

## The Impact of Interfaith Marriage from the Maqashid Sharia Perspective

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ARTICLE INFO	ABSTRACT
Volume: 2	This article discusses the impact of interfaith marriage from the perspective of Maqashid Sharia. The core of the discussion of this article is about the impact caused if there is an interfaith marriage which will be associated with maqashid sharia, namely maintaining religion, soul, mind, offspring and property. Because the phenomenon of interfaith marriage is quite common in Indonesia even though there are already several regulations prohibiting it, one of which is in the Compilation of Islamic Law. The methodology used in this research is qualitative research with <i>library research</i> data collection techniques, the author takes data from books, scientific journals and so on. The qualitative research that the author uses is research that produces information in the form of notes and descriptions contained in the text under study. So that the results of the research in this article are that Islam itself pays considerable attention to the issue of marriage, which includes marriage between people of different religions or interfaith marriage. This has become a heated controversy, namely with the increasingly widespread practice of interfaith marriages carried out by the Indonesian people. Of course this interfaith marriage will have an impact that will affect his life by looking from the perspective of maqashid sharia will have an impact on religion, his future offspring, soul, mind and also his property.
<b>KEYWORDS</b> Interfaith Marriage, Maqashid Sharia	

### 1. Introduction

Humans are social creatures, which means that humans cannot possibly live alone, of course, they need other people in life. Then in accordance with his nature, Allah swt. created humans in pairs, we can see how the story of the creation of the Prophet Adam and Eve. It is the nature of nature, that two human beings of the male and female sex have an attraction to each other to live together. In the words of Allah in the Al-Quran Surah Adz-Zuriyat verse 49: (Hermanto, 2016, p. 1)

وَمِنْ كُلِّ شَيْءٍ خَلَقْنَا زَوْجَيْنِ لَعَلَّكُمْ تَذَكَّرُونَ

Translation:

And We have created everything in pairs so that you may remember the greatness of Allah.

With the creation of humans in pairs, of course, in accordance with the law ordered by Allah swt. namely by intertwining the rope of marriage. Marriage is an important thing for mankind, marriage is a very noble way to build and organize a family / household and also offspring. A marriage that will unite two people into a legal bond is not an easy matter. There are many

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differences in everyone, of course it would be nice if before deciding to get married we have to know the characteristics of the prospective partner so that it is not wrong in choosing a partner. These things are very necessary because they will affect the process of building a household later so that there are no regrets in the future. (Al-Barraq, 2011, p. 33)

In the Al-Quran it has also been explained that among the purposes of marriage is for men and women to get peace in life and gain tranquility and can also maintain offspring (*hifdzu al-nasli*). (Mudhiiah, 2014, p. 287). Because of the importance of the issue of marriage, the religions in this world also regulate the issue of marriage, even the customs of society and state institutions also take part in regulating the issue of marriage. Especially in Islam itself gives considerable attention to the issue of marriage, which includes marriage between people of different religions or interfaith marriage. This has become a heated controversy, namely with the increasingly widespread practice of interfaith marriages carried out by the Indonesian people.

The interfaith marriage in question is a marriage between a Muslim woman and a non-Muslim man and vice versa, a Muslim man and a non-Muslim woman. In fiqh terms, it is called marriage with a disbeliever. In the area of marriage institutions, although the official religions in Indonesia prohibit their people from marrying people of different religions, in reality, interfaith marriages in Indonesia are rampant. The prohibition is not just a prohibition made without any consideration of the prohibition of interfaith marriage is prohibited, to avoid the impacts that will arise if this happens. of course the impact of interfaith marriage will be seen from the point of view of *maqashid sharia*.

## 2. Literature Review

The meaning of the Impact of Interfaith Marriage raised in this paper is, in the large Indonesian dictionary the meaning of the impact itself is an influence or effect that will arise because something is done. (Ministry of Education and Culture, 2023). One thing that is meant is interfaith marriage. If a marriage is carried out but there are differences in beliefs or religious differences, of course, it will have an impact that will have an impact on the household later, both on the child and his religion.

The meaning of marriage according to the study of fiqh is the word *An-nikah according to the language* in a hakiki means *al-wath'u* (intercourse) and in majazi or legal meaning is *al-'aqdu* which means bond. All lafaz *an-nikah* in the Quran means *al-'aqdu* except for one verse, namely al-Baqarah verse 230. There are also various definitions from several fiqh experts, namely:

- According to the Hanafis, marriage is an agreement made for the purpose of intentionally obtaining pleasure from a woman. This means that it is permissible for a man to derive pleasure from a woman. This definition avoids confusion with the contract of sale (of a woman), which means a contract entered into to own a female slave.
- The Ash-Shafi'iyah scholars define marriage as a contract that permits sexual intercourse using the words *inkah* (I marry you, so-and-so to so-and-so) or *tazwij* (I marry you, so-and-so to so-and-so).
- According to the Malikiyah scholars, marriage is a covenant to make it permissible to have pleasure with a woman who is not a mahram, or a woman of the Magi, or a woman of the Book, by means of a vow.
- According to the Hanbalis, a marriage contract is an agreement *in which the words inkah or tazwij, or their translations, are used as guidelines.*

From all the definitions of marriage, a conclusion can be drawn that leads to one point, namely the permissibility of intercourse or the legalization of obtaining pleasure (with a woman) with a certain lafaz. (Nasution, 2020, pp. 1-3) . Then there is the definition of marriage from several figures, including according to Prof. Dr. Wirjono Prodjodikoro, S.H. marriage is a life together between a man and a woman who have fulfilled certain conditions. According to Prof. R. Subekti, SH. Marriage is a legal relationship between a man and a woman for a long time. Then in article 1 of Marriage Law No. 1 of 1974, it is stated that marriage is a physical and mental bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the Almighty God. (Dakhi, 2019, p. 1)

Linguistically, maqashid sharia consists of two words, namely maqashid and sharia. Maqashid is the jama' form of maqsd which means intent or purpose. While linguistically it means the path to the spring. This can be said to be the path to the basic source of life. Maqashid sharia linguistically means human efforts to get the perfect solution and the right path based on the main source of Islamic teachings, the Qur'an and the traditions of the Prophet SAW. The definition of maqashid sharia according to Wahbah al-Zuhaili is the meanings and purposes that can be understood / recorded in every law and to glorify the law itself, or it can also be defined as the ultimate goal of Islamic law and the secrets set by al-Syari' in every law that He stipulates. Thus, maqashid sharia is the goal and direction of sharia law, to which all mujtahids must direct their attention.

One of the principles put forward in maqashid sharia is to take the middle way and not exaggerate in applying it, because the *maslahah* to be realized must refer to revelation, not merely the result of thought alone. (Busyro, 2019, p. 12)

### 3. Methodology

The type of research that the author uses in this article is *library research*. Where in this research the author collects data or references to literature related to the title raised, such as books, documents, journals / articles, and several websites that can be used as supporting material according to the title raised. The stages taken by the author in library research are *first* collecting research materials. The material collected is empirical data information sourced from books, journals and others, so the data used by the author is secondary data. *Second*, reading library materials. *Third*, managing research notes. In this case the author manages or analyzes the results of reading reference sources in order to get a conclusion. Then for data collection techniques the author uses documentation techniques, namely by tracing data sources by conducting research and analyzing literature documents related to the title raised.

### 4. Results and Discussion

Marriage is one of the important things in human life, especially in social life. Marriage is a noble way to organize household life and also its future offspring. Basically, marriage has a long-term goal as a human desire in order to create and foster a harmonious, peaceful, and happy life in the love of two types of creatures created by Allah swt. namely the maintenance of five aspects of maqashid sharia including religion (*hifdz al-din*), soul (*hifdz al-nafs*), intellect (*hifdz al 'aql*), offspring (*hifdz al-nasab*), and property (*hifdz al-mal*). (hermanto, 2016, p. 3). Marriage has a legal basis in the view of Islam, which refers a lot to the Al-Quran, Al-Hadith, Ijma 'fiqh scholars, and Ijtihad which says that marriage is an act of worship that is recommended by Allah and the Prophet. Then in Law Number 1 of 1974 concerning marriage in Article 2 Paragraph 1, which states that according to the first principle, religion must be a reference in marriage or marriage must be carried out by looking at their respective religions. Law Number 1 of 1974 and Islamic law argue that marriage is not only seen from a formal aspect, but also from a religious and social perspective, besides that the formal aspect will discuss the administrative aspect, namely a marriage will be registered at the Civil Registry Office for non-Muslims and at the Religious Affairs Office for Muslims. (Cahyani, 2020, p. 3).

Because of the importance of the institution of marriage, religions in the world regulate the issue of marriage, even community customs and state institutions also take part in regulating the issue of marriage. (Amri, 2020, p. 50). In Islam itself, it pays considerable attention to the issue of marriage, which includes marriage between people of different religions or interfaith marriage. This has become a heated controversy, namely with the increasingly widespread practice of interfaith marriages carried out by Indonesian society. This interfaith marriage is still controversial among Indonesian scholars. The difference in the law or rules of interfaith marriage is caused by differences in interpretation of the verse of the Qur'an which explains the law of marriage like this, and also later related to this rule the legal experts have different views and opinions. According to Muhibuddin, the difference in views and opinions is because the marriage law does not mention in writing and explicitly related to interfaith marriage. (Asep, 2013, p. 68).

Then after there was pressure from many groups who highlighted the frequent granting of applications for stipulation of marriages of different religions by the District Court (PN), finally the Supreme Court of the Republic of Indonesia prohibited court judges from granting applications for stipulation of marriages of different religions, the prohibition was contained in SEMA Number 2 of 2023 concerning instructions for Judges in adjudicating cases of applications for registration of marriages between people of different religions and beliefs. (el-saha, 2023). In articles 60-61 of the KHI (Compilation of Islamic Law), it is stated that prevention of marriage can be carried out if the prospective husband or wife who will enter into marriage does not fulfill the conditions for marrying according to Islamic law and statutory regulations. Including not being suited because of religious differences or *ikhtilaafu al-dien* (Aulia, 2020)

The rule of prohibition of interfaith marriage certainly sees the impact on the household later or actually makes the family situation unstable if the interfaith marriage is carried out. For that we will see the impact of interfaith marriage associated with maqashid sharia as the author has explained above, namely religion (*hifdz al-din*), soul (*hifdz al-nafs*), reason (*hifdz al 'aql*), offspring (*hifdz al-nasab*), and property (*hifdz al-mal*).

- a. Preserving religion, both men and women are commanded to choose prospective life partners who are Muslims, this understanding is *mafhum mukhallafah* from the prohibition to choose prospective life partners of other religions, even though they are very charming and alluring. Allah swt. says in surah Al-Baqarah verse 221:

وَلَا تَنْكِحُوا الْمُشْرِكَةَ حَتَّىٰ تُؤْمِنَ ۚ وَلَا تَنْكِحُوا الْمُشْرِكِينَ حَتَّىٰ يُؤْمِنُوا ۚ وَلَعَدَّ مُؤْمِنٌ خَيْرٌ مِّنْ مُّشْرِكٍ ۚ وَلَوْ أَعْجَبَكُمْ ۚ أُولَٰئِكَ يَدْعُونَ إِلَى النَّارِ ۚ وَاللَّهُ يَدْعُو إِلَى الْجَنَّةِ وَالْمَغْفِرَةِ بِإِذْنِهِ ۚ وَبَيِّنَآءَآيَاتِهِ لِنَاسٍ لَّعَلَّهُمْ يَتَذَكَّرُونَ

*Translation:*

And do not marry polytheist women until they believe. Indeed, a believing slave woman is better than a polytheist woman, even if she appeals to you. And do not marry polytheists (to believing women) before they believe. Indeed, the believing slave is better than the polytheist, even if she attracts you. They invite to hell, while Allah invites to paradise and forgiveness with His permission. And Allah explains His verses (His commands) to men that they may learn.

In the Koran it is very clear that it is prohibited for Muslims to marry non-Muslims, but there are still Muslims who violate it and are even willing to marry in other countries that are free in terms of association. By looking at this over time there will definitely be a shift in the value of religious understanding in him, if later they have offspring in their marriage, of course they will fight with their partner about the religious status of their child, and if he loses the debate is a Muslim, of course, then his child will be another religion or choose a religion outside of Islam. (Mansur, 2017, p. 15). In this case, of course, it is contrary to maqashid sharia, namely (*hifdz al-din*) protecting religion. Because religion is the most essential thing from the revelation of sharia, because religion is a whole of creed, sharia and ahlak which is the first and main need of mankind, if someone cannot maintain his religion then nothing else can be used as a guide in his life.

- b. Preserving the soul, humans are born in a state of clean and pure soul. In principle, marriage is to unite two souls which then become one to achieve the same goal in the household. However, if the marriage of different religions is carried out then the soul will not be able to fuse or unite, because in this case they are different, different beliefs, different teachings and of course different in practice. From these principles will give birth to a conflict so that the purpose of the marriage will not be realized and also these differences can make the soul weak against the relationship of a servant with Allah. Because the soul has weakened so that it will be easily withdrawn from religion (apostasy). So in this interfaith marriage the harm caused will be more than the benefits it gets.
- c. Preserving the mind, Allah bestows reason to humans to be used as well as possible and reason is also a human differentiator from other creatures. If the mind has been contaminated with doctrines of lust (love) then it will not be able to use its intellect properly. So it will be easily persuaded into misguidance (apostasy) because it does not use its mind and mind properly. So that is no longer the benefit obtained but great harm.
- d. Maintaining offspring, Islamic philosopher Imam Ghazali divides the goals and benefits of marriage into five things and one of them is to obtain legitimate offspring who will continue the family and develop human tribes, so that these offspring are the successors of the previous human race. From the offspring that is expected to be better who can carry out the mandate as the khalifah of Allah swt. in accordance with the word of Allah Q.S. An-Nisa verse 9:

وَلِيُخْشِيَ الَّذِينَ لَوْ تَرَكَوْا مِنْ خَلْفِهِمْ ذُرِّيَّةً ضِعَفًا خَافُوا عَلَيْهِمْ فَلْيَتَّقُوا اللَّهَ وَلْيَقُولُوا قَوْلًا سَدِيدًا.

*Translation:*

And let those fear Allah who should leave behind them weak children, of whom they fear for their welfare. So let them fear Allah and let them speak the truth. (TafsirWeb, 2023)

- e. Maintenance of property, someone who marries different religions then between them can not inherit each other. Thus there is no maintenance of property. If this happens, it also has an impact on their descendants because their descendants cannot inherit from each other. Because differences in religion nullify the right to inherit each other. That way justice will not be achieved when one child gets an inheritance while the other does not because their parents have different religions. Instead of this there is a greater harm. (Ahmad Fauzi, 2023, p. 82)

Looking at the impact caused by interfaith marriage associated with maqashid sharia, there is no benefit to be gained because the harm obtained is more. That is why Islam prohibits interfaith marriages because there is no purpose to be gained. According to Imam Ash-Shitibi, Islamic law does not demand something difficult, namely an obligation there is a choice between heavy and light, let the light be chosen, because Allah wants things that are light and easy for humans and

not something that is difficult. Every religion is good, but the perception of problems and the ways of solving problems in each religion are different. Likewise, two different religions in a family can lead to sharp competition and painful conflicts. The couple each worship separately, although sometimes there are parties who have to give in and be disadvantaged, so that there is a sadness that affects the atmosphere in the family.

## 5. Conclusion

Islam pays considerable attention to the issue of marriage, which includes marriage between people of different religions or interfaith marriage. This has become a heated controversy, namely with the increasingly widespread practice of interfaith marriages carried out by the Indonesian people. The rules prohibiting interfaith marriages certainly look at the impact on the household in the future or even make the family situation unstable if the interfaith marriage is carried out. For that we will see the impact of interfaith marriage associated with maqashid sharia, namely religion (*hifdz al-din*) In the Koran it is very clear that it is prohibited for Muslims to marry non-Muslims, but there are still Muslims who violate it and even he is willing to marry in another country that is free in terms of association, soul (*hifdz al-nafs*) this principle will give birth to a contradiction so that the purpose of the marriage will not be realized and also the differences can make the soul weak, reason (*hifdz al 'aql*) If the mind has been contaminated with the doctrines of lust (love) then it will not be able to use its intellect properly, descendants (*hifdz al-nasab*) the descendants are the successors of the previous human race. From the offspring that is expected to be better who can carry out the mandate as khalifah Allah swt., and property (*hifdz al-mal*) someone who married different religions then between them can not inherit each other.

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