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The Reasons for Permission to Marry *Ahlul Kitâb* Women in the View of Sayyid Sabiq

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Abstract: *The Reasons for Permission to Marry Ahlul Kitab Women in the View of Sayyid Sabiq.* Marrying women from the people of the Book (*ahlul kitâb*) is a matter of dispute among Muslim scholars, some allow it and some forbid it. Sayyid Sabiq is among the scholars who allows Muslim men to marry women of the People of the Book under strict requirements to avoid harm and negative impacts that will occur if the marriage is carried out. This paper discusses the law of Muslim men marrying women of *ahlul kitâb* (the People of the Book) and analyzes it from the perspective of Sayyid Sabiq. Based on the results of the study conducted, the authors found the fact that Sayyid Sabiq allowed Muslim men to marry *ahlul kitâb* women based on the following considerations: (i) To eliminate barriers between *ahlul kitâb* and Muslims. (ii) As a means to establish social relations and closeness between others so that they can provide space for non-Muslims to learn and know the truth of Islamic teachings. (iii) As a means to invite them to follow Islam.

Keywords: *hikmah al-tasyri'*, marrying *ahlul kitâb* women, Sayyid Sabiq

Abstrak: *Hikmah Kebolehan Menikahi Perempuan Ahlul Kitab Menurut Sayyid Sabiq.* Menikahi perempuan ahlul kitab merupakan masalah yang diperselisihkan oleh para ulama, ada yang membolehkan dan ada juga yang melarang. Sayyid Sabiq merupakan seorang ulama yang membolehkan laki-laki muslim untuk menikahi perempuan *ahlul kitâb* dengan memberikan persyaratan yang ketat untuk menghindari mudarat dan sisi-sisi negatif yang akan terjadi jika perkawinan tersebut dilakukan. Tulisan ini membahas tentang bagaimana hukum laki-laki muslim menikahi perempuan *ahlul kitâb* sekaligus menganalisis hikmat *al-tasyri'*-nya menurut perspektif Sayyid Sabiq. Berdasarkan hasil kajian yang dilakukan, penulis menemukan fakta bahwa Sayyid Sabiq membolehkan laki-laki muslim menikahi perempuan *ahlul kitâb* berdasarkan pertimbangan: (i) Untuk menghilangkan sekat-sekat di antara *ahlul kitâb* dan umat Islam. (ii) Sebagai sarana untuk menjalin hubungan pergaulan dan kedekatan antar sesama sehingga dapat memberi ruang bagi kaum non-Muslim untuk mempelajari dan mengetahui kebenaran ajaran Islam. (iii) Sebagai salah satu sarana untuk mengajaknya agar mengikuti petunjuk dan agama yang benar.

Kata kunci: *hikmah al-tasyri'*, kebolehan menikahi wanita *ahlul kitâb*, Sayyid Sabiq

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Introduction

Interfaith marriage is not a simple event in Indonesia. In addition to having to go through social and cultural friction, the bureaucracy that must be passed is often convoluted. It's no wonder that many couples with different beliefs finally choose to change their religion to follow their partner's religion. Some convert from Islam to other religions, and some move from other religions to Islam (*mu'alaf*).

Among celebrities, religious conversion due to marriage is common. Artists who have converted from Islam to other religions include Asmirandah, Ovi Sovianti, Mezty Mez, Ina Indayanti, and Sharena Gunawan. Their conversion is generally because they follow the religion of their husbands.¹ Meanwhile, those who converted from other religions to Islam (*mu'alaf*) included: Marsha Timothy, Alice Norin, Rebecca Reijman, Soraya Larasati, Tere, and others. Some of their reasons for embracing Islam are due to following the beliefs of their spouse, but some are due to obtaining *hidayah* (guidance from Allah).²

Religious conversion due to marriage in Indonesia is indeed a crucial matter. Although the state gives freedom to every citizen to choose and adhere to a religion they believe in, among the Muslim community, interfaith marriage is a serious matter. This is because the conditions that occur in Indonesia are very detrimental to Muslims, considering that one of the ways of apostasy that have been taking place so far is through interfaith marriages.³ In contrast to this situation, in Western countries, the marriage of Muslim men and women of the People of the Book turned out to be of positive value as it accelerates a tremendous process of Islamization.⁴

Islam prohibits its followings to marry non-muslim. The prohibition

¹ Pebriansyah Ariefana, 'Artis Pindah Agama Ikut Suami Masuk Kristen Begini Keadaan Mereka Sekarang' <<https://bogor.suara.com/read/2021/10/04/165505/5>>.

² '9 Artis Pindah Agama dan Jadi Mualaf, Ini Alasan Mereka Memeluk Islam', *suara.com*, 2021 <<https://www.suara.com/entertainment/2021/04/12/131454/9-artis-pindah-agama-dan-jadi-mualaf-ini-alasan-mereka-memeluk-islam>>.

³ Ahmad Sarwat, *Seri Fiqih Kehidupan (8): Pernikahan* (Jakarta: Rumah Fiqih Publishing, 2017).

⁴ Ahmad Sarwat, *Seri Fiqih Kehidupan...* Jakarta: Rumah Fiqih Publishing, 2017.

is expressly stated in two verses of the Qur'an,⁵ in the Hadith⁶ and in the opinions of the fuqaha as well.⁷ In the legal system in force in Indonesia, the prohibition is also supported by a set of rules in Law number 1 of 1974, the Compilation of Islamic Law (KHI), and the fatwa of the Indonesian Ulema Council (MUI). In the KHI the prohibition is contained in article 40 letter (c) which states that a woman who is not Muslim is prohibited from marrying a Muslim man, and vice versa. The same thing is also regulated in the MUI fatwa in 2005 which also emphasized the prohibition of interfaith marriage, whether a marriage between a Muslim woman and a non-Muslim man, or a marriage between a Muslim man and a woman of the scriptures.⁸

The phenomenon of interfaith marriage in Indonesia is indeed interesting to study. This is because the issue often invites controversy and polemic among the public. Several researchers have tried to review the problem from various points of view, not only from a religious point of view but also from a normative perspective/state legislation. Among the researchers who paid special attention to this issue is: Aulil Amri, through his research entitled "Interfaith Marriage According to Positive Law and Islamic Law"⁹; then Ibnudin, through his research entitled "Views on Interfaith Marriage between the Indonesian Ulema Council (MUI) and the Liberal Islam Network (JIL)"¹⁰ and Ja'far Shodiq, et al, through their research entitled "Interfaith Marriage According to Imam Madzhab and Positive Law in Indonesia"¹¹.

⁵ QS al-Baqarah 2: 221, QS Al Mumtahanah: 10.

⁶ The Messenger of Allah said: We can marry women from the people of the book, but they cannot marry our women. Read: Abu Ja'far Muhammad bin Jarir al-Thabari, *Tafsir Ath-Thabari*, 4 (Mesir: Dâr al-Salam, 2001), p. 20.

⁷ Regarding the consensus of Muslim scholars regarding non-Muslim men being forbidden to marry Muslim women, read Muhammad Ibn Ahmad Ibn Juzay al Ghirnati al Maliki, *Qawânin al-Abkâm al-Shar'iyah Wa Masâil al-Furû' al-Fiqhiyyah* (Lebanon: Dar al Ilmi li al Malayin, 1974), p. 29.

⁸ Aulil Amri, 'Perkawinan Beda Agama Menurut Hukum Positif dan Hukum Islam', *Media Syari'ah*, 22.1 (2020), 50.

⁹ Aulil Amri, 'Perkawinan Beda Agama...', *Media Syari'ah*, 2020.

¹⁰ M. H. I. Ibnudin, 'Pandangan Perkawinan Beda Agama Antara Majelis Ulama Indonesia (MUI) dan Jaringan Islam Liberal', *Risalah, Jurnal Pendidikan dan Studi Islam*, 2.1 (2015), 95–109 <https://doi.org/10.31943/jurnal_risalah.v2i1.16>.

¹¹ Jafar Shodiq, Misno Misno, and Abdul Rosyid, 'Pernikahan Beda Agama Menurut

This study examines the same topic but from a different perspective. Here the researcher tries to review Sayyid Sabiq's opinion about the marriage of a Muslim man with an *ablul kitâb* woman, as well as the reasons behind it.

Sayyid Sabiq at A Glance

Sayyid Sabiq's full name is Sayyid Sabiq Muhammad al-Tihamiy. He was born to a respectable family, Sabiq Muhammad al-Tihamiy and Husna Ali Azeb in the village of Istanha (about 60 km North of Cairo), Egypt. His lineage is related to the third caliphate, Uthman bin Affan. Al-Tihamiy is a family title indicating the place of origin of his ancestors, namely Tihamah, a place located in the lowlands of the Western Arabian Peninsula. The majority of Istanha Village residents adhere to the Syafi'i School, including Sayyid Sabiq's own family.¹²

During his life, Sayyid Sabiq was active in teaching at various leading Islamic universities, including al-Azhar University in Cairo and Ummul Qura University in Mecca. Throughout his life, Sayyid Sabiq received many awards for his character and knowledge. At its peak, he received an award from the State of Egypt which was given by the President of the Arab Republic of Egypt, Muhammad Husni Mubarak on March 5, 1988. Previously, in 1944, he had also received an award from the Kingdom of Saudi Arabia in the form of the *Jâizah al-Mâlik Faisal Alamiyah* as an appreciation for his very persistent efforts in spreading Islamic da'wa.

Sayyid Sabiq died on February 28, 2000. His body was prayed for by thousands of Muslims at the Rabiah al-Adawiyah Mosque, Medina Nasr led by *Sheikh al-Azhar al-Syarief*, Dr. Muhammad Sayid Tantawi. Also present in the funeral service were al-Sayid Hani Wajdi who represented the President of the Arab Republic of Egypt, Mufti of the Kingdom of Egypt, Dr. Nasr Farid Wasil, Minister of Awqaf, Dr. Hamdi Zaquq,

Imam Madzhab dan Hukum Positif di Indonesia', *Al-Mashlahah Jurnal Hukum Islam dan Pranata Sosial*, 7.01 (2019), 1–30 (pp. 1–30) <<https://doi.org/10.30868/am.v7i01.543>>.

¹² Abdul Aziz Dahlan (et.al.), *Ensiklopedi Hukum Islam* (Jakarta: Ihtiar Baru van Hoeve, 1996), p. 1614.

President of the Labor Party, Ibrahim Syukri, Chair of the Al-Azhar Ulama Front and its members, Chairman of Jami'ah Syarqiyyah, Dr. Fuad Mukhaimar, as well as dozens of clerics and local community leaders.¹³

In solving every fiqh problem,¹⁴ Sayyid Sabiq has his *manhaj* (method) which is different from other fuqaha. He always adheres to the principles of Islamic law and is firm and consistent in the following matters: First, rejecting the fanaticism of the school but also not vilifying the school. Second, rely on the arguments that come from the Qur'an, Sunnah, and ijma'. Third, tend to *al-taysîr* (ease) away from complicated terms and reasons. Fourth, provide *rukhsah* (convenience) to things that can receive *rukhsah*. Fifth, avoid mentioning a case as *khilâfiah* (controversial case) except for issues that must be mentioned as differences of opinion. Sixth, referring to the wisdom and goals of the Syara' texts (*hikmah at-tasyrî*).¹⁵

Fuqaha's and Sayyid Sabiq's Opinions on the Marriage of Muslim Men with non-Muslim Women

As previously stated, all jurists have unanimously agreed that a Muslim woman is prohibited from marrying a non-Muslim man. This prohibition is based on the provisions in the Qur'an, hadith, and Ijma'. as for a Muslim man who married an *ahlul kitâb* woman, however, the scholars disagree. Some of them forbid it, and some of them allow it. Amirul Mu'minin 'Umar bin Khaththab r.a. once forbade some companions **to marry women of the People of the Book**, among them Hudzaifah ibnul Yaman r.a., who married a woman of the People of the Book. 'Umar ordered him to divorce his wife, but Hudzaifah replied, "Do you have a fatwa that marrying a woman of the People of the Book is unlawful, so I should

¹³ 'No Title' <<http://tamanulama.blogspot.com/2008/02/sayyid-sabiq-ulama-sunnah->>.

¹⁴ Yusuf Al-Qaradhawi, 'Turjumah Al-Syaikh Sayyid Sabiq Rahimahullah al-'Alim al-Kabir Waddâ'iyah al-Faqih' <<http://alrashedoon.com/?p=600>> [accessed 14 February 2020].

¹⁵ Ushl al-Fiqh scholars interpret wisdom as a motivation in determining the law to achieve a benefit or reject evil Editorial Team, *Encyclopedia of Islamic Law* (Jakarta: Intermedia, 2006). Thus the term *hikmah al-tasyrî* can be interpreted as the goals and secrets placed by the Shari'a Maker (God) in every Shari'a law to realize the benefit of humankind in the world and the hereafter as well.

divorce her?”. ‘Umar replied, “I did not say haram, but I am afraid you will take a prostitute from them”.¹⁶ The same thing happened to Talhah bin Ubaidillah, where the caliph ‘Umar bin Khaththab r.a. ordered him to divorce the woman of the People of the Book whom he married.¹⁷ The attitude of Caliph ‘Umar was also followed by his son, ‘Abdullah bin ‘Umar r.a, who also did not allow marriage to Christian women. He said: “I do not know of a greater polytheism than a woman who says that her god is ‘Isa. Whereas Allah said, “*Do not marry polytheist women until they believe.*” (al-Baqarah [2]: 221).¹⁸

The majority of scholars, on the other hand, agree that Muslim men may marry women of the people of the Book as it is permissible for them to eat their slaughter.¹⁹ This is based on the word of Allah in the Qur'an surah al-Ma'idah [5]: 5, “*Today all good things are made lawful for you. The food (slaughter) of the People of the Book is lawful for you, and your food is lawful for them. And (lawful for you to marry) women who guard the honor (Muhsanât) among the believing women and the women who guard the honor among those who were given the book before you, if you pay their dowry to marry her, no with the intention of adultery and not to make women as pets. Whoever disbelieves after believing, then their deeds will be in vain, and in the Hereafter he will be among the losers.*”²⁰

The verse above clearly explains that the food given by the People of the Book²¹ (Jews and Christians) is *halâl* (permissible) for Muslims. This *halâl*ness has been agreed upon by the scholars because the People of the Book believe that it is forbidden for animals to be slaughtered other than for Allah, and when slaughtering, they do not mention except the

¹⁶ Daniel Rabitha, ‘Penyelenggaraan Kursus Pra Nikah di Kabupaten Purwakarta: Kasus KUA Purwakarta, Cibatu, dan Babakan Cikao Implementation of Pre-Marriage Course In Purwakarta: A Case Study Of Religious Affairs Offices (KUA) Purwakarta, Cibatu, and Babakan Cikao’, *Penamas*, 28.3 (2015).

¹⁷ Sarwat.

¹⁸ Shafiyurrahman Al-Mubarakfuri, *Shahih Tafsir Ibnu Katsir Jilid 3*, Terj. Ahmad Saikhu, ke-15 (Jakarta: Pustaka Ibnu Katsir, 2018).

¹⁹ *Ibid.*

²⁰ Kementerian Agama Republik Indonesia, *al-Karim* (Bekasi: Beras Alfath, 2018).

²¹ Ibnu ‘Abbas r.a, Abu Umamah, Mujahid, Sa’id bin Jubair, ‘Ikrimah, ‘Atha’, al-Hasan, Makhul, Ibrahim an-Nakha’i, as-Suddi, and Muqatil bin Hayyan said that what was meant with the food of the People of the Book is their slaughter. See Imam al-Thabari, *Tafsir Ath-Thabari*.

name of Allah, even though they have other beliefs about what Allah is.²² The *halâlness* of the food slaughtered by the people of the Book is also strengthened by a hadith narrated by Imam Bukhari which explains that the Jewish population of Khaibar once presented a roasted goat to the Prophet and then he ate the roasted goat.²³

Ibn Abi Hatim narrated from Abu Malik al-Ghifari from Ibn 'Abbas saying that when al-Baqarah [2]: 221 descended, so the Muslims did not marry them until the following verse was revealed, namely (al-Ma'idah [5]: 5). According to them (al-Ma'idah [5]: 5). Specify what is mentioned in Surah al-Baqarah [2]: 221. But if it is said that women of the People of the Book are included in the generality, then there is no contradiction between the two verses because the term *ahlul kitâb* is mentioned separately from the polytheists in many verses, such as His words, "*The disbelievers, namely the People of the Book and the polytheists (say that they) will not leave (their religion) until clear evidence comes to them.*" (al-Bayyinah) [98]: 1).²⁴

As previously stated, the ulama' madhhab, (Shâfi'iyah, Mâlikiyah, Hanâfiyah, and Hanâbilah), including Sayyid Sabiq, allowed **Muslim men to marry women from the people of the book**. However, before discussing their opinion further, it is better to first mention the division of non-Muslim women according to the views of the fuqaha.

Classical muslim jurists classify non-Muslim women into 3 (three) groups.²⁵ The first, group is the people who do not have the heavenly book and neither is it similar to those books. These people are people who worship statues (figures carved from wood, stone, silver, gems, or the like) or idols (images that are not physical, such as images printed on paper and the like). Some jurists do not distinguish idol worshipers from statues worshipers, because both are names for the gods they worship besides Allah. They make different pictures, including the sun, moon,

²² al-Mubarakfuri.

²³ *Ibid*, See also *Fathul Bâri* (VII/569). Al-Bukhari (no. 2617). Also narrated by Muslim (hadith no. 2190) p. 38.

²⁴ al-Mubarakfuri.

²⁵ Abdurrahman al-Jaziri, *Fikih Empat Mazhab Jilid 5*, cet. ke-1 (Jakarta: Pustaka Al-Kautsar, 2015).

stars, and other pictures they see good.²⁶ This first group is equated with apostates such as the Rafidhah,²⁷ and the Shabia²⁸.

The second group is the people who have “some kind of book”, such as the Magi who worship fire. The meaning of the phrase “having some kind of book” is that there was a book revealed to their prophet – namely the Prophet Zaradasht – but then they distorted it and killed their prophet, so Allah lifted the book from them. This group is also not allowed to be married based on the opinion agreed upon by the priests of the four schools of thought, except for Dawud ad-Dhohiri who argues that they can be married because they have some kind of book.²⁹

The third group is the people having a book that has been recognized for its existence, such as the Jews who believe in the Torah, and Christians who believe in the Bible and the Torah. This group can be married as mentioned in the Qur'an, Surah al-Mâ'idah [5]: 5. Even though the women of the People of the Book say that the Messiah is a god, or believe in the concept of a trinity, which is a clear form of shirk, Allah, however, allows marriage with them because they have the divine book.³⁰

Returning to the opinion of the scholars who allow Muslim men to marry *ahlul kitâb* women, the question that arises here is whether or not the permissibility is absolute or if there is another law related to this matter. The Hanâfi school argues that marriage with an *ahlul kitâb* woman is prohibited if she is outside of an Islamic country's territory (*dârul harbi*) which is not subject to Islamic law. This prohibition was made for fear of exposing slander,³¹ for example, the woman of the People of the Book may influence her Muslim husband to behave in

²⁶ al-Jaziri.

²⁷ The Rafidhah believe that Jibril made a mistake in conveying the revelation because Jibril conveyed the revelation to the Prophet Muhammad. whereas (according to them) Allah ordered him to convey the revelation to Ali r.a. They deny some verses of the Qur'an and even believe that Ali is a god.

²⁸ The Shabia are people who worship the stars.

²⁹ al-Jaziri, p. 158.

³⁰ *Ibid.*

³¹ S Karimah M Jayus, M Arham, 'Fiqh Rasional dan Tekstual Ibn Rusyd dan Implikasinya Bagi Hukum Islam Modern', *El-Izdiwaj: Indonesian Journal of Civil and Islamic Family Law*, 1.1 (2020).

such a way that is unacceptable to Islam or turns her child away to embrace a religion other than her husband's, thus making her husband feel pressured because he does not influence maintaining the honor of himself, his wife, and their children. Thus, even though his marriage contract is declared valid, his actions become *makrûh tahrîm* (must be avoided) because it may result in various damages in the future. It is different if the woman of the People of the Book is in an Islamic country (*dzimmiyah*) and is subject to Islamic legislation, then her marriage is *makrûh tanzîh* (should be avoided).³²

The Maliki school, on a similar issue, raises two opinions. The first opinion is that the law of marrying a woman of the People of the Book is *makrûh*, (detested) whether the woman is in an Islamic land (*dzimmiyah*) or a land of war (*dârul harbî*). The intensity of *makrûh*, however, in a land of war is more severe.³³ They reasoned their opinion as a woman of the People of the Book is not prohibited from drinking alcohol, eating pork, or going to church, whereas her husband as a Muslim, is prohibited from doing so. In addition, the woman of the People of the Book who becomes his wife (and mother to his children) feeds her children with such food until they grow up in religious transgression. Whereas in a land of war, the case will be more severe, as in the Hanafi school.³⁴ The second opinion is that the law is not *makrûh*, as stated explicitly in the Surah al-Ma'idah [5]: 5 which allows any Muslim man to marry a woman of the People of the Book.³⁵

The jurists of the Shafi'i school, on the other hand, believe that it is *makrûh* to marry an *ahlul kitâb* woman if she is in an Islamic land. This law becomes even more severe if he is in a land of war. This opinion is similar to the opinion of some scholars of the Mâliki school, only that the Shâfi'i school stipulates certain conditions related to this *makrûh* law, namely: (1) If a Muslim man who wants to marry does not expect the Islam of the woman of the People of the Book he

³² al-Jaziri, p.156

³³ *Ibid.*

³⁴ *Ibid.*, p.160.

³⁵ *Ibid*

wants to marry. (2) if he can find a Muslim woman he deserves; (3) if there is no fear that he will commit adultery if he does not marry the woman.³⁶ In contrast, if the man, upon his marriage to the *ahlul kitâb* woman, expects the woman he marries to become a *muslimah*, or he does not get a Muslim woman who is worthy of him, then the law of marriage for him is *sunnah* (recommended). Likewise, it is also *sunnah* for him to marry an *ahlul kitâb* woman who is worthy of him, or for fear that he will commit forbidden acts, such as adultery if he does not marry the woman.³⁷

In contrast to the opinion of the Shâfi'iyah jurists above, the Hambali jurists think that women of the People of the Book may be married without being punished as makruh based on the generality of God's word in Surah al-Maidah verse 5. However, it is important to note that the woman in question must be free (not a slave). This is because they interpret the word "muhsanat" in the verse as free women. Apart from that, the Hanabilah jurists also do not require that both of the woman's parents must also be People of the Book, in other words, her marriage is still declared valid even though her father or mother is an idol worshipper, as long as she is a woman of the People of the Book.³⁸ This opinion is different from the opinion of the Shafi'i and Hanafi schools which say that the condition for allowing a Muslim man to marry a woman of the People of the Book is that both parents must also be People of the Book.³⁹ If the father of the People of the Book and the mother is an idol worshippers, even though the woman of the People of the Book is already mature and chooses a religion like her father's religion, it is still not permissible to marry her.⁴⁰

Slightly different from the opinions of the fuqaha above, Sayyid Sabiq allows Muslim men to marry *ahlul kitâb* women. By referring

³⁶ *Ibid.*, p. 161.

³⁷ *Ibid*

³⁸ *Ibid*

³⁹ Busyro Busyro Eko Saputra, 'Kawin Maupah: An Obligation to Get Married After Talak Tiga in the Tradition of Binjai Village in Pasaman District: A Maqasid al-Shari'ah Review', *Qijis*, 6.2 (2018).

⁴⁰ al-Jaziri.

to the concept of *hikmah al-tasyrî'* (wisdom), he emphasized that Islam allows a Muslim to marry an *ahlul kitâb* woman to remove social barriers between that *ahlul kitâb* and the Muslims people. Through the marriage ties, it will be able to establish social relations and approaches between the two fellow families so that reciprocal communication is realized, leading to the realization of a harmonious social relationship. So, here, marriage serves as a gluing tool for social relations between Muslims and non-Muslims which may have been tenuous due to differences in beliefs.

Another wisdom with the marriage of Muslim men and *ahlul kitâb* women is as a means of *da'wah* (propagation of Islam). According to Sayyid Sabiq, the existence of a marital relationship between the two couples will create space for his non-Muslim wife to know, learn and perhaps then accept the truth of Islamic teachings. The same thing is expected to happen to the relationship between the two big families who are united through marriage. With the direct communication between the two extended families (Muslim families on the one hand and non-Muslim families on the other), it will open a space for an inner approach between the two parties that can be used as a means to invite them to accept Islam. For this reason, Sayyid Sabiq emphasized, that Muslim men who want to marry *ahlul kitâb* women should make the above one of the main goals of their marriage.⁴¹

However, Sayyid Sabiq warned, that the law of marrying a woman of the People of the Book may become *makrûh* if there is a possibility that the husband will be affected or get slandered from his wife's religion.⁴² This opinion is following the opinion of the Shafi'i School and one of the opinions of the Maliki School. However, if the husband has a purpose as stated earlier then the law can change to be *mubâh* (permissible).⁴³ One thing to note is that although Sayyid Sabiq allowed a man to marry an *ahlul Kitab* woman, he gave strict conditions that must be met to prevent negative impacts (*mudharât*) if the marriage was carried out.

⁴¹ Sayyid Sabiq, *Fiqh al-Sunnah Juz II* (Kairo: Dar al-Hadits, 2004).

⁴² *Ibid*

⁴³ *Ibid*

From the description above, it can be understood that although the majority of jurists allow a Muslim man to marry an *ahlul kitâb* woman, this permissibility is not absolute. In other words, in certain cases and based on certain considerations, they give conditions or even do not allow it as a warning for those who are interested in doing such a marriage.⁴⁴ It seems that the jurists pay serious attention to the role and function of a wife in the family, especially in the education of their children because, in general, the mother is closer to the child than the father. If their mother is *ahlul kitâb*, it is feared that the education of their children will follow the teachings of their mother's religion. Not to mention if they are faced with the creed doctrine that non-Muslims will go to hell, how will their children feel if they know that their mother will go to hell because she is not a *Muslimah*?⁴⁵ Therefore, it is clear that the main considerations of the fuqaha in determining the law of marrying *ahlul kitâb* women are more focused on considerations of *maslahat* (goodness) and *mafsadat* (badness) caused by the marriage. If the marriage provides benefits, then the marriage is recommended (*sunnah*). On the other hand, if the marriage causes *mafsadat*, then the marriage is considered *makrûh*.⁴⁶

Conclusion

Sayyid Sabiq is one of the moderate scholars and has great attention to exploring the wisdom behind Islamic law, including the wisdom of allowing a Muslim man to marry an *ahlul kitâb* woman. According to him, there are at least three reasons why a Muslim man is allowed to marry an *ahlul kitâb* woman, namely, the first, to eliminate social barriers between *ahlul kitâb* and Muslims. The second, become a means to establish relationships, associations, and approaches between fellow families that can give them space to know and learn Islamic teachings. The third, as a means to invite them to follow the instructions and the true religion. However, Sayyid Sabiq warned, that the law of marrying

⁴⁴ Sarwat.

⁴⁵ al-Jaziri.

⁴⁶ *Ibid.*, p. 161-162.

a woman of the People of the Book may become *makrûh* if there is a possibility that the husband will be affected or get slandered by his wife's faith.

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