



Interfaith Marriage in Perspectives of Classical and Modern Scholars

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Submitted : 2022-07-31

Revision : 2022-11-10

Accepted : 2022-11-22

Publish : 2022-11-25

Abstract: *Interfaith marriage has been a polemic in Islam since the Quran and hadith do not clearly explain the marriage that is allowed to ahl al-kitab and how to distinguish between Ahl al-Kitab and polytheistic. Also, it differs infidel, polytheistic, Ahl al-Kitab, Majusi, Sabi'i and others. The debate over this term among scholars continues until they agree to categorize those people into Ahl al-Kitab, polytheistic, majusi and others. This research uses a qualitative method with a normative approach in which the researchers use books, journals and other scientific manuscripts as the main resources. In addition, the researchers did a survey and found several things: First, the paradigm differences of scholars regarding interfaith marriage are based on differences understanding in Quran and hadith, socio-cultural influences and methods used. Secondly, the clerics agreed to forbid a Muslim to marry a disbeliever and polytheistic, but allowed to marry women Ahl al-Kitab. Third, Scholars differ in classifying ahl al-kitab women infidel, polytheistic, sabi'i and Ahl al-Kitab.*

Keywords: *Ahl al-Kitab, Interfaith, Marriage, Scholars*

Abstrak: Perkawinan beda agama telah menjadi polemik dalam Islam karena Al-Qur'an dan Hadits tidak secara jelas menjelaskan perkawinan yang diperbolehkan Ahl al-Kitab dan bagaimana membedakan Ahl al-Kitab dengan musyrik. Juga dibedakan antara kafir, musyrik, Ahl al-Kitab, Majusi, Sabi'i. Perdebatan istilah ini di kalangan ulama terus berlanjut hingga mereka sepakat mengkategorikan orang-orang tersebut ke dalam Ahl al-Kitab, Musyrik, Majusi dan lain-lain. Penelitian ini menggunakan metode kualitatif dengan pendekatan normatif dimana peneliti menggunakan buku, jurnal dan naskah ilmiah lainnya sebagai sumber utama. Selain itu, peneliti melakukan survei dan menemukan beberapa hal: Pertama, perbedaan paradigma ulama tentang pernikahan beda agama didasarkan pada perbedaan pemahaman dalam Al-Qur'an dan hadis, pengaruh sosial budaya dan metode yang digunakan. Kedua, para ulama sepakat melarang seorang muslim menikah dengan orang kafir dan musyrik, tetapi diperbolehkan menikahi wanita Ahl al-Kitab. Ketiga, Ulama berbeda dalam mengklasifikasikan wanita ahl al-kitab kafir, musyrik, sabi'i dan Ahl al-Kitab.

Kata Kunci: *Ahl al-Kitab, Beda Agama, Pernikahan, Ulama*

Introduction

Interfaith marriage is a topic that is constantly debated, because of huge socio-cultural changes in society, the relationship between the majority of Muslims and non-Muslims is becoming

increasingly harmonious and can coexist. Legally, this bond of worship results in the creation of a legal act. Marriage based on the bond of inner birth is lawful if it satisfies the elements in Article 2 paragraph (1) of Law Number 1 of the year 1974 concerning Marriage, and the marriage is valid if it is carried out in accordance with the laws of each faith and belief.¹

As society evolves, the problems that arise become increasingly complicated; one of them is interfaith, which has legal, social, and religious ramifications. Interfaith marriage is a marriage between individuals of different religious beliefs, sometimes known as a marriage of different religion.² The interfaith worldview consists of two fundamental components. First, historically, interfaith marriage has been a source of difficulty for all religions, not just Islam. The interfaith marriage ban is a decision that cannot be reversed owing to religious disagreements; nonetheless, there are initiatives to rationalize the ban in accordance with the circumstances. Second, religious documents require a full, contextual, and multi-analytic interpretation. This is done in accordance with religious principles, religious truths, and local knowledge values to ease community concern.³ Several religious organizations, including the Majelis Ulama Indonesia (MUI), the Persekutuan Gereja Indonesia (PGI), the Konferensi Wali Gereja Indonesia (KWI), the Perwalian Umat Buddha Indonesia (WALUBI), the Parisada Hindu Indonesia (PHDI), and the Majelis Tinggi Agama Konghucu Indonesia (MATAKIN), share this viewpoint. Interfaith marriage is not an ideal union according to the doctrines of each religion.⁴

English translation. Interfaith marriage supporters have opposed several anti-interfaith groups. Interfaith marriage advocates think that universalism and cultural relativism have been opposing views on human rights, especially regarding interfaith marriage. Universalists believe in freedom of marriage (article 16 of the UDHR), including the right to marry between religious believers, and freedom of religion (article 18 of the UDHR). There are no universal human rights, as relativists believe they must be culturally-based in each society. Human rights must be used in accordance with history, culture, and other factors, and the right to freedom of marriage must be tailored to sociocultural situations. Human rights universalism and Cultural Relativism must offer equal rights to anyone who wants to marry, especially those who don't break their religion's rules.⁵ Religious communities depend on cultural and religious interactions. Islamic principles and legislation, like social institutions directing sociocultural life, require compromise and discussion. Two equals have complementary influences.⁶

According to Jasser Auda, a legitimate legal opinion is one that is developed on an authentic legal basis and with due consideration for *maqasid al-syar'ah*. Auda, on the other hand, claims that 'urf

¹ Hamdan Nasution, "Analisis Atas Keabsahan Perkawinan Beda Agama," *Jurnal Hukum Kaidah: Media Komunikasi Dan Informasi Hukum Dan Masyarakat* 19, no. 1 (2019), <https://doi.org/10.30743/jhk.v19i1.1909>. 85-86. Junaedi & M. Martindo Merta, "Perkawinan Beda Agama Dan Akibat Hukum Kewarisan Dalam Perspektif Hukum Islam," *Prosiding ISID*, 2020. 267.

² Roni Efendi, "Perkawinan Beda Agama Dalam Paradigma Sosiological Jurisprudence," *Al Hurriyah : Jurnal Hukum Islam* 5, no. 1 (2020), <https://doi.org/10.30983/alhurriyah.v5i1.2396>. 50.

³ Susilo Surahman, "Perkawinan Beda Agama Itu Boleh (?)," *Jurnal Multidisiplin Madani* 2, no. 4 (April 29, 2022): 1711-20, <https://doi.org/10.55927/mudima.v2i4.290>. 1715.

⁴ Budiarti Budiarti, "Analisis Yuridis Perkawinan Beda Agama Dengan Pendekatan Maqashid Al-Syariah Dalam Konteks Negara Hukum Pancasila," *Justicia Islamica* 15, no. 1 (2018), <https://doi.org/10.21154/justicia.v15i1.1362>. 44-45.

⁵ Fitrawati Fitrawati, "DISKURSUS PERKAWINAN BEDA AGAMA DI INDONESIA DALAM TINJAUAN UNIVERSALISME HAM DAN RELATIVISME BUDAYA," *JURIS (Jurnal Ilmiah Syariah)* 20, no. 1 (2021), <https://doi.org/10.31958/juris.v20i1.2825>. 143.

⁶ Muh Fathoni Hasyim, A. W. Liliek Channa, and Moh Mufid, "The Walagara Marriage Ritual the Negotiation between Islamic Law and Custom in Tengger," *Journal of Indonesian Islam* 14, no. 1 (2020), <https://doi.org/10.15642/JIIS.2020.14.1.139-162>. 155.; Mifatakhul Bil Ibad, "Perkawinan Beda Agama Perspektif Majelis Ulama Indonesia Dan Muhammadiyah," *AL-HUKAMA'* 9, no. 1 (2019), <https://doi.org/10.15642/alhukama.2019.9.1.195-230>. 198.

(social tradition) must be honored in order to accomplish *maqasid al-syar'ah*, even if 'urf differs from the meaning conveyed by *nas* (theoretical fundamental). Because the goal of establishing Islamic law must be for the benefit of those who follow the rule.⁷

It must be admitted that this interfaith marriage is complicated because Quran and hadith do not clearly explain who and what is meant of *ahl al-kitab*, *polytheistic*, and what are the differences between the two terms and the other. The scholars' debate about interfaith marriage is related to these terms as seen from the determination of who is categorized into the *ahl al-kitab*, *polytheistic*, *majusi* and others. This difference in interpretation occurs because there is no verse Quranic that explains in detail about the term's *infidel*, *polytheistic*, *ahl al-kitab* or others, included the *atsar* of the *shahabah*. Understanding the Quran and *sunnah*, require a suitable approach and breakthrough. The challenges of modern life are not always relevant to classical interpretation, because many new problems arise, the situation and conditions when classical interpretation was born are so different that it is not only irrelevant, but it can cause new problems because it is left behind by a changed time and place.⁸

Based on the aforementioned issues, this study will discuss and examine experts' perspectives on this interfaith marriage in greater depth. This writing will be expressed in the form of normative legal writing through an approach to legal principles relevant to the problem of scholars' paradigms regarding interfaith marriage, both connected to *ijtihad*, legal sources, and thought processes. The specifics of this study are descriptive analysis since the idea will be presented and analyzed in order to create a comprehensive and enlightened understanding of interfaith marriage. This paper is carried out by qualitative methods which will then be processed deductively and will then be presented in a descriptive form. So that the problem of interfaith marriage might be properly and thoroughly understood.

Interfaith Marriage in an Islamic Perspective

Interfaith marriages here fall into two categories: (1) prospective wives are Muslim while prospective husbands are *ahl al-kitab* or *polytheistic*, and (2) prospective husbands are Muslim while prospective wives are *ahl al-kitab* or *polytheistic*. At least three verses in the Quran mention Muslims marrying non-Muslims: *surah al-Baqarah* 221, *surah al-Mumtahanah* 10, and *surah al-Maidah* 5.⁹

Several categories must be considered for the interfaith marriage ban. There are various legal difficulties associated with the marriage, including:

⁷ Eko Saputra and Busyro, "Kawin Maupah: An Obligation to Get Married after Talak Tiga in the Tradition of Binjai Village in Pasaman District a *Maqâsid Al- Sharī'ah* Review," *Qudus International Journal of Islamic Studies*, 2018, <https://doi.org/10.21043/qijis.v6i2.3738>. 208. the husband and wife should not reconcile unless the ex-wife marries another man (muhallil)

⁸ M. Ikhwani and Anton Jamal, "Diskursus Hukum Islam Dalam Konteks Keindonesiaan: Memahami Kembali Nilai-Nilai Substantif Agama," *Al-Manahij: Jurnal Kajian Hukum Islam* 15, no. 1 (2021), <https://doi.org/10.24090/mnh.v15i1.4689>. 174. including the presence of Islamic law in the nation-state, this of course requires a comprehensive discourse in order to answer each of these problems. This paper uses a qualitative research method with a narrative approach by referring to secondary sources so that it can be concluded. First, the formulation of Islamic law in Indonesia needs to be considered in terms of prioritizing the application of the noble values of religion itself (substantive)

⁹ Ibnu Radwan Siddik Turnip, "Perkawinan Beda Agama: Perspektif Ulama Tafsir, Fatwa MUI Dan Hukum Keluarga Islam Di Indonesia," *Al-Tadabbur: Jurnal Ilmu Al-Qur'an Dan Tafsir* 6, no. 1 (2021). 210.

1. Marriage of Muslim women to non-Muslim

Muslim women cannot marry polytheistic or Ahl al-Kitab men, according to scholars. Their opinion comes from surah al-Mumtahanah verse 10. The jumhur ulama used this passage to forbid Muslim women from marrying non-Muslims. Because the husband has influence over the wife, she must heed his good directions. Infidel husbands don't care about their wives' faith.¹⁰ Yusuf al-Qardhawi said Muslim women cannot marry non-Muslims, including ahl al-kitab. Allah forbids it in surah al-Baqarah 221 and surah al-Mumtahanah 10. Scholars agree on this unconstitutional law.¹¹ Ibn Hajar ibn Jabir narrates, "Marry Ahl al-Kitab women, and don't let their men marry our women (muslim women)," Rasulullah said. Muslims can marry Nasraniyyahs, but Christians cannot marry Muslimahs, according to Umar ibn Khathab, narrated Abdur Razak and Ibn Jarir.¹²

2. Muslim marriage with polytheistic

Polytheistic comes from syarika-yasyraku-syirkatan, which means to ally.¹³ In Surah al-Baqarah verse 221 Allah forbids Muslims from marrying polytheists, and Surah al-Mumtahanah 10 as well confirms to this. The context of Surah al-Mumtahanah verse 10 and its asbab an-nuzul imply that al-Kawafir (infidel women) are polytheistic, or worship statues. According to ibn Rusyd, marrying a statue-worshipping woman is haram because scholars have agreed on it.¹⁴ Muhammad Abduh's follower Muhammad Rasyid Ridha wrote in his book of interpretation that most say polytheisticat means an Arab polytheistic lady without a holy book. This is the term of polytheistic introduced by the Quran in surah al-Baqarah verse 105 and surah al-Bayyinah verse 1. These two verses match Allah's description of lawfully married women in surah al-Maidah verse 5.¹⁵

However, Muhammad Abduh's opinion is incorrect because Allah brought down the Qur'an for all people to utilize as a guide. So, polytheism can't be exclusive to Arabs alone.

3. Muslim Marriage to Ahl al-kitab

Muslim men can marry ahl al-kitab women. However, scholars have varied perspectives on the law of marrying ahl al-kitab women and who qualifies as ahl al-kitab.

a. Opinions of Tafsir scholars on Ahl al-kitab

Ahl al-kitab originates from *ahila-ya'halu-ahlan*, *al-ahl* is family, *ahl ar-rajul* means his wife, *ahl al-dar* means villagers, *ahl al-'amr* means king, and *ahl al-madzhah* means mazhab.¹⁶ According to this logic, ahl, when coupled with the al-kitab, tends to signify people who are against it. In other words, they are followers of the *al-kitab*. In the Qur'an the Muslims are excluded from the pronunciation of *ahl al-kitab* although the Muslims also adhere to the same book which is the Qur'an. The lexical appellation *ahl al-kitab* in the Qur'an refers to Jews and Christians. At the time of prophet Muhammad and

¹⁰ Sayyid Sabiq, *Fiqh Sunnah Jilid II*, 1st ed. (Jakarta: Pena Pundi Aksara, 2006). 70.

¹¹ Yusuf Qardhawi, *Halal Haram Dalam Islam, Era Intermedia*, 2003. 263.

¹² Muhammad ibn Ali ibn Muhammad asy-Syaukani, *Fath Al-Qadir Juz II* (Beirut: Daar al-Ma'rifah, n.d.). 22.

¹³ Atabik Ali and Amad Zuhdy Muhdhar, *Kamus Al-'Ashry* (Jakarta: Multi Karya Grafika, n.d.). 1129.

¹⁴ Ibnu Rusyd, *Bidayah Al-Mujtahid Wa Nihayah Al-Muqtasid*, vol. 2 (Beirut: Daar al-Fikr, 2008). 36.

¹⁵ Muhammad Rasyid Ridha, *Tafsir Al-Qur'an Al-Hakim (Tafsir Al-Manar)* (Beirut: Daar al-Fikr, n.d.). 349.

¹⁶ Achmad Warson Munawir, "Al-Munawir Kamus Arab-Indonesia," *Paper Knowledge . Toward a Media History of Documents* 5, no. 2 (2014). 46.

the sahabah, *ahl al-kitab* meant Jews and Christians. Later, some scholars expanded the meaning of *ahl al-kitab* to include others besides Jews and Christians. Scholars debate on how to read *ahl al-kitab*. According to Imam at-Thabari, Surah Ali Imran verse 65 refers to all Torah and Bible believers. It is well known that what is meant by *ahl al-kitab* is the two factions in their entirety.¹⁷

Imam Ibn Katsir says in “Tafsir Qur’an al-’Adhim” that the summons to *ahl al-kitab* includes Jews, Christians, and anybody guided by their literature. All Jews and Christians, whether Bani Israil descendants or not, are *ahl al-kitab*.¹⁸ M. Quraish Shibab, believes that’s *ahl al-kitab* includes all Jewish and Christian adherents without limiting its origin, time, or descendants.¹⁹ So, all Jewish and Christian devotees are *ahl al-kitab*, according to ath-Thabari, Ibn Katsir, and M. Quraish Shihab.

Wahbah az-Zuhailly writes in “Tafsir al-Munir” that it is permitted to marry a believer lady if a dowry is paid to Jews, Christians, both *dzimmi* and *harbi*.²⁰ Al-Jasas says *ahl al-kitab* refers to Jews and Christians, not Muslims or other devotees. Muslims aren’t called *ahl al-kitab*, like Jews and Christians. Second, non-Muslim *kitabiyah* *muhshan* women.²¹ Wahbah az-Zuhailly and al-Jassas described several qualifications, but they agreed that Jews and Christians were not restricted as *ahl al-kitab*. Some just make *dzimmi* alone, Ibn Abbas says some *ahl-kitab* women are *halal* to marry and some are not. He recited surah at-Taubah verse 29: If *ahl al-kitab* are willing to pay *jizyah*, the woman is *halal* to marry.²² Some modern scholars have enlarged the *ahl al-kitab* meaning to include Buddhists and Hindus. Buddhist and Hindu women can marry, says this opinion.²³

Some Muslims say *ahl al-kitab* doesn’t exist anymore. Jews and Christians aren’t *ahl al-kitab* at this time. They said *ahl al-kitab* was a Jew and Christian who followed the *Taurah* and Bible. Abdullah ibn Umar barred Muslims from marrying *ahl al-kitab*. Abdullah ibn Umar said there is no greater hypocrisy than believing that Isa is son of God’s.²⁴

Abdullah ibn Umar is seeming incorrect. Because Jews and Christians deviated when Muhammad was alive. The Qur’an states plainly that Christians at that time believed in the trinity, believed al-Masih was God, and verified Allah by making their monks and famous men as God other than Allah. The Jews believed Uzair was God’s son, fabricating the *Taurah* and committing other perversions to hide the truth, surah al-Maidah verse 17 and 73 and surah at-Taubah verse 30 describe this. Several grounds establish a Muslim’s right to have a woman *ahl al-kitab*:

- a. That the word *polytheistic* on surah al-Baqarah verse 105 does not include *ahl al-kitab*. In this verse it is clearly seen that it is distinguished between *ahl al-kitab* and the *polytheistic*, as is the case in surah al-Bayinah verse 1. It is said that *wawu athaf* points to a distinction (*al-Mughayarah*). It is thus clear that *ahl al-kitab* is not a *polytheistic*.

¹⁷ Abu Ja’far Muhammad ibn Jarir at-Thabari, *Tafsir Ath-Thabari* (Beirut: Daar al-Fikr, n.d.). 303.

¹⁸ Ismail Ibn Katsir, *Tafsir Al-Qur’an Al-Adzim* (Qahirah: Daar Mishr Li Thaba’ah, 2000). 257.

¹⁹ M. Quraish Shihab, “Wawasan Al-Qur’an,” *Wawasan Al-Qur’an Tafsir Maudhu’i Atas Pelbagai Persoalan Umat*, no. November (1996). 368.

²⁰ Wahbah Az-Zuhailly, *Tafsir Al-Munir*, Gema Insani (Jakarta: Gema Insani, 2018). 95.

²¹ Abu Bakar Amad bin Ali al-Razi al-Jassas, *Ahkam Al-Qur’an*, vol. 2 (Beirut: Daar al-Kutub al-Ilmiyah, n.d.). 410.

²² Muhammad Fakhruddin ar-Razi, *Tafsir Mafatih Al-Ghaib* (Beirut: Daar al-Fikr, 1995). 117.

²³ Shihab, *Wawasan Al-Qur’an: Tafsir Tematik Atas Pelbagai Persoalan Umat*. 367.

²⁴ ar-Razi, *Tafsir Mafatih Al-Ghaib*. 116.

- b. Sura al-Maidah verse 5 and al-Baqarah verse 221 is general and there is no evidence that specifically for Bani Israil only or for Arab women only.
- c. Sura al-Maidah verse 5 is a takhsis (specialization) of surah al-Baqarah verse 221 because Allah legalizes the marriage of women *ahl al-kitab* but on the other hand Allah also explains their disbelief and disbelief as in surah al-Maidah verses 72-73 and surah at-Taubah verse 30. So when the surah was revealed Judaism and Christianity had indeed experienced aberration,
- d. In the hadith of Abu Sufyan narrated by Bukhari and Muslims, the Messenger of Allah sent a letter to Hiraql (Heraklius) the Roman Rum official to invite him and his people to convert to Islam with the 64th verse of the surah of Ali Imran. So the Messenger of Allah classed Hiraql and his people as *ahl al-kitab* even though he and his people were not from the Bani Israil and they adhered to the Christian religion after experiencing deviations.²⁵

Scholars allow *ahl al-kitab* women to marry since Jewish and Christian religions were formerly part of Islam. If an *ahl al-kitab* lady marries a pious and strong Muslim man, she can convert to Islam.²⁶ According to Quraish Shihab, the Qur'an allows Muslim marriage to *ahl al-kitab* women, but only as a means of preaching during a time when Muslims traveled far to carry out jihad without returning to their families.²⁷ Although a Muslim man can marry an *ahl al-kitab* lady, Allah emphasizes in surah al-Baqarah verse 221 that marrying a believer although a slave is more essential. This verse in surah al-Baqarah can only mean that comparable creeds should be prioritized in marriage. Because of *akidah*, it's easy to determine identical goals and life views. Only then will efforts to obey God be successful.

- b. The opinion of the jurists (Fiqh Members) on *ahl al-kitab*

Islam provides *ahl al-kitab* with a different marriage law than polytheists. Muslim women cannot marry *ahl al-kitab* or polytheistic men, according to Jumhur ulama. Scholars disagree on who is polytheistic or *ahl al-kitab*. The fuqaha agree with other scholars on the ability to marry *ahl al-kitab* women, but they disagree on how to define *ahl al-kitab*. Following opinions below:

- a) Madzhab Hanafi

Imam Abu Hanifah held that marriage between a Muslim man and woman was haram but permitted for *ahl al-kitab* (Jews and Christians). Abu Hanifah permits the marriage of a *Dzimmi* or *Harbi* woman. According to the madzhab Abu Hanifah's, marriage to a *kitabiyah* lady in *darul harbi* is *makhruh tahrim* since it will lead to defamation and *mafsadah*. Marriage between *Ahl al-Kitaba dzimmi* is *makhruh tanzih*.²⁸ According to madzhab Hanafi, it is legal to marry Jewish and Christian women who believe in the trinity. According to the Hanafi madzhab, *ahl al-kitab* means anyone who believes in a prophet and the book that Allah Almighty has given, including believers in Prophet Ibrahim as. and his shuhuf and Prophet Moses and his book.²⁹

²⁵ Ibn Hajar al-Ashqalani, *Fath Al-Baari Syarah Shahih Al-Bukhari* (Jakarta: Pustaka Azam, 2007). 230-231.

²⁶ Setiawan Budi Utomo and Abu Hanifah, *Fiqh Aktual: Jawaban Tuntas Masalah Kontemporer* (Jakarta: Gema Insani Press, 2003). 261.

²⁷ M. Quraish Shihab, *Tafsir Al-Mishbah Pesan, Kesan Dan Keserasian Al-Qur'an, Lentera Hati*, vol. 3 (Jakarta: Lentera Hati, 2015). 29.

²⁸ Abdurrahman al-Jaziry, *Kitab Al-Fiqh 'ala Madzahib Al-'Arba'Ah*, vol. Juz IV (Beirut: Daar al-Kutub al-Ilmiyah, 1991). 73.

²⁹ Sabiq, *Fiqh Sunnah Jilid II*. 69.

b) Madzhab Maliki

In Maliki's madzhab, there are two schools of thought on interfaith marriage. The first is that if you marry a woman, both *dzimmi* and *harbi* are completely *makruh*, but *makruh* married a woman *kitabiyah harbi* bigger. If it is feared that the wife of the wife will influence her children and renounce her father's religion then the law is illegitimate. Second; some argue that marrying a woman is not an absolute *makruh* because the Quranic verse does not absolutely forbid it.³⁰ The methodology used by Madzhab Maliki in this matter uses the *sadd az-zari'ah* approach.³¹

c) Madzhab Syafi'i

Shafi'i madzhab allows marrying a free *ahl al-kitab* woman. According to the Shafi'i madzhab, *ahl al-kitab* women are Jewish and Christian women of Israelite heritage. The Shafi'i madzhab argues that Prophet Moses and Prophet Isa were exclusively sent for the Bani Israil, and the lafdz "min qablikum" in Sura al-Maidah verse 5 depicts the Jews and Christians of the Bani Israil.³² According to this madzhab, Jews and Christians are women who follow the religion before Muhammad to be apostles. People who convert to Judaism or Christianity after the Qur'an is revealed are not *ahl al-kitab* because they don't match the sound of "min qablikum".

Al-Mawardi categorized *ahl al-kitab* into four groups. First, Bani Israil, who embraced Jews while they were pure. Second, non-Bani Israil who converted to Judaism or Christianity before perversion are *ahl al-kitab*. Third, non-Bani Israil who converted to Judaism or Christianity after it was warped are not called *ahl al-kitab* but polytheistic because they follow a perverted religion. Fourth, People whose ancestors changed to Jews and Christians after the faith was distorted are deemed devotees and should not be married. Shafi'i madzhab's third and fourth categories are not *ahl al-kitab* and cannot be married by Muslim.³³

d) Madzhab Hanbali

In Hanbali's madzhab, it is acceptable to marry Jews and Christians but not polytheists. This group backed Imam Shafi'i on interfaith marriage. Hanbali's madzhab does not limit *ahl al-kitab* to Bani Israil Jews and Christians. According to them, everybody who followed the Jewish and Christian religions before Muhammad's Apostleship is *ahl al-kitab*.

Most scholars allow Muslim males to marry *ahl al-kitab*, although clerics are concerned. According to Sayyid Sabiq, marrying an *ahl al-kitab* is permissible but *makruh*. If the *ahl al-kitab* woman comes from a hostile circle, the law is even more *makruh* because it will increase anti-muslim sentiment. Some scholars consider marrying hostile *ahl al-kitab* women is *haram*. Ibn Abbas once replied that the law was unjust by quoting surah at-taubah 29.³⁴

³⁰ Abdul Hafidz Farghali and Hamzah al-Nasyraty, *Silsilah Al-Fiqh Al-Islami 'Ala Madzahib Al-Arba'Ah*, vol. Juz V (Qahirah: Maktabah al-Qaimah, n.d.). 247-248.

³¹ Amir Syarifuddin, *Ushul Fiqh* (Jakarta: Kencana, 2012). 399-400.

³² Wahbah az-Zuhaili, *Al-Fiqh Al-Islami Wa Adillatuhu* (Beirut: Daar al-Fikr al-Mu'ashir, n.d.). 6655-6656.

³³ Alyasa Abu Bakar, *Perkawinan Muslim Dengan Non Muslim* (Banda Aceh: Dinas Syariat Islam NAD, 2008). 71-72.

³⁴ Sabiq, *Fiqh Sunnah Jilid II*. 67.

Yusuf al-Qardhawi claimed that marrying an ahl al-kitab woman is not absolute but subject to certain conditions.

- 1) The woman of kitabiyah must believe in Allah, the Messenger, and the end day to follow samawi's teachings.
- 2) Kitabiyah's woman must be mukhshanat (preserving her honor from adultery). Allah forbids marrying ahl al-kitab arbitrarily, as stated in the verse clarifying the commandment.
- 3) A kitabiyah woman's people aren't anti-Islamic. Scholars differentiate kitabiyah dzimmi and harbi women.
- 4) Marriage to the ahl al-kitab shall not lead to defamation or mudharat. Marriage with ahl al-kitab should not cause slander or mudharat. Because the use of the law requires the absence of mudharat, if it is observed in practice to cause mudharat of the public, it is generally prohibited. If the mudharat caused is specific to certain conditions, then this is also prohibited for certain people and conditions. The bigger the mudharat, the greater of haram.³⁵

This prohibition based on benefits and conditions had occurred during the time of Umar bin al-Khattab. Umar told Hudzaifah to divorce his Jewish wife. Because he feared other Muslims would follow the Hudzaifah and marry ahl al-kitab women instead of Muslim women.³⁶ Defend of Faith is called hifdz al-din in ushul fiqh. This may explain interfaith marriage, because Islam forbids atheist marriage (godless people). Allah said in surah al-Baqarah verse 221 that marrying a polytheist or polytheistic leads to torment.³⁷ In Islam, a perfect family requires a husband and wife of the same faith.³⁸

In year 1980, the MUI issued a fatwa prohibiting Muslim men from marrying non-Muslim women despite being ahl al-kitab. The fatwa states that mufsadat is more than maslahat.³⁹ At the Second National Deliberation on the Majelis Ulama Indonesia (MUI) number 05/Kep/Munas II/MUI/1980 in June 1st, 1980 about concerning the establishment of fatwa for interfaith/different religious marriages.⁴⁰

The inclusive-pluralist group says each religion has its own path of salvation, notion of deity, and teaching of goodness; hence it cannot be declared which religion is true and which is erroneous. Surah al-Maidah verse 5 allows interfaith marriage, they say. According to them, this passage is a madaniyyah verse after the phrase that forbids marrying religious women. This verse is groundbreaking since it resolves muslims' doubts at the time. Surah al-Baqarah 221 employs the phrase polytheistic, which might refer to non-Muslims. Surah al-Maidah 5 allows Muslim men to marry ahl al-kitab. Surah al-Maidah verse 5 is the nasikh

³⁵ Yusuf Qardhawi, *Fatwa - Fatwa Kontemporer*, Gema Insani Press, vol. Jilid I, 2016. 587-592.

³⁶ Abdul Salam Arief, *Pembaharuan Pemikiran Hukum Islam Antara Fakta Dan Realita* (Yogyakarta: LESFI, 2003). 124.

³⁷ Fathul Mu'in, "ANALISIS FATWA MAJELIS ULAMA INDONESIA DAN UNDANG-UNDANG TENTANG PERKAWINAN BEDA AGAMA," *Nizham Journal of Islamic Studies* 7, no. 01 (2019): 91-105. 101.

³⁸ Nur Cahaya, "PERKAWINAN BEDA AGAMA DALAM PERSPEKTIF HUKUM ISLAM," *Hukum Islam* 18, no. 2 (2019), <https://doi.org/10.24014/hi.v18i2.4973>. 143.

³⁹ Ermi Suhasti, Siti Djazimah, and Hartini, "Polemics on Interfaith Marriage in Indonesia between Rules and Practices," *Al-Jami'ah* 56, no. 2 (2018), <https://doi.org/10.14421/ajis.2018.562.367-394>. 374.

⁴⁰ Rahma Amir, "Perkawinan Beda Agama Di Indonesia Perspektif Hukum Islam," *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam* 6, no. 1 (June 30, 2019): 99, <https://doi.org/10.24252/al-qadau.v6i1.9482>. 103.

and takhsis for surah al-Baqarah verse 221 according to this sect.⁴¹

The same thing is expressed by Nurcholish Madjid, he classifies pagan terminology into several categories. This had an impact on his view of interfaith marriage which linguistically means to cover, has been repeated 525 times in the Quran, that is covering up favors and truth, both truth in the sense of God (as the source of truth) and truth in the sense of His teachings. *Kafir* that means denial of the existence of Allah, His apostles and all the teachings they bring, the denial of the teachings of the Allah in the state of knowing that what is denied is the truth. *Kafir* can mean disbelief that acknowledges to Allah, the Prophet, and the teachings of Allah with the tongue, but disobeys it with the heart.

Cak Nur thinks that interfaith marriages between Muslim men and women who are experts in to the holy-book are permissible. Cak Nur argues that surah al-Baqarah verse 221 does not equate polytheists with non-Muslims. According to Cak Nur, a Muslim can conduct shirking deeds, but they aren't polytheistic. Because if a Muslim husband or wife is considered polytheistic, their marriage is void and they must divorce, but this is unthinkable nowadays. According to him, Muslims can marry non-Muslims and all Muslim-non-Muslim marriages are allowed.⁴²

Differences in the terms of *Kafir*, *Polytheistic*, *Ahl al-kitab* and *Shabi'ah*

Several verses in the Quran use the letters wawu athaf to divide the terms *kafir*, *polytheistic*, *ahl al-kitab*, and others. This demonstrates that the words have distinct meanings. The term *kafir* has a very broad meaning, however there are more particular terms whose meanings vary from one another. If Allah mentions the term *kafir* *polytheistic* in the Qur'an, it must have a distinct meaning from the term *ahl al-kitab*. If simply the word *kafir* is used, it must be recognized that it refers to one of the categories of unbelief in Allah.⁴³

According to Nurchalis Majid, the term *polytheistic* entails not only ascribing any partner to Allah, but also not believing in any of the books of the samawi religion or in a prophet. The *ahl al-kitab* is a person who believes in one of the prophets of the prophets and in one of the samawi books notwithstanding a departure in creed or practice.⁴⁴

There are at least a several points that confirm that the *polytheistic* were *kafir* and ranked lower than the *ahl al-kitab*, namely:

1. They never want to accept that God is only one that is Allah. They only acknowledge God's who are visible and have supernatural powers.
2. They do not acknowledge the prophets of Muhammad and all the prophets whom Allah sent to the earth because they reject the prophetic concept. Unlike Jews and Christians, they still recognize prophetic concepts. Jews and Christians although they did not acknowledge the prophet hood of Muhammad saw but they still believed in the prophetic concept.

⁴¹ Mun'im A (ed.) Sirry, *Fiqh Lintas Agama: Membangun Masyarakat Inklusif-Pluralis*, Jakarta: Paramadina, 2004. 162.

⁴² Ramlan Karim and Nova Efenty Mohammad, "Penetapan Hukum Nurcholish Majid Dan Mustofa Ali Yaqub Tentang Pernikahan Beda Agama," *AS-SYAMS* 1, no. 1 (2020): 102–120. 113–114.

⁴³ Sirry, *Fiqh Lintas Agama: Membangun Masyarakat Inklusif-Pluralis*. 157.

⁴⁴ Sirry. 159.

3. They also deny the existence of Quranic passages as revelations from the heavens since they reject the samawi religion's sacred book. Although Jews and Christians did not accept the Qur'an, they did recognize the Taurah, Zabur, and Injil, as well as the writings that descended on the previous prophets. Despite the fact that many of them are reversing the contents.
4. The apostates also deny the reality of holy angels as God's noble servants. Meanwhile, Jews and Christians are quite familiar with the concept of angels, despite the fact that many of them mistake them for God's sons and daughters.
5. They deny the reality of life after death and refuse to believe that the dead will be revived. Meanwhile, Jews and Christians continue to believe in the presence of life after death and that the dead will be raised to be assigned to heaven or hell.
6. Worst of all, they deny the presence of the grave's doom and never believe in the existence of a doomsday. They never acknowledged the reality of heaven with all of its pleasures and hell with all of its horrors. Meanwhile, Jews and Christians passionately believe in the existence of heaven and hell, and their terminology is strikingly similar to that of the Qur'an. It is known as *jannatu adnin* in the Qur'an and *Taman Eden* in Jewish and Christian terminology.
7. The joy of the companions upon hearing of the Romans' triumph over the Persians. This is because the Roman army followed the same religion as the Islamic religion, both of which were handed down from the sky. Meanwhile, the Persian army was made up of polytheistic paganists. Religion is the result of man's artificiality and mind. It was only natural for the friends to rejoice after the Roman victory.⁴⁵

Scholars disagree on whether the Majes and others are classified as *ahl al-kitab* or polytheistic. Al-Qardhawi argued that atheist women deserved to be barred from marrying Muslim males even more. This is because, while polytheist women who profess the presence of Allah are illegitimate to marry, moreover marrying an infidel woman who does not have confidence in something beyond reason, has no faith in God, the final day, scriptures, and prophets is much more illegitimate.⁴⁶ Marrying an atheist woman is haram, and if a Muslim marries a Baha'i, the marriage is legally null. Because the woman had abandoned authentic religion in favor of man-made religion, hence she had apostatized. This restriction is based on Surah Ali Imran ayat 85 of the Qur'an.⁴⁷

As for the term *Shabi'ah*, ibn Hammam stated that *shabi'ah* is a group that combines Jewish and Christian religions. While ibn Qudamah revealed that scholars differed on the meaning of *Shabi'ah*, according to Ahmad ibn Hanbal's narrates that they were Christians. Whereas Shafi'i priests take the middle ground that if their beliefs are closer to one of the Jewish or Christian religions, then they belong to that religion. But if their teachings are different from those of Jews and Christians, then they are not *ahl al-kitab*.⁴⁸

While Hanafiah is of the opinion that *Shabi'iy* has a scripture but is no longer original because it has been distorted. Hanafiah likened them to Jews and Christians. According to this reason, Hanafiah

⁴⁵ M. Ali Hasan, *Masail Fiqhiyyah Al-Haditsah Pada Masalah-Masalah Kontemporer Hukum Islam* (Jakarta: Raja Grafindo Persada, 1998). 9-10.

⁴⁶ Qardhawi, *Fatwa - Fatwa Kontemporer Jilid I*. 581-582.

⁴⁷ Qardhawi. 584.

⁴⁸ Hasan, *Masail Fiqhiyyah Al-Haditsah Pada Masalah-Masalah Kontemporer Hukum Islam*. 10.

allows to marry a *Shabi'ah* woman as explained in surah al-Maidah verse 5. The same is true of everyone who converts to the heavens and has scriptures such as Shahifah Ibrahim and others, so it is lawful to marry them and eat their slaughter as long as they do not shirk. Hanafiah's opinion is similar to the opinion of some Hanbali in terms of believing in one of the same books.⁴⁹

Rasyid Ridha stated that the *ahl al-kita* are not only limited to the two communities of Jews and Christians, but all followers of religion and beliefs who own and guide one of the scriptures are experts in the book, such as *Majusi*, *Shabi'un*, Chinese, and others. According to him, this is also based on historical facts as well as explanations and statements from the Qur'an itself, that every people have an apostle sent to them by Allah swt. They also had scriptures brought by their prophets, only that there was a misappropriation (*tahrif*) of the scriptures as happened with the Jewish and Christian scriptures. Moreover, the law of origin of marriage according to Rasyid Ridha is *mubah* (may). Therefore, it comes to nash to arrange and explain in what cases such marriages are prohibited or forbidden.

Based on Rasyid Ridha's concept of the expert meaning of this book, of course, it allows the marriage of Muslim men to women who master the book. Her abilities were not only with Jewish and Christian women, but also with Magi women, Hindus, Chinese, and followers of other religions who had scriptures. According to Rasyid Ridha, there is no big difference between women who are believers and believers. For, the woman of the book also had faith in Allah swt and worshipped him, had faith in the Prophets and the last day and his reply, believed in the duty of behaving well and the monasticism of doing evil. However, the most principled difference between believers and scribes is their reluctance to have faith in the Prophet Muhammad and the characteristics of tawhid and the worship he brings. Thus, people who have prophetic faith in general, of course, they want to have faith in the prophet Muhammad saw. The woman is married by a Muslim, so she will live under the auspices of her Muslim husband and submit to the laws of Islamic society. So that over time the woman will be influenced by the teachings of Islam. It is hoped that the woman will be able to convert to Islam after so long she has lived in a Muslim society. However, the woman *ahl al-kitab* who can be married according to Rasyid Ridha is a good woman. Because, the word *muhshanat* in the verse means a respectable woman (awake from the act of adultery).

The ability to marry a woman *ahl al-kitab*, according to Rasyid Ridha, only applies to Muslim men who have strong faith and firm beliefs. So, those who are not steady are not allowed to marry women *ahl al-kitab*. Because, it may be that he will fall into and be affected by the woman who eventually converts by converting to the woman's religion. Therefore, Rasyid Ridha emphasized preventive measures.

As for the legality of marrying a woman *ahl al-kitab*, the purpose is to show the beauty of the mu'amalah of Muslims and the ease of sharia. It can be realized by having a wedding with their woman. Because, men are the holders of authority and power over women. If the husband's mu'amalah is good towards the wife, then it is a sign that the husband's religion is a religion that invites to the truth and to the straight path. A religion that teaches its adherents to be fair to fellow Muslims and non-Muslims. A religion that teaches the bosomers in mu'amalah with different people.⁵⁰

⁴⁹ Sabiq, *Fiqh Sunnah Jilid II*. 69.

⁵⁰ Faisal Haitoni, "KOMPARASI PENAFSIRAN AYAT-AYAT PERNIKAHAN BEDA AGAMA," *TAJDID: Jurnal Ilmu Ushuluddin* 17, no. 2 (2019), <https://doi.org/10.30631/tjd.v17i2.71>. 210-213.

Conclusion

Based on the foregoing, it is clear that the vast majority of scholars agreed to forbid marriage with infidels and polytheistics. Scholars, on the other hand, view very differently about identifying the category of ahl al-bikītab. Disagreements arise with understanding the phrases kafir, polytheistic, and shabīyah because the Qur'an and hadith do not define the concepts.

This paradigm shift certainly has far-reaching ramifications for the core of interfaith marriage. As a result, interfaith marriage is not something that has been resolved in the caliphate of Islamic thought, but rather remains a debate in the treasure of thought as the times change.

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