

Riddah and Its Legal Effects According to the Perspective of Islamic Law and Law No. 1 Year 1974 to Law No. 16 of 2019 Concerning Marriage

Haeratun

Faculty of Social and Political Sciences, University of Mataram, Indonesia

Corresponding Writer: Haeratun boharihaeratun@gmail.com

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ABSTRACT

This study examines the legal implications of apostasy (riddah) in the context of Islamic law and Indonesian positive law, particularly focusing on Law No. 1 of 1974 in conjunction with Law No. 16 of 2019 concerning Marriage. Apostasy is a sensitive issue that impacts not only personal faith but also the legal validity of marital relationships and the legitimacy of offspring within the Islamic legal framework. Through a normative legal research method employing a statutory, conceptual, and comparative approach, this paper reveals that apostasy leads to the automatic dissolution (fasakh) of marriage under Islamic law. In contrast, Indonesian national law considers marriage valid until a court issues a divorce ruling, regardless of apostasy. This discrepancy creates legal ambiguities, especially concerning children's status, inheritance rights, and guardianship. The research concludes with recommendations for legal reforms to harmonize Islamic legal doctrine and Indonesian marriage law, ensuring clarity and legal certainty in apostasy-related divorce cases.

INTRODUCTION

Marriage is the sunnah of the Prophet Muhammad that applies to all of His people. This is a rule set by Allah SWT. as a solution for all His creatures to obtain offspring and maintain their lives after they carry out their roles to realize the goal of marriage.

In Law no. 1 of 1974 concerning Marriage Article 1 reads "Marriage is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal household (family) based on the belief in the Almighty God. In relation to this, people who are married are truly formed a bond physically and mentally. Which means that marriage is not only the responsibility of one of the husband and wife but is a joint responsibility of the husband and wife to maintain and care for their household so that it remains harmonious and does not result in divorce.

Marriage is the union of two people of different genders, male and female, and establish a relationship with a contract or agreement. Marriage is not about religious orders, but marriage is a way of channeling sex or biological needs that are legitimate according to religion.

Matter This is in accordance with the words of Allah SWT in the Qur'an, Surah Al-Hujurat verse 13, which means: "O mankind, indeed We created you from a man and a woman and made you into nations and tribes so that you might know each other. Indeed, the noblest among you in the sight of Allah is the most pious among you. Indeed, Allah is All-Knowing, All-Knowing."

The reality shows that many married couples whose marriages are forced to end in divorce. Although the purpose of marriage is to form a happy and eternal family, in reality, it shows that not all marriages run according to the goals they want to achieve.

The two main sources of law that regulate marriage are Law No. 1 of 1974 and the Compilation of Islamic Law (KHI). As we know, KHI is a complement to the Marriage Law itself, and the position of KHI is not the same as the Law, therefore KHI cannot conflict with the Law.

The implementation of marriage is based on religion. The marriage is considered valid if the couple is of the same faith or religion. This provision is contained in Article 2 paragraph (1), namely: "A marriage is valid if it is carried out according to the laws of each religion and belief." Based on these provisions, as Indonesian citizens, we should obey the existing regulations, namely that if we marry, we must marry with a partner of the same religion.

In the KHI it is also regulated in Article 44 which reads: "A Muslim woman is prohibited from marrying a man who is not Muslim." Based on these provisions, Islam strictly forbids marriage with non-believers. Not only Islam but several religions in Indonesia also prohibit their followers from carrying out interfaith marriages.

Interfaith marriage is prohibited, many couples who love each other seek solutions so that the marriage can still take place. The method is temporary submission to one religion, or one of the two embraces Islam. But after some time returns to the original religion. This is called apostasy in Islam, even though the

goal is to convert to Islam in order to be able to get married, then the act is categorized as apostasy, namely changing religion from Islam to non-Islam.

Islamic Law explicitly stipulates that marriage may only be carried out between one religion, namely the couple both embrace Islam and this rule still applies even though the couple has entered into a legal marriage or has legally become husband and wife, if during the course of their household one of the parties leaves Islam (apostatizes) then the marriage is considered null and void or has occurred as a *fasakh*.

The purpose of marriage in Islam is to build a household that is *Sakinah*, *Mawaddah* and *Rahmah*. Therefore, on that basis, Islam requires looking for a partner of the same religion, so that the purpose of marriage can be realized.

According to Fahrudin Faiz, the reasons for the prohibition of interfaith marriage are due to several things, namely: First, there is discomfort in the potential for living together for couples of different religions; Second, a feeling of insecurity because of worry that one of them will force themselves to embrace their religion; Third, a feeling of social discomfort because they will be the target of views in society; Fourth, it causes anxiety, whether it is recognized or not that parents want their children to adhere to their religion. That is what causes anxiety in couples if they one day have children.

LITERATURE REVIEW

The purpose of prohibiting interfaith marriage is that it will damage the faith and affect the faith. In addition, it aims to protect the family, because interfaith marriages easily cause conflict, both conflict with the partner and conflict with the extended family. Based on several reasons, it can be emphasized that an ideal partner will bring safety both in the world and in the hereafter and realize a household that is *sakinah*, *mawaddah* and *rahmah* if with a partner of the same religion.

In reality, there are still many problems of religious conversion, which should be a matter of greater concern for all of us in order to maintain the faith of the Muslim generation, because apostasy in Islam is categorized as a major sin and the perpetrators will go to hell without being accounted for.

This problem occurs because there is no law that specifically regulates it, of course there are many phenomena of couples who marry according to Islamic law, but over time some of them will return to their original religion or leave Islam/apostatize after marriage and this is a common occurrence in society.

Apostasy/Changing religion will bring legal consequences for someone who will get married and has already gotten married. The importance of religion for someone who is about to get married is related to the competent institution to register their marriage, namely the District Religious Affairs Office (KUA) for those who are Muslim and the Civil Registry Office (KCS) for those who are non-Muslim. Meanwhile, for someone who is going to get divorced, the importance of religion is related to the competent institution to resolve their divorce. There are two (2) competent institutions to resolve divorce cases, namely the District Court for non-Muslims and the Religious Court for Muslims. This is in accordance with what is meant by the Court, as stated in Article 63 paragraph (1)

of Law No. 1 of 1974 in conjunction with Article 1 (b) of Government Regulation Number 9 of 1975 which explains that the Court is the Religious Court for those who are Muslim and the District Court for those who are non-Muslim.

Apostasy or changing religion in marriage can cause quarrels or disputes in the household because one party, namely the husband or wife, wants their partner not to change religion. The dispute can cause destruction in the household so that divorce occurs through the courts. Divorce that occurs due to apostasy is explained in Article 116 of the Compilation of Islamic Law, namely changing religion or apostasy which causes disharmony in the household. Some of the consequences that occur due to divorce include the status of children, maintenance, education, financing, and joint property of husband and wife.

From the description above, then this article will discuss and question related to Riddah and its Legal Consequences According to the Perspective of Islamic Law and Law No. 1 of 1974 concerning Marriage in conjunction with Law No. 16 of 2019 concerning Marriage.

METHODOLOGY

This type of research is normative legal research or doctrinal research. The approaches used are the statute approach, conceptual approach and comparative approach. While the analysis of legal materials using descriptive qualitative analysis is by formulating and explaining significantly to several legal issues that are the objects of study in this study, and is an answer as a result of the findings of the research objectives through systematic and sequential thinking patterns.

RESEARCH RESULT AND DISCUSSION

Riddah and its Legal Consequences from an Islamic Legal Perspective

In today's era, freedom is one of the Human Rights. This freedom can be interpreted into a religious issue, and gives rise to the meaning that religion is a person's basic right to choose and determine it. In Islam, it is explained that there is no coercion in religion. Some people interpret this verse as the act of apostasy is not blamed or allowed. The interpretation of this verse is unreasonable because this verse explains that it is true that there is no coercion in religion, but if someone has chosen Islam as their religion, then there are obligations and bonds that must be carried out and obeyed in full, one of which is the issue of the prohibition of changing religions / apostasy and its legal consequences.

The issue of a person's apostasy is considered specific and important when associated with marriage. Most agree that the bond of marriage cannot bind a Muslim woman to a non-Muslim man. But there is a difficulty if the woman apostatizes as a solution to free herself from a bad, cruel or disliked husband.

Allah SWT commanded all His servants to enter into Islam and hold fast to it, and be aware of everything that will deviate them from this natural religion of Islam. Allah SWT sent the Messenger of Allah SAW, through a holy and noble da'wah. Allah SWT has also reminded His servants that whoever follows the call of the Messengers, means that he has received guidance, whoever turns away from His call, then he has gone astray. In the Qur'an, Allah SWT reminds his creatures about several things that are the cause of riddah (leaving Islam) and

several things that are included in disbelief and polytheism. Several Ulama mention several of Allah's warnings in their books. They remind that a Muslim is considered an apostate from Islam due to several contradictory things, so that his property and blood become halal. There are several things that can invalidate a person's Islam, Sheikh Al-Imam Muhammad bin Abdul Wahab, and several other scholars mention ten contradictory and most dangerous things that are often done by Muslims, namely: a). Associating partners with Allah in worshipping Him, in accordance with the words of Allah which means: "Indeed, Allah does not forgive the sin of shirk, and He forgives sins other than shirk for whom He wills. Whoever associates partners with Allah with something, then indeed he has gone astray as far as possible"; b). Making something or someone an intermediary for prayer, requests for intercession and an attitude of resignation to Allah SWT; c). Refusing to be disbelieved by polytheists, or doubting their disbelief and even confirming their sect; d). Believing that guidance other than that which comes from the Prophet SAW is more perfect and it is better to consider other regulations or laws as better than the Shari'a of the Prophet SAW, and prioritize the law of tagut compared to the decrees of the Prophet SAW; e). Hating something that came from the Prophet SAW, even though it was implemented according to the word of Allah, which means: "This is because they actually hated what Allah revealed (the Qur'an) and then Allah wiped out (the rewards of) their deeds"; f). Making fun of some of the Deen that the Messenger of Allah brought with him as about the reward or reward that will be received, as the word of Allah means: "Say: "Is it with Allah, His verses and His Messengers, that you always make fun? You don't need to apologize, because you disbelieve after believing"; g). Prioritizing the disbelievers and providing aid and assistance to the polytheists more than the aid and assistance given to the Muslims, as Allah says, which means: "Whoever among you takes the polytheists as leaders, then indeed that person is among their group. Indeed, Allah does not guide the wrongdoers"; h). Turning away from Allah's religion, either because he does not want to learn it or because he does not want to practice it, is in accordance with the words of Allah which means: "And who is more unjust than someone who has been warned by the verses of his Lord, Then he turns away from it. Indeed, we will give retribution to those who sin."

A Muslim who is married illegally will be ostracized by society, both himself and his family. In rural areas, Muslim communities are still very sensitive if there are couples of different religions, if there is a couple who converts or apostatizes following their husband or wife. Society still considers it a disgrace for him. If he is not ostracized, it is likely that society will not treat him well.

The majority of Ulama agree that apostasy (riddah) is the worst form of disbelief. Kufr after Islam is worse than actual kufr. The enemies of Islam always try to disbelieve the followers of Islam. Allah SWT says in QS.Al-Baqarah verse 217 which means: "they will never stop fighting you until they (can) return you from your religion (to disbelief) if they are able."

Allah SWT explains in his word about the retribution for those who follow the enemies who lead astray from religious teachings, which means: "Whoever among you apostates from his religion, then dies in disbelief, then those are the

ones whose deeds are in vain in this world and in the hereafter and they are the inhabitants of hell, they will be eternal therein."

Apostasy is a betrayal of Islam, because it contains desertion, partiality from one community to another. This is related to betrayal of the country, because it replaces loyalty to another country, another people.

Apostasy is not just a change of thought, but is a change of protection and loyalty, and membership of one's society to another society that is contrary and hostile to it. Islam applies a firm stance in dealing with apostasy, especially if the perpetrators declare their own apostasy, and help others to commit apostasy. In fact, they constitute a very serious danger to society's identity and destroy some of the foundations of its faith.

Ibn Taimiyah said that the effort to cause damage on earth by spreading disbelief and doubt about the Islamic religion is more serious than causing damage by taking property and shedding blood.

An eternal and everlasting marriage is the hope and dream of every married couple, eternity is realized in the form of a harmonious, peaceful and prosperous family. Therefore, it is necessary to help and complement each other between husband and wife to achieve prosperity and happiness for their family, both spiritual and material happiness.

Islamic jurists explain that if in a marriage, one of the husband and wife converts or apostates, that is, leaves Islam, then there is *fasakh* (void) and the couple must be separated. The apostasy of one of the husband and wife is an incident that results in the termination or cancellation of the marriage bond by law according to Islamic law. Because a marriage is terminated or *fasakh* due to several things, namely: a). If one of the partners apostatizes from Islam and does not want to return; b). If the husband converts but the wife remains in her disbelief, then the contract is *fasakh*.

If wrongIf one husband and wife apostate, then there will be *fasakh*/dissolution of the marriage relationship. Because apostasy is one of the reasons the couple must be separated, according to the agreement of the Ulama. However, there are differences of opinion regarding the timing and when the divorce occurred, as well as the law regarding the cancellation of the marriage contract between the two. There are several opinions regarding this matter, namely: First opinion, the marriage contract will be void both before and after sexual intercourse occurs. In the opinion of the Hanafiyah, Malikiyah schools and one of the two existing narrations; Second opinion, if one of the partners apostates before sexual intercourse occurs, then the marriage will immediately be annulled. However, if after sexual intercourse one of the spouses apostates, then the annulment of the marriage is postponed until the *iddah* period ends. And if one of the apostate spouses converts to Islam before the *iddah* period ends, then their marital status will be as before. If they convert after the *iddah* period has expired, then the couple is declared to have terminated their marriage since apostasy. This opinion was expressed by the Syafi'iyah and Hanabilah schools in a famous history from both of them; Third Opinion, According to Ibn Taymiyah and Ibnul Qoyyim, if one of the husband and wife apostates, then the marriage must be frozen. If you convert again, then the marriage is valid, whether you

converted before sexual intercourse or after, or converted before your iddah period expired or after your iddah period expired.

The purpose of marriage is to obtain legitimate offspring, both according to religious law and state law. Where the marriage bond does not conflict with applicable provisions, especially the provisions of Islamic law which greatly determine the validity of a marriage, the child born will automatically also be a legitimate child.

The occurrence of apostasy will affect the validity of the marriage, as well as the child who is born will have a strong influence. Related to this, the status of the child is divided into three, including: a). A child who is born when his parents are Muslim, then the child becomes Muslim, according to the majority of scholars; b). A child who is born after his parents apostatize but when his mother is pregnant she is still Muslim, then the law is the same as a child who is born when his parents are Muslim, because his parents are pregnant while they are still Muslim; c). A child who is in the womb of his parents after apostasy, then the law is an infidel, because he was born from two infidel parents, there is no difference of opinion regarding this matter.

If one of the Muslim husband and wife follows their apostate partner and lives as husband and wife, then the marriage is dissolved when one of the partners apostatizes, so if sexual intercourse occurs between them, it means they are committing adultery.

In Article 99 of the KHI regulates the status of children, namely: a). Children born in or as a result of a legitimate marriage; b). The result of the actions of a legitimate husband and wife outside the womb and born by the wife. Based on this Article, the legitimacy of the child is determined by the validity of the marriage of both parents, which means that if a child is born from a marriage that contains several things that conflict with the applicable provisions, then the child only has a blood relationship with his mother.

Apostasy is one of the factors that can influence the status of a child's lineage, if the husband and wife continue to have sexual intercourse after leaving Islam/apostasy without paying attention to the provisions of marriage law that prohibit their marriage bond.

In Article 100 of the KHI reads: "Children born out of wedlock only have a lineage with their mother and their mother's family." It is also explained in Article 101 which reads; "A husband who denies the legitimacy of a child, while the wife does not deny it, the denial can be confirmed through li'an."

Article 99 of the KHI explains that a legitimate child is a child born from a legitimate marriage. So if one of the couple is an apostate, according to Article 40 letter c and Article 44 of the KHI, interfaith marriage is prohibited, the marriage must be annulled/or considered terminated by the judge in a trial in Court.

A marriage that is invalid or has occurred *fasakh* according to Islamic law, then the children born as a result of that marriage are invalid/*haram*, resulting in: a). The child's lineage is only related to the mother; b). The child inherits only from the mother; and c). If the child is a girl, then the father has no right to be her guardian.

Riddah and its Legal Consequences According to the Perspective of Law Number 1 of 1974 Concerning Marriage in conjunction with Law Number 16 of 2019 Concerning Marriage

The unification of law through the Marriage Law aims to be a step to standardize the law to be applied to all Indonesian citizens, because in resolving various problems in marriage, it refers to the Marriage Law. The purpose of the unification of law is to guarantee legal certainty for all Indonesian people, because the law has been standardized and applies to all Indonesian citizens, without discrimination according to ethnicity, religious group and so on.

The diversity of beliefs and religions in Indonesia, where each belief and religion has different regulations in organizing marriages and resolving problems that arise in marriage. Therefore, it is necessary to create legal uniformity through the unification of laws on marriage that are binding on all Indonesian citizens in carrying out marriages and in resolving all matters that arise. So that on January 2, 1974 it was enacted as Law Number 1 of 1974 concerning Marriage Jo. Law Number 16 of 2019 concerning Marriage, which applies to all Indonesian people.

Article 2 paragraph (1) of Law Number 1 of 1974 concerning Marriage explains that a marriage is considered valid if it is carried out in accordance with each person's respective beliefs and religions. In Indonesia, interfaith marriages are not yet regulated in Law Number 1 of 1974 concerning Marriage. There are various religions and beliefs in Indonesia, so it is possible for couples with different religions and beliefs to want to get married, but because there are no regulations governing this, some couples take various ways to legalize their relationship, such as getting married in another country that already regulates this, some even get married secretly without reporting to the civil registry office or the religious affairs office (KUA), and the easiest way is for one party to follow the religion of their partner or change religion (apostatize). The apostasy of one of the partners often causes problems later on if one of the apostate partners returns to their original religion. When one of the partners returns to their religion, there will be incompatibility between them, resulting in conflict that leads to divorce.

There are several reasons for divorce regulated in Article 19 of Government Regulation Number 9 of 1975 concerning the Implementation of Law Number 1 of 1974 concerning Marriage such as; leaving the other party for 2 years, committing adultery, being a drunkard, a drug addict, one party being sentenced to 5 years or more in prison, having a physical disability or illness that results in being unable to carry out their obligations as husband and wife and the occurrence of *tsiqoq* or continuous disputes and quarrels and no hope of living in harmony in the household.

Some of the factors that cause divorce above are not necessarily the main cause of divorce, because there are other factors such as several problems in the couple's household, namely economic problems and several differences between the couple, and one of the differences that often occurs between them is related to differences in religion. There are prohibitions from the teachings of several religions in Indonesia, by strictly prohibiting their followers from changing

religions, there are even religions that prohibit marriage with followers of other religions. In Islam, this can directly cause divorce and cause couples of different religions to no longer be allowed to have sexual intercourse, if they have sexual intercourse then they have committed adultery and are included in one of the major sins.

A child is said to be legitimate or not, depending on whether or not a marriage that caused the birth of the child is legitimate, and depending on whether or not the marriage is legitimate. In relation to this, it is the marriage that will determine the status of a child as legitimate or not, if a marriage is legitimate, both according to religious and state law, then the child who will be born has the status of a legitimate child, but if the marriage of both parents is not legitimate, then the child who will be born will definitely have the status of an illegitimate child.

The status of the child is regulated in Article 2 of the Marriage Law Number 1 of 1974, namely that a legitimate child is a child born in or as a result of a legitimate marriage. Article 43 paragraph (1) of Law Number 1 of 1974 also explains that a child born outside of marriage only has a civil relationship with his mother and his mother's family.

Article 44 paragraph (1) and (2) of Law Number 1 of 1974 concerning Marriage also explains that: (1) A husband can deny a child born to his wife if he can prove that his wife has committed adultery and the child is the result of said adultery; (2) The court issues a decision on whether or not the child is valid based on the request of the interested party.

Based on Article 42 of Law Number 1 of 1974 on Marriage, a child is considered legitimate if he/she is born from a legal marriage. If one of the parties changes religion or apostasy in the household, then according to Article 39 paragraph (1) and (2) of Law Number 1 of 1974, divorce can only be carried out in court, likewise with the change of religion or apostasy that occurs in one of the parties and has not been submitted to the court, then the marriage is still considered valid and valid because it has not been decided by the court.

The marriage is still considered valid according to Law Number 1 of 1974, so the relationship between the parties is still considered valid and not an act of adultery, as well as children born from the marriage are legally valid. And because the child is considered legitimate, the legal consequences are: 1). The child is still related to both parents; 2). The child becomes the heir of both parents; 3). If the child is female, the father has the right to be a guardian in her marriage.

After the judge's decision came out regarding his divorce on the grounds of conversion or apostasy which resulted in continuous disputes and quarrels between the two, then as a result of the dissolution of the marriage in terms of assets, a division must be made, especially for assets obtained during the marriage or joint assets. Joint assets are assets obtained during the marriage. Article 35 of Law Number 1 of 1974 states that assets obtained during the marriage become joint assets, this means that the formation of joint assets in a marriage is from the date of the marriage until the marriage bond is dissolved. Thus, any assets obtained are counted from the time the marriage contract is carried out, until the marriage is dissolved either because one of the partners dies

or because of divorce, then all of these assets automatically become joint assets according to the law. Meanwhile, the assets brought by both husband and wife and the assets obtained by each as a gift or inheritance, are under the control of each as long as the parties do not determine otherwise. Thus, in Islamic law, both husband and wife have the right and authority over their respective assets and powers. The husband has no right over his wife's assets because the wife's power over her assets remains and is not reduced due to marriage. Therefore, the husband may not use his wife's assets for household needs except with his wife's permission, even the wife's assets used for household needs, become the husband's debt and must be paid to his wife unless his wife releases him.

The husband and wife must divorce to avoid adultery, if one of the husband and wife converts to Islam to legalize their marriage but ends up apostatizing again after some time of marriage, then they can use the Compilation of Islamic Law (KHI) as a legal basis for filing for divorce. In the Compilation of Islamic Law (KHI) there are no explicit and clear regulations regarding divorce that occurs due to apostasy. In Article 116 of the Compilation of Islamic Law (KHI) which is a reference source of law for Muslims in Indonesia, it is explained that there are several causes of divorce, namely in Article 116 letter (h), it is stated that riddah (apostasy) is one of the causes of divorce, if the situation after the apostasy occurs results in a form of disharmony in a household.

The Compilation of Islamic Law (KHI) lists conversion (apostasy) as one of the factors causing divorce by adding the clause "which causes disharmony in the household". Article 75 of the Compilation of Islamic Law (KHI) regulates the annulment of marriage on the basis of apostasy, which reads "a marriage that is void because one of the husband or wife apostatizes". Likewise, if we look at the definition of annulment of marriage contained in the Marriage Law, a marriage can be annulled if the parties do not meet several marriage requirements. The Marriage Law does not include requirements for couples of the same religion, but if we look at Article 2 of the Law which depends on the validity of a marriage with the laws of each religion and its beliefs, then it is very appropriate to consider the requirement of the same religion proposed in Article 40 of the Compilation of Islamic Law (KHI) which prohibits the marriage of a man with a woman who is not Muslim.

The competence of the Religious Court to terminate or annul a marriage on the grounds of conversion is a unique case. The Religious Court uses divorce to terminate a marriage on the grounds of conversion or apostasy, not by annulling the marriage. Basically, the Religious Court can enforce divorce on the grounds of conversion because there is a school of Islamic jurisprudence that considers the termination of a marriage in the form of divorce not to be a termination. Rather than compromising through the dissolution of the marriage. The judge will think it is more difficult to compromise the schools of jurisprudence because it will clash with the understanding of the community's jurisprudence, rather than compromising through the dissolution of the marriage.

CONCLUSIONS AND RECOMMENDATIONS

Based on the explanation above, Islamic jurists explain that if in a marriage, one of the husband and wife converts or apostates, that is, leaves Islam, then there is a fasakh (void) and the couple must be separated. The apostasy of one of the husband and wife is an incident that results in the termination or cancellation of the marriage bond by law according to Islamic law. Because a marriage is terminated or fasakh due to several things, namely: a). If one of the partners apostatizes from Islam and does not want to return; b). If the husband converts but the wife remains in her disbelief, then the contract is fasakh.

The position of the child is regulated in Article 2 of the Marriage Law Number 1 of 1974, namely that a legitimate child is a child born in or as a result of a legitimate marriage. Article 43 paragraph (1) of Law Number 1 of 1974 also explains that a child born outside of marriage only has a civil relationship with his mother and his mother's family. The marriage is still considered valid according to Law Number 1 of 1974, so the relationship between the parties is still considered valid and not an act of adultery, likewise with children born from the marriage are legally valid. And because the child is considered legitimate, the legal consequences are: 1). The child remains a descendant of both parents; 2). The child becomes the heir of both parents; 3). If the child is female, the father has the right to be a guardian in her marriage.

For the House of Representatives (DPR), it is necessary to create more specific regulations regarding divorce due to apostasy, although there are already provisions in Law Number 1 of 1974 in conjunction with Law Number 16 of 2019 and in the Compilation of Islamic Law (KHI), especially in Article 116 letter H because there are still differences in interpretation in its application.

For Religious Court judges, in examining divorce cases due to apostasy, they must prioritize the principle of caution and accuracy in revealing several legal facts, because they are related to the legal consequences for the parties, especially the issue of legal certainty.

ADVANCED RESEARCH

Future research should delve deeper into the legal dichotomy between Islamic law and Indonesian national law regarding apostasy (riddah) and its effects on marriage. Critical areas for exploration include the comparative analysis of how apostasy-related marital dissolutions are treated in other Muslim-majority countries, the potential for legislative reform to explicitly address apostasy within Indonesia's marriage law framework, and the intersection between religious doctrine and human rights, particularly concerning children's legal status and inheritance rights. Additionally, research should evaluate the need for uniform judicial guidelines to ensure consistent and fair rulings in apostasy-related divorce cases, which remain legally and socially complex in Indonesia's pluralistic legal system.

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