



**AN EXAMINATION OF INTERFAITH MARRIAGE FROM THE PERSPECTIVE OF
ISLAMIC THEOLOGY**

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Abstract

Marriage is a physical and mental bond between two people who live a family life. Interfaith marriage is a problem that occurs in society. This type of research is qualitative using the library study method (Library Research) by collecting data obtained from various literatures so that it can be selected and correlated with the research title and analyzed using a theological approach to obtain conclusions. The purpose of this study is to determine the analysis of interfaith marriages in the perspective of a theological approach. The results of this study are two conclusions; first, Q.S Al-Baqarah: 221 is a strict prohibition of interfaith marriage because it has a close relationship to divinity and gives birth to offspring that have an influence on education in the development of Islam. Second, Q.S Al-Maidah: 5 allows interfaith marriage on the condition that a Muslim marries a woman of the book who maintains her honor (muhshanat) and prohibits interfaith marriage for a Muslim woman who marries a member of the book (non-Muslim) or a disbeliever.

Keywords: Interfaith Marriage, Theological Approach, Islam

Abstrak

Pernikahan merupakan ikatan lahir dan batin antara dua insan yang menjalani kehidupan berkeluarga. Pernikahan beda agama menjadi problematik yang terjadi di masyarakat. Jenis penelitian ini kualitatif dengan menggunakan metode studi pustaka (Library Research) dengan pengumpulan data yang didapatkan dari berbagai literatur sehingga dapat dipilih dan dikorelasikan dengan judul penelitian serta dianalisis menggunakan pendekatan teologis untuk memperoleh kesimpulan. Tujuan penelitian ini untuk mengetahui analisis pernikahan beda agama dalam perspektif pendekatan teologis. Hasil dari penelitian ini yaitu terdapat dua kesimpulan; pertama, Q.S Al-Baqarah: 221 larangan tegas adanya pernikahan beda agama karena memiliki hubungan erat terhadap ketuhanan dan melahirkan keturunan yang memberikan pengaruh pada pendidikan dalam perkembangan Islam. Kedua, Q.S Al-Maidah: 5 membolehkan pernikahan beda agama dengan syarat seorang muslim menikahi perempuan ahli kitab yang menjaga kehormatannya (muhshanat) dan melarang pernikahan beda agama bagi seorang Muslimah yang menikah dengan seorang ahli kitab (non-muslim) atau kafir.

Kata kunci: Pernikahan beda Agama, Pendekatan Teologis, Islam



A. INTRODUCTION

It is normal for humans to have lustful nature within themselves, this nature then becomes a seed for these humans to want an act called marriage. Marriage is a bond between two human beings who live together to continue their lineage. (Nasution & Sahpitri, 2021) Marriage is a sacred event that occurs in society. Events in marriage are often accompanied by ceremonies according to the customs of each region. Marriage aims to perfect one's life in order to create a *sakinah, mawaddah, warahmah* family. Marriage is carried out with a series of rules that must be obeyed by the community.

The importance of marriage in people's lives, making the relationship between two people legal. Indonesia applies rules in the implementation of marriage in order to create a systematic state order in accordance with humanitarian norms. Marriage in Indonesian legislation must be registered to determine the validity of marital status. This means that in addition to practicing law according to religious beliefs, registration is also a condition for the validity of marriage in the state. In addition, marriage rules in Indonesia must adhere to the same religion of belief. This is stated in Law Number 1 of 1974 quoted from Rachmadi Usman (Usman, 2017).

In Islamic law, marriage is a contract to obey Allah's commands and carrying it out is an act of worship. The marriage contract is chanted in order to create a relationship between two people who will live life together. The Qur'an explains that marriage is not only a means of channeling biological needs but can also bring peace to one's life where every human being can create paradise in the world. The Indonesian Ulema Council (MUI) issued a fatwa on the prohibition of interfaith marriages stipulated in Number 4/MUMAS VII/MUI/8/2005, the contents of which are; first, interfaith marriage is haram and invalid. Second, the marriage of a Muslim man with a woman of the book according to *qaul mu'tamad* is haram and invalid. This is quoted from Syarifah Sofwan Yahya and Ramdan Fawzi (Ramdan Fawzi, 2021).

Indonesia is a country known for its diversity of customs, tribes, races, and beliefs of different religions. This difference certainly has different rules and norms. In the current era, the development of modern times and highly sophisticated technology, many cases of marriage are carried out not in accordance with the rules of religious law and existing laws. Nowadays, there are many problems that arise related to the legal procession of marriage. Although marriage law in Indonesia has been systematically formed to avoid marriage problems. However, we still often find that problems in the marriage procession often occur. One of them is the case in interfaith marriage.



Society in Indonesia itself is divided into six different religions recognized by the state. Social relations between individuals of different religions are often discussed, both in the academic and non-academic realms, including the concept of interfaith marriage between individuals. It is not uncommon for the theme of interfaith marriage to often cause diverse reactions even to strong reactions and high turmoil. In marriage, it is difficult to unite two families that are different in terms of culture without careful and hard work, let alone differences in terms of religion. However, behind this problematic if seen from a social point of view is a good thing because it can create religious harmony starting from a small scope, namely the family. (Silfanus, 2022)

Interfaith couples are often an obstacle for a relationship that wants to get married. Nowadays, there are many couples who live together without a legal bond because of the problem of different religions. This kind of relationship will certainly not go well because it causes complicated problems and violations of the law in social life. Interfaith couples are not something new in Indonesian society. In fact, there are also a lot of interfaith couples to the level of marriage. However, interfaith marriage does not mean that the issue is not disputed, but it tends to always cause controversy in society.

This research refers to research conducted by Nur Asiah as in the study the results obtained that the provisions of Indonesian positive law do not expressly prohibit interfaith marriages. However, from the existing provisions and Indonesia's position as a non-secondary country. So, it is interpreted that Indonesia cannot have an interfaith marriage. If this happens, it is a violation of the constitution. Meanwhile, in the research conducted by Sri Wahyuni, there are research results that interfaith marriages after the enactment of the Marriage Law are relatively difficult to do. By not clearly regulating interfaith marriage in the Marriage Law, there is a polemic in its understanding and implementation. Apart from the polemical reality, currently the reality of society still requires the legality of interfaith marriages.

Based on the explanation above, the problem formulations can be drawn, namely; first, what is meant by interfaith marriage? Second, what is the theological approach? Third, how is religious marriage in the perspective of theological approach? Through this formulation, this study aims to determine the analysis of interfaith marriage based on the perspective of the theological approach.

B. RESEARCH METHODS

In this study, researchers used a type of qualitative research with the Library Research method. According to Abdul Rahman Sholeh in Muhammad Mustofa's book, Library Research is



research conducted by receiving information data using existing facilities in the library in the form of documentation (Mustofa, et al, 2023). The data collection technique in this study was carried out by examining and studying various literature as the main reference in accordance with the subject matter under study (Jaya, 2020). The analysis technique used is to use a theological approach to the data obtained. In this study, data obtained from various documentation were selected and correlated with the research title. So that it is analyzed in accordance with the theory to obtain conclusions.

C. RESULT AND ANALYSIS

1. Marriage in Islam

According to Mustafa Al-Khin in the book Yani C. Lesar, marriage is interpreted etymologically from the word nikah, in Arabic namely نكح-ينكح-نكاحا which means marriage (التزوج). Nikah has the meaning of berakad (العقد), intercourse (الوطء) and fun (الاستمتاع) (Burhanuddin, 2012). While in terminology, marriage is a contract that makes the relationship between a man and a woman halal as husband and wife so that a family is created in accordance with certain terms and conditions (Burhanuddin, 2012). According to Wantjik Saleh, quoted from Sri Wahyuni's article, marriage is a physical bond and a mental bond. The physical bond is a relationship that is clearly visible that a man and woman have a legal bond as husband and wife or can be called a formal bond. Meanwhile, the inner bond is a bond that is not visible, but must exist in a relationship because without the inner bond, the outer bond will be fragile (Wahyuni, 2011).

From the above understanding, it can be explained that marriage is a legally binding relationship between husband and wife. This mutually binding relationship is an aspect of social in society. In addition, the marriage relationship is a form of obedience to God Almighty to form a happy and eternal family.

Sheikh Zakaria Al-Anshori states that marriage is: (Al-Anshari, t.t.)

هُوَ لَعْنَةُ الضَّمِّ وَالْوَطْءِ وَشَرُّ عَا عَقْدٍ يَتَضَمَّنُ إِبَاحَةَ وَطْءٍ بِلَفْظِ إِنْكَاحٍ أَوْ نَحْوِهِ

Meaning: "Nikah in language means gathering or having intercourse, and in Shara means a contract that implies the permissibility of having marital relations using the word nikah or its equivalent."

As for the term itself, it is divided into various definitions, but the author only reveals two here, namely the definition of the Shafi'iyah scholars and the definition of marriage broadly and includes all the consequences of marriage. The definition reads: (Rusyada, t.t.)



النكاح لغة: الضم والجمع. ومنه تناكحات الأشجار إذا تمايلت و اضم بعضها إلى بعض وشرعا: عقد يتضمن اباحة وطء بلفظ انكاح او تزويج او ترجمة

Meaning: “Marriage in language: means to bring together and gather. The occurrence of marriage between trees and trees is leaning and mixing with each other. Meanwhile, according to Shara' is a contract that contains legal provisions for the permissibility of sexual intercourse with lafads nikah or tazwij or the meaning of both “.

The next definition was coined by Muhammad Abu Zahrah, as quoted by Basri:

عقد يفيد حل العشرة بين الرجل والمرء وتعاونهما ويحد مالكيهما من حقوق وما عليه من واجبات

Meaning: “An agreement that gives the legal effect of the permissibility of establishing family relations (husband and wife) between a man and a woman and establishing help and giving limits to the rights of the owner and the fulfillment of obligations for each”.

The occurrence of marriage is due to the binding lafadz, namely the lafadz nikah or lafadz which means similar to marriage, namely tazwij. As well as having rights and obligations that must be fulfilled as a result of establishing a marriage bond.

As for the pillars of marriage, it consists of five pillars as explained by Sheikh Zakaria al-Aanshari, he stated in his book: (Al-Anshari, t.t.)

أَرْكَائُهُ " خَمْسَةٌ " زَوْجٌ وَزَوْجَةٌ وَوَلِيٌّ وَشَاهِدَانِ وَصَبِيغَةٌ

Meaning: “The article on the pillars of marriage and others. There are five pillars of marriage: the groom, the bride, the guardian, two witnesses, and the shighat.”

Therefore, it can also be concluded that in order for the marriage to be carried out and said to be valid, it must fulfill all five pillars without missing one of them. Because if one of the pillars is not carried out, then the marriage is canceled. If it is still continued to establish a household relationship, then it can be said that the relationship between the man and woman at that time is categorized as adultery.

2. Theological Approach

According to Juhaya S. Praja quoted from Aulia Diana Devi and Seka Andrian, theology is the origin of the word theos and ology which becomes theology in English. Ology comes from the Greek root word logos which means conversation, study and research, or rational structures that can be understood through human speech and thinking. Then Theos in Greek means God, something related to God. So, theology is interpreted as a rational research related to God. So, according to Abuddin Nata in the quotation from Aulia Diana Devi and Seka Andrian, the



normative theological approach is an attempt to understand and examine religion using the framework of the science of divinity from a belief that the empirical form of a religion is considered the most correct compared to others.(Devi & Andrian, 2021)

Theology is a divine normative plenary that cannot be denied and can be proven to answer human doubts and provide humans with systematic knowledge. With the belief and closeness of humans to Allah SWT, it can be a good manifestation in human life (Ghazali, 2004). Theology is the foundation of human ethical life. The science of theology as a scientific education must constantly develop itself with its methods and contents as a science.

The theological approach has a relationship with religious studies that is very complex. The theological approach focuses on the concept of knowledge about divinity (2002). Theology discusses the basic teachings of a religion that is understood in depth to give a person beliefs with a strong foundation so that it is not easily swayed by the circulation of the times. Theology in Islam is also called the science of tawhid (Nur Mufidah, 2017).

Historically, Islam has several theological schools, namely liberal, traditional and liberal and traditional theological schools. The occurrence of several differences in the thinking of scholars in the field of theology so that it gives influence on the implications of forming different mindsets. The development of Islamic theology in the Islamic world is divided into three periods or epochs, each of which has its own characteristics and characteristics which include classical times (650-1250 AD), medieval times (1250-1800 AD), modern times (1800 onwards) (Nur Mufidah, 2017).

3. Interfaith Marriage In Islamic Perspective

The policy in Indonesia and still an actual issue today even though it has emerged from classical times in Islamic law is the draft on interfaith marriage. Law Number 1 of 1974 concerning Marriage has regulated all aspects of marriage nationally. Although these rules have been made, there are rules that have not been included in the Law on Marriage, namely the rules on interfaith marriage. Different religion marriage itself means different beliefs between the bride and groom, and still maintain their respective beliefs when establishing household ties. Article 2 paragraph 1 in Law No. 1 of 1974 also only states that marriage is valid if it is carried out based on the laws promoted by each religion, so if the religion is said to be valid then the state officially recognizes the marriage.

Basically, before the enactment of Marriage Law No. 1 of 1974, Indonesia had implemented



an intergroup law on mixed marriages related to marriage, namely *Regeling op de Gemengde Huwelijken (GHR)* or regulations on mixed marriages as contained in *Staatblad 1898 Number 158*. (Abdurrahman, 2011) In GHR it is stated that differences in religion cannot be used as a basis for preventing marriage. However, after the enactment of Marriage Law No. 1 of 1974, it is stated in article 66 that all previous marriage provisions are declared invalid.

Islam prohibits its followers from marrying different religions. Because basically, marriage has very complex rules and laws and is related to God. In the perspective of a theological approach, interfaith marriage can be seen normatively and historically. Based on a normative theological approach, interfaith marriage is something that is against the law and sharia. This is clearly explained in Q.S Al-Baqarah: 221 that Muslim men and women are prohibited from marrying polytheists unless they have believed. even though these people have beautiful and beautiful faces, are rich, dashing and so on, believing women and men who are slaves are better to marry than polytheist women and men.

The implementation of marriage must be in accordance with the rules of sharia in religion. So, marriage will be valid if it follows the terms and conditions of marriage. In Islam, marriage has conditions and pillars of marriage, among others: (Shamad, 2017)

- a. The requirements for the prospective groom are Islam, not a mahram to the prospective wife, no coercion, not in a state of ihram for Hajj or Umrah, knowing the legal guardian for the marriage contract, knowing the prospective wife is a woman who is lawfully married, and not having four legal wives at one time.
- b. The requirements for the bride-to-be are Islam, not in a state of idah, not in a state of ihram for Hajj or Umrah, no coercion, not a mahram woman with the prospective husband, and not the status of someone else's wife.
- c. The requirements for the guardian are: fair, Muslim, puberty, male, free, not ungodly, disbeliever and apostate, not in the state of Ihram Hajj or Umrah, not defective in mind, voluntary and not coerced, not mufis or withheld power and property.
- d. The requirements for witnesses are: Islam, male, puberty, intelligence, freedom, at least two people, understanding the content of the *ijab* and *qabul*, being able to hear, see and speak, fairness, and not being a guardian.



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- e. The conditions for ijab and qabul are that both parties have attained the age of puberty, and that the ijab and qabul are in the same place (i.e., the ijab and qabul must not be interrupted by other words that could prevent the ijab and qabul).

Being Muslim for the bride and groom is a requirement for the validity of marriage in Islam. Same religion marriage will provide peace and tranquility in the family because they have the same beliefs. However, it cannot be denied that the phenomenon of interfaith marriage is still common in society. In fact, this practice has occurred in the past because of the need for interaction between humans who even have different religious ties. This is what makes interfaith relationships happen. Examined from a number of verses in the Qur'an, there are five marriage events from a religious point of view throughout the history of mankind as follows: (Amin Suma, 2015)

- a. Marriage of a believing man with a kafirah woman. An example of such a marriage is the marriage experienced by prophet Noah and prophet Luth. Both were believers who were very obedient and pious. Both of them also had a wife who was classified as disbelievers, wicked and hypocrites.
- b. Marriage of a Muslim woman with a disbelieving man. This incident was experienced by a Muslim woman named Siti Aisyah who was married to the king of Pharaoh who was a disbeliever. Pharaoh was not only a pagan polytheist but also crowned himself as a god. This marriage was not an intentional marriage, but rather Siti Aisyah's compulsion to save her parents from the torture of the Pharaoh.
- c. Marriage of a disbelieving man and a karifah woman. An example is the marriage between Abu Lahab and Ummu Jamil. This marriage between infidels was common and still continues to this day.
- d. Marriage between a Muslim man and a Muslim woman. This is the most ideal and most frequent marriage among Muslims, starting from the prophets, saints, righteous people, pious people, and most of the marriage partners performed by Muslims. Many people prove that same-religion marriages are basically not to dominate or monopolize Muslims, but have become a common tradition that applies in almost all societies of other religions. This is also what makes the continuity of marriage remain strong.
- e. Interfaith marriages between Muslim men and non-Muslim women, such as the marriages carried out by some of the companions of the prophet Muhammad Saw. Among the companions of the prophet are Hudzaifah bin Al-Yaman who married a Jewish woman from



الْيَوْمَ أَجَلَ لَكُمْ الطَّيِّبَاتِ وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ جِلٌّ لَكُمْ وَطَعَامُكُمْ جِلٌّ لَهُمْ وَالْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ إِذَا آتَيْتُمُوهُنَّ أُجُورَهُنَّ مُحْصِنِينَ غَيْرَ مُسْفِحِينَ وَلَا مُنْجِذِي أَخْدَانٍ وَمَنْ يَكْفُرْ بِالْإِيمَانِ فَقَدْ حَبِطَ عَمَلُهُ وَهُوَ فِي الْآخِرَةِ مِنَ الْخَاسِرِينَ

Meaning: On this day is lawful for you that which is good. The food of those who are given the Book is lawful for you, and your food is lawful for them. (And it is lawful to marry) the chaste among the believing women and the chaste among those who were given the Book before you, when you have paid their dowries with the intention of marrying them, not for the purpose of fornication, nor to keep them as concubines. Whoever disbelieves after faith (does not accept the laws of Islam). Then his deeds will be nullified and he will be among the losers on the Day of Judgment.

This verse explains that a Muslim man can marry a believing woman and a woman of the Book who maintains her honor (muhshanat). A Muslim is allowed to marry such a woman under the condition that he is obliged to provide for her, not with the intention of committing adultery and not to be used as a slave. On the other hand, a Muslim woman is explicitly not allowed to marry a man of the Book (non-Muslim) or a disbeliever who is not a man of the Book. The imams of the madhhab explained the meaning of women of the book (Khoirul Asfiyak, et al., 2023):

a. Hanafi Imam

Those included in the group of people of the book are all people who have belief in one prophet and book that Allah revealed (not just Jews and Christians).

b. Imam Syafi'i

What is meant as the people of the book according to Imam Syafi'i is only Jews and Christians descendants of the Children of Israel.

c. Imam Malik

He stated that those who are not Jews and Christians are not people of the book.

d. Imam Hambali

e. Anyone who believes in one of the prophets or one of the books revealed by Allah is a member of the People of the Book.

In addition to the explanation of marriage based on Islam above, Article 40 letter c and Article 44 of the Compilation of Islamic Law explicitly regulate the prohibition of marriage between Muslim men and non-Muslim women and Muslim women and non-Muslim men. The article states that marriage between a man and a woman under certain circumstances is prohibited;



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

The Compilation of Islamic Law was enacted based on Presidential Instruction No. 1 of 1991. However, because the Compilation of Islamic Law is not enforced by law, legal experts state that the Compilation of Islamic Law is not facultative (Fuadi & Sy, 2020).

Based on several descriptions, it explains the explicit prohibition of interfaith marriage and its permissibility under certain conditions. And it is important to note that interfaith marriage in terms of the Indonesian State is a social legal issue. Meanwhile, if studied theologically, interfaith marriage becomes a problem in marriage. As the purpose of marriage is not just to prioritize the issue of love and affection. However, the holding of marriage aims to worship, get closer to Allah SWT by increasing faith and piety in oneself. So, if a marriage of different religions is carried out, it becomes a problem in every person. Marriage unites two people to live together to achieve life goals until the end of life. However, the existence of religious differences has become one of the conflicts of not having the same goals in terms of beliefs. Theologically, interfaith marriage makes two people who are not responsible to God, do not make marriage as a goal to worship God, do not have the same beliefs and vision and mission in faith. Making religion only a label in the self, not a guide in life to continue to believe, believe in the existence of God. So, it becomes a strict prohibition for interfaith marriages to be carried out by every human being. So that humans can grow and live by holding fast to the belief and faith in Allah as a god who is willing and omnipotent over all things.

D. CONCLUSION

Interfaith marriage in the perspective of Islamic theological approach is explained in Q.S Al-Baqarah: 221 and Al-Maidah: 5. In Q.S Al-Baqarah: 221, there is an assertion that interfaith marriage is something that is prohibited by religion. This prohibition is because marriage has a close relationship with divinity and will give birth to offspring who bring influence in the development of Islam. In addition, interfaith marriages bring people to hell. However, if marriage is carried out by two people who have the same beliefs and beliefs, it will bring them happiness in the world and the hereafter. Whereas in Q.S Al-Maidah: 5, that there is the permissibility of a Muslim marrying a woman of the book who keeps her honor (muhsanat) and it is not allowed for a Muslim woman to marry a man of the book (non-Muslim) or a pagan man who is not a member



of the book.

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