

Law on Interfaith Marriage Perspective of Al-Quran Education on Indonesian Government Regulations and Legislation

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Abstract

This research aims to analyze M. Quraish Shihab and Al-Maraghi's interpretation of interfaith marriages. The relevance of interpreting interfaith marriages according to M. Quraish Shihab and Al-Maraghi. The research method with a qualitative approach describes the findings that occurred. Data Analysis Techniques use (1). Content analysis is an in-depth discussion of written information in mass media. (2). Using a comparative method, By comparing (1). Tafsir M. Quraish Shihab and Al-Maraghi regarding interfaith marriages (a). The marriage of Muslim men and women of the People of the Book, and both are permitted. (b) The marriage of Muslim women to Muslim men and People of the Book is haram (2) The relevance of M. Quraish Shihab and Al-Maraghi regarding interfaith marriages in Indonesian law (a). The marriage of a Muslim man to an Ahl al-Kitab woman is not relevant to article no. 1 of 1974. KHI article 2 paragraph (1) and 1 of 1991 Articles 4, 40, 44 and 61 concerning Marriage (b) Marriage of Muslim men with polytheist women, relevant article No. 1 of 1974. KHI article 2 paragraph (1) No1 of 1991 Articles 4, 40, 44 and 61 marriage Marriage (c). The marriage of a Muslim woman to a Mushrik man and an Ahl Book is relevant to article no. 1 of 1974. KHI article 2 paragraph (1) Number 1 of 1991 Articles 4, 40, 44 and 61 concerning Marriage

Keywords: Interfaith Marriage, Koranic Perspective, Government Regulations

A. Introduction

This phenomenon does not only happen to artists and elite-class people who live in big cities but also occurs in rural communities. The marriages carried out by them are no longer based on one religious belief, but only based on love. It is as if love alone is the basis of a marriage.

One form of marriage that is still under controversy and of course this controversy will continue is Interfaith Marriage, a marriage that is not equal in terms of religion. When divided, in Islamic doctrine, interfaith marriages are divided into four forms: (1). Marriage between a Muslim man and an Ahl al-Kitab woman (2). Marriage between a Muslim man and a polytheist woman (3). Marriage between a Muslim woman and an Ahl al-Kitab man (4). Marriage between a Muslim woman and a Mushrik man, namely one who is not an Ahl al-Kitab.

However, various interpretations or opinions of different scholars in interpreting the arguments relating to the law of interfaith marriages are very necessary to provide answers or bridges that enable the implementation of interfaith marriages in the country. Because this also concerns whether a marriage is valid or not and the effects of the marriage, especially in looking

at the descendants of the marriage from a religious perspective.

One of the interpretations of interfaith marriage from Ahmad Mustafa alMaraghi's perspective is that polytheist women who are forbidden to marry Muslim men in Surah al-Baqarah verse 221 are all polytheists globally, both Arabs and non-Arabs. Unless they want to believe in Allah SWT and the Prophet Muhammad SAW. If they stick to the faith and belief that they adhere to, then there is not the slightest gap for a Muslim to establish family relations and marriage ties with them.

An interfaith marriage is a marriage between a man and a woman who both have different religious backgrounds or beliefs from each other. Interfaith marriages can occur between fellow Indonesian citizens or Indonesian citizens who have different religious backgrounds or beliefs and can also occur between foreign citizens or foreign citizens and Indonesian citizens who have different religious backgrounds and beliefs. Researchers feel interested in discussing interfaith marriages in Indonesia because of the diverse ethnic and religious backgrounds of the people and the need to establish marital relationships that can occur through interfaith marriages.

B. Research methods

This research aims to find out (1). M. Quraish Shihab and Ahmad Mustafa Al-Maraghi's interpretation of interfaith marriages. (2). The relevance of the interpretation of interfaith marriage according to M. Quraish Shihab and Ahmad Mustafa Al-Maraghi to Indonesian government regulations and legislation.

1. Data Collection Technique

In this research, the author analyzes verses and takes data from the opinions of commentators formulated in books or texts. This term is commonly called library research, namely taking data from books or scientific works in the field of interpretation, which consists of primary and secondary sources.

- a. Data as primary sources are in the form of (1) Tafsir al-Maraghi, (2) Tafsir al-Misbah
- b. Data as a secondary source (1). Interpretation of Interfaith Marriage Testimony of Religious Arguments and Policy Analysis (2). Interfaith Marriage Abroad (3). Article discussing interfaith marriages.

2. Data analysis

Content analysis means research that is an in-depth discussion of the content of written or printed information in the mass media. There are three strategic steps in content analysis research; (1). Determination of research design or model. Here it is determined how many media, comparative or correlation analysis, the objects are (a) Tafsir al-Maraghi, (b) Tafsir al-Misbah (2). Search for main data or primary data, namely the text itself. As a content analysis, the text is the main, even most important, object. (3). Search for textual and contextual knowledge so that the research carried out does not exist in a vacuum, but is seen to be linked to other factors

C. Results and Discussion

An interfaith marriage is a marriage between a Muslim man or woman and a non-Muslim man or woman. This interfaith marriage can also be called a mixed marriage. The marriage referred to here is a marriage between someone who is Muslim (Muslim) and someone who is not Muslim (non-Muslim). Regarding the issue of Interfaith Marriage, it is divided into three cases;

1. Marriage between a Muslim man and an Ahl al-Kitab woman

The terminology of ahlul kitab in the Qur'an is found 31 times spread across 9 letters. According to Umi Sumbulah, of the 31 verses about the people of the book, 27 verses view the people of the book very critically.

According to M. Quraish Shihab if a Muslim man marries an Ahl Kita woman it is still permissible. Through an explanation of the meaning of the words of the Koran women who maintain their honor are worthy of marriage, whether they are believers or people of the book. M. Quraish Shihab understands the term Ahl al-Kitab as Jews and Christians (Christians and Catholics) descended from the Israeli people, excluding other nations who adhere to the Jewish and Christian religions.

According to Al-Maraghi, the meaning of the verse above is that women are halal for you, as long as you have given them a dowry. Al-Maraghi interpreted this verse as saying that the people of the book are only limited to the two communities of Jews and Christians, whoever their descendants are. Meanwhile, adherents of other religions, even though they have holy books, cannot be said to be experts in the books. Because their holy book is not a heavenly holy book.

According to Article 2 paragraph (1) of Marriage Law No.1 of 1974 states that marriage is valid if it is carried out according to the laws of each religion and belief. In the explanation, it goes on to state that there is no marriage outside the law of each religion and belief, according to the 1945 constitution. Then in Article 61, it is also stated that if there is no union in religion (different religions), then such marriages can be prevented. From the description of articles 40 to article 44 plus article 61, this is only a temporary prohibition.

In the Marriage Law which has been passed since 1974, there are problems, including the following:

- a. This provision can only be implemented if the bride and groom have the same religion. If both of them have different religions, then one must follow the other religion. Then he returned to his original religion after the marriage took place.
- b. In Article 2 paragraph 2 it is stated that every marriage is recorded according to the applicable laws and regulations. The government's role is limited to registering marriages. The government only regulates the administrative aspects of marriage. However, in practice, these two verses apply cumulatively. Both must be applied to the requirements for the validity of a marriage.

As for interfaith marriages in the Compilation of Islamic Law, it can be explicitly seen in article 40 of the KHI, which states: It is prohibited to enter into a marriage between a man and a woman under certain circumstances:

- a. Because the woman in question is still married to another man.
- b. A woman who is still in her iddah period with another man.
- c. A woman who is not Muslim.

Sri Wahyuni believes that no regulation regulates or prohibits interfaith marriages. If this prohibition is implemented, it will conflict with the principles of religious freedom and the freedom to form a family through legal marriage. Thus, interfaith marriages in Indonesia still experience a legal vacuum.

So it can be concluded that here the KHI prohibits all forms of interfaith marriages, but M. Quraish Shihab and Al-Maraghi allow interfaith marriages for Muslim men and women who are people of the book only. Because many such marriages occur, Islam should allow Muslim men to marry women who are experts in the book so that Muslim husbands invite wives who are experts in the book to Islam. And this is also relevant to Article 7 paragraph (2).

2. Marriage between a Muslim man and a Muslim woman

The disbelievers, namely the people of the Book and the polytheists (say that they) will not abandon (their religion) until clear proof comes to them (QS. Al-Bayyinah: 1). In the interpretation

of al-Mishbah the first message to those who are meant to build a household is: And do not, O Muslim men, marry, that is, enter into a marriage bond, with idolatrous women who worship idols. From these two verses, it is explained that people There are two categories of disbelievers, namely: people from the People of the Book and polytheists (idol worshipers). It is forbidden for polytheists to marry them. Both from the male and female side.

In his interpretation of the verse above, al-Maraghi stated that it is forbidden for Muslim men to marry polytheist women in Surah Al-Baqarah verse 221 are all polytheists globally, both Arabs and non-Arabs. 135 A man is prohibited from entering into a marriage with a woman who is not Muslim (Article 40 c), while a Muslim woman is prohibited from entering into a marriage with a man who is not Muslim (Article 44). Indeed, this section is separate from the provisions regarding harmony and conditions of marriage, but Article 18 explains that Chapter VI is related to Chapter IV, the second section regarding prospective brides and grooms.

This article is a form of prohibition regarding interfaith marriages, which focuses on the validity of the marriage. This article in the Marriage Law is reaffirmed in the Compilation of Islamic Law (KHI) in Book I concerning marriage. The Compilation of Islamic Law Book I concerning Marriage contains 19 chapters consisting of 170 articles. Regarding marriage between Muslim men and Muslim women, it is included in Chapter VI of the Prohibition of Marriage. In this chapter, it is stated clearly, specifically in article 40 C, which reads: It is prohibited to carry out a marriage between a man and a woman because of the condition: of a woman who is not Muslim.

This prohibition on forms of marriage between different religions has the consequence that marriages held between different religions cannot be registered at either the Civil Registry Office or the Office of Religious Affairs. Thus, if such a marriage occurs, it does not receive legal recognition and cannot be protected by law. Because those who held the marriage had committed legal smuggling.

Meanwhile, every religion whose existence is recognized in Indonesia almost certainly does not provide opportunities for its followers to marry people outside their religion. For Muslim men, whether or not they can obtain a religious certificate depends on the opinion/view of the Marriage Registrar who has the authority to do so, regarding whether or not Muslim men are allowed to marry non-Muslim women.

If the Marriage Registrar employee refuses, then for Muslim men the only way is to use the rejection letter as a basis for submitting an objection to the Religious Court. For people who are Catholic, they will be able to obtain a Certificate of Religion if they promise to remain loyal to their beliefs and are willing to educate their children in a Catholic way.

So it can be concluded that the laws and regulations in Indonesia prohibit this as stated in (Article 40 c), (Article 44). All forms of marriage between different religions, as well as M. Quraish Shihab and Ahmad Mustafa Al-Maraghi, prohibit Muslim marriages with polytheist women. Ideally, the state guarantees the freedom of its citizens to choose their partner in forming a family. The right to choose a life partner is a freedom whose existence must be recognized by the state.

3. Marriage of Muslim women with Mushrik and Ahl-Kitab

Allah SWT says: Meaning: And do not marry polytheist women, before they believe. Indeed, a believing slave woman is better than a polytheist woman, even if she attracts your heart. and do not marry polytheists (to believe women) before they believe. Indeed, a believing slave is better than a polytheist, even if He attracts your heart. they invite to hell, while Allah invites to heaven and forgiveness with His permission. and Allah explains His verses (His commandments) to people so that they learn a lesson. (QS Al-Baqarah: 221)

Forbids marriage between Muslim women and Mushrik men, namely those who are not Ahl of the Book. In the tafsir, al-Mishbah also explains shirk, namely associating something with something. Guardians are prohibited from marrying Muslim women to polytheists. Guardians have a significant role in the marriages of their daughters or women who are under their guardianship.

Muslim women cannot marry men who are people of the book because according to al-Maraghi, as explained in the Qur'an, Muslim women do not have authority over men, it is feared that the woman will follow her husband's religion and will damage the aqidah/religion of her children. Because truly, polytheist women and polytheist men, their actions will lead us to the path of hell.

For Muslim women who want to marry men who are not Muslims, in practice, they never receive a certificate or dispensation from the Marriage Registrar at the Ministry of Religion office. So that is the only way for Islamic women. Based on Article 60 paragraph 3 of Law no. 1 of 1974 and Article 18 of Minister of Religion Regulation No. 3 of 1975 make a letter of rejection from the Department of Religion the basis for submitting an objection to the Religious Court in the area where one lives. If it turns out that the refusal is unreasonable, then the Religious Court will issue a decision instead of the certificate.

Among the provisions regulated in the KHI is interfaith marriage. Article 40 letter (c) KHI, it is prohibited to carry out a marriage between a man and a woman due to certain circumstances: (c) A woman who is not Muslim. Then article 44 KHI, "A Muslim woman is prohibited from entering into marriage with a man who is not Muslim. So it can be concluded that the laws and regulations in Indonesia prohibit this as stated in (Article 40 c), (Article 44). all forms of inter-religious marriage, as well as M. Quraish Shihab and Al-Maraghi. Prohibiting marriage between Muslim women and Mushrik and Ahl-Kitab men. From these two articles, the meaning can be taken that the KHI has prohibited inter-religious marriages namely as follows:

- a. Marriage between Muslims and non-Muslims is permitted
- b. Marriage between Muslims and non-Muslims is carried out based on the principle of mutual respect and upholding the right to freedom to practice the teachings of each other's religion and beliefs.
- c. Before a marriage takes place, the government is obliged to provide an explanation to both prospective husbands or wives regarding the marriage of a Muslim and a non-Muslim, so that each is aware of all the possibilities that may occur as a result of the marriage.

Conclusion

Based on the discussion above, researchers can draw several conclusions, including the following:

- a. M. Quraish Shihab and Al-Maraghi's interpretation of interfaith marriage is divided into several parts, namely: (1). Marriage between Muslim men and Ahl al-Kitab women, in the opinion of M. Quraish Shihab and Al-Maraghi tends to allow such marriages and, they refer to the QS. Al-Maidah:5. (2). Marriage between a Muslim man and a polytheist woman, M. Quraish Shihab, and Al-Maraghi's opinion is that it is forbidden for a Muslim man to marry a polytheist woman. they refer to QS Al-Baqarah: QS. Al-Baqarah: 105 and QS. Al-Bayyinah: 1 (3). Marriage between Muslim women and Muslim and AhlKitab men, in the opinion of M. Quraish Shihab and Al-Maraghi, considers this marriage to be prohibited by Islam, whether the prospective husband is from people of the book (Jews and Christians) or adherent of other religions, they refer to the QS Mumtanganah: 10. QS. Al-Baqarah:21. QS. Al-Bayyinah:1. QS. Almaidah: 5 and QS. Al-Baqarah: 105
- b. The relevance of the interpretation of marriage between different religions according to M. Quraish Shihab and Al-Maraghi, to Indonesian government regulations and legislation (1). The marriage of Islamic men to Ahl al-Kitab women is not relevant to Article Number 1 of 1974 concerning Marriage. Islma law book article 2 paragraph (1) Number 1 of 1991 Articles 4, 40, 44 and 61 concerning Marriage (2). The marriage of a Muslim man to a Muslim woman is relevant to Article Number 1 of 1974 concerning Marriage. Islma law book article 2 paragraph (1) Number 1 of 1991 Articles 4, 40, 44 and 61 concerning Marriage (3). The marriage of Muslim women to Muslim men and people of the book is

relevant to Article Number 1 of 1974 concerning Marriage. Islma law book article 2 paragraph (1) Number 1 of 1991 Articles 4, 40, 44 and 61 concerning Marriage

Suggestion

After we understand the perspective of M. Quraish Shihab and Al-Mara ghi's perspective on interfaith marriage and its relevance to Indonesian laws and regulations, there are several suggestions from researchers, including:

- a. For religious leaders, this must be done in a balanced manner so that there are no a priori attitudes towards one religion so that an atmosphere of tolerance can be created in society and not a narrow understanding of religion.
- b. A prospective husband or prospective wife who embraces Islam is advised to make an effort first to find a life partner. Before carrying out a marriage, you must consider the religious advice adhered to by each party. This is the right step to avoid problems that might occur after marriage. This is because the validity of a marriage depends on religious law and individual beliefs.
- c. The Government, specifically in the Marriage Law, must be strict in implementing the legality of marriage, so that there is no confusion in determining whether a marriage is valid or not, and the government is expected to be able to protect every citizen's rights and problems that arise as a result of a marriage.
- d. For the Indonesian people, both Muslims and non-Muslims, to fulfill the purpose of marriage, it would be good for all of us to follow the rules that apply in Indonesia and follow the rules that are by the teachings of our respective religions and beliefs.

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