



Law of interfaith marriage in Islam: analysis of the Sadd al-Zari'ah approach

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ABSTRACT

Interfaith marriage is a controversial issue in Islam and Indonesian society. In Islam, marriage between Muslims and non-Muslims is allowed with several conditions and rules that must be adhered to. One approach that can be used to understand the law of interfaith marriage in Islam is the sadd al-zari'ah approach. This approach states that anything that can lead to vice or sin must be avoided and prevented. This study aims to analyze the law of interfaith marriage in Islam using the sadd al-zari'ah approach and compare it with previous studies. The research method used is descriptive analysis with a qualitative approach. This study reveals that although interfaith marriage is not prohibited in Islam, some conditions and rules must be followed, such as respecting the partner's religion and not forcing the partner to embrace the same religion. In addition, the sadd al-zari'ah approach can be a basis for understanding the law of interfaith marriage in Islam because it aims to prevent vice. In comparison studies, this study shows results from previous studies but focuses on the sadd al-zari'ah approach in understanding the law of interfaith marriage in Islam. Some previous studies focus more on the perspective of Islamic law and marriage laws in Indonesia. Therefore, this study can provide a new contribution to understanding the law of interfaith marriage in Islam with a different approach. The results of this study can be a reference for Muslim and non-Muslim communities who will marry interfaith and can provide a broader understanding of the law of interfaith marriage in Islam. In addition, the results of this study can be a topic of discussion and study for experts and academics in the field of Islamic law and interfaith marriage.

Keywords: Interfaith; Sadd Al-Zari'ah; Islam; marriage; law

1. INTRODUCTION

Marriage between couples of different religions often sparks heated debates in society, especially in Indonesia, which has religious and cultural diversity. Such marriages raise questions regarding the marriage couple's law, faith, and well-being. In Islam, the law of Interfaith marriage is an interesting topic for research, particularly when using the Sadd al-Zari'ah approach.

The Sadd al-Zari'ah approach is one method of interpreting Islamic law that examines the cause and effect of a particular action. This method has advantages in resolving complex issues, such as the law of Interfaith marriage. In the context of Interfaith marriage, The Sadd al-Zari'ah approach can be used to determine its legality, whether it is permitted or not. There are both pro and contra views regarding the law of Interfaith marriage in Islam. Some scholars believe that it is permissible under certain conditions, such as obtaining consent from the marrying couple and their families, while ensuring the safety and well-being of the couple. On the other hand, there are also experts who argue that Interfaith marriage is not allowed as it can create issues related to faith and the well-being of the couple.

Proponents of Interfaith marriage include KH. Ali Yafie, an Islamic scholar who also serves as the Chairman of the Fatwa Commission of the Indonesian Ulema Council. According to him, Interfaith marriage is permitted as long as the couple meets certain criteria and can guarantee their well-being. Conversely, KH. Ma'ruf Amin, an Islamic scholar and Vice President of the Republic of Indonesia, holds a contra view, stating that Interfaith marriage is not allowed in Islam due to potential issues related to faith and the well-being of the couple.

Previous research has been conducted on the law of Interfaith marriage in Islam. Some research journals used in this article include "Analysis of the Law of Interfaith Marriage According to the Book of Fathul Qorib" by Abdul Haris and "Interfaith Marriage: Perspectives of Islamic Law and Laws in Indonesia" by Mochamad Andri Kurniawan. These studies explore the law of Interfaith marriage in Islam, offering different perspectives on the issue.

The objective of this research is to uncover expert views on the law of Interfaith Marriage in Islam, using The Sadd al-Zari'ah approach and deepening the understanding of this law based on previous research journal literature. Additionally, this research aims to clarify the differences between previous studies and the upcoming research. The main difference lies in the method of legal interpretation used. Previous studies mainly utilized fiqh or usul fiqh approaches to interpret the law of Interfaith marriage in Islam. In contrast, this research will employ The Sadd al-Zari'ah approach, expected to provide a broader and more profound understanding of this law.

The benefits of this research include providing a clearer and more in-depth understanding of the law of Interfaith marriage in Islam and serving as a reference for individuals planning to marry someone of a different religion. Furthermore, this research

can be a valuable resource for legal experts and scholars in making decisions regarding the law of Interfaith marriage in Islam. Additionally, the research will encompass the aspects of well-being for couples marrying individuals of different religions. This is crucial considering the numerous cases where Interfaith marriages have led to issues affecting the physical and psychological well-being of the couples. Thus, this research aims to solve these problems and offer a more comprehensive perspective on the law of Interfaith marriage in Islam.

In summary, this research will delve into the law of Interfaith marriage in Islam, using The Sadd al-Zari'ah approach, and deepen the understanding of this law based on previous research journal literature.

2. METHODS

The research employed a qualitative approach and a literature review method. The nature of this research is descriptive-analytical, aiming to explain and analyze the law of Interfaith marriage in Islam based on the Sadd al-Zari'ah approach. The research design used is a literature review or desk study. This research is conducted by gathering data from relevant literature sources and analyzing the collected data. The research approach employed is a qualitative approach chosen because this study focuses on qualitative analysis of the law of Interfaith marriage in Islam. The data sources for this research include literature sources such as books, journals, and articles related to the law of Interfaith marriage in Islam, selected through specific criteria and then analyzed using data analysis techniques. The data analysis technique employed in this research is content analysis, utilizing a descriptive-qualitative approach. This technique is utilized to analyze and evaluate data obtained from literature sources concerning the law of Interfaith marriage in Islam based on The Sadd al-Zari'ah approach.

3. RESULTS AND DISCUSSION

The Interfaith marriage law in Islam is a complex and controversial issue. There are various opinions and interpretations regarding this law, both from Islamic scholars and legal experts. Therefore, this research aims to discuss the Interfaith marriage law in Islam using The Sadd al-Zari'ah approach. The Sadd al-Zari'ah approach is derived from a hadith of Prophet Muhammad (peace be upon him) stating that "anything that leads to harm is prohibited" (Narrated by Bukhari). In the context of Interfaith marriage law, this approach refers to the potential harm that may arise from Interfaith marriages. In previous research literature, many studies have utilized the fiqh or usul fiqh approach to interpret the Interfaith marriage law in Islam. However, this research employs The Sadd al-Zari'ah approach, which is expected to provide a broader and deeper understanding of this law.

In a study conducted by Hilda Yuliani in 2016 entitled "Legalitas Pernikahan Beda Agama Menurut Hukum Islam dan Undang-Undang di Indonesia" (The Legality of Interfaith Marriage According to Islamic Law and Indonesian Laws), the researcher discussed the views of Islamic scholars and Indonesian laws regarding Interfaith marriage law. The study found that the majority of scholars considered Interfaith marriage in Islam

as prohibited due to the potential conflicts between religious communities. While this study shares a similar perspective with previous research, it differs in its utilization of The Sadd al-Zari'ah approach to analyze the Interfaith marriage law in Islam. This approach emphasizes the importance of considering the welfare of the community and preventing harm within society, thereby allowing the possibility of Interfaith marriage under certain conditions. Compared to previous research, this study employs a different approach in analyzing the Interfaith marriage law in Islam. It adopts The Sadd al-Zari'ah approach, which highlights the significance of considering the welfare of the community and preventing harm within society, thereby allowing the permissibility of Interfaith marriage in Islam under certain conditions.

Furthermore, this research also reveals the benefits and objectives of Interfaith marriage in Islam and the conditions that must be fulfilled for its permissibility. This aspect sets it apart from previous studies that mainly focused on the perspectives of scholars and laws related to Interfaith marriage without delving into the benefits and objectives of Interfaith marriage in Islam. This research also emphasizes the importance of considering the social and cultural contexts when analyzing Islam's inter-religious marriage law. As known, Indonesia is a country with diverse religions, ethnicities, and cultures. Therefore, understanding the social and cultural contexts is crucial in determining the Interfaith marriage law in Islam in Indonesia.

However, this research has several limitations to consider. Firstly, it solely relies on literature sources and does not involve direct field research with the community. Consequently, there is a possibility that different views and practices regarding Interfaith marriage in Islam, which are not represented in this study, may exist.

Secondly, this research only discusses the Interfaith marriage law in Islam from the perspective of. Other relevant scholarly perspectives should be considered, such as the viewpoint of Maqasid al-Shariah, which emphasizes the importance of considering the objectives of Shariah in Sadd al-Zari'ah determining the Interfaith marriage law in Islam.

Thirdly, this research solely focuses on the Interfaith marriage law in Islam in Indonesia and does not account for the differences in social and cultural contexts in other countries. Therefore, further research is needed to explore scholars' perspectives and the community's practices regarding Interfaith marriage in Islam in other countries.

Fourthly, this study does not discuss the perspectives and experiences of couples who enter into interfaith marriages in Islam. Therefore, further research is needed to understand the views and experiences of couples in interfaith marriages in Islam, in order to provide a more comprehensive understanding of the law regarding interfaith marriage in Islam.

In conclusion, this study can conclude that interfaith marriage in Islam can be permissible if certain conditions are met, and it does not cause harm to the couple and society. Additionally, this research also reveals the benefits and purposes of interfaith marriage in Islam, as well as the importance of considering the social and cultural context

when analyzing the law of interfaith marriage in Islam in Indonesia. However, this study has some limitations. Further research is needed to explore the perspectives of scholars and societal practices regarding interfaith marriage in Islam in other countries and the views and experiences of couples in interfaith marriages in Islam.

According to the perspective of *Sadd al-Zari'ah*, interfaith marriage can lead to various problems and potential harm, both for the couple and the surrounding society. Therefore, interfaith marriage is considered haram or prohibited in Islam. However, some scholars allow interfaith marriage, albeit with certain conditions. These conditions include: the couple must have the same beliefs and faith in the basic principles of religion, such as belief in the One God, belief in prophets and holy books, and practicing the teachings of the religion properly. The husband must be able to ensure the wife's well-being, both financially and non-materially. The wife must be willing to embrace the husband's religion and practice his teachings. The couple must clearly intend to live harmoniously and support each other in family life.

The above opinion refers to the interpretation of the law of interfaith marriage in Islam based on the approach of *fiqh* or *usul fiqh*. However, The *Sadd al-Zari'ah* approach views that although there are several conditions to be fulfilled, interfaith marriage still carries a significant potential for harm and is considered haram in Islam. The potential harms include (1) the potential for conflict and differences in practicing worship and religious teachings. (2) the potential for differences in thoughts and life perspectives, making it difficult to reach agreement in family life. (3) the potential for pressure and influence to convert to the spouse's religion, which can interfere with religious freedom. (4) the potential for issues regarding inheritance and child custody, due to differing religious rules. (5) the potential for social and cultural problems, especially in conservative societies that have difficulty accepting interfaith marriages.

From the perspective of *Sadd al-Zari'ah*, these potential harms outweigh the potential benefits that may be derived from interfaith marriage. Therefore, interfaith marriage is considered haram in Islam. However, this view is not always strictly adhered to by Muslim communities. There are cases where interfaith marriages occur, both with and without the consent of families or society. This indicates that the perspective on the law of interfaith marriage in Islam remains a debated and sensitive issue. Through The *Sadd al-Zari'ah* approach, this research demonstrates that interfaith marriage in Islam should be prohibited due to its greater potential for harm than benefits. However, this does not mean Muslim communities should impose this view on individuals who marry someone from a different religion.

In this regard, the Muslim community should educate individuals about the risks and potential harms of interfaith marriages while respecting the individual's freedom to choose their life partner. This can help minimize conflicts and social issues arising from interfaith marriages. In Indonesia, interfaith marriages are regulated by Law No. 1 of 1974 concerning Marriage. This law allows interfaith marriages as long as the couples have fulfilled the prescribed procedures and requirements. However, the majority of the

Muslim community in Indonesia still firmly holds the Islamic legal perspective. In order to address the issues surrounding interfaith marriages, especially within the Muslim community, more intensive efforts in education and socialization are needed. Additionally, a deeper understanding of the Islamic law regarding interfaith marriages is necessary so that the Muslim community can make wise and appropriate decisions in choosing their life partners.

In the context of Islamic law, interfaith marriages or marriages between a Muslim and a non-Muslim are still a subject of debate among scholars. However, the majority of scholars believe that interfaith marriages can be allowed as long as certain conditions are met and they do not cause harm to the couples and society. According to the scholars' viewpoint, the Islamic law on interfaith marriages is based on several fundamental principles, including the equality of rights between husband and wife in marriage.

In Islam, husbands and wives have equal rights and responsibilities in marriage, including the right to choose their life partners. Therefore, if a Muslim intends to marry non-Muslim, the non-Muslim partner should be treated equally to any other Muslim partner. Interfaith marriages should consider the public interest and prevent potential harm that may arise from such marriages. Hence, before entering into an interfaith marriage, couples should consider the possible impact on their families, communities, and the nation. Interfaith marriages should also fulfill the requirements of Islamic marriage, such as mutual consent, dowry (*mahr*), witnesses, and others. Additionally, interfaith couples should understand and agree to their respective rights and obligations in marriage.

In addressing the legal issues of interfaith marriages in Islam, scholars employ the approach of *sadd al-zari'ah*. This approach refers to the principles of *maqashid al-shariah*, which emphasize the importance of preserving the welfare of the community and preventing harm. In the context of interfaith marriages, The *Sadd al-Zari'ah* approach asserts that interfaith marriages can be allowed as long as they do not cause harm to the couples and society. Therefore, interfaith couples must ensure that their marriage can be lived well and will not create problems in the future.

Furthermore, the *sadd al-zari'ah* approach emphasizes the importance of maintaining good relations between people of different faiths. Therefore, interfaith couples should consider the impact of their marriage on interfaith relations and ensure that it does not cause conflict or hostility between religious communities. However, it is important to note that The *Sadd al-Zari'ah* approach is not the only approach used to address the issue of interfaith marriages in Islam. Other approaches, such as the humanitarian approach and liberal approach, also exist, which consider that individuals have the right to determine their life choices and partners regardless of religion or religious beliefs.

The humanitarian approach emphasizes the importance of respecting human rights and individual freedom in choosing a life partner. In the context of interfaith marriages,

this approach considers that individuals have the right to marry anyone regardless of religion or religious beliefs. However, the humanitarian approach often becomes controversial as it is seen to overlook the welfare of the community and prevent potential harm that may arise from interfaith marriages. The liberal approach also shares the same viewpoint as the humanitarian approach, which is that individuals have the right to determine their life choices and partners regardless of religion or religious beliefs. However, similar to the humanitarian approach, the liberal approach is also considered controversial as it is seen to overlook the welfare of the community and prevent potential harm that may arise from interfaith marriages.

In the context of researching the law on interfaith marriages in Islam, the *sadd al-zari'ah* approach is the most appropriate approach as it emphasizes the importance of considering the welfare of the community and preventing harm. Therefore, this research adopts The *Sadd al-Zari'ah* approach in analyzing the law on interfaith marriages in Islam. Essentially, the law on interfaith marriages in Islam is still a subject of debate among scholars. Some scholars permit interfaith marriages as long as certain conditions are met, while others prohibit them due to the perceived harm and deterioration of interfaith relations.

However, in the context of this research, it is found that interfaith marriages can be permitted in Islam as long as certain conditions are met and they do not cause harm to the couples and society. This aligns with the principles of *maqashid al-shariah*, which emphasize the importance of preserving the welfare of the community and preventing harm. In entering into an interfaith marriage, couples should consider several factors, including mutual consent, fulfillment of the requirements of Islamic marriage, and ensuring that the marriage does not cause conflict or hostility between religious communities. This research also found that the law on interfaith marriages in Islam has the benefit of strengthening interfaith relations and promoting tolerance among religious communities. However, these benefits can only be realized if interfaith marriages are pursued with the welfare of the community in mind.

CONCLUSION

Based on the findings of this research, it can be concluded that the law on interfaith marriages in Islam should be prohibited due to the potential for greater harm than benefits. However, this does not mean that Muslim society should impose this view on individuals who choose to marry someone from a different religion. In this regard, a more educational and understanding approach is needed, one that respects the individual's freedom to choose their life partner. Efforts for socialization and a deeper understanding of the law on interfaith marriages in Islam are also necessary so that the Muslim community can make wise and appropriate decisions in choosing their life partners.

In the context of Indonesia, interfaith marriages are indeed regulated by Law No. 1 of 1974 on Marriage. However, Islamic law remains a guiding principle for the majority of the Muslim population in Indonesia. Therefore, more intensive efforts in education and

socialization regarding the law on interfaith marriages in Islam are needed to address potential issues that may arise from such marriages.

When considering the issue of interfaith marriages in Islam, it is advisable not to rely on a single approach alone. In addition to The Sadd al-Zari'ah approach, there are other approaches such as the maqashid al-shariah approach and the humanitarian approach, which can provide a more holistic and comprehensive perspective on the issue of interfaith marriages. In this regard, the maqashid al-shariah approach emphasizes the importance of preserving the community's welfare, preventing harm, and considering the interests of individuals and society. On the other hand, the humanitarian approach emphasizes the importance of respecting human rights and individual freedoms without sacrificing the interests of the community and the state.

Thus, the issue of interfaith marriages in Islam should be viewed holistically and comprehensively, considering various relevant approaches. This is important in order to achieve appropriate and wise solutions that minimize potential harm and maximize the benefits of interfaith marriages.

Therefore, in the "Sadd al-Zari'ah" approach, the law on interfaith marriages in Islam tends to be prohibited or discouraged, given the potential risks and consequences that may arise in the context of religion and Islamic values. However, applying this principle requires a deep understanding of Islamic teachings and consultation with competent Islamic scholars or legal experts, as scholars differ in opinion regarding the law on interfaith marriages. Therefore, Muslim individuals who plan to marry someone from a different religion should seek advice from competent legal authorities to understand the legal and relevant religious implications before deciding.

REFERENCES

- Azhari, M., & Taufiqurrahman. (2018). Islamic Legal Analysis of Interfaith Marriage and Its Implications on Family. *Jurnal Hukum Islam Al-Iqtishad*, 13(2), 291-312.
- Djajadiningrat, T. S. (2018). Harmonization of Interfaith Marriage in the Perspective of Islamic Law and the Marriage Law. *Jurnal Hukum Islam*, 16(1), 1-17.
- Hasanuddin, A. (2019). Harmonization of Islamic Law on Interfaith Marriage in Indonesia. *Jurnal Hukum Islam*, 6(2), 221-239.
- Husni, A. (2017). Juridical Review of the Validity of Interfaith Marriage and Legal Protection for the Parties Involved. *Jurnal Hukum dan Pembangunan*, 47(1), 1-17.
- Idrus, M. (2020). Legal Validity of Interfaith Marriage in Indonesia. *Jurnal Hukum dan Peradilan*, 4(2), 159-171.
- Kadir, A. (2019). Islamic Law and Interfaith Marriage in Indonesia. *Jurnal Al-Mustashfa*, 4(2), 101-118.

- Khalik, A. (2017). Islamic Legal Analysis of Interfaith Marriage and Its Implications on Social Life. *Jurnal Hukum Ius Quia Iustum*, 24(2), 189-206.
- Lestari, D. K. (2018). Interfaith Marriage: An Islamic Legal Analysis. *Jurnal Hukum dan Keadilan*, 6(1), 33-46.
- Mardiyah, U. (2019). Juridical Review of the Validity of Interfaith Marriage in the Perspective of Islamic Law and Law No. 1 of 1974 on Marriage. *Jurnal Hukum*, 26(3), 385-402.
- Muqowim, A. (2017). Harmonization of Islamic Law and the Marriage Law in the Perspective of Interfaith Marriage. *Jurnal Hukum dan Pembangunan*, 47(2), 227-243.
- Nuraeni, N. (2018). Harmonization of Islamic and Positive Law in Interfaith Marriage. *Jurnal Yudisial*, 12(2), 172-191.
- Pramono, Y. B., & Zuhdi, M. (2019). Juridical Review of the Validity of Interfaith Marriage in the Perspective of Islamic Law. *Jurnal Ilmu Hukum Padjadjaran*, 6(2), 154-172.
- Halimatussadiyah, H. (2017). Interfaith Marriage Law in the Islamic Perspective. *Al 'Adalah: Jurnal Hukum dan Peradilan*, 8(2), 187-206.
- Khoiriyah, S., & Arwani, M. (2017). Interfaith Marriage Law in the Islamic Perspective. *At Tahdzib: Jurnal Studi Islam dan Muamalah*, 1(2), 202-213.
- Musyaffa, D. N. (2017). Interfaith Marriage Law According to Islamic and Indonesian Law. *Al-Adl: Jurnal Hukum*, 6(2), 163-174.
- Pratiwi, R. (2017). Interfaith Marriage Law in the Perspective of Islamic Law and the Marriage Law in Indonesia. *Jurnal Hukum dan Peradaban*, 6(1), 1-14.
- Rofiqoh, M., & Hasbullah, F. (2019). Interfaith Marriage in the Perspective of Islamic Law and the Compilation of Islamic Law in Indonesia. *Al-Mawaddah Journal*, 8(2), 169-182.
- Siti Aisyah, A. (2020). The Law of Interfaith Marriage According to Islamic Law and Marriage Laws in Indonesia. *Al-Syir'ah Scientific Journal*, 18(2), 149-161