

## Religious Diversity and Muslim Family Law: A Socio-Legal Study of Sunni–Shia Marriage in Indonesia

Umar<sup>✉</sup>, Muhammad Faisol, Lutfi Nur Cahyo  
Universitas Islam Negeri KH. Achmad Siddiq Jember, Indonesia

### Abstract

This study examines Sunni–Shia marriage in Indonesia as a socio-legal phenomenon situated within the broader context of religious diversity and Muslim family law. Although Indonesian Islamic family law formally recognizes marriage between Sunni and Shia Muslims, social acceptance of such marriages remains contested in many Muslim communities. Using a qualitative empirical method with a socio-legal approach, this research explores the experiences of Sunni–Shia couples focusing on religious negotiation, social dynamics, and the interaction between formal law and communal norms. Data were collected through in-depth interviews, observation, and documentation, and analyzed using thematic analysis integrated with the framework of *maqāṣid al-sharī‘ah*. The findings reveal that Sunni–Shia marriages are characterized by continuous processes of adaptation and negotiation within family and social life. Couples frequently develop strategies of compromise regarding religious practices, child upbringing, and communal interaction in order to maintain family harmony. However, many also experience social stigma, communal suspicion, and challenges related to sectarian identity. From the perspective of *maqāṣid al-sharī‘ah*, the phenomenon reflects an ambivalent relationship between *maṣlahah* and *mafsadah*, particularly concerning the protection of religion, emotional well-being, and lineage. The Sunni–Shia marriage illustrates the dynamic operation of legal pluralism within Indonesian Muslim society and highlights the importance of contextual and inclusive approaches in contemporary Muslim family law.

**Keywords:** Sunni–Shia Marriage, Muslim Family Law, Legal Pluralism, *Maqāṣid al-sharī‘ah*, Socio-Legal Studies

### Article History:

Received: February 2026; Revised: April 2026; Accepted: May 2026

<sup>✉</sup>**Correspondence Author:** [umarbenzakini@gmail.com](mailto:umarbenzakini@gmail.com)

DOI: <https://doi.org/10.61987/edsojou.v4i1.1985>

How to Cite:

Umar, U., Faisol, M., & Cahyo, L. N. (2026). Religious Diversity and Muslim Family Law: A Socio-Legal Study of Sunni–Shia Marriage in Indonesia. *Education and Sociedad Journal*, 4(1), 60-73.

## INTRODUCTION

The issue of religious diversity within Muslim societies has increasingly attracted scholarly attention in contemporary discussions on Islamic law, social integration, and identity politics. While Islam is often perceived externally as a unified religious tradition, internal diversity among Muslims reveals a far more complex social reality. Differences in theology, jurisprudence, ritual practice, and religious authority have historically shaped relations among various Islamic sects, particularly between Sunni and Shia communities (Abat Ninet, 2015). These differences are not merely doctrinal in nature but frequently influence social interaction, communal affiliation, and legal practices within Muslim societies. One of the most sensitive manifestations of intra-Muslim diversity emerges in the sphere of family law, especially in marriages between Sunni and Shia Muslims. In many contexts, Sunni–Shia marriage represents more than a personal union between two

individuals; it constitutes a social arena in which legal norms, religious identity, communal expectations, and social legitimacy continuously intersect and negotiate with one another (Jamaa, 2018).

Marriage occupies a central position in Islamic law and Muslim social life. In Islamic jurisprudence, marriage is regarded not only as a legal contract but also as a religious institution designed to preserve lineage, protect morality, establish social stability, and cultivate affection and tranquility within society (Brown & Keshavjee, 2025). Classical Muslim jurists viewed marriage as an essential mechanism for maintaining social order and safeguarding the continuity of the Muslim community. Consequently, questions concerning marital compatibility, religious authority, and family structure have long been subjects of legal and theological concern within Islamic scholarship. However, the diversity of Islamic legal traditions has also produced varying interpretations regarding the conditions, procedures, and implications of marriage. Sunni and Shia legal schools differ on several aspects of family law, including guardianship (*wali*), witnesses, temporary marriage, inheritance, and religious authority within the household. These differences often influence how inter-sect marriages are perceived and practiced in Muslim societies (Muzammil, 2019).

Historically, Sunni–Shia relations have fluctuated between coexistence and conflict depending on political, social, and historical contexts. Although theological differences between the two sects originated in disputes concerning leadership after the death of the Prophet Muhammad, over time these distinctions evolved into broader systems of religious interpretation, ritual identity, and communal affiliation. In some Muslim societies, sectarian differences have become deeply politicized and associated with social boundaries that shape everyday interaction (Hamdani, 2000). As a result, marriages between Sunni and Shia individuals may be viewed as crossing communal boundaries that are not merely religious but also cultural and social. This condition often places inter-sect couples in a complex position where they must negotiate not only personal relationships but also competing expectations from families, religious communities, and broader society.

The Indonesian context provides a particularly important setting for examining Sunni–Shia marriage within Muslim family law. Indonesia is widely recognized as one of the most religiously and culturally diverse Muslim-majority countries in the world. Although Sunni Islam constitutes the dominant religious orientation, various minority Islamic traditions, including Shia communities, have long existed within Indonesian society. In principle, the Indonesian legal system formally recognizes marriages conducted according to Islamic law through state institutions such as the Office of Religious Affairs (KUA) (Angriyanti et al., 2025). Nevertheless, legal recognition at the state level does not necessarily guarantee social acceptance within local communities. In several regions, Sunni–Shia relations remain shaped by sectarian sensitivity, religious authority, and communal perceptions regarding orthodoxy and deviation. Consequently, Sunni–Shia marriage frequently becomes a contested social issue in which formal legality intersects with social legitimacy and communal resistance (Rahman, 2025).

The existence of Sunni–Shia marriage in Indonesia illustrates the operation of legal pluralism within Muslim societies. Legal pluralism refers to the coexistence of multiple legal and normative systems within a single social environment. In the Indonesian context, family life is simultaneously regulated by state law, Islamic jurisprudence, local customs, and communal religious norms. As a result, the implementation of Muslim family law cannot be understood solely through formal legal provisions because social practice is often shaped by negotiation between these overlapping normative systems (Rizvi Jafree, 2024). Satjipto Rahardjo argues that law functions as a living social institution rather than merely a rigid collection of formal rules. This perspective is particularly relevant in understanding Sunni–Shia marriage because the experiences of inter-sect couples are deeply influenced by social

attitudes, religious authority, and communal acceptance in addition to legal regulations (Khuri, n.d.). Thus, Sunni–Shia marriage represents an important socio-legal phenomenon that reveals how Islamic law operates dynamically within plural social realities.

From a sociological perspective, marriage between members of different Islamic sects also raises broader questions regarding social integration, religious tolerance, and identity negotiation. Inter-sect couples frequently encounter challenges related to ritual practice, theological interpretation, child upbringing, and family relations. Decisions concerning religious ceremonies, educational orientation for children, and participation in communal religious activities often require continuous negotiation between spouses and their extended families. In some cases, these negotiations may strengthen mutual understanding and promote inclusive religious attitudes. However, in other situations, sectarian differences can generate tension, social exclusion, and emotional pressure, particularly when local communities maintain rigid perceptions regarding religious identity and doctrinal boundaries (Turner & Arslan, 2014). Consequently, Sunni–Shia marriage may simultaneously function as a mechanism of social integration and a source of sectarian contestation within Muslim society.

Previous scholarship concerning Sunni–Shia relations in Indonesia has primarily focused on theological debates, sectarian conflict, minority rights, and political contestation. Several studies have examined the social integration of Sunni and Shia communities, while others have analyzed religious intolerance and communal violence directed toward Shia minorities. Meanwhile, research on Muslim family law has generally concentrated on interfaith marriage, gender issues, inheritance, and legal reform within Islamic jurisprudence (GHojaee Hkamanh & Taybhosayni, 2016). Comparatively fewer studies have specifically addressed Sunni–Shia marriage as a socio-legal phenomenon within the framework of Muslim family law (Biland, 2023; Konyuk, 2023). Existing discussions often emphasize normative legal arguments concerning permissibility and doctrinal compatibility without sufficiently exploring the lived experiences of inter-sect couples and the broader social dynamics surrounding their marriages. This limitation indicates the need for a more comprehensive analytical framework capable of integrating legal analysis with social reality.

To address this gap, this study employs a socio-legal approach integrated with the perspective of *maqāṣid al-sharī'ah*. The socio-legal approach enables a broader understanding of law as a social practice embedded within cultural interaction, communal authority, and everyday negotiation. Rather than viewing Islamic law solely as a fixed doctrinal system, socio-legal analysis examines how legal norms are interpreted, adapted, and contested within concrete social contexts. Meanwhile, *maqāṣid al-sharī'ah* provides a purposive framework for evaluating Islamic legal practices based on the protection of essential human interests, including religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and social welfare (Al-Turabi & Auda, 2025; Auda, 2025). Contemporary *maqāṣid* scholars emphasize that Islamic law should not merely preserve formal legal structures but also promote justice, human dignity, and social harmony within changing social realities.

Within this framework, Sunni–Shia marriage can be analyzed not only in terms of legal permissibility but also through its broader implications for family stability, emotional well-being, religious coexistence, and social integration. Inter-sect marriage may create opportunities for dialogue, tolerance, and communal accommodation within Muslim society, yet it may also generate social tension and identity conflict when sectarian boundaries become rigidly enforced. Therefore, examining Sunni–Shia marriage through the combined perspectives of socio-legal studies and *maqāṣid al-sharī'ah* provides a more nuanced understanding of how Muslim family law operates in plural societies characterized by religious diversity and legal complexity.

This article therefore investigates Sunni–Shia marriage in Indonesia as a socio-legal

phenomenon situated at the intersection of religious diversity, Islamic family law, and communal negotiation. Focusing on the experiences of Sunni–Shia couples and the surrounding social environment, this study aims to explore how inter-sect marriages are practiced, negotiated, and socially perceived within Indonesian Muslim society. By integrating socio-legal analysis with *maqāṣid al-sharī‘ah*, this study contributes to contemporary scholarship in three significant ways. First, it expands the discourse on Muslim family law beyond interfaith marriage toward intra-Muslim sectarian diversity. Second, it highlights the importance of examining Islamic law as a lived social reality shaped by legal pluralism and communal interaction. Third, it offers a contextual and *maqāṣid*-oriented framework for understanding how religious diversity may be managed constructively within Muslim societies while maintaining social harmony and family stability.

## RESEARCH METHOD

This study employs a qualitative empirical research design using a socio-legal approach to examine the phenomenon of Sunni–Shia marriage within the framework of Muslim family law in Indonesia. A qualitative method was selected because the issue under investigation involves complex dimensions of religious identity, legal interpretation, social interaction, and communal negotiation that cannot be adequately measured through statistical analysis alone. Qualitative inquiry enables a deeper understanding of the lived experiences of individuals involved in inter-sect marriages, including their perceptions, strategies of adaptation, and responses to social and religious challenges. According to Creswell and Poth, qualitative research is particularly appropriate for exploring social phenomena that require interpretive understanding within specific cultural and social contexts (Creswell, 2013).

The socio-legal approach used in this research views law not merely as a formal body of rules but as a social institution continuously shaped by human interaction, social norms, and cultural realities. In socio-legal studies, legal practice is understood as inseparable from the social environment in which it operates. This perspective is relevant for analyzing Sunni–Shia marriage because the implementation of Muslim family law in Indonesia is influenced not only by formal legal regulations but also by religious authority, communal expectations, and local social values. Rahardjo (2010) argues that law should be understood as a living social reality rather than solely as a rigid normative structure (Rahardjo, 2006). Similarly, Ehrlich (1936) introduced the concept of “living law,” emphasizing that social norms practiced within society often function more effectively than formal legal provisions in regulating social behavior. Through this framework, Sunni–Shia marriage can be examined as a site of negotiation between state law, Islamic jurisprudence, and social legitimacy (Singh, 2010).

The research was conducted in Bondowoso Regency, East Java, Indonesia. Bondowoso was selected because it represents a socio-religious environment where Sunni and Shia communities have historically interacted within a context of both coexistence and sectarian sensitivity. The region provides an important setting for understanding how inter-sect marriages are practiced and perceived in everyday Muslim social life. In addition, Bondowoso has experienced social tensions related to sectarian identity, making it a significant locus for examining the relationship between religious diversity, social integration, and Muslim family law in Indonesia.

The primary participants in this study consisted of Sunni–Shia married couples, members of their extended families, religious leaders, and community figures who possessed direct knowledge or experience related to inter-sect marriages. Participants were selected purposively based on their relevance to the objectives of the research. Purposive sampling was used to identify informants capable of providing rich and in-depth information concerning the legal, social, and religious dimensions of Sunni–Shia marriage. In several

cases, snowball sampling techniques were also employed to identify additional participants through recommendations from initial informants. This method was particularly useful due to the sensitive nature of sectarian issues and the importance of establishing trust within the community.

Data collection was conducted through three primary techniques: in-depth interviews, participant observation, and documentation. In-depth interviews served as the central method of data collection because they enabled participants to articulate their experiences, perspectives, and emotional responses in detail. Semi-structured interviews were employed to maintain flexibility while ensuring consistency with the research objectives. Interview discussions focused on themes such as the process of marriage negotiation, family acceptance, religious adaptation, social stigma, child upbringing, communal interaction, and experiences with religious and legal institutions (Hartley & Sturm, 1997).

Participant observation was conducted to gain a more comprehensive understanding of the social environment surrounding Sunni–Shia marriages. Observation allowed the researcher to examine patterns of interaction, communal behavior, religious participation, and everyday social practices experienced by inter-sect couples within their communities. According to Spradley (1980), participant observation enables researchers to understand social meanings and symbolic interaction within natural social settings. Through this method, the researcher was able to observe how sectarian differences were negotiated in family gatherings, religious activities, and communal relations (Qomaruddin & Sa'diyah, 2024).

Documentation was also utilized to strengthen and contextualize the empirical findings. Documentary sources included marriage certificates, religious guidelines, fatwas, legal regulations, community records, photographs, and academic literature related to Sunni–Shia relations and Muslim family law. These documents provided important contextual information regarding the legal and social framework surrounding inter-sect marriages in Indonesia.

The collected data were analyzed using thematic analysis. Thematic analysis was chosen because it allows researchers to identify recurring patterns and central themes within qualitative data systematically. Braun and Clarke (2006) explain that thematic analysis is useful for organizing and interpreting complex qualitative information through coding and categorization processes. The analysis in this study involved several stages, including data reduction, coding, categorization, interpretation, and conclusion drawing. Interview transcripts, field notes, and documentary materials were reviewed repeatedly to identify major themes related to legal negotiation, religious identity, social acceptance, emotional adaptation, and family dynamics (Braun et al., 2023).

The identified themes were then interpreted through the combined frameworks of socio-legal studies and *maqāṣid al-sharī'ah*. The socio-legal framework was used to analyze how formal legal norms concerning marriage interacted with communal expectations, religious authority, and social practice. Particular attention was given to the operation of legal pluralism and the interaction between state law and living law within Muslim society. Meanwhile, the *maqāṣid al-sharī'ah* framework was employed to evaluate the broader implications of Sunni–Shia marriage concerning the protection of religion (*ḥifẓ al-dīn*), emotional well-being (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and social harmony (Auda, 2022). This integrated analytical framework enabled the research to move beyond rigid doctrinal debates toward a more contextual understanding of Muslim family law in plural societies.

To ensure the validity and trustworthiness of the findings, several verification strategies were employed, including triangulation, member checking, and prolonged engagement. Triangulation was conducted by comparing information obtained from different sources and methods, such as interviews, observations, and documentary analysis. Member

checking was used to confirm the accuracy of interpretations with selected participants, thereby reducing the risk of researcher bias or misinterpretation (Hartley & Sturm, 1997). Prolonged engagement within the research setting also enabled the researcher to build trust with participants and gain a deeper understanding of the socio-cultural context of Sunni–Shia relations.

Ethical considerations were central throughout the research process. Participants were informed about the objectives and procedures of the study before interviews and observations were conducted. Confidentiality and anonymity were maintained to protect participants from potential social consequences related to sectarian sensitivity. The researcher also maintained neutrality and avoided reinforcing sectarian bias during both data collection and interpretation.

Through this methodological framework, the study aims to provide a comprehensive and contextually grounded understanding of Sunni–Shia marriage as a socio-legal phenomenon within Indonesian Muslim society. By integrating qualitative empirical research with socio-legal analysis and *maqāṣid al-sharī‘ah* perspectives, this study contributes to broader discussions concerning legal pluralism, religious diversity, and the contemporary development of Muslim family law in Indonesia.

## **FINDINGS AND DISCUSSION**

### **The Practice and Social Dynamics of Sunni–Shia Marriage in Bondowoso**

The practice of Sunni–Shia marriage in Bondowoso reflects a complex interaction between religious diversity, social negotiation, and legal accommodation within Indonesian Muslim society. Although formally recognized under Indonesian marriage law through institutions such as the Office of Religious Affairs (KUA), inter-sect marriages between Sunni and Shia Muslims remain socially sensitive due to theological differences and communal perceptions surrounding sectarian identity. In practice, Sunni–Shia marriage is not merely a legal event but also a social process that requires continuous negotiation between couples, families, religious authorities, and the surrounding community (Chandel et al., 2025).

One of the most significant characteristics of Sunni–Shia marriage in Bondowoso is the presence of adaptive negotiation prior to marriage. Most couples reported that discussions concerning religious differences emerged during the early stages of their relationship, particularly regarding ritual practice, family expectations, and the future religious identity of children. In several cases, families initially expressed concern or hesitation toward the marriage because of differences in theological orientation and fear of social stigma from the community. However, these concerns were often managed through compromise and gradual communication between both families (Begum et al., 2024).

A Sunni informant explained: “At first, my family rejected the marriage because they were worried about religious differences and community reactions. But after several meetings and discussions, they finally accepted it as long as we could maintain harmony in the family.”

This statement illustrates that family acceptance was not achieved automatically but through a process of social negotiation and emotional adaptation. Similar findings have been identified in previous studies on inter-sectarian Muslim marriage, which suggest that social acceptance is often shaped more by interpersonal interaction and trust-building than by doctrinal agreement alone (Hayatullah et al., 2025).

In terms of legal procedure, most Sunni–Shia marriages in Bondowoso were conducted through formal state institutions such as the KUA. This demonstrates that administratively, Indonesian Muslim family law does not explicitly prohibit marriage between Sunni and Shia Muslims as long as both parties are recognized as Muslims. Nevertheless, despite formal legal recognition, social legitimacy remained an important issue

for many couples (Pangestu & Muharman, 2023). Several participants explained that while the state recognized their marriage, some members of the local community continued to question the religious validity of the relationship due to sectarian differences.

A local religious leader stated: “Legally, the marriage can be registered because both are Muslims. But socially, acceptance depends on the surrounding community and religious understanding of the people.”

This condition reflects the operation of legal pluralism within Indonesian Muslim society. Formal legal recognition alone is insufficient to guarantee social acceptance because communal norms and religious perceptions often function as parallel sources of legitimacy. Living law operating within society frequently influences social behavior more strongly than formal legal regulations. In the context of Sunni–Shia marriage, community attitudes and informal religious authority significantly shape the social experiences of married couples (Hayatullah et al., 2025; Singh, 2010).

Religious negotiation also became visible in the everyday practices of married life. Many couples adopted flexible approaches regarding ritual differences in order to maintain family harmony. In some households, spouses practiced their own respective traditions privately without attempting to impose them upon one another. In other cases, couples selectively adopted common religious practices shared by both sects to minimize conflict within the family environment (Ali et al., 2024). Such adaptation demonstrates that inter-sect marriages often encourage pragmatic forms of religious coexistence rooted in mutual understanding rather than doctrinal uniformity.

One Shia participant explained: “We agreed not to debate religious differences inside the house. We focus more on respecting each other and maintaining peace for the children.”

This statement indicates that emotional stability and family harmony were prioritized over sectarian contestation within the household. Similar patterns have been observed in sociological studies on inter-religious and inter-sectarian marriage, where couples frequently develop strategies of selective accommodation and symbolic compromise to sustain relational stability (Berger, 2001).

However, despite these adaptive strategies, Sunni–Shia couples in Bondowoso often faced various forms of social pressure from the surrounding community. Some participants reported experiencing subtle social exclusion, suspicion, or labeling associated with sectarian identity. Community reactions ranged from passive avoidance to direct criticism regarding the legitimacy of the marriage and the perceived religious orientation of the family. In certain cases, families feared that inter-sect marriage could weaken communal solidarity or introduce theological “deviation” into the local religious environment.

One informant stated: “People sometimes avoid discussing religion with us because they think our family is different. Some neighbors even questioned how we teach religion to our children.”

This experience demonstrates how sectarian identity can continue to shape social interaction even after marriage has been legally formalized. The existence of social stigma indicates that Sunni–Shia marriage functions not only as a private family matter but also as a symbolic representation of communal boundaries within society (Berger, 2001). According to Weber, social identity and communal classification frequently influence patterns of social acceptance and exclusion within religious communities.

The issue of children’s religious identity emerged as another important aspect of social negotiation within Sunni–Shia marriages. Many couples acknowledged that discussions regarding the religious upbringing of children constituted one of the most sensitive dimensions of married life. In some families, children followed the religious orientation of the father, while in others parents adopted more flexible educational approaches by exposing children to both traditions. The decision regarding children’s

religious education was often influenced by broader social considerations, including school environment, family expectations, and community acceptance.

A Sunni participant explained: “*We decided to prioritize social harmony. Our children follow the dominant religious practices in the community so they can adapt socially.*”

This statement suggests that decisions concerning religious identity were not based solely on theological conviction but also on pragmatic social considerations. In this context, inter-sect families frequently negotiate between personal religious beliefs and the need for communal integration. Such findings reinforce the argument that Muslim family law in practice operates within broader social structures shaped by communal expectations and identity politics (Cheema, 2012).

Despite the challenges experienced by some participants, not all Sunni–Shia marriages in Bondowoso resulted in conflict or social exclusion. Several informants described positive experiences characterized by mutual respect, family support, and harmonious social relations. In communities with more moderate religious attitudes, inter-sect couples often experienced greater acceptance and social inclusion. This finding indicates that community response toward Sunni–Shia marriage is not uniform but varies depending on educational background, religious interpretation, and patterns of social interaction within the local environment.

The experiences of Sunni–Shia couples in Bondowoso therefore reveal the dynamic interaction between formal law, religious identity, and social legitimacy in contemporary Indonesian Muslim society. While state law formally accommodates inter-sect marriage, social acceptance remains contingent upon communal negotiation and religious perception. Couples continuously navigate between legal recognition, theological diversity, and social expectations in order to maintain family stability and communal harmony. Consequently, Sunni–Shia marriage illustrates how Muslim family law operates not only through legal doctrine but also through everyday social interaction and lived religious experience.

### **Sunni–Shia Marriage in the Perspective of *Maqāṣid al-sharī‘ah* and Socio-Legal Theory**

The phenomenon of Sunni–Shia marriage in Indonesia reflects the complex interaction between Islamic legal norms, social realities, and religious diversity within contemporary Muslim society. While formal Islamic family law in Indonesia generally recognizes marriage between Sunni and Shia Muslims as legally valid because both belong to the broader category of Islam, social acceptance of such marriages remains contested in many communities. This condition demonstrates that the implementation of Muslim family law cannot be understood solely through doctrinal legal analysis but must also be examined through socio-legal and *maqāṣid*-oriented perspectives. In this context, Sunni–Shia marriage represents not merely a theological issue but also a dynamic site of negotiation involving legal pluralism, social legitimacy, communal identity, and the ethical objectives of Islamic law (Hasannia & Masoudian, 2021).

From the perspective of *maqāṣid al-sharī‘ah*, Islamic law is fundamentally oriented toward the realization of human welfare (*maṣlahah*) and the prevention of harm (*mafsadah*). Classical Muslim jurists such as al-Ghazālī and al-Shāṭibī emphasized that the primary objectives of Islamic law include the protection of religion (*ḥifẓ al-dīn*), life and emotional well-being (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-‘aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*). These objectives provide a broader ethical framework through which legal issues may be evaluated contextually rather than merely textually (Al-Syathibi, 2004; Ghazali, 2014; Herawati, 2014). Consequently, the issue of Sunni–Shia marriage should not be analyzed solely based on sectarian doctrinal differences but also in relation to its social consequences,

emotional impacts, and implications for family stability and communal harmony.

The principle of *ḥifẓ al-dīn* (protection of religion) constitutes one of the central concerns in discussions regarding inter-sect marriage. Marriage within Islam functions not only as a social institution but also as a medium for transmitting religious values, ritual practices, and theological understanding across generations. In Sunni–Shia marriages, differences concerning religious authority, ritual observance, and doctrinal interpretation may potentially influence the religious orientation of family members, particularly children. This concern often becomes one of the primary reasons behind community resistance toward inter-sect marriage (Rahman, 2025). Some religious communities fear that theological compromise within the household may weaken doctrinal purity or create confusion regarding religious identity.

However, the empirical realities of Sunni–Shia marriage demonstrate that religious difference does not automatically produce theological instability or familial disintegration. Many inter-sect couples develop adaptive strategies that allow them to maintain mutual respect while preserving their individual religious identities. Rather than imposing sectarian dominance within the household, couples often prioritize tolerance, emotional balance, and practical coexistence (Hidayah, 2025). This condition indicates that the protection of religion in contemporary Muslim society cannot be interpreted solely as preserving rigid sectarian boundaries but must also involve the cultivation of peaceful religious coexistence and ethical family relations. As Auda (2008) argues, *maqāṣid al-sharī‘ah* should be understood through a multidimensional and contextual framework capable of responding to changing social realities (Auda, 2008).

In addition to religious protection, Sunni–Shia marriage also relates closely to the principle of *ḥifẓ al-nafs* (protection of life and emotional well-being). One of the essential objectives of marriage in Islam is the establishment of *sakīnah* (tranquility), *mawaddah* (affection), and *rahmah* (compassion) within family life. Emotional stability and psychological security therefore constitute important indicators in evaluating the ethical dimensions of marriage. In practice, however, Sunni–Shia couples frequently encounter emotional pressure arising from social stigma, communal suspicion, and sectarian labelling (Asghari, 2025). In some cases, couples experience social exclusion or tension within extended family networks due to differences in religious orientation.

From a *maqāṣid* perspective, such social hostility may undermine the ethical purpose of marriage by threatening emotional well-being and family harmony. Islamic law fundamentally seeks to prevent harm and preserve human dignity, including psychological stability within the household (Ahmad et al., 2023). Consequently, sectarian hostility that generates fear, anxiety, or social alienation contradicts the broader ethical spirit of *maqāṣid al-sharī‘ah* (Masud, 2005). At the same time, the experiences of several inter-sect couples indicate that mutual understanding and adaptive negotiation may create resilient family relationships despite external social pressure. Thus, the protection of emotional well-being within Sunni–Shia marriage depends significantly on the ability of couples and communities to manage religious difference constructively.

Another important *maqāṣid* dimension in Sunni–Shia marriage concerns *ḥifẓ al-nasl* (protection of lineage). Classical Islamic jurisprudence views marriage as an institution designed to preserve family continuity and ensure the moral and social development of future generations. In the context of inter-sect marriage, however, questions concerning the religious identity and educational orientation of children frequently become sources of negotiation and tension (Sholihuddin et al., 2024). Parents often face dilemmas regarding which religious traditions should be emphasized in the upbringing of children, particularly when external family members or local communities expect conformity with dominant sectarian norms.

The experiences of Sunni–Shia families demonstrate that the religious identity of

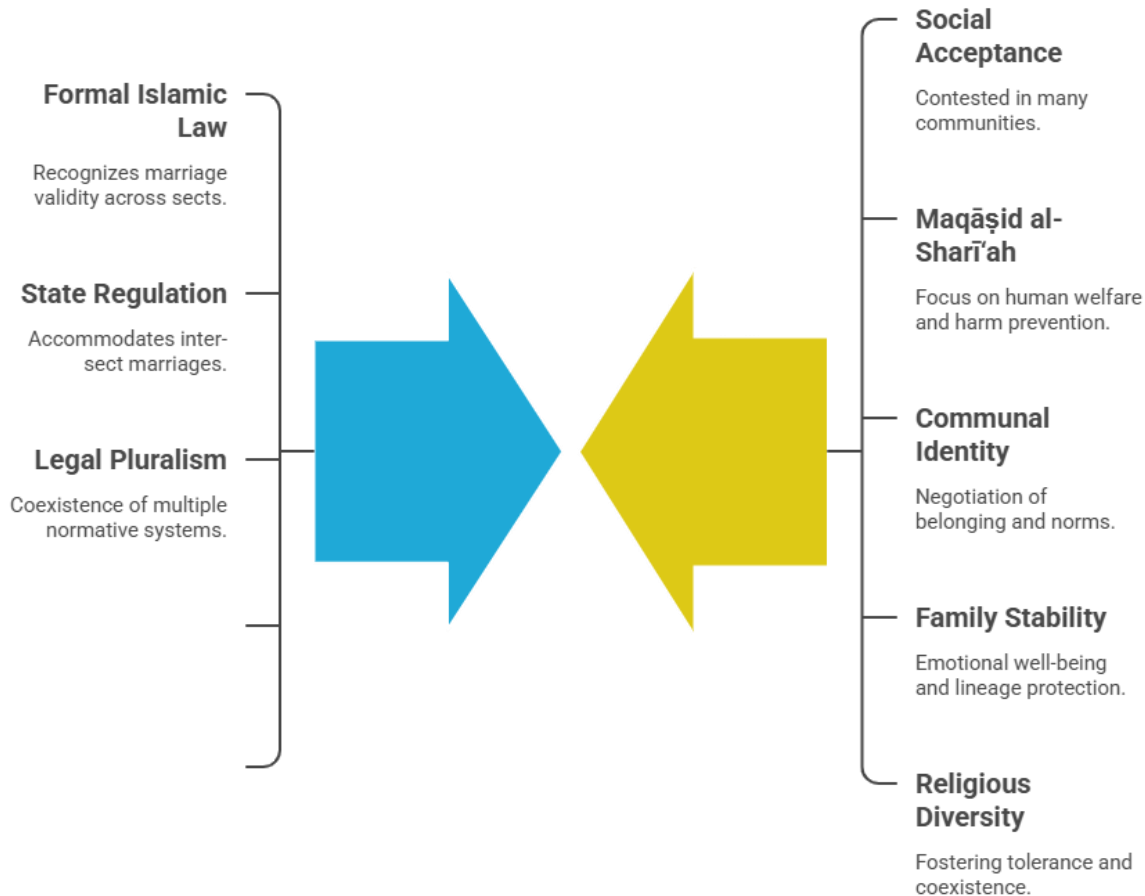
children is shaped not only by doctrinal considerations but also by broader social realities. In many cases, parents adopt pragmatic educational strategies intended to facilitate children's social integration within the surrounding community. Such decisions reflect the operation of social adaptation within Muslim family life, where communal acceptance often becomes an important factor influencing family decisions. From the perspective of *maqāṣid al-sharī'ah*, protecting lineage should therefore be understood not merely as biological continuity but also as ensuring the social and emotional welfare of future generations within a stable family environment (Munawarah et al., 2024).

Beyond *maqāṣid* analysis, Sunni–Shia marriage also illustrates the operation of legal pluralism within Indonesian Muslim society. Legal pluralism refers to the coexistence of multiple legal and normative systems operating simultaneously within a single social context. In Indonesia, Muslim family life is shaped by the interaction between state law, Islamic jurisprudence, local customs, religious authority, and communal norms (Kamali, 1999). Consequently, the legality of marriage is not determined solely by state regulation but also by social legitimacy and communal recognition.

From a socio-legal perspective, Sunni–Shia marriage reveals the tension between formal law and living law within society. Formally, Indonesian marriage law accommodates marriages between Muslims regardless of sectarian affiliation. Nevertheless, social acceptance remains dependent upon communal interpretations of religious legitimacy and sectarian identity (Banakar, 2019). This condition supports Ehrlich's (1936) argument that living law often exerts greater influence on social behavior than formal legal rules. In practice, community perceptions, informal religious authority, and social pressure frequently shape the lived experiences of inter-sect couples more significantly than official legal recognition (Singh, 2010).

The phenomenon also demonstrates that Muslim family law functions as a socially negotiated reality rather than a purely doctrinal legal structure. Couples continuously navigate between competing normative systems, including state regulations, family expectations, religious authority, and communal values. This negotiation reflects the dynamic character of Islamic law within plural societies, where legal practice is inseparable from social context and cultural interaction. Rahardjo (2010) emphasizes that law should be understood as a social institution embedded within human experience and communal life. Sunni–Shia marriage exemplifies this perspective by illustrating how legal norms are interpreted, adapted, and contested within everyday social relations (Rahardjo, 2006).

At the broader societal level, the existence of Sunni–Shia marriage also raises important questions regarding religious tolerance and social cohesion within contemporary Muslim communities. Inter-sect marriage may potentially function as a bridge for dialogue and coexistence by fostering interpersonal understanding across sectarian boundaries. Through family interaction and everyday social negotiation, inter-sect couples may contribute to the development of more inclusive religious attitudes within society. However, this potential can only be realized when communities adopt approaches grounded in moderation, mutual respect, and recognition of diversity within Islam itself.



**Figure 1 Navigating Sectarian Marriages: Law, Society, and Welfare**

Ultimately, the socio-legal and *maqāṣid*-oriented analysis of Sunni–Shia marriage demonstrates that the phenomenon cannot be reduced to simplistic legal judgments regarding permissibility or prohibition. Instead, it represents a multidimensional social reality involving the interaction between religious doctrine, communal identity, legal pluralism, and human welfare. Sunni–Shia marriage therefore highlights the importance of contextual and ethical approaches in contemporary Muslim family law, particularly within plural societies such as Indonesia where legal norms and social realities continuously interact and evolve.

## CONCLUSION

Sunni–Shia marriage in Indonesia, particularly in Bondowoso, reflects a socio-legal reality shaped by the interaction between formal legal recognition, religious diversity, and strong community-based norms. Although legally considered valid within Indonesia’s Muslim family law framework, such marriages do not automatically gain full social acceptance, as couples continue to navigate stigma, religious boundaries, and communal expectations. In practice, Sunni–Shia couples develop various adaptive strategies, including ritual compromise and selective religious accommodation, to maintain household harmony while managing theological differences. From the perspective of *maqāṣid al-sharī’ah*, this form of marriage presents both benefits—such as emotional stability, family continuity, and the potential for greater religious inclusivity—and risks, including sectarian tension, social exclusion, and challenges related to children’s religious identity, highlighting the need for contextual ethical assessment rather than rigid doctrinal judgment. The findings also

demonstrate that Muslim family law operates within a plural legal landscape where state law, religious authority, and social norms interact dynamically, meaning that marriage legitimacy is shaped not only by formal regulations but also by communal acceptance. Therefore, this study emphasizes the importance of a *maqāṣid*-oriented and socio-legal approach in understanding intra-Muslim sectarian marriages, as it offers a more comprehensive framework for promoting tolerance, reducing sectarian tension, and strengthening social harmony within Indonesia's diverse Islamic society.

## ACKNOWLEDGMENT

The author would like to express sincere gratitude to all individuals and communities who contributed to the completion of this study on Sunni–Shia marriage in Indonesia. Deep appreciation is extended to the informants in Bondowoso who generously shared their lived experiences and insights, enabling a deeper understanding of the social and legal dynamics surrounding inter-sect marriage.

## REFERENCES

- Abat Ninet, A. (2015). *Modernity, Rationality and Constitutional Law in Muslim-Majority Countries*. Danish Institute for Human Rights, 1–26.
- Ahmad, R., Nawaz, M. R., Ishaq, M. I., Khan, M. M., & Ashraf, H. A. (2023). Social Exchange Theory: Systematic Review and Future Directions. *Frontiers in Psychology, 13*, 1015921. <https://doi.org/10.3389/fpsyg.2022.1015921>
- Ali, I. Z., Magufuli, K. M., & Souwaim, A. E. (2024). Early Marriage and Domestic Violence: The Dilemma of Granting Marriage Dissolution Permission at the Jember Religious Court. *Indonesian Journal of Islamic Law, 7*(1), Article 1. <https://doi.org/10.35719/rjj68b87>
- Al-Syathibi, A. I. (2004). *Al-Muwafaqat Fi Ushul Al-Syari'at*. Dar Al-Ma'arif.
- Al-Turabi, U. M., & Auda, J. (2025). Toward a Maqāṣid-Based Legal Reform: Systemic Thinking for Social Transformation in the Modern Muslim World. *Indonesian Journal of Islamic Law, 8*(2), 209–228. <https://doi.org/10.35719/fhw10v84>
- Angriyanti, A. N., Kumaini, R., Anwar, S., & Qoryna, N. H. A. (2025). Efektivitas Pendidikan Pranikah Dalam Menciptakan Rumah Tangga Harmonis: Studi Kasus KUA Kecamatan Sambirejo Kabupaten Sragen. *Al-Usariyah: Jurnal Hukum Keluarga Islam, 3*(2), 237–256. <https://doi.org/10.37397/al-usariyah.v3i2.952>
- Asghari, M. J. (2025). Legal Basis of a Wife's Right to Withhold Conjugal Relations in Twelver Shi'a and Sunni Jurisprudence and Afghan Law. *Kateb International Journal of Law, 4*(1), 19–35. <https://doi.org/10.66943/kjl.v4i1.60>
- Auda, J. (2008). *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*. International Institute of Islamic Thought.
- Auda, J. (2022). *Re-Envisioning Islamic Scholarship: Maqasid Methodology as a New Approach*. Claritas Books.
- Auda, J. (2025). Maqasid for Re-Envisioning Islamic Higher Education for Sustainability and Socio-Economic Development. In *Islamic Finance and Sustainable Development*. Routledge. <https://doi.org/10.4324/9781003505570-2>
- Banakar, R. (2019). *On Socio-Legal Design*. <https://doi.org/10.2139/ssrn.3463028>
- Begum, M. S. I., Ismail, I., Yaakob, Z., Razick, A. S., & Abdullah, M. M. A. (2024). Gender Equity in Muslim Family Law: Modern and Contemporary 'Ulamā's View. *Al-Ahkam, 34*(2), 221–256. <https://doi.org/10.21580/ahkam.2024.34.2.20773>

- Berger, M. (2001). Public Policy and Islamic Law: The Modern Dhimmī in Contemporary Egyptian Family Law. <https://doi.org/10.1163/156851901753129683>
- Biland, E. (2023). *Family Law in Action: Divorce and Inequality in Quebec and France*. UBC Press.
- Braun, M., Greve, M., & Gnewuch, U. (2023). The New Dream Team? A Review of Human-AI Collaboration Research From a Human Teamwork Perspective. *ICIS 2023 Proceedings*. <https://aisel.aisnet.org/icis2023/techandfow/techandfow/7>
- Brown, H., & Keshavjee, M. M. (2025). Marriage, Divorce and Mediation of Family Disputes in Judaism and Islam. <https://doi.org/10.1163/22134514-bja10109>
- Chandel, A., Yadav, M., & Hung, T. H. (2025). Social and Economic Consequences of Early Marriage on Women's Education and Workforce Participation. In *Social, Political, and Health Implications of Early Marriage* (pp. 261–290). IGI Global Scientific Publishing. <https://doi.org/10.4018/979-8-3693-3394-5.ch011>
- Cheema, S. A. (2012). *Shia and Sunni Laws of Inheritance: A Comparative Analysis* (SSRN Scholarly Paper No. 2388741). Social Science Research Network. <https://papers.ssrn.com/abstract=2388741>
- Creswell, J. W. (2013). *Qualitative Inquiry and Research Design: Choosing Among Five Approaches* (3rd ed.). SAGE.
- Ghazali, M. R. (2014). Kepentingan Maqasid Syariah Dalam Berfatwa Di Malaysia. *Journal of Fatwa Management and Research*, 4(1), 7–32. <https://doi.org/10.33102/jfatwa.vol4no1.92>
- GHojae Hkamanh, M., & Taybhosayni, M. (2016). A Comparative Study of the Verse of Istimta'a (Temporary Marriage) in the View of Sunni and Shia Commentators. *Comparative Interpretation Research*, 2(1), 35–60. <https://doi.org/10.22091/ptt.2016.780>
- Hamdani, S. (2000). The Dialectic of Power: Sunni-Shi'i Debates in Tenth-Century North Africa. *Studia Islamica*, 90, 5–21. <https://doi.org/10.2307/1596161>
- Hartley, R. I., & Sturm, P. (1997). Triangulation. *Computer Vision and Image Understanding*, 68(2), 146–157. <https://doi.org/10.1006/cviu.1997.0547>
- Hasannia, A., & Masoudian, M. (2021). Temporary Marriage Among Shiite and Sunni Muslims: Comparative Study of 'Istimtā', Mut'ah, and Misyār. In S. B. Hosseini (Ed.), *Temporary and Child Marriages in Iran and Afghanistan: Historical Perspectives and Contemporary Issues* (pp. 31–45). Springer. [https://doi.org/10.1007/978-981-33-4469-3\\_2](https://doi.org/10.1007/978-981-33-4469-3_2)
- Hayatullah, M., Supra, Syafiuddin, Rohman, M. A., & Gonzales, N. (2025). Analysis of Shiite Political Thought in Iran and Its Influence in Indonesia. *Jurnal Lentera Insani*, 16–31. <https://doi.org/10.65586/jli.v1i1.15>
- Herawati, A. (2014). Maslahat Menurut Imam Malik Dan Imam Al-Ghazali (Studi Perbandingan). *Diktum*, 42–53.
- Hidayah, O. N. (2025). Conflict and Family Law Issues in Shia Groups. *Khuluqiyya: Jurnal Kajian Hukum Dan Studi Islam*, 99–108. <https://doi.org/10.56593/khuluqiyya.v7i2.179>
- Jamaa, L. (2018). Fatwas of the Indonesian Council of Ulama and Its Contributions to the Development of Contemporary Islamic Law in Indonesia. *Indonesian Journal of Islam and Muslim Societies*, 8(1), 29–56. <https://doi.org/10.18326/ijims.v8i1.29-56>
- Kamali, M. H. (1999). 'Maqasid Al-Shari'ah': The Objectives of Islamic Law. *Islamic Studies*, 38(2), 193–208. <https://doi.org/10.52541/isiri.v38i2.6127>
- Khuri, F. I. (n.d.). The Ulama: A Comparative Study of Sunni and Shi'a Religious Officials. *Middle Eastern Studies*. <https://doi.org/10.1080/00263208708700708>

- Kunyuk, J. T. (2023). *Muslim Family Law and Judicial Protection of Women's Rights in Kenya: An Assessment* [Master's thesis, University of the Western Cape]. <https://hdl.handle.net/10566/18033>
- Masud, M. K. (2005). Teaching of Islamic Law and Sharī'ah: A Critical Evaluation of the Present and Prospects for the Future. *Islamic Studies*, 44(2), 165–189. <https://doi.org/10.52541/isiri.v44i2.4696>
- Munawarah, Z. A., Amri, M., & Santalia, I. (2024). Sunni and Shia (In Points of Difference and Meeting Points and Harmonization Between the Two). *Falsaftuna: Jurnal Aqidah Dan Filsafat Islam*, 1(2), 1–18.
- Muzammil, I. (2019). *Fiqh Munakahat: Hukum Pernikahan Dalam Islam*. Tira Smart Anggota IKAPI Kota Tangerang.
- Pangestu, R. D., & Muharman, D. (2023). Misalignment of Legal Rules for Recording Marriages Between Religious Couples in Indonesia. *The International Journal of Politics and Sociology Research*, 10(4), 231–241. <https://doi.org/10.35335/ijopsor.v10i4.78>
- Qomaruddin, Q., & Sa'diyah, H. (2024). Kajian Teoritis Tentang Teknik Analisis Data Dalam Penelitian Kualitatif: Perspektif Spradley, Miles Dan Huberman. *Journal of Management, Accounting, and Administration*, 1(2), 77–84. <https://doi.org/10.52620/jomaa.v1i2.93>
- Rahardjo, S. (2006). *Membedah Hukum Progresif*. Penerbit Buku Kompas.
- Rahman, S. N. A. (2025). Disputed Issues Between the Majority of Sunni Scholars and the Imami Shia in the Matters of Marriage and Divorce: A Comparative Jurisprudential Study. *Islamic Sciences Journal*, 16(9/2), 111–140. <https://doi.org/10.25130/jis.25.16.9.2.6>
- Rizvi Jafree, S. (2024). “As One Grows Older, the Hidden Meaning and Importance of Being a Practicing Shia Becomes Clearer”: Voices of Shia Women Married to Sunni Men. *SN Social Sciences*, 4(2), Article 34. <https://doi.org/10.1007/s43545-024-00840-w>
- Sholihuddin, M., Jazil, S., & Ni'am, S. (2024). Remarriage in the 'Iddah Perspective of Maqāsid Al-Ushrah: Study in Wedoro Waru, Sidoarjo, Indonesia. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 8(2), 726–749. <https://doi.org/10.22373/sjkh.v8i2.15061>
- Singh, S. (2010). *Eugen Ehrlich's 'Living Law' and Its Legacy for Legal Pluralism* (SSRN Scholarly Paper No. 1660606). Social Science Research Network. <https://doi.org/10.2139/ssrn.1660606>
- Turner, B. S., & Arslan, B. Z. (2014). Legal Pluralism and the Shari'a: A Comparison of Greece and Turkey. *The Sociological Review*, 62(3), 439–456. <https://doi.org/10.1111/1467-954X.12117>