

An Analysis of Wahbah Az-Zuhaili's Views on Interfaith Marriage and Its Implementation in Indonesian Legal Context

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Abstract

Marriage is a very important need in family and a social life that is pleasing to Allah, therefore in choosing a husband and wife, Islam strongly recommends that everything be based on religious norms so that the life companion has commendable morals, there is no balance to a belief. However, the problem is that it is forbidden for Muslim men to marry polytheistic women and marriage between Muslim women and infidel men. Meanwhile, Wahbah Az-Zuhaili's opinion that Muslim men and women are different from the opinions of other scholars. This research is with the formulation of the problem: How does Wahbah Az-Zuhaili think about interfaith marriage and how is the review of Islamic law about interfaith marriage in Islamic law thinking according to Wahbah Az-Zuhaili. This research is a type of library research. whose research object is the opinion and legal *istinbath* used by Wahbah Az-Zuhaili. The data collection method of this research uses a method of collecting legal materials, journals, and so on. The data analysis is qualitative, that is, the analysis is carried out by grouping data, presenting the results of the analysis in the form of a narrative, and drawing conclusions. Based on the results of this study, Wahbah Az-Zuhaili knew that it is forbidden to marry a Muslim man to a polytheistic woman, interfaith marriage, a Muslim woman to an infidel man, marriage between a Muslim man and a woman who is an expert in the book. The legal identity used by Wahbah Az-Zuhaili himself is QS. Al-Baqarah Al-Mumtahanah Al-Maidah. But the woman whose books are referred to is only the descendants of the children of Israel who still hold fast to the original book that was handed down to the Prophet Moses and the Prophet Jesus AS. As a defect, the prophets Moses and Jesus were sent only for the Children of Israel.

Keywords: Interfaith Marriage; Wahbah Az-Zuhaili; Islamic Law

Introduction

The family is a small community that within the scope consists of husband and wife as the core source that will give birth to offspring and the next generation. The family in question is a husband and wife formed through a valid marriage both religiously and nationally, which is registered according to the applicable laws and regulations. Law Number 1 of 1974 Article 2 Paragraph 2 states that marriage registration is for those who marry according to their religion and belief. Marriage according to religion and beliefs other than Islam is carried out by the marriage registrar at the civil registry office as stipulated in various laws and regulations on marriage registration In (Abdurrahman, 2010). Islamic marriage is not only limited to the contract between the two parties but also marriage in western culture both in

writing and orally. In Islam, a dispute is an agreement between two families and is witnessed by 2 fair witnesses and also attended by the guardian of the woman's side (Mardani, 2016).

The issue of interfaith marriage is currently being discussed a lot. The laws and regulations in force in Indonesia state that interfaith marriage is not allowed because it is very contrary to the rules of law in force in Indonesia. Because it is very contrary to the applicable legal rules in Indonesia as explained in Article 2 Paragraph (1). Marriage Law Number 1 of 1974 states that a valid marriage is if it is carried out according to the law of each religion and belief (Abdurrahman, 2010). (Ibrahim Husein, 2003).

In the matter of interfaith marriage, Wahbah az-Zuhaili stated in *ijma'* that marriage between Muslims and infidels is haram. Based on the words of Allah SWT which means "*And do not marry polytheists (with believing women). before they believed*" (Al-Baqarah: 221). also Allah SWT said, "*Then if you have known that they (really). believe in them, so do not return them to (their husbands). the infidels. They have no halal for the disbelievers and the disbelievers have no halal for them.*"(Al-Mumtahanah: 10). (Wahbah Zuhaili, 2011). What is clear is that marrying a polytheist is haram. These two are used as the basis by scholars and groups to reject the possibility of interfaith marriage. (Ahmad Nurcholis, 2012).

The emergence of this difference of thought is due to the postulate that states that the issue of religious differences still needs a more detailed understanding and there is no legal certainty so that *ijtihad* is required in the law of permissibility and prohibition (Ibrahim Hosein, 2003). The existence of these different views shows that the same postulate in discussing a legal issue gives birth to different legal products when the postulates are understood by different people. So that the methods in legal institutions are also different in exploring a law which is a very important key in exploring a legal product (Ahmad Nurcholis, 2012).

Wahbah az-Zuhaili is a contemporary scholar whose opinion is in accordance with today's times even though Wahbah az-Zuhaili has an opinion but adheres to the hierarchy that exists in Islam.

Research Methods

This study employs a library research approach, focusing on analyzing the opinions and legal *istinbath* (deductive reasoning) methods utilized by Wahbah Az-Zuhaili. The research objects include his written works, scholarly opinions, and interpretations related to interfaith marriage, particularly in the context of Islamic law. The data collection process involves gathering primary and secondary legal materials, such as Wahbah Az-Zuhaili's books and articles, relevant fatwas, journal articles, and other academic resources. Additionally, legal documents and contextual materials related to the implementation of interfaith marriage laws in Indonesia are included to enrich the analysis.

The data analysis is qualitative in nature. The process begins with grouping data based on thematic relevance to the research objectives, followed by analyzing the content using a narrative approach. The analysis emphasizes identifying legal principles, arguments, and interpretations in Wahbah Az-Zuhaili's works and comparing them with Indonesia's legal framework on interfaith marriage. The results are presented systematically, culminating in a conclusion that integrates the findings with the broader context of Islamic jurisprudence and Indonesian legal practices.

Result and Discussion

The Definition of Marriage

The word nikah comes from Arabic: *al-jam'u* and *al-dhamu* which means to gather. The meaning of nikah (*Zawaj*) can be interpreted as *aqdu al-tawjiz* which means a marriage contract. It is also interpreted as (*Wath'u al-Zaujah*) meaning the sexual intercourse of the wife. As stated by Rahmat Hakim, the word nikah comes from the Arabic *nikahun* which is masdar, or the word from the verb *nakaha* synonym *tawawaja* is translated in Indonesian as nikah. The word nikah is also often used because it has been included in the Indonesian (Rahmat Hakim, 2000). language In the Qur'an, the word *nakaha* in its various forms is repeated 23 times, while the word *zawaj* in its various forms is not mentioned less than 80 times.

The existence of these two terms shows that marriage makes a person united and has a husband partner who is the wife and vice versa, the wife is the husband. Men and women satisfy each other and build the ark of a prosperous household and society. Fiqh scholars say *Zawaj* or nikah is an agreement that as a whole contains the word *inkah* or *tazwij*.

The Conditions of Marriage

Marriage in Islam is not only interpreted as a contract that will be used as a means of sexual intercourse but further than that, marriage in Islam is intended as a strong and holy contract and the Qur'an gives the nature of a marriage contract with "*misaaqan ghalizan*". The meaning is a strong sacred bond or a very thick or rough bond. To strengthen the marriage contract, it is necessary to pay attention to the procedures for its implementation in accordance with what is required by sharia, namely through the fulfillment of the conditions and pillars of marriage. According to some legal experts, the origin of marriage is *mubah* (permissible) (Abdul Rahman Ghazali, 2010).

In general, there are two marriage requirements, namely sharia requirements and conditions whose function is complementary rules and are additional conditions that are regulated by the government, then called *tawsiqi* conditions. The sharia conditions in question are provisions that are closely related to the pillars of marriage, the legal conditions for marriage. The pillars of marriage in the study of marriage jurisprudence are still found with different opinions. This difference concerns the determination of several issues that are included in the pillars of marriage and the legal

conditions of marriage. Inseparable from these differences, the commonly known pillars of marriage are among them. Marriage in which there is a contract is the same as other contracts that require the approval of both parties who hold the contract. The pillars of marriage are: The groom, Bride, Guardian, Two people, and Ijab kabul (Slamet Abidin & H. Aminuddin, 1999).

The five points above are the opinion of the majority of scholars present when celebrating marriage. One of the other elements is dowry. Scholars include dowry as a condition for the validity of marriage and not as a pillar of marriage. (Ibn Rushd, 2016). Because dowry is something that must be had, like it or not, the groom must fulfill it. So if these conditions have been exceeded, the marriage has been declared valid according to religious law.

The Purpose of Marriage

Marriage is the purpose of sharia brought by the Prophet Saw, namely the arrangement of human affairs in worldly and spiritual life. In a cursory observation of the body of fiqh teachings, it can be seen that there are four lines of arrangement, namely: a). *Rub'al-ibadah* regulates the relationship between human beings as creatures and their creators. b). *Rub'al muamalat* regulates human relations in the traffic of interaction with each other to meet the needs of daily life. *Rub'al munakahat* is the one that regulates human relations in the family environment. d). *Rub'al-jinayat* who regulates his security in forbidden associations that guarantee his peace (Ali Yafie, 1982).

Zakiyah Darajat stated five goals in marriage, namely:

1. Gain and breed
 2. Fulfilling human desires to flow lust and spill love
 3. Fulfilling religious calls to protect oneself from crime and corruption
 4. Fostering sincerity to be responsible for accepting rights and obligations and being serious in obtaining halal property
 5. Building a household to form a peaceful society based on love and compassion.
- (Zakiyah Darajat & et al., 1985).

Marriage also aims to form a (sacred) agreement between a man and a woman that has civil aspects, including: a). Voluntary b). Agreement of both parties c). Freedom of choice d). Openness. (Muhammad Dawud Ali, 1993). Marriage also aims to organize the family as a subject to gain experience in religious teachings. The function of the family is as the most decisive implementer of education. This is because the family is one of the informal educational institutions for parents who are first known by their sons and daughters with all the treatment they receive and feel can be the basis for the personal growth/personality of the children themselves.

Sulaiman Al-Mufarraj in his book *Mau Nikah* explains that there are 15 purposes of marriage, namely:

1. As worship and getting closer to Allah Swt. Marriage is also in order to worship Allah Swt and his Messenger.
2. Avoiding forbidden things to fortify yourself and be able to have sex
3. Increasing the number of people of the Prophet Muhammad
4. Perfecting religion
5. Giving birth to children who can ask for God's help for their father and mother when they enter heaven
6. Protecting the community from evil, moral collapse, adultery, and so on
7. Marriage is the sunnah of Allah's messengers
8. The legitimacy of intimate relationships creates responsibility for the husband in leading the household to earn a living and helping his wife at home
9. Bringing together different family bonds to strengthen the family circle.
10. Knowing and loving each other
11. Reconciling love in the soul of husband and wife
12. As a harmony in building an Islamic household in accordance with its teachings, sometimes for people who do not pay attention to the words of Allah SWT, the purpose of marriage will be deviated.
13. As a sign of the greatness of Allah SWT, we see that married people at first they do not know each other, but by holding the marriage bond, the relationship between the two can know each other and love at the same time
14. Multiplying Muslim descendants and enlightening the earth through the marriage process
15. Follow the call of iffah and keep the things that are forbidden.

The Legal Basis of Marriage

Marriage in Islam is hinted at even if the work is good, it is recommended that the purpose is to maintain the view and do and act beyond the permissible limits. As a human being who was created in pairs and the nature of Allah SWT has given sexual orientation. The law of marriage in Islam departs from many postulates both in the Qur'an and the Sunnah and then in the end ijma' occurs in it. Basically, marriage law is divided into three aspects, namely according to the Qur'an, Sunnah and Ijma' of scholars.

a. Al-Quran

Considering that many verses of the Qur'an prohibit Muslims from marrying polytheistic women based on QS Al-Baqarah 2: 221.

وَلَا تُنْكِحُوا الْمُشْرِكَةَ حَتَّىٰ يُؤْمِنَ وَلَا مَئْمُومَةً مِنْ خَيْرٍ مِّنْ مُّشْرِكَةٍ وَلَا أُعْجَبَتْكُمْ
وَلَا تُنْكِحُوا الْمُشْرِكِينَ حَتَّىٰ يُؤْمِنُوا وَلَعَبْدٌ مُّؤْمِنٌ خَيْرٌ مِّنْ مُّشْرِكٍ وَلَا أُعْجَبَكُمْ أُولَٰئِكَ يَدْعُونَ
عُونَ إِلَى النَّارِ وَاللَّهُ يَدْعُو إِلَى الْجَنَّةِ وَالْمَغْفِرَةِ بِإِذْنِهِ وَيُبَيِّنُ آيَاتِهِ لِنَاسٍ لَّعَلَّهُمْ يَتَذَكَّرُونَ

Meaning: And do not marry polytheistic women before they believe. Indeed, a believing woman is better than a polytheistic woman, even though she attracts your heart. And you shall not marry a man. polytheism with believing women before they believe. Indeed, a believing male servant is better than a polytheistic man, even if he attracts your heart. They invite to hell while Allah invites them to heaven and forgiveness with his permission. Allah explained his verses to people so that they could learn from them. (QS. Al-Baqarah /2: 221).

In addition, polytheistic women are not allowed to marry polytheistic men (Abdullah Ahmad Qadiry, 2003). Al-Mumtahanah /60: 10.

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا جَاءَ كُمْ الْمُؤْمِنَاتُ مَهْجَرَاتٍ فَامْتَحِنُوهُنَّ اللَّهُ أَعْلَمُ بِإِيمَانِهِنَّ فَإِنْ عَلِمْتُمُوهُنَّ مُؤْمِنَاتٍ فَلَا تَرْجِعُوهُنَّ إِلَى الْكُفَّارِ لَأَهُنَّ حِلٌّ لَهُمْ يَحْلَتُنَّ لَهُنَّ وَاتُّوهُنَّ مَا أَنْفَقُوا وَلَا جُنَاحَ عَلَيْكُمْ أَنْ تَنْكِحُوهُنَّ إِذَا آتَيْنَهُنَّ أَجُورَهُنَّ وَلَا تُمْسِكُوا بِعِصَمِ الْكُوفَارِ وَسَأَلُوا أَمَّا أَنْفَقْتُمْ وَلَيْسَ لَكُمْ حُكْمُ اللَّهِ يَحْكُمُ بَيْنَكُمْ وَاللَّهُ عَلِيمٌ حَكِيمٌ

Meaning: O you who believe! When the women of the believers come to you to migrate, then you should test (faith). they. Allah knows more about their faith if you know that they are (really). Believe, then do not return them to the disbelievers, and the disbelievers are not lawful for them. And give it to (husband). They are the dowry they have given. And there is no sin for you to marry them if you pay them their dowry. And do not cling to the cord. with disbelieving women, and you should ask for back the dowry that you have given (if her husband is still disbeliever). Let them ask for back the dowry they have paid (to his ex-wife who believes). Such is the law of Allah that He has established among you. And Allah is All-Knowing and Wise (Al-Mumtahanah/60: 10).

b. Hadith

Hadith or Sunnah is the second main postulate after the Qur'an in the provisions of Islamic law, including marriage law. There are many postulates from the hadith of the Prophet Saw about marriage but in this session it is only stated by some of the narrations of the hadith as follows: (Muhammad Nashiruddin Al-Albani, 2005).

عَنْ عَلْقَمَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: كُنْتُ أَمْشِي مَعَ عَبْدِ اللَّهِ بِمَنَى فَاقْبَلَتْهُ عُمَانُ رَضِيَ اللَّهُ عَنْهُمَا فَقَامَ مَعَهُ يُحَدِّثُهُ فَقَالَ لَهُ عُمَانُ: يَا أَبَا عَبْدِ الرَّحْمَنِ الْأَنْثَرَوُجِيَّ جَارِيَةٌ لَعَلَّهَا تُذَكِّرُكَ بَعْضَ مَا مَضَى مِنْ زَمَانِكَ قُلْ: فَقَالَ عَبْدُ اللَّهِ لَ بِنُ قُلْتُ ذَلِكَ لَقَدْ قَالَ لَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَا مَعْشَرَ الشَّبَابِ مَنْ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَايْتَزَوَّجْ فَإِنَّهُ أَغْضُ لِلْبَصَرِ وَأَحْصَنُ لِلْفَرْجِ وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ فَإِنَّهُ لَهُ وَجَاءٌ -

Meaning: From Ibn Umar RA, he said I once walked with Abdullah in Mina and Uthman RA met him to talk to him. Uthman asked Abdullah Hai Abu Abdurrahman: Would you not like to marry you with a girl who reminds you of a girl who can remind

you of a part of your past? Alqamah Abdullah replied If you say that, then indeed the Prophet PBUH has said to us, O young people! Whoever among you can afford the cost of marriage should get married because getting married can subdue the eyesight and keep the genitals. If he is not able to do so, then he should fast because fasting can be a shield for him. (Narrated by Muslim 4/128).

The hadith above is quite familiar and easy to find in Islamic marriage law literature. The above hadith explains that for people who can get married to get married and if they are not able to do so, it is recommended to fast. According to Bugha, being able to get married means being able to bear the cost of the wedding. (Mustafa Dib al-Bugha, 2017). Similarly, what Najieh wrote is that what is meant by being able in the above hadith is being able to make a living. Fasting as a fortress means that fasting can reduce the desire to have sex.

The Opinion of Ulama on Interfaith Marriage

The mixed marriage in question is a marriage between a Muslim and a non-Muslim. Polytheists are idolaters and those who believe in gods other than Allah. Meanwhile, what is meant by book experts are those who adhere to the sunnah religion conveyed by the prophets before the Prophet Muhammad Saw and have a holy book. In Islamic teachings, the scholars of the book are believers in Judaism and Christianity. Ibn Qudamah in his book "*al-Mughni*" firmly stated that *the ahl-al-kitab* are experts in the Torah and the Gospel.

و اهل الكاب الذي هذا حكمهم هم اهل التوراة و الانجيل

"The people of the book mentioned in this provision are the scribes (Jews). and evangelists." (Ibn Qudamah, 2007).

Regarding the meaning of *Ahl al-Kitab*: The meaning and scope of the Qur'an *ahl al-kitab* mentioned in the Qur'an are only two religions, namely Judaism and Christianity. (Muhammad Galib, 2016). Muslim men are allowed to marry women who are outside the Islamic religion to marry only Jews and Christians, while people who are not of the religion are not allowed such as Magi, Confucianism, Chu, Buddhism, Hinduism, Confucianism, and other earth religions. It does not include *ahl al-kitab* in the scope of polytheism because the Qur'an itself distinguishes them. However, in terms of disbelief, polytheism and *ahl al-kitab* are both called *kafir* because they both do not recognize the truth of Islam and the teachings of Islam as well as the prophethood of Muhammad Saw. (Sri Wahyuni, 2016).

In this case, this is the reason why Jews, Christians, and all other religions of Islam are called infidels. The difference between the *ahl al-kitab* people and the polytheistic people in terms of the influence of Islam's relationship with them can be understood in QS. Al-Bayyinah verse 1 which means: The disbelievers are confident and the polytheists (say that they are). will not leave (their religion). until clear evidence comes. Al-Bayyinah verse 1).

The meaning of Ahl al-kitab women who can marry polytheistic women is not allowed to marry is returned to the verse above. It's just that in a more detailed context, there is a sharp difference that is not entirely allowed by scholars to allow marriages of different religions *Ahl Al-Kitab*. There are two very developed opinions that allow marrying women *Ahl Al-Kitab* And it is the opinion of the majority of scholars and there are also those who prohibit it by some other scholars.

Thoughts and Reasons of Wahbah Az-Zuhaili on Interfaith Marriage

Wahbah Zuhaili's thoughts on the possibility of interfaith marriage are only for a Muslim with a woman who is a member of the book. The marriage of a Muslim woman to a man who is a scholar of the book or a kafir and a Muslim woman to marry a polytheistic woman or vice versa remains haram and prohibited according to QS. Al-Baqarah (2):221 and QS. Al-Mumtahanah (60):10.

Indonesia is a country of law, namely a country whose state system uses applicable legal norms. The entire life and movement of the Indonesian nation is regulated by law. As explained in article 29 paragraph 2 of the 1945 Constitution which reads "The state guarantees the freedom of every resident to embrace their religion and worship according to that religion and belief". In this article, it can be seen that the state has guaranteed its citizens to be able to embrace their religion and beliefs in accordance with their respective consciences.

Although the state has guaranteed its citizens to be able to embrace religion according to their wishes and beliefs, in marriage affairs it still pays attention to the involvement of religious aspects in its regulation in more detail. The reason for the involvement of religious aspects is to maintain common security and so as not to cause horizon conflicts in society. Therefore, the state has regulated the issue of marriage in Article 2 paragraph 1 of Law No. 1 of 1974 concerning Marriage. One of the aspects referred to in the article is that marriage is carried out according to each religion. Interfaith marriage according to religious law in Indonesia does not in essence provide an opportunity for its adherents to marry people outside their religion. (Ihtiyanto, 2003).

The absence of opportunities provided by religions in Indonesia to marry people outside their religion shows that interfaith marriage is not desired by every religious teaching. If it is associated with state law, then something taught by religion in Indonesia is a matter of concern with Law No. 1 of 1974 Article 2 paragraph 1 and therefore in Article 2 paragraph 1 Jo. Article 8 (f). Law No. 1 of 1974. It clearly states that Indonesian citizens who are Muslims are not allowed to marry between religions either according to sharia or applicable laws.

According to Wahbah Zuhaili, the issue of interfaith marriage is limitative in accordance with the Indonesian context which explains that Indonesia is a country that is tolerant and pluralist in religion. The existence of these difficulties is one of the goals to ensure that the relationship between community life is always harmonious and

respectful so that the state no longer needs to form more special legal rules and to protect the practice of interfaith marriage in Indonesia because it will cause social conflicts.

A Review of Islamic Law on the Thought of Wahbah Az-Zuhaili

It has been explained how Islamic law is precisely the experts of Islamic law decide the issue of the marriage law of different religions. Several important terms are limited by scholars in establishing different marriage laws concerning several verses of the Qur'an related to it. The term in question is polytheism *ahl al-kitab* and *kafir*. Polytheism is a separate term that must be distinguished from *ahl al-kitab* because *ahl al-kitab* is a different naming and is specialized by Allah SWT. (Muhammad Galib, 2016).

So Islam legalizes interfaith marriage in the context of Muslims with women *ahl al kitab* as mentioned, while for the category of polytheists, there is a strict prohibition in the Qur'an, both for Muslims and Muslim women to marry polytheists, as in QS Al-Baqarah verse 221. In addition to the terms *ahl al-kitab* and polytheism, the Qur'an also establishes the term *kafir* concerning marriage law. *Kafir* means a person who does not recognize the truth of Islam and does not recognize the existence of the Prophet Muhammad Saw as an apostle (Zulyadain, 2012). The meaning between *ahl al-kitab* and polytheism both have the position of *kafir*.

Therefore, the author discusses Wahbah Zuhaili's views on the issue of interfaith marriage in which there are still many differences of opinion in it. According to Wahbah Zuhaili in his book *al-Fiqh al-Islam wa Adillatuhu*, interfaith marriage is categorized into 3 forms, namely:

1. Marriage between a Muslim man and a polytheistic woman

According to Wahbah Zuhaili, a polytheistic woman is a woman who worships Allah with other gods, such as idols, animals, fire, or stars. So Wahbah Zuhaili stated that the law of marriage of a Muslim man with a polytheistic woman is haram and prohibited to be done. (Wahbah Zuhaili, 2013). It has the meaning of not marrying a *harbi* infidel woman who is not a member of the group of book experts. *Al-Musyrikat* is a *watsaniyyah* woman (women who worship statues and idols). *Majusiyyah* (women who worship fire).

2. Marriage between a Muslim woman and an infidel man

In the matter of the marriage of a Muslim woman with an infidel man, Islamic jurists consider the marriage prohibited by Islam, as well as the existence of a prospective husband of a book scholar (Jewish and Christian). Or followers of other religions that have holy books such as Hinduism and Buddhism, or followers of religious beliefs that do not have a holy book. The meaning of the polytheistic phrase in verse "*and do not marry polytheistic women before they have believed*" is all infidels who are Christians and apostates from Islam, namely *watsani* (idolaters),

Magi, Jews, Christians, and apostates from Islam. All that was mentioned earlier is haram for them to marry Muslim women. A husband has power over his wife, there is a possibility that the husband will force his wife to renounce her religion and bring her to the Jews or Christians. A Muslim man will bear the Prophet Moses and Isa (as) believing in their treatises and the descent of the Torah and the gospel. A Muslim will not hurt his wife who is a Jew and a Christian on the grounds of their different faiths. It is different if a husband who does not believe in the Qur'an and the Prophet Muhammad (saw) without faith in Islam causes him to hurt Muslim women and underestimate his religion (Aulil Amri, 2020).

In addition to mentioning Jews and Christians, the Qur'an also mentions several times the followers of the religion of Shabi'ah Magi as well as people who adhere to the Shuhuf of the Prophet Ibrahim named Syit and the Shuhuf of the Prophet Moses named the Torah and the book of Zabur which was revealed to the Prophet David. The mention of this religion may be very related to the religion that had developed and was known to the Arab people at that time. While marrying a woman who has a book outside of Judaism, Christianity, Magi and Shabi'ah are also two opinions.

The scholars of the Hanafi madhhab prohibit anyone who embraces the heavenly religion and for him a holy book such as the shuhuf Ibrahim and david is valid to marry them while it is not shirk. Because they hold to all the books of God, they are equated with Jews and Christians. Meanwhile, scholars of madhhab Shafi'i and Hanbali do not allow it. The reason is because the book only contains exhortations and parables and does not contain any law at all.

3. Marriage between a Muslim man and a woman who is a scholar of the book

In the case of interfaith marriage between a Muslim man and a woman, Wahbah Zuhaili expressed two opinions, namely the opinion that allows marriage with a woman who is a scholar of the book and the opinion that legalizes marriage with a woman who is an expert of the book (Wahbah Zuhaili, 2011).

Based on Wahbah Zuhaili's opinion, the first is to state the possibility of marriage with a woman which is quoted according to the majority of scholars. Where it is explained in the words of Allah SWT QS al-Maidah [5]:5. Scholars interpret that this verse shows that it is permissible to marry women who are experts in the book, namely Jews and Christians. Al-Maraghi in his commentary said that the *al-muhshanat* referred to here is free women, that is, it is permissible for you, O believers, to marry a free woman from among the women of the believers or a free woman from among the people who were given *kitab* before you, a Jewish woman and a Christian if you give them a dowry when marrying them (Amri & Khalidi, 2021). Al-Qurthubi also said that Ibn Abbas said that women scholars of the book here are those who live in Muslim areas, not those who live in non-Muslim countries (Aulil Amri, 2020).

The law issued by *madhhab* Shafi'i has similarities with what is stated by *madhhab* Maliki, only in explaining the *makruh* law of *madhhab* Shafi'i provides conditions, namely:

- a. In her marriage, there is no desire to make women who are scholars of the book embrace the religion of Muslim women who are better than women who are scholars of the book.
- b. Fear of falling into adultery if you do not bind women who are members of the book.
- c. It is feared that they will fall into adultery if they do not marry a woman who is an expert in the book.

However, according to *madhhab* Shafi'i, what is used as a trigger in the implementation of interfaith marriage is a problem and its *mafsadah*. The implementation of interfaith marriage according to *madhhab* Shafi'i is allowed in the marriage can cause benefits, but the law of the ability can be changed to *makruh* if the marriage carried out can cause *mafsadatan*. (Abdul Rahman Ghazali, 2010). Meanwhile, according to the Hanbali *madhhab*, this marriage is also criticized as *makruh* because the reason is the attitude of Umar bin Khatab who ordered his companions who were married to women who were scholars of the book to divorce him. Based on this expression, according to Wahbah Zuhaili, it can be seen that Umar bin Khatab has not been able to fully accept the practice of marriage between a Muslim and a woman who is an expert in the book. (Wahbah Zuhaili, 2011).

Conclusion

In the marriage, Wahbah Zuhaili argued that the marriage was haram to be carried out either between a Muslim woman and a polytheistic man. Wahbah Zuhaili's opinion is based on QS. Al-Baqarah Verse 221. The reason for the prohibition of marriage by polytheists invites disbelief so that a person will fall into bad deeds and end up in hell and polytheists do not have a religion that can guide them to the truth so that their home life becomes unsettled and the purpose of life becomes unpeaceful and their goals are not achieved properly.

In the case of marriage between a Muslim woman and a non-Muslim man, both men belong to the class of book scholars according to *ijma'*, the law is haram based on the postulates of QS Al-Baqarah:221 and Al-Mumtahanah: 60. One of the reasons for this prohibition is because it is feared that it will affect the religion of Muslim women so that the woman dies from Islam and the man plays the role of the head of the family and the infidel man leads to hell.

According to Wahbah Zuhaili, it is permissible to marry a man and a woman who are experts in the book. This opinion is based on QS. Al-Maidah:5. The implementation is not permissible but applies only to certain conditions where a person who carries out marriage has the purpose of love and harmony so that the wife can get to know more about the beauty and virtues of Islam is a practical religion and

can arouse the interest of women who are experts in the book to embrace Islam. The legal identity used by Wahbah az-Zuhaili in determining the law of interfaith marriage is the Qur'an and hadith. The method used by Wahbah Zuhaili is to analyze the linguistic aspect that looks at the opinion of one of his companions about interfaith marriage, namely the opinion of Umar bin Khatab's companions during the caliph and a comparison of the four madhhabs. With the existence of this legal source, in order to pay attention to the legal purpose of Wahbah Zuhaili sees the possibility of interfaith marriage in QS Al-Maidah: 5 should no longer be a bad marriage because of the sharia conditions. And the need is no longer like that time, but Wahbah Zuhaili in implementing sharia must not forget the purpose of religion not only about haram and halal but many moral messages contained in it.

Wahbah Zuhaili's thinking about interfaith marriage is very linear with the spirit of society and the law in Indonesia. Even though Indonesia is a diverse country, there are still restrictions to ensure a safe and controlled life. Interfaith marriage in Indonesian legislation is not recognized because it is not in accordance with the legal ideals of the Indonesian people.

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