



## Analysis The Concept of Interfaith Marriage Through Legal 'Illat and Maqoshid Sharia

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### ABSTRACT

This research aims to explore the concept of interfaith marriage in the philosophy of Islamic law. The importance of understanding this concept because interfaith marriage shows one of the major problems facing society today. Thus, a more casual approach is needed in examining and explaining through philosophical and conceptual lenses. Therefore, this research focuses on how the concept of interfaith marriage through illat, and maqoshid shari'ah. This study uses a qualitative method, and the data of this research was obtained through a thorough literature review. The results of this study reveal that interfaith marriage in Islam can be understood through this perspective. From one point of view, interfaith marriage can potentially harm the stability and integrity of the family and society. On the other hand, another perspective evaluates interfaith marriage in terms of its impact on the marriage itself and its social benefits. In conclusion, the study suggests that interfaith marriage can be examined in Islamic legal philosophy, but it is important to address the controversies and challenges associated with it in society. The weakness of this study is that it only focuses on the underlying causes behind Islamic law on interfaith marriage, as well as the main purpose of Islamic law, so further research is needed on the interpretation and various ijtiha of scholars related to interfaith marriage.



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### 1. Introduction

The current debate about interfaith marriage shows one of the big issues society is dealing with right now (Atika et al., 2024). Interfaith unions transcend borders and cultures, bridging the gap between varying religious beliefs in countries across the globe, regardless of predominant faiths (Martha, 2024). Dealing with legal issues in interfaith marriages, especially when it comes to protecting the rights of women and children, is a big challenge. Unfortunately, women often face discrimination and lack proper legal protection when their religious beliefs differ from their partner's (Farihah et al., 2024). Also, the whole debate about whether interfaith marriages are legitimate in different religious settings causes a lot of arguments and conflicts. Especially in Indonesian culture, certain religious beliefs oppose the idea of combining

different faiths in marriage, which adds another level of complexity and often causes tensions between people with different beliefs (Rajafi et al., 2024). Some religions aren't cool with interfaith marriages, which can lead to issues in relationships between people of different beliefs. Plus, there are worries about how it could impact the religious beliefs of kids (Khatun et al., 2024).

There are loads of solid arguments for and against people from different faiths tying the knot. Those who support interfaith marriages often bring up love and the freedom for everyone to pick their partner, no matter their religion or culture (Amiruddin, 2024; Sulaiman et al., 2024; Syaharani & Khofiyansa, 2024). Interfaith matrimony grants couples the liberty to select their life companions without any religious constraints, liberating them from the shackles of traditional doctrines. Interfaith marriages can bring a mix of different perspectives and experiences to a couple's life, which can really enhance and strengthen their relationship (Tahiri, 2024). Interfaith marriage can be tricky since each person may have their own beliefs and practices, making it a bit tough for couples to figure things out together (Rafa et al., 2024). Interpersonal communication can get tricky when partners have different faiths and need to decide how to raise their kids. It's tough to figure out which religious path to follow for the children (Hifni, 2024). Interfaith relationships always come with a bunch of challenges that outweigh any potential benefits. When people in interfaith marriages give up on their religious duties and goals, unfortunately, they don't contribute much to spreading religious knowledge and understanding (Juandini, 2023).

Within the realm of Islamic legal philosophy, the matter of interfaith matrimony persists as an ongoing subject of discourse and deliberation amongst esteemed Islamic scholars and jurists (Ichtiarini, 2024). So basically, this study is all about looking into interfaith marriages from an Islamic perspective and focusing on the reasons and goals behind it. In a study conducted by Muhamad Yusuf Hidayat and Lilik Andaryuni, it was found that maintaining emotional maturity is crucial to maintaining harmony in the household. The level of emotional maturity possessed by a married couple greatly affects their communication, problem-solving ability, emotional connection, and resilience in difficult times. Moreover, the utilization of *Maqashid Shariah* principles highlights the potential of Islamic values in promoting emotional growth and shaping family dynamics (Hidayat & Andaryuni, 2023). Further research conducted by Samsul Hadi shows that legal 'illat can appear in certain properties or conditions that help the law identify a problem, which can lead to some changes to the original law. The rationale behind the acceptance of interfaith marriage goes beyond a literal interpretation of Quranic verses. The hermeneutical approach, which states that the prohibition of interfaith marriage should not be applied in contemporary society because of the difference between the historical context in which the verse was revealed and the current situation (Hadi, 2023).

This research seeks to explore how complex interfaith marriages are from the perspective of Islamic legal philosophy, particularly by using the principles of 'illat and maqashid sharia. By examining the concept of interfaith marriage in Islamic law, the aim is to reveal the challenges and controversies related to this issue in society. The findings from this research are expected to increase understanding of interfaith marriages in Islam and provide insight into overcoming difficulties in the practice of interfaith marriages in Indonesia. Ultimately, this research aims to make a positive contribution to the discussion about interfaith marriages from the perspective of Islamic legal philosophy, to overcome social barriers and promote harmonious relationships.

## **2. Method**

This study delves into the normative-explanatory realm, exploring and elucidating qualitatively with a philosophical and conceptual lens (Taman et al., 2024). Drawing on a literature review for data, the analysis delves into the underlying reasons behind the philosophy of interfaith marriage laws, while also taking into account the fundamental objectives of Islamic law or Maqashid Sharia (Tongat, 2024).

### 3. Result and Discussion

#### *'illat* Law in Interfaith Marriages

In the realm of Islamic law, the concept of *Illat* encapsulates the very foundation upon which regulations are constructed. Rooted in its etymology, *Illat* signifies the elusive cause or catalyst that instigates a transformative shift in the condition of another entity (Syaifuddin, 2024). In marriage, different faiths coming together is allowed by the concept of *'illat*. This principle is the basis for recognizing unions between people of different religions. But keep in mind, that Islamic law only allows marriages between Muslims, not those of other faiths (Saifullah, 2023). The prohibition of interfaith marriages in Islam serves as a safeguard to uphold the integrity of the Muslim faith and traditions, preventing potential discord between partners and potential confusion for offspring. Moreover, it serves to ensure the protection of the rights of Muslim women (Maksum & Sasmito, 2022). However, it is important to note that the interpretation of *'illat* in Islamic law may vary among different Islamic scholars and legal experts. It is even believed by certain individuals that interfaith marriages could potentially be permitted in certain circumstances, such as when the couple shares similar values and morals, or if the non-Muslim partner is open to converting to Islam (Kusnadi, 2023).

In most Islamic countries, they don't allow marriages between people of different religions by law. However, some countries do allow interfaith marriages under certain conditions. Here are a few examples: In Tunisia, a Muslim can marry a non-Muslim as long as the non-Muslim spouse agrees not to convert. In Turkey, they permit interfaith marriages with certain requirements and procedures. In Morocco, interfaith marriages are allowed if the non-Muslim partner belongs to a religion recognized by the state. In Bosnia and Herzegovina, interfaith marriages are allowed if the couple agrees to raise their children in Islam. In Lebanon, Muslims can marry Christians or followers of other recognized religions (Dawam, 2023). In the legal *illat*, the cautionary stance towards interfaith matrimony is underpinned by a multitude of rationales. Amongst them are concerns about the integrity of the Muslim community, disparities in theological convictions, and the ambiguous prospects surrounding the upbringing of progeny born into interfaith unions (Mirza et al., 2023). According to *'illat*, interfaith marriages are thought to hurt religious commitment, especially in the Muslim community. They could lead to arguments and division because of different beliefs and values (Muhyidin & Nashihin, 2023).

When parents have different religions, it can be tricky for the child to decide which one to follow. They might feel like they don't fit in or aren't accepted because they don't fully practice one religion. But the truth is, interfaith marriages are common and hard to prevent completely. Some Islamic countries allow them but with conditions like converting to your partner's religion. It's important to think about Maqashid Sharia to balance family needs with things like human rights and religious freedom (Tohari & Hazyimara, 2023). The *illat* or reason for the prohibition of interfaith marriages in Islamic law is rooted in the belief that differences in religious beliefs can cause conflict in the household, thereby impacting the balance and harmony of husband and wife relationships. This conflict may arise due to differences of opinion regarding matters of worship, children's education, and other important decisions related to faith, thus ultimately affecting the stability of the family unit (Ali et al., 2023).

Interfaith marriages can bring up some issues with individual rights, especially in countries where there are differences in marriage rights for men and women. If a couple from different religions gets married, one partner might feel like they're not getting their fair share of rights. So, some people argue that banning interfaith marriages can help protect everyone's well-being and keep families harmonious. However, it's also important to think about Islamic principles and ways to handle conflicts on a larger scale (Laili & Bazikh, 2023; Pakarti et al., 2023).

Drawing upon the examination of *'illat*, or the rationale behind the prohibition of interfaith marriages in Islamic law, it becomes evident that discrepancies in beliefs can lead to discord

within the family unit and impede the fulfillment of each individual's rights. Thus, the restriction on interfaith unions serves as a safeguard to preserve the harmony and well-being of individuals and their households. Nonetheless, it is crucial to bear in mind the principles of Maqashid sharia and other Islamic values when addressing conflicts and making decisions in a broader context. In instances of interfaith marriages, a comprehensive and meticulous analysis is imperative to ensure equitable outcomes and advantages for all parties involved.

### **Maqashid Sharia in Interfaith Marriages**

Maqashid Sharia aims to protect the well-being and success of people, in this life and the afterlife, by embodying the essence of Islamic law (Ramadhan, 2023). When it comes to interfaith marriages, Maqashid sharia can be viewed in different ways. First, one of the foremost aims of Maqashid sharia in the context of interfaith unions is to safeguard the sanctity of a Muslim's faith and convictions. Within the realm of Islam, the significance of upholding religious harmony and integrity is strongly emphasized. Consequently, the union between a Muslim and a non-Muslim in an interfaith marriage has the potential to jeopardize the cohesiveness of a Muslim's religious identity and beliefs (Pane, 2024).

Moreover, the honorable quest of Maqashid sharia aims to protect the rights of Muslim women involved in marriages with individuals of different faiths. These brave individuals often face difficult challenges when trying to uphold their important religious and cultural traditions, sometimes even facing oppressive and coercive pressures from non-Muslim family members and communities (Haerullah & Mujahid, 2024). The goals of Shariah law also want to make sure that kids in interfaith marriages are taken care of. Kids born from parents of different faiths might have a hard time figuring out what they believe and who they are, and they might also have to deal with people treating them unfairly or being rejected by their own family or society (Budi, 2023). In the realm of interfaith marriages, Maqashid sharia emphasizes the primacy of human welfare while not categorically prohibiting such unions. There is a school of thought that suggests interfaith marriages can thrive under specific circumstances, such as when both parties align on core principles and ethics, or when a non-Muslim partner is amenable to embracing Islam (Fodhil & Mashuri, 2023).

The Maqashid Sharia, or the goals of Islamic law, provide a great way to look at interfaith marriages. When we use this perspective, we can consider a variety of factors in the context of interfaith relationships.

*Hifz al-Nasl*, in Islamic law, it's really important to take care of kids and make sure they grow up safe and happy. When it comes to marriages between people of different faiths, there's a chance their kids might struggle with figuring out their own beliefs. That's why Maqashid Sharia encourages letting kids choose their religion and protecting their rights to do so (Cholidah, 2022).

*Hifz al-Din*, Islamic law prioritizes the protection of religion and Muslims, particularly in the context of interfaith marriages where potential conflicts may arise. Despite these concerns, Maqashid Sharia also highlights the significance of upholding individual rights, including the freedom to select a life partner and practice one's faith (Hakim & Azizi, 2023).

*Hifz al-Mal*, in the realm of Islamic jurisprudence, the duty to protect the property and possessions of a married couple is of utmost importance. In cases where interfaith unions occur, the potential for disharmony arising from divergent religious beliefs poses a risk to the integrity of jointly owned property and assets. Therefore, the principles of Maqashid Sharia demand the essential protection of the property rights of married individuals (Sup, 2023).

The analysis presented underscores the broad and holistic approach that Maqashid Sharia takes towards interfaith marriages. This principle not only emphasizes the importance of safeguarding individual, children, and property rights but also stresses the significance of maintaining societal cohesion and peace. Therefore, it is essential to find a balance between the various considerations of Maqashid sharia when considering marriages between individuals of

different faiths. When it comes to interfaith marriages, the principles of Maqashid sharia provide a helpful way to make decisions and resolve conflicts. By focusing on what is best for everyone involved, Maqashid Sharia gives us a solid basis for finding solutions that benefit everyone. In the context of interfaith marriages, Maqashid sharia reminds us to value the marriage, respect each other's rights, and keep the family together. It's important to remember that Maqashid sharia is connected to religious values and Islamic law, so we need to think carefully about how we apply it.

### **Philosophy of Islamic Law on Different Religious Marriages between '*illat* and Maqashid sharia**

From the perspective of '*illat* (causal factor) and *Maqashid sharia* (objectives of Islamic law), interfaith marriages hold great importance in the realm of Islam. According to '*illat* (causal factor), unions between individuals of different faiths are seen as distinct from traditional marriages. Religion, within the Islamic context, is viewed as an action that can potentially disrupt the stability and sacredness of Muslim households and communities. This is significant because interfaith marriages can lead to differing beliefs, values, and perspectives, potentially weakening the bond between spouses and even causing conflict (Syamsul, 2021). Additionally, children from interfaith unions may struggle with choosing and understanding a religious path, which could result in internal struggles and confusion about their identity (Harahap et al., 2023). The influence of interfaith marriages on the stability of both familial and societal domains cannot be underestimated. From the standpoint of '*illat*, these unions possess the ability to create legal dilemmas, as couples from different religious backgrounds frequently struggle with decisions concerning matters of faith and belief, such as how to raise their children and engage in worship. As a result, this situation can lead to contrasting perspectives and complexities within the family structure (Syah et al., 2023).

In the realm of Maqashid Sharia, the objectives of Islamic law illuminate two distinct perspectives on interfaith unions: one concerning the union's intrinsic nature, and another regarding its broader societal implications and advantages (Ishaq & Ridwan, 2023). Viewed through a theological lens, interfaith unions are not expressly forbidden in Islam, provided that each spouse remains steadfast in their faith and upholds the principles outlined in Islamic teachings, including honoring the marriage agreement and offering a dowry. Within Islam, individuals are granted the autonomy to select their life partners, irrespective of their religious backgrounds. Furthermore, interfaith marriages have the potential to cultivate unity within society by facilitating bonds between varying religious factions. Islam advocates for tolerance, camaraderie, and appreciation for differences, and these unions can enhance social connections and fortify interfaith relationships (Thoyib, 2024).

Within the domain of Islamic jurisprudence, the principles of '*illat* and Maqashid Sharia hold immense importance. When discussing interfaith marriages, Maqashid Sharia assumes priority by highlighting the well-being of society. While '*illat* does not explicitly forbid interfaith marriages, thorough consideration must be given to any potential detrimental effects on society. Therefore, decisions regarding interfaith marriages should be driven by Maqashid Sharia's emphasis on the welfare of society (Diana, 2024). Individuals entering into interfaith marriages must consider the societal implications and benefits of marriage within their communities, while also following the Islamic traditions surrounding the marriage ceremony. Additionally, society needs to promote a greater understanding of tolerance and unity across religious lines, to support and value interfaith marriages within our diverse social structure (Aslati et al., 2024).

Furthermore, it is essential to recognize the equal importance of '*illat* and Maqashid sharia within the domain of Islamic jurisprudence (Sofiandi et al., 2024). In particular scenarios, there arises a necessity to assign priority to specific principles, dictated by the circumstances at hand. For instance, when contemplating an interfaith union where the potential ramifications on

society are unmistakable, the principle of preventing harm must be accorded utmost importance in the process of decision-making (Jayus et al., 2024). Conversely, should such a marriage hold the promise of fulfilling the objectives set forth by Islamic law, such as fostering harmony among diverse religious communities, then the principles governed by Islamic law ought to take precedence in determining the outcome of such a union (Silawati et al., 2024). When contemplating interfaith unions, one must thoughtfully balance two fundamental principles with a judicious approach, taking into account the broader societal consequences. This echoes the Islamic legal doctrine of placing importance on the health and happiness of every individual (Basyar, 2024).

In a compelling narrative of an interfaith marriage blending Islamic principles of *'illat* and Maqashid sharia, a story of depth and complexity emerges. A Muslim husband and Christian wife have harmoniously navigated their relationship for five years, raising two children amidst the challenges of their differing faiths. Through the lens of *'illat*, potential conflicts stemming from their religious diversity are explored, while the Maqashid sharia perspective illuminates the fulfillment found in meeting fundamental human needs like family, social connections, and mental well-being. This partnership not only honors faith and dignity but also exemplifies the benefits that can arise from such a union.

The concept of the *saddu dzariah* approach in Islamic law involves prohibiting certain actions to prevent harm to society or individuals. In the context of inter-religious marriages, some scholars forbid these unions due to concerns about potential societal damage caused by differences in beliefs and values between partners. These marriages may also lead to social conflict if not conducted in accordance with prevailing norms. It is important to note, however, that not all Islamic scholars agree on the application of the *saddu dzariah* approach in this context (Fuaddi, 2023; Pambudi, 2024). Some take a more moderate approach, not completely prohibiting interfaith marriages, as outlined in Court ruling Constitution Number 68/PUU-XII/2014. However, it is suggested that couples from different religious backgrounds should respect and honor each other's beliefs as they work towards creating a harmonious family life (Siregar, 2023). The continuing debate among academics and the Muslim community regarding the ban on interfaith marriages in Islamic law, using the *saddu dzariah* approach, emphasizes the importance of promoting harmony and tolerance among followers of different religions within the context of family and society (Hermininda & Junaidi, 2024; Putra, 2024).

The legal landscape surrounding interfaith marriages in Indonesia is shrouded in ambiguity, as elucidated in Law No. 1 of 1974 about Marriage, which dictates that marriages are exclusively permissible between individuals adhering to the same faith. Notwithstanding, allowances are granted to adherents of Hinduism, Buddhism, and Confucianism, which are sanctioned religions. Nonetheless, obstacles endure in the execution of interfaith unions in Indonesia (Adha, 2023). In 1978, the Indonesian Ulema Council (MUI) released a fatwa opposing interfaith marriages, citing concerns about potential family disruptions and the religious upbringing of children. This fatwa was likely influenced by the 1974 Marriage Law, which also prohibits such unions. It is important to note that the MUI fatwa is not legally binding, and individuals have the right to choose their spouse regardless of faith, as long as they comply with legal and religious regulations in Indonesia. Despite the prohibition of interfaith marriages in Islamic law, a Supreme Court decision in 1986 added a level of legal ambiguity to the issue in Indonesia, sparking ongoing debate and legal challenges (Indris & Alam, 2022; Syatar et al., 2023).

Inheritance disputes stemming from divergent religious and cultural beliefs have long been a topic of contention. Through the lens of maqasid sharia, the allocation of inheritance is viewed as a vital mechanism for safeguarding the fundamental tenets of Sharia law, which prioritize the welfare of society and the pursuit of equitable treatment. Central to these principles is the imperative of guaranteeing that every member of a family, irrespective of their gender or faith, is entitled to an equitable portion of their inheritance (Farooq & Shah, 2023).

When considering interfaith marriages from the viewpoints of *illat* perspective and maqasid sharia, it becomes clear that they play a key role in establishing fair laws and practices within a family, regardless of their religious beliefs. The *illat* perspective recognizes that these laws are driven by various reasons, such as promoting family unity and fostering peaceful relationships among different religious groups. However, it is important to acknowledge that this approach may sometimes lead to conflicts and inequalities, especially in matters like inheritance and children's rights. On the other hand, the maqasid Sharia perspective highlights the importance of grounding laws related to interfaith marriages in the objectives of Sharia that aim to protect the common good and ensure social justice (Amin et al., 2023). In the quest for balance and justice, sharia plays a vital role in ensuring fair distribution of inheritance among family members. Therefore, when it comes to unions between people of different faiths, it is essential to uphold principles of equality and fairness that go beyond religious differences. Both governmental and religious institutions should work together to protect and respect the laws and traditions surrounding interfaith marriages, promoting inclusivity without any religious prejudice (Irvani et al., 2023).

Within the realm of *illat* and maqasid sharia, the profound philosophy underlying interfaith matrimony delves into diverse interpretations of the fundamental objectives of Islamic law when it comes to regulating marital unions and family dynamics (Azizah, 2023). The perspective of *illat* allows for marriages between individuals of different belief systems to maintain familial harmony and promote societal cohesion among diverse religious communities. However, such unions based on *illat* often present difficulties and disagreements within the family unit, especially regarding matters of inheritance rights and the well-being of children.

Through the perspective of maqasid sharia, the primary objectives of sharia law are to protect public interests and advance social equity, providing a basis for governing interfaith unions. A key aim of sharia in this context is to ensure equitable inheritance distribution among relatives, prioritizing principles of fairness and equality irrespective of religious affiliations. Viewing interfaith marriages through the maqasid sharia framework can encourage collaboration among diverse religious groups, cultivating unity and prosperity in society. By upholding the values of equality and justice, regardless of religious distinctions, issues and injustices in interfaith marriages can be effectively resolved.

#### 4. Conclusion

Based on extensive research, it can be deduced that in interfaith marriages, both *'illat* and Maqashid sharia hold equal importance. *'Illat* serves as the rationale or basis for legal regulations, while Maqashid sharia focuses on the overarching goals of Islamic law, which prioritize the welfare of humanity. *'Illat* considers the potential for conflict or social harm that may arise from such marriages, while Maqashid sharia emphasizes communal interests, such as unity and harmony among religious followers. Although both principles are significant, Maqashid Sharia's principles should be prioritized when deciding on interfaith marriages. This is because Maqashid Sharia places societal interests as the primary concern, and if interfaith marriages can fulfill these objectives, they can be deemed beneficial for society. However, it is important to remember that *'illat* still needs to be considered in the context of interfaith marriages, particularly if the union has the potential to cause conflict or social harm. Therefore, when making decisions about marriages between individuals of different religions, both *'illat* and Maqashid sharia must be considered fairly and proportionally, while also considering the interests and benefits of society as a whole.

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