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# Exploring the Verdict of Interfaith Marriage under Maqāṣid Sharīa Insights

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## Abstract

The diverse society of Indonesia permits interfaith marriage but the challenge lies in the legal recognition under Islamic law. The primary issue pertains to the legal aspects and the jurisprudence from the perspective of Maqāṣid Sharīa. Therefore, this research aimed to analyze the legal objectives of interfaith marriage as well as the execution and status of the concept from the perspective of Maqāṣid Sharīa. A thorough examination of literature from primary, secondary, and tertiary sources is carried out, including legislation, court judgments, books, journals, and other relevant materials. Meanwhile, the analysis is performed using a juridical, syar'i, and philosophical perspective. The results show that the judge approved the application for the legality of interfaith marriage, citing Law Number 1 of 1974 on Marriage, Human Rights, and Law Number 23 of 2006 on Population Administration. Similarly, when considering Maqāṣid Sharīa, marriage between individuals of different religions is not allowed, particularly in matters of Aqidah and Iman. This prohibition upholds the objectives of Islamic marriage law since the values obtained from the religion are not easily reconciled in the unions. According to the principles of Maqāṣid Sharīa, interfaith marriage should be avoided due to potential harm.

## Keywords:

**Marriage; Interfaith Marriage; Legal Certainty; Maqāṣid Sharīa; Islamic Law.**

## Abstrak

Masyarakat Indonesia yang beragam mengizinkan pernikahan beda agama, namun tantangannya terletak pada pengakuan hukum dalam hukum Islam. Masalah utama berkaitan dengan aspek hukum dan yurisprudensi dari perspektif Maqāṣid Syariah. Oleh karena itu, penelitian ini bertujuan untuk menganalisis tujuan hukum pernikahan beda agama serta pelaksanaan dan status konsep tersebut dari perspektif Maqāṣid Syariah. Penelitian ini dilakukan dengan melakukan studi literatur baik dari sumber primer, sekunder, maupun tersier, termasuk peraturan perundang-undangan, putusan pengadilan, buku-buku, jurnal, dan bahan-bahan lain yang relevan. Sementara itu,

analisis dilakukan dengan menggunakan perspektif yuridis, syar'i, dan filosofis. Hasil penelitian menunjukkan bahwa hakim mengabulkan permohonan pengesahan perkawinan beda agama dengan mengutip Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan, Hak Asasi Manusia, dan Undang-Undang Nomor 23 Tahun 2006 tentang Administrasi Kependudukan. Demikian pula, ketika mempertimbangkan Maqāsid Syariah, pernikahan antara individu yang berbeda agama tidak diperbolehkan, terutama dalam hal Aqidah dan Iman. Larangan ini menjunjung tinggi tujuan hukum perkawinan Islam karena nilai-nilai yang diperoleh dari agama tidak mudah dipertemukan dalam perkawinan. Menurut prinsip-prinsip Maqāsid Syariah, pernikahan beda agama harus dihindari karena berpotensi menimbulkan bahaya.

**Keywords:**

**Perkawinan; Perkawinan Beda Agama; Kepastian Hukum; Maqāsid Syariah; Hukum Islam.**

## Introduction

The objective of marriage is consistent with religious teachings to produce a harmonious, prosperous, and joyful family unit (Taufiqurohman & Fauziah, 2023). In the Compilation of Islamic Law (KHI), domestic life is established and characterized by tranquility, unity, as well as compassion (Bilalu et al., 2022). Additionally, Islamic law can be encapsulated in the examination of maqāsid (Budiarti, 2018), which includes safeguarding the spiritual well-being of individuals (Zaprulkhan, 2018). This is achieved by upholding religious principles, preserving the welfare of the soul, ensuring the protection of property, promoting rationality, and securing the interests of future generations. Islamic philosophy also outlines numerous factors such as faith, physical attractiveness, financial status, and lineage to fulfill the objectives of marriage (Listyawati et al., 2020). The religious factor is the most significant element since the purpose of marriage is to fulfill the values derived from the provisions of the Shari'a (Al Farisi et al., 2023). This includes upholding religious continuity, ensuring peace of mind, safeguarding wealth, promoting rational benefits, and perpetuating offspring.

Marriage is a legally protected entitlement as stipulated in the 1945 Constitution (Imran et al., 2024). This shows that every individual possesses the entitlement to engage in lawful matrimony to establish a family and perpetuate the descendants through a legally recognized union (Amien, 2020). Meanwhile, the Marriage Law of 1974 governs the legal prerequisites for marriage. Article 2, paragraph 1 stipulates that marriage is considered lawful when conducted under the laws of a religion and beliefs. This article outlines a regulation where religion influences the validity of a marriage, ensuring that the regulations are considered (Pudyastiwi & Djatmiko, 2021). Interfaith marriage have been developed as a contemporary challenge in the current marital norms of culture (Maula & Muhsin, 2024). In the Dutch East Indies, the concept was governed by regulations established by the government. These regulations were outlined in the king's decree on December 29, 1986, commonly referred to as the Mixed Marriage Regulations (*regeling op*

*de gemengde huwelijken* (GHR). According to GHR, when two individuals with different religious affiliations wish to marry, the civil registry office will officially record the marriage (Wahyuni, 2011).

Different factors have led to debates and disputes surrounding interfaith marriage since the release of Presidential Instruction Number 1 of 1991, which addresses the KHI. According to Article 40, letter (c) of Book 1 of the KHI, a non-Muslim woman is forbidden from marrying a Muslim man. In classical literature, a Muslim man is permitted to marry a woman who is knowledgeable in religious texts. The second factor is the presence of a fatwa issued by the Indonesian Ulema Council (MUI) in 2005, which reiterates the prohibition on interfaith marriage (Amri, 2020). This prohibition applies to both Muslim women marrying non-Muslims and Muslim men marrying individuals from other monotheistic faiths. The regulations show that religious law serves as a philosophical and legal foundation, playing a crucial role in assessing the validity of a marriage (Nasution, 2019). In addition to being governed by laws, interfaith marriage also face legal complexity in execution due to the presence of religious regulations imposing enforceable legal restrictions. These regulations contain significant disparities that cannot be reconciled.

A method considered to achieve the legal recognition of marriage between individuals of different faiths is to formally request approval from the district court and this is stipulated in the Population Administration Act. Article 35, letter a, explains the amendments made to Law Number 23 of 2006 concerning Population Administration by Law Number 24 of 2013. According to Article 34 of the Population Administration Law, point 1, citizens are required to report a legitimate marriage, under legislative norms, to the implementing agency at the location of the marriage within 60 days of the date. This is also applicable to marriage cases filed to the court for adjudication. The court determines marriage between individuals of diverse religious backgrounds.

Instances of interfaith marriage are becoming a common occurrence in Indonesia. Between 2005 and 2022, a total of 1,425 interfaith marriage have taken place but the number after 2022 has not been documented. The approval of the legalization application is a setback for the recognition. Despite occasional rejection, the public conducts the process by seeking legal recognition and approval from the district court. This also affects the Muslim paradigm since the concept allows Muslims to support interfaith marriage. The current issue is becoming more intricate due to conflicting legislative laws, such as the Marriage Law and the KHI, with societal norms. This situation leads to a lack of definitive guidance on the navigation of interfaith marriage, which are becoming more prevalent in contemporary times.

Several research have explored various aspects of interfaith marriage, such as the stringency of the concept based on the *sadd al-ẓari'ah* theory (Syatar et al., 2023) in relation to positive and Islamic law (Amri, 2020). The article titled "Interfaith Marriage in Indonesia: A Juridical Perspective on Religions and Human Rights" explored the topic of interfaith marriage (Daus & Marzuki, 2023). Supreme Court Circular Letter (Sema) Number 2 of 2023 Conclusion of the Debate on Interfaith Marriage (Kharisma, 2023), Two scholarly articles, "Positive Legal Perspective and Islamic Law in Indonesia on Interfaith Marriage" (Juandini, 2023) and "Juridical Analysis of Interfaith Marriage in Indonesia" (Yohen et al., 2023), discussed the legal aspects.

Limited research on interfaith marriage was reported when viewed through *Maqāṣid Sharīa*. This perspective has been crucial since the establishment of Islamic law to analyze the legalization of the concept. Moreover, insights are provided into the practical aspects of implementing the legalization and examining interfaith marriage. This analysis explores the judge's factors in determining applications for legalizing the marriage by examining the outcomes of decisions in the Supreme Court decision directory.

## Methods

Descriptive qualitative research was adopted using library research method. This included analyzing court decisions in the Supreme Court directory, as well as consulting various literature sources such as library books, journals, articles, news, newspapers, magazines, letters, films, diaries, Constitutional Court decisions, and laws, to gather precise and reliable information. The research relied on primary data sources, including the Al-Qur'an, Hadith, and court decisions. Meanwhile, secondary data sources comprised journals, books, as well as the opinions of legal experts and scholars. Tertiary data sources consisted of instructional and explanatory materials such as dictionaries and encyclopedias for providing information on primary and secondary legal materials.

## Result and Discussion

### Interfaith Marriage in Madhhab Literature

The entirety of Islamic doctrine, customs, and teachings are founded in the Koran and hadith, including matters pertaining to interfaith marriage (Asy'ari & Fisa, 2022). The interpretation of the Qur'an-hadith text differed depending on the perspective of mujtahids/fiqh scholars (Sholihah et al., 2023). In classical literature, the term "intermarriage" is not explicitly defined but discussions surrounding the topic can be found in sections addressing the prohibition of women marrying certain individuals (Saleh

et al., 2022). The perspectives of Islamic jurisprudence specialists show the dynamics and intricacies of interfaith marriage.

#### 1. Hanafi madhhab

According to Imam Abu Hanifah, the marriage between a Muslim man and a non-Muslim woman is categorically forbidden (Herdiansyah et al., 2023). However, the union of a Muslim man with a lady from Jews or Christians was authorized despite adherence to Trinitarian doctrines (Azzam, 2015). Imam Abu Hanifah's perspective emphasized that the first objective was for the People of the Book to possess the sacred scripture. In this context, "People of the Book" includes individuals who have faith in a prophet and a scripture revealed by Allah. This includes those who believe in the Prophet Abraham and the scripture received, as well as Prophet Moses and the scripture. Under the teachings of Imam Abu Hanifah, a Muslim man is permitted to enter into a lawful marriage with these women.

Imam Abu Hanifah considers marrying women from people of the book who live in the Darul Harbi area as *makruh tahrim* (Asy'ari & Fisa, 2022). This is because the marriage has the potential of leading to slander and creating significant damage. Marriage with Ahlul Kitami women residing in Darul Islam territories (*Ahl al-zimmī*) is deemed *makruh tanzih* and not strongly recommended in madhhab (Munir et al., 2021). This is *Ahl al-zimmī* women permit the consumption of alcohol and pork, which is viewed as problematic.

The stance on the prohibition of marrying a woman who practices polytheism is based on the directive of Allah in Surah Al-Baqarah Verse 221 (Yasman, 2023), which states, "And do not enter into marriage with polytheist women until they have embraced faith." A faithful female slave is superior to a lady who believes in multiple deities, regardless of the ability to captivate emotions. Marriage with individuals who believe in multiple deities should be avoided before conversion to Islam. A faithful servant is superior to a worshipper of multiple deities, regardless of the allure held. The individual extends an invitation to damnation, while Allah extends an invitation to paradise and absolution by divine permission. Allah elucidates His verses (His commandments) to individuals to impart a valuable lesson from Surah Al-Baqarah, verse 22.

According to the Imam Hanafi madzhab, marrying women who belong to the people of the book, namely Jews and Christians permitted (Asy'ari & Fisa, 2022). This is also due to the reference to the word of Allah in Surah al-Ma'idah Verse 5. However, Wahbah Az-Zuhaili reported that the permissibility was considered *makruh* by the Hanafi madzhab. Umar radhiyallahu 'anhu instructed individuals who had married women from the people of the book to terminate the marriage through divorce. Therefore, all the companions except for Hudzaifah radhiyallahu 'anhu were divorced. Umar radhiyallahu



'anhu instructed, "Terminate the marriage." Hudzaifah inquired, "Do you affirm that he is prohibited?" Umar reiterated, "He consumes alcoholic beverages." Hudzaifah answered, "I am aware that he consumes alcohol, but he is permissible for me." After some time, the marriage was terminated and an individual said, "Why did you not terminate your marriage when instructed by Umar?" He responded, "I prefer not to be observed engaging in inappropriate behavior."

The woman's heart is drawn to the man due to compelling charisma. This is because both individuals already have offspring and the feelings of fondness are intensifying. According to the Hanafi madzhab, it is considered forbidden (haram) for a woman who does not believe in Islam and actively opposes the religion to marry an individual in a conflict area (darul harb). This is because such marriage has the potential to create strife and discord within society (Az-Zuhaili, 2011).

## 2. Maliki Madhhab

The Maliki Madhhab has two perspectives on interfaith marriage. A makruh action includes marrying a kitabiyah woman, as a dhimmiyah (non-Muslim woman living in an area governed by Islamic law) or a harbiyah (Suhasti et al., 2018). However, when there is apprehension that the marriage may adversely affect the children's religious beliefs, then the process is haram. The other perspective states that interfaith marriage is not inherently makruh since there is no explicit restriction stated in the text (Ghasani & Effendy, 2022). Maliki madzhab uses a sad al-zariyan method, which includes prohibiting everything related to harm. According to the method, when there is a possibility of harm arising from an interfaith marriage, the process is unlawful.

## 3. Al-Shafi'i Madhhab

Imam al-Shafi'i asserts that Allah SWT has granted permission to all Muslims, without any exclusions, to marry women who adhere to the religion acknowledged by the scripture (Yakin, 2015). The people of the book who are permitted to marry free women are those who follow the teachings of the Torah and Bible. The individuals belonged to the Jewish and Christian faiths, rather than being magi.

In Al-Umm, Imam al-Shafi'i specified that the individuals from the Jewish and Christian communities allowed to enter into marriage were the Shani'in and samiri (Khanif, 2020). There is permission for marriage, provided the women adhere to the same prohibitions and allowances as outlined in the writings of Jews and Christians. Meanwhile, no permission is granted to enter into a marital union when the concepts of haram and halal outlined in the respective books diverge.

Women who possess extensive knowledge of sacred scriptures from Jewish and Christian backgrounds are eligible. According to Imam al-Shafi'i, the individuals considered

experts are women from Jewish and Christian communities. However, this does not include women from the Zoroastrian group or other organizations who follow Jewish and Christian beliefs, regardless of Arab or non-Arab ethnic background.

Imam al-Shafi'i categorized Jews and Christians who adhered to the original teachings of the Torah and Gospel, excluding Arabs (Rizal & Bahri, 2022). Non-Arab individuals whose ancestral faith was once centered around idol worship are not included in the renowned religious texts, especially the Torah and the Bible. Therefore, the women are not considered permissible for marriage.

#### 4. Hambali madhhab

According to the Hambali madzhab, interfaith marriage is considered haram when the women are polytheists (Asy'ari & Fisa, 2022). However, men are permitted to marry Jewish and Christian women according to the perspective of Imam al-Shafi'i. In contrast to the Hambali madzhab (Fanani, 2021), the people of the book are individuals who have followed the Jewish and Christian faiths before Prophet Muhammad became an Apostle.

Islamic legal scholars assert that marriage between a Muslim lady and a non-Muslim man are deemed void, regardless of the teachings of Ahlul al-Kitab or polytheistic ideas (Asy'ari & Fisa, 2022). The marriage may potentially infringe on Islamic precepts since Islam dictates that a wife is obligated to comply with the husband's commands.

### Interfaith Marriage Judge's Decision

In 2023, 11 judicial decisions on various religious matters have been documented and made available in the Supreme Court Decision Directory. However, only 10 can be identified and summarized as follows.

1. The decision of YOGYAKARTA District Court is documented as Number 141/Pdt.P/2023/PN Yk on 11th of May, 2023
2. The decision number 174/Pdt.P/2023/PN Yk was issued by the YOGYAKARTA District Court on May 29, 2023
3. The YOGYAKARTA District Court has issued Decision Number 180/Pdt.P/2023/PN Yk on 24 May 2023.
4. The decision of DEPOK District Court is documented as Number 88/Pdt.P/2023/PN Dpk on 11 May 2023.
5. The North Jakarta District Court's decision, with the case number 423/Pdt.P/2023/PN Jkt.Utr, was issued on 8 August 2023.

6. The Central Jakarta District Court, in its decision numbered 155/Pdt.P/2023/PN Jkt.Pst and dated 12 June 2023,
7. The decision number 53/Pdt.P/2023/PN JKT.SEL, dated February 8, 2023, was issued by the South Jakarta District Court.
8. The District Court of East Jakarta has issued Decision Number 359/Pdt.P/2023/PN JKT.TIM on 6 June 2023.
9. The decision of the SURABAYA District Court is recorded as Number 155/Pdt.P/2023/PN Sby and was issued on February 9, 2023.
10. The District Court of MAUMERE issued Decision Number 18/Pdt.P/2023/PN Mme on 23 February 2023.

After reviewing the decision regarding the application for the legalization and registration of interfaith marriage, the judge granted the petitioners' request based on the provisions outlined in Law Number 1 of 1974 concerning Marriage and Law Number 23 of 2006 on Population Administration (Syatar et al., 2023). According to Article 2, paragraph 1, "Marriage is valid when conducted according to the laws of each religion and belief". The regulation of interfaith marriage is not clearly defined under Law Number 1 of 1974 Governing Marriage.

Judges typically refer to Article 35 letter a jo concerning marriage between individuals of different faiths. This text explains Article 35 of Law Number 23 of 2006, which deals with Population Administration. The law has been changed by Law Number 24 of 2013, which introduces Law Number 23 of 2006.

According to Article 35 of the Population Administration Law, marriage registration, as mentioned in Article 34, also includes a. Marriage established by the court, and b. Marriage of foreign citizens based on request.

Registration is required for marriage determined by the court and the recording pertains to the provisions outlined in Article 34 of the Population Administration Law. Marriage between religious communities are registered at the population office and require a court order for registration. This rule serves as the foundation for registering marriage to approve applications for the legalization of marriage between individuals of different faiths in district courts.

The position is justified by asserting that Law no. 1 of 1974 concerning marriage does not explicitly forbid interfaith marriage. The judge based the legal analysis on the Supreme Court's decision, specifically Decision Number: 1400K/pdt/1986, dated 20 January 1989. Religious differences between a potential husband and wife cannot be used as a reason to prohibit marriage. Law Number 1 of 1974 does not include any provisions



explicitly prohibiting marriage based on religious differences between a potential husband and wife.

The legal considerations of judges are reinforced by Article 27 of the 1945 Constitution, where "citizens possess equal legal status, including the right to marry individuals of different religions while enjoying equal human rights." Additionally, Article 29 of the 1945 Constitution guarantees citizens the freedom to practice the selected religions. Law Number 39 of 1999, which pertains to Human Rights, affirms in Article 10 Paragraph (1) that "Every individual possesses the entitlement to establish a family and procreate through a lawful marriage."

The presence of a mutual understanding between the two applicants to proceed with the marriage while upholding individual views and religious practices is evident in every decision. The petitioners indirectly exercised the right to build a family through a lawful marriage, as stated in Article 10 paragraph (1) of the Law on Human Rights, without coercion from any party.

Indonesia is host to a heterogeneous community desiring to enter into marriage with individuals who subscribe to other views or religions. However, the absence of legal constraints creates a void leading to illicit activities concerning societal norms, such as "samen laven" or cohabitation, as well as the illicit importation of positive laws.

Approving the applicant's request is deemed the appropriate course of action to enhance harmonious interfaith relationships among individuals seeking to enter into matrimony. The sincere intention to fulfill the administrative criteria of recording marriage by the Population and Civil Registry Service reflects the aspiration to live in societal harmony by adhering to relevant legal regulations.

The benefits attained also serve to prevent harmful practices. The harmonization of the law is a crucial measure to guarantee equal rights for all citizens, irrespective of religious or ideological affiliations. The synchronization must be executed with caution to avoid compromising the inherent religious essence and variety defining the society. Therefore, this process must consider the interests and rights of all parties concerned.

The strategy reconciles issues between the Marriage Law and the Population Administration Law while upholding human rights and preserving the concepts of diversity. Within the framework of interfaith marriage, the judge's decisions is perceived as a deliberate effort to maintain equity and harmony, while preventing conflicts or tensions. Therefore, the judge's decisions to approve the petition can be perceived as a deliberate effort to promote societal welfare or the greater good.

## Interfaith Marriage and Maqāṣid Sharīa

The judicial decisions aim to provide fairness, establish legal certainty and address society's demands for justice. In Islam, justice is constrained by norms, values, doctrines, and teachings based on universal principles found in the Koran and hadith. These principles, known as fiqh, serve as the practical standards for society, derived from the Koran and hadith.

The Maqāṣid Sharīa method can be used to assess the norms of justice based on Islamic law methodology (Arisandy et al., 2022). Maqāṣid al-Ahkām serves to uphold the principles and knowledge in the Shari'a. The position of the phenomena and the consistency of values must be determined to ascertain the societal occurrence and evaluate the congruence between actions and the declared purposes of a Shari'a (Muhaimin, 2020).

In the context of Maqāṣid Sharīa, the term "benefit" refers to the concept of interests or advantages recognized and endorsed by Islamic law (Muthalib et al., 2021). The aim includes the safeguarding and protection of the soul, religion, intellect, property, and progeny.

The concept of benefit in Maqāṣid Sharīa emphasizes the significance of safeguarding and promoting the public interest or common good within society (Seroza & Ridwan, 2020). This is consistent with the tenets of Islamic jurisprudence, which show the significance of upholding equilibrium between personal liberties, societal welfare, and fairness.

The subsequent analysis examines interfaith marriage through Maqasid al-Ahkam.

### 1. *Hifz al-Dīn* (Religious Preservation)

According to al-Ghazali, al-Syatibi, and al-Amiri, this idea refers to the retribution imposed for forsaking genuine teachings (Taufiq, 2020). However, during the evolution, the idea is subjected to a reinterpretation resulting in a significantly distinct concept, specifically the notion of freedom of belief as defined by Ibn 'Assyria.

The concept of *hifz al-dīn* is crucial for preserving the continuity and integrity of religion across successive generations (Tabrani, 2018). The bridal procession and the notion of *Hifz al-dīn* are closely connected. Additionally, interfaith marriage refers to the union of a family in a marital relationship where the individuals originate from diverse religious backgrounds. In this context, preserving religious integrity becomes very challenging when a family comprises individuals practicing different faiths.

The practice of religion fails to attain unity due to divergent theological doctrines. Moreover, variations in family consumption, such as adhering to halal and haram practices, constitute a fundamental distinction in the way families lead lives.

Interfaith marriage may give rise to issues about religious practices and views. This jeopardizes the religious beliefs and rituals of partners, as well as the upbringing of children. Refraining from interfaith marriage is important to preserve a strong religious identity and convictions. The measure serves to mitigate potential religious conflicts and enables spouses to be wholeheartedly dedicated to religious observances.

## 2. *Hifz al-Nafs* (Soul Preservation)

At the level of necessity, this idea shows the importance of safeguarding human life by meeting fundamental requirements, such as providing sustenance through food and drink for existence. The survival of the soul will be endangered when this is disregarded.

Interfaith marriage can lead to conflict, causing stress and emotional tension affecting mental and physical health ([Hamdanah, 2018](#)). This has the potential to jeopardize human existence. Refraining from interfaith marriage is important when there is a significant risk of intense conflict to preserve spiritual, emotional, and physical well-being. The persistence leads to familial discord and divorce, which is considered a *halal* matter strongly disliked by Allah. Therefore, establishing harmony within the household is crucial for cultivating tranquillity inside the souls of both partners.

## 3. *Hifz al-Aql* (Mind Preservation)

The principle of retaining rationality extends beyond the prohibition of consuming alcohol in Islam. Alcohol can impair volition and induce unconsciousness, resulting in confusion and ignorance regarding moral judgments. Meanwhile, the duty of maintaining rationality is also fulfilled by actively pursuing knowledge to enhance the capacity for reasoning.

The connection between sustaining interfaith marriage is hindered by the quagmire of religious discord and disparities in values resulting from the unions. This affects a partner's rationality and potentially decreases psychological and intellectual growth.

The diverse religious origins of partners influence the perspectives on several matters. This divergence incites conflict and discordant principles over a course of action, resulting in disputes within the family.

## 4. *Hifz al-Nasl* (Descendants Preservation)

The idea is an essential objective of Islamic law. At the outset of the exposition on the Maqasid theory, Al-Amiri reported the necessity, from a legal perspective, of addressing individuals who transgress the bounds of decency.

Interfaith marriage can pose challenges in terms of determining the upbringing and education of children who are exposed to two distinct religious traditions ([Nasir, 2022](#)). This causes ambiguity for children and jeopardizes religious identity. The perpetuation of

religious beliefs within the family as a moral compass can be eliminated, particularly when the parents lack strong convictions.

The continuous engagement in interfaith marriage poses a risk to the survival of future generations. The dilemma faced by a child in selecting a religion can significantly influence the adopted moral principles. The most detrimental consequence is that children adopt liberal ideologies or become atheists.

#### 5. *Hifz al-Mal* (Preserving Wealth)

At the essential level, the notion of safeguarding assets includes stringent protection, leading to the establishment of regulations concerning financial transactions, such as buying and selling, renting, pawning, and similar activities. Disregarding the guideline jeopardizes the existence of assets.

Interfaith marriage potentially affects the inheritance rights of future generations. The concept may include intricate legal and financial matters, such as inheritance entitlements and obligations. Additionally, religious disparities serve as the cause for someone being denied rightful inheritance.

## Conclusion

In conclusion, the practice of interfaith marriage was recorded and legally recognized through the District Court based on the Population Administration Law. The tendency of the judge to interpret Law Number 1 of 1974 concerning Marriage increased the inclination to Population Administration Law in granting the request of the petitioners. Based on the Maqāṣid Sharīa perspective, interfaith marriage was not recommended and this was caused by the difficulty of achieving the values underlying the wisdom of marriage. The concept also threatened the main objectives of marriage law, especially in terms of Aqidah, religion, and heredity.

## Reference

- Al Farisi, U., Fakhurrazi, Sadari, Nurhadi, & Risdianto. (2023). Negotiation Between Customary Law and Islamic Law: The Practice of Palang Pintu in The Traditional Marriage in The Betawi Muslim Community. *De Jure: Jurnal Hukum Dan Syar'iah*, 15(2), 268–285. <https://doi.org/10.18860/j-fsh.v15i2.21241>
- Amien, W. (2020). Judicial Intervention in Facilitating Legal Recognition (and Regulation) of Muslim Family Law in Muslim-Minority Countries The Case of South Africa. *Journal of Islamic Law*, 1(1), 65–114. <https://doi.org/10.53484/jil.v1.amien>
- Amri, A. (2020). Perkawinan Beda Agama Menurut Hukum Positif dan Hukum Islam. *Media Syari'ah: Wahana Kajian Hukum Islam Dan Pranata Sosial*, 20(1). <https://doi.org/10.22373/jms.v22i1.6719>
- Arisandy, D. P., Asmuni, A., & Nasution, M. S. A. (2022). The Majelis Ulama's Fatwa on Freedom of Expression On Social Media: The Perspective of Maqashid Sharia. *Al-*

- Istinbath : Jurnal Hukum Islam, 7(2), 467–486. <https://doi.org/10.29240/jhi.v7i2.5235>
- Asy'ari, & Fisa, T. (2022). Interfaith Marriage in Perspectives of Classical and Modern Scholars. *Al-Manahij: Jurnal Kajian Hukum Islam*, 16(2), 287–300. <https://doi.org/10.24090/mnh.v16i2.6772>
- Az-Zuhaili, P. D. W. (2011). *Fiqh Islam Wa Adillatuhu* (9th ed.). Gema Insani.
- Azzam, L. S. (2015). *The regulation of interfaith marriages in Islamic legal discourse [the American University in Cairo]*. <https://fount.aucegypt.edu/etds/129/%0Ahttps://fount.aucegypt.edu/cgi/viewcontent.cgi?article=1128&context=etds>
- Bilalu, N., Jamal, R., Harun, N., & Subeitan, S. M. (2022). Compilation of Islamic Law as Judge's Consideration at a Religious Court in North Sulawesi, Indonesia. *Samarah*, 6(2), 514–536. <https://doi.org/10.22373/sjhc.v6i2.12441>
- Budiarti. (2018). Analisis Yuridis Perkawinan Beda Agama dengan Pendekatan Maqashid Al-Syariah dalam Konteks Negara Hukum Pancasila. *Justicia Islamica*, 15(1), 27–47. <https://doi.org/10.21154/justicia.v15i1.1362>
- Daus, C. R., & Marzuki, I. (2023). Perkawinan Beda Agama di Indonesia; Perspektif Yuridis, Agama-agama dan Hak Asasi Manusia. *Al-'Adalah: Jurnal Syariah Dan Hukum Islam*, 8(1), 40–64. <https://doi.org/10.31538/adlh.v8i1.3328>
- Fanani, A. (2021). The Hanbalite Theology: A Critical Study of The Hanbalite Theological Creeds and Polemical Adversaries. *Afkaruna: Indonesian Interdisciplinary Journal of Islamic Studies*, 17(1), 1–27. <https://doi.org/10.18196/afkaruna.v17i1.11353>
- Ghasani, S. N., & Effendy, D. (2022). Keabsahan Perkawinan Beda Agama dalam Perspektif Hukum Islam dan Hukum Nasional. *Bandung Conference Series: Law Studies*, 847–850. <https://doi.org/10.29313/bcsls.v3i2.7231>
- Hamdanah. (2018). Psychological Impacts on Interfaith Families in Palangkaraya in Educating Their Children. *The Open Psychology Journal*, 11. <https://doi.org/10.2174/1874350101811010279>
- Herdiansyah, Fikri, K. N. S., & Syarifuffin. (2023). Pernikahan Lintas Agama antara Muslim dengan Nonmuslim Perspektif Hukum Islam. *Al-Azhar Islamic Law Review*, 5(1), 20–34. <https://doi.org/10.37146/ailrev.v5i1.208>
- Imran, Suadi, A., Candra, M., & Septianinurbani, E. (2024). Aspect of Justice of Marriage Dispensation and Best Interests for Children. *Jurnal Hukum Dan Peradilan*, 13(1), 63–88. <https://doi.org/10.25216/jhp.13.1.2024.63-88>
- Juandini, E. (2023). Perspektif Hukum Positif dan Hukum Islam di Indonesia terhadap Perkawinan Beda Agama. *Journal on Education*, 5(4), 16405–16413. <https://doi.org/10.31004/joe.v5i4.2795>
- Khanif, A. (2020). The Shafi'i's and the School of Shafi'ite's (the Nawawi's and Ramli's ) Concept of Kafā'ah. *Ulumuddin: Journal of Islamic Legal Studies*, 13(1), 24–44. <https://doi.org/10.22219/ulumuddin.v1i1.12722>
- Kharisma, B. U. (2023). Surat Edaran Mahkamah Agung (Sema) Nomor 2 Tahun 2023, Akhir Dari Polemik Perkawinan Beda Agama? *Journal of Sciencetech Research and Development*, 5(1), 477–482. <https://doi.org/10.56670/jsrd.v5i1.164>
- Listyawati, P. R., Setyowati, I., & Hanim, L. (2020). Legal Analysis of the Rejection Registration Interfaith Marriages. *International Journal of Law Reconstruction*, 4(2), 110–123. <https://doi.org/10.26532/ijlr.v4i2.11265> LEGAL
- Maula, B. S., & Muhsin, I. (2024). Interfaith Marriage and the Religion–State Relationship: Debates between Human Rights Basis and Religious Precepts. *Samarah: Jurnal*



Hukum Keluarga Dan Hukum Islam, 8(2), 791–820.  
<https://doi.org/10.22373/sjhc.v8i2.19479>

- Muhaimin. (2020). The Interrelation between Islamic Law and Regional Regulations in Jember (Examining the Maqāshid al-Sharī'at-based Reasoning in Istinbāṭ al-Ahkām). *Ahkam: Jurnal Ilmu Syariah*, 20(2), 299–330. <https://doi.org/10.15408/ajis.v20i2.18330>
- Munir, A. A., Sahid, M. M., & Fauzi, A. (2021). The Reasons for Permission to Marry Ahlul Kitāb Women in the View of Sayyid Sabiq. *Al-'Adalah*, 18(2), 289–302. <https://doi.org/10.24042/al-'adalah.v18i2.10350>
- Muthalib, S. A., Jakfar, T. M., Maulana, M., & Hakim, L. (2021). Changes in Congregational Prayer Practices During the Covid-19 Pandemic in Aceh from Maqashid al-Sharia Perspective Abstract : Keywords : Abstract : *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial*, 16(2), 421–449. <https://doi.org/10.19105/al-Ihkam.v16i2.5250>
- Nasir, M. A. (2022). Negotiating Muslim Interfaith Marriage in Indonesia : Integration and Conflict in Islamic Law. *Mazahib: Jurnal Pemikiran Hukum Islam*, 21(2), 155–186. <https://doi.org/10.21093/mj.v21i2.5436>
- Nasution, H. (2019). Analisis Atas Keabsahan Perkawinan Beda Agama. *Jurnal Hukum Kaidah: Media Komunikasi Dan Informasi Hukum Dan Masyarakat*, 19(1), 85–93. <https://doi.org/10.30743/jhk.v19i1.1909>
- Pudyastiwi, E., & Djatmiko, A. (2021). Concerning Marriage Is Reviewed From the Law of the. *Jurnal Pendidikan Kewarganegaraan Undiksha*, 9(3), 937–944. <https://doi.org/10.23887/jpku.v9i3.40170>
- Rizal, M., & Bahri, A. H. (2022). Imam Al-Shafi'i's Thought About Human Obligations and Rights in Islamic Law. *Mazahibuna: Jurnal Perbandingan Mazhab*, 4(1), 49–70. <https://doi.org/10.24252/mh.vi.25461>
- Saleh, M., St, S., Basri, R., Satrianingsih, A., & Hamzah, A. (2022). Interfaith Marriage in the Perspective of Islamic Jurisprudence and Compilation of Islamic Law. *Journal of Family Law and Islamic Court*, 1(2), 1–18. <https://doi.org/10.26618/jflic.v1i2.10106>
- Seroza, C. B., & Ridwan, A. H. (2020). Maqāshidī Interpretation; A Study on Interpretation of Ahkam Verses in the Application of Maqāshid Asy-Syarīah. *Akademika: Jurnal Pemikiran Islam*, 25(1), 91–116. <https://doi.org/10.32332/akademika.v25i1.1898>
- Sholihah, H., Zaenurrosyid, A., & Sarjuni, S. (2023). the Analysis of Hadits Hermeneutics Based on Mustafa Al-Siba'l'S Perspective. *Wahana Akademika: Jurnal Studi Islam Dan Sosial*, 10(1), 59–76. <https://doi.org/10.21580/wa.v10i1.14424>
- Suhasti, E., Djazimah, S., & Hartini. (2018). Polemics on interfaith marriage in Indonesia between rules and practices. *Al-Jami'ah*, 56(2), 367–394. <https://doi.org/10.14421/ajis.2018.562.367-394>
- Syatar, A., Syarif, M. F., Alimuddin, H., Islam, U., Alauddin, N., Islamic, C., Agama, I., & Negeri, I. (2023). Interfaith Marriage Phenomenon in Indonesia from the Perspective of Sadd al-Žarī'ah and Fath al-Žarī'ah. *FITRAH: Jurnal Kajian Ilmu-Ilmu Keislaman*, 9(1), 19–38. <https://doi.org/10.24952/fitrah.v9i1.6800>
- Tabrani, M. (2018). Maqāshid Revitalization in Global Era: Istidlāl Study from Text to Context. *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, 13(2), 310. <https://doi.org/10.19105/al-ihkam.v13i2.1814>
- Taufiq, M. (2020). A Critique against the Perspective of Al-Thufy on the Contradiction of Maslahat and the Holy Text. *Millati: Journal of Islamic Studies and Humanities*, 5(2), 121–128. <https://doi.org/10.18326/mlt.v5i2.121-128>
- Taufiqurohman, & Fauziah, N. (2023). The Evaluation of Maqāshid Asy-Syarī'ah on

Discourses of the Islamic Family Law. *El-Usrah: Jurnal Hukum Keluarga*, 6(1), 81–90.  
<https://doi.org/10.22373/ujhk.v6i1.13035>

Wahyuni, S. (2011). Kontroversi Perkawinan Beda Agama di Indonesia. *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan*, 11(2), 14–34.  
<https://doi.org/10.30631/alrisalah.v11i02.466>

Yakin, A. U. (2015). Hukum pernikahan di kesultanan melaka abad ke-15 dan ke-16 m. *Ulumuna*, 19(1), 1–32. <https://doi.org/10.20414/ujis.v19i1.1248>

Yasman, M. (2023). Interfaith Marriage in Perspective of Islamic Law. *The 5Th Graduate International Conference*, 372–379. <https://doi.org/10.30983/gic.v1i1.18>

Yohen, S. M., Siva, L. C., & Syailendra, M. R. (2023). Analisis Yuridis Terhadap Pernikahan Beda Agama di Indonesia. *VERITAS*, 9(1), 27–35.  
<https://doi.org/10.34005/veritas.v9i1.2832>

Zaprul Khan. (2018). Maqāṣid Al-Shariah in the Contemporary Islamic Legal Discourse: Perspective of Jasser Auda. *Walisongo: Jurnal Penelitian Sosial Keagamaan*, 26(2), 445. <https://doi.org/10.21580/ws.26.2.3231>