
Interfaith Marriage: A Legal Analysis Through 'Illat and Maqashid Syariah

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ABSTRACT

Interfaith marriage is a sensitive issue that continues to spark controversy in Islamic family law, particularly when analyzed through the perspectives of text-based Islamic legal philosophy (*nash*), legal rationality ('*illat*'), and the objectives of Sharia (*maqashid syariah*). This study aims to conduct an in-depth examination of the issues surrounding interfaith marriage in the context of pluralistic Indonesia. Using a qualitative method with a normative-philosophical approach, this study analyzes classical and contemporary literature as well as interpretations of *maqashid syariah* within the framework of legal pluralism. The results indicate that the prohibition on interfaith marriage is not merely normative-theological in nature but is grounded in rational justifications related to the protection of religious belief, household stability, and children's education. From the perspective of *maqashid al-sharia*, this prohibition functions as a preventive instrument to safeguard religion (*hifz al-din*) and lineage (*hifz al-nasl*). However, Indonesia's pluralistic social reality introduces new dynamics regarding human rights, necessitating a reinterpretation of the law without disregarding the fundamental principles of sharia. This study contributes by developing an operational framework for applying *maqashid al-sharia* to cases of interfaith marriage in Indonesian courts, specifically through the formulation of three evaluation criteria for testing *the illat*. This study provides an analytical framework that balances classical fiqh norms and contemporary social needs, and enriches the literature on Islamic family law in a multireligious society through a contextual dialectic of '*illat*' and *maqashid*.

Keywords: Interfaith Marriage; Islamic Legal Philosophy; '*Illat* Analysis; *Maqashid al-Sharia*; Islamic Family Law

A. INTRODUCTION

Marriage is a fundamental institution in Islamic family law that plays a central role in ensuring the continuity of lineage, regulating interpersonal relationships, and realizing the ideal of family life as envisioned in Islamic teachings – namely, the creation of tranquility (*sakinah*), affection (*mawaddah*), and mercy (*rahmah*)¹. From the perspective of *maqashid syariah*, marriage is not only viewed as a physical bond between two individuals but also as a means of ensuring the continuity of religion and society. Therefore, all rules regarding marriage in Islamic law are fundamentally intended to safeguard the welfare of the community and prevent social harm.²

However, in social practice, there is a phenomenon that often sparks controversy, one of which is interfaith marriage. This phenomenon is often the subject of heated debate in the public sphere, particularly within Indonesia's pluralistic and diverse society. Interfaith marriage can be understood as a marital union between two individuals of different religious beliefs. In the Islamic context, this issue has sparked lengthy debates, both among classical jurists and contemporary Islamic thinkers.

In general, the majority of scholars maintain that a Muslim woman is not permitted to marry a non-Muslim man under any circumstances. Meanwhile, the issue regarding Muslim men remains debated, particularly concerning the permissibility of marrying women of the Book. Surah al-Ma'idah, verse 5, is viewed as providing some leeway, although there are differing interpretations regarding who is meant by "people of the Book" and whether this permissibility is relevant in the context of modern society.³ In contemporary literature, some scholars assert that the permissibility of marrying People of the Book applied only to pre-Islamic Arab societies, whereas in the current context, the term "People of the Book" cannot simply be equated with adherents of other Abrahamic religions such as modern Christians or Jews.⁴

The debate regarding interfaith marriage in Islamic law is not based solely on legal texts (*nash*), but also involves an analysis of the legal rationale (*'illat*) and the objectives of Sharia (*maqashid syariah*). *'Illat* is a characteristic that influences the law, not because of its essence, but due to the act of the Shari'ah. *'Illat* is not the legal ' , but rather the cause of the law's existence, in the sense that the influence of *'illat* on the law is not self-sufficient, but rather due to Allah's permission. The legal *'illat* functions as the rational basis underlying the establishment of a provision, while *the Maqashid al-*

¹ Sahrul Hanafi, "Interfaith Marriage from the Perspective of Tafsir," *Journal of Scientific Research* 3, no. 1 (2026): 245–58, <https://doi.org/https://doi.org/10.62335/sinergi.v3i1.2286>.

² A Zainuddin, "The Philosophy of Marriage in Islamic Law: Between Normativity and Social Reality," *Journal of Islamic Family Law Studies* 3, no. 1 (2021): 15–28.

³ N. Hosen, "Interfaith Marriage in Islamic Jurisprudence: Revisiting the Interpretation of Ahl Al-Kitab," *Indonesia Law Review* 10, no. 2 (2020): 145–66.

⁴ Alfitri, "Muslim-Christian Marriages and the Interpretation of Ahl Al-Kitab in a Contemporary Context," *Studia Islamika* 29, no. 1 (2022): 45–72.

Shari'ah refer to the primary objectives of Islamic law, which include the protection of religion (*hifz al-din*), life (*hifz al-nafs*), intellect (*hifz al-'aql*), lineage (*hifz al-nasl*), and property (*hifz al-mal*).⁵ Thus, the prohibition of interfaith marriage can indeed be examined through these two approaches to uncover the essence and wisdom behind the established law.

In the Indonesian legal system, regulations regarding marriage are set forth in Law No. 1 of 1974 on Marriage, which was subsequently amended by Law No. 16 of 2019. This law does not explicitly address interfaith marriages, but Article 2 states that a marriage is valid if it is conducted in accordance with the laws of each party's respective religion and faith. Thus, implicitly, national law follows the religious provisions adhered to by each prospective spouse. However, tensions arise when these religious provisions clash with the reality of social pluralism and the constitutional guarantee of citizens' rights to choose a life partner.⁶

To reinforce the position of this study, a number of studies indicate that the issue of interfaith marriage remains a significant academic and social problem. An article titled "*Interfaith Marriage and Islamic Legal Debates in Southeast Asia*" reveals that countries in Southeast Asia, including Indonesia and Malaysia, generally maintain bans on interfaith marriage due to considerations of protecting religious identity as well as concerns about potential disharmony within families. The study also emphasizes that the *maqashid sharia* approach is still rarely used comprehensively in the analysis of Islamic family law in this region. Furthermore, an article titled "*Dynamics of Court Rulings on Interfaith Marriage in Indonesia*" found that religious courts consistently reject requests for interfaith marriage by citing Article 2 of the Marriage Law, while District Courts tend to issue fluctuating rulings. This situation indicates the absence of legal convergence standards, necessitating a more integrated theoretical approach to understanding this phenomenon. Additionally, the article titled "*Maqasid al-Shariah and Family Law Reform*" asserts that *maqashid syariah* can serve as a crucial foundation for modern family law reform. However, this study emphasizes that the application of *maqashid* remains partial and has not yet been able to adequately address the complexities of a multireligious society in the contemporary era. Furthermore, Ahmed, M. S. (2025).⁷ *Islamic Normative Legal Theory: Framework and Applications*. *Journal of Law and Religion* (Cambridge University Press) has developed a theoretical framework of Islamic law that integrates *uṣūl*, *qawā'id*, and *maqāsid*, yet it

⁵ F. Rahman, "Illat al-Hukm and the Prohibition of Interfaith Marriage: A Jurisprudential Analysis," *Al-Jami'ah Journal of Islamic Studies* 57, no. 2 (2019): 275-300.

⁶ D. Suryani, "Legal Challenges of Interfaith Marriage in Indonesia: Between Religious Norms and Human Rights," *Journal of Law and Development* 52, no. 3 (2022): 567-90.

⁷ M S Ahmed, "Islamic Normative Legal Theory: Framework and Applications," *Journal of Law and Religion* 40, no. 1 (2025): 28-58.

remains macro-level and has not addressed operational applications regarding specific family issues in pluralistic nations. Amin, M. N., et al. (2023).⁸ *Interfaith Marriage from the Perspective of Maqashid Al-Syari'ah Jasser Auda*. Mutawasith: Journal of Islamic Legal Sciences, discusses a court ruling (No. 916/Pdt.P/2022) using Jasser Auda's human rights-oriented *maqashid* theory. This differs from the study by F. Rahman (2019), which discusses regional comparisons (Southeast Asia: Indonesia, Malaysia, etc.), and also differs from Suryani (2022), who analyzes disparities in rulings: Religious Courts vs. District Courts; it also differs from Ahmed (2025), who analyzes Islamic legal theory in general, and from Amin et al. (2023), who analyze a single court ruling; this study develops an analytical framework that can be generalized.

The novelty of this study lies in its integrative approach, which does not merely confirm the normative prohibition but instead questions the rational validity (*'illat*) and teleological purposes (*maqashid*) of this legal construct in the modern era. This study does not proceed from the assumption that the prohibition on interfaith marriage is an unassailable final truth, but rather treats it as a legal hypothesis whose relevance to contemporary social conditions must be tested. Therefore, this study contextualizes the entire legal construction within the framework of social pluralism and the Indonesian legal system, thereby producing a bridging framework that connects classical fiqh with contemporary challenges through the lens of *usul fiqh* criticism.

The urgency of this research is evident from the increasing prevalence of interfaith marriages amid the absence of a comprehensive legal framework and uniform standards of interpretation, as well as the lack of alignment between Islamic law, national law, and human rights requirements. This research is important as an academic and policy reference for formulating regulations that are adaptive yet remain in harmony with the principles of Sharia, without engaging in " " – that is, prejudging the validity of a particular legal perspective before the analytical process is complete.

B. RESEARCH METHODS

This study adopts a normative-philosophical approach to legal research. This approach not only positions law as a positive norm (*das sollen*) but also examines its validity through a system of moral values and philosophical objectives (*das sein* and *ideality*). The legal analysis process is conducted through four systematic stages: textual exploration (*nass*) of classical fiqh sources and positive law to identify primary legal principles, identification of legal reasons (*'illat*) to understand the rationality of the law, analysis of legal objectives (*maqashid syariah*) to test the relevance of values in

⁸ Muhammad Nur Amin, et al., "Interfaith Marriage from the Perspective of Maqashid Al-Syari'ah According to Jasser Auda: Analysis of Court Decision No. 916/Pdt.P/2022," *Mutawasith: Journal of Islamic Legal Sciences* 6, no. 2 (2023): 145–62.

a contemporary context, and legal contextualization to formulate relevant legal constructs.

The research subject encompasses legal norms and legal thought constructs, including classical fiqh – namely *al-Umm* and Al-Mughni, and contemporary works on interfaith marriage; provisions of Indonesian positive law, namely Law No. 1 of 1974 on marriage; Islamic legal philosophy regarding ‘illat, legal deduction, and maqashid syariah; as well as relevant fatwa and jurisprudential rulings.

Data collection was conducted through library research using primary legal sources such as the Qur’an, Hadith, national regulations, and court rulings; secondary legal sources, including literature on the philosophy of Islamic law, recent journals, and comparative studies; as well as tertiary legal sources such as encyclopedias and legal dictionaries. Data analysis was conducted using conceptual, historical, and maqashid sharia approaches to assess the normative relevance of the prohibition on interfaith marriage.

C. RESULTS AND DISCUSSION

1. Interfaith Marriage from the Perspective of *the Text*

The discussion regarding interfaith marriage in Islam is firmly grounded in the texts of the Qur’an. The Qur’an explicitly prohibits marriage between a Muslim and a polytheist, as stated in Surah Al-Baqarah: 221, meaning: "*And do not marry polytheistic women until they believe. Indeed, a believing slave woman is better than a polytheistic woman, even if she attracts you. And do not marry polytheists (to believing women) until they believe. Indeed, a believing slave-girl is better than a polytheist, even if she attracts you. They invite to Hell, while Allah invites to Paradise and forgiveness by His permission. And Allah explains His verses to mankind so that they may take heed.*"

This verse emphasizes that the prohibition is a matter of principle, as it concerns the protection of faith and the sanctity of the Muslim household. This prohibition applies universally to both Muslim men and women, thereby precluding marriage to those considered polytheists. In al-Tabari’s exegesis, this prohibition is understood as a safeguard for the religion, ensuring that a Muslim does not fall into disbelief due to the influence of their spouse.⁹

However, in Surah Al-Maidah: 5, the Qur’an provides an exception, meaning: "*Today, all good things have been made lawful for you. The food of the People of the Book is lawful for you, and your food is lawful for them. (And it is permitted to marry) chaste women among the believing women and chaste women from among those who were given the Scripture before you, provided you have paid their dowries, intending to marry them, not intending to commit adultery, nor to take them as concubines.*"

⁹ Al-Tabari, *Jami’ Al-Bayan Fi Ta’wil Al-Qur’an*, Vol. 2 (Beirut: Dar al-Fikr, 1992), 379–381.

This verse explicitly permits Muslim men to marry women of the Book. However, from the very beginning, there has been debate among scholars regarding who is meant by “people of the Book” and how this applies in the contemporary era.

The majority of classical scholars, such as Imam Shafi’i in *al-Umm*, restrict the permissibility of marrying People of the Book to Jews and Christians who still adhere to their original scriptures.¹⁰ From a classical fiqh perspective, Malik ibn Anas adopted a cautious stance toward the practice of marrying women of the People of the Book; the author observes that Imam Malik tended to view this practice as *makruh tanzih*—a form of disliked act that does not reach the level of prohibition, yet is still recommended to be avoided to safeguard the well-being of Muslim families. Imam Abu Hanifah was more lenient, permitting Muslim men to marry women of the Book without restricting whether they still adhere to the original scriptures or not, but still emphasizing the condition that the woman is not an idol worshipper.¹¹

Ibn Qudamah states in *al-Mughni* that although Surah al-Maidah: 5 permits it, this permissibility is still considered *makruh* if there is a risk to the child’s upbringing and the family’s faith. Thus, despite the explicit text, classical scholars remained cautious and emphasized the aspect of public interest.¹²

In the modern context, the debate has become increasingly complex. Some contemporary Islamic thinkers argue that the permissibility of marrying People of the Book is no longer relevant. The main reason is the change in historical conditions. The People of the Book during the time of the Prophet still shared similarities in the practice of monotheism, whereas contemporary Abrahamic religions have undergone many theological changes that are considered incompatible with Islamic monotheism.

Research by Abdullah Saeed (2020) confirms that interfaith marriage in the era of globalization actually has serious implications for children’s religious identity, particularly in Muslim minority communities.¹³ Meanwhile, scholars such as Yusuf al-Qaradawi continue to uphold the permissibility of marrying People of the Book, but with strict conditions: (1) the woman must preserve her honor, (2) she

¹⁰ Al-Shafi’i, *Al-Umm*, Vol. 5 (Beirut: Daar al Fikr, 1990), 48–50.

¹¹ Al-Shafi’i, *Al-Umm*, 50.

¹² Abdullah ibn Ahmad Ibn Qudamah al-Maqdisi, *Al-Mughni, Book of Marriage: Chapter on Marriage to People of the Book* (Riyadh: Dar ‘Alam al-Kutub, 1997), 532–534.

¹³ Abdullah Saeed, “Marriage Across Faiths in Contemporary Islam,” *Journal of Islamic Studies* 31, no. 2 (2020): 245–68.

must not be hostile toward Islam, and (3) there must be a guarantee that the children will be raised according to Islamic teachings.¹⁴

In Indonesia, the Indonesian Ulema Council (MUI), through Fatwa No. 4 of 2005, explicitly prohibits interfaith marriage, whether with polytheists or People of the Book. The primary consideration is *sadd al-dzari'ah* (preventing the means to evil), as interfaith marriage is feared to undermine religious beliefs and confuse the religious status of children.¹⁵

The scholars agree that Muslim women are not permitted to marry non-Muslim men, whether polytheists or People of the Book. This consensus is based on the general nature of Quranic verse 2:221, as well as the argument that the husband in Islam serves as *the qawwam* (head of the household). If the husband is a non-Muslim, there is concern that he will dominate and influence the faith and religious practices of his wife and children.¹⁶

Imam al-Nawawi states in *al-Majmu'* that this prohibition constitutes a non-negotiable consensus (*ijma'*) of the scholars.¹⁷ In fact, some jurists assert that a marriage contract between a Muslim woman and a non-Muslim man is *batil* (invalid) under Islamic law.

From the above discussion, it can be concluded that the textual evidence provides a relatively clear normative framework. The prohibition on interfaith marriage with polytheists is absolute. While the permissibility of marrying People of the Book is indeed mentioned in the Qur'an, its interpretation and application depend heavily on the social context.

Within the framework of *the maqashid al-sharia*, the primary objectives of this prohibition are to preserve the religion (*hifz al-din*) and to preserve the lineage (*hifz al-nasl*). Therefore, although there are limited exceptions, scholars emphasize the protection of family faith as a priority.

Recent research in Islamic law journals confirms that the permissibility of marrying People of the Book is essentially *a rukhsah* (concession), not *an azimah* (primary ruling). In other words, this permissibility applies under certain conditions, but it is not the ideal choice for establishing a Muslim household.¹⁸

Thus, the discourse on interfaith marriage from the perspective of the scriptural texts indicates a broad scope for *ijtihad*. Both classical and contemporary scholars have sought to interpret the texts in accordance with the context of their

¹⁴ Yusuf Al-Qaradawi, *Fiqh Al-Halal Wa Al-Haram Fi Al-Islam* (Cairo: Maktabah Wahbah, 2015), 185.

¹⁵ Fatwa MUI Nomor 4 Tahun 2005 Tentang Pernikahan Beda Agama.

¹⁶ Wahbah al-Zuhaili, *Islamic Jurisprudence and Its Evidence*, Vol. III (Damascus: Dar al-Fikr), 72-73.

¹⁷ Al-Nawawi, *Al-Majmu' Sharh Al-Muhadhdhab*, Vol. 7 (Beirut: Dar al-Kutub al-'Ilmiyyah, 2003), 152.

¹⁸ Nur Aini, "Interfaith Marriage from the Perspective of Maqashid al-Sharia," *Journal of Islamic Law* 21, no. 1 (2023): 45-62.

times, while remaining faithful to the primary principles of the maqashid al-sharia, namely the protection of religion and lineage.

2. Analysis of the 'illat of Interfaith Marriage

The legal rationale behind the prohibition of interfaith marriage can be traced to the philosophical foundations of Islamic law, particularly the protection of religious belief and the sanctity of the family. According to al-Ghazali (*Al-Mustasfa*, vol. 2, p. 125), a valid legal rationale must meet three criteria: (1) *zahir*: the characteristic is evident and recognizable; (2) *mundhabith*: the characteristic is consistent and does not change arbitrarily; and (3) *munasib*: the characteristic is in harmony with the objectives of Sharia.¹⁹ Ibn al-Qayyim al-Jawziyyah explains that Islamic law is always based on wisdom and public interest, so that every prohibition and command has a rational purpose that can be grasped by reason.²⁰ Therefore, the prohibition of interfaith marriage is not merely textual in nature, but has very strong rational considerations.

a. Protection of Faith

The primary aspect serving as the 'illat (*legal rationale*) for this prohibition is the protection of faith (*hifz al-din*). Marriage is not merely a social contract but also a spiritual bond involving matters of belief. When a Muslim marries a non-Muslim partner, there is a significant risk that this bond may compromise the purity of faith, both for the individual and for any children born from the union. Al-Shafi'i, in *al-Umm*, emphasizes that a Muslim must not place their religion in a subordinate position to another religion in family matters, as the family is the fundamental unit in preserving monotheism.²¹

In this context, *the rationale* behind the prohibition becomes clear: the Islamic faith must be safeguarded from any potential deviation or weakening. Indeed, although Surah al-Maidah: 5 permits Muslim men to marry women of the Book, classical scholars such as Malik ibn Anas preferred to prohibit it on the grounds of protecting the faith of children whose mother's religious teachings might influence.²² However, the validity of this 'illat must be systematically examined through the lens of *taghayyur al-ahwal* (changing conditions). First, the classical social conditions underlying *the 'illat* assumed religious homogeneity and strict tribal loyalty, where differences in belief automatically triggered domestic conflict and a threat of apostasy that was *qat'i*

¹⁹ Abu Hamid Muhammad ibn Muhammad al-Ghazali, *Al-Mustasfa min 'Ilm al-Usul*, Vol. 2 (Beirut: Dar al-Kutub al-'Ilmiyyah, 1993), 125.

²⁰ Ibn al-Qayyim al-Jawziyyah, *I'lam al-Muwaqqi'in 'an Rabb al-'Alamin*, Vol. 3 (Beirut: Dar al-Kutub al-'Ilmiyyah, 1991), 11.

²¹ Al-Shafi'i, *Al-Umm*, 50.

²² Malik ibn Anas, *Al-Muwaththa'*, *Book of Marriage* (Beirut: Daar al Fikr, 1999), 534

(certain). Second, compared to contemporary Indonesian conditions, the reality of a multireligious society and urbanization has altered these dynamics; empirical studies reveal disparities in court rulings (Religious Courts vs. District Courts) reflecting variations in social impact in actual practice, where some couples are able to maintain their respective religious identities²³. Third, an analysis of the consistency of the legal rationale (*'illat mundhabith*) indicates that the potential for doctrinal disruption is no longer universal; in some cases, interfaith couples actually respect each other's beliefs without significant conflict, causing the nature of the legal rationale to shift from *qat'i* to *zhanni* (probabilistic), in accordance with the *sadd al-dzari'ah* criterion, which requires proof of the probability of harm. Fourth, the legal implications of these findings demand a shift from an absolute prohibition (*azimah*) toward a *case-by-case* evaluative approach, in which courts may consider the commitment to the child's religious education and the equality of the marital relationship as criteria for an exception (*rukhsah*) to avoid greater harm resulting from legal uncertainty and to protect the child's civil rights.

b. The Sanctity of the Family and the Stability of the Household

In addition to protecting religious beliefs, the next *'illat* is to preserve the sanctity of the family (*hifz al-nasl*) and the stability of the household. In Islam, the family is viewed as a sacred institution with the function of educating future generations. If differences in belief are too stark, this will lead to internal conflict, particularly regarding children's education, religious rituals, and life values.

c. Potential for Gender Inequality

Another dimension that can also serve as an *'illat* is the potential for gender inequality. In the Islamic family structure, men are positioned as *qawwam* (heads of the family) as stated in Surah al-Nisa': 34, meaning: "Men (husbands) are responsible for women (wives) because Allah has given some of them (men) an advantage over others (women) and because they (men) spend from their wealth. Righteous women are those who are obedient (to Allah) and guard their chastity when (their husbands) are absent, for Allah has guarded (them). As for the women from whom you fear disobedience, admonish them, keep them apart in bed, and (if necessary) strike them (in a way that does not cause pain). However, if they obey you, do not seek ways to cause them trouble. Indeed, Allah is Exalted and Great."

This verse affirms that men bear a leadership responsibility toward women for two reasons: first, the advantages that Allah has granted men in terms of physical strength and social capacity; second, men's obligation to

²³ Suryani, "Legal Challenges of Interfaith Marriage in Indonesia: Between Religious Norms and Human Rights."

provide for their families. On this basis, the husband-wife relationship in Islam is founded on responsibility, not domination.

However, in interfaith marriages, particularly between Muslim women and non-Muslim men, there is a greater potential for injustice. The man's position as head of the household grants him significant authority in determining the family's direction, including matters of worship and children's education. If the husband belongs to a different religion, there is concern that Islamic values—which should form the foundation of the family—will be neglected. This risks limiting the wife's freedom to practice her religion while also creating a dilemma regarding raising children in accordance with Islamic beliefs.

Classical scholars have affirmed this principle as a form of protection for women. Imam al-Nawawi, in *al-Majmū'*, explains that the prohibition against Muslim women marrying non-Muslims is a Sharia mechanism designed to preserve the stability of the faith and protect women from external domination. In other words, this prohibition is not merely discriminatory but also has a protective dimension relevant to the maqashid of Sharia, namely, preserving the religion (*ḥifẓ al-dīn*) and preserving the lineage (*ḥifẓ al-nasl*).

In the contemporary context, this issue can also be linked to the principle of gender justice. Islam places women in a noble position by granting them fundamental rights, including the right to practice their religion. If a Muslim woman is married to a non-Muslim man, there is a risk that these rights will be diminished due to the husband's dominance within the family structure. Therefore, this prohibition can be understood as an effort by Islamic law to protect women from harmful subordinate situations, not to restrict their freedom.

This study argues that Islamic legal provisions regarding the prohibition of Muslim women marrying non-Muslim men can be viewed as a form of protection for women's dignity, religious freedom, and rights within the household. This principle aligns with the maqashid al-sharia, as it aims to preserve the integrity of the religion, protect future generations, and ensure that family relationships are conducted fairly and harmoniously.

d. The Concept of *Sadd al-Dzari'ah*: Criteria and Limitations

In *usul al-fiqh*, there is the principle of *sadd al-dzari'ah* (blocking the path to corruption). The prohibition against interfaith marriage can be understood as an application of this principle. Although the text permits marriage to People of the Book, because it opens the door to corruption of faith, education, and domestic stability, that path must be blocked.

In contemporary Islamic law, the application of *sadd al-dzari'ah* is often excessive. It lacks clear evaluative criteria, so that this principle—which is intended to be preventive—can turn into an absolute prohibition without considering the social context or examining each case individually. Therefore, *sadd al-dzari'ah* must be applied with strict criteria to balance its preventive objectives with the social realities of a multireligious society such as Indonesia.

First, the probability of harm must be assessed concretely: not all potential harm must be automatically ruled out, as the level of risk varies between *zhanni* (probable) and *qat'i* (certain). In the context of interfaith marriage in Indonesia, harm to religious belief is not always *qat'i*. Many empirical cases show that interfaith couples actually respect each other's beliefs without significant conflict, and children can still be raised according to Islam through a prenuptial agreement. Therefore, an analysis of *maqāṣid* must distinguish between theoretical concerns and objective impacts on the ground. If the potential for harm is merely speculative (e.g., the possibility of a child being confused about religion), then a total ban cannot be justified without evidence of actual risk in that specific case. Previous studies emphasize that a *maqāṣid* analysis of interfaith marriage must consider both the objective and subjective impacts on the family and society, rather than relying solely on general concerns or theoretical assumptions.²⁴

Second, the principle of proportionality of harm must be considered: A total ban on interfaith marriage in Indonesia often encourages *cohabitation* (living together without marriage) or unregistered “*siri*” marriages, which result in greater harm (*afadhlu al-dhararain*), including the loss of legal protection for wives and children, as well as uncertainty regarding inheritance and guardianship. The disparity in rulings between Religious Courts (which reject such marriages) and District Courts (which grant them, as in Decision No. 916/Pdt.P/2022) demonstrates that legal uncertainty creates a detrimental legal vacuum. In the balance of proportionality, the harm resulting from legal uncertainty and the neglect of children's civil rights is often more tangible than the potential harm resulting from religious differences, which can be mitigated.²⁵

²⁴ Nursyamsi Ichsan, Hamzah Hasan, and Abdul Wahid Haddade, “Interfaith Marriage from the Perspective of Maqasid al-Shari’ah and Its Legal Issues in Indonesia,” *Iqtishaduna: Journal of Shari’ah Economic Law Students* 6, no. 4 (2025): 16.

²⁵ Awaliya Safithri and Hasbi Ash Shiddiqi, “Registration of Interfaith Marriages (A Study on the Protection of Civil Rights and Family Integrity from the Perspective of Maqasid al-Shari’ah),” *Jurnal Hukum Das Sollen* 10, no. 2 (2024): 164–86.

Third, the principle of necessity allows for conditional exceptions: exceptions may be granted when there is a genuine need (*hajah*) or an unavoidable circumstance that, if not addressed, would result in greater harm, such as an individual falling into adultery due to the absence of a spouse of the same faith or pressing biological and psychological urges. In this context, an exception does not mean abolishing the norm, but rather granting a dispensation (*rukhsah*) under strict conditions, such as a written commitment from a non-Muslim husband not to hinder his wife's worship and an agreement regarding the children's education in accordance with Islam. Normative analysis indicates that conflicts between the principles of *maqāṣid al-sharī'ah* and national legal policies can be reconciled if public policy considers a balance between religious values and human rights, as exemplified by the "best interest of the child" principle adopted in several progressive court rulings.²⁶

In this context, MUI Fatwa No. 4 of 2005 employs the principle of *sadd al-dzari'ah* to close the door to potential harm, taking into account administrative, social, and theological realities. Administratively, interfaith marriages often raise issues regarding civil registration because the law links the validity of a marriage to the religious laws of each party. Socially, families from interfaith marriages are prone to internal conflicts, particularly regarding children's education and daily religious practices. Theologically, there is concern that such marriages may weaken the Islamic identity of the Muslim party and the children born into the union.²⁷

In this context, MUI Fatwa No. 4 of 2005 employs the principle of *sadd al-dzari'ah* to close off avenues that could potentially lead to harm, taking into account administrative, social, and theological realities. Administratively, interfaith marriages often raise issues regarding civil registration because the law links the validity of a marriage to the religious laws of each party. Socially, families resulting from interfaith marriages are prone to internal conflicts, particularly regarding children's education and daily religious practices. Theologically, such marriages are feared to weaken the Islamic identity of the Muslim party and the subsequent generation.

Through an evaluative application of the *sadd al-dzari'ah* principle, the MUI and the courts can preempt opportunities that potentially lead to certain harm (*mudarat qat'i*), even though classical texts still reflect differing views on the permissibility of marrying women of the People of the Book. This approach

²⁶ Abdul Aziz, "The Supreme Court's Decision Regarding the Prohibition of Interfaith Marriage and Its Relevance to *Maqasid Al-Shari'ah*," *Jurnal Hukum Islam* 22, no. 1 (2023): 115-138.

²⁷ Basit Misbachul Fitri and Moh. Badrus Sholeh, "Interfaith Marriage from the Perspective of the Indonesian Ulema Council," *JAS MERAH: Journal of Law and Personal Status* 1, no. 2 (2022): 45-62.

aligns with the principle of *maqāṣid al-sharī'ah*, which ensures that marriage remains a means of achieving public interest, family stability, and a strong religious identity, without becoming a source of greater harm to individuals or society. Therefore, Islamic law must function adaptively and contextually in a pluralistic society and allow for exceptions based on clear evaluative criteria in each case presented.

3. Analysis of *Maqashid al-Shari'ah*

The *Maqashid al-Shari'ah* is a fundamental concept in Islamic legal philosophy that emphasizes the primary objectives of Islamic law. Imam al-Shathibi, in **al-Muwafaqat fi Usul al-Shari'ah**, asserts that the *Maqashid al-Shari'ah* serve to safeguard the five essential matters (*al-daruriyyat al-khams*), namely: religion (*hifz al-din*), life (*hifz al-nafs*), intellect (*hifz al-'aql*), lineage (*hifz al-nasl*), and property (*hifz al-mal*).²⁸ In the context of interfaith marriage, there are at least two primary *maqashid* that are highly relevant: *hifz al-din* and *hifz al-nasl*.

First, hifz al-din. Religion is a central element in Muslim households because it serves as the foundation of family values and morality. Interfaith marriages have the potential to cause religious identity conflicts, especially when husband and wife practice their respective religions. For example, differences in worship practices, halal and haram foods, and the determination of religious holidays can lead to friction in daily life.²⁹ From the perspective of *maqashid*, such conditions have the potential to weaken the religious commitment of one of the parties or even the children born to them, thereby contradicting the principle of safeguarding the religion.

Second, hifz al-nasl. Progeny is understood not only in a biological sense, but also in a spiritual and moral sense. Children born of interfaith marriages often face an identity dilemma: whether to follow the religion of the father, the mother, or even choose a middle path that blurs their faith.³⁰ This situation can lead to the erosion of the continuity of faith within Muslim families. Therefore, the prohibition of interfaith marriage reflects an effort to ensure that future generations remain within the integrity of the Islamic faith.

In interfaith marriages, there is a *conflict of objectives (ta'arud al-maqashid)* between *hifz al-din* (restrictions aimed at preserving the purity of faith) and *hifz al-nasl/nafs* (legal avenues to avoid adultery and uncertainty regarding a child's status). Classically, Al-Syathibi (*al-Muwafaqat*, vol. 2, pp. 25–30) established a

²⁸ Al-Syathibi, *al-Muwafaqat fi Usul al-Syari'ah* (Beirut: Dar al-Ma'rifah), 8.

²⁹ Ahmad Hanafi, "Interfaith Marriage from the Perspective of Islamic Law," *Al-Manahij Journal* 13, no. 2 (2021): 210.

³⁰ Nurul Huda, "Religious Pluralism and the Challenges of Interfaith Marriage," *Al-Ahwal: Journal of Islamic Family Law* 12, no. 1 (2022): 55.

mechanism of *tarjih* by prioritizing the most urgent *daruriyyat*, where *hifz al-din* is the primary priority (*ashl*) but may shift under certain conditions. Contemporarily, Jasser Auda emphasizes a systemic approach that considers contextual impacts. Rational justification in the Indonesian context indicates that if an absolute prohibition actually triggers greater harm (such as *cohabitation* without marriage), then *hifz al-nasl* may be prioritized through the dispensation (*rukhsah*) of.³¹ Thus, the prioritization of *maqashid* is dynamic (*taghayyur al-ahwal*), depending on an evaluation of the actual impact on the welfare of the family and society.

In global discourse, the *maqashid* approach is often challenged by universal human rights standards. Although international human rights instruments such as the *Universal Declaration of Human Rights* (UDHR) emphasize the individual's freedom to choose a partner, Islamic law, viewed through the lens of *maqashid*, offers a balanced perspective. As emphasized by Harun et al. (2025), *maqashid* is not merely a tool for legal legitimization but an instrument to ensure the continuity of substantive human values.³² In the context of interfaith marriage, *hifz al-din* (protection of religion) should not be narrowly understood as a restriction on freedom, but rather as the protection of spiritual identity, which is part of human rights. Thus, the prohibition on interfaith marriage from the perspective of *maqashid* should not be framed as an absolute, closed protective measure, but rather as a fundamental rule (*azimah*) that allows exceptions (*rukhsah*) when contextual conditions demand them to avoid greater harm. This is in line with the principle of *the best interests of the child* in international family law, where family stability and the clarity of a child's status are often the primary considerations of the court.³³

4. The Dialectic Between 'illat and Maqashid

Islamic legal philosophy places the *'illat al-shari'ah* and the *maqashid al-shari'ah* in a dialectical and mutually complementary relationship. The *'illat* is understood as the specific reason underlying a legal provision, whereas the *maqashid* are the general objectives that the law seeks to achieve. In other words, the *'illat* serves as a rational bridge for understanding the text, while the *maqashid* provide a teleological direction for the implementation of the law.³⁴

In the context of the prohibition on interfaith marriage, the most prominent *'illat* are the potential for damage to religious faith, domestic disharmony, and

³¹ Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law* (London: IIIT, 2008), 3–5

³² Muhammad Safwan Harun et al., "The Concept of Al-Thawābit and Al-Mutaghayyirāt in Technological Innovation According to Maqāṣid Al-Sharī'ah," *Millah: Journal of Religious Studies* 24, no. 2 (2025): 573–610, <https://doi.org/10.20885/millah.vol24.iss2.art1>.

³³ Jasser Auda, *Re-Envisioning Islamic Scholarship: Maqasid Methodology as a New Approach* (Swansea: Claritas Books & Maqasid Institute, 2021), 17.

³⁴ Wahbah Al-Zuhaili, *Ushul Al-Fiqh Al-Islami* (Damascus: Daar al Fikr, 1986), 117.

uncertainty regarding the children's upbringing. All of these are concrete conditions that can lead to harm if an interfaith marriage takes place. On the other hand, the maqashid of Sharia in this regard emphasize two main aspects: the protection of religion (hifz al-din) and the protection of lineage (hifz al-nasl). Thus, what constitutes the 'illat at the micro level actually serves to realize the maqashid at the macro level. The Qur'an provides a clear illustration in QS. al-Baqarah: 221, meaning: "*And do not marry polytheistic women until they believe...*"

Textually, this verse prohibits marriage with polytheists. This prohibition stems from *the 'illat* – the underlying concern – that the stability of faith within the family might be disrupted. The maqashid – the objectives – to be realized are the preservation of religion so that it is not mixed with other beliefs.³⁵ In other words, this prohibition is not merely normative but serves as a practical instrument to achieve a greater public good.

Imam al-Ghazali, in *al-Mustasfa min 'Ilm al-Usul*, emphasizes that *'illat* cannot be separated from *maqashid*. According to him, a law without a purpose loses its relevance, while a purpose without a clear cause is difficult to implement. Within this framework, the relationship between the two is dialectical: the text provides the legal basis, the *illat* provides the rationalization, and the maqashid provide the direction of the purpose. Therefore, the prohibition of interfaith marriage is well justified not only by the text itself but also by the rationality of the maqashid, which are oriented toward long-term public welfare.

Nevertheless, this dialectic also opens the door to *ijtihad*. Changing social conditions require scholars to reassess whether the *'illat* remains relevant and to what extent the maqashid can be realized in the new context.

A frequently debated example is the permissibility of marrying People of the Book, as stated in QS. al-Maidah: 5, meaning: "*On this day all good (food) is permitted to you. The food (sacrifice) of the People of the Book is halal for you and your food is halal (also) for them. (It is permissible for you to marry) women who maintain honor among believing women and women who maintain honor among those who were given the holy book before you, if you pay their dowry to marry them, not with the intention of committing adultery, and not to make (them) illicit partners (concubines). Whoever disbelieves after believing, then his deeds have been in vain and in the afterlife he will be one of the losers.*"

Some classical scholars, such as Imam Shafi'i and Imam Malik, understood the term "People of the Book" to refer to the Jews and Christians of the Prophet's time who still adhered to their scriptures. However, several contemporary scholars argue that the theological realities of modern Judaism and Christianity have

³⁵ Ahmad Hanafi, "Interfaith Marriage from the Perspective of Islamic Law," *Al-Manahij Journal* 13, no. 2 (2021): 210.

changed significantly and are even considered no longer aligned with the principle of pure tawhid. From the perspective of maqashid, this means that *the 'illat (legal rationale)* for the permissibility of marrying People of the Book is no longer fulfilled, so the ruling on its permissibility can be reconsidered.³⁶ This study argues that changes in theological and sociological conditions (*taghayyur al-ahwal*) have indeed shifted the validity of *the 'illat* permitting marriage to People of the Book from a *qat'i* (certain) status to a *zhanni* (probabilistic) one, but this does not automatically eliminate the possibility of such marriages. Based on a dialectical analysis of *'illat-maqashid*, the author finds that the textual prohibition in QS. al-Baqarah: 221 and the conditional permissibility in QS. Al-Maidah: 5 must be read in a complementary manner: the former establishes the fundamental principle (*azimah*) of protecting religious belief. At the same time, the latter opens the space for an exception (*rukhsah*) when *the preventive 'illat* is not proven in a concrete case.

This difference in perspective demonstrates that Islamic law is not a rigid system, but is always open to the dialectic between the text, *'illat*, and maqashid. Ibn al-Qayyim, for example, asserts that Islamic law is built entirely on the principles of justice, mercy, and the public interest.³⁷ If the application of a law actually causes harm (*mafsadah*) or negates the objectives of sharia, then such application is not in line with the spirit of sharia. It is within this framework that the dialectic between *'illat* and maqashid plays a crucial role in maintaining the flexibility of Islamic law.

In contemporary discourse, the maqashid approach is often employed to address the challenges of pluralism. Some modern Muslim scholars argue that although the text allows for the possibility of marrying People of the Book, *maqashid* necessitate a prohibition to safeguard the faith of future generations.³⁸ This approach emphasizes that maqashid is not merely a supplement to the text, but rather a philosophical framework that provides substantive meaning to the law.

5. Interfaith Marriage in the Indonesian Context

Indonesia is known for its high level of religious and cultural pluralism. Data from the Central Statistics Agency shows that the Indonesian population adheres to a variety of religions, including Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism. This diversity serves as an important foundation for building a democratic national life, yet it also poses serious challenges in the legal sphere, particularly regarding interfaith marriages. The Indonesian Constitution, through Article 29 of the 1945 Constitution, affirms that the state guarantees

³⁶ Ahmad Syafi'i, "A Reinterpretation of the People of the Book in a Modern Context," *Jurnal Islam Nusantara* 2, no. 2 (2021): 98.

³⁷ Ibn Qayyim al-Jawziyyah, *I'lam al-Muwaqqi'in* (Cairo: Maktabah al-Qahirah, 1968), 14.

³⁸ Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law*, 5.

freedom of religion and worship in accordance with one's religion and beliefs. However, when this constitutional principle is implemented in the context of family law, quite complex issues arise.

Interfaith marriages in Indonesia remain a complex legal issue due to the absence of explicit provisions in Law No. 1 of 1974 or Law No. 16 of 2019 that clearly regulate their mechanisms. Consequently, there are disparities in rulings between District Courts and Religious Courts. Several studies have found that differing legal interpretations lead to inconsistencies in marriage registration and the protection of family rights.³⁹ highlights a *legal vacuum* in court practice, while Mursalin⁴⁰ emphasizes that regulatory harmonization is necessary to provide legal certainty for interfaith couples.

Law No. 1 of 1974 on Marriage, specifically Article 2(1), states that "*a marriage is valid if it is conducted in accordance with the laws of each party's respective religion.*"⁴¹ With this formulation of the law, it is clear that the state grants full authority to each party's respective religion to determine the validity of a marriage. Consequently, the Marriage Law implicitly closes the door to the legalization of interfaith marriages, as nearly all religions in Indonesia have rules that do not permit such unions. In other words, national regulations seek to maintain alignment between state law and religious normative principles.

However, in practice, there is a legal loophole that interfaith couples often exploit to proceed with their marriage. One approach they take is to file a petition for marriage registration with a district court. This loophole arises because the Marriage Law does not explicitly prohibit interfaith marriages but only regulates their validity under religious law. Several district courts in Indonesia have granted such petitions, sparking intense debate among academics, legal practitioners, and religious leaders.⁴² For example, the Decision of the Central Jakarta District Court No. 916/Pdt.P/2022/PN.Jkt.Pst serves as an important precedent because it granted a request for the registration of an interfaith marriage, reasoning that: (1) administrative prohibitions must not deprive citizens of their constitutional rights; (2) the inability to register a marriage actually creates a legal vacuum that harms the couple and their children; and (3) the principle of the best interest of the child

³⁹ U.H. Sanjaya, "Interpretation of Interfaith and/or Belief Marriage by Judges: Disparity and Legal Vacuum," *Jurnal Konstitusi* 20, no. 3 (2023): 635.

⁴⁰ A. Mursalin, "The Legality of Interfaith Marriage: Uncovering Disparities in Court Decisions in Indonesia," *UNJA Law Journal* 6, no.1 (2023): 23.

⁴¹ Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan.

⁴² N. Lathifah, "Interfaith Marriage from a Legal Perspective in Indonesia," *Jurnal Ilmiah Hukum* 7, no. 2 (2021): 145-60.

demands legal certainty regarding the child's status.⁴³ However, this ruling has also drawn criticism from conservative circles who argue that the court has overstepped its authority by "altering" religious norms through the interpretation of positive law.

This phenomenon reveals a powerful tug-of-war between two opposing forces: on the one hand, the state's commitment to pluralism, which seeks to provide space for every citizen to live their family life in accordance with their beliefs; on the other hand, religious principles that emphasize the integrity of faith and the protection of future generations. This aligns with the views of legal experts who assess that the conflict between human rights and religious norms in the context of interfaith marriage in Indonesia reflects the tension between universal and particular values present in society.⁴⁴

This phenomenon of legal uncertainty also occurs in other Muslim jurisdictions. Comparative studies show that in Malaysia, despite *the enactment* of strict Islamic family laws, civil courts often face dilemmas when dealing with interfaith couples involving converts.⁴⁵ The difference is that Indonesia has a more fluid space for legal pluralism, yet one that is prone to normative conflicts. This underscores that the issue of interfaith marriage is not merely a domestic problem but a global challenge for countries with *hybrid* legal systems (combining religious and state law). Therefore, the solutions offered cannot be merely textual; they must address the philosophical roots of the law through the dialectic of *'illat* and *maqashid* discussed earlier.

From a policy perspective, there are three main instruments governing interfaith marriages in Indonesia:

- a. Law No. 1 of 1974 on Marriage (as amended by Law No. 16/2019): Article 2, paragraph (1) states that a marriage is valid if conducted in accordance with the laws of each respective religion. This formulation implicitly precludes the legalization of interfaith marriages because nearly all religions in Indonesia prohibit them. However, the absence of an explicit prohibition creates an interpretive loophole that some couples exploit to file petitions with the court.⁴⁶
- b. Fatwa of the Indonesian Ulema Council (MUI) No. 4 of 2005: This fatwa explicitly prohibits interfaith marriage based on *sadd al-dzari'ah* (preventing

⁴³ Amin, et al., "Interfaith Marriage from the Perspective of Maqashid Al-Syari'ah by Jasser Auda: Analysis of Court Decision No. 916/Pdt.P/2022," 145-162.

⁴⁴ A. N Putri, "Legal Pluralism and Interfaith Marriage in Indonesia," *Jurnal Konstitusi* 17, no. 3 (2020): 567-90.

⁴⁵ Hosen, "Interfaith Marriage in Islamic Jurisprudence: Revisiting the Interpretation of Ahl Al-Kitab." 53

⁴⁶ Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan.

the means to evil). The considerations include: (a) the potential for damage to religious beliefs; (b) conflicts in the children's education; (c) the legal uncertainty regarding the children's status; and (d) the destabilization of social harmony.⁴⁷ Normatively, this fatwa is binding on Muslims, but legally it has no binding force over civil courts.

From the perspective of *maqashid al-sharia*, this tension among religious norms, positive law, and constitutional rights underscores the need for more adaptive mechanisms for regulatory harmonization. Some policy options that could be considered include:

- a. *Case-by-Case Approach*: Granting courts discretionary authority to evaluate each petition based on strict criteria, such as commitment to the child's religious education, equality in the marital relationship, and the absence of coercion.
- b. *Conditional Recognition*: Recognizing interfaith marriages under specific conditions, such as a prenuptial agreement regarding the children's religious education and mechanisms for resolving religious conflicts.
- c. *Strengthening Religious Mediation*: Requiring counseling or mediation with a religious institution before a marriage is registered, to ensure that the couple understands the legal and social consequences of their decision.⁴⁸

This legal uncertainty affects not only the normative level but also social practices. Many interfaith couples choose to marry abroad (for example, in Singapore or Australia) and then register their marriage in Indonesia, or choose not to register their marriage at all. Both of these options have serious legal consequences, particularly regarding the status of children, inheritance rights, and protection in the event of divorce.⁴⁹ Therefore, regulatory harmonization is not merely an academic necessity but also a social urgency to provide legal certainty and protection for citizens.

D. CONCLUSION

This study addresses the problem statement regarding the tension between textual norms and the reality of pluralism by asserting that the legal status of interfaith marriage is not *binary* (absolutely permissible or forbidden), but rather conditional based on the validity of the *'illat* within a specific context. Prohibitions of an *azimah* nature remain in effect as a basic norm. However, they may shift to a *rukhsah* if a legal

⁴⁷ Fatwa MUI Nomor 4 Tahun 2005 Tentang Pernikahan Beda Agama.

⁴⁸ Suryani, "Legal Challenges of Interfaith Marriage in Indonesia: Between Religious Norms and Human Rights."

⁴⁹ Mursalin, "The Legality of Interfaith Marriage: Uncovering Disparities in Court Decisions in Indonesia," 113-150.

rationality analysis indicates that applying the prohibition would actually cause greater harm to the protection of life and progeny.

A synthesis of the findings reveals a dynamic dialectic between *'illat, maqashid*, and the Indonesian context. Changes in social conditions (*taghayyur al-ahwal*) have shifted the consistency of the *'illat* for the protection of religious beliefs from a *qat'i* status to a *zhanni* one, such that the mechanism of *sadd al-dzari'ah* cannot be applied generally without an assessment of the probability of harm. In situations of *ta'arud al-maqashid*, legal priorities must be determined through *tarjih* that considers empirical impacts, in which legal uncertainty and the loss of civil protection for children (*hifz al-nasl*) may be prioritized over preventive prohibitions (*hifz al-din*) if the couple's religious commitment can be guaranteed through evaluative mechanisms.

However, this study has a critical limitation: it is normative and philosophical in nature; consequently, it has not tested the empirical validity of the evaluative criteria proposed in day-to-day judicial practice. The analysis has not measured the long-term sociological impact of granting *rukhsah* on the social cohesion of religious communities, nor has it incorporated an in-depth comparative perspective from other Muslim jurisdictions facing similar challenges.

Theoretically, the specific contribution of this study lies in the operationalization of the *istinbat* method, which bridges classical *usul al-fiqh* with Indonesia's hybrid legal system through the formulation of three criteria for testing the *'illat* (probability of harm, proportionality of harm, and the principle of necessity). This fills a methodological gap in the literature on Islamic family law, which previously tended to be trapped in textual debates without measurable analytical tools for case adjudication.

Based on these findings, the agenda for further research is recommended to focus on: (1) an empirical test of this evaluative model through a comparative study of decisions by Religious Courts and District Courts over the past five years; (2) the development of a draft of specific regulations that adopt case-by-case criteria within the Indonesian family court system; and (3) an exploration of the psychosocial impacts on children born of interfaith marriages as a basis for validating the *hifz al-nasl* criteria from a contemporary *maqashid* perspective.

E. REFERENCES

- Ahmed, MS. "Islamic Normative Legal Theory: Framework and Applications." *Journal of Law and Religion* 40, no. 1 (2025).
- Aini, Nur. "Interfaith Marriage from the Perspective of Maqashid al-Sharia." *Journal of Islamic Law* 21, no. 1 (2023).
- Alfitri. "Muslim-Christian Marriages and the Interpretation of Ahl Al-Kitab in a Contemporary Context." *Studia Islamika* 29, no. 1 (2022).

- Al-Ghazali, Abu Hamid Muhammad ibn Muhammad. *Al-Mustasfa min 'Ilm al-Usul*. Vol. 2. Beirut: Dar al-Kutub al-'Ilmiyyah, 1993.
- Al-Jawziyyah, ibn Qayyim. *I'lam al-Muwaqqi'in*. Cairo: Maktabah al-Qahirah, 1968.
- Al-Jawziyyah, Ibn al-Qayyim. *I'lam al-Muwaqqi'in 'an Rabb al-'Alamin*. Vol. 3. Beirut: Dar al-Kutub al-'Ilmiyyah, 1991.
- Al-Nawawi. *Al-Majmu' Sharh Al-Muhadhdhab*. Vol. 7. Beirut: Dar al-Kutub al-'Ilmiyyah, 2003.
- Al-Maqdisi, Abdullah ibn Ahmad Ibn Qudamah, *Al-Mughni, Book of Marriage: Chapter on Marriage with People of the Book*. Riyadh: Dar 'Alam al-Kutub, 1997.
- Al-Qaradawi, Yusuf. *Fiqh Al-Halal Wa Al-Haram Fi Al-Islam*. Cairo: Maktabah Wahbah, 2015.
- Al-Shafi'i. *Al-Umm*. Vol. 5. Beirut: Daar al Fikr, 1990.
- Al-Syathibi. *al-Muwafaqat fi Usul al-Syari'ah*. Beirut: Dar al-Ma'rifah.
- Al-Tabari. *Jami' Al-Bayan Fi Ta'wil Al-Qur'an*. Vol. 2. Beirut: Dar al-Fikr, 1992.
- Al-Zuhaili, Wahbah. *Islamic Jurisprudence and Its Evidence*. Vol. III. Damascus: Dar al-Fikr.
- Al-Zuhaili, Wahbah. *Ushul Al-Fiqh Al-Islami*. Damascus: Daar al Fikr, 1986.
- Amin, Muhammad Nur, et al. "Interfaith Marriage from the Perspective of Maqashid Al-Shari'ah According to Jasser Auda: Analysis of Court Decision No. 916/Pdt.P/2022." *Mutawasith: Journal of Islamic Legal Studies* 6, no. 2 (2023).
- Auda, Jasser. *Maqasid Al-Shariah as Philosophy of Islamic Law*. London: IIIT, 2008.
- Auda, Jasser. *Re-Envisioning Islamic Scholarship: Maqasid Methodology as a New Approach*. Swansea: Claritas Books & Maqasid Institute, 2021.
- Aziz, Abdul. "The Supreme Court's Decision Regarding the Prohibition of Interfaith Marriage and Its Relevance to Maqasid Al-Shari'ah." *Journal of Islamic Law* 22, no. 1 (2023).
- Fatwa MUI Nomor 4 Tahun 2005 Tentang Pernikahan Beda Agama.
- Fitri, Basit Misbachul and Moh. Badrus Sholeh. "Interfaith Marriage from the Perspective of the Indonesian Ulema Council." *JAS MERAH: Journal of Law and Personal Status* 1, no. 2 (2022).
- Hanafi, Ahmad. "Interfaith Marriage from the Perspective of Islamic Law." *Jurnal Al-Manahij* 13, no. 2 (2021).
- Hanafi, Sahrul. "Interfaith Marriage from the Perspective of Tafsir." *Jurnal Riset Ilmiah* 3, no. 1 (2026). <https://doi.org/https://doi.org/10.62335/sinergi.v3i1.2286>.
- Harun, Muhammad Safwan, et al. "The Concept of Al-Thawābit and Al-Mutaghayyirāt in Technological Innovation According to Maqāṣid Al-Sharī'ah." *Millah: Journal of Religious Studies* 24, no. 2 (2025). <https://doi.org/10.20885/millah.vol24.iss2.art1>
- Hosen, N. "Interfaith Marriage in Islamic Jurisprudence: Revisiting the Interpretation of Ahl Al-Kitab." *Indonesia Law Review* 10, no. 2 (2020).
- Huda, Nurul. "Religious Pluralism and the Challenges of Interfaith Marriage." *Al-Ahwal: Journal of Islamic Family Law* 12, no. 1 (2022).
- Ichsan, Nursyamsi, Hamzah Hasan, and Abdul Wahid Haddade. "Interfaith Marriage from the Perspective of Maqasid al-Shari'ah and Its Legal Issues in Indonesia."

- Iqtishaduna: Journal of Shari'ah Economic Law Students* 6, no. 4 (2025).
- Lathifah, N. "Interfaith Marriage from a Legal Perspective in Indonesia." *Jurnal Ilmiah Hukum* 7 No 2, no. 2 (2021).
- Malik ibn Anas. *Al-Muwaththa', Book of Marriage*. Beirut: Daar al Fikr, 1999.
- Mursalin, A. "The Legality of Interfaith Marriage: Uncovering Disparities in Court Decisions in Indonesia." *UNJA Law Journal* 6, no. 1 (2023).
- Putri, A. N. "Legal Pluralism and Interfaith Marriage in Indonesia." *Journal of the Constitution* 17, no. 3 (2020).
- Rahman, F. "Illat al-Shari'ah and the Prohibition of Interfaith Marriage: A Jurisprudential Analysis." *Al-Jami'ah Journal of Islamic Studies* 57, no. 2 (2019).
- Saeed, Abdullah. "Marriage Across Faiths in Contemporary Islam." *Journal of Islamic Studies* 31 No. 2 (2020).
- Safithri, Awaliya and Hasbi Ash Shiddiqi. "Registration of Interfaith Marriages (A Study on the Protection of Civil Rights and Family Integrity from the Perspective of Maqasid al-Sharia)." *Das Sollen Law Journal* 10, no. 2 (2024).
- Sanjaya, U.H. "Judges' Interpretation of Interfaith and/or Belief-Based Marriages: Disparity and Legal Vacuum." *Jurnal Konstitusi* 20, no. 3 2023.
- Suryani, D. "Legal Challenges of Interfaith Marriage in Indonesia: Between Religious Norms and Human Rights." *Journal of Law and Development* 52, no. 3 (2022).
- Syafi'i, Ahmad. "Reinterpretation of People of the Book in a Modern Context." *Jurnal Islam Nusantara* 10, no. 2 (2021).
- Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan.
- Zainuddin, A. "The Philosophy of Marriage in Islamic Law: Between Normativity and Social Reality." *Journal of Islamic Family Law Studies* 3, no. 1 (2021).