



Interfaith Marriage: Perspective of Islamic Law and Positive Law

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Abstract

Interfaith marriage is one of the complex legal issues in Indonesia, especially when examined from the perspective of Islamic law and positive law. In Islamic law, marriage has a sacred value that must be in accordance with the principles of sharia, where the prohibition of marriage between Muslims and non-Muslims is emphasized in the Qur'an and Hadith. Meanwhile, Indonesian positive law regulates marriage in Law Number 1 of 1974 which emphasizes that marriage is considered valid if it is carried out according to the religious law and beliefs of each couple. This creates ambiguity in the regulation of interfaith marriage because there are differences in the interpretation and implementation of applicable laws. This study aims to analyze interfaith marriage from the perspective of Islamic law and positive law, identify the differences and similarities between the two, and explore legal solutions that can be applied in the Indonesian legal system. The method used in this study is normative juridical with a qualitative approach, which focuses on doctrinal analysis of laws and regulations, Islamic legal literature, and relevant court decisions. The results of the study show that Islamic law strictly prohibits interfaith marriage for Muslims, except under certain conditions regulated in certain interpretations. Meanwhile, positive law in Indonesia does not explicitly prohibit, but also does not provide a clear mechanism for interfaith marriage. The conclusion of this study is that the inconsistency between Islamic law and positive law in regulating interfaith marriage causes legal uncertainty in society, so that a firmer policy and legal harmonization are needed to provide legal certainty for interfaith couples in Indonesia.

I. INTRODUCTION

Marriage is a sacred bond that has legal, social, and religious consequences. In the context of Islam, marriage is not only seen as a contract between two individuals, but also as an institution that aims to build a family that is *sakinah, mawaddah, and rahmah* (Lazuardi and Viktorahadi 2024). One of the issues that is often debated in Islamic law is interfaith marriage, especially between a Muslim and a non-Muslim partner.

In the Qur'an, there are several verses that are the main references in discussing interfaith marriage, such as in Surah Al-Baqarah verse 221 and Surah Al-Ma'idah verse 5. Tafsir Ahkam, as one approach in understanding the laws in the Qur'an, has an important role in interpreting these verses and their implications in the practice of interfaith marriage.

In Indonesia, interfaith marriage is a complex issue, considering the differences in views between positive law and Islamic law. Law Number 1 of 1974 concerning Marriage stipulates

that a marriage is valid if it is carried out in accordance with each person's religion and beliefs. However, in practice, there are various interpretations that have caused polemics regarding the legality and validity of interfaith marriage in the national legal system.

The study of interfaith marriage from the perspective of Tafsir Ahkam is important to understand how Islamic law responds to this phenomenon. By studying various interpretations from classical and contemporary scholars, it is hoped that solutions can be found that are not only based on normative texts, but also consider social aspects and the welfare of the community.

II. RESEARCH METHODS

The research method used in the study entitled Interfaith Marriage from the Perspective of Islamic Law and Positive Law is a normative legal research method. (Jonaedi Efendi, Johnny Ibrahim, and Se 2018). This approach focuses on the study of legal norms applicable in Islamic law and positive law in Indonesia related to interfaith

marriage. This research is qualitative in nature with the main focus on doctrinal analysis of laws and regulations, jurisprudence, and the opinions of scholars and legal experts regarding interfaith marriage.

III. RESULTS AND DISCUSSION

A. Definition of Marriage

The word marriage comes from Arabic *نكاح* which is the predicate form of the verb *madhi* *نكح* which translated into Indonesian means marriage, or getting married (Tarigan 2015). Meanwhile, in terms of terminology, the Shafi'iyah group defines marriage as:

عقد يتضمن إباحة وطء بلفظ إنكاح أو تزويج

A contract that guarantees the permissibility of wati' with lapaz inkah or tazwij.

The Malikiyah group defines marriage as:

النكاح بأنه عقد على مجرد متعة التلذذ بأدمية غير موجب قيمتها

Meaning: Marriage is a contract solely for the pleasure of a woman without any obligation of price.

In the Compilation of Islamic Law (KHI) it is stated that marriage according to Islamic law is a very strong contract (*mitsaqan ghalizhan*) to obey Allah's commands and carrying it out is an act of worship. (Hidayatulloh and Janah 2020). This is in accordance with the Law, 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 family (household) based on the Almighty God.

Law No. 1 of 1974 in conjunction with Law No. 16 of 2019 concerning Marriage defines marriage as a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the Almighty God. In the KHI it is stated that marriage according to Islamic law is a very strong contract (*mitsaqan ghalizhan*) to obey Allah's command and carrying it out is worship (Samad 2017).

The Al-Quran calls the contract *misaqan ghaliza*, which can simply be translated as a strong bond. *Misaqan Ghaliza* is found in the QS. an-Nisa' verse 21.

B. Interfaith Marriage

Interfaith marriage is a marriage that occurs between two individuals who have different beliefs or religions. In the legal context in Indonesia, this marriage is a complex issue because of the inconsistency between state law and religious law. (Gonadi and Djajaputra 2023). Based on Article 2 Paragraph (1) of Law Number

1 of 1974 concerning Marriage, a marriage is considered valid if it is carried out in accordance with the religious laws and beliefs of each partner (Law Number 1 of 1974).

This shows that marriage must be based on the provisions of the religion embraced by each individual. In practice, interfaith marriages often raise various challenges, both in legal, social, and family aspects. Interfaith marriages often face administrative and legal obstacles in Indonesia (Afda'u, Prasetyo, and Saryana 2024). Some couples choose alternatives such as marrying abroad or undergoing a religious conversion to meet the legal requirements for marriage.

Sociologically, interfaith marriages can also pose challenges, especially in terms of children's education, parenting patterns, and acceptance from family and society. (Clara and Wardani 2020). Some couples choose alternatives such as converting or getting married abroad so that their marriage can be legally recognized.

In addition, interfaith marriages can also cause dilemmas in children's education and religious practices in the family. Therefore, legal and social aspects are the main considerations in interfaith marriages in Indonesia.

Interfaith marriage is a polemic because it causes debate between those who agree and disagree, but the impact of interfaith marriage is not only personal but also social and cultural. Is interfaith marriage allowed? Maybe some people say it's okay, because marriage is sacred.

Law Number 1 of 1974 on Religion clearly states that people may marry within the same religion, but not between different religions. In addition to the legal aspect, interfaith marriage also has social and cultural implications, especially in terms of family acceptance, child rearing patterns, and family worship practices.

Although there is no definite formulation about Interfaith Marriage in the Marriage Law, we can refer to various definitions of scholars. From the definition above, in the author's opinion, interfaith marriage is a relationship between two people with different beliefs and bound in one bond, namely marriage. There are two main elements that must be present in the definition of interfaith marriage, namely belief or embracing different religions and bound in a marriage relationship.

C. Interfaith Marriage Law

Mushrikah women cannot marry Muslim men but can marry women from People of the Book.

Meanwhile, Muslim women cannot marry Musryik men, even if the men are people of the Book. The reason is, following the Messenger of Allah. who had two wives from People of the Book, namely Safiyah bint Huyay bin Aktab and Mariatul Qibtiyah(Arifin 2018). The Prophet's silence in setting the Islamic conditions for a biblical woman when married to a Muslim man, because he considered this to be a common occurrence.

In making the food of the People of the Book lawful, Allah does not impose any restrictions, but generally applies to the food of the People of the Book before the Prophet Muhammad was sent. or after. Meanwhile, in making it lawful to marry a People of the Book, Allah places restrictions on the provisions of "the People of the Book before you (Muhammad)". So, people of the Book who are allowed to marry are People of the Book who have embraced their religion before the Prophet Muhammad was sent. This is in accordance with the practice of the Prophet PBUH. towards his two wives who were People of the Book.

In the Qur'an and Hadith, marriage with different beliefs is still debated, although there are exceptions for the People of the Book. This is mentioned in several verses in the Qur'an, including:

Al-Baqarah letter verse 221

وَلَا تَنْكِحُوا الْمُشْرِكَةَ حَتَّىٰ تُؤْمِنَ ۚ وَلَا مَٰمَّةً مُّؤْمِنَةً حَتَّىٰ يُؤْمِنَ
مُشْرِكَةً ۚ وَلَا تَنْكِحُوا الْمُشْرِكِينَ حَتَّىٰ يُؤْمِنُوا ۚ وَلَعَنَ
مُؤْمِنٌ خَيْرٌ مِّنْ مُّشْرِكٍ ۚ وَلَا أَغْنِيْكُمْ ۚ أُولَٰئِكَ يَدْعُونَ إِلَى النَّارِ ۚ وَاللّٰهُ
يَدْعُو إِلَى الْجَنَّةِ وَالْمَغْفِرَةِ بِإِذْنِهِ ۚ وَبَيِّنَ الْآيَاتِ لِلنَّاسِ لَعَلَّهُمْ يَتَذَكَّرُونَ ۚ

And do not marry polytheist women until they believe. Indeed, a believing female servant is better than an idolatrous woman, even if she attracts your heart. And do not marry polytheists (men) (to believing women) before they believe. Indeed, a faithful male servant is better than a polytheist male slave, even if he attracts your heart. They invite them to hell, while Allah invites them to heaven and forgiveness with His permission. (Allah) explains His verses to people so that they learn a lesson.

Surah Al-Baqarah verse 221 explicitly forbids a Muslim from marrying a polytheist woman until they believe, emphasizing that a believing woman is better than a polytheist woman, even if she is attractive. The majority of scholars, including Imam As-Syafi'i and Imam Abu Hanifah, are of the opinion that this verse indicates an absolute prohibition for Muslim men to marry polytheist women who worship idols. However, they differentiate between women of the People of the Book (Jews and Christians), where some scholars

such as Imam Malik are stricter in permitting such marriages because they consider the aspects of benefit and social impact.(Noble 2014). The word musyrikah in the Qur'an which has the same meaning as this verse is the word of Allah QS. Al-Baqarah: 105.

In its historical perspective, the asbab al-nuzul of the letter Al-Baqarah 221 has become a polemic among experts in the interpretation of the Qur'an from generation to generation. This was triggered by the existence of two different narrations regarding the reason for the revelation of the verse.

First, Ibn al-Munzhir, Ibn Abi Hatim, and al-Wahidi from Muqatil narrated that this verse was revealed in connection with the case of Abu Martsad al-Ghanawi or Martsad bin Abi Martsad, a man from the Banu Hashim community who was sent by the Messenger of Allah to Mecca to help evacuate the Muslims secretly.(Arifin 2018). In the past, when he was still in the age of ignorance (in Mecca), he had a lover named Inaq.

But, after converting to Islam, Martsad left his lover. At one point, his lover came to Martsad and asked the reason why he left her. Martsad answered by saying that Islam forbids our relationship while emphasizing that he would ask permission from the Messenger of Allah to marry her. Hearing that answer, Inaq was disappointed, screamed, and people came and beat Martsad with hard blows and then let him go. After completing his duties in Mecca, he went to the Messenger of Allah and asked permission to marry Inaq. Then this verse was revealed.

Second, al-Wahidi narrated from al-Suddi's line from Malik from Ibn Abbas, he said, "This verse relates to a friend of Abdilah bin Rawahah who came to the Messenger of Allah to tell him about his actions of hitting his dark-skinned and ugly female servant because he was angry. He felt sorry and asked the Messenger for guidance." Rasulullah asked, "How is the condition of the servant?" Abdillah answered that his slave was a devout Muslim woman. The Messenger of Allah said again, "O Abdillah, he is a believer."

Then Abdilah replied, "By the One who sent you with the truth, I will free her and marry her." This incident provoked contempt and cynicism from the community, because they considered Abdillah to be marrying his lowly and ugly slave. In connection with this, the revelation of Allah came down.

Surah QS al-Mumtahanah verse 10:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا جَاءَكُمْ الْمُؤْمِنَاتُ مُهَاجِرَاتٍ فَامْتَحِنُوهُنَّ ۚ إِنَّهُنَّ
أَعْلَمْنَ بِإِيمَانِهِنَّ فَإِنْ عَلِمْتُمُوهُنَّ مُؤْمِنَاتٍ فَلَا تَرْجِعُوهُنَّ إِلَى الْكُفَّارِ لَا هُنَّ

حَلَّ لَهُمْ وَلَا هُمْ يَحِلُّونَ لَهُنَّ وَأَتَوْهُنَّ مَا أَنْفَقُوا وَلَا جُنَاحَ عَلَيْكُمْ أَنْ
تَنْكِحُوهُنَّ إِذَا آتَيْتُمُوهُنَّ أَجُورَهُنَّ وَلَا تُمْسِكُوا بِعِصَمِ الْكُوفَارِ وَسَلُّوا
مَا أَنْفَقْتُمْ وَلَيْسَ لَكُمْ أَنْفَقُوا نَالِكُمْ حُكْمُ اللَّهِ يَحْكُمُ بَيْنَكُمْ وَاللَّهُ عَلِيمٌ
حَكِيمٌ

O you who believe! When believing women come to emigrate to you, then you must test their (faith). Allah knows better about their faith; If you know that they (really) believe, then do not return them to the disbelievers (their husbands). They are not lawful for those who disbelieve and those who disbelieve are not lawful for them. And give to their (husbands) the dowry they have given. And there is no sin for you in marrying them if you pay them the dowry. And do not remain tied to (marriage) ties with unbeliever women; and ask for the dowry you have given back; and (if their husbands remain unbelievers) let them ask for the dowry they have paid back (to their ex-wives who have believed). Such is the law of Allah which He established among you. And Allah is All-Knowing, All-Wise.

The verse above implies that there is a prohibition on continuing the bonds of marriage with polytheistic and infidel women, who at that time are still bound by a Muslim man.

QS al-Ma'idah verse 5

الْيَوْمَ أُحِلَّ لَكُمْ الطَّيِّبَاتُ وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حَلَلٌ لَكُمْ
وَوَطَعَامُكُمْ حَلَلٌ لَهُمْ وَالْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ وَالْمُحْصَنَاتُ مِنَ الَّذِينَ
أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ إِذَا آتَيْتُمُوهُنَّ أَجُورَهُنَّ مُحْصِنِينَ غَيْرَ مُسَفِحِينَ
وَلَا مُتَّخِذِي أَخْدَانٍ وَمَنْ يَكْفُرْ بِالْإِيمَانِ فَقَدْ حَبِطَ عَمَلُهُ ۖ وَهُوَ فِي
الْآخِرَةِ مِنَ الْخَاسِرِينَ ۝

On this day everything that is good is permitted to you. The food (sacrifice) of the People of the Book is halal for you, and your food is halal for them. And (it is permissible for you to marry) women who maintain honor among believing women and women who maintain honor among those who were given the Book before you, if you pay their dowry to marry them, not with the intention of committing adultery and not to make a woman a pet. Whoever disbelieves after believing, then indeed, their deeds were in vain, and in the Hereafter he will be among the losers.

From the verse above, it can be concluded that Muslim women are not allowed to marry non-Muslim men, including those from the People of the Book. Muslim men are also not allowed to marry infidel/polytheist women, but Muslim men are allowed to marry women from the People of the Book. The People of the Book are followers of Judaism and Christianity.(Inspiration 2020).

Responding to the text that discusses inter-religious marriage, Umar Farukh, a modern thinker, and several commentators considered

that verse 221 of Surah al-Baqarah and verse 10 of Surah al-Mumtahanah were translated by verse 5 of Surah al-Ma'idah. So, it is permissible for Muslim men to marry women from kitabiyah or people of the book, because the absolute prohibition law has been stated in the naskh. Meanwhile, according to Ibn Hazm, the women of the People of the Book constitute a small exception to the large number of unbeliever women. According to some commentators, this problem does not belong to the text but rather to takhsis-an (specialization). This opinion is then in line with Ibn Hazm's opinion which allows marriage with women from People of the Book(Arifin 2018).

The purpose of interfaith marriage is to invite other religions, especially the People of the Book, to enter and embrace Islam. Establishing relationships with an awareness of tolerance between religious adherents, by means of Muslim men marrying women from the People of the Book.(Rohman 2011). Because usually men are stronger and can tolerate women of the People of the Book in practicing their religion (Islam recognizes Jesus as a Prophet of Allah, while the People of the Book do not recognize Muhammad as a Messenger).

In this way, diplomatic relations will arise between the Muslims and the People of the Book. Gradually they will become aware of the existence and beliefs they have held all this time. Even without coercion, they will convert to Islam on their own, thus creating the goal of Islam as a religion of rahmatan li al-alamin.

1. Interfaith Marriage in Islamic Jurisprudence

In understanding marriage between a Muslim woman and a non-Muslim man, scholars agree that it is forbidden, but scholars have different opinions regarding marriage between a Muslim man and a non-Muslim woman, this is due to differences in interpretation of the verses of the Qur'an.(Arifin 2018).

There are three opinions that have developed among scholars in interpreting the verse above, namely regarding Muslim men marrying women from the People of the Book:(siddik Turnip 2021)

- 1) The first opinion states that it is haram for Muslim men to marry women from the People of the Book. This opinion was put forward by Abdullah ibn Umar using an interpretation of the letter al-Baqarah verse 221, which states that women from the People of the Book from among Christians and Jews are included in the polytheist

group because they deify Isa ibn Maryam and Uzer. Thus, they are not permissible to marry because polytheists are forbidden to marry.

- 2) stated by Atha' bin Rabbah. He stated that marrying an People of the Book was rukhsah, because at that time there were very few Muslim women. Meanwhile, nowadays there are many Muslim women, therefore marrying women from People of the Book is no longer necessary and the desire to marry them automatically disappears.
- 3) It was stated by a number of ulama that it is permissible to marry women from People of the Book based on the word of Allah in Surah al-Ma'idah verse 5, while those included in the People of the Book are women from Jewish and Christian circles.

From the several opinions above, it is necessary to identify who is actually categorized by the Qur'an as a polytheist, who is then forbidden to be married by Muslims. It is said that polytheists are not only associating partners with Allah but also do not believe in one of the heavenly books, whether there has been a deviation or the original one, and they do not believe in a single prophet. As for the People of the Book, they are people who believe in one of the prophets of the prophets and one of the books of the heavenly books, whether there has been a deviation in their beliefs and practices.

According to the views of scholars in modern times, an expert such as Rasyid Ridha, a student of Imam Muhammad Abduh, emphasized that Magians, Sabians, Hindus, Buddhists, Confucians, Shintoists and other religions can be categorized as People of the Book. Rida stated that Muslim men who are forbidden by Allah from marrying polytheist women in Surah al-Baqarah verse 221 are idolatrous women of the past. That is the opinion of commentator Ibn Jarir al-Tabari. Meanwhile, the Magi, Sabians, idol worshipers in India, China and the like, such as the Japanese, were People of the Book, who have embraced monotheism to this day. Therefore, it is halal to marry their women.

2. Interfaith Marriage in Legislation

Differences in beliefs can occur before, during, and after marriage. Differences in religion before marriage that continue during marriage will result in debates about the validity of the marriage. Meanwhile, differences in religion that arise during building and running a household can

cause controversy on the issue of annulling the marriage in question.(siddik Turnip 2021).

The Marriage Law relatively clearly rejects the ability of people of different religions to marry, because it is considered valid if both the bride and groom are subject to a law that does not prohibit marriage in their religion, this does not mean that it is free from problems. On the contrary, it invites various interpretations. Interpretation of this provision will give rise to the interpretation that interfaith marriage is a violation of Law No. 1/1974 article 2 paragraph 1 in conjunction with article 8 f, which states that a marriage is valid if it is carried out according to the law of each religion and its beliefs. In the explanation of the Law, it is emphasized that with the formulation of article 2 paragraph 1 there is no marriage outside the law of each religion and its beliefs.

Interfaith marriages are valid and can be carried out because they are included in mixed marriages. The reason is, article 57 on mixed marriages which emphasizes two people who in Indonesia are subject to different laws.(Rohman 2011). This means that this article regulates marriage between two people of different nationalities and also regulates two people of different religions.

Inter-religious marriages are not regulated at all in Law No. 1/1974, so based on Article 66 of Law No. 1/1974, the issue of interfaith marriages can be referred to the regulations on mixed marriages, because they are not regulated in the marriage law.

Normatively, interfaith marriages in the KHI are divided into three(Rohman 2011):

- 1) Religious differences as a deficiency in marriage requirements. Religious differences that occur and are known before the marriage contract are regulated in chapter VI concerning the Prohibition of Marriage (Articles 40 and 44), and chapter X concerning the Prevention of Marriage (Article 61). A man is prohibited from marrying a woman who is not Muslim (Article 40 c), while a Muslim woman is prohibited from marrying a man who is not Muslim (Article 44). Indeed, this section is literally separate from the provisions concerning the pillars and requirements of marriage, but article 18 explains that in fact this chapter VI is related to chapter IV, part two concerning the prospective bride and groom.
- 2) Religious differences as a reason for preventing marriage. Prevention has no

consequences for the validity of the marriage, because there has been no/not yet a marriage contract (Article 61), prevention is submitted to the Religious Court in the jurisdiction where the marriage will take place by notifying the local PPN (Article 65). Those who can file for prevention are family in the descending line, siblings, marriage guardians, guardians from the bride and groom (Article 62). A husband or wife who is still bound by marriage to one of the prospective brides and grooms can file for prevention of marriage (Article 63). In fact, officials in charge of supervising marriages are obliged to prevent marriages if the pillars and requirements of marriage are not met (Article 64).

- 3) Different religions as a reason for annulment of marriage. Article 75 is part of the articles that regulate the annulment of marriage, one of the reasons for annulment is that "one of the husband and wife has apostatized". The decision to annul a marriage because one of the husband and wife has apostatized is not retroactive.

3. Interfaith Marriage Law in Islamic Law

Quraish Shihab in his book *Wawasan al-Qur'an* puts forward his tendency to understand the people of the book as all followers of the Jewish and Christian religions, whenever, wherever, from whatever descent they may be. (Hermawan 2018). His opinion is based on the use of the term in the Qur'an which is limited to the two groups (Jews and Christians). His other argument is the word of Allah SWT in the letter Al-An'am: 156 which means, "(We have sent down the Qur'an) so that you (do not) say, 'that the Book was only revealed to two groups before us, and indeed we do not pay attention to what they read'.

The difference between a polytheist woman and a woman from among the people of the book is that a polytheist woman does not have a religion that forbids her from committing betrayal, obliges her to carry out trusts, orders her to do good and prevents her from doing evil. (LIST, nd). What she does and her social life is influenced by the invitations of idolatry, whereas this idolatrous teaching contains superstition and assumptions, daydreams and shadows whispered by Satan. Because of that, she will be able to betray her husband and damage the religious beliefs of her children.

Quraish Shihab argues in *Tafsir al-Misbah* that in the letter al-Bayyinah: 1 divides the infidels into two different groups, namely the people of the book and the polytheists. The difference is understood from the letter 'wau' in the verse which means 'and'. This letter is used linguistically to combine two different things. As for those who are prohibited from marrying Muslim women, they are polytheists, while those who are permitted by the letter al-Maidah are marrying women from the people of the book. (Hermawan 2018).

The prohibition of inter-religious marriage is motivated by the desire to create 'sakinah' in the family which is the purpose of marriage. Marriage will be lasting and peaceful if there is a matching outlook on life between husband and wife. Never mind religious differences, cultural differences and even educational levels often lead to misunderstandings and failed marriages.

Indeed, this letter of al-Maidah: 5 allows marriage between Muslim men and women of the people of the book, but this permission was as a way out of urgent needs at that time, where Muslims often traveled far to carry out jihad without being able to return to their families, as well as for the purpose of da'wah. That Muslim women are not allowed to marry non-Muslim men, both people of the book, especially polytheists, because they do not recognize the prophethood of Muhammad SAW.

When responding to the issue of marriage between Muslim men and women of the people of the book, by referring to QS al-Maidah: 5, Quraish Shihab is of the opinion that a Muslim man is allowed to marry a woman of the people of the book, namely Jews and Christians. According to Quraish Shihab, this permission does not contradict QS al-Baqarah: 221 which prohibits a Muslim man from marrying a polytheist woman.

Regarding the meaning of the people of the book, it seems that Quraish Shihab emphasized the permissibility of this marriage to Christians rather than Jews. This opinion stems from the fact that the verses addressed to Jews always have a condemnatory tone, although some are neutral, but the criticism is more directed at Jews than Christians.

Then added again in QS al-Baqarah: 120 about the use of the word 'lan' for Jews and 'la' for Christians. The word 'lan' is interpreted by language experts as a word used to deny something that will come. Originally this word consisted of the words 'la' and 'an'. Therefore, according to the expert of the Qur'an, Al-Zarkasyi,

the word 'lan' has a stronger negation pressure than the word 'la'. The word 'la' is basically used to prohibit or deny. This denial can apply in the past, present, and future.

The general impression is that, if the Qur'an uses the word al-Yahud, then the content is a condemnation or negative description of them. This is different if the Qur'an uses the sentence al-lazina Hadu, for example QS al-Baqarah: 120, al-Maidah: 18, 64, and 82. Meanwhile, the use of the word al-Nasara does not always contain condemnation, there are even verses that praise them. Thus, the use of the word 'lan' which contains a firm denial of the Jews, and the word 'la' whose denial is not as strong as 'lan' and does not necessarily contain a meaning that continues into the future, as is the case with 'lan' which is directed at the Jews. The difference in the use of these two words to the intended object shows the difference in their attitudes towards Muslims (Rohman 2011).

Regarding the permissibility of marriage, to strengthen his opinion, in addition to referring to QS al-Maidah: 5, Quraish Shihab stated that many companions and tabi'in had married women who were people of the book. According to him, Caliph Usman once married a Christian woman, although his wife later converted to Islam. Talhah and Zubair, two prominent companions of the prophet also married Jewish women. The fact that the companions have married women who are people of the book shows that this marriage is indeed permissible, because the companions and tabi'in are known to the best of generations, who will not carry out any legal action that is prohibited by the Qur'an.

Allah SWT allows this marriage not without conditions. The women who are people of the book who want to marry must be muhsanat, namely women who maintain their honor, both believers and people of the book. Apart from that, there are also those who interpret it as free women. Furthermore, the prioritization of the mention of believing women gives a signal that they should be prioritized, because the similarity of religion and outlook on life really helps to create peace, and even really determines the longevity of the household. According to Qaul Mu'tamad in the Syafi'i school of thought, women who are lawful to be married by Muslims are women who adhere to Christianity and Judaism as the religions of their descendants. (Arifin 2018).

In its application in Indonesia, Indonesians who embrace Judaism or Christianity after the revelation of the Qur'an are not included in the

law of the people of the book. It is not permissible for Muslims to marry women like them; likewise, to eat food that is slaughtered by them. This is according to the qaul mu'tamad in the Syafi'i school of thought which is in line with most of the Fiqh scholars. Unlike Quraish Shihab who permits marriage between Muslim men and women of the people of the book, the KHI strictly regulates the prohibition of marriage between Muslims and non-Muslims.

These provisions are regulated in article 40 (c) and article 44. From a legal aspect, Islam prohibits Muslim men and women from marrying polytheist and infidel women and men, the reason is because polytheists and infidels always try to lead Muslims to actions that lead to hell. The ability given in Surah al-Maidah: 5 to Muslim men to marry women from people of the book depends on the faith of the people of the book. Because all adherents of religions who previously claimed to be people of the book, in the implementation of their lives today are polytheists and infidels.

Therefore, the Indonesian Ulema Council (MUI) in 1980 issued a fatwa prohibiting the marriage of Muslim men with non-Muslim women even from among the people of the book. The premise is because adherents of religions that were previously claimed by Allah SWT as people of the book are now included in the group of polytheists and infidels.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Interfaith marriage from the perspective of ahkam interpretation highlights the importance of the conformity between religious teachings and the practice of family life in Islam. From various existing interpretations, it is found that the prohibition of interfaith marriage aims to protect the integrity of faith and ensure stable family welfare in a religious context. The ahkam interpretation views that the marriage of a Muslim with a non-Muslim has the potential to cause conflict in aspects of faith and worship practices, which can affect the welfare of the family and the next generation.

In principle, this prohibition also reflects Islam's concern for children's religious education in the family, which is an important foundation for the formation of their character and beliefs. However, this interpretation also shows that there is room for more flexible policies in certain cases, especially by considering the social and cultural conditions that exist in society.

Overall, interfaith marriage in Islam is seen as something that can have a negative impact on family and community harmony. However, discussions on interfaith marriage must consider various aspects, both in terms of fiqh, social, and humanity, while maintaining the basic principles of religious teachings.

B. Suggestion

Based on the discussion regarding interfaith marriage according to the interpretation of the ahkam, there are several suggestions that can be put forward to enrich the understanding and application of Islamic law in this context:

1. More Intensive Religious Education: To prevent the negative impacts of interfaith marriages, it is important for Muslims to receive more in-depth religious education, so that they can better understand religious values and be able to face the challenges of family life with full awareness of the nature of faith.
2. A More Contextual Approach in Islamic Law: In dealing with cases of interfaith marriage, there needs to be a more contextual and flexible approach in the application of the law, especially if there are certain factors that influence the decision to marry. For example, in conditions where the marriage can guarantee the continuation of good moral and religious values.
3. Interfaith Dialogue to Prevent Social Conflict: Efforts to reduce social tensions due to religious differences in marriage can be done through interfaith dialogue and understanding. The community needs to be equipped with a better understanding of religious pluralism and the importance of respecting differences, without sacrificing the principles of religion that are believed.
4. Empowering the Role of the Family in Children's Education: The family as the first and foremost institution in children's education must be given more attention in terms of teaching religious values. For couples involved in interfaith marriages, there needs to be a greater effort to ensure that children receive a good religious education from one parent who has a strong understanding of religion.

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