

Ahl Al-Kitab and the Laws of Marriage (Implementation of Interpretation Method)

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Abstract. The issuance of SEMA (Supreme Court Circular Letter) No. 2 of 2023, revived the discussion about the meaning of ahl al-kitab in surah al-Maidah verse 5. Al-Qur'an as a holy book is responsible for explaining the terms used so that people do not misunderstand them, according to one of its functions, namely, al-baiyyinah (explainer). One of them is the term ahl al-kitab. This study is very important because it relates to the issue of marriage. This paper aims to understand the meaning of ahl al-kitab in the Qur'an by using the interpretation method that has been passed down by scholars. This was done to be guided and avoid mistakes. This study is in the form of library research (literature) with a method (content analysis) in the form of reduction, verification, and inference steps. This paper concludes that Ahl al-kitab are Jews and Christians descended from the Children of Israel who still believe, and they are the ones who are allowed to marry. Even so, reality teaches that a new marriage will be lasting and peaceful, if there is conformity in the views of life between husband and wife, especially in matters of religion.

Keywords: ahl al-kitab, Judaism, Christianity, marriage

Introduction

The publication of SEMA (Supreme Court Circular) No. 2 of 2023, which restricts judges from approving marriage registration petitions for couples of different religions. Researchers in Islamic law have discovered both advantages and disadvantages. The conversation centered on Surah al-Miadah verse 5, which reads;

الْيَوْمَ أُحِلَّ لَكُمْ الطَّيِّبَاتُ وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حَلَلٌ لَكُمْ وَطَعَامُكُمْ حَلَلٌ لَهُمْ وَالْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ
وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ إِذَا آتَيْتُمُوهُنَّ أُجُورَهُنَّ مُحْصِنِينَ غَيْرَ مُسَافِحِينَ وَلَا مُتَّخِذِي
أَحْدَانٍ وَمَنْ يَكْفُرْ بِالْإِيمَانِ فَقَدْ حَبِطَ عَمَلُهُ وَهُوَ فِي الْآخِرَةِ مِنَ الْخَاسِرِينَ (المائدة: 5)

This day is permitted for those of you who are good. The food (slaughter) of those who were given the book is halal for you, and your food is halal (too) for them. (And permissible mangawini) Women who maintain honor among believing women and women who maintain honor among those who were given the Bible before you, if you have paid their dowry intending to marry them, not to commit adultery, and not (also) take them as concubines. Whoever disbelieves after believing (does not accept Islamic laws). So erase his deeds and he will be among the losers on the Day of Resurrection. (QS: 5:5)

This verse uses the word ahl al-kitab to explain the law of the permissibility of eating and marrying them. The discussion over the bounds of the ahl al-kitab has gotten heated among the ulama. Even Maulana 'Ali chastised the ulama who refused to accept the Magi as people of the book. Even though the Qur'an explicitly identifies the Shabi'ah as people of the book since they possess a holy book. In essence, all faiths with sacred texts, including Hinduism, are all biblical, which means that eating and marrying them is halal, even if they are of a different religion.

In sociological reality, Indonesian culture has numerous interfaith marriages; so, the CLD-KHI (Counter Legal Draft-Compilation of Islamic Law) Chapter Interfaith marriages (between Muslims and non-Muslims) are legal in Islam. Religious belief is not a legal necessity for marriage, and changing religions after marriage does not render the marriage unlawful. The state requires interfaith marriages to be recorded.¹ This is supported by a comprehension of the meaning of ahl al-kitab in the Qur'an.

¹Marzuki Wahid, *Fiqh Indonesia Kompilasi Hukum Islam dan Counter Legal Draft Kompilasi Hukum Islam dalam Bingkai Politik Hukum Indonesia*, (Bandung: Marja, 2014), Cet ke-1, h. 218. Pada tanggal 12 Oktober 2004, Menteri Agama Said Agil Husin Almunawwar mengeluarkan surat teguran yang intinya agar Pokja PUG tidak menyebarkan naskah CLD-KHI atas nama Departemen Agama, atas desakan berbagai ormas Islam melalui MUI. Sikap ini dipertegas oleh Maftuh Basyuni setelah dilantik menjadi Menteri Agama Kabinet Indonesia Bersatu semasa SBY. Pembekuan disampaikan tanggal 26 Oktober 2004. Lihar Wahid, *Fiqh*, h. 269-272.

As previously indicated, one of the Qur'an roles is al-baiting (explain)...الهدى من وبيانات... (...and explanation of guidance...(QS.2:185)). This implies that the Qur'an must also clarify the phrases used so that they are not misunderstood. This includes the phrase ahl al-kitab. Furthermore, this relates to marriage difficulties, which comprise half of religious teachings. As a result, comprehending the people of the Bible is critical, and the ulama has inherited techniques for interpreting the Qur'an. This study is crucial because if it is misunderstood, it will have disastrous effects in practice, which is a huge loss for Muslims who wish for happiness in this life and the hereafter. Although the meaning of ahl al-kitab has been explained in numerous tafsir and fiqh texts, these studies are simply descriptive. Abdul Jalil authored *Interfaith Marriage in Indonesia: Islamic Law and Positive Law; Andragogy; Technical Training Journal* Vol. VI No. 2 July 2018. Nurlizam, *Interfaith Marriage in Indonesia: The Qur'an and Positive Law, Ulunnuha Journal*, Vol. 8, No. 2, December 2019. Ilham, Muhammad Taqin; *Journal of Sharia and Law* Vol.2. No. January 1-June 2020. *Interfaith Marriage in the Study of Islamic Law and National Legal Order*. Their results are nearly identical, meaning that there is a synergy between verse (religious) and positive legislation in the ban of interfaith marriages. Sindy Cantonia and Ilyas Abdul Majid, *A Legal Review of Interfaith Marriages in Indonesia from the Perspective of Marriage Law and Human Rights; Rewang Rencang: Lex Generalis Law Journal*, Vol. 2. No. 6 (June 2021). Declaring that the difficulties of marrying people of various religions in Indonesia have the potential to violate human rights. *Laws on Interfaith Marriage According to Indonesian Ulama, Wiwin Siti Aminah et al; Istinbath Journal* Vol. 15. No. 1. 2020. It was concluded that the restriction on marrying non-Muslim women meets features of fairness and is consistent with Indonesian social realities. Meanwhile, the purpose of this essay is to investigate the meaning of the ahl al-kitab using interpretative approaches acquired from the ulama and then related to their meaning regulations. This study is structured as a library research, including content analysis procedures such as reduction, verification, and inference processes.

Methods of Qur'anic Interpretation

First, the way of knowing, interpreting, and deriving law from the Qur'an is ranked; the highest is an interpretation of the Qur'an using the Qur'an itself. Second, Sunnah-based interpretation. The third

interpretation is that of the buddies. Fourth, there is the interpretation of tabi'in. Fifth, there is the interpretation of tabi'i tabi'in, and sixth, there is the interpretation based on reason or ijihad.²

Interpretive styles are formed by grouping the first, second, third, and fourth-ranked approaches to understanding the Qur'an; bi al-Ma'tsur. The fifth and sixth techniques, on the other hand, are believed to have a bi ar-Ra'y pattern. Tafsir bi al-ma'tsur is a collection of knowledge found in the Qur'an, Sunnah, or the statements of the Companions that serve as an explanation of Allah's SWT message.³ Meanwhile, according to az-Zahaby and as-Suyuthy, tafsir bi al-ma'tsur is an explanation and detail of the Qur'an itself about certain of its verses, the interpretation carried out by Rasulullah SAW, his associates, and tabi'in in the form of explanation of Allah SWT's message in the Qur'an.⁴ According to the two numbers above, tafsir bi al-matsur is divided into four categories: tafsir al-Qur'an with al-Qur'an, tafsir al-Qur'an with sunnah, tafsir al-Qur'an with the history of the shahabah, and tafsir al-Qur'an with tabi'in history.

The interpretation of the Qur'an with the Qur'an is one of the most noble methods of interpretation and is now widely recognized. Because Allah SWT understands the message better than anybody. The Book of Allah SWT is the most accurate; there is no disagreement between the two, from beginning to end.⁵ As a result, the worth and dependability of the Qur'an interpretation with the Qur'an are the greatest and highest. The suggestion is that the mofussil should be interpreting work to grasp the munasabah of one verse about another.

Second, the technique of interpreting the Qur'an is based on the sunnah, which in this instance explains the Qur'an if there is no explanation in the Qur'an itself, because the sunnah's place or purpose is as an explanation of the Qur'an, as verse sounds:

يَتَفَكَّرُونَ وَلَعَلَّهُمْ إِلَيْهِمْ نُزِّلَ مَا لِلنَّاسِ لِيُبَيِّنَ الذِّكْرَ إِلَيْكَ وَأَنْزَلْنَا وَالرُّبُوبُ بِالْبَيِّنَاتِ

²Syarial Dedi, Ta'wil dan Elastisitas hukum Islam; Konsep Ta'wil Madhhab Ushul al-Hanafiyyah dan ash-Shafi'iyyah serta Relevansinya dengan Pembaharuan Hukum Islam di Indonesia, (Bandung: Ihyaa'ut-Tauhiid, 2018), Cet ke-1, h. 51-56. Juhaya S. Praja, 2014, Filsafat Hukum Antara Madzhab-madzhab Barat dan Islam, Bandung: Latifah Press IAILM dan Yayasan Prof. Dr. Juhaya Setyaprajda Center Bandung, Cet ke-1, h. 57-58.

³Muhammad Ali ash-Shabuni, at-Tibyan fi Ulum al-Qur'an, (Bairut: [t.tp], 1985), h. 63.

⁴Muhammad Husein az-Zahabi, at-Tafsir wa al-Mufasssirun, (Kairo: Dar al-Kutub al-Haditsah, 1978), h. 152.

⁵As-Shabuni, at-Tibyan, h. 69.

(We sent them) with (bringing) clear proofs (miracles) and books. We sent down the Zikr (Al-Qur'an) to you so that you explain to people what has been revealed to them and so that they think. (QS: 16:44)

The Prophet SAW's interpretation of Qur'anic passages was based on divine revelation rather than his personal opinions. The explanation of the Prophet SAW with genuine sanad is without doubt true and must be followed.⁶ In this instance, the interpreter must really be careful and carefully filter the narrations that are based on the Prophet SAW.

The approach of comprehending the Qur'an based on friends ranks third. The famous friends as mofussil numbered 10 people, namely, four khulafa ar-Rashid plus Ibn Mas'ud (d. 32 H.), Ibn Abbas (d. 68 H.), Ubay bi Ka'ab (d. 32 H.), Zaid bin Sabit (d. 48 H.), Abu Musa ash-Ash'ary (d. 50 H.) and 'Abd bin Zubair (d. 74 H.). However, only a few khulafa ar-Rashid preached asar (explanation of the companions) except Ali bin Abi Talib (d. 40 AH).⁷

According to Al-Hakim (d. 204 H.), if the saheeh are deemed marque, it is because they observed the revelation and grasped the things underlying the revelation, that their hearts were clean, allowing them to correctly interpret the Qur'an.⁸ The shahabah had gathered with the Prophet SAW, saw the revelation, and were familiar with the asbab an-nuzul; their character was clean, their nature was straight, and their eloquence was great. Their understanding of the Qur'an's mysteries will undoubtedly surpass that of others.⁹ Ibn Salah stated that if the companion's interpretation of the asbab an-nuzul does not employ ra'y, then it is regarded as markup.¹⁰ This indicates that it has the same status as the muttashil hadith, and if the interpretation does not refer to asbab an-nuzul and employs ra'y, it is deemed marque and does not have to be followed since the companions are mujtahids who can be correct or wrong.¹¹

Fourth, tabi'in is the basis for interpreting the Qur'an. Their interpretation is still considered, especially when no meaning of a verse

⁶Ash-Shabuni, at-Tibyan, h. 69.

⁷Ash-Shabuni, at-Tibyan, h. 72.

⁸Ahmad Syarbasy, Sejarah al-Qur'an, (Jakarta: Pustaka Firdaus, 1985), h. 5.

⁹Syarbasy, Sejarah, h. 69.

¹⁰Muhammad 'Abd al-Azim az-Zarqany, Manahil al-Irfan fi Ulum al-Qur'an, ([t.t]: Isa al-Bab al-Halaby, [t.th]), h. 481.

¹¹Az-Zarqany, Manahil, h. 148.

can be found in the Qur'an, Sunnah, or Shahabah history. In reality, some scholars consider tafsir tabi'in to include tafsir bi al-matsur, while others consider it to include tafsir bi ar-ra'y and ijihad.¹²

There is disagreement about whether tabi'in readings of the Qur'an contain tafsir bi al-mature. It begins with tafsir bi al-ma'tsur. The first opinion presents the rationale that the tabi'in had met the companions, and it turns out that in general, the tabi'in only repeated the companions' sayings in the early tabi'in tafsir volumes. In this scenario, according to Muhammad Abu Syuhbah, if the tabi'in agree on a matter, their opinion can be presented as proof, even if it is merely the view of their friends. If they disagree, the view of some of them cannot be recognized as proof, neither for their circle (tabi'in) nor for future generations. Second, it is worth noting that Ta'wil and ijihad are formed by the tabi'in remarks.¹³

Tabi'in's interpretation of the Qur'an on furu' concerns cannot be used as proof since it is the mufassir's opinion on the disputed topic. If the tabi'in agree on a matter, their view can be used as proof, even if it is based only on the shahabah's opinion. If they disagree, however, some of their ideas cannot be regarded as proof, either for themselves or for the following generation.¹⁴

The interpretation of the Qur'an based on the maturity of the companions, or tabi'in, contains various flaws, including:

1. Mixing of the authentic and the inauthentic, a lot of quotations of phrases attributed to shahabah or tabi'in without any backing or provisions, resulting in a mix of what is true and what is incorrect.
2. Narratives influenced by israiliyyah and khurafat tales, which contradict Islamic aqidah, have been introduced by Muslims from individuals who were formerly people of the book.
3. Among them are people who have many points of view and spread lies about some of their pals. For example, the Shi'ite faction is obsessive about 'Ali and followers of the Abbasids to

¹²Muhammad Basuni Faudah, at-Tafsir wa Manjihuhu, penerjemah M. Muchtar Zoerni dan Abd Qadir Hamir, (Bandung; Pustaka, 1987), h. 35-36.

¹³Faudah, Muhammad Basuni, at-Tafsir wa Manjihuhu, penerjemah M. Muchtar Zoerni dan Abd Qadir Hamir, (Bandung; Pustaka, 1987), h. 42.

¹⁴Taqi ad-Din Ahmad bin 'Abd al-Halim bin 'Abd Salam bin Taimiyah, Muqaddimah fi Ushul at-Tafsir, (Kuwait: Dar al-Qur'an al-Azhim, 1971), h. 105.

take a position before the rulers, they believe it is from Ali or Ibn 'Abbas, even if this is not true.

4. The adversaries of Islam, the Zindiq, insert shahabat and tabi'in in the same way they put the Prophet SAW in his statements. Instigating and creating hadiths, is aimed to undermine religion.¹⁵

In response to the aforesaid prerequisites, az-Zarqani stated that there are two sorts of tafsir bi al-mature: first, the interpretation whose reasons fulfill the standards of being authentic and accepted; and second, the interpretation whose arguments do not meet the requirements of being authentic and accepted. Such an interpretation is neither worthy of being rejected by anybody, nor is it justifiable in being ignored and forgotten. Second, interpretations whose reasoning or sources are invalid owing to the aforementioned issues or for other reasons. As a result, it must be rejected, cannot be accepted, and is unworthy of study. As a result, it is vital to evaluate the truth, eliminating what is false or sharif, as Ibn Kathir (d. 774 AH.) did.¹⁶

Fifth, the technique of comprehension of the Qur'an is based on Atba'a at-Tabi'in or interpretation based on the understanding of individuals who live by tabi'in. Tafsir is classified as bi ar-ra'y tafsir by ulama. The second sort of interpretation is bi ar-ra'y, which is based on the interpreter's reasoning process. The interpretation is frequently influenced by the real scenario and environment, as well as the interests at stake. This circumstance allows for variances in a verse's interpretation, resulting in mistakes in conclusions (Steinbach). In reality, leaning too much on the strength of human intellect without being supported by solid evidence, despite Allah SWT's unequivocal statement:

ذُرِّيَّةَ مَنْ حَمَلْنَا مَعَ نُوحٍ ۗ إِنَّهُ كَانَ عَبْدًا شَكُورًا

And do not follow what you do not know of. Indeed, hearing, sight, and heart, will be asked to be held accountable. (QS:17:36)

¹⁵Ash-Shabuny, at-Tibyan, h. 70-71.

¹⁶Ash-Shabuny, at-Tibyan, h. 71.

The definition of Ahl al-Kitab

The phrase ahl al-kitab is made up of two words: ahl and al-kitab. Ahl means "friendly, happy, or like".¹⁷ The term ahl can also refer to a group of individuals who dwell in a certain location,¹⁸ Residents, adherents, followers, or those who have settled are all examples of adherents. Aside from that, this term refers to something with a very tight link, such as family, family, or relatives.¹⁹ The term ahl was then incorporated into Indonesian to become an expert with comprehension; first, a competent person truly knows a science (skill). Second, individuals, family, relatives, and members of a group.²⁰ While the word al-Kitab is taken from the word kataba (كتب), linguistically it means writing, dictating, book or book, writing, and decision.²¹ The term biblical also implies to gather, as in stitching tanned animal skins together.²² Because it is a collection of various lafaz, Allah SWT's Word delivered to His apostles is known as al-Kitab. As a result, the sacred writings revealed to Allah SWT's prophets, such as the Tawrat, Zabur, Gospel, and Al-Qur'an, are referred to as al-Kitab. Thus, the phrase ahl al-kitab refers to a group of religious followers who hold sacred texts.

The ulama are divided on the bounds of the people of the book, but they all believe that Jews and Christians are people of the book, as the verse states:

قُلْ يَا أَهْلَ الْكِتَابِ لَسْتُمْ عَلَىٰ شَيْءٍ حَتَّىٰ تُتْفِمُوا التَّوْرَةَ وَالْإِنْجِيلَ وَمَا أُنزِلَ إِلَيْكُمْ مِنْ رَبِّكُمْ وَلَيَزِيدَنَّ كَثِيرًا مِنْهُمْ مَا أُنزِلَ إِلَيْكُمْ مِنْ رَبِّكَ طُغْيَانًا وَكُفْرًا فَلَا تَأْسَ عَلَى الْقَوْمِ الْكَافِرِينَ (المائدة: 68)

Say: "O people of the book, you are not considered religious in the slightest until you uphold the teachings of the Tawrat, the Bible, and the Koran which were revealed to you from your Lord." Indeed, what has been sent down to you (Muhammad) from your Lord will

¹⁷Louis Ma'luf, al-Munjid fi al-Lughah wa al-A'lam, (Bairut: Dar asy-Syuruq, 1986), h. 20.

¹⁸G. Vadja, 'Ahl al-Kitab', dalam Encyclopedia of Islam, (Leidens: E. J. Brill, 1960), h. 257.

¹⁹Munawwir, Kamus, h. 46.

²⁰Tim Penyusun Kamus Pusat Pembinaan dan Pengembangan Bahasa Indonesia Departemen Pendidikan dan Kebudayaan, Kamus Besar Bahasa Indonesia, (Jakarta: Balai Pustaka, 1988), h. 11.

²¹Munawwir, Kamus, h. 1187.

²²Ar-Raghb al-Isfahani, Mu'jam Mufradad Alfaz al-Qur'an, (Bairut: Dar al-Fikr, 1992), h. 440.

increase disobedience and disbelief among most of them; So do not be sad for those who disbelieve. (QS: 5:68)

The Tawrat and the Gospel are the holy texts of the Jewish and Christian religions, respectively, and are mentioned in the line above. Prophet Musa (AS) received the Tawrat, whereas Prophet Isa (AS) received the Gospel. However, the Qur'an never refers to Muslims as "people of the book".²³

The name Bible was traditionally used to refer to the Jewish and Christian religious groups throughout the time of the Prophet SAW and his companions. They did not name him Ahl al-kitab save for the two of them. The Magi, for example, were not referred to as persons of the world, even though they were very well-known at the time. ook.²⁴ Rasulullah SAW's missionary letters to several Christian kings beyond the Arabian Peninsula, such as Heraclius and Muqauqia, ended with a call to the people of the book to reach an agreement (kalima away), or at the very least, they recognized the existence of Muslims. Although it did not finish with such an appeal, the letter to an-Najjasi, the King of Ethiopia, who also practiced the Jewish faith, declared the Prophet Muhammad's acknowledgment of the Prophet Isa as, demonstrating that there is a link between 'aqidah and its teachings. That was not indicated in the letter to Kisra Persian, who practiced the Magian religion. This demonstrates that the Magi were not a part of the organization of the book's readers.²⁵

Imam ash-Shafi'i reserved the word ahl al-kitab for Jews and Christians of Israeli origin. Meanwhile, other cultures that practice Judaism and Christianity are not termed Bible people.²⁶ This viewpoint was shared by al-Qasimi (d. 1914 AD), although it encompassed ethnicities other than the Bani Isra'il who practiced the Jewish and Christian faiths before the arrival of the Prophet Muhammad SAW.

²³Muhammad Galib, , Ahl al-Kitab Makna dan Cakupannya, (Jakarta: Paramadina, 1998), Cet ke-1, h. 28.

²⁴Galib, Ahl al-Kitab, h. 28.

²⁵Galib, Ahl al-Kitab, h. 37.

²⁶M. Quraish Shihab, Wawasan al-Qur'an, (Bandung: Mizan, 1996), h. 366. Agaknya Imam asy-Syafi'i tidak memahami ahl al-kitab sebagai komunitas penganut agama yang dibawa Nabi Musa as. dan Nabi Isa as., tetapi memahaminya sebagai komunitas etnis, yaitu Bani Isra'il. Alasannya adalah, bahwa kedua nabi tersebut hanya diutus kepada Bani Isra'il. Dengan demikian orang yang menganut agama Yahudi dan Nasrani selain dari keturuna Bani Isra'il tidaklah dikategorikan pada ahl al-kitab. Lihat Galib, Ahl al-Kitab, 30.

Meanwhile, individuals who converted to Christianity after the Prophet Muhammad SAW's sending, such as the Bani Tighlab, were not termed Bible people, and their killing of animals was prohibited.²⁷ However, the majority of al-Hanabalah academics and ash-Shafi'iyah scholars believe that the ahl al-kitab particularly refers to the Jewish and Christian communities.²⁸ Ath-Thabari interprets all al-kitab as adherents of the Jewish and Christian religions, regardless of where their forebears came from.²⁹ This is also the viewpoint of Quraish Shihab.³⁰

The shabi'un, according to Abu al-Aliyah (d. 39 H.), were a group of Ahl al-kitab individuals who studied the holy book Zabur. This suggests that the breadth of the Ahl al-kitab's bounds expanded during the tabi'in period. According to history, there are Salaf scholars who believe that any persons who hold books that might be deemed holy texts, such as the Magi, are likewise included in the concept of Ahl al-kitab. This is due to indirect evidence that the Magi were also among the Bible's people,³¹ as the word of Allah SWT which reads:

إِنَّ الَّذِينَ آمَنُوا وَالَّذِينَ هَادُوا وَالصَّابِغِينَ وَالنَّصَارَى وَالْمَجُوسَ وَالَّذِينَ أَشْرَكُوا إِنَّ اللَّهَ يَفْصِلُ بَيْنَهُمْ يَوْمَ الْقِيَامَةِ إِنَّ اللَّهَ عَلَى كُلِّ شَيْءٍ شَهِيدٌ:

Indeed, for those who believe, the Jews, the Shabi'in, the Christians, the Magi, and the polytheists, Allah will judge between them on the Day of Resurrection. Indeed, Allah witnesses everything. (QS: 22:17)

Scholars such as Abu Hanifah and al-Hanafiyah, as well as certain al-Hanabilah, think that anybody who believes in one of the prophets or the books given by Allah SWT is an ahl of the book, and this includes groups such as Jews and Christians. Thus, if there is a group that exclusively believes in the Zabur revealed to the Prophet Dawud (AS) or Shuhuf Ibrahim AS, and he is a Sith, he is also an ahl of the book.³² Asy-Syahrastani (d. 548 H.) attempted to distinguish between Jews and

²⁷Muhammad Jamal ad-Din al-Qasimi, Tafsir al-Qasimi, (Kairo: 'Isa al-Babi al-Halabi, 1958), jilid 6, h. 1863. Pemahaman al-Qasimi melihat konteks komunitas dakwah Nabi Musa as. dan Nabi Isa as., yaitu Bani Isra'il sebagaimana bunyi ayat 5-6 surat ash-Shaff. Lihat Galib, Ahl al-Kitab, h. 32.

²⁸Badran Abu al-'Aynayn Badran, al-'Aqalah al-Ijtima'iyah bayn al-Muslimin wa Ghayr al-Muslimin, (Iskandariyah: Mu'assasah Syabab al-Jami'ah, 1984), h. 41.

²⁹Ath-Thabari, Tafsir, jilid 6, h. 102.

³⁰Shihab, Wawasan, h. 368.

³¹Abdul Hamid Hakim, al-Mu'in al-Mubin, (Jakarta: Bulan Bintang, 1977), jilid 4, h. 54.

³²M. Quraish Shihab, Wawasan al-Qur'an, (Bandung: Mizan, 1996), h. 367.

Christians who had holy books and Magian believers who simply had books akin to holy books and were designated as shibh ahl al-kitab.³³

Muhammad 'Abduh considers Jews, Christians, and Shabi'un to be people of the book,³⁴ is mentioned in Surah al-Baqarah verse 62. This was followed by his disciple Rasyid Ridha, who included the Magi, Hinduism, Buddhism, Kong Fu Tse, and Shinto.³⁵ Even Maulana 'Ali chastised the ulama who refused to accept the Magi as people of the book. Even though the Qur'an explicitly identifies the Shabi'ah as people of the book since they possess a holy book. All faiths with sacred texts, including Hinduism, can be categorized as al-kitab.³⁶

Getting married to an Ahl al-Kitab

Marriage with Ahl al-kitab ladies is mentioned in surah al-Maidah verse 5 above. This passage solely mentions the permissibility of marriage between Muslim men and women from the Bible, and it makes no mention of the contrary. If such marriages were authorized, the passage would undoubtedly confirm it.³⁷ The phrase al-ladzina utul al-kitab refers to the individuals who received the book. Those who own the book are referred to as Ahl al-kitab. The basic meaning of ahl al-kitab is then restricted to verses such as Surah al-Maidah verse 68. This passage refers to the Tawrat and the Gospel, which are holy books of the Jewish faith given to the Prophet Musa (a.s.), and we are holy in the Christian religion delivered to the Prophet Isa. Thus, ahl al-kitab refers to adherents of the Jewish and Christian faiths. This comprehension is enhanced by Surah ash-Shaff verses 5-6, which are read in full:

³³Asy-Syahrastani, *al-Milal wa an-Nihal*, (Bairut: Dar al-Fikr, [t.th]), h. 209.

³⁴Muhammad 'Abduh, *Tafsir al-Qur'an al-Karim Juz 'Amma*, (Kairo: Dar wa Mathabi' asy-Sya'b, [t.th]), h.101.

³⁵Muhammad Rasyid Ridha, *Tafsir al-Qur'an al-Karim*, (Bairut: Dar al-Ma'rifah, [t.th]), jilid 4, h. 189-190. Pendapat Ridha, memperluas makna ahl al-kitab ini didasarkan pada kenyataan sejarah dan informasi al-Qur'an, bahwa ada Rasul pada tiap-tiap umat yang menunjukkan kebenaran sebagaimana bunyi ayat 24 surat Fathir, an-Nisa' ayat 164, al-Ghafir ayat 78. Dengan demikian, pemeluk agama yang ada sekarang, selain Yahudi dan Nasrani, tidak mustahil bahwa ajaran agama mereka dan kitab sucinya berdasarkan wahyu dari para nabi dan rasul terdahulu. Tetapi perkembangan agama dan kitab sucinya mengalami perubahan di tangan pemeluknya, sehingga sulit untuk diterima kebenarannya. Lihat Ghalib, *Ahl al-Kitab*, h. 35-36.

³⁶Maulana Muhammad Ali, *Islamologi*, penerjemah R. Kaelan dan H.M. Bachrun, judul asli "The Religion of Islam", (Jakarta: Ikhtiar Baru, 1977), h. 412.

³⁷Shihab, *Wawasan*, h. 197.

من دان دين اليهود والنصارى من الصائبين والسامرة أكلت ذبيحته وحل نساؤه³⁸

وَإِذْ قَالَ مُوسَى لِقَوْمِهِ يَا قَوْمِ لِمَ تُؤْذُونَنِي وَقَدْ تَعَلَّمُونَ أَبِي رَسُولَ اللَّهِ إِلَيْكُمْ فَلَمَّا زَاغُوا أَزَاعَ اللَّهُ قُلُوبَهُمْ وَاللَّهُ لَا يَهْدِي الْقَوْمَ الْفَاسِقِينَ وَإِذْ قَالَ عِيسَى ابْنُ مَرْيَمَ يَا بَنِي إِسْرَائِيلَ إِنِّي رَسُولُ اللَّهِ إِلَيْكُمْ مُصَدِّقًا لِمَا بَيْنَ يَدَيَّ مِنَ التَّوْرَةِ وَمُبَشِّرًا بِرَسُولٍ يَأْتِي مِنْ بَعْدِي اسْمُهُ أَحْمَدُ فَلَمَّا جَاءَهُمْ بِالْبَيِّنَاتِ قَالُوا هَذَا سِحْرٌ مُبِينٌ (الصف: 6-5)

And (Remember) when Musa said to his people: "O my people, why do you hurt me, when you know that I am truly Allah's messenger to you?" So when they turned away (from the truth), Allah turned away their hearts; and Allah does not guide the wicked. And (Remember) when Jesus ibn Maryam said: "O Children of Israel, indeed I am a messenger of Allah to you, confirming the book before me, namely the Tawrat, and giving good news about (the coming of) a Messenger who will come after me, whose name is Ahmad (Muhammad) ." So when the Apostle came to them with clear evidence, they said: "This is real magic." (QS: 61:5-6)

Thus, the ahl al-kitab who can marry are descendants of the Bani Isra'il, according to Imam ash-Shafi'i, who said:

المسلمة لا تحل لمشرك بحال والمرأة المشركة قد تحل للمسلم بحال وهي أن تكون كتابية³⁹

According to this statement, Muslim women cannot marry non-Muslim men for any reason, whereas non-Muslim women (kitabiyyah) are occasionally permitted for Muslim men for various reasons. This indicates that this option is exclusively available to males, not women, and the ladies in issue are Jews or Christians, as mentioned in the following paragraph:

من دان دين اليهود والنصارى من الصائبين والسامرة أكلت ذبيحته وحل نساؤه⁴⁰

The slaughter is halal to eat for members of the Jewish and Christian religions of the Shabi'in and Samirah people, and women may marry.

³⁸Asy-Syafi'i, al-Umm, jilid 4, h. 289. Sa'ibin adalah nama golongan yang mengikuti nabi-nabi zaman dahulu dan Samiri merupakan nama dari salah satu suku Bani Isra'il.

³⁹Muhammad bin Idris asy-Syafi'i, al-Umm, (Bairut: Dar al-Kutub al-'Ilmiyyah, [t.th]), jilid 4, h. 287.

⁴⁰Asy-Syafi'i, al-Umm, jilid 4, h. 289. Sa'ibin adalah nama golongan yang mengikuti nabi-nabi zaman dahulu dan Samiri merupakan nama dari salah satu suku Bani Isra'il.

Adherents of Judaism or Christianity as their ancestors' faith since before the Prophet Muhammad was sent (before the Qur'an was revealed), are the ladies of the Bible who can marry. New converts to Judaism or Christianity after the Qur'an's revelation are not regarded as ahl al-kitab. because there are words *قيلكم من* which became qayid ahl al-kitab in verse 5 of Surah al-Maidah. The possibility of marrying a kitabiyyah woman is permitted, provided the lady is al-muhshanat. Al-muhshanat means "firm, strong, and free from disgraceful actions".⁴¹ Respectable women who always maintain their chastity, and who respect the holy books.⁴² Respectable ladies who keep their virginity and truly revere the sacred writings.⁴³ "I am afraid that you are marrying a woman who does not maintain her honor among them," 'Umar Ibn al-Khaththab wrote to Hudhaifah bin al-Yaman, requesting that he divorce the Jewish woman he had recently married.⁴⁴ As a result, marrying a Kitabiyyah woman is not as simple as it appears. Nonetheless, the chance exists since Ali Imran's letter verses 113-115 teaches us that there are individuals in the book who are consistent with the teachings of tawhid and others who are not.

Ibn 'Umar, on the other hand, still barred marriage between Muslim men and women from ahl al-kitab, since Allah SWT had forbidden Muslim men from marrying polytheist women, and he had never known of a bigger shirk than someone who believed that the Prophet Isa as. as God.⁴⁵ This viewpoint appears to be shared by the Ash-Shafi'iyyah school of thought, which forbids Muslim males from

⁴¹Munawwir, Kamus, h. 272. Al-Asfahani, Mu'jam, h. 120

⁴²Makna tersebut dipahami dari penggunaan kata utuw yang selalu digunakan untuk menjelaskan pemberian yang agung lagi terhormat. Lihat Shihab, Wawasan, h. 198.

⁴³Yusuf al-Qardhawi, Fatwa-fatwa Kontemporer, penerjemah As'ad Yasin, judul asli "Hady al-Islam Fatawi al-Mu'ashirah, (Jakarta: Gema Insani Press, 2001), jilid 1, h. 587-589. Pada awalnya, Yahudi, Nasrani (Kristen) dan Islam berdasarkan tawhid yang sama. Istilah modernnya monotaisme. Perkembangann selanjutnya kemurniaan tawhid hanya dipelihara oleh Islam dan Yahudi. Orang Islam dalam syahadatnya mengatakan: "Tiada Tuhan selain Allah". Sementara syema (syahadat) orang Yahudi mengesakan: "Dengan Israil, Tuhan kita satu". Tetapi kemurnian tawhid dalam agama Kristen dengan adanya faham trinitas, sudah tidak terpelihara lagi. Lihat Harun, Islam, jilid 1, h. 22.

⁴⁴Al-Qardhawi, Fatwa, h. 594-595. Di samping alasan itu, ada kekhawatiran Umar bahwa langkah Huzaimah diikuti oleh sahabah lain, sehingga menjadi fitnah bagi wanita-wanita muslim. Berkurangnya minat mengawini wanita muslim, sementara sebahagian umat Islam sembarangan tentang syarat ihsha>n (menjaga kehormatan) yang telah digariskan al-Qur'an. Lihat al-Qardhawi, Fatwa, h. 594.

⁴⁵Al-Qardhawi, Fatwa, h. 585-586.

marrying Christian women since they believe in the Trinity. The following passage explains this idea:

وَقَالَتِ الْيَهُودُ عُزَيْرٌ ابْنُ اللَّهِ وَقَالَتِ النَّصَارَى الْمَسِيحُ ابْنُ اللَّهِ ذَلِكَ قَوْلُهُمْ بِأَفْوَاهِهِمْ يُضَاهِئُونَ قَوْلَ الَّذِينَ كَفَرُوا مِنْ قَبْلُ قَاتَلَهُمُ اللَّهُ أَنَّى يُؤْفَكُونَ اتَّخَذُوا أَحْبَابَهُمْ وَرُهْبَانَهُمْ أَرْبَابًا مِنْ دُونِ اللَّهِ وَالْمَسِيحَ ابْنَ مَرْيَمَ وَمَا أُمِرُوا إِلَّا لِيَعْبُدُوا إِلَهًا وَاحِدًا لَا إِلَهَ إِلَّا هُوَ سُبْحَانَهُ عَمَّا يُشْرِكُونَ (التوبة: 31-30)

The Jews said: "Uzair was the son of Allah" and the Christians said: "The Messiah was the son of Allah". That is what they said with their mouths, they imitated the words of the previous disbelievers. Cursed by their Allah, how did they turn away? They made their pious people and their monks gods other than Allah and (they also deified) the Messiah, son of Mary, even though they were only told to worship the One God, there is no god (who has the right to be worshipped) besides Him. Glory be to Allah for what they associate with each other. (QS: 9:30-31)

Even if the transformation of the tawhid creed into a trinity indicates that the culprit has done shirk, it does not officially confer the designation of polytheist on them. This supposition is based on the interpretation of al-Bayyinah's letter provided below:

إِنَّ الَّذِينَ كَفَرُوا مِنْ أَهْلِ الْكِتَابِ وَالْمُشْرِكِينَ فِي نَارِ جَهَنَّمَ خَالِدِينَ فِيهَا أُولَئِكَ هُمْ شَرُّ الْبَرِيَّةِ (البينة: 6)

Indeed, those who do not believe are the people of the book, and polytheists will enter and live in hell. They are the most heinous monsters. (QS: 98:6)

This passage differentiates between book people and polytheists.⁴⁶ The word mushrik is the term fail from syaraka (شرك), according to the language, it means to make someone or something an ally.⁴⁷ Meanwhile, in the definition of the term, it is a person who worships idols and does not follow a divine religion (التي تعبد الأوثان وليس لها دين).⁴⁸ Therefore, the ulama agrees that it is permissible to marry Ahl al-

⁴⁶Ayat yang semakna dengan ini ialah surat al-Baqarah ayat 105.

⁴⁷Ibn al-Manzur, Lisan al-'Arabi, (Bairut: Dār Hay'a at-Tasa al-'Arabi, [t.th]), Cet ke-2, jilid 12, h. 333.

⁴⁸Muhammad 'Ali ash-SHabuni, Rawai' al-Bayan Tafsir Ayat- al-Ahkam min al-Qur'an, (Bairut: Dar al-Fikr, [t.th]), jilid 1, h. 221.

kitab but prohibits marrying a polytheist, as explained in the following verse:

وَلَا تُنكِحُوا الْمُشْرِكَاتِ حَتَّى يُؤْمِنَ وَلَا أُمَّةٌ مُؤْمِنَةٌ حَيْرٌ مِنْ مُشْرِكَةٍ وَلَوْ أَعْجَبَكُمْ وَلَا تُنكِحُوا الْمُشْرِكِينَ حَتَّى يُؤْمِنُوا
وَلَعَبْدٌ مُؤْمِنٌ حَيْرٌ مِنْ مُشْرِكٍ وَلَوْ أَعْجَبَكُمْ أُولَئِكَ يَدْعُونَ إِلَى النَّارِ وَاللَّهُ يَدْعُو إِلَى الْجَنَّةِ وَالْمَغْفِرَةِ بِإِذْنِهِ وَيُبَيِّنُ آيَاتِهِ
لِلنَّاسِ لَعَلَّهُمْ يَتَذَكَّرُونَ (البقرة: 221)⁴⁹

And do not marry polytheist women, until they believe. Indeed, a believing slave woman is better than a polytheist woman, even if she attracts your heart. And do not marry polytheists (to believe women) before they believe. Indeed, a believing slave is better than a polytheist, even if he attracts your heart. They invite them to hell, while Allah invites them to heaven and forgiveness with His permission. And Allah explains His verses (His commandments) to people so that they learn a lesson. (QS: 2:221)

The verses of surah al-Maidah and surah ash-Shaff above explain the typical pronunciation of ahl al-kitab. If there is a disagreement on the meaning of a passage, it must be returned to the Koran. This is in accordance with Surah an-Nisa'i verse 59:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ
كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا (النساء: 59)

O you who believe, obey Allah and obey (His) Messenger and the ulil amri among you. Then, if you have different opinions about something, return it to Allah (the Qur'an) and the Messenger (sunnah), if you truly believe in Allah and the Last Day. That is more important (for you) and the consequences are better. (QS: 4:59)

Returning to the Koran by confining the book's people to Jews and Christians of Bani Isra'il origin who are still believers is consistent with the mashed asy-shari'ah, or religious preservation. At the mashallah ad-dharuriyyah level, religion is a human necessity.

⁴⁹Ungkapan لا تتكحوا المشركات secara umum pada zahirnya menerangkan bahwa ahl al-kitab bukanlah perempuan-perempuan musyrik, dan secara khusus menurut kontennya tidak dinasikh bahwa perempuan ahl al-kitab tidak masuk di dalamnya. Ash-Shabuni, Rawai', jilid 1, h. 226.

This viewpoint is consistent with the MUI fatwa issued on June 1, 1980, which said that marriage between Muslim women and non-Muslim males was prohibited. In the meanwhile, it is prohibited for a Muslim man to marry a non-Muslim woman. In the case of a marriage between a Muslim man and a Bible scholar, the MUI rules that the mafsadah is larger than the mash and hence the marriage is haram.⁵⁰

The MUI fatwa was issued in response to religious competition, even though the Koran grants Muslim males freedom to marry women from the Bible. According to ulama, the rivalry has reached a critical stage for the interests and progress of the Muslim community, making it necessary to close the door to the prospect of inter-religious marriages.⁵¹

The restriction on marrying Ahl al-kitab is based on maslahah reasons, including avoiding religious conversion through marriage. Even if the father is Muslim and the mother is not, the majority of the children choose their mother. According to the following fiqh regulations, shutting the door to permissibility (sadd-az-shari'ah) is more significant:

درأ المفاسد مقدم على جلب المصالح⁵²

A new marriage will be durable and tranquil if the husband and wife have a compatible attitude toward life because variations in religion, cultural differences, or even the degree of education between husband and wife sometimes result in marital failure. The passage does permit marriage between Muslim males and Bible-reading women. This capacity, however, is not just a means out of immediate necessity, but also because a Muslim respects Isa as a prophet of Allah SWT who conveys religious lessons. As a result, males, who are typically stronger than women, may endure and allow their kitabiyyah spouses to adhere to and carry out the shari'ah of their faith. This is not the case for those in the Bible who do not regard Muhammad SAW as the Prophet.⁵³

⁵⁰Majelis Ulama Indonesia, Himpunan Keputusan an Fatwa Majelis Ulama Indonesia, (Jakarta: Sekretariat Majelis Ulama Indonesia Mesjid Istiqlal, 1995), 91. Bandingkan dengan Galib, Ahl al-Kitab, h. 169.

⁵¹Mohammad Atho Mudzhar, Fatwa-fatwa Majelis Ulama Indonesia Sebuah Studi tentang Pemikiran Hukum Islam di Indonesia 1979-1988, (Jakarta: INIS, 1993), h. 103.

⁵²A. Djazuli, Kaidah-kaidah Fikih Kaidah-kaidah Hukum Islam dalam Menyelesaikan Masalah-masalah yang Praktis, Bandung: Kencana, 2011), Cet ke-4, h. 11.

⁵³Shihab, Wawasan, h. 197.

Conclusion

At the end of this discussion, it is stated that ahl al-kitab refers to Jews and Christians descended from the Bani Isra'il who are still believers. Surah al-Maidah verse 68 and Surah ash-Shaff verses 5-6 assist in this interpretation. The title Bible was usually used to describe the Jewish and Christian religious groups throughout the time of the Prophet SAW and his companions, and they were the only ones who were allowed to marry. However, experience shows that a fresh marriage will be long-lasting and tranquil if the husband and wife share the same view on life, particularly in religious concerns. Never mind the religious, cultural, or educational gaps that exist between husband and wife. It frequently leads to marriage failure. Wallahua'lam.

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