

Interpretation of Al-Baqarah Verse 221 Forbidding the Marriage of Unbelievers

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Abstract: *In the contemporary era, tafsir has evolved, leading to diverse methods and patterns, reflecting its nature as a human endeavor that develops across generations. One example is Allah's prohibition of marriage between believers and idolaters, which continues to draw scholarly interest. Researchers explore this verse to understand its meaning, context, and application, particularly in relation to Indonesian legal principles. This study, using library research and a qualitative approach, examines the prohibition of interfaith marriage in Surah Al-Baqarah, verse 221, based on Tafsir Ibnu Katsir and Tafsir Al-Misbah. The findings align with Indonesian law, specifically Article 2, paragraph (1) of Act No. 1 of 1974 on Marriage and its amendment under Law No. 16 of 2019, both of which affirm that marriages are only valid if conducted according to the religious rules of the individuals involved, thus prohibiting interfaith marriages.*

Keywords: *Qur'anic Interpretation; Surah Al-Baqarah 221; Interfaith Marriage.*

Abstrak: Pada era kontemporer, tafsir telah berkembang, menghasilkan berbagai metode dan pola, yang mencerminkan sifatnya sebagai usaha manusia yang berkembang dari generasi ke generasi. Salah satu contohnya adalah larangan Allah terhadap pernikahan antara orang beriman dan penyembah berhala, yang terus menarik minat para ulama. Para peneliti mengeksplorasi ayat ini untuk memahami maknanya, konteksnya, dan penerapannya, khususnya terkait dengan prinsip-prinsip hukum di Indonesia. Penelitian ini, menggunakan metode penelitian pustaka dan pendekatan kualitatif, menelaah larangan pernikahan beda agama dalam Surah Al-Baqarah ayat 221, berdasarkan Tafsir Ibnu Katsir dan Tafsir Al-Misbah. Hasil penelitian sejalan dengan hukum Indonesia, khususnya Pasal 2 ayat (1) Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan dan perubahannya dalam Undang-Undang Nomor 16 Tahun 2019, yang keduanya

menegaskan bahwa pernikahan hanya sah jika dilakukan sesuai dengan aturan agama masing-masing individu, sehingga melarang pernikahan beda agama.

Kata kunci: *Tafsir Al-Qur'an; Surah Al-Baqarah 221; Pernikahan beda agama.*

INTRODUCTION

Tafsir is the highest and most significant of the sciences of the Syrians. He who does not know the Qur'an cannot take advantage of it.¹ In this contemporary era, the science of interpretation has undergone development by staying based on its time, thus giving rise to a variety of methods and patterns of interpreting.² The interpretation of the work of man has never had perfection, for it cannot be avoided if there is diversity in methods (manhaj thariqah), patterns (laun), and approaches (alwan) used.³ The dynamics of the evolution of tafsir are indisputable because tafsir is the result of the creation of man, who constantly evolves from generation to generation.⁴

The Qur'an is the Scriptures of the Prophet Muhammad (peace and blessings be upon him).⁵ As Allah has spoken, the Qur'an is a perfect teaching. Behind all the verses of the Qur'an is profound knowledge.⁶ It is forbidden for a man to marry a believer until he believes in Allah and the Last Day.⁷ It is better for a servant who believes in Allah and His Apostle than for a woman who is free from worship, even though she is more attractive for her beauty, her status, her

¹Abdul Wahab Syakhrani and Mhd. Qodari Ashidiqi, "Pengertian Tafsir Ilmu Al-Qur'an," *Mushaf Journal: Jurnal Ilmu al-Qur'an Dan Hadist* Volume 3 Nomor 2 (2023): hlm. 319.

²Idah Suaidah, "History Of Tafsir Development," *Al Asma: Journal of Islamic Education* Volume. 3, Nomor. 2 (November 2021): hlm. 184, <https://doi.org/10.24252/asma.v3i2.21164>.

³Badruzzaman M. Yunus, Muhammad Rizaldi Syahputra, Asep Sufian Sya'roni, "Mengenal Manhaj Tafsir Fazrul Rahman," *Jurnal Iman Dan Spiritualitas* Volume 1, Nomor 2 (2021): hlm. 132, <https://doi.org/10.15575/jis.v1i2.11616>.

⁴M. Alfatih Suryadilaga, dkk, *Metodologi Ilmu Tafsir* (Yogyakarta: Teras, 2005).

⁵Amarudin Asra dkk, "Tafsir Ayat-Ayat Hukum Nikah Beda Agama", *Jurnal Syahadah* Volume. 5, Nomor 1, April (2017): hlm. 73.

⁶ Ahmad Rajafi, "Larangan Muslimah Menikah Dengan Ghair Al-Muslim (Suatu Kajian Interdisipliner)," *Al-'Adalah* Volume X, Nomor 4 (July 2012): hlm. 474, <http://dx.doi.org/10.24042/adalah.v10i2.301>.

⁷Faisal Haitoni, "Komparasi Penafsiran Ayat-Ayat Pernikahan Beda Agama," *Tajdid* Volume. 17, Nomor. 2 (2018): 210, <https://doi.org/10.30631/tjd.v17i2.71>.

position, and her power.⁸ It is forbidden to marry believing men and believing women among you until they believe in Allah and His Messenger. A believing woman should marry an enslaved person than for a man who is free from religion, even though your position or position tempts him.⁹

Based on the subject of this study, researchers are interested in conducting a deeper examination of the prohibition of marriage with religious people in Indonesia based on the interpretation of Surah Al-Baqarah Verse 221. So this study aims to understand and analyze more deeply, starting with describing the alphabet an-nuzul of the verse, the meaning of the sentence, and the implementation of the interpretation of that sentence in the context of the contemporary through the rules in force in Indonesia.

Tafsir is one of the highest and most significant sciences in Islam. He who does not understand the Qur'an cannot fully benefit from it. In the contemporary era, the science of tafsir has evolved while staying rooted in its foundational principles, giving rise to various methods and patterns of interpretation. Since tafsir is a human endeavor, it can never be perfect, as diversity in methods (manhaj thariqah), patterns (laun), and approaches (alwan) is inevitable. The dynamics of tafsir's evolution are indisputable because it is a product of human intellect that continuously develops across generations.

The Qur'an is the scripture of the Prophet Muhammad (peace and blessings be upon him), and as Allah has said, it is a perfect guide. Within its verses lies profound knowledge. Allah has forbidden marriage between believers and non-believers unless the non-believer accepts faith in Allah and the Last Day. A believing servant of Allah is better, even if one is more attracted to a non-believer because of their beauty, status, or power. Believing men and women are

⁸M. Khoirul Muzakki, "Kajian Ayat Hukum Menikahi Perempuan Musyrik," *Jurnal Hukum Keluarga Islam El-Qistu* Volume. 6 Nomor. 01 (2023): hlm. 4, <https://ejournal.uhuwiyah.ac.id/index.php/elqisth/article/view/245>.

⁹M. Ali. Al-Shabuni, *Rawai' Al-Bayan Tafsir Ayat Al-Ahkam Min Al-Qur'an* (Beirut: Maktabah Al-Ghazaly, 1980).

prohibited from marrying non-believers until they embrace faith in Allah and His Messenger. It is better for a believing woman to marry a slave than a man who rejects religion, even if his position is tempting.

Based on this, researchers are interested in conducting a deeper examination of the prohibition of marriage with non-believers in Indonesia based on the interpretation of Surah Al-Baqarah, Verse 221. The study aims to understand and analyze this prohibition by describing the *asbab al-nuzul* (context of revelation), the meaning of the verse, and how its interpretation is implemented within the framework of contemporary Indonesian law.

Based on the subject of this study, the researchers found several literature, among them the research carried out by M. Husnul Khulukil Asyrof dkk entitled *The interpretation of the letter Al-Baqarah Ayat 221 and Al-Maidah Ayat 5 About Marriage Different Religions Perspective Four Madzhab*, so it can be known that in the religion of Islam has explicitly prohibited or gave illegal law for someone who wants to carry out marriage different religions between a Muslim and non-Muslim/ Muslim. This is the same as in the Surah al-Baqarah, verses 221, that it is forbidden for men and women to marry a believer because the believer has a great potential for betrayal.¹⁰

Then, the study by Robi'ah dkk entitled *Tafsir Marriage Different Religions According to the Qur'an Surah Al-Baqarah Verse 221 Perspective*. Thus, there is a firm view regarding the prohibition of marrying non-Muslim women from a certain point of view in Islamic doctrine. Some of the frequently arising arguments related to this ban include considerations of the sustainability of religious beliefs and values in Muslim families.¹¹

¹⁰M. Husnul Khulukil Asyrof, Anwar Sa'dullah, Abdul Wafi, "Penafsiran Surat Al-Baqarah Ayat 221 Dan Al-Maidah Ayat 5 Tentang Pernikahan Beda Agama Perspektif Empat Madzhab," *Hikmatina: Jurnal Ilmiah Hukum Keluarga Islam* Volume 5 Nomor 2 (2023): hlm. 96-103, <https://jim.unisma.ac.id/index.php/jh/article/view/20998>.

¹¹Robi'ah, Anisa Humairoh, Devi Afriani, Rajif Adi Sahroni, Nuratika, "Tafsir Pernikahan Beda Agama Menurut Perspektif Al-Qur'an Surah Al-Baqarah Ayat 221, *Jurnal Pendidikan Multidisipliner*," *Jurnal Pendidikan Multidisipliner* Volume 6 Nomor 12 (2023): hlm. 171.

Then the study conducted by Prahasti Suyaman entitled Sociological Review of Surah Al-Baqarah Verse 221 of the Marriage of Different Religions, It is forbidden to a believer to marry an idolatrous woman. Then, if he desires, every one of the people of the Book and the worshippers of idols shall be included in it.¹²

METHOD

In studying this, the researchers used an approach (library research). The Library research approach is a series of activities that are carried out to collect data through the library process. The approach is conducted through the identification of theory, then by observing the study of libraries, to an in-depth analysis of various documents connected with the research topic.¹³ The approach used is qualitative. This approach is intended to describe and analyze a phenomenon, an event, a belief, a social activity, or a perception up to a person's thinking so that it can be easily understood to produce a new hypothesis.¹⁴ The type and approach used to study the prohibition of marriage with a believer in Surah Al-Baqarah Verse 221 is based on Tafsir Ibnu Katsir and Tafsir Al-Misbah.

RESULTS AND DISCUSSION

Inculturation of Islam in Javanese Culture, Javanese Folklore and Traditions

The beginning of the Inculturation of Indonesian culture from the entry of foreign nations into Indonesia which initially aimed to trade. With the entry of foreign cultures into Indonesia, indirectly, the nation brought various cultures that they had into and developed in Indonesia. This caused Indonesia to have a variety

¹² Prahasti Suyaman, "Tinjauan Sosiologis Al-Quran Surah Al-Baqarah Ayat 221 Tentang Pernikahan Beda Agama," *Mutawasih* Volume 4, Nomor 2 (2021): hlm. 125, <https://doi.org/10.47971/mjhi.v4i2.367..>

¹³ Miza Nina Adlini, Anisya Hanifa Dinda, Sarah Yulinda, Octavia Chotimah, and Sauda Julia Merliyana, "Metode Penelitian Kualitatif Studi Pustaka" Volume 6 Nomor 1 (2022).

¹⁴ Hennink, M., Hutter, I., & Bailey, A, "Qualitative Research Methods. Sage: Publications Limited," 2020.

of ethnic groups with various cultures that are diverse and have developed for centuries and are influenced by foreign cultures that came to Indonesia.

The meaning of Inculturation in *De Liturgia Romana Et Inkulturations* (1995) is the effort of religion to adapt to local culture.¹⁵ In *the Complete Indonesian-Chinese Dictionary*, the meaning of Inculturation is explaining the meaning of Inculturation is *shi zongjiao shiyong dangdi wenhua de shiye* "使宗教适应当地文化的事业" which means: a religion that adapts to local culture.¹⁶ Inculturation is natural if it does not oppose religious principles or disturb others. Islam entered Indonesia in the 12th century, then grew into a large kingdom of Samudra Pasai in the 13th century centered in the North Aceh region. At that time in Java, Shiva Buddhism religion still dominated the Singosari kingdom. Only during the Majapahit kingdom could Hinduism, Buddhism, and Shiva Buddhism coexist peacefully.

Asbab An-Nuzul Verse

The Qur'an is a sacred book made to teach Muslims and guide the life of humanity.

وَلَا تَنْكِحُوا الْمُشْرِكَةَ حَتَّىٰ تُؤْمِنَ ۖ وَلَا أُمَّةً مُّؤْمِنَةً حَيْرٌ مِّنْ مُّشْرِكَةٍ ۚ وَلَوْ أَعْجَبَتْكُمْ
وَلَا تُنْكِحُوا الْمُشْرِكِينَ حَتَّىٰ يُؤْمِنُوا ۚ وَالْعَبْدُ مُؤْمِنٌ خَيْرٌ مِّنْ مُّشْرِكٍ ۚ وَلَوْ أَعْجَبَكُمْ
أُولَٰئِكَ يَدْعُونَ إِلَى النَّارِ ۖ وَاللَّهُ يَدْعُو إِلَى الْجَنَّةِ وَالْمَغْفِرَةِ بِإِذْنِهِ وَيُبَيِّنُ آيَاتِهِ لِلنَّاسِ
لَعَلَّهُمْ يَتَذَكَّرُونَ

*Do not marry a believing woman until they have believed. A believing wife is better than a faithful woman, even though she attracts you. Neither do you marry any believing man until they believe. They call to Hell, but God calls to Paradise and forgiveness with His permission. He explains His signs to men so that they may learn.*¹⁷

It was revealed by Ibn Munzir, Ibn Hatim, and al-Wahidi of Muqatil; he said: "This is descended to Ibn Abi Murtsad Al-Ghawawi when he asked

¹⁵ Adolf Heuken SJ, *Church Encyclopedia Volume II H - Konp* (Jakarta: Cipta Loka Caraka Foundation, 1992), 104.

¹⁶ Liji Liang, *Complete Indonesian-Chinese Dictionary* (Jakarta: Elex Media Komputindo, 2005).

¹⁷"Q.S Al-Baqarah Ayat 221," *Kementerian Agama RI, Al-Qur'an Dan Terjemahannya*. (blog),

permission from the Messenger of Allah to marry a young woman who is rich and beautiful.¹⁸

Then, in this case, is the Surah Al-Baqarah verses 221 above :

عن ابن عباس في هذه الآية قال :نزلت في عبد الله بن رواحة ، وكانت له أمة سوداء ، وإنه غضب عليها فلطمها ، ثم إنه فزع فأتى النبي - صلى الله عليه وسلم فأخبره خبرها ، فقال له النبي - صلى الله عليه وسلم - :ما هي يا عبد الله ؟ ، - فقال :يا رسول الله - صلى الله عليه وسلم - ، هي تصوم وتصلي وتحسن الوضوء وتشهد أن لا إله إلا الله وأنت رسول الله فقال :يا عبد الله هذه مؤمنة .فقال عبد الله فولذي بعثك بالحق [نبييا]لأعقنها ولأتزوجنها ففعل ، فطعن عليه ناس من المسلمين فقالوا :نكح أمة !وكانوا يريدون أن ينكحوا إلى المشركين وينكحوهم رغبة في أحسابهم ، فأنزل الله تعالى فيهم (:ولأمة مؤمنة خير من مشركة ولو أعجبتكم) (الآية

Al-Wahidi said from the Assudi line of Abu Malik of Ibn Abbas; he said that the Surah Al-Baqarah verse 221 descended to Abdullah bin Rawahah, who at the time had an enslaved Black woman. On the day when he was angry with his servant and beat him, he came to the Prophet and told him what had happened, and he said, "I will divorce him and marry him." Then he did what he said. Seeing what he did, then some Muslims insulted him. So they said, "He married a handmaid." So this was revealed.¹⁹

It was then revealed to other editors by Abu Daud, an-Nasa'i, and al-Turmudzi that Martsad wanted to pick up the prisoners of the Muslims who the unbelievers captured in Makkah. One night, when he was about to pick up the prisoners, he came to Martsad, a small tuna named Anaq. And when he came near, he asked, "Are you not Martsad?" He said, "I am Martsad." Then he asked him to commit adultery, but Martsad refused, saying, "God forbids adulteries." And he cried loudly, causing a reaction from the Quraisy. Seeing things like that, Martsad ran and got into a hole. And the people who pursued Martsad then beat him until they finally came home. Then Martsad went back to his friend and returned to Medina. The Prophet (peace and blessings be upon him) said, "O

¹⁸Faisal Haitoni, "Komparasi Penafsiran Ayat-Ayat Pernikahan Beda Agama", 2018.

¹⁹Jalaluddin As-Suyuti, *Asbabun Nuzul: Sebab Turunnya Ayat-Ayat Al-Qur'an* (Jakarta: Gema Insani, 2008).

Prophet, may I marry Anaq?" He repeated the question three times, but the Prophet remained silent until it was revealed.²⁰

The correlation of the verses with the other verses in one theme

Surah Al-Baqarah Verse 221 Forbidding the marriage of the associates until they have believed. This is correlated with Surah Al-Mumtahanah Verse 10, which reads :

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا جَاءَكُمُ الْمُؤْمِنَاتُ مُهَجِّرَاتٍ فَاَمْتَحِنُوهُنَّ ۚ اللَّهُ أَعْلَمُ بِإِيمَانِهِنَّ فَإِنْ عَلِمْتُمُوهُنَّ مُؤْمِنَاتٍ فَلَا تَرْجِعُوهُنَّ إِلَى الْكُفَّارِ لَا هُنَّ حِلٌّ لَّهُمْ وَلَا هُمْ يَحِلُّونَ لَهُنَّ وَآتُوهُنَّ مَا آَنَفَقُوا ۗ وَلَا جُنَاحَ عَلَيْكُمْ أَنْ تَنكِحُوهُنَّ إِذَا آتَيْتُمُوهُنَّ أَجْرَهُنَّ وَلَا تُمْسِكُوا بِعِصَمِ الْكَوَافِرِ وَسَأَلُوا مَا آَنَفَقْتُمْ وَلَيْسَلُوا مَا آَنَفَقُوا ۗ ذَٰلِكُمْ حُكْمُ اللَّهِ يَحْكُمُ بَيْنَكُمْ وَاللَّهُ عَلِيمٌ حَكِيمٌ

*you who believe, when believing women come to you to emigrate, test them. God knows their faith. If you knew that they were believing women, then do not return them to the unbelievers. (suami mereka). They are not permitted to the unbelievers, nor are they permitted for them. Give them what they have given. It's no sin for you to marry them when you pay them a mortgage. Don't be attached to unbelieving women. Request back from the unbelievers what you have given them, and let them ask back what they have paid. (kepada mantan istrinya yang telah beriman). Such is God's decree between you. Allah is All-knowing, All-wise."*²¹

It is not permissible for Muslim women who have migrated from Mecca to Medina to restore their households to unbelieving women. Al-Baqarah verse 221 also correlates with Al-Maidah verse 5, which reads :

الْيَوْمَ أُحِلَّ لَكُمْ الطَّيِّبَاتُ وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حِلٌّ لَكُمْ وَطَعَامُكُمْ حِلٌّ لَهُمْ وَالْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ إِذَا

²⁰Abdul Muta'al al-Jabry, *Jarimatu Al-Zawaj Bi Ghairi Muslimat; Fiqhan Wa Siasatan (Terj)* (Jakarta: PT. Bulan Bintang, 1988).

²¹"Q.S Al-Muntahamah Ayat 10," *Kementerian Agama RI, Al-Qur'an Dan Terjemahannya* (blog), n.d.

أَتَيْتُمُوهُنَّ أَجُورَهُنَّ مُحْصِنِينَ غَيْرَ مُسْفِحِينَ وَلَا مُتَّخِذِي أَخْدَانٍ وَمَنْ يَكْفُرْ بِالْإِيمَانِ
فَقَدْ حَبِطَ عَمَلُهُ وَهُوَ فِي الْآخِرَةِ مِنَ الْخَسِرِينَ

It is lawful for you to eat good things today and yours for them. You are lawful to marry women of faith and women of honor among those who were given the Book before you when you pay their wives for marriage, not for adultery, and not for marrying. (gundik). Whoever disbelieves after he has believed, his deeds will be in vain, and he will be among the losers in the Hereafter.²²

It is forbidden for men and women to marry a believer because the believer has the potential to betray him. Surah Al-Munthamah verse 10 explains that a believing woman is forbidden to marry a suspicious man. But in Q.S. Al-Maidah verse 5, it is explained that the people of the Book pay special attention to the law established by the Qur'an, that men are permitted to marry according to the Book.²³ Where according to the four madzhab of Madzhab Hanafi, Maliki, Shafi'i, and Hambali, a Muslim man is allowed to marry a Bible woman.²⁴ This capacity is only for men, while a good woman is not permitted for a Muslim woman to marry a non-Muslim.²⁵ It is permissible for a man to marry scribes because he is a strong man and is the head of the household, and it is forbidden for a woman because she is a weak man.²⁶ Al-Maidah verse 5 states that marriage to a woman of the Scriptures is permitted for Muslims. Therefore, these three verses are often the basis for marriage of different religions in Islam so that they correlate with each other.

²²“Q.S Al-Maidah Ayat 5,” *Kementerian Agama RI, Al-Qur'an Dan Terjemahannya* (blog), n.d.

²³Syamruddin Nasution, *Pernikahan Beda Agama Dalam Al-Qur'an: Kajian Perbandingan Pro Dan Kontra* (Pekanbaru: Yayasan Pusaka Riau, 2011).

²⁴Abdurrahman Ad-Dimasyqi M, *Fiqh Empat Madzhab* (Bandung: Hasyimi, 2014).

²⁵Shodiq, Misno, Abdul Rosyid, “Pernikahan Beda Agama Menurut Imam Madzhab Dan Hukum Positif Di Indonesia,” *Jurnal Hukum Dan Pranata Sosial Islam* Volume 7 Nomor 1 (2019): hlm. 7.

²⁶Majhuddin, *Masa'il Al-Fiqh, Kasus-Kasus Aktual Dalam Hukum Islam* (Jakarta: Kalam Mulia, 2012).

Translation of verses/ Explanation of translations from various literature of Translations

1. Tafsir Ibnu Katsir

The Wives of the Book are permitted to marry honorable women of those who have been given the Book before you when you have paid their wives for marriage, not for adultery, and not for prostitution.²⁷ (Al-Maidah : 5).²⁸ Ibn Abbas said, "Allah excludes the women of the Scriptures from the above." Umar bin Khathab said :²⁹

المسلم يتزوج النصرانية ولا يتزوج النصراني المسلمة

It means: "A Muslim can marry a Christian woman, but a Christian man can't marry a Muslim woman."

In this regard, Allah says in Surah Al-Baqarah Verse 221, in which :

وَلَأَمَةٌ مُّؤْمِنَةٌ خَيْرٌ مِّنْ مُّشْرِكَةٍ وَلَوْ أَعْجَبَتْكُمْ

Verily, a believing handmaid is better for you than a worshipper, even if she attracts you.

As-Sadi said: "This verse was revealed concerning Abdullah Bin Rawahah, who had an enslaved Black person. Abdullah was angry and struck the enslaved Black person. Then he felt shocked and guilty, went to the Prophet, and presented his case. The Prophet said, "How is he?" He said, "He loves prayer, fasts fasting, and testifies that there is no god but Allah and that you are the Prophet. The Prophet said, "Abu Abdullah, the slave, is a Muslim woman." He said: "Because of the good thing that sent you, I will free and marry her. But the other Muslims reproached Abdullah by saying, "He has married his slave." Previously, they wanted to marry their slave to a Muslim man, hoping for his offspring. God said :

وَلَا تَنْكِحُوا الْمُشْرِكَةَ حَتَّىٰ تُؤْمِنَ

And you shall only marry the faithful men once they have

²⁷Muhammad Nasib Ar-Rifa'i, *Ringkasan Tafsir Ibnu Katsir Jilid 1* (Jakarta: Gema Insani, 1999).

²⁸"Q.S Al-Maidah Ayat 5."

²⁹Abdul Jalil, "Pernikahan Beda Agama Dalam Perspektif Hukum Islam Dan Hukum Positif Di Indonesia," *Andragogi Jurnal Diklat Teknis* Volume: VI No. 2 (2018): hlm. 61.

*believed.*³⁰

You shall not marry a believing man with a faithful woman :

لَا هُنَّ حِلٌّ لَّهُمْ وَلَا هُمْ يَحِلُّونَ لَهُنَّ

*They are not lawful to the unbelievers, nor are they lawful for them.*³¹

And God said :

وَلَعَبْدٌ مُّؤْمِنٌ خَيْرٌ مِّنْ مُّشْرِكٍ وَلَوْ أَعْجَبَكُمْ

It is better for you, a believer's son-in-law than a worshiper, even if he attracts you.

So that it may be known that a Muslim man, even though he is a slave of Negro, is better than a Muslim, even if he is the leader.

يَدْعُونَ إِلَى النَّارِ

"They dragged to hell."

And if you mix with them, you will raise love for the world, be satisfied with it, prioritize the world over the Hereafter, and end up destroying it.

وَاللَّهُ يَدْعُوا إِلَى الْجَنَّةِ وَالْمَغْفِرَةِ بِإِذْنِهِ

Allah calls to Paradise and forgiveness with His permission.

Through what He commanded and what He forbade.

2. Tafsir Al-Misbah

Quraish Shihab says in the letter Al-Baqarah verse 221 which reads :

وَلَا تَنْكِحُوا الْمُشْرِكِينَ حَتَّى يُؤْمِنُوا وَلِأُمَّةٍ مُّؤْمِنَةٍ خَيْرٌ مِّنْ مُّشْرِكَةٍ وَلَوْ أَعْجَبَكُمْ وَلَا تَنْكِحُوا الْمُشْرِكِينَ حَتَّى يُؤْمِنُوا وَلَعَبْدٌ مُّؤْمِنٌ خَيْرٌ مِّنْ مُّشْرِكٍ وَلَوْ أَعْجَبَكُمْ

³⁰ "Q.S Al-Baqarah Ayat 221."

³¹ "Q.S Al-Muntahamah Ayat 10."

*Do not marry a believing woman until they have believed. A believing wife is better than a faithful woman, even though she attracts you. Neither do you marry any believing man until they believe. They call to Hell, but God calls to Paradise and forgiveness with His permission. He explains His signs to men so that they may learn.*³²

The household's foundation must be firm, or the building will collapse even with a little shock, significantly if the burden on it increases with the birth of children.³³ Such a solid foundation is not beauty and stability because they are both relative and quickly fade away, wealth because wealth is easy to obtain and quickly disappear, nor social status or prosperity, because of which they are temporary and can even disappear for a while. The firm foundation is faith in the One, the Rich, the Mighty, and the Wise.³⁴

And do not marry the worshippers of idols before they believe in Allah, the One, and the Prophet Muhammad. The enslaved person is better than the believer, even though she is beautiful, noble, and wealthy.³⁵ And do not marry idolaters with believing women before they have believed in the truth. Verily, a believer's servant is better than a worshiper, even if he attracts you because he is mighty, noble, or wealthy. Therefore, Allah forbids the believers from marrying the idolaters. It is because they call you and your children to Hell, and Allah calls you to Paradise and forgiveness with His permission.³⁶

Tahlil Al-Tafsir (Qira'ah Al-Muntijah)

It is forbidden to marry a believer or a believer with another believer. He was invited to Hell for prioritizing the world's interests over the affairs of the Hereafter—the implementation of the interpretation in QS. Al-Baqarah paragraph

³²“Q.S Al-Baqarah Ayat 221.”

³³Muslim Djuned, Asmaul Husna, “Konsep Keluarga Ideal Dalam Al-Qur’an: Kajian Tafsir Tematik,” *Junal Of Qur’anic Studies*, hlm. 65, Volume 5 Nomor 1 (2020).

³⁴Luthviah Romziana, “Pernikahan Lintas Agama Studi Pebandingan Antara Tafsir Al-Misbah Dan Tafsir Al-Azhar,” *Revelatia : Jurnal Ilmu Al-Qur’an And Tafsir*, hlm. 3, Volume 2 Nomor 1 (2021).

³⁵Muhammad Quraish Shihab, *Tafsir Al-Misbah: Pesan, Kesan Dan Keserasian Al-Quran Volume 1: Suah Al-Fatihah Dan Surah AL-Baqarah* (Jakarta: Lentera Hati, 2000).

³⁶Muhammad Quraish Shihab.

221 is based on the context of, among other things, namely, the validity of marriages according to their respective religions and beliefs regulated in Article 2 paragraph (1) of Act No. 1 of 1974 on marriage junction.³⁷ Act No. 16 of 2019 on the Amendment of the Law No. 1 of 1974 on Marriage.³⁸ They may restore the law of marriage to their religion so that they are not permitted to marry any other religion or faith.³⁹

The marriage of a different religion is a natural bond between a man and a woman of a different religion as a husband and a wife. Therefore, there are two different rules concerning marriage, and the terms of marriage are based on the law of religion and beliefs of each other.⁴⁰ This is contrary to the definition of marriage in Article 1 of Act No. 1 of 1974 that marriage aims to form a happy and lasting family based on the One Divinity.⁴¹ In the context of the present era, especially in Indonesia, the marriage of different religions is a problem that is still difficult to solve because it raises problems in the jurisdictional and social sphere.⁴² It begins with the Jurisprudence of the Supreme Court Decision No. 1400K/Pdt/1986, which permits marriage between different religions.⁴³ Therefore, the rule has been used as a reference until now. This is contrary to the Qur'an, which prohibits the marriage of a believer to a Muslim.⁴⁴

³⁷*Pasal 2 Ayat (1) Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan Juncto.*

³⁸*Undang-Undang Nomor 16 Tahun 2019 Tentang Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan.*

³⁹*Pasal 2 Ayat (1) Undang-Undang Nomor 16 Tahun 2019 Tentang Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan.*

⁴⁰Irwan Ramadhani, Nahrowi, "Penemuan Hukum Hakim Terhadap Pemberian Izin Pernikahan Berbeda Agama," *Al-Syakhshiyah: Jurnal Ilmu Hukum & Keluarga* Nomor 1 (2023).

⁴¹Prahasti Suyaman, "Tinjauan Sosiologis Al-Quran Surah Al-Baqarah Ayat 221 Tentang Pernikahan Beda Agama."

⁴²Muhammad Aminuddin Shofi, "Marriage And Religion: Dynamics Of Religious Conversion Marriage And The Advancement Of Community Religious Life Perspective Of Religious Psychology And Sociology (Study Lumajang Regency)," *Jurnal Dialog* Volume 44, Nomor 1 (2021): hlm. 52.

⁴³*Yurisprudensi Putusan Mahkamah Agung Nomor 1400K/Pdt/1986.*

⁴⁴"Q.S Al-Baqarah Ayat 221."

It is forbidden for a Muslim to marry an idolatrous woman, a Jew, and a Christian, and for some of them to be idolatry.⁴⁵ The Qur'an says: "The Quran is for the Arabs only, and it is not deleted nor excluded by any other generally revealed verses. If the movement is used from general to particular, Abu Ja'far lines the bottom of the Arabic religion that is forbidden to marry Muslims. The Prophet (peace and blessings of Allah be upon him) was the only one of the Arabs who worshiped idols. And many of the Bookkeepers who do not believe in God. It is forbidden to marry a non-Muslim, a Jew, a Christian, or any other believer who does not worship God."⁴⁶

It is according to the fear at the end of the Qur'an that the worshippers are inclined to call to Hell. Their deeds are like the calling of the unbelievers, while God reminds his servants to do good so that they may have Paradise.⁴⁷ This prohibition was subsequently formulated in Indonesia's Compilation of Islamic Law (KHI). When it was enacted by the Instruction Persiden (Inpres) No. 1 of 1991, it prohibited a Muslim from marrying a different religion. It is regulated in Article 40, letter c of KHI. Article 40 of the KHI reads: "It is forbidden to enter into a marriage between a man and a woman because of certain circumstances: a. because the woman concerned is still bound in one marriage with another man; b. a woman who is still in iddah with other men; c. a non-Islamic woman."⁴⁸

However, the prohibition of marriage between women of different faiths is laid down in Article 44 of the Law, which says, "It is forbidden for a Muslim woman to marry a non-Muslim man."⁴⁹ This is not a matter of normative prohibition of marriage between religions because the fuqaha, by the provisions of the Qur'an, agree upon it.⁵⁰ Early in 2023, the rule of non-religious marriage was enforced by the Constitutional Court, whose ruling was final and binding. The

⁴⁵"Q.S Al-Maidah Ayat 5."

⁴⁶Sawaun, "Pernikahan Lintas Agama Dalam Perspektif Hadits," *Syariat* Volume 1 Nomor 3 (2016).

⁴⁷Thabari, Abu Ja'far Muhammad Bin Jarir, *Tafsir Ath-Thabari Al-Musamma Jamiu'al-Bayan Fi Ta'wil Al-Qur'an Jilid 1*, Cetakan 3 (Jakarta: Maktabah Al-Tawfiqiyah, 2013).

⁴⁸*Pasal 40 Kompilasi Hukum Islam*.

⁴⁹*Pasal 44 Kompilasi Hukum Islam*.

⁵⁰M. Karsayuda, *Perkawinan Beda Agama: Menakar Nilai-Nilai Keadilan Kompilasi Hukum Islam* (Yogyakarta: Total Media Yogyakarta, 2006).

Assembly of Judges of the Constitutional Court rejected the examination of the Marriage Act's Article 2, paragraph 1. There was previously a request number 24/Law-XX/2022 filed because the applicant wishes to enter into a marriage of a different religion.⁵¹

After the judgment, it turns out that marriages of different religions are still being brought to the state courts on the pretext that bias should be recorded in the local Civil Registration and Occupation Service based on Article 35 letter of Law No. 23 of 2006, which reads: "The marriage registration as referred to in Article 34 also applies to letter a. marriage as determined by the Court, with the explanation that what is meant by marriage as established by the court is marriage between different religious groups."⁵²

After many requests for registration of marriages of different religions in the courts and the decision was accepted, the President of the Supreme Court of the Republic of Indonesia finally issued the High Court of Appeal (SEMA) No. 2 Year 2023 on Instructions for Judges in Judging Matters Appeals for Registration of Marriages between Different Religions and Beliefs.⁵³ "A legal marriage shall be entered into according to the law of the respective religions and beliefs, by article 2, paragraph 1, and article 8, letter f, of Act No. 1 of 1974 on marriage."⁵⁴ 2. The court did not accept the application for registration of inter-ethnic marriages of different religions and beliefs.⁵⁵ The substance of this SEMA is that it is forbidden for judges at all levels of court to accept applications for registration of

⁵¹Mohammad Faiq Amir Rizki, Dominikus Rato, Galuh Puspaningrum, "Kepastian Perkawinan Beda Agama Di Indonesia Pasca Putusan Mahkamah Konstitusi Nomor 24/PUU-XX/2022," *Sakina : Jurnal Studi Keluarga* Volume 7 Nomor 3 (2023).

⁵² Pasal 35 Huruf (a) Undang-Undang Nomor 23 Tahun 2006 Tentang Administrasi Kependudukan, Beserta Penjelasannya.

⁵³ Surat Edaran Mahkamah Agung (SEMA) Nomor 2 Tahun 2023 Tentang Petunjuk Bagi Hakim Dalam Mengadili Perkara Permohonan Pencatatan Perkawinan Antar-Umat Yang Berbeda Agama Dan Kepercayaan, n.d.

⁵⁴ Pasal 2 Ayat (1) Undang-Undang Nomor 16 Tahun 2019 Tentang Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan.

⁵⁵ Surat Edaran Mahkamah Agung (SEMA) Nomor 2 Tahun 2023 Tentang Petunjuk Bagi Hakim Dalam Mengadili Perkara Permohonan Pencatatan Perkawinan Antar-Umat Yang Berbeda Agama Dan Kepercayaan.

marriages of different religions. It is by the interpretation of Al-Baqarah, Verse 221, which prohibits the marriage of a believer to a Muslim.⁵⁶

CONCLUSION

It is forbidden to marry a believer or believer with a Muslim. The implementation of the interpretation in QS. Al-Baqarah Paragraph 221 is based on the context of, among other things, namely, the validity of marriages according to their respective religions and beliefs regulated in Article 2 Para (1) of Act No. 1 of 1974 on Marriage juncto, Law No. 16 of 2019 on Amendments to Act No.1 of 1974 concerning Marriage. It is a rule that makes marriage valid again to each other's religion, so it is not permitted to marry different religions. In the context of the present era, especially in Indonesia, the marriage of different religions is a problem that is still difficult to solve because it raises problems in the jurisdictional and social spheres. The prohibition of marriage between different religions was later formulated in the Compilation of Islamic Law (KHI) in Indonesia. When it was enacted by the Persidency Instruction (Inpres) No. 1 of 1991, it prohibited a Muslim from marrying other than religion. This prohibition is set out in the 40 letter c of the KHI.

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