

Contemporary Islamic Jurisprudence Study On Interfaith Marriage: A Review Of Modern Schools Of Thought And Scholars

Manswab Mahsen Abdulrahman¹ Dinda Suciana Rambe² King Albar Pandapotan Simatupang³

¹University in Uganda

²Sunan Kalijaga State Islamic University Yogyakarta

³State Islamic University of North Sumatra

E-mail: manswab83@yahoo.com 22203011015@uin-suka.ac.id rajaalbar88@gmail.com.

Info Articles	Abstract
Article History Received : 2021-07-03 Revised: 2021-07-11 Published: 2021-07-30 Keywords: Different Religions, Schools of Thought, Marriage, Ulama.	Interfaith marriage has become an increasingly significant issue in contemporary Islamic jurisprudence due to the growing interaction among people of different religious backgrounds in the era of globalization. While Islamic teachings provide legal guidance on marriage, contemporary scholars have sought to reinterpret classical rulings by considering the objectives of Islamic law (<i>maqasid al-shariah</i>) and the realities of modern pluralistic societies. This study aims to analyze the concept of interfaith marriage from the perspective of contemporary Islamic jurisprudence, examine the views of the four major Sunni schools of law and contemporary Muslim scholars, and explore its relevance within the Indonesian legal system. The research employs a qualitative approach using normative juridical and library research methods. Primary data consist of the Qur'an, Hadith, and classical as well as contemporary Islamic legal literature, while secondary data are obtained from scientific journals, books, and Indonesian marriage regulations. The collected data were analyzed descriptively and analytically to identify similarities, differences, and contemporary legal implications. The findings reveal that the four Sunni schools generally prohibit Muslim women from marrying non-Muslim men, while differing opinions exist regarding Muslim men marrying women from the People of the Book (<i>Ahl al-Kitab</i>). Contemporary scholars such as Yusuf al-Qaradawi and Quraish Shihab acknowledge the textual permissibility of such marriages but emphasize that they should be assessed based on public interest, family harmony, and the religious upbringing of children. In Indonesia, interfaith marriages are not legally recognized under Law Number 1 of 1974 because marriage validity depends on compliance with the respective religious laws of the parties involved. The study concludes that although contemporary Islamic jurisprudence provides room for contextual interpretation, the principles of preserving faith, family stability, and social welfare remain the primary considerations in determining the legal status of interfaith marriage.

I. INTRODUCTION

Interfaith marriage is a sensitive and complex topic in contemporary Islamic jurisprudence (fiqh), particularly due to the increasing interfaith interaction in the era of globalization. In a pluralistic and open society, relationships between individuals of different religions are increasingly common, including in matters of marriage. This presents new challenges in Islamic law that require a more contextual and relevant approach to current conditions.

Contemporary Islamic jurisprudence (fiqh) presents an ijtihad approach that considers the maqasid sharia, or objectives of Islamic law.

Thinkers such as Yusuf al-Qaradawi and Quraish Shihab believe that the permissibility of marrying within the People of the Book (Ahlul Kitab) needs to be reviewed based on the current situation. They note that differences in belief within a household can impact family harmony and children's education. Therefore, while legally permissible, this permissibility is not recommended in practice.

In Indonesia, interfaith marriages are not recognized by state law because they violate Marriage Law No. 1 of 1974. Marriages are only considered valid if they are conducted according to the laws of each religion. Therefore, many

couples who marry between different religions must take special measures, such as marrying abroad or undergoing an administrative conversion process.

II. RESEARCH METHODS

This study uses a qualitative approach with library research, as the focus of the study is the analysis of Islamic legal thought regarding interfaith marriage from a contemporary Islamic jurisprudence perspective. Data for this study were obtained from various relevant literature sources, such as classical and contemporary Islamic jurisprudence books, scientific journals, and laws and regulations related to marriage in Indonesia. These data sources are divided into primary data, namely the main literature discussing the views of schools of thought and the thoughts of contemporary Islamic scholars, and secondary data derived from previous research and other supporting documents.

Data collection techniques were conducted through documentation studies, examining, and collecting various references related to the research topic. Next, the collected data was analyzed using descriptive-analytical methods, systematically presenting various existing perspectives and analyzing them to identify differences, similarities, and their relevance to the context of modern life.

III. RESULTS AND DISCUSSION

A. Definition of Marriage

In contemporary Islamic jurisprudence, marriage (nikah) is defined as a legal contract between a man and a woman to live together as husband and wife, with the aim of forming a family that is *sakinah* (peaceful), *mawaddah* (full of love), and *rahmah* (affectionate), while upholding the principles of Islamic law. Contemporary Islamic jurisprudence emphasizes that marriage is not only a matter of halal and haram law, but also concerns social responsibility, protection of rights, and values of justice in domestic life. (Jamaluddin and Nanda Amalia, 2016)

In contemporary Islamic jurisprudence, marriage is understood not only as a legal bond between two individuals, but also as a social institution that has a significant impact on community life. Therefore, contemporary Islamic jurisprudence emphasizes that marriage must fulfill the principles of justice, equality, and shared

responsibility between husband and wife. Spiritual and emotional aspects are also important considerations, ensuring that marriage is not merely a formality but a means of forming a healthy and harmonious family.

One of the characteristics of contemporary fiqh is the emphasis on *maqāṣid al-sharia* or the objectives of Islamic law. In the context of marriage, these objectives include protecting religion, life, intellect, offspring, and property. Therefore, marriage aims not only to legitimize biological relationships, but also to maintain morality, raise good offspring, and create peace of mind and a stable social life. (Ahmad Atabik and Khoridatul Mudhiyah, 2016)

Contemporary Islamic jurisprudence also allows for the role of state law in legalizing and regulating marriage. In this context, marriage registration, minimum age requirements, and protection of women's and children's rights are part of the collective responsibility of the *ummah* and the state. Marriage is not only seen from the perspective of whether it is valid or not according to Islamic law, but also from the perspective of broader benefits and interests.

Thus, the understanding of marriage in contemporary Islamic jurisprudence is a combination of sharia values originating from the Al-Quran and Sunnah, with an approach to changing social realities. The goal is to ensure that marriage law remains relevant, provides solutions, and brings goodness to personal, family, and societal life in this modern era. The argument of Al-Quran and Hadith on Interfaith Marriage

1. Al-Quran Surah Ar-Rum Verse 21:

"And among His signs (of His greatness) is that He created for you a life partner from your own kind so that you would feel at ease with him, and He created between you feelings of love and affection. Verily in this there are truly signs for a people who think." (QS. Ar-Rum: 21)

2. Hadith of the Prophet Muhammad SAW:

"Marriage is part of my sunnah. Whoever does not follow my sunnah, then he is not among my group." (HR. Ibnu Majah, no. 1846)

3. Al-Quran Surah An-Nur Verse 32:

"Marry those who are still single among you, and also those who are worthy (to marry) of your male and female servants..." (QS. An-Nur: 32)

B. General Overview of Interfaith Marriage

An Overview of Interfaith Marriage in Contemporary Fiqh raises highly relevant issues within the social and legal context of Islam in the modern world, particularly in pluralistic societies influenced by globalization. The phenomenon of interfaith marriage is now increasingly common, both in Muslim-majority and non-Muslim countries, including Indonesia.

Interfaith marriage is generally defined as a marriage between a man and a woman who share different religious beliefs, but who, out of love, agree to build a household together. This type of marriage is common in Indonesia, particularly among public figures we see frequently in the media (Islamiyati, 2016).

C. The Views of the School of Thought on Interfaith Marriage

1. Hanafi school of thought

The Hanafi school of thought offers a more flexible view of interfaith marriage. According to this school, Muslim men are permitted to marry women from the People of the Book (Jews and Christians), based on verse five of Surah Al-Maidah. This is seen as a way to broaden ties between Islam and the other two monotheistic religions. However, Muslim women are not permitted to marry non-Muslim men, whether from the People of the Book or otherwise, for reasons of protecting their religion and family, as well as maintaining religious leadership within the household.

In the modern context, some Hanafi scholars acknowledge that interfaith marriage between a Muslim man and a non-Muslim woman other than the People of the Book, such as Hindu or Buddhist, is impermissible according to their jurisprudence, although there is no explicit text on this point. Hanafi jurisprudence tends to emphasize the need to maintain religious integrity within the family, which can be disrupted by significant religious differences.

2. Maliki school of thought

The Maliki school of thought is stricter in its views on interfaith marriage. According to the Maliki school, a Muslim is not permitted to marry a non-Muslim woman, even if she is a member of the People of the Book. This approach is based more on the principle that marriage must maintain the stability of faith and uphold Islamic principles in family life. In this regard, despite differences between the Maliki and Hanafi

schools, both agree that a Muslim woman cannot marry a non-Muslim man.

According to some Maliki scholars, interfaith marriage is permissible under certain conditions, such as when religious differences do not hinder the primary purpose of marriage, which is to establish a harmonious family and uphold Islamic faith. However, if these differences could potentially lead to conflict within the household, interfaith marriage is considered invalid and not recommended.

3. Shafi'i school of thought

The Shafi'i school of thought generally shares a similar view to the Hanafi school regarding marriage between Muslim men and women of the People of the Book. According to Surah Al-Maidah, verse 5 of the Quran, marriage between a Muslim man and a woman of the People of the Book is considered valid, but Muslim women are still prohibited from marrying non-Muslim men, whether they are from the People of the Book or not. This view focuses on the need to uphold religious honor and ensure that Islamic values are upheld within the household.

However, in the context of marriage between a Muslim woman and a non-Muslim man other than the People of the Book, the Shafi'i school of thought agrees to prohibit it, due to concerns that such marriages could affect the religious integrity and Islamic values within the family. The Shafi'i school also tends to be more conservative in its approach to interfaith marriages, and does not accept marriages between people of other faiths, as this could negatively impact the continuity of faith and the education of children (Sudarto, 2019).

4. Hanbali school of thought

The Hanbali school tends to follow a more conservative view regarding interfaith marriage. Most Hanbali scholars reject marriage between Muslim men and women of the People of the Book, although some Hanbali scholars accept the marriage of Muslim men and women of the People of the Book, based on their interpretation of Surah Al-Maidah, verse 5 of the Quran. However, this view is limited to women who still explicitly follow the teachings of their religion. This opinion, while permissible in some circumstances, is largely avoided in Hanbali jurisprudence, given the importance of protecting Islamic faith and family values.

D. Opinions of Contemporary Islamic Scholars Regarding Interfaith Marriage.

In Indonesia, figures like Prof. Quraish Shihab have taken a more moderate position. He stated that while the basic law permits interfaith marriages between Muslim men and women from the People of the Book, in practice, many other factors must be considered, such as the couple's readiness to face the challenges of differing beliefs, their commitment to their children's education, and the influence of their social environment. He also emphasized the importance of a dialogical approach and wisdom in addressing the reality of interfaith marriages to prevent tensions within society.

Meanwhile, the Indonesian Ulema Council (MUI) strictly prohibits interfaith marriages, deeming them inconsistent with Islamic law and potentially detrimental to marital life. The MUI also refers to Article 2, paragraph 1 of Law No. 1 of 1974 on Marriage, which states that a marriage is considered valid if it is conducted according to the laws of each religion and belief. Therefore, interfaith marriages are not legally recognized in Indonesia because they fail to meet these requirements (Abdul Jalil, 2018).

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Most contemporary scholars, such as Yusuf al-Qaradawi and Quraish Shihab, emphasize the importance of considering *maqāṣid al-sharia*, namely the primary goal of sharia in preserving faith, offspring, and family harmony. They believe that interfaith marriages today often present significant challenges, particularly in terms of religious leadership within the family and the spiritual stability of children. Therefore, while not absolutely forbidden in some cases, the practice is strongly discouraged.

In Indonesia, interfaith marriages are also not legally recognized under the Marriage Law No. 1 of 1974. This demonstrates the harmony between contemporary Islamic jurisprudence and state law in protecting the integrity of Muslim families. Overall, contemporary Islamic jurisprudence emphasizes a cautious and beneficial approach, so interfaith marriages should be avoided if they cannot guarantee the upholding of Islamic values within the household.

B. Suggestion

Hopefully, this journal will be beneficial, especially for the author and for all readers. It is also hoped that by completing this paper, both readers and the author can apply scientific methods to the best of their ability. The author welcomes positive criticism and suggestions from readers.

REFERENCE LISTAN

- Atabik, A., & Mudhiyah, K. (2016). Pernikahan dan hikmahnya perspektif hukum Islam. *Yudisia: Jurnal Pemikiran Hukum dan Hukum Islam*, 5(2), 286–316.
- Departemen Agama RI. (2002). *Mushaf Al-Qur'an dan terjemah*. Jakarta: Pena Pundi Aksara.
- Ibnu Majah. (t.t.). *Sunan Ibnu Majah*, Hadis No. 1846.
- Islamiyati. (2016). Analisis yuridis nikah beda agama menurut hukum Islam di Indonesia. *Masalah-Masalah Hukum*, 16(2), 240–248.
- Jalil, A. (2018). Pernikahan beda agama dalam perspektif hukum Islam dan hukum positif di Indonesia. *Andragogi: Jurnal Diklat Teknis Pendidikan dan Keagamaan*, 6(2), 58–70.
- Kementerian Agama RI. (2002). *Al-Qur'an dan terjemahannya*. Jakarta: Pena Pundi Aksara.
- Sudarto. (2019). *Masailul fihiyah al-haditsah*. Yogyakarta: Qiara Media.

