
Ushul Fiqh on the Evidences of Interfaith Marriage: An Islamic Education Perspective

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Abstract: The purpose of this article is to find out the law of interfaith marriage in terms of the results of *ushul fiqh* analysis of the arguments regarding interfaith marriage. The study used content analysis method (content study), by examining the *ushul fiqh* rules and Islamic studies related to the Quranic proposition regarding interfaith marriage. The type of data used is qualitative data, using literature study techniques in data collection. Interfaith marriage is the marriage of a Muslim with a non-Muslim. Islam has absolutely prohibited marriage with non-Muslims based on Q.S. Al-Baqarah verse 221 and Q.S. Al-Mumtahanah verse 10, seen in terms of the rules of *ushul fiqh*, the verse clearly has a prohibition and the origin in the prohibition shows the prohibition. However, in Q.S. Al-Maidah verse 5 a Muslim man is allowed to marry a woman of the book (Jews and Christians). However, in this day and age there is no longer someone who can be called a member of the book. Marriage with non-Muslims is better avoided, because in the *ushul fiqh* rules, rejecting *mudharat* takes precedence over taking benefits.

Keywords:

Marriage; Quran; Religious Difference; Ushul Fiqh

Abstrak: Tujuan artikel ini untuk mengetahui hukum pernikahan beda agama dari segi hasil analisis *ushul fikih* terhadap dalil mengenai pernikahan beda agama. Penelitian ini menggunakan metode *content analisis* (*kajian isi*), dengan mengkaji kaidah *ushul fikih* dan kajian Islam berkaitan dengan dalil Al-Quran mengenai pernikahan beda agama. Jenis data yang digunakan adalah data kualitatif, menggunakan teknik studi kepustakaan dalam pengumpulan datanya. Pernikahan beda agama ialah pernikahan orang Islam dengan orang yang bukan Islam. Islam telah melarang secara mutlak pernikahan dengan non muslim berdasarkan Q.S. Al-Baqarah ayat 221 dan Q.S. Al-Mumtahanah ayat 10, dilihat dari segi kaidah *ushul fikih* ayat tersebut jelas terdapat larangan dan asal dalam larangan menunjukkan keharaman. Akan tetapi, dalam Q.S. Al-Maidah ayat 5 seorang pria muslim dibolehkan menikah dengan seorang wanita ahli kitab (Yahudi dan Kristen). Namun, di zaman sekarang sudah tidak ditemukan lagi seseorang yang bisa disebut dengan istilah ahli kitab tersebut. Pernikahan dengan non muslim lebih baik dihindarkan, karena dalam kaidah *ushul fikih* pun menolak *mudharat* lebih didahulukan dari mengambil manfaat.

Kata Kunci:

Al-Quran; Beda Agama; Pernikahan; Ushul Fiqh

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INTRODUCTION

Human beings naturally need companions in their lives, both with the aim of perfecting their religion (*Istikmal al-Din*), mixing love (*mahabbah*), overflowing love (*mawaddah*), or for the purpose of continuing the offspring (*Hifz Al-Nasl*) so as not to fall into disobedience (Alawiyah, 1974). Marriage is a sacred moment in everyone's life and is a worship in Islam. In Islam, marriage is a *sunnatullah* which applies in general and applies to the behavior of God's creatures, so that through marriage life in this world can develop to continue life in this world from generation to generation. Marriage in Islam is one way to perfect religion. By getting married, half of the religion has been implemented. Therefore, one of the purposes of marriage is to perfect the religion that has not been fulfilled so that a Muslim is stronger in worship (Assagaf, 2022).

In Islam, family harmony will be perfectly realized if the husband and wife adhere to the same teachings. Marriage aims to foster a family *sakinah mawaddah* and *Rahmah*. In an effort to realize this goal, Islam offers compatibility between couples, namely commensurate (*Kafa'ah*) either in terms of creed, morals, goals, social strata or the same beliefs (Shidiq, S., 2016). Islam does not really care about social strata, unlike interfaith marriage between Muslims and non-Muslims, Islam regulates it clearly. The Prophet Muhammad emphasized that the quality of religion should be a priority choice in determining couples to the level of marriage (Jalil, 2018).

However, along with the development of today's times, the influence of globalization has entered all aspects of human life, including religious matters. In this case, we can see how new ideas have emerged to interfere with the existence of Islamic teachings, they fatwa that all religions are the same (pluralism). In interfaith marriages, this can be considered as a manifestation of the values of tolerance and pluralism where couples choose to respect each other's religious differences (Fauzi et al., 2023). In fact, what is very worrying is that their fatwa has the support of those who do not have a strong Islamic base, so of course this is very dangerous for the existence of the purity of Islamic teachings in this modern century (Asur, Muslimeen H. Kara, 2021).

In reality, interfaith marriages are happening a lot today. Even though religious marriage has more negative impacts, one of which is the psychological impact of interfaith marriage tends to reduce harmony in the household (Zahara & Makhfud, 2022). Marriage between people of different religions will obviously cause problems, most of which include the rights and obligations of each husband and wife, property in marriage, and the position of children in the marital relationship. Problems will arise when the child has been born, starting from the parenting pattern until the child is mature and capable of doing legal acts such as marriage, receiving inheritance, and so on (August, 2018). The rise of interfaith marriage that ignores the aspect of religious equivalence, which is one of the reasons why this theme is important to be re-raised and analyzed what the actual law of interfaith marriage is, especially in terms of ushul fiqh analysis of the Qur'an's postulates regarding interfaith marriage.

Islamic law includes the meaning of sharia law and fiqh law, because the meaning of *Shara* and *fiqh* is covered in it. So it can be said that Islamic law is a law based on the revelation of Allah SWT., whose purpose is to realize the benefits for mankind. It is said in the rules of ushul fiqh: "*The law is not established, but in it there are benefits for mankind*" (Jalil, 2018). Shari'ah has a position as a source in Islam, including as a source of law. *Ushul fiqh* serves as a tool to interpret the content of Shari'ah. Fiqh is the result of the determination of the interpretation of the content of Shari'ah. Therefore, fiqh is an interpretation of Shari'ah based on the rules of ushul fiqh (Nurhayati & Sinaga, 2018).

Islam is a perfect religion, revealed by Allah SWT. as *rahmatan lil'alamiin*. Regulating all the problems of human life ranging from very simple things to very complex ones. All of this is intended so that humans themselves, especially for their followers, can get happiness in life in this world and in the hereafter. Islam regulates the procedures for human interaction with each other and especially with its creator, namely Allah SWT. One form of interaction between humans and others in Islamic shari'a is related to marriage (Asur, Muslimeen H. Kara, 2021). Generally, in Islamic perspective, interfaith marriage is divided into 3 (three) parts, namely; Marriage between a Muslim man and a non-Muslim woman, marriage between a Muslim woman and a non-Muslim man and a Muslim man and a woman who is a scholar of the book (Makalew, 2013).

There are a lot of literatures that research the law of interfaith marriage, in terms of approach *Maqashid Shariah*, positive law and Islamic law, juridical, social and religious aspects as well as the interpretation of verses regarding the postulates of interfaith marriage. In a research literature, it is explained that interfaith marriage or marriage is not justified in religion Islam. Because it has many negative sides compared to the positive side if studied with an approach *Maqashid Shariah* (the purpose of the Shari'ah), because it is contrary to the five concepts *Maqasid Syariah*; the maintenance of religion, the maintenance of the soul, the maintenance of intellect, the maintenance of offspring, and the maintenance of property (Fauzi et al., 2023). In another study, it was studied from the perspective of *Shara* and positive law analyzed through the lens of ushul fiqh, as a citizen who is bound by laws and regulations, must obey the legal products that apply in Indonesia with the provision that the legal products do not violate the law *Shara*. This is called the obligation to obey *ulil amri* as mentioned in Q.S. An-Nisa' verse 59, where the form of *shighat amr* In the verse (أَطِيعُوا) Work *al-Ijabah* (declaring obligations). Therefore, it is mandatory for every Muslim to obey the marriage rules that have been regulated by the state (*ulil amri*). Or in other words, it is haram for Muslims or Muslim women to marry different religions in Indonesia (Sulaiman et al., 2024).

Therefore, based on the thoughts and background that have been presented, the author is interested in conducting a study on the postulates of interfaith marriage in terms of the analysis of *ushul fiqh*. In this paper, the author will elaborate on the analysis of ushul fiqh on the postulates in Q.S. Al-Baqarah [2] verse 221, Q.S. Al-Maidah [5] verse 5, and Q.S. Al-Mumtahanah [60] verse 10 regarding interfaith marriage. The relationship and difference between this study

and the previous research both take the legal basis sourced from the Qur'an regarding interfaith marriage. However, this research focuses on the analysis in terms of the rules of *ushul fiqh*. Before describing the results of the analysis of *ushul fiqh* on the postulates regarding interfaith marriage, it is necessary to explain other important things such as the meaning of *ushul fiqh* and interfaith marriage. This is intended to better know and understand it in a complex and integral way in this article.

RESEARCH METHODS

This study uses a qualitative approach. The author uses the *content analysis* (kajian isi) (Creswell, 2012). This research was carried out by examining the rules of jurisprudence and Islamic studies related to the postulates of the Qur'an regarding interfaith marriage. The type of data used in this study is qualitative data, namely written data. The source of the data is from knowledge books and journals. The data sources used include primary and secondary data sources. Primary data sources are the Quran and the Ushul Fiqh Rules. The secondary sources used are journals and books relevant to the research title. The research technique used in this study is to use literature research (*library research*) that is, research that is sourced from an existing scientific document and then studied to enrich the treasures of current science (Suggestion, 2015).

RESULTS RESEARCH AND DISCUSSION

This research is divided into three types of sub-chapters. Where the sub-chapters consist of the definition of *ushul fiqh*, the definition of interfaith marriage, and the analysis of *ushul fiqh* on the postulates regarding interfaith marriage; 1) Quran Surah Al-Baqarah verse 221 regarding the marriage of a Muslim man with a non-Muslim woman, 2) Quran Surah al-Maidah verse 5 regarding the marriage of a Muslim man with a woman who is an expert in the book, 3) Quran Surah Al-Mumtahanah verse 10 regarding the marriage of a Muslim woman with a non-Muslim man.

The implementation of the concept of analysis of fiqh rules on a postulate is to establish a form of law (mandatory, *sunnah*, *mubah*, *makruh* or *haram*) that produces a legal product that Explain about whether something is ordered, encouraged, or forbidden. Through *fiqh*, scholars have compiled practical guidelines for Muslims in worshipping and believing in accordance with the provisions of the Shari'ah. The application of this concept is so that a Muslim can understand and apply the law as a result of the analysis of *ushul fiqh* rules in daily life better and more precisely. In every *fiqh* opinion there are two things that are important to understand, namely the form of law and the detailed postulates used. The legal forms stipulated in *fiqh* include postulates from the Qur'an and Hadith, as well as logical postulates (in the form of methods or rules used to interpret the postulates of the Qur'an and Hadith). This logical postulate is also called *ushul fiqh* or the *ijtihad* method used (Nurhayati & Sinaga, 2018).

The implementation of this research is to determine a legal form of interfaith marriage. This analysis was carried out so that interfaith marriage would not

occur again, because the results of the analysis of the implementation of interfaith marriage are prohibited (haram). Interfaith marriage still occurs a lot today, therefore in this study the results of analysis in the form of law (allowed or prohibited). The application of the analysis is to provide an understanding of a prohibition and be used as one of the foundations so that no one will carry out interfaith marriages anymore. Interfaith marriage is still rampant, therefore it is necessary to analyze the rules of ushul fiqh on the postulates of interfaith marriage so that there are conclusions that are easy to understand and practical.

Definition of Ushul Fiqh

The word of "*Ushul Fiqh*" is a word that comes from the Arabic language "*Cylinder Cylinder*" which means the origin of Fiqh. According to the term used by *Ushul Fiqh* experts, *Ushul Fiqh* is a science that discusses various provisions and rules that can be used in exploring and formulating Islamic shari'a law from its source. In its use, this science is used to establish the postulates for a law to establish the law by using the postulates of the verses of the Qur'an and the Sunnah of the Prophet related to deeds *Mukallaf*, formulated in the form of "Fiqh law" (the science of Fiqh) so that it can be practiced easily. Similarly, an event that occurs or something found in life can be determined by law or status by using postulate. (Noorhayati, 2018).

Ushul fiqh is a collection of rules that explain to *the faqih* (Islamic jurists) the ways to issue laws from the postulates of the Shari'a'. The main object in the discussion of Ushul Fiqh is *Adillah Syar'iyah* (sharia postulates) which is the source of law in Islamic teachings. Apart from discussing the meaning and position in the law, *Adillah Syar'iyah* is equipped with various provisions in formulating the law by using each of the postulates.

In addition, *Ushul Fiqh* is a science that discusses the method of excavation and determination (*istinbath* Islamic law (fiqh)). Therefore, in the study of ushul fiqh, it is explained about the basics, rules, and methods used to establish a law (Nurhayati & Sinaga, 2018). The science of jurisprudence is a product of ushul fiqh, because the science of ushul fiqh is a science of tools that explain methods and systems of determining laws based on the postulates of naqli and aqli (Ed, 2021). At first, the word fiqh was used for all forms of understanding of the Quran, hadith and even history. However, after the occurrence of specialization in religious sciences, the word fiqh is only used for the understanding of sharia (religion), which is related to the laws of human actions. Judging from the scope of fiqh lessons, it includes two discussions, namely fiqh of worship and fiqh of muamalah (Aisyah & Santika, 2017).

Definition of Interfaith Marriage

The term of *nikah* comes from Arabic, namely (النكاح), according to the term fiqh used the word *nikah* and the word *zawaj* (Shamad, 2017). *Nikah* means gathering or gathering. One of the efforts to channel the sexual instincts of husband and wife in the household as well as a means to produce offspring that can ensure the continuity of human existence in the world. The existence of

marriage is in line with the birth of man on earth and is a human nature given by Allah SWT to His servants. Marriage in language means union, association, or can be interpreted as a contract or physical relationship. As for the term *Shara*, *nikah* is a contract that allows a man to have sex with a woman. Marriage is to make a contract or agreement to bind a man and a woman, on the basis of voluntariness and pleasure of both parties to realize a happiness in family life that is filled with love and peace in ways that are pleasing to Allah SWT. (Nur Paikah, 2019).

The jurists of the four schools of jurisprudence (Shafi'i, Hanafi, Maliki, and Hanbali) generally define marriage as a contract that brings the ability (for a man to have intercourse with a woman) with (beginning in the contract) the word *nikah* or marriage, or a meaning similar to the two words. In the compilation of Islamic law, it is explained that marriage is a strong contract or *the filthy* to obey Allah's commands and carry them out is worship (Malisi, 2022).

The Glory of God:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ
"Among His signs is that He created for you from your own (kind) so that you may feel at peace with him. He makes among you a sense of love and affection. Indeed, in such things there are indeed signs (of Allah's greatness) for those who think."
(Q.S.Ar-Rum verse 21)

Interfaith marriage can be interpreted as the marriage of two people with different religions, beliefs or understandings (Asur, Muslimeen H. Kara, 2021). Marriage between adherents of different religions, but they still embrace each other's religions (Nurcahaya, 2018). Interfaith marriage is a bond between a man and a woman who, due to different religions, causes two regulations regarding the conditions and procedures for the implementation of marriage in accordance with the laws of their respective religions with the aim of forming a happy and eternal family based on the One Godhead. (Amri, 2020). Interfaith marriage occurs when a man and a woman of a different religion to whom he or she adheres to marry while maintaining their respective religions, for example, a Muslim man and a Christian woman or vice versa (Anggreini, Palandi, 2013).

Referring to the definition of experts; First, according to Rusli and R. Tama, interfaith marriage is an innate bond between a man and a woman of different religions, causing two different regulations on the terms and procedures for the implementation of marriage in accordance with their respective religious laws, with the aim of forming a happy and eternal family based on the One Godhead. Second, according to Ketut Mandra and I. Ketut Artadi, interfaith marriage is an innate bond between a man and a woman who each have different religions and maintains their religious differences as husband and wife with the aim of forming a happy and eternal household based on the One Godhead. Third, according to Abdurrahman, interfaith marriage is a marriage carried out by people who embrace different religions and beliefs from each other. So there are two main elements that must exist in the definition of interfaith marriage, namely belief or

embrace of different religions and be bound in a marriage relationship (Togatorop, 2023).

So, what is meant by interfaith marriage is the marriage of a Muslim (man/woman) with a non-Muslim (man/woman). Interfaith marriages can be divided into three categories; First, the marriage between a Muslim man and a polytheistic woman; second, marriage between a Muslim man and a woman who is an expert in the book; and third, marriage between a Muslim woman and a non-Muslim man (the same as polytheism or book experts) (Amri, 2020).

Ushul Fiqh's Analysis of the Evidence Regarding Interfaith Marriage

Quran Surah Al-Baqarah [2] verse 221 Regarding Marriage of a Muslim Man to a Non-Muslim Woman

The law of marriage between a Muslim man and a non-Muslim woman based on Q.S. Al-Baqarah verse 221 is haram.

The words of Allah in surah Al-Baqarah verse 221:

وَلَا تَنْكُحُوا الْمُشْرِكَةَ حَتَّىٰ تُؤْمِنَ ۚ وَلَا تَنْكُحُوا الْمُشْرِكِينَ حَتَّىٰ يُؤْمِنُوا ۚ
وَأَعْبُدُوا اللَّهَ حَتَّىٰ تَكُونَ مِنَ الْمُؤْمِنِينَ ۚ وَأُولَٰئِكَ يَدْعُونَ إِلَى النَّارِ ۚ وَاللَّهُ يَدْعُو إِلَى الْجَنَّةِ وَالْمَغْفِرَةِ بِإِذْنِهِ وَيُبَيِّنُ آيَاتِهِ
لِلنَّاسِ لَعَلَّهُمْ يَتَذَكَّرُونَ ۚ

"Do not marry polytheistic women until they have believed! Indeed, a believing female servant is better than a polytheistic woman, even if she draws your heart. Nor should you marry a polytheistic man (with a believing woman) until they believe. Indeed, a believing male servant is better than a polytheistic man even though he attracts your heart. They invite to hell, while Allah invites them to heaven and forgiveness with His permission. (Allah) explains His verses to people so that they can learn from them." (Q.S. Al-Baqarah: 221)

In terms of the rules of ushul fiqh, the verse clearly contains a prohibition on the sentence "وَلَا تَنْكُحُوا الْمُشْرِكَةَ", and the origin in the prohibition indicates haram.

Kaida K-1 in-Nahu:

الأصل في النهي للتحريم

"The origin in the prohibition shows haram"

Based on the analysis of the *ushul fiqh* rule, Islam absolutely prohibits or prohibits marriage between a Muslim man and a non-Muslim woman. Scholars also agree that a Muslim man is forbidden to marry a non-Muslim woman (polytheist). This opinion is based on Q.S. Al-Baqarah (2) verse 221 (Amri, 2020).

Islam expressly prohibits or provides haram law for a person who performs interfaith marriage, namely Muslims and non-Muslims/polytheists. According to the evidence contained in Q.S. Al-Baqarah verse 221 which explains that it is haram for men and women to marry polytheists, this is because polytheists have great potential to betray (Asyrof et al., 2023). The review in the interpretation of

Surah Al-Baqarah 221 also explains that interfaith marriage is expressly prohibited, until waiting for faith (Blessings and Blessings, 2020).

Quran Surah Al-Maidah [5] verse 5 Regarding the Marriage of a Muslim Man to a Woman Who Knows the Book

Said Allah Q.S. Al-Maidah verse 5:

الْيَوْمَ أُحِلَّ لَكُمُ الطَّيِّبَاتُ وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حَلَالٌ لَكُمْ وَطَعَامُكُمْ حَلَالٌ لَهُمْ وَالْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ إِذَا آتَيْتُمُوهُنَّ أُجُورَهُنَّ مُحْصِنِينَ غَيْرَ مُسْلِفِينَ وَلَا مُتَّخِذِي أَحْدَانٍ وَمَنْ يَكْفُرْ بِالْإِيمَانِ فَقَدْ حَبِطَ عَمَلُهُ وَهُوَ فِي الْآخِرَةِ مِنَ الْخَاسِرِينَ ء

"On this day, it is lawful for you all good (food). The food of the Ahlulkitab is halal for you and your food is halal for them. It is permissible for you to marry honorable women among believing women and honorable women among those who were given the Holy Book before you, if you pay their mascot to marry her, not with the intention of committing adultery, and not to make them illicit spouses. Whoever disbelieves after believing, then his deeds are in vain and in the Hereafter he is among the losers." (Q.S. Al-Maidah: 5)

Regarding marriage between a Muslim man and a woman who is an expert in the book, scholars have different opinions, some allow or permissible and some forbid.

Opinions that allow or justify marrying a woman

In Q.S. al-Maidah verse 5, it is permissible to marry a book expert, also based on the sunnah of the Prophet Muhammad (peace be upon him) who was once married to a woman who is a book expert, namely Mariah al-Qibtiyah. Similarly, one of his companions, one of his seniors, Huzaifah bin al-Yaman, was once married to a Jewish woman, while none of his companions were against him (Yusuf, 2017).

Approach *Dancing Manasukh* It allows marriage between a scholar of the book and a Muslim because Q.S. Al-Baqarah verse 221 concerning the prohibition of marrying polytheists has been narrated by Q.S. Al-Maidah verse 5 which allows marrying a scholar. Q.S. Al-Baqarah verse 221 comes down before Q.S. Al-Maidah verse 5, so that the verse that comes before is nasakh (erased) by the verse that comes later (Hedi, 2019).

Viewed from the point of view of the rules of ushul fiqh, it is explained that the command after the prohibition shows ability.

Qaidah K-9 AMR:

الأمر بعد النهي يفيد الاباحة

"Orders after prohibition show that it is allowed"

The halalness of marrying a Woman of the Book is only intended for Muslim men who are strong in faith, able to show the perfection of Islam, the nobility of ethics in an Islamic manner and are able to carry out the mission of da'wah, so that the woman is interested in the teachings of Islam and at the same

time embraces Islam with full awareness. But if his faith is weak and he is worried that his faith will be eroded and result in apostasy, then it is illegal to marry a woman of the Book Scholar. This is in accordance with the concept of *Lee Saad al-Dazari'ah* (Nurcahaya, 2018). Linguistically *saddudz dzari'ah* means to prohibit the path that leads to something. The scholars define it as "*preventing something from being damaged, or clogging a path that could convey a person to damage*". If there is a good deed but it can cause damage, then according to this method the act must be prevented or prohibited (Nurhayati & Sinaga, 2018).

Opinions that prohibit or prohibit marrying a woman scholar

There are some scholars who prohibit marriage between a Muslim man and a woman who is a Book Expert. The scholars of the Book at the time of the Prophet Muhammad were Jews or Christians, and their teachings were considered pure. In fiqh, usually a Muslim man is allowed to marry a woman of the Book, and a Muslim woman is not allowed to marry a man of the Book. Basically, Islamic law prohibits interfaith marriage. A Book of Scholars is a person who adheres to one of the Samawi religions that has holy books such as the Bible, Zabur, and Torah. However, in this day and age, there is no longer a person who can be called the term Book Expert. It is a pity that the faith and practice of Christian and Jewish worship have deviated far from the pure teachings of monotheism. That is why, some scholars prohibit marriage between a Muslim man and a Christian/Jewish woman, even though textually based on Q.S. Al-Maidah verse 5, clearly allows it (Yusuf, 2017).

In this day and age, it is very discouraged to marry non-Muslim women even if she is a true believer in the heavenly religion, because for now there are no more truly pure women of the Book Scholars, if in this day and age there are truly pure believers of the Book Scholars, they will definitely convert to Islam, because the believers of their Book Scholars believe in Allah SWT and the Prophet Muhammad (peace be upon him). even they know the Prophet Muhammad better than they know his own children (Assagaf, 2022).

Another consideration is that marriage between people of different religions has the potential to be a source of conflict that can threaten the integrity and happiness of the household. However, these depend on the faith of a person, especially the man who will get married in order to preach. Therefore, it is appropriate and wise that Islam basically prohibits marriage between Muslims (men/women) and non-Muslims, except for Muslim men whose faith and Islam are quite good, allowed to marry a woman who is a book expert whose faith and worship practices are not far from the faith and worship practices of Muslims. If his faith is weak and he is worried that his faith will be eroded and result in apostasy, then it is illegal to marry a woman who is a Biblical Scholar. This is in accordance with the concept of *sadd adz-dzari'ah* (looking at everything that is the path of destruction).

In the rules of *ushul fiqh*, rejecting *mudharat* takes precedence over taking benefits. Therefore, marriage with non-Muslims is better avoided, because not

everyone sincerely believes from their hearts but there are certain missions that they will carry out. Looking at the law of marriage of different religions from the case of *maslahat* (goodness) and *mafsadat* (damage). If the marriage in question brings *mafsadat* (damage) greater than the benefits, then interfaith marriage is unlawful, and vice versa.

Qadah K-19:

درء المفاصد مقدم على جلب المصالح

"Prioritize rejecting *maafsadatan* (damage) rather than taking *fame* (goodness)".

The law prohibiting marriage with the Book Master aims to keep Muslims away from the dangers posed by marriage to a woman of the Book Scholar, according to the hadith of the Prophet (peace and blessings of Allah be upon him). "Do not do acts that harm yourself and do not harm others" (Ramli & Azli Ibrahim, 2022).

Approach *sadz al-dzari'ah*, looking at the law of marriage of different religions from the case of *maslahat* (goodness) and *mafsadat* (damage). If the marriage in question brings more *mafsadat* than the benefit, then interfaith marriage is unlawful, and vice versa (Hedi, 2019). Therefore, if the act is basically permissible, but when the act is indicated to be ugly, eating it must be prevented, this concept is what is called *sadz al-dzari'ah*. The prohibition of interfaith marriage here is not *The Haram's Worth* namely haram because of the implementation of marriage, but this interfaith marriage is forbidden because it is feared that it will fall into the ugliness that arises later, this is called the cause *sadz al-dzari'ah*. This method is seen as an application of the rules of jurisprudence. On the other hand, the correlation with *maqasid sharia'ah* in the field of maintenance of religion in order to avoid conversion (Sunarto, 2018).

Quran Surah Al-Mumtahanah [60] verse 10 Regarding the Marriage of a Muslim Woman to a Non-Muslim Man

Ulama have agreed that Islam has forbidden marriage between a Muslim woman and a non-Muslim man, whether her future husband is a religious believer who has a holy book or a Book Scholar. The postulate that is the legal basis for the prohibition of marriage between Muslim women and non-Muslim men is Q.S. Al-Mumtahanah verse 10:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا جَاءَكُمُ الْمُؤْمِنَاتُ مُهَاجِرَاتٍ فَامْتَحِنُوهُنَّ ۚ إِنَّ اللَّهَ عَلِيمٌ بِإِيمَانِهِنَّ فَإِنْ عَلِمْتُمُوهُنَّ مُؤْمِنَاتٍ فَلَا تَرْجِعُوهُنَّ إِلَى الْكُفَّارِ لَا هُنَّ حَلَالٌ لَهُمْ وَلَا هُمْ يَحِلُّونَ لَهُنَّ وَأَتُوهُنَّ مِمَّا أَنْفَقْتُمْ وَلَا جُنَاحَ عَلَيْكُمْ أَنْ تَنْكِحُوهُنَّ إِذَا آتَيْتُمُوهُنَّ أَجُورَهُنَّ وَلَا تُمْسِكُوا بِعَصَمِ الْكُوفِرِ وَسئَلُوا مِمَّا أَنْفَقْتُمْ وَلَيْسَ لَكُمْ أَنْ تَنْفِقُوا ذَلِكَ حُكْمٌ مِنَ اللَّهِ لِيُحْكُمَ بَيْنَكُمْ وَاللَّهُ عَلِيمٌ حَكِيمٌ

"O you who believe, when the women of the believers come to you to emigrate, test their faith. God knows more about their faith. If you have known them that they are (really as) women believers, do not return them to the disbelievers (their husbands). They are not halal for the disbelievers and the disbelievers are not halal for them. Give them the dowry they have given. There is no sin for you to marry them if you pay them a dowry. Do not hold on to the rope (marriage) with disbelieving women. Ask for back the dowry that you have given (to the wife who returns to the disbeliever). Let them (the disbelievers) ask for back the dowry they have paid (to

their ex-wives who have believed). Such is the law of Allah that He has established among you. Allah is All-Knowing, All-Wise". (Q.S. Al-Mumtahanah: 10)

Believing women are not allowed to marry men who are scholars of the book or non-Muslims, this is based on considerations and provisions that the husband is the holder of power over his wife, and for the wife is obliged to obey his good commands. In this sense, the meaning of the husband's 'power' over his wife. However, for the infidels there is no power over Muslim men and women. The consideration of the prohibition is based on the consideration of maintaining the benefits and preventing the harm caused by interfaith marriages (Yusuf, 2017).

Qadah K-19:

درء المفاصد مقدم على جلب المصالح

"Prioritize rejecting affirmation rather than taking fame"

In terms of the rules of ushul fiqh, the verse clearly contains a prohibition on the sentence "لَهُنَّ يَجْلُزْنَ هُمْ وَلَا لَهُمْ جُلٌّ هُنَّ لَا الْكُفَّارُ إِلَى تَرْجِعُوهُنَّ فَلَا", and the origin in the prohibition indicates haram.

Kaida K-1 in-Nahu:

الأصل في النهي للتحريم

"The origin in the prohibition shows haram"

Based on the analysis of ushul fiqh in the verse, Islam prohibits Muslim women from marrying non-Muslim men. In this verse it is an affirmation of the law regarding interfaith marriage. The verse explains that there is a prohibition on continuing the marriage relationship with non-Muslim men, until they believe in Allah. The prohibition of interfaith marriage with non-Muslims/infidels in general has been agreed upon by scholars (Amri, 2020).

CONCLUSION

Regarding interfaith marriages, Islam has absolutely prohibited marriage with non-Muslims based on Q.S. Al-Baqarah verse 221 and Q.S. Al-Mumtahanah verse 10. Judging from the rules of ushul fiqh, the verse clearly contains prohibitions, and the origin in the prohibition shows haram. However, in Q.S. Al-Maidah verse 5 a Muslim man is allowed to marry a woman who is a scholar of the book (Jewish and Christian) with conditions and if the quality of faith and Islam of the Muslim man is good. However, in this day and age, there is no longer a person who can be called an expert in the book. Marriage with non-Muslims is better avoided because this kind of marriage contains high risks such as changing religion or divorce, because in the rules of ushul fiqh, it is also rejected that mudharat takes precedence over taking advantage.

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