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## Practice of Interfaith Marriages in Indonesia on Islamic Jurisprudence

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### Abstract

This article discusses Islamic jurisprudence in responding to the practice of interfaith marriages in Indonesia. The practice of interfaith marriages in Indonesia has occurred, despite rejection from various Islamic circles. According to Islamic law, in this case the Indonesian Ulema Council (MUI) has prohibited the practice of marriage. This interfaith marriage cannot achieve the true goal of marriage. This research uses a normative approach using the Sadd Dzari'ah theory. Sadd Adzariah refers to actions that initially provide benefits, but end in losses. The conclusion of this research shows that the Sadd Dzari'ah concept in prohibiting interfaith marriages aims to prevent religious change and avoid potential conflicts within the family. Interfaith marriages can cause one of the Muslim partners to change their faith, so the clerics prohibit it to prevent negative impacts such as changing beliefs. In addition, restrictions on interfaith marriages aim to create peace in the family and prevent children who marry non-Muslims from following non-Muslim religions. This prohibition also aims to avoid divisions in the family.

**Keywords:** Islamic Jurisprudence, Interfaith Marriages, Sadd Dzari'ah

## 1. Introduction

Indonesia is a country that has an extraordinary diversity of population identities, featuring a spectrum of religious, tribal, ethnic and cultural diversity. This diversity makes Indonesia a country that is rich in culture compared to other countries.<sup>1</sup> This is one of the characteristics and can bring a challenge, especially in the context of marriage. Human beings as social creatures have an instinct to relate and build bonds, including uniting two people under the auspices of marriage. However, the plurality of religions in Indonesia has a big share in bringing up new polemics related to marriage, especially interfaith marriages.<sup>2</sup>

In the context of marriage law in Indonesia, interfaith marriage is often in the spotlight because it has the potential to be a source of conflict in the family and always raises resistance. Several religious arguments are always raised as the basis for opposition to interfaith marriage. One of the verses that is often referred to is QS al-Baqarah verse 221 in the Al-Quran which explains that Muslims cannot marry polytheist women before they believe, and vice versa women cannot marry non-Muslim men before they believe.<sup>3</sup>

In the context of the regulation of marriage law in Indonesia, the Marriage Law does not explicitly prohibit or allow interfaith marriages, there are only legal requirements for marriage in article 2 paragraph 1, namely marriage can be said to be valid if it is carried out according to the laws of each religion and belief. The provision of marriage between different religions is regulated in more detail in the Compilation of Islamic Law (KHI) in article 40 letter c which contains the prohibition of marriage between a man and a woman who is not Muslim. Likewise, article 44 states that a Muslim woman is not allowed to marry a non-Muslim man. Looking at the Compilation of Islamic Law, it is clear that Islam prohibits interfaith marriages.<sup>4</sup>

<sup>1</sup> Muhamad Ali, "Fatwas on Inter-faith Marriage in Indonesia", *Studia Islamika* 9, no. 3, (2022): 93.

<sup>2</sup> Cindy Silvy Foresty, M Khoirul Hadi al-Asy Ari, and Entin Hidayah, "Problem Perlindungan Hukum Terhadap Perkawinan Beda Agama Di Indonesia: Studi Uu No 1 Tahun 1974 Serta Uu No 39 Tahun 1999 Dan Hukum Islam," *Yudisia: Jurnal Pemikiran Hukum Dan Hukum Islam* 7, no. 1 (2016).

<sup>3</sup> Sarifudin Sarifudin, "Kawin Beda Agama Dalam Kajian Hukum Islam Dan Peraturan Perundang-Undangan Di Indonesia," *Al-Istinbath: Jurnal Hukum Islam* 4, no. 2 (2019): 213, <https://doi.org/10.29240/jhi.v4i2.787>.

<sup>4</sup> Md. Zahidul Islam, "Interfaith Marriage in Islam and Present Situation", *Global of Politics and Law Research* 2, no. 1, (2014): 36-47.

Interfaith marriages in Indonesia have become a very serious topic of discussion among jurists. In this case, the Constitutional Court rejected the legalization of interfaith marriage proposed by a Catholic man, Ramos Petge, who wanted to marry a Muslim woman. However, the Constitutional Court considered that the main points of the petition were legally unreasonable. Constitutional Court Judge Wahiduddin Adams said that the provisions of Article 2 Paragraph (1) of the Marriage Law do not mean that it inhibits or impedes everyone's freedom to choose their religion and beliefs.<sup>5</sup>

The Constitutional Court also considered that there had been no change in circumstances or new developments regarding the issue of the constitutionality of the validity and registration of marriages. Therefore, the MK is of the view that there is no urgency for the MK to shift from the MK's stance in previous decisions.

Interfaith marriages also occur among ethnic Chinese in Indonesia. Iskandar Syam, a marriage registration officer at the Probolinggo District Civil Registry Office, revealed that in 2009 there were several cases of interfaith marriages such as the marriage between Alfian Prasetyo Hendrawan from Karang Dampit village, Kraksan Subdistrict, who is a Christian, and Ratih Wijayanti from Surabaya, who is a Muslim. In this case, their marriage was recorded according to the Christian marriage at the civil registry office. In general, interfaith marriages in the process of recording or registering marriages are carried out in accordance with the rules or religious beliefs of one couple only, this is due to the fact that the 1974 law No. 1 concerning marriage does not specifically recognize the process of interfaith marriage.<sup>6</sup>

In the Civil Code there is no definition of marriage. According to Article 26 of the Civil Code, it is stated that this law views marriage as only a civil relationship. So a marriage that meets the requirements stipulated in the Civil Code is regardless of the marriage conditions and regulations regulated by religion.

Religious marriage behavior is debated among scholars because it is considered an intermediary act that can lead to consequences that are not in

<sup>5</sup> Insarullah, "Perspektif Hukum Perdata Internasional terhadap Perkawinan Beda Agama Bagi Warga Negara Indonesia", *Wajah Hukum* 6, no. 2. (2022): 65.

<sup>6</sup> M. Hasyim Syamhudi, "Konstruksi Sosial Pernikahan Beda Agama Di Kalangan Muslim Tionghoa Di Probolinggo," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 11, no. 2 (2011).

accordance with religious teachings, Muadi argues that every action that is consciously carried out by someone must have a certain clear purpose, sometimes without questioning whether the action is good or bad, bringing benefits or *mudharat*.<sup>7</sup> In the view of Islamic law, every action has a clear purpose, but not all actions are regulated directly by *shara'* and are included in the five *taklifi* laws or what is called *al-ahkam al-khamsah*.<sup>8</sup>

In carrying out the main action that is commanded or prohibited, it is often necessary to perform a precursor action, some of which are regulated by *Shara'* directly, while others do not have a firm legal basis. The problem that is often discussed by Islamic scholars is intermediary (preliminary) actions that do not have a clear legal basis. These intermediary actions are called *Dzari'ah* by the scholars of *Ushul*.<sup>9</sup>

*Sadd Dzari'ah* as one of the methods of *istinbat* law in Islam, highlights the actions that function as an awl stage that can encourage an action, both prohibited and obligatory. Every action contains two sides, namely the intermediary that encourages action and the goal which is the conclusion of something, good and bad, in this case *Dzari'ah* becomes an intermediary and a path to something. As for *Dzari'ah*, it contains two concepts, namely, *Saad Dzari'ah* includes things that are prohibited and *Fath al-Dzari'ah* means that it is required to be implemented.<sup>10</sup>

With the above problem, the concept of *Sadd-Dzari'ah* highlights the aspect of actions that become intermediaries or the initial stage that encourages interfaith marriage. The *Sadd-Dzari'ah* perspective emphasizes that interfaith marriage is considered an intermediary act that does not have a clear legal basis in Islamic law. This raises the argument that interfaith marriage, as a *dzari'ah*, becomes an action that can bring impacts or consequences that are considered not in line with the principles of Islam. Therefore, in this research, the author will analyze interfaith marriage with *Sadd Dzari'ah*.<sup>11</sup>

<sup>7</sup> Muadi, "Saddu Al-Dzari'ah Dalam Hukum Islam," *Jurnal Hukum Ekonomi Syariah Dan Ahwal Syahsiyah* 1, no. 2 (2016).

<sup>8</sup> Hannah K. Shoaf, "Strengths and Strategies in Interfaith Marriages", *Marriage & Family Review* 58, no. 8. (2022): 675-701.

<sup>9</sup> Hifdhotul Munawaroh, "Sadd Al-Dzari'at Dan Aplikasinya Pada Permasalahan Kontemporer," *Jurnal Ijtihad* 12, no. 1 (2018).

<sup>10</sup> Munawaroh.

<sup>11</sup> Muhamad Ansor, "Beyond Pious Critical Agency: Women, Interfaith Marriage and Religious Conversion in Aceh", *Analisa: Journal of Social Science and Religion* 1, no. 2, (2016): 21.

## 2. Literature Review

In looking at the conceptual framework related to the issue of interfaith marriage, previous literature provides valuable insights. A number of studies have explored various legal, social and religious aspects related to this phenomenon. Some previous studies, such as those conducted by Destia Azzahra<sup>12</sup> and Budiarti<sup>13</sup>, discusses the juridical analysis of interfaith marriage according to Islamic law. Meanwhile, research conducted by Nur Cahaya<sup>14</sup>, Abd Razak Musahib<sup>15</sup>, is more focused on interfaith marriage within the scope of Islamic law.

Further research by Thariqul Khaira in his thesis which discusses the Judge's decision regarding polygamy using the concept of "sadd adz-dzari'ah".<sup>16</sup> Sadd adz-dzari'ah as a tool to assess judicial decisions by focusing on the maf sadah implications contained therein. The approach used focuses on evaluating the impact or maf sadah arising from legal decisions, taking into account both perspectives or sides involved and giving priority to the lesser or more acceptable maf sadah in a particular situation. In the context of interfaith marriage, the application of the concept of "sadd adz-dzari'ah" highlights the broader, deeper, and more comprehensive aspect of analyzing the potential impact that may occur as a result of the legal decision. This includes evaluating not only the formal legal aspects, but also the social, psychological and practical implications of the decision on the parties involved. With this approach, Thariqul Khaira emphasizes the importance of understanding the consequences and implications of a legal decision, especially in complex and sensitive situations such as interfaith marriage.

<sup>12</sup> Destia Azzahra, "Tinjauan Yuridis Mengenai Pernikahan Beda Agama Menurut Undang-Undang Dan Hukum Islam," *Jurnal Analytica Islamica* 12, no. 1 (2023).

<sup>13</sup> Budiarti Budiarti, "Analisis Yuridis Perkawinan Beda Agama Dengan Pendekatan Maqashid Al-Syariah Dalam Konteks Negara Hukum Pancasila," *Justicia Islamica* 15, no. 1 (2018).

<sup>14</sup> Nur Cahaya, "Perkawinan Beda Agama Dalam Perspektif Hukum Islam," *Jurnal Hukum Islam* 18, no. 2 (2018).

<sup>15</sup> Abd Razak Musahib, "Kajian Pernikahan Bedah Agama Menurut Hukum Islam," *Jurnal Inovasi Penelitian* 1, no. 11 (2021).

<sup>16</sup> Thariqul Khaira, "Analysis Of Judge's Decision On Rejection Of Polygamous Marriage Proposal In Sadd Adz-Dzari'ah Perspective (Decision Study Number 280/Pdt.G/2020/PA.Sbh)" (UIN Maulana Malik Ibrahim Malang, 2022).

### 3. Result and Discussion

#### Overview of Sadd Dzari'ah

Etymologically, the word “dzari’ah” has the connotation of “the path to something.” Although there is a view that defines dzari’ah as “something that leads to what is forbidden and contains harm.” Ibn Qayyim al-Jauziyah considers that limiting the meaning of dzari’ah only to something that is prohibited is not appropriate. According to him, the meaning of dzari’ah should be general, involving two concepts: first, what is prohibited by Sad al-dzariah and second, what is required to be implemented, which is referred to as Fath al-dzari’ah.<sup>17</sup> In relation to etymology, the word “Sad Adz-Dzari’ah” forms a combination of two words in the form Mudhaf Ilaih Sad. The first Adz-Dzari’ah comes from the verb سَدَّ, يَسْدُّ, سَدًا which has the meaning of being the opposite of opening, while the second word has the connotation of a means, wasilah and a path that leads to a goal or result.<sup>18</sup>

Imam al-Syatibi explicitly defines Sadd Dzari’ah as “doing a work that originally contains a benefit to lead to a harm.” From this description, it can be interpreted that Sadd Adz-dzari’ah is an action that is initially considered beneficial or provides benefits, but ultimately leads to damage.<sup>19</sup> Imam Ash-Syatibi provides a further view of this concept, stating that an action can be prohibited if the action that was previously considered permissible contains the potential for damage, with mischief having a stronger dominance than the benefit. Thus, there are two criteria that determine the action is prohibited, namely when an action that was initially considered permissible has the potential to cause damage, and the evil has a higher dominance than the benefit.<sup>20</sup> This view provides a foundation for the ethical assessment of actions, where the decision to prohibit an action depends not only on the permissibility aspect, but also on consideration of the negative impacts that may arise from the action.

The scholars of ushul fiqh categorize dhari’ah into two main perspectives: the quality of the harm and the type of harm. When examined in terms of the quality of the harm, as described by Imam al-Syatibi, dhari’ah can be divided into several types, namely actions with definite harm, actions that are permitted

<sup>17</sup> Nasrun Haroen, *Ushul Fiqh I* (Jakarta: Logos Wacana Ilmu, 2001).

<sup>18</sup> Louis Ma'luf, *Al-Munjid Fi Al-Lughah Wa Al-A'lam* (Beirut: Dar al-Masyriq, 1986).

<sup>19</sup> Rachmat Syafe'i, *Ilmu Ushul Fiqih* (Bandung: Pustaka Setia, 2018).

<sup>20</sup> Syafe'i.

because they rarely contain harm, actions that are likely to bring harm, From the perspective of the type of harm caused, as explained by Ibn Qayyim Al-Jauziyah, we can find actions that cause harm, actions that are basically permissible or recommended but are used as a way of doing harm. Meanwhile, from the perspective of the type of harm caused, as explained by Ibn Qayyim Al-Jauziyah, we can find actions that cause harm, actions that are basically permissible or recommended but are used as a way to do haram actions, actions that are permissible with actors who do not intend harm but result in harm, and work that is basically permissible, but sometimes causes harm.

#### Differences in Views among Ulama Regarding the use of *Sadd Dzari'ah* as a Method for Establishing Law

There are different views among scholars regarding the use of *Sadd Dzari'ah* as a method in determining the law.<sup>21</sup> The general view of the scholars can be categorized into three groups: those who fully accept, those who do not fully accept, and those who completely reject. The first group, which fully accepts *Sadd Dzari'ah*, includes the Maliki school and the Hambali school.<sup>22</sup> They refer to Allah's prohibition in Surah Al-An'am (6) verse 108 which forbids cursing the idols of the polytheists. Their argument is that the polytheist will cuss Allah with similar or even more severe curses. The Prophet also prohibited the distribution of inheritance to the son who killed his father as a preventive measure to stop the act of killing parents to get inheritance. Scholars, especially from the Maliki school, actively developed and applied the *Sadd Dzari'ah* method in various fiqh and ushul fiqh studies.<sup>23</sup>

The second group, which does not fully accept *Sadd Dzari'ah*, includes the Hanafi school and the Shafi'i school. Their approach to *Sadd Dzari'ah* tends to be flexible, in that they may accept this method as evidence in some contexts, while rejecting it in other situations. For example, Imam Shafi'i allows a person with an excuse such as illness or travel to leave the Friday prayer and replace it with the Dhuhr prayer, even if it is done secretly. On the other hand, Imam Hanafi also applies the rules of *Sadd Dzari'ah* in some legal cases, such as when discussing the issue of fasting yawm al-syakk. This group's approach reflects flexibility in accepting or rejecting *Sadd Dzari'ah*, depending on the legal context at hand.

<sup>21</sup> Juliette Crespin, "Inteethnic and Interfaith Marriages in Sub-Saharan Africa", *World Development* 125, (2020): 104668.

<sup>22</sup> Munawaroh, "Sadd Al-Dzari'at Dan Aplikasinya Pada Permasalahan Kontemporer."

<sup>23</sup> Haroen, *Ushul Fiqh I*.

The third group, which rejects *Sadd Dzari'ah* completely, includes the Dzahiriyyah scholars. Their opinion rejects the concept because it is considered a product of human reasoning and is not based directly on the text, in accordance with their principle of only making legal decisions based on the textual meaning (*zahir al-lafazh*). This difference of opinion reflects the complexity of interpretation and application of Islamic law, where scholars have varied approaches to methods such as *Sadd Dzari'ah*.<sup>24</sup>

### Interfaith Marriage

In Islam, marriage can simply be defined as a contract used to legitimize the relationship between a man and a woman.<sup>25</sup> This definition includes an official and legal agreement between the two parties to form a sacred bond as husband and wife. Marriage, in the Islamic context, is a spiritual and legal commitment made by a couple to unite in a family bond and foster a life together that is recognized by the teachings of the Religion. The marriage contract becomes the basis for an intimate relationship that is lived with full responsibility and obedience to religious values.<sup>26</sup>

In Indonesia, the Marriage Law Article 1 of 1974 explains that marriage is a physical and spiritual bond between a man and a woman as husband and wife, with the aim of forming a happy and lasting family based on the Almighty God. In this provision, marriage is not only seen as a physical union, but also as a spiritual bond that involves a deep commitment to foster harmonious family relationships and is based on religious principles. Marriage, according to the Indonesian Marriage Law, is the main foundation for the formation of a blessed and harmonious family, and always recognizes the existence of God as its moral and spiritual foundation.<sup>27</sup>

In the Compilation of Islamic Law (KHI), marriage is defined as a very strong contract or *mitsaqan ghaliza*, a firm and firm covenant, which aims to obey the commands of Allah. More than just a bond between two individuals, marriage

<sup>24</sup> Munawaroh, "Sadd Al-Dzari'at Dan Aplikasinya Pada Permasalahan Kontemporer."

<sup>25</sup> Ujang Saepullah, "Multicultural Communication in Interfaith Families in Indonesia", *International Journal of Innovation, Creativity and Change* 11, no. 12, (2020): 457-470.

<sup>26</sup> Wahbah Zuhaili, *Al-Fiqh Al-Islami Wa Adillatuhu* (Damsyiq: Dar al-Fikr, 1997).

<sup>27</sup> Indonesia, "Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan" (1974).

in the KHI perspective is sanctified as an act of worship, where every step is directed to fulfill the divine will and involves deep obedience to the norms of Islam. Marriage is not only a way to form a family, but also a means to establish a strong spiritual bond in carrying out God's commands, making it a concrete form of worship and obedience to God.<sup>28</sup>

However, in an increasingly complex society, we also see the phenomenon of interfaith marriage. According to Abdul Hafidz, interfaith marriage occurs when two individuals who have different religious beliefs decide to form a marriage bond. This often involves a Muslim and his or her partner who has non-Muslim beliefs. Interfaith marriage can be a precursor to the formation of harmonious bonds between adherents of different religions. Despite frequent protests from some Islamic groups and being regulated by law as stated by the MUI, interfaith marriage remains a reality in a plural society. Along with that, the question also arises about how Islamic law views this interfaith marriage, whether it accommodates diversity and harmony, or emphasizes more on the prohibition and potential conflicts that may arise. This is a challenge for the community and scholars to find a balanced approach amid the dynamics of changing times.<sup>29</sup>

Interfaith marriage can be considered a sociological phenomenon in the midst of vulnerable religion-based horizontal conflicts, such as those that occur in Indonesia. It can be a means to build understanding between adherents of different religions. Starting from the affection between husband and wife, towards harmony and peace between the religious adherents of both families, this can lead to peacebuilding and even peacekeeping efforts in this country. All of this is possible because of the efforts that have been made as in-laws, sons-in-law, and brothers-in-law who prioritize the emotional bonds of brotherhood.<sup>30</sup>

However, there is a prohibition of interfaith marriage in the Quran, as stated in Surah Al-Baqarah verse 221. The verse asserts that a Muslim should not marry a polytheist woman until they believe, and conversely, a polytheist

<sup>28</sup> Presiden, "Instruksi Presiden Nomor 1 Tahun 1991 Tentang Penyebarluasan Kompilasi Hukum Islam" (1991).

<sup>29</sup> Dwiyana Achmad Hartanto, "Perkawinan Lintas Agama Perspektif Hukum Positif Dan Hukum Agama Di Indonesia," *YUDISIA : Jurnal Pemikiran Hukum Dan Hukum Islam* 10, no. 2 (2019): 137, <https://doi.org/10.21043/yudisia.v10i2.5877>.

<sup>30</sup> Syamhudi, "Konstruksi Sosial Pernikahan Beda Agama Di Kalangan Muslim Tionghoa Di Probolinggo."

man should not marry a Muslim woman. This verse teaches the importance of faithfulness to the faith and guides people to avoid marriages that could lead to disbelief.<sup>31</sup>

### **Application of *Sadd Dzari'ah* on the Prohibition of Interfaith Marriage**

Marriage is a religious bond between a man and a woman who have grown up to unite and promise in holy bonds as husband and wife, with the aim of forming a happy family and continuing offspring. Along with the complexity of the development of Indonesian society, the problems that arise are also increasingly complicated, one of which is related to interfaith marriage. In today's social conditions, it is not surprising that interfaith marriages occur.<sup>32</sup>

Historically, interfaith marriages are not uncommon. Since the beginning of Islam, this issue has been a concern among the Fuqaha, and some of them allowed it with some notes. Although in Indonesia, interfaith marriages are often protested by various Islamic groups, even legislatively the Indonesian Ulema Council (MUI) has actually prohibited the practice of this marriage.<sup>33</sup>

Majma Rabithah also forbids interfaith marriages, arguing that this can destabilize the faith, especially the offspring born from such marriages. At the VII MUI National Conference in 2005, MUI issued a fatwa stating that interfaith marriage is haram and invalid. Likewise, marriage between a Muslim man and a woman from Ahlu Kitab, according to qaul mu'tamad, is considered haram and invalid.<sup>34</sup>

The Compilation of Islamic Law (KHI) Article 40 also expressly prohibits marriage between two people who have different religions. This article states, "It is prohibited to marry a woman who does not follow the religion of Islam." Likewise, Article 44 states, "A Muslim woman is prohibited from marrying a man who does not practice Islam."

When associated with interfaith marriage in the Indonesian context, the prohibition of MUI and KHI can be considered as a step taken for the sake of

<sup>31</sup> Mohamad Abdun Nasir, "Religion, Law, and Identity: Contending Authorities on Interfaith Marriage in Lombok, Indonesia", *Islam and Christian-Muslim Relations* 31, no. 1, (2020): 201.

<sup>32</sup> Muftihatu Rahmah, "Perkawinan Beda Agama Perspektif Hukum Progresif Dan Maqasyid Syariah (Studi Putusan Pengadilan Surakarta No. 454/Pdt.P2018/Pn Skt)" (UIN Sunan Kalijaga Yogyakarta, 2022).

<sup>33</sup> Munawaroh, "Sadd Al-Dzari'at Dan Aplikasinya Pada Permasalahan Kontemporer."

<sup>34</sup> Majelis Ulama Indonesia, "Perkawinan Beda Agama" (2005).

benefit and to avoid kemafsadatan. Especially in protecting the faith of offspring or children born from such marriages. The psychology of the mother, who tends to be closer to the children and has a greater influence on them, is a major consideration. Therefore, marriages between Muslim men and non-Muslims, especially those belonging to Ahlu Kitab, which may have originally been intended for the da'wah of Islam, are not expected to be achieved. In fact, it is feared that the opposite will happen, which could destabilize the faith of their offspring in particular.<sup>35</sup>

In addition, these interfaith marriages seem less able to achieve the purpose of marriage itself. The purpose of marriage, according to the Qur'an, is to achieve tranquility. According to Prof. Huzaemah Tahido Yanggo, a member of MUI, the aspect of applying Saad Dzari'ah in this fatwa is because interfaith marriage can cause one of the Muslim partners to convert. Therefore, interfaith marriage is prevented by scholars to prevent real harm, namely the occurrence of conversion. In addition, the prohibition of interfaith marriage aims to create peace in the family and to avoid the possibility of children from marriages with non-Muslims following the non-Muslim religion. In addition, this prohibition is also to prevent divisions in the family.<sup>36</sup>

Given the maslahat above, it can be said that the prohibition of MUI and KHI on interfaith marriage comes from an analysis of the legal impact of marriage between Muslims and non-Muslims. In other words, this prohibition aims to avoid the bad consequences that may occur if interfaith marriage is allowed. This prohibition is in accordance with the principle of ushul fiqh, which is to close the way to something harmful. The prohibition of interfaith marriage in the MUI fatwa applies Sad Dzariah in two ways, namely as a proof of the prohibition of Muslim women marrying non-Muslims and as an initial proof of the prohibition of Muslim men marrying non-Muslim women or kitabiyah.<sup>37</sup>

#### 4. Conclusion

Sadd Dzari'ah is the act of doing a job that initially has benefits, but has the potential to lead to harm. Therefore, the application of Sadd Dzari'ah in

<sup>35</sup> Munawaroh, "Sadd Al-Dzari'at Dan Aplikasinya Pada Permasalahan Kontemporer."

<sup>36</sup> Yusud Djamaluddin, "Penerapan Sadd Al-Dzari'ah Dalam Fatwa MUI Nomor 4/MUNAS VII/MUI/8/2005 Tentang Perkawinan Beda Agama" (UIN Syarif Hidayatullah Jakarta, 2016).

<sup>37</sup> Djamaluddin.

prohibiting interfaith marriage aims to prevent religious conversion and avoid potential conflicts within the family sphere. Interfaith marriage can cause one of the Muslim partners to convert, so the prohibition of interfaith marriage is applied by scholars to prevent negative impacts such as changes in belief. In addition, the restriction of interfaith marriage aims to create peace within the family, and it is feared that children from marriages with non-Muslims may follow the non-Muslim religion. This prohibition also aims to prevent divisions within the family.

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