," (GKJ Purwokerto), Oktober 2024.

[7] Lawrence Meir Friedman and Grant M Hayden, *American Law: An Introduction* (Oxford University Press, 2017).

[8] Mochammad Rizky Eka Aditya and et.al, *The Problem of Interfaith Marriage in Indonesia: A Juridical-Normative Approach*, 6, no. 2 (2023): 456.

Classically, *maqāṣid* encompasses five principal elements: protection of religion *ḥifẓ al dīn*, life *ḥifẓ al nafs*, intellect *ḥifẓ al ʿaql*, lineage *ḥifẓ al nasl*, and property *ḥifẓ al māl*.[9] However, in contemporary development, *maqāṣid* thought experiences epistemological transformation through contributions of thinkers such as Jasser Auda,[10] who proposes a systemic and multidimensional approach to *maqāṣid*,[11] and Mohammad Hashim Kamali, who emphasizes integration of human values, freedom of religion, and justice within the structure of Islamic law.[12] In this approach, *maqāṣid* is no longer interpreted rigidly and legalistically, but as a principle of legal ethics that must be contextual and responsive to social transformation.

The state of the art in the study of interfaith marriage demonstrates that this issue has been widely examined from various perspectives, both within the framework of the relationship between Islamic law and state law and within the context of human rights and public policy. A number of studies analyze normative polemic and the relation between religion and the state in regulation of cross religious marriage.[13] Other studies highlight judicial considerations and dynamics of court decisions related to registration of interreligious marriage.[14] In addition, there are researches discussing legal strategies of cross faith couples, civil society advocacy, and contestation of interfaith marriage discourse in public space and social media.[15]

Nevertheless, most of those studies focus on normative dimensions, legal policy, or analysis of judicial decisions. Research empirically exploring domestic life practices of interfaith families, especially by integrating legal culture theory and the *maqāṣid al sharīʿah* approach within a specific local context such as

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[9] Tazul Islam, "Expansion Of Maqasid Thought Beyond Maqasid Al-Shariah: Maqasid Al-Quran As A New Paradigm," *Hamdard Islamicus* 45, no. 4 (2022), https://doi.org/10.57144/hi.v45i4.514.

[10] Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (International Institute of Islamic Thought (IIIT), 2008).

[11] Jasser Auda, "A Maqāṣidī Approach to Contemporary Application of the Sharīʿah," *Intellectual Discourse* 19, no. 2 (2011), https://doi.org/https://doi.org/10.31436/id.v19i2.231.

[12] Mohammad Hashim Kamali, "Istiḥsān and the Renewal of Islamic Law," *Islamic Studies* 43, no. 4 (2004): 561–81; Asifa Quraishi and Mohammad Hashim Kamali, "Principles of Islamic Jurisprudence," *Journal of Law and Religion* 15, no. 1/2 (2000): 385, https://doi.org/10.2307/1051529.

[13] Mohamad Abdun Nasir, *Negotiating Muslim Interfaith Marriage in Indonesia: Integration and Conflict in Islamic Law*, 21, no. 2 (n.d.): 172–80, https://doi.org/https://journal.uinsi.ac.id/index.php/mazahib/article/view/5436https://journal.uinsi.ac.id/index.php/mazahib/article/view/5436.

[14] Ahmad Rajafi et al., *The 'Double-Faced' Legal Expression: Dynamics and Legal Loopholes in Interfaith Marriages in Indonesia*, 5, no. 2 (n.d.): 19–43; Andra Noormansyah and Umar Haris Sanjaya, *The Legal Vacuum of Interreligious Marriage in Indonesia*, 4, no. 2 (2022): 177-.

[15] Danu Aris Setiyanto et al., *ICRP Jakarta and Interfaith Marriage Assistance in Indonesia: Civil Rights, Legal Interpretation, and Advocacy for Interfaith Couples*, 5, no. 2 (n.d.): 170–96.

Banyumas, remains relatively limited. At this point this article positions its contribution in socio legal analysis of daily practices of cross religious families and reconstruction of Islamic legal ethics based on *maqāṣid* departing from empirical reality. Nevertheless, most of those studies focus on normative dimensions, legal policy, or analysis of judicial decisions. Research empirically exploring domestic life practices of interfaith families, especially by integrating legal culture theory and the *maqāṣid al sharīʿah* approach within a specific local context such as Banyumas, remains relatively limited. At this point this article positions its contribution in socio legal analysis of daily practices of cross religious families and reconstruction of Islamic legal ethics based on *maqāṣid* departing from empirical reality.

This article aims to reformulate construction of an ideal legal culture for interfaith families in Banyumas by dialoguing plural local reality and the Islamic legal ethical approach based on *maqāṣid*. Interfaith families in Banyumas develop relatively stable internal mechanisms in maintaining continuity of marital relations. Those mechanisms include explicit agreements not to impose belief, proportional arrangement of space for religious practice, and deliberation in decision making related to children education.[16] In informants' narratives, local values such as *rukun*, *tepa selira*, and *cablaka* do not appear as abstract normative concepts, but as ethical guidelines internalized in daily practice.[17]

This pattern indicates that norms effective in domestic life of cross religious families do not entirely originate from the formal legal system of the state, but are formed through continuous social negotiation. In the perspective of legal culture, this phenomenon demonstrates that law operates through values, attitudes, and collective awareness of society toward norms.[18] Therefore, legal culture developing in this context can be understood as a normative configuration born from interaction between local cultural values and practical needs to preserve continuity of family relations.

Departing from those empirical findings, theoretical reflection through the framework of *maqāṣid al sharīʿah* becomes relevant. Classically, *maqāṣid* places protection of religion, life, intellect, lineage, and property as primary objectives of Islamic law.[19] In contemporary development, *maqāṣid* is understood as a systemic approach enabling integration between legal text and social reality.[20] By reading practices of interfaith families through the lens of *maqāṣid*, principles of protection

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[16] *Interviews with "C" and "I", August 16, 2024*, aired 2024; Mulyono (Petrus), "Bincang Santai Ritual Kehidupan Keluarga Beda Agama," August 2024, Sokaraja.

[17] Pendeta Maria Pus, "Pernikahan Beda Agama," (GKJ Purwokerto), Oktober 2024.

[18] Grant M. Hayden, *American Law: An Introduction* (Oxford University Press, 2017). 151-154

[19] Abu Ishaq al-Shatibi, *Al-Muwafaqat Fi Usul al-Shari'ah*, vol. 2 (Dar al-Maʿrifah, 1996).

[20] Jasser Auda, *Maqasid Al-Shariah As Philosophy Of Islamic Law (A Sistem Approach)* (The International Institute Of Islamic Thought, 2008). 45-52.

of religion *ḥifẓ al dīn*, life *ḥifẓ al nafs*, and lineage *ḥifẓ al nasl* can be understood contextually as efforts to safeguard continuity of relations and dignity of individuals within plural families.

This research employs a qualitative approach with a juridical sociological paradigm, used to analyze how formal legal norms interact with social practices and cultural values within domestic life. Field data were obtained through in-depth interviews with six interreligious families, a pastor of the Javanese Christian Church Banyumas, as well as local village officials. Informants were selected using purposive sampling based on the criteria: (1) couples of different religions willing to become informants and residing in the Banyumas region. In addition to interviews, this study also employed limited participatory observation and document analysis related to regulations and administrative practices of marriage. The data were analyzed interpretatively by identifying patterns of continuity of family relations, mechanisms of ritual negotiation, and utilization of local values in managing differences of belief. The obtained data were subsequently examined through an interpretative and reflective approach to reveal meanings behind practices and social values embraced by the actors. Data analysis was conducted by integrating field findings into the theoretical framework of *maqāṣid al sharīʿah* and legal culture. The *maqāṣid* approach was applied not only as a normative foundation of Islamic law, but also as a progressive legal ethic aimed at safeguarding public benefit within a plural social context. The values of *maqāṣid*, such as protection of religion, life, lineage, and human dignity, are interpreted in light of social practices of interreligious families. Thus, this methodology enables dialogue between normative Islamic law, state law, and local culture to formulate an ideal legal culture that is inclusive, ethical, and contextual for multicultural societies such as in Banyumas.

Discussion

The Reality of Legal Culture in Interreligious Families in Banyumas

Based on in-depth interviews with six interreligious families in Banyumas Regency, it was found that all informants still maintained their marital relations when the research was conducted. The span of marital age ranged between fifteen and forty years. No case of legal divorce was found among the interviewed families. In several situations, the relationship ended because one spouse passed away, not because of dispute or dissolution of marriage. They developed social mechanisms enabling important rites in family life such as marriage, birth, and death to be carried out peacefully through negotiation and tolerance. This was reflected in the habit of mutually attending the religious ceremonies of the partner, agreeing on procedures of child education, and arranging daily worship under one roof. The informants stated that continuity of those relations was supported by internal agreement not to impose respective beliefs. One informant

conveyed: *"We agreed since the beginning that the matter of religion is personal responsibility, therefore it must not be forced within household".*[21] A similar pattern was found in child rearing, where the decision on religious instruction was taken through family deliberation.[22] Thus, the legal culture that developed was living law, namely social norm originating from cultural values and collective experience of the community.[23]

The social reality in Banyumas Regency demonstrated that interreligious family life took place concretely and dynamically, although formally it did not obtain legal legitimacy from the state. This phenomenon reflected not only resistance toward the formal legal system, but also the presence of an alternative value system deeply rooted in the local culture of Banyumas society. Within this context, law could not be interpreted narrowly as merely normative product of legislation, but must be understood sociologically as interaction between norms, values, and social practices living within society.[24] The concept of legal culture as proposed by Lawrence M. Friedman became relevant to explain how Banyumas community formed and preserved household order not entirely dependent upon formal legality of the state.

Local principles such as *rukun* harmony, *tepa selira* mutual consideration, and *cablaka* frankness became primary foundation in maintaining concord within families consisting of husband and wife with different religious backgrounds. These principles were not merely ordinary social norms, but functioned as ethical instruments directing legal behavior within interreligious households.[25] The life of interreligious families in Banyumas demonstrated symbolic and practical efforts to preserve equilibrium between religious identity of each individual and collective necessity to coexist peacefully. For instance, several couples agreed to continue practicing respective worship without interference, and in certain circumstances they also mutually attended the ritual of the partner as form of respect.[26]

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[21] Agus dan Titi, "Seputar Ritual Kehidupan Keluarga Beda Agama," June 13, 2024, Rumah Kediaman Agus dan Titi.

[22] Mulyono (Petrus), "Bincang Santai Ritual Kehidupan Keluarga Beda Agama"; Luna, "Keluarga Beda Agama," November 19, 2024, Purwokerto.

[23] Y Sonafist and Henny Yuningsih, "Islamic Law, the State, and Human Rights: The Contestation of Interfaith Marriage Discourse on Social Media in Indonesia," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (2023): 381, https://doi.org/10.31958/juris.v22i2.10934.

[24] Erawadi Erawadi and Fadlan Masykura Setiadi, "Exploring Religious Harmony Through Dalihan Na Tolu: Local Wisdom in Peacebuilding in Indonesia," *Jurnal Ilmiah Peuradeun* 12, no. 3 (2024): 1379, https://doi.org/10.26811/peuradeun.v12i3.1398.

[25] Rosdiana Rosdiana et al., "Legitimacy on Inter-Faith Marriages: An Analysis of the Role of Religious Councils on the Legal Policy in Indonesia," *AHKAM : Jurnal Ilmu Syariah* 19, no. 1 (2019), https://doi.org/10.15408/ajis.v19i1.11710.

[26] Muh. Fathoni Hasyim et al., "THE WALAGARA MARRIAGE RITUAL: The Negotiation between Islamic Law and Custom in Tengger," *JOURNAL OF INDONESIAN ISLAM* 14, no. 1 (2020): 139, https://doi.org/10.15642/JIIS.2020.14.1.139-162.

In the practice of child birth, interreligious families tended to negotiate in choosing tradition to be implemented. Several households chose to carry out two forms of ritual simultaneously, namely *aqiqah* in Islam and baptism in Christian tradition, with reason that the child in the future could determine his or her own preference. This indicated flexibility of law based on internal family deliberation and reciprocal respect.

Marriage ritual frequently became space of symbolic compromise. Because it was not acknowledged by the state and official religious institutions, some couples conducted customary procession or organized wedding ceremony based on local culture as symbol of mutual commitment. Although it did not possess formal legal force, this procession was socially recognized by surrounding community and viewed as morally valid. The uniqueness of this legal culture was visible in child upbringing. Parents from interreligious families generally agreed on the form of religious education of the child through open discussion and mutual consent. Not infrequently they chose general educational institutions that were neutral and inclusive to avoid potential conflict in instillation of religious values.

The value of *rukun* became dominant principle underlying stability of interreligious families. Harmony was interpreted not only as absence of conflict, but as commitment to preserve concord by not judging one another and by prioritizing respect over difference. This value became ethical principle stronger than rigid legal regulation.

In addition, the value of *tepa selira* facilitated formation of internal tolerance mechanism of the family. Within this context, each individual restrained oneself from imposing religious teaching upon partner or child unilaterally. *Tepa selira* became principle enabling division of space and time in performing religious obligations. The value of *cablaka*, defined in Banyumas tradition as openness and honesty, also played significant role in building trust among family members. This openness concerned belief and religious practice carried out by each partner, thus preventing prejudice or secrecy that could generate dispute.

The surrounding community generally demonstrated permissive and supportive attitude toward existence of interreligious families. This strengthened alternative legal culture not originating from the state or religious institution, but from sense of mutual belonging within the community. Thus, social legitimacy became highly important factor in sustaining household life.[27]

Although receiving no formal recognition from the state, these interreligious families still obtained social acknowledgment from local

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[27] Nor Salam et al., "Interfaith Marriage from the Perspective of Rationality: Theocentrism in Islamic Law and Anthropocentrism in Human Rights Law," *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 1 (2024): 179–96, https://doi.org/10.18860/j-fsh.v16i1.23989.

community. In many situations, neighbors, village apparatus, and local religious figures continued to establish social relations with them without discriminatory attitude. This indicated presence of legal cultural strength functioning as means of social resolution. Within the framework of *maqāṣid al-sharīʻah*, practices of life of these interreligious families reflected effort to preserve *ḥifẓ al-nafs* protection of life, *ḥifẓ al-dīn* protection of religion, and *ḥifẓ al-nasl* protection of lineage in contextual form. These principles were implemented not through formal institutions, but through ethical negotiation practical and local in nature.[28]

Such reality of legal culture proved that society possessed capacity to create internal value system and regulatory order more adaptive and solution oriented compared with positive legal system tending to be uniform and rigid. This became important indicator that law could not be separated from social and cultural context where it operated. This finding demonstrated that practice of living legal culture within interreligious families in Banyumas was formed through continuous social negotiation, not merely through compliance with formal state norms.

Maqāṣid al-Sharīʻah as Contextual Legal Ethics

The concept of *maqāṣid al-sharīʻah*, which classically was formulated to safeguard religion, life, intellect, lineage, and property, within the practice of interreligious families in Banyumas undergoes a process of reactualization. Protection toward religion (*ḥifẓ al-dīn*) is not understood as an effort of purification of the respective faith of each spouse, but rather as recognition of the right of the partner to continue practicing his or her belief freely and with dignity. Likewise, *ḥifẓ al-nafs* (protection of life) and *ḥifẓ al-nasl* (protection of progeny) are translated into endeavors to preserve family existence that is secure, harmonious, and not mutually imposing conviction. By utilizing a reformulative approach in the manner of Jasser Auda, *maqāṣid* is no longer positioned merely as a normative legal instrument, but rather as legal ethics that is open, adaptable, and grounded in actuality. Local principles that live within society, such as tolerance among family members of different religions, can be viewed as manifestations of *maqāṣid* that are social and particular.

Maqāṣid al-Sharīʻah, or the objectives of Islamic law, constitutes a central concept within the treasury of Islamic jurisprudence that aims to preserve human welfare in individual as well as collective existence. Within the context of interreligious households, the *maqāṣid* approach possesses a strategic function in reframing legal ethics that are not only normative doctrinal, but also responsive

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[28] M Sofwan Jauhari and Abdul Ghoni, "The Level of People's Obedience to MUI Fatwas (COVID-19, Bank Interest, and Interfaith Marriage)," *AHKAM : Jurnal Ilmu Syariah* 20, no. 2 (2020), https://doi.org/10.15408/ajis.v20i2.18685.

toward plural social reality.[29] Classically, *maqāṣid* was classified into five principal elements: safeguarding religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-ʿaql*), lineage (*ḥifẓ al-nasl*), and wealth (*ḥifẓ al-māl*). However, the development of modern society, which is more intricate and multicultural, demands a more contextual reading of *maqāṣid*, so that it does not become trapped within narrow juridical formalism.

Within the setting of interreligious families in Banyumas, the implementation of *maqāṣid* does not appear in the form of formal *fiqh* formulation, but rather in the form of social praxis and relational ethics among family members. The values of *maqāṣid* are reflected in efforts to maintain household harmony, tolerance toward differences of belief, as well as protection of dignity and liberty of each individual.[30] For example, the principle of *ḥifẓ al-dīn* within interreligious families does not signify maintaining religion in an exclusive manner and restricting expression of faith of the other party. On the contrary, this principle is actualized in the form of acknowledgment and respect toward the right of the spouse to perform worship according to his or her religion. This becomes a concrete expression of *maqāṣid* within plural reality.

Meanwhile, *ḥifẓ al-nafs* is manifested in the commitment of both sides to mutually protect one another, not to conduct verbal or emotional violence related to religious difference, and to construct household life that is secure and full of trust. Protection of life in this context is no longer abstract in nature, but is integrated with peaceful social relations. The principle of *ḥifẓ al-nasl* also becomes highly significant. Many interreligious couples in Banyumas agree to provide space for their children to become acquainted with two beliefs in the spirit of openness. Decisions that are taken concerning child education are more grounded upon the principle of deliberation, not unilateral domination, so that the child grows within an atmosphere that is healthy psychologically and spiritually.

Within the framework of *maqāṣid*, there is no contradiction between safeguarding religion and nurturing pluralism, as long as the process is founded upon intention to preserve welfare, to avoid harm (*mafsadat*), and to uphold humanitarian values. This approach opens space for transformation of Islamic law from exclusive law into transformative and inclusive law.[31] Contemporary

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[29] Ali Akbar, "Non-Muslims' Rights in the Jurisprudential Approach of a Contemporary Shīʿī Cleric: Ayatollah Yūsef Ṣāneʿī's View," *Die Welt Des Islams* 65, no. 1 (2024): 7–32, https://doi.org/10.1163/15700607-20240005.

[30] Danu Aris Setiyanto et al., "ICRP Jakarta and Interfaith Marriage Assistance in Indonesia: Civil Rights, Legal Interpretation, and Advocacy for Interfaith Couples," *Journal of Islamic Law* 5, no. 2 (2024): 170–95, https://doi.org/https://doi.org/10.24260/jil.v5i2.2796.

[31] A. Halil Thahir, "Towards the Multidimensional Ushul Al-Fiqh: A Study of the Integration of Science in the Fatwa of Majelis Ulama Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (2024): 687, https://doi.org/10.22373/sjhk.v8i2.19686.

maqāṣid thought, such as that developed by Jasser Auda, becomes an important reference in this context. Auda rejects a *maqāṣid* approach that is linear and static, and proposes a systemic approach that is multidimensional. He views that *maqāṣid* does not only rest upon the substance of law, but also upon objectives, values, social environment, and inter-disciplinary relevance.

In this framework, *maqāṣid* becomes a bridge between text and context, between norm and societal necessity. Auda even emphasizes that *maqāṣid* must be open toward modern values such as gender justice, religious freedom, and human rights, as long as those values are harmonious with universal objectives of Islam. This approach appears relevant in explaining the practices of interreligious families in Banyumas. When state law takes a closed stance and religion is formalized in a monolithic manner, society instead constructs alternative legal ethics that are more flexible and humane. They do not abandon Islam, but interpret it with a perspective that is more empathetic and contextual.

Here *maqāṣid* performs a role as an instrument of critique toward rigidity of formal law. It does not merely become a tool of normative justification, but rather becomes an ethical framework to evaluate whether a legal policy is aligned with the mission of justice, humanity, and welfare that Islam idealizes. Therefore, *maqāṣid al-sharī'ah* within the context of interreligious families can be read as an instrument of Islamic legal ethics that transcends the boundaries of normative *fiqh*. It affirms that the primary objective of law is to maintain equilibrium and social peace, not merely to preserve religious authority or formal legality.

In many instances, interreligious families who live harmoniously demonstrate that the values of *maqāṣid* can be present in the form of concrete social action, such as mutually loving one another, respecting the worship of the spouse, as well as providing moral education for children without imposing conversion or exclusion. Therefore, legal ethics based on *maqāṣid* is not only the possession of scholars or official institutions, but can also be practiced by ordinary society who strive to live peacefully within diversity.[32] This demonstrates that *maqāṣid* is not only legal doctrine, but also social spirit. The entirety of these findings reveals that the contextual implementation of *maqāṣid* in Banyumas is not only possible, but has in fact already operated in the form of living legal culture. This affirms the urgency to develop Islamic law that is more open toward social reality, while at the same time positioning *maqāṣid* as the foundation of legal ethics that is inclusive and transformative.

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[32] Supriyadi Supriyadi et al., "Building Husband and Wife Partnership Patterns Among Regional Parliament (DPRD) Members from the Mubādalah Perspective," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 2 November (2023): 445, https://doi.org/10.29240/jhi.v8i2.6972.

Reconstruction of Ideal Legal Culture: Integration of Islamic Ethics and Cultural Pluralism

Based on interview outcomes with interfaith families in Banyumas Regency, a relatively consistent normative pattern was discovered, namely integration between local cultural values and ethical principles harmonious with *maqāṣid al-sharī'ah*.[33] Informants explicitly stated that freedom in practicing religion within the family is comprehended as respect toward each individual belief choice without intervention or coercion.[34] Within this context, *ḥifẓ al-dīn* is not interpreted as religious homogenization inside the household, but as safeguarding of individual rights to observe their conviction in a dignified manner.

Likewise, the principle of *ḥifẓ al-nafs* and *ḥifẓ al-nasl* is reflected in efforts to preserve continuity of familial relationships and welfare of children through deliberation and mutual agreement, as observed in caregiving practices and distribution of domestic ritual space. In the theoretical framework of *maqāṣid al-sharī'ah*, protection of religion, life, and lineage is positioned as substantive objectives of Islamic law.[35] In contemporary development, *maqāṣid* is understood as a systemic approach enabling integration between legal text and social reality. Accordingly, reconstruction of legal culture formulated in this article constitutes analytical synthesis of those empirical findings, not normative construction outside the data.[36] This model is limited to the Banyumas research context and is not intended as universal generalization, but as interpretative framework explaining how *maqāṣid* operates contextually within plural families.

The implication of this model is necessity of more progressive and contextual family law policy reform, particularly by opening legal space for recognition of plural and dynamic societal life practices. Islamic law must not be positioned as closed system contradicting social reality, but as ethical structure open to renewal and recontextualization. Therefore, this reconstruction of ideal legal culture becomes relevant not only for Banyumas, but also for multicultural communities in Indonesia in general, and becomes important contribution in development of contemporary Islamic law.

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[33] Bustanudin Agus, *Agama Dan Kehidupan Manusia* (Raja Grafinda Persada, 2006); Mulyono (Petrus), "Bincang Santai Ritual Kehidupan Keluarga Beda Agama"; Cici, "Bincang Seputar Keluarga," Mei 2024, D'best Caffe; Luna, "Keluarga Beda Agama."

[34] Mulyono (Petrus), "Bincang Santai Ritual Kehidupan Keluarga Beda Agama"; Agus, *Agama dan Kehidupan Manusia*; Cici, "Bincang Seputar Keluarga."

[35] Abu Ishaq al-Shatibi, *Al-Muwafaqat Fi Usul al-Shari'ah*, vol. 2.:8-10.

[36] Bambang Wahyudi et al., *Ecological Justice in Islamic Family Law: Integrating Maqāṣid al-Sharī'ahwith Environmental Ethics in Post-PandemicSocieties*, 1, no. 2 (2025): 161; Tri Gunawan et al., *Digital Nikah and Smart Contracts: Legal Reconstruction of Islamic Marriage in the Blockchain Era*, 1, no. 2 (2025): 185–203.

Social reality of interreligious families in Banyumas indicates existence of legal cultural practices developing autonomously outside formal structure of state law. This practice reflects necessity for reconstruction of ideal legal culture capable of bridging norms of Islamic law, local cultural values, and plurality of modern society. Reconstruction of ideal legal culture cannot commence from empty space. It must stand upon sociological actuality that law lives within society and evolves with dynamics of values, traditions, and human needs. Consequently, the intended reconstruction must be grounded upon ethics emerging from interaction between religious teachings and indigenous values.

Within this context, Islamic ethics framed through *maqāṣid al-sharī'ah* becomes essential foundation in the reconstruction process. *Maqāṣid* not only elucidates objectives of Islamic law, but also provides ethical framework to evaluate, correct, and renew legal norms to align more closely with principles of justice, humanity, and liberty.[37] One principal approach in reconstruction of ideal legal culture is integration between *maqāṣid* values and local traditions such as *rukun*, *tepa selira*, and *cablaka*. These indigenous values do not contradict Islamic principles, but reinforce social function of *maqāṣid* in creating peaceful and mutually respectful collective life.

Ethics of *maqāṣid* in practice of interfaith families appears in mutually respectful relationships, non-imposition of religious doctrines, and commitment to preserve lineage and education of children within open and tolerant atmosphere. All of these are manifestations of *ḥifẓ al-dīn*, *ḥifẓ al-nafs*, and *ḥifẓ al-nasl* socially contextualized. Thus, ideal legal culture enables law to function ethically and contextually, not merely textually and legal-formally. In this regard, role of society becomes highly significant, because legal culture is formed not only from above through regulations, but also from below through collective consciousness and social praxis.

Reconstruction of ideal legal culture must also consider plurality of legal systems in Indonesia. Islamic law, customary law, and national law cannot be separated from respective social contexts. Legal pluralism approach becomes significant to acknowledge diversity of norms and legal practices existing in society. Therefore, ideal legal culture model must be integrative in nature, combining normative dimension of Islam based upon *maqāṣid* with sociocultural dimension of local communities upholding togetherness and harmony values. This integration is not merely compromise, but strategy of legal transformation

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[37] Felicitas Opwis, "Maqāṣid Al-Sharī'a and Contemporary Reformist Muslim Thought: An Examination, Edited by Adis Duderija, 2014," *Islamic Law and Society* 23, nos. 1–2 (2016): 141–46.

toward substantive justice. In implementation,[38] this reconstruction can be realized through formulation of more inclusive legal policies, such as administrative recognition of interfaith families, drafting of regional regulations accommodating local values, and training of religious counselors possessing *maqāṣid* and multiculturalism perspectives.

Educational institutions can become important agents encouraging transformation of legal culture through curriculum teaching ethics of *maqāṣid* contextually. With transformative education, society comprehends law not only as command, but also as ethical space continuously living and developing. The reconstruction process must also be dialogical in character, involving religious leaders, regional government, academics, and civil society in arranging legal culture reflecting local values while remaining faithful to principles of Islamic justice. This dialogue strengthens legitimacy of inclusive and equitable legal culture.[39]

Approach of *maqāṣid* open to change provides space to accept reality of social and religious pluralism as part of *sunatullah* in human life. Therefore, difference is not viewed as threat to integrity of Islamic law, but as opportunity to demonstrate flexibility and compassion. Within Banyumas context, reconstruction of this legal culture is highly possible because its society possesses harmonious and inclusive social values. Role of local government and community figures becomes significant in encouraging stronger social recognition of interfaith families without departing from corridor of *maqāṣid* and constitutional norms. This reconstruction also challenges exclusive and textualist approaches of Islamic law to shift toward more ethical and substantive approach. Islamic law does not lose its authority, but rediscovers its mission as value system responding to social reality with just, civilized, and dignified solutions. In the end, reconstruction of ideal legal culture is not final objective, but continuous process involving interaction between religious text, cultural values, social necessities, and public policy. By positioning *maqāṣid al-sharīʿah* as contextual legal ethics and local values as source of normative inspiration, law can be present in more grounded and inclusive manner, responding to needs of plural society in just way.[40]

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[38] Ermi Suhasti et al., "Polemics on Interfaith Marriage in Indonesia between Rules and Practices," *Al-Jami'ah: Journal of Islamic Studies* 56, no. 2 (2019): 367–94, https://doi.org/10.14421/ajis.2018.562.367-394.

[39] Adis Duderija, "Maqāṣid Al-Sharīʿa, Gender Non-Patriarchal Qurʾān-Sunna Hermeneutics, and the Reformation of Muslim Family Law," in *Maqāṣid Al-Sharīʿa and Contemporary Reformist Muslim Thought: An Examination* (Springer, 2014).

[40] Diana Farid et al., "Interfaith Marriage: Subjectivity of the Judge in Determination of No. 454/Pdt.p/2018 Surakarta District Court," *Al-Istinbath : Jurnal Hukum Islam* 7, no. 2 (2022): 355, https://doi.org/10.29240/jhi.v7i2.4574; Andra Noormansyah and Umar Haris Sanjaya, "The Legal Vacuum Of Interreligious Marriage In Indonesia: The Study Of Judges' Consideration In Interreligious Marriage Court Decisions 2010 -2021," *Prophetic Law Review* 4, no. 2 (2022): 177–

Conclusion

This study demonstrates that the life practices of interreligious families in Banyumas represent a form of legal culture which lives and develops independently amid the limitations of formal state law. The local community forms social norms which are grounded upon cultural values such as *rukun*, *tepa selira*, and *cablaka*, which function as ethical instruments to preserve harmony within cross religious households. These values functionally correspond with the principles of *maqāṣid al-sharī'ah*, particularly in relation to protection toward religion, life, and lineage.

The *maqāṣid al-sharī'ah* approach within contemporary perspective, as developed by Jasser Auda and Mohammad Hashim Kamali, provides a strong epistemological foundation to reformulate Islamic family law which is more contextual, inclusive, and responsive toward the reality of multicultural society. By positioning *maqāṣid* as foundation of legal ethics, reform of family law is not only made possible theoretically, but also justified normatively, especially in order to guarantee protection of human rights, religious freedom, and family integrity. The normative implication of these findings is the necessity of reformulation of family law regulation in Indonesia by opening space of recognition toward life practices of interreligious families. This does not automatically legalize interfaith marriage normatively, but rather emphasizes the importance for state law to engage in dialogue with social law and religious ethics which are more open. By integrating *maqāṣid al-sharī'ah* within policy formulation, the state can construct family law policy which is not only legal-formal, but also moral, contextual, and socially just. Within this context ideal legal culture for interreligious families can be realized, namely legal culture which does not negate the reality of pluralism, but instead nurtures it in the spirit of *maqāṣid* and constitutionalism.

This research possesses several limitations which need to be noted. First, the number of informants was limited to six interreligious families in Banyumas Regency, therefore the findings of this study are not intended to be generalized at the national level. Second, this research concentrates on domestic practices and has not explored in thorough manner institutional dimensions, such as the role of religious courts, civil registry offices, or other religious organizations in managing interfaith marriage. Third, this study employs a qualitative approach, therefore the findings which are produced place greater emphasis on depth of contextual comprehension rather than on statistical generalization.

94, https://doi.org/10.20885/PLR.vol4.iss2.art3; Ahmad Rajafi et al., "The 'Double-Faced' Legal Expression: Dynamics and Legal Loopholes in Interfaith Marriages in Indonesia," *Journal of Islamic Law* 5, no. 1 (2024): 19–43, https://doi.org/10.24260/jil.v5i1.2153.

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