



Jurnal Ulunnuha
P-ISSN: 2086-3721 E-ISSN: 2865-6050
Vol. 15 No. 1 / June 2026

<https://ejournal.uinib.ac.id/jurnal/index.php/ulunnuha/index>

DOI: 10.15548/ju.v13i1.12857

Interfaith Marriage and Qur'anic Interpretation in Southeast Asia: Reassessing al-Mā'idah (5):5 through *Maqāṣid al-Sharī'ah*

Saifullah

Universitas Islam Negeri Kiai Ageng Muhammad Basari, Indonesia

Email: saifullah.masdukii@gmail.com

Martha Eri Safira

Universitas Islam Negeri Kiai Ageng Muhammad Basari, Indonesia

Email: marthasafira82@gmail.com

Raihanah

Universitas Malaya, Malaysia

Email: raihanah@um.edu.my

Abstract

Studies on interfaith marriage in Muslim societies have generally focused either on Islamic legal doctrine or on state regulation, while relatively little attention has been paid to how Qur'anic interpretation is institutionalized within diverse socio-legal contexts. This article examines the interpretation of al-Mā'idah (5):5 and its legal implications in Southeast Asia, particularly in Indonesia, Malaysia, Brunei Darussalam, and Singapore. Employing a qualitative library-based method, the study combines Qur'anic exegesis, *maqāṣid al-sharī'ah*, and comparative family law analysis to investigate the interaction between scriptural interpretation and legal regulation. The findings demonstrate that although classical exegetes generally recognized the permissibility of marriage between Muslim men and women from among the *Ahl al-Kitāb*, contemporary legal responses vary considerably across Southeast Asia. These variations are shaped not only by exegetical reasoning but also by differences in Muslim demographics, state-religion relations, legal pluralism, and national regulatory frameworks. The study further proposes a transcendental-emancipatory reconciliatory framework that integrates textual fidelity, *maqāṣid*-oriented reasoning, socio-legal pluralism, and contextual interpretation to explain the coexistence of divergent legal approaches while preserving the normative objectives of Islamic law. The article contributes to the growing scholarship on Qur'anic interpretation and Islamic family law by demonstrating that the contemporary meaning and application of al-Mā'idah (5):5 are significantly influenced by the political, legal, and social realities of Southeast Asian Muslim societies.

Keywords: Interfaith Marriage; al-Mā'idah (5):5; *Maqāṣid al-Sharī'ah*; Southeast Asia; Islamic Family Law.

INTRODUCTION:

As one of the most contested issues in Indonesia's family law system, interfaith marriage reflects the continuing tension between individual autonomy in choosing a spouse and the legal-religious framework governing marital validity.¹ The ambiguity surrounding

¹ Bani Syarif Maula and Ilyya Muhsin, "Interfaith Marriage and the Religion-State Relationship: Debates

Article 2(1) of the Marriage Law has contributed to the widespread interpretation that religious conformity constitutes a prerequisite for marital validity, thereby creating significant legal barriers for interfaith couples seeking official recognition of their marriages.² In practice, many interfaith couples resort to alternative legal strategies, including seeking court determinations, registering marriages abroad, or undergoing religious conversion to satisfy administrative requirements imposed by existing regulations.³

The growing attention to interfaith marriage in Southeast Asia is closely related to the region's increasing social mobility, urbanization, and religious diversity. Although comprehensive regional statistics remain limited, socio-legal studies indicate that interfaith marriages continue to emerge in multicultural settings, particularly in urban areas where interactions across religious communities are more frequent. In Indonesia, for example, applications concerning interfaith marriage regularly appear before civil courts, while public debates surrounding marriage registration and constitutional rights have intensified since the enactment of the Marriage Law and subsequent judicial reviews. These developments demonstrate that interfaith marriage is not merely a theological issue but also a contemporary socio-legal phenomenon requiring sustained scholarly attention.⁴

The complexity of interfaith marriage in Southeast Asia cannot be separated from the region's plural legal landscape. Family law is shaped not only by religious norms but also by constitutional principles, state legislation, judicial decisions, and local socio-cultural traditions. As a result, the regulation of interfaith marriage reflects a form of legal pluralism in which multiple normative systems operate simultaneously. This condition explains why countries sharing similar Islamic textual sources may adopt significantly different legal responses to interfaith marriage. Understanding these differences therefore requires attention not only to Qur'anic interpretation but also to the broader interaction between religion, law, and state authority.⁵

The debate over interfaith marriage in Indonesia cannot be separated from the broader relationship between religion and the state. Unlike secular legal systems that treat marriage primarily as a civil contract, Indonesian marriage law places religious legitimacy at the center of marital recognition. Consequently, the state requires marriages to conform to religious norms before they can obtain legal validity. This legal framework reflects Indonesia's distinctive model of religion, state relations, in which religious values continue to shape the formulation and implementation of family law. As a result, discussions

between Human Rights Basis and Religious Precepts," *Samarah* 8, no. 2 (2024): 796-801.

² Indonesia, Law No. 1 of 1974, art. 2(1); Mark E. Cammack, Adriaan Bedner, and Stijn van Huis, "Democracy, Human Rights, and Islamic Family Law in Post-Soeharto Indonesia," *New Middle Eastern Studies* 5 (2015): 2-5.

³ Candra Refan Daus and Ismail Marzuki, "Perkawinan Beda Agama di Indonesia: Perspektif Yuridis, Agama-Agama dan Hak Asasi Manusia," *Al-'Adalah: Jurnal Syariah dan Hukum Islam* 8, no. 1 (2023): 58-64.

⁴ Candra Refan Daus and Ismail Marzuki, "Perkawinan Beda Agama di Indonesia: Perspektif Yuridis, Agama-Agama dan Hak Asasi Manusia," *Al-'Adalah: Jurnal Syariah dan Hukum Islam* 8, no. 1 (2023): 40-45; Bani Syarif Maula and Ilyya Muhsin, "Interfaith Marriage and the Religion-State Relationship: Debates between Human Rights Basis and Religious Precepts," *Samarah* 8, no. 2 (2024): 796-801.

⁵ Mark E. Cammack, Adriaan Bedner, and Stijn van Huis, "Democracy, Human Rights, and Islamic Family Law in Post-Soeharto Indonesia," *New Middle Eastern Studies* 5 (2015): 2-9; Martha Eri Safira, *The Politics of Family Law Reform in Southeast Asia* (Tulungagung: Satupress, 2024), 85-92; Werner Menski, *Comparative Law in a Global Context: The Legal Systems of Asia and Africa*, 2nd ed. (Cambridge: Cambridge University Press, 2006), 83-90.

concerning interfaith marriage extend beyond questions of individual rights and constitutional freedoms to encompass broader concerns regarding religious authority, social order, and the preservation of communal values within a plural society.⁶

Furthermore, the regulation of interfaith marriage demonstrates the continuing influence of Islamic legal principles within Indonesia's national legal system. Although the Indonesian Constitution guarantees freedom of religion, the state simultaneously recognizes religion as an essential component of public legal order. This dual commitment has generated persistent tensions between human rights arguments advocating greater individual autonomy and religious perspectives emphasizing conformity with established doctrinal norms. Consequently, legal debates surrounding interfaith marriage frequently become a site of negotiation between constitutional values, religious authority, and the state's responsibility to maintain social cohesion.⁷

The conflict extends beyond administration to the philosophical question of how the state positions itself in the private affairs of its citizens. The Constitutional Court has remained consistent in maintaining the view that marriage is an entity inseparable from the religious law of its respective adherents, often prioritizing this stance over individual secular rights.⁸ This judicial position creates a significant gap between the sociological reality of an increasingly pluralistic society and the conservative framework of positive law.

Because the family serves as a foundational pillar for social order and state stability within the Islamic legal system, the failure to accommodate emerging societal dynamics can lead to a decline in public trust toward national legal institutions.⁹ These debates highlight the substantial challenges in reforming Muslim family law, which is tasked with adhering to core Shari'ah principles while simultaneously remaining relevant to contemporary international human rights standards.¹⁰ Ultimately, the issue of interfaith marriage in Indonesia serves as a reflection of the enduring struggle between maintaining a specific religious legal identity and accommodating the diversity of a pluralistic society.¹¹

In Islam, marriage is regarded as a sacred covenant (*mithaqan ghalizān*) between a man and a woman, explicitly ordained in the Qur'an. This bond is not merely a biological or civil arrangement but an act of worship encompassing profound spiritual, social, and religious dimensions. Accordingly, Islamic jurisprudence prescribes strict conditions and essential pillars (*arkan* and *shurut*) to preserve the sanctity and validity of the marriage. In Indonesia, this principle is formally codified in Article 1 of Law Number 1 of 1974 on Marriage and, specifically for Muslims, is reinforced by the Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law (*Kompilasi Hukum Islam*/KHI).¹²

⁶ Maula and Muhsin, "Interfaith Marriage and the Religion-State Relationship," 805-808.

⁷ Maula and Muhsin, "Interfaith Marriage and the Religion-State Relationship," 801-805.

⁸ Constitutional Court of the Republic of Indonesia, Decision No. 68/PUU-XII/2014, 153-158; Mark E. Cammack, "Indonesia's Islamic Law Reform," *Journal of Law and Religion* 35, no. 1 (2020): 112-115.

⁹ Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: IIIT, 2008), 123-125; Mohammad Hashim Kamali, *Shari'ah Law: An Introduction* (Oxford: Oneworld, 2008), 167-173.

¹⁰ Cammack, "Indonesia's Islamic Law Reform," 112-115; Abdullahi Ahmed An-Na'im, *Islam and the Secular State* (Cambridge: Harvard University Press, 2008), 178-182.

¹¹ Maula and Muhsin, "Interfaith Marriage and the Religion-State Relationship," 802-805.

¹² Indonesia, Law No. 1 of 1974 on Marriage, art. 1; Indonesia, *Compilation of Islamic Law* (*Kompilasi Hukum Islam*), Presidential Instruction No. 1 of 1991, arts. 2-5.

However, the application of these religious frameworks often creates a palpable tension between traditional religious authority and the evolving scope of civil rights. As the state seeks to regulate the private lives of its citizens, there is an ongoing conflict between classical interpretations of Islamic jurisprudence, which emphasize religious exclusivity, and the growing demand for modern human rights, including the right to marry across religious boundaries.¹³ This friction is particularly evident when the state's obligation to uphold individual freedoms encounters the established authority of religious institutions that maintain marriage must remain within the confines of religious law.¹⁴

This clash reflects a broader dilemma between adhering to rigid, classical interpretations of law and embracing the fluidity of modern human rights. While religious authorities argue that marriage is fundamentally governed by divine command, civil rights advocates emphasize that the state must ensure the protection of all citizens regardless of their religious affiliation, often challenging the state to decouple marital validity from rigid religious exclusivity.¹⁵ Consequently, this tension complicates the legal landscape, leaving policymakers to grapple with the challenge of balancing the preservation of the religious character of family law with the necessity of ensuring equality and inclusivity in a democratic society.¹⁶

Southeast Asia is characterized by significant ethnic, cultural, linguistic, and religious diversity, making it one of the most pluralistic regions in the world.¹⁷ This pluralism facilitates interactions among adherents of different faith traditions and, in some cases, leads to interfaith marriages.¹⁸ Such marriages have become the subject of extensive debate from legal, theological, and human rights perspectives.¹⁹ Among Muslim communities, interfaith marriage remains particularly controversial. Classical Islamic jurisprudence generally permits Muslim men to marry women from the *Ahl al-Kitāb* based on Al-Mā'idah (5):5, although jurists differ regarding the scope and conditions of such permissibility.²⁰

In contrast, contemporary legal frameworks in several Southeast Asian Muslim-majority countries, including Indonesia, Malaysia, and Brunei Darussalam, adopt more restrictive approaches toward marriages involving Muslims and non-Muslims.²¹ This situation reflects an ongoing tension between scriptural interpretation and the state's effort to regulate family law in accordance with social, religious, and public policy considerations.²²

¹³ Salahuddin et al., "Practice of Interfaith Marriages," 479.

¹⁴ Salahuddin et al., "Practice of Interfaith Marriages," 481.

¹⁵ Maula and Muhsin, "Interfaith Marriage and the Religion-State Relationship," 801-808.

¹⁶ Salahuddin et al., "Practice of Interfaith Marriages," 485.

¹⁷ Victor T. King and William D. Wilder, *The Modern Anthropology of South-East Asia: An Introduction* (London: Routledge, 2020), 15-18.

¹⁸ Candra Refan Daus and Ismail Marzuki, "Perkawinan Beda Agama di Indonesia: Perspektif Yuridis, Agama-Agama dan Hak Asasi Manusia," *Al-'Adalah: Jurnal Syariah dan Hukum Islam* 8, no. 1 (2023): 42-46.

¹⁹ Maula and Muhsin, "Interfaith Marriage and the Religion -State Relationship," 801-804.

²⁰ Al-Ṭabarī, *Jāmi' al-Bayān 'an Ta'wīl Ay al-Qur'an*, vol. 6 (Beirut: Dār al-Fikr, 2000), 145-150; Ibn Kathīr, *Tafsīr al-Qur'an al-'Azīm*, vol. 3 (Riyadh: Dār Ṭayyib, 1999), 71-72.

²¹ Indonesia, Law No. 1 of 1974 on Marriage, art. 2(1); Indonesia, Compilation of Islamic Law (Kompilasi Hukum Islam), Presidential Instruction No. 1 of 1991, art. 40(c); Malaysia, Islamic Family Law (Federal Territories) Act 1984 (Act 303), sec. 10; Brunei Darussalam, *Islamic Family Law Act* (Chapter 217), secs. 8-17.

²² Bani Syarif Maula and Ilyya Muhsin, "Interfaith Marriage and the Religion-State Relationship: Debates between Human Rights Basis and Religious Precepts," *Samarah* 8, no. 2 (2024): 805808; Mohamad Zulkifli Abd

Consequently, interfaith couples frequently encounter legal and administrative challenges in obtaining recognition of their marital status, particularly where marriage registration is closely linked to religious affiliation.²³ In some instances, religious conversion becomes a practical means of satisfying legal requirements for marriage registration.²⁴ From a human rights perspective, these restrictions continue to stimulate debate concerning freedom of religion, equality before the law, and the principle of non-discrimination.²⁵ Conversely, Southeast Asian countries with Muslim minority populations such as Thailand, Singapore, Vietnam, and the Philippines generally permit interfaith marriages under civil law rather than Islamic law.²⁶

Existing scholarship on interfaith marriage in Muslim societies has generally developed along three major directions. First, a number of studies examine interfaith marriage through the framework of religion–state relations, constitutionalism, and human rights. Maula and Muhsin argue that the controversy surrounding interfaith marriage in Indonesia reflects a continuing negotiation between religious authority and constitutional guarantees of individual rights, while Cammack, Bedner, and Van Huis demonstrate that the development of Islamic family law in Indonesia has consistently involved tensions between democratic aspirations, human rights discourse, and the preservation of Islamic legal norms within state institutions. These studies successfully illuminate the political and legal dimensions of interfaith marriage but provide limited discussion of the exegetical foundations of Qur’anic verses that continue to shape contemporary legal regulations.

Other studies focus primarily on the normative dimensions of Islamic law and Qur’anic interpretation. Classical exegetes such as al-Ṭabarī, al-Qurṭubī, and Ibn Kathīr generally interpreted al-Mā’idah (5):5 as permitting Muslim men to marry women from among the Ahl al-Kitāb, although such permissibility remained closely connected to considerations of morality, faith, and communal welfare.²⁷ Contemporary scholarship has revisited these interpretations through *maqāṣid al-sharī‘ah* and contextual approaches. Rahman and Shamsuddin demonstrate how contemporary Malaysian fatwas employ the principle of *i’tibār al-ma’ālāt* to justify restrictive positions regarding interfaith marriage, whereas Setiawan et al. reveal that recent reforms of Islamic family law in Indonesia increasingly rely on *maqāṣid*-oriented reasoning to preserve religious identity and family stability.²⁸ While these studies enrich contemporary discussions of Islamic legal reasoning,

Rahman and Mustafa Mat Jubri Shamsuddin, “Principle of Consideration of the Consequences (I’tibār al-Ma’ālāt) on the Conflicting Fatāwā in Malaysia about the Interfaith Marriage between Muslims and the Women from the People of the Book,” *International Journal of Fiqh and Usul al-Fiqh Studies* 9, no. 1 (2025): 118-120.

²³ Daus and Marzuki, “Perkawinan Beda Agama di Indonesia,” 52-58.

²⁴ Salahuddin et al., “Practice of Interfaith Marriages,” 480-482.

²⁵ Daus and Marzuki, “Perkawinan Beda Agama di Indonesia,” 58-61; Maula and Muhsin, “Interfaith Marriage and the Religion-State Relationship,” 805-808.

²⁶ Martha Eri Safira, *The Politics of Family Law Reform in Southeast Asia* (Tulungagung: Satupress, 2024), 85-92; Mohd Norhusairi Mat Hussin et al., “Interfaith Marriage Among Muslims in Singapore,” *Al-‘Adalah* 22, no. 1 (2025): 12-16; Singapore, *Women’s Charter* (Cap. 353).

²⁷ Al-Ṭabarī, *Jāmi‘ al-Bayān ‘an Ta’wīl Ay al-Qur’ān*, vol. 6 (Beirut: Dār al-Fikr, 2000), 145-150; Al-Qurṭubī, *Al-Jāmi‘ li Ahkām al-Qur’ān*, vol. 6 (Cairo: Dār al-Kutub al-Miṣriyyah, 1967), 90-93; Ibn Kathīr, *Tafsīr al-Qur’ān al-‘Azīm*, vol. 3 (Riyadh: Dār Ṭayyib, 1999), 71-72.

²⁸ Rahman and Shamsuddin, “Principle of Consideration of the Consequences,” 118–122; Setiawan et al.,

they remain largely confined to particular national settings and rarely investigate how different Muslim societies derive distinct legal outcomes from the same Qur'anic text.

A third group of studies adopts a comparative legal perspective by examining the regulation of interfaith marriage across Southeast Asia. Recent studies have demonstrated substantial differences between Muslim-majority countries such as Indonesia, Malaysia, and Brunei Darussalam and more plural legal systems such as Singapore.²⁹ These studies reveal significant variations in legal outcomes but tend to focus primarily on statutory regulations and institutional arrangements without systematically examining how interpretations of al-Mā'idah (5):5 influence the construction of legal frameworks. Consequently, the relationship between Qur'anic interpretation, *maqāṣid*-oriented legal reasoning, and legal institutionalization remains insufficiently explored in the existing literature.

Despite the growing body of scholarship, three important gaps remain. First, previous studies rarely reconstruct the genealogy of interpretations of al-Mā'idah (5):5 across classical, Malay-Islamic, and contemporary exegetical traditions. Second, comparative studies on Southeast Asian family law generally concentrate on statutory regulations and judicial practices while overlooking the hermeneutical processes through which Qur'anic interpretation is translated into legal norms. Third, there remains no comprehensive analytical framework capable of integrating Qur'anic exegesis, *maqāṣid al-sharī'ah*, comparative family law, and socio-legal realities in explaining the diversity of interfaith marriage regulations across Southeast Asia.

This article contributes to the growing scholarship on interfaith marriage in three important respects. First, it reconstructs the genealogy of interpretations of al-Mā'idah (5):5 across classical, Malay-Islamic, and contemporary exegetical traditions, thereby demonstrating how changing interpretive paradigms have shaped legal understandings of interfaith marriage over time. Second, it brings together Qur'anic exegesis, *maqāṣid al-sharī'ah*, and comparative family law within a single analytical framework, enabling a more comprehensive examination of the relationship between scriptural interpretation and legal institutionalization in Southeast Asia. Third, by comparing Indonesia, Malaysia, Brunei Darussalam, and Singapore, this study advances current discussions on Islamic family law by illustrating how identical scriptural sources may generate different legal outcomes when mediated through distinct constitutional arrangements, *maqāṣid* priorities, and socio-demographic contexts.

Despite these important contributions, existing studies have generally examined interfaith marriage from doctrinal, legal, or human-rights perspectives in isolation. Limited attention has been given to how interpretations of Q. al-Mā'idah (5):5 are institutionalized within diverse legal systems and socio-political contexts across Southeast Asia. Positioning itself at the intersection of Qur'anic exegesis, *maqāṣid al-sharī'ah*, and comparative Islamic family law, this article investigates how a single Qur'anic text generates different legal outcomes in Indonesia, Malaysia, Brunei Darussalam, and Singapore. By doing so, the study

"Reforming Marriage Law in Indonesia," 183-188.

²⁹ Kurniawan et al., "Analysis of Interfaith Marriage Legality in Indonesia and South East Asia Countries," 308-311; Safira, *The Politics of Family Law Reform in Southeast Asia*, 85-88..

seeks to explain the relationship between scriptural interpretation, legal pluralism, and state regulation while proposing a transcendental-emancipatory framework for understanding contemporary debates on interfaith marriage.³⁰

This study uses a normative-doctrinal method combined with *maqāṣid*-based hermeneutics to examine the relevance of al-Mā'idah (5):5 in interfaith marriage practices across Southeast Asia, integrating Qur'anic textual analysis with modern socio-legal contexts and the higher objectives of Islamic law (*maqāṣid al-sharī'ah*), including the protection of religion, lineage, intellect, and social order. The data are drawn from primary sources the Qur'an, classical and contemporary tafsir, and family law statutes of Indonesia, Malaysia, Brunei Darussalam, and Singapore and secondary sources such as academic literature, fatwas, and comparative legal studies. Data collection relies on library and documentary research, followed by qualitative and comparative analysis through three stages: interpreting the normative meaning of the verse, comparing legal applications across countries, and synthesizing a contextual hermeneutic framework. The overall analysis illustrates the interaction between textual authority and social reality and aims to formulate a dynamic and adaptive understanding of Islamic law by proposing an interpretive model that connects classical Qur'anic exegesis with contemporary legal and pluralistic contexts in the reform of Islamic family law.

To operationalize the *maqāṣid*-based hermeneutical approach, this study adopts Jasser Auda's systems-oriented theory of *maqāṣid al-sharī'ah*. Unlike classical *maqāṣid* formulations that often focus primarily on legal preservation, Auda's framework emphasizes openness, multidimensionality, interconnectedness, and contextual analysis in understanding Islamic legal texts. Through this perspective, al-Mā'idah (5):5 is examined not merely as a normative legal provision concerning interfaith marriage, but as a text whose application must be assessed in relation to broader objectives of the Shari'ah, including the protection of religion (*hifẓ al-dīn*), lineage (*hifẓ al-nasl*), social harmony, and public welfare (*maṣlahah*). This approach enables the study to analyze how different Southeast Asian legal systems derive distinct legal outcomes from the same Qur'anic verse while remaining within the broader framework of legitimate Islamic legal reasoning (*ijtihād mu'tabar*).³¹

This methodological orientation also resonates with Fazlur Rahman's theory of the "double movement," which argues that Qur'anic interpretation should proceed through a reciprocal engagement between the historical context of revelation and the moral objectives embedded within the text. Rather than treating legal rulings as isolated prescriptions detached from their socio-historical circumstances, Rahman emphasizes the need to derive the broader ethical principles underlying specific Qur'anic commands and subsequently reapply those principles to contemporary realities. In the context of interfaith marriage, this approach enables a critical examination of whether classical rulings should be understood solely as fixed legal determinations or as historically situated interpretations directed toward particular

³⁰ Maula and Muhsin, "Interfaith Marriage and the Religion-State Relationship," 796–808; Daus and Marzuki, "Perkawinan Beda Agama di Indonesia," 40–64; Martha Eri Safira, *The Politics of Family Law Reform in Southeast Asia*, 85–92.

³¹ Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: International Institute of Islamic Thought, 2008), 45–52, 123–125.

social conditions while preserving the Qur'an's overarching commitment to justice, faith, and social welfare.³²

The analytical findings generated through this *maqāṣid*-based and contextual approach are subsequently synthesized into what this article terms a “Transcendental-Emancipatory Framework,” consisting of four interconnected dimensions: orientation, interpretation, *maqāṣid*, and legal institutionalization.

DISCUSSION:

1. Exegetical Analysis of al-Mā'idah (5):5: Text, Context, and Interpretive Trajectories

Among the Qur'anic verses most frequently cited in discussions of interfaith marriage, al-Mā'idah (5):5 occupies a particularly significant position. The verse has long served as the primary textual basis for scholarly debates concerning the permissibility of marriage between Muslim men and women from among the *Ahl al-Kitāb* (People of the Book). The verse states:

“Al-yawma uḥilla lakumu al-ṭayyibāt, wa ṭa'āmu alladhīna ūtū al-kitāba ḥillun lakum, wa ṭa'āmukum ḥillun lahum, wal-muḥṣanātu mina al-mu'minīna wal-muḥṣanātu mina alladhīna ūtū al-kitāba min qablikum.”

“Today all good things have been made lawful for you. The food of those who were given the Scripture is lawful for you, and your food is lawful for them. Likewise, lawful in marriage are chaste women from among the believers and chaste women from among those who were given the Scripture before you...” (Q. 5:5).

A close reading of this verse reveals that its legal and theological significance extends beyond the issue of marital permissibility alone. The verse simultaneously addresses *questions* of social interaction, communal boundaries, and the relationship between Muslims and other religious communities. Consequently, debates surrounding al-Mā'idah (5):5 have often reflected broader discussions concerning religious coexistence, legal authority, and the objectives of Islamic law in changing historical contexts.

From a linguistic perspective, the phrase *al-muḥṣanāt* occupies a central position in the verse. Classical exegetes generally interpreted the term as referring to free and chaste women (*al-ḥarā'ir al-'afīfāt*), thereby restricting the permissibility of marriage to women who maintain moral integrity and sexual chastity. Al-Ṭabarī explains that *al-muḥṣanāt* refers to women protected from immoral conduct through chastity and honorable character, distinguishing them from women known for illicit sexual relations.³³ This interpretation was subsequently adopted by al-Qurṭubī and Ibn Kathīr, both of whom regarded chastity as an indispensable condition for the legality of marriage with women from among the *Ahl al-Kitāb*.³⁴

³² Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago: The University of Chicago Press, 1982), 5-11.

³³ Al-Ṭabarī, *Jāmi' al-Bayān 'an Ta'wīl Ay al-Qur'an*, vol. 6 (Beirut: Dār al-Fikr, 2000), 145-147.

³⁴ Al-Qurṭubī, *Al-Jāmi' li Ahkām al-Qur'an*, vol. 6 (Cairo: Dār al-Kutub al-Miṣriyyah, 1967), 90-92; Ibn Kathīr, *Tafsīr al-Qur'an al-'Azīm*, vol. 3 (Riyadh: Dār Ṭayyib, 1999), 71-72.

The phrase *alladhīna ūtū al-kitāb* likewise generated substantial exegetical discussion. Al-Ṭabarī understood the term primarily as referring to Jews and Christians who possessed revealed scriptures prior to Islam.³⁵ However, jurists differed concerning the scope of this category, particularly when addressing Christian communities whose doctrinal beliefs had significantly diverged from strict monotheism. Al-Qurṭubī records divergent juristic opinions regarding whether all Christians should remain included within the Qur'anic designation of Ahl al-Kitāb despite theological deviations concerning the divinity of Jesus.³⁶ Nevertheless, the dominant classical position maintained that Jews and Christians retained their status as Ahl al-Kitāb and therefore remained subject to the legal implications of the verse.

The interpretation of al-Mā'idah (5):5 cannot be detached from its relationship with other Qur'anic passages concerning interfaith marriage. A major exegetical debate concerns the apparent tension between al-Mā'idah (5):5 and al-Baqarah (2):221, which prohibits marriage with polytheists (*al-mushrikāt*). Classical exegetes generally reconciled the two verses through the principle of specification (*takhṣiṣ*), arguing that al-Mā'idah (5):5 constitutes a specific exception to the general prohibition found in al-Baqarah (2):221.³⁷ According to this approach, Jewish and Christian women are excluded from the category of polytheists intended in the earlier verse. Ibn Kathīr explicitly adopts this position, arguing that al-Mā'idah (5):5 qualifies the prohibition of al-Baqarah (2):221 by permitting marriage with chaste women from among the People of the Book.³⁸

Another important interpretive dimension concerns the objectives underlying the permissibility granted in the verse. While classical exegetes generally accepted the legality of such marriages, many simultaneously expressed reservations concerning their social consequences. Al-Qurṭubī reports that 'Umar ibn al-Khaṭṭāb discouraged several Companions from marrying non-Muslim women due to concerns regarding communal cohesion and the future religious identity of Muslim families.³⁹ Consequently, although the text establishes permissibility, its practical application remained subject to considerations of public welfare (*maṣlahah*) and communal stability.

Modern exegetes have further expanded this discussion through maqāṣid-oriented and contextual approaches. Rashīd Riḍā argues that the permissibility contained in al-Mā'idah (5):5 should not be understood as an unconditional recommendation but rather as a contextual legal concession whose implementation depends upon its social consequences.⁴⁰ Within the Indonesian exegetical tradition, Hamka similarly maintains that the verse establishes legal permissibility for Muslim men to marry women from among the Ahl al-Kitāb, yet he warns that such marriages may generate religious and educational challenges within the family, particularly concerning the religious upbringing of children.⁴¹ Likewise, Hasbi Ash-Shiddieqy interprets the verse as evidence of Islam's recognition of social interaction and coexistence with scriptural communities, while emphasizing that the preservation of faith and family harmony should remain primary considerations in its application.⁴²

³⁵ Al-Ṭabarī, *Jāmi' al-Bayān*, 148-150.

³⁶ Al-Qurṭubī, *Al-Jāmi' li Ahkām al-Qur'an*, 92-93.

³⁷ Fakhr al-Dīn al-Rāzī, *Mafātīḥ al-Ghayb*, vol. 11 (Beirut: Dār Iḥyā' al-Turāth al-'Arabī, 1999), 167-169.

³⁸ Ibn Kathīr, *Tafsīr al-Qur'an al-'Azīm*, 72.

³⁹ Al-Qurṭubī, *Al-Jāmi' li Ahkām al-Qur'an*, 93.

⁴⁰ Rashīd Riḍā, *Tafsīr al-Manār*, vol. 6 (Cairo: al-Hay'ah al-Miṣriyyah, 1947), 182-184.

⁴¹ Hamka, *Tafsīr Al-Azhar*, vol. 3 (Jakarta: Pustaka Panjimas, 1982), 181-184.

⁴² M. Hasbi Ash-Shiddieqy, *Tafsīr Al-Qur'anul Majid An-Nur*, vol. 1 (Semarang: Pustaka Rizki Putra, 2000), 887-889.

2. The Genealogy of Qur'anic Exegesis on al-Mā'idah (5):5 : From Classical Juristic Consensus to Contemporary *maqāṣid* Contextualization

The exegetical history of al-Mā'idah (5):5 reveals not merely continuity in legal reasoning but also a gradual transformation in interpretive priorities. While classical Muslim scholars generally concentrated on determining the legal status of marriage between Muslim men and women from among the Ahl al-Kitāb, subsequent exegetical traditions increasingly engaged broader concerns relating to communal identity, family welfare, social harmony, and legal adaptation. The development of interpretation therefore reflects a broader trajectory within Islamic intellectual history, moving from textual and juridical clarification toward contextual and *maqāṣid*-oriented reasoning.⁴³¹

Classical exegetes approached al-Mā'idah (5):5 primarily within the framework of legal exegesis (*tafsīr al-aḥkām*). Their principal concern was to reconcile the apparent permissibility granted in al-Mā'idah (5):5 with the prohibition of marriage to polytheists in al-Baqarah (2):221. Consequently, exegetes such as al-Ṭabarī, al-Qurṭubī, and Ibn Kathīr focused on defining the category of Ahl al-Kitāb, determining the meaning of *al-muḥṣanāt*, and establishing the legal conditions under which such marriages could be considered valid. Although their legal conclusions differed in certain details, the dominant interpretive orientation remained centered on the question of permissibility and the preservation of religious boundaries within the Islamic legal order.⁴⁴²

As Islamic scholarship developed in the Malay-Indonesian world, the emphasis of interpretation gradually shifted from purely legal permissibility toward moral and social considerations. In the works of 'Abd al-Ra'ūf al-Singkīlī, the legal recognition of marriage with women from the People of the Book was retained, yet greater attention was given to ethical conduct, religious commitment, and the stability of family life. This tendency became more visible in later Indonesian exegetical traditions, where discussions of interfaith marriage increasingly reflected concerns regarding communal cohesion and religious continuity rather than merely the formal legality of the marriage contract. In this phase, the practical consequences of interfaith marriage began to occupy a more central place within exegetical discourse.⁴⁵³

A more significant methodological shift emerged during the modern reformist period. Influenced by the challenges of colonialism, modernization, and the rise of nation-states, scholars such as Rashīd Riḍā reconsidered the interpretation of al-Mā'idah (5):5 in light of changing social realities. Rather than focusing exclusively on whether

⁴³ Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago: The University of Chicago Press, 1982), 7–10; Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: International Institute of Islamic Thought, 2008), 45–52.

⁴⁴ Abū Ja'far Muḥammad b. Jarīr al-Ṭabarī, *Jāmi' al-Bayān 'an Ta'wīl Ay al-Qur'an*, vol. 8 (Cairo: Dār Hajr, 2001), 144–150; Abū 'Abd Allāh Muḥammad al-Qurṭubī, *Al-Jami' li-Aḥkām al-Qur'an*, vol. 6 (Beirut: Mu'assasat al-Risālah, 2006), 76–80; Ismā'il b. Kathīr, *Tafsīr al-Qur'an al-'Azīm*, vol. 3 (Riyadh: Dār Ṭayyibah, 1999), 40–44.

⁴⁵ Peter G. Riddell, *Islam and the Malay-Indonesian World: Transmission and Responses* (Honolulu: University of Hawai'i Press, 2001), 161–170; Hamdani Anwar, *Harmonisasi Takwil dan Tafwid dalam Tarjuman al-Mustafid* (Jakarta: Kencana, 2019), 45–48; Hamka, *Tafsīr al-Azhar*, vol. 3 (Jakarta: Gema Insani, 2015), 246–248.

interfaith marriage was legally permissible, reformist exegetes increasingly examined whether its implementation fulfilled the higher objectives of Islamic law (*maqāṣid al-sharī'ah*). Questions relating to religious preservation, family welfare, social integration, and the potential consequences of interfaith unions became central considerations. In this respect, legal permissibility was no longer treated as an isolated juridical category but as a ruling whose application required evaluation in relation to broader social outcomes.⁴⁶

Contemporary interpretations in Southeast Asia demonstrate a further stage in this evolution through the institutionalization of exegesis within modern legal systems. The debate concerning al-Mā'idah (5):5 is no longer confined to classical commentaries or juristic discussions but is mediated through constitutional frameworks, family law legislation, fatwa councils, and judicial institutions. Consequently, the same Qur'ānic verse generates different legal outcomes across Indonesia, Malaysia, Brunei Darussalam, and Singapore. These differences do not necessarily arise from disagreement over the textual meaning of the verse itself; rather, they reflect varying assessments of public welfare, religious identity, demographic realities, and state legal priorities. The interpretive authority of the text has therefore become increasingly intertwined with the institutional contexts in which Islamic law is implemented.⁴⁷

The genealogy of interpretation outlined above demonstrates a discernible intellectual trajectory. Classical exegesis emphasized legal permissibility and juristic classification; Malay-Islamic scholarship introduced stronger ethical and communal considerations; modern reformist thinkers foregrounded *maqāṣid* and social consequences; and contemporary Southeast Asian legal systems institutionalized these interpretive traditions within distinct constitutional and socio-legal environments. The diversity of present-day regulations concerning interfaith marriage should therefore be understood not as a fragmentation of Qur'ānic meaning, but as the result of successive stages in the historical development of Islamic legal reasoning and its engagement with changing social realities.⁴⁸

3. The Relevance of the Interpretation of al-Mā'idah (5):5 in Interfaith Marriage in Southeast Asian Countries

Interreligious marriage is one of the most complex and debated issues in contemporary Islamic family law. The discourse not only touches on theological and *fiqhīyyah* aspects but also involves the interplay between religion, state law, and social order within Muslim-majority and plural societies in Southeast Asia. The Qur'ānic verse

⁴⁶ Muḥammad Rashīd Riḍā, *Tafsir al-Manār*, vol. 6 (Cairo: al-Hay'ah al-Miṣriyyah al-Āmmah li al-Kitāb, 1990), 182–184; Yūsuf al-Qaraḍāwī, *Fiqh al-Aqallīyyāt al-Muslimah* (Cairo: Dār al-Shurūq, 2001), 145–148; Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law*, 233–239.

⁴⁷ Martha Eri Safira, *The Politics of Family Law Reform in Southeast Asia* (Tulungagung: Satupress, 2024), 85–92; Mark E. Cammack, Adriaan Bedner, and Stijn van Huis, “Democracy, Human Rights, and Islamic Family Law in Post-Soeharto Indonesia,” *New Middle Eastern Studies* 5 (2015): 6–9; Mohamad Zulkifli Abd Rahman and Mustafa Mat Jubri Shamsuddin, “Principle of Consideration of the Consequences (I'tibār al-Ma'ālāt) on the Conflicting Fatāwā in Malaysia about the Interfaith Marriage between Muslims and the Women from the People of the Book,” *International Journal of Fiqh and Usul al-Fiqh Studies* 9, no. 1 (2025): 118–120.

⁴⁸ Fazlur Rahman, *Islam and Modernity*, 8–10; Auda, *Maqasid al-Shariah as Philosophy of Islamic Law*, 245–248.

al-Mā'idah (5):5 is frequently cited as the textual foundation in this debate. The verse states: "...and [lawful in marriage are] chaste women from among the believers and chaste women from among those who were given the Scripture before you..." (al-Mā'idah (5):5).

At first glance, al-Mā'idah (5):5 appears to permit Muslim men to marry women from among the *Ahl al-Kitāb*. Classical Muslim exegetes, including al-Ṭabarī, al-Qurṭubī, and Ibn Kathīr, generally interpreted the verse within a broader framework of Qur'anic passages on interreligious marriage and developed their legal conclusions through established hermeneutical methods such as *ijmā'*, *qiyās*, and *takhsīs*. Contemporary scholars, however, have reexamined these interpretations in light of changing social contexts and evolving understandings of gender, religious pluralism, and Islamic legal reasoning, resulting in renewed debates regarding the scope and application of the verse in modern societies.⁴⁹

In Indonesia, the contextual interpretation of this verse directly shapes the formulation and implementation of marriage law. Law No. 1 of 1974 on Marriage, as amended by Law No. 16 of 2019, stipulates that a marriage is valid only if performed according to the laws of each party's religion (Article 2[1]). This implies that interreligious marriages that are not sanctioned by religious law cannot be legally recognized. The Compilation of Islamic Law (KHI) further reinforces this through Article 40(c), which prohibits a Muslim man from marrying a non-Muslim woman.

Judicially, the Supreme Court of Indonesia, through its Decision No. 1400 K/Pdt/1986, affirmed that interreligious marriages cannot be registered by the state as they contradict religious legality. This legal stance aligns with *maqāṣid al-sharī'ah*, particularly the preservation of religion (*ḥifẓ al-dīn*) and lineage (*ḥifẓ al-nasl*). Consequently, Indonesian interpretation of al-Mā'idah (5):5 adopts a preventive and contextual approach, seeking to protect Islamic faith and family integrity within a plural society.

In Malaysia, Islamic family law operates within a decentralized legal framework administered by individual states, although its general principles are reflected in the Islamic Family Law (Federal Territories) Act 1984 (Act 303). Section 10 of the Act provides that no marriage shall be solemnized under the Act where either party is not a Muslim. Accordingly, a marriage involving a Muslim and a non-Muslim cannot be legally solemnized under Islamic family law unless the non-Muslim party converts to Islam prior to the marriage.⁵⁰

In addition, the Fatwa Committee of the National Council for Islamic Religious Affairs Malaysia (*Majlis Fatwa Kebangsaan*) issued a ruling in 1981 declaring that marriages between Muslims and non-Muslims are prohibited (*haram*) and invalid under Islamic law. The fatwa is grounded in the principle of *sadd al-dharā'i'* (blocking the means to harm),

⁴⁹ Shehnaz Haqqani, "The Qur'an on Muslim Women's Marriage to Non-Muslims: Premodern Exegetical Strategies, Contradictions, and Assumptions," *Journal of Qur'anic Studies* 25, no. 1 (2023): 40-45; M. Quraish Shihab, *Tafsir al-Mishbab*, 3:311-312.

⁵⁰ Malaysia, *Islamic Family Law (Federal Territories) Act 1984* (Act 303), sec. 10; Itok Dwi Kurniawan, Ismawati Septiningsih, Muhammad Hendri Nuryadi, and Jose Gama Santos, "Analysis of Interfaith Marriage Legality in Indonesia and South East Asia Countries," *Fiat Justitia: Jurnal Ilmu Hukum* 18, no. 3 (2024): 308-311.

on the grounds that such unions may jeopardize religious commitment, the Islamic upbringing of children, and family stability. From a *maqāṣid al-sharī'ah* perspective, Malaysia's legal and religious stance primarily prioritizes *ḥifẓ al-dīn* (protection of religion) and *ḥifẓ al-nasl* (protection of lineage and future generations), thereby safeguarding the continuity of Islamic identity within the family.⁵¹ Therefore, the Malaysian interpretation of al-Mā'idah (5):5 is restrictive, focusing on maintaining the sanctity of Islamic values within the institution of marriage.

In Brunei Darussalam, Islamic family law is administered within a legal system that accords a central role to the *sharī'ah* in matters of personal status and public morality. The Islamic Family Law Act (Chapter 217) governs the regulation of Muslim marriages and places family relations under the jurisdiction of the Syariah Courts. In addition, the Syariah Penal Code Order 2013 reinforces the state's commitment to implementing Islamic legal principles as part of its national legal framework. Consequently, Brunei adopts a more restrictive approach toward interreligious marriage involving Muslims, emphasizing the protection of religious identity and the preservation of Islamic values within family life. This legal orientation reflects the broader philosophy of the Malay Islamic Monarchy (Melayu Islam Beraja), which positions Islam as a fundamental pillar of governance and social order.⁵²

In contrast, Singapore exhibits a distinctive plural legal framework in regulating marriage. The country maintains parallel systems of family law, namely Islamic law and civil law. Muslim marriages are administered under the Administration of Muslim Law Act (AMLA), whereas civil marriages are governed by the Women's Charter (Cap. 353). Although AMLA regulates the registration and administration of Muslim marriages, the Women's Charter provides a legal avenue through which marriages involving persons of different religious backgrounds may be recognized under civil law. Consequently, Singapore represents a unique model of legal pluralism in Southeast Asia, where Islamic law governs Muslim personal status matters while civil law accommodates interfaith marriages. Nevertheless, Muslim scholars and religious authorities continue to express concerns regarding interfaith marriages, particularly in relation to religious commitment, family cohesion, and the transmission of Islamic values to future generations.⁵³

Comparatively, the four Southeast Asian countries illustrate distinct interpretive orientations toward al-Mā'idah (5):5. Indonesia and Malaysia adopt a contextual and restrictive approach grounded in *ḥifẓ al-dīn* and *ḥifẓ al-nasl*. Brunei enforces a purely

⁵¹ Abdul Hakim, Ridzwan Ahmad, and Syed Mohd Jeffri Syed Jaafar, "Perbandingan Fatwa Perkahwinan Beza Agama Antara Muzakarah Majlis Kebangsaan Bagi Hal Ehwal Agama Islam Malaysia Dengan Majlis Ulama Indonesia Dari Perspektif Maqasid Shari'ah (Comparison of Interfaith Marriage Fatwas Between the National Council for Islamic Religious Affairs Malaysia and the Indonesian Council of Ulama from the Perspective of Maqasid Shariah)," *Online Journal of Research in Islamic Studies* 10, no. 2 (2023): 39-54.

⁵² Brunei Darussalam, *Islamic Family Law Act* (Chapter 217), revised ed. 2012, secs. 8-17; Brunei Darussalam, *Syariah Penal Code Order 2013*, arts. 1-4; Norshahril Saat, "Two Borneo Neighbours on Diversity: Comparing Religious Authority in Brunei and Sarawak," *ISEAS-Yusof Ishak Institute Perspective*, no. 47 (2024): 3-5.

⁵³ Mohd Norhusairi Mat Hussin et al., "Interfaith Marriage Among Muslims in Singapore," *Al-'Adalah* 22, no. 1 (2025): 12-16, <https://doi.org/10.24042/adalah.v22i1.23667>; Singapore, *Administration of Muslim Law Act* (AMLA), Cap. 3; Singapore, *Women's Charter* (Cap. 353).

sharī'ah-based model prohibiting all interreligious marriages, while Singapore accommodates pluralism by separating religious and civil jurisdictions. From a *maqāṣid al-sharī'ah* standpoint, these variations reflect the dynamic relationship between textual fidelity and contextual adaptation within modern nation-states.

Indonesia's model can be regarded as the most constitutionally integrative, as it harmonizes Qur'anic interpretation with constitutional guarantees under Article 29 of the 1945 Constitution, which upholds freedom of religion while grounding marriage legitimacy in religious law. Therefore, the relevance of al-Mā'idah (5):5 in Southeast Asia should not be understood merely as textual permission, but as a normative guide to uphold the moral and theological integrity of Muslim families. A contextual, *maqāṣid* based interpretation reveals that the Qur'an's objective is not unrestricted permissibility but the preservation of faith, lineage, and family harmony in a plural society.

Ultimately, a comparative examination of Indonesia, Malaysia, Brunei, and Singapore demonstrates that Islamic law in Southeast Asia evolves responsively within its constitutional and cultural settings. Each model reflects a unique attempt to balance divine revelation with modern legal systems. The ongoing debates around al-Mā'idah (5):5 show that Islamic law remains adaptable to changing contexts while preserving its universal principles. Thus, the interpretation of this verse continues to serve as an epistemic foundation for constructing Islamic family law that is both faithful to the Qur'an and responsive to contemporary pluralism in Southeast Asia.

4. **Reconciliation of the Interpretation of al-Mā'idah (5):5: A Transcendental-Emancipatory Framework for Southeast Asian Family Law**

The term "reconciliation", derived from the Latin *reconciliare*, signifies the restoration of broken relationships. In the context of this study, it represents the intellectual and legal effort to bridge divergent interpretations of al-Mā'idah (5):5 regarding interreligious marriage. This verse serves as a crucial barometer for the legal orientations of Southeast Asian nations, where responses vary from strict prohibition to civil accommodation. To analyze this complex landscape, this study establishes an analytical framework based on four dimensions: Orientation, Interpretation, *Maqāṣid*, and Legal System.

The Dimension of Orientation: Transcendental-Emancipatory Framework

The orientation dimension serves as the philosophical foundation for mapping how Islamic law is approached, understood, and implemented across Southeast Asia. The Transcendental-Emancipatory approach transcends traditional, text-atomistic exegetical methods by integrating two complementary aspects:

a. The Transcendental Aspect (Divinity and Universal Values): Epistemologically, this dimension views the revealed text, specifically al-Mā'idah (5):5, not merely as a collection of procedural rules, but as a repository of divine values that are trans-historical and universal. In the context of interreligious marriage, this approach seeks to unearth the "spirit" or the deeper moral message within the verse, such as the principles of justice (*ʿadl*), public welfare (*maslahah*), and respect for human dignity (*al-*

karamah al-insaniyyah).⁵⁴ This compels legal practitioners to look beyond rigid legalism and uncover the spiritual objectives of the revelation. It steers interpretation away from the traps of exclusionary legalism that often overlook the divine intent behind the revelation.

b. The Emancipatory Aspect (Social Liberation and Dialogue): The emancipatory aspect is rooted in the realization that Islam in Southeast Asia has a long history of organic intersection with cultural plurality, a reality that demands the active engagement of the Muslim community as subjects of history rather than as objects subservient to hegemonic interpretations derived from socio-politically distinct Middle Eastern traditions.⁵⁵ In this context, deconstructing such hegemony is vital; emancipation here signifies "freeing" the intellect from interpretations that stifle Islamic inclusivity, particularly when those interpretations incite discrimination or marginalization within pluralistic societies. This liberation is fundamentally pursued through dialogical participation, an approach that encourages the creation of a discursive space between religious texts and empirical realities. Consequently, in Southeast Asia, where interreligious marriage is often an unavoidable sociological reality, the emancipatory orientation views this phenomenon not as a threat, but as an opportunity to formulate "inclusive-adaptive" family law. Through this engagement, diversity is repositioned as a means to strengthen social cohesion rather than a seed of sectarian division, allowing Islamic law to function as a compassionate solution that embraces multicultural realities without compromising its core moral essence.⁵⁶

Within this framework, the *transcendental* provides the theological legitimacy that Islam is universal and unbound by space-time, while the *emancipatory* provides the sociological legitimacy that Islamic law must address contemporary challenges. Figures such as Abdurrahman Wahid (Gus Dur) serve as the primary reference for this orientation, emphasizing that the essence of Islam in the archipelago is the capacity to "ground" transcendental values into pluralistic social realities through processes that are dialogical, peaceful, and compassionate (*rahmatan lil 'alamin*).⁵⁷

The Dimension of Interpretation: Hermeneutical Diversity

The interpretation of al-Mā'idah (5):5 across Southeast Asia is not monolithic; rather, it manifests as a bifurcated hermeneutical spectrum shaped by the varying degrees of Islam's integration into state structures and the socio-demographic composition of each nation. This dimension reveals that the application of the verse is heavily contingent upon the prevailing socio-legal consciousness rather than mere textual ambiguity.

⁵⁴ Martha Eri Safira, *The Politics of Family Law Reform in Southeast Asia* (Tulungagung: Satupress, 2024), 88-92.

⁵⁵ Azyumardi Azra, *Renaissance Asia Tenggara: Sejarah Wacana Dan Kekuasaan* (Bandung: PT. Remaja Rosdakarya, 2006), xviii.

⁵⁶ Jürgen Habermas, *The Theory of Communicative Action*, vol. 1: *Reason and the Rationalization of Society*, trans. Thomas McCarthy (Boston: Beacon Press, 1984), 8-22, 86-101.

⁵⁷ Samsudin Samsudin and Siti Nurbaya, "Konsep Pemikiran Abdurrahman Wahid Tentang Islam Kosmopolitan," *FiTUA: Jurnal Studi Islam* 3, no. 1 (2022): 57-58.

In Muslim-majority states such as Indonesia, Malaysia, and Brunei, the dominant interpretative tradition aligns with classical exegeses, most notably *Tafsir al-Qurtubi* (d. 1273) and the *Tafsir al-Manar* of Rashīd Riḍā. These works are employed to reinforce a protectionist stance, where the prohibition of interreligious marriage is viewed as a necessary safeguard for communal religious integrity and identity.⁵⁸ In this view, the potential for cultural assimilation is perceived as an existential risk to the religious upbringing of children and the cohesion of the Muslim household. By anchoring their legal stances in these established classical traditions, religious authorities in these countries seek to maintain clear boundaries of religious identity within the domestic sphere, often interpreting the *Ahl al-Kitab* category in light of modern geopolitical and social challenges.⁵⁹

Conversely, in countries where Muslims constitute a demographic minority, such as Singapore, Thailand, and the Philippines, the hermeneutical approach tends to be more inclusive and integrative. In these contexts, legal and religious authorities often adopt a more permissive reading of the verse, reinterpreting it through the lens of modern civil rights, communicative bridges, and cultural diversity.⁶⁰ Here, the interpretation shifts from a focus on communal segregation to one of social harmony. Interreligious unions are viewed not as a site of potential religious erosion, but as a practical manifestation of a pluralistic society. By emphasizing the universal spirit of the Qur'an over the rigid, historical strictures of earlier jurists, these societies utilize a "contextualized hermeneutic" that prioritizes the role of Islam in fostering coexistence and mutual understanding among diverse communities.⁶¹

Ultimately, this hermeneutical diversity underscores that the regional discord regarding interreligious marriage is not a result of linguistic disagreement over the verse's syntax. Instead, it is a testament to how *ijtihad* (legal reasoning) is continuously negotiated. The interpretation is essentially "situated", it is a dynamic product of the specific national configuration of Islam, where the theological mandate of the text is perpetually filtered through the sociological demands of the state.

The Dimension of *Maqāṣid*: Hierarchical Goal-Oriented Reasoning

Within this framework, legal application is guided by *Maqāṣid al-Shari'ah* (the objectives of Islamic law), which serve as the ultimate criteria for balancing textual permissions against the empirical requirements of public interest. The discord in regional policy is not a reflection of textual inconsistency, but rather a result of differing hierarchical priorities within the *Maqāṣid* framework, which are adapted to suit the specific needs of each nation's religious climate.

⁵⁸ Safira, *The Politics of Family Law Reform in Southeast Asia*, 85-88; Riḍā, *Tafsir al-Manar*, 182-184.

⁵⁹ M. Quraish Shihab, *Tafsir Al-Mishbah: Pesan, Kesan dan Keserasian Al-Qur'an* (Jakarta: Lentera Hati, 2002), 3:311-312.

⁶⁰ Silawati, Nurjannah, Ahmad Nabil Amir, and Mohd Roslan Mohd Nor, "The Application of Aspects of Islamic Family Law to the Muslim Minority in Singapore: A Literature Review," *International Journal of Social Science and Religion (IJSSR)* 5, no. 1 (2024): 148-150; Al-Qaraḍāwī, *Fiqh al-Aqalliyāt al-Muslimah*, 112-115.

⁶¹ Ayi Zaenal Mutaqin et al., "Interfaith Marriage in the Perspectives of Indonesian Tafsir Ulama," *Hanifiya* 5, no. 2 (2022): 118-120; Silawati et al., "The Application of Aspects of Islamic Family Law," 148-150.

In Muslim-majority contexts, the interpretive hierarchy is governed by a defensive *Maqāṣid* strategy. Legal authorities emphasize the protection of the *kullīyyat al-kebams* (the five essential objectives), specifically prioritizing *Hifẓ al-Dīn* (protection of religion) and *Hifẓ al-Nasl* (protection of lineage).⁶² Guided by the principle of *Sadd al-Dhārī'ah*, these states implement a "restrictive *Maqāṣid*" approach, where the potential long-term erosion of religious identity within the family unit is identified as a *mafsadah* (harm) that must be preempted.⁶³ Consequently, the legal prohibition of interreligious marriage is not framed as a rejection of divine scripture, but as a proactive instrument designed to secure the structural integrity of the Muslim community against the perceived risks of cultural and religious assimilation.⁶⁴

In contrast, minority-Muslim contexts prioritize a different configuration of *Maqāṣid*, leaning toward *Taysir* (facilitation) and the preservation of social harmony. Here, the interpretive hierarchy places significant weight on *Hifẓ al-'Aql* (protection of reason) and *Hifẓ al-Nafs* (protection of life/human dignity).⁶⁵ By reframing interreligious marriage as an essential component of social stability and the protection of the individual's right to form a family, authorities utilize an "expansive *Maqāṣid*" approach. The primary objective is to maintain peaceful coexistence and foster interreligious dialogue, where legal flexibility is viewed as a necessary tool to prevent the marginalization of the Muslim community and to uphold the dignity of its members within a pluralistic environment.⁶⁶

This dimension demonstrates that *Maqāṣid* is not a static list of objectives, but a dynamic tool for legal reasoning that necessitates a contextual weighing of values. The reconciliation of these divergent interpretations lies in acknowledging that both the restrictive and the permissive approaches are grounded in the same foundational objective: the preservation of the community's welfare. The divergence is merely a result of applying the *Maqāṣid* framework to different sociological realities. Thus, what is considered *maslahah* (welfare) in a nation-state where Islam is the dominant identity is fundamentally distinct from the *maslahah* required for a minority community struggling to maintain its religious footprint in a non-Muslim majority state. By applying this hierarchical reasoning, legal scholars and state institutions demonstrate *fiqh al-waḳi'*, a sophisticated "jurisprudence of reality", that ensures the law remains both faithful to the ultimate goals of Shari'ah and responsive to the evolving needs of the Southeast Asian public.⁶⁷

⁶² Al-Shāṭibī, *Al-Muwāfaqāt fī Uṣūl al-Sharī'ah*, ed. Mashhūr bin Ḥasan Āl Salmān (Kairo: Dār Ibn 'Affān, 1997), 2:8-10.

⁶³ Muhammad Khalid Masud, *Shari'ah Today: Islamic Law in the Modern World* (Islamabad: Islamic Research Institute, 2005), 45-48.

⁶⁴ M. Quraish Shihab, *Tafsir Al-Mishbah: Pesan, Kesan dan Keserasian Al-Qur'an* (Jakarta: Lentera Hati, 2002), 3:311-312.

⁶⁵ Jasser Auda, *Maqasid al-Shari'ah as Philosophy of Islamic Law: A Systems Approach* (London: IIIT, 2008), 123-125; Silawati et al., "The Application of Aspects of Islamic Family Law to the Muslim Minority in Singapore," 148-150.

⁶⁶ Silawati et al., "The Application of Aspects of Islamic Family Law to the Muslim Minority in Singapore: A Literature Review," *International Journal of Social Science and Religion (IJSSR)* 5, no. 1 (2024): 148-150.

⁶⁷ Al-Qaraḍāwī, *Fiqh al-Aqallīyyāt al-Muslimah*, 112-115; Ayi Zaenal Mutaqin et al., "Interfaith Marriage in

The Dimension of Legal System: Institutionalization and Resilience

The institutionalization of Islamic family law in Southeast Asia does not occur in a political vacuum. Instead, it is deeply embedded within the specific constitutional architectures and administrative traditions of each nation-state. This dimension examines how theological interpretations of al-Mā'idah (5):5 are operationalized, codified, and enforced through different state mechanisms, revealing a spectrum of "legal resilience" that ranges from total constitutional integration to administrative subordination.

In nations where Islam is constitutionally enshrined as the religion of the state, such as Malaysia and Brunei, legal resilience is characterized by a dual-track system. In Malaysia, under Article 3(1) of the Federal Constitution, Islamic law is formally institutionalized and administered through state-level Syariah courts, which possess exclusive jurisdiction over matters of personal status, including marriage and family disputes.⁶⁸ Similarly, Brunei's ideology of *Melayu Islam Beraja* (MIB) integrates Islamic principles into the very fabric of national governance, ensuring that Shari'ah norms are not merely advisory but legally binding.⁶⁹ In these jurisdictions, the interpretation of al-Mā'idah (5):5 is transformed from a scholarly opinion into a codified administrative requirement, creating a high degree of "legal closure" that limits the possibility of interreligious marriage registration within the Shari'ah court system.

Indonesia represents a unique case of a "Pluralistic-Administrative" model. While Indonesia is not an Islamic state, it integrates Islamic family law into the national legal structure through the *Kompilasi Hukum Islam* (KHI), which serves as the primary guidance for Religious Courts (*Pengadilan Agama*).⁷⁰ However, the state maintains a secularized civil marriage system. The legal tension regarding interreligious marriage here is mediated by administrative bureaucracy rather than purely religious decree; Law No. 1 of 1974 and Law No. 16 of 2019 stipulate that marriages must be conducted according to the parties' respective religious laws, effectively preventing the registration of interreligious unions by state authorities.⁷¹ This system demonstrates a form of "administrative resilience," where the state utilizes legal technicalities to uphold the religious status quo without necessitating a total Islamization of the state apparatus.

In countries where Muslims are a demographic minority, such as Singapore, the legal system employs a "Secular-Subordinative" approach. The *Administration of Muslim Law Act* (AMLA) (1966) grants the Muslim community autonomy in managing their

the Perspectives of Indonesian Tafsir Ulama," *Haniffiya* 5, no. 2 (2022): 118-120.

⁶⁸ Mohd Roslan Mohd Nor, Ahmad Termizi Abdullah, and Abdul Karim Ali, "From Undang-Undang Melaka to Federal Constitution: The Dynamics of Multicultural Malaysia," *SpringerPlus* 5, no. 1 (2016): 1683-1685.

⁶⁹ Saat, "Two Borneo Neighbours on Diversity," 3-5.

⁷⁰ Mark E. Cammack, "Indonesia's Islamic Law Reform," *Journal of Law and Religion* 35, no. 1 (2020): 112-115.

⁷¹ Indonesia, Law No. 1 of 1974 on Marriage, art. 2(1); Indonesia, Law No. 16 of 2019 amending Law No. 1 of 1974; NYU Law Global, "Shariah Law in Southeast Asian (ASEAN) Region: Business and Religion, An Exploratory Introduction," *GlobaLex* (2023), accessed June 5, 2026

personal status laws, such as marriage and divorce.⁷² However, this autonomy is strictly bounded by the overarching secular, pluralistic framework of the national constitution. In this context, the regulation of interreligious marriage is viewed as a matter of civil right rather than a religious prerogative, and religious law is permitted to operate only within the private, communal sphere.⁷³

This systemic variation highlights that the "legal reality" of interreligious marriage is a product of the state's political configuration. In monolithic systems, the law is designed to shield the community from external change; in pluralistic-administrative systems, the law acts as a mediator between religious mandate and national uniformity; and in secular-subordinative systems, the law prioritizes individual civil freedom over communal religious governance. Consequently, the "resilience" of Islamic law in Southeast Asia is not defined by its ability to enforce a singular interpretation, but by its capacity to adapt its institutional form to the diverse political structures of the region.

5. The Transcendental-Emancipatory Model of Interfaith Marriage Regulation in Southeast Asia.

The comparative analysis of Indonesia, Malaysia, Brunei Darussalam, and Singapore demonstrates that the legal relevance of al-Mā'idah (5):5 cannot be adequately understood through a purely textual or doctrinal approach. Rather, the implementation of the verse is shaped by a dynamic interaction between Qur'anic normativity, maqāṣid al-sharī'ah, constitutional structures, and the socio-demographic realities of each state. The findings indicate that different legal responses toward interfaith marriage emerge not because of disagreement concerning the authority of the Qur'anic text, but because of divergent approaches in contextualizing the objectives of Sharī'ah within distinct socio-legal environments.⁷⁴

Based on these findings, this study proposes a Transcendental-Emancipatory Model as an analytical framework for understanding the diversity of interfaith marriage regulations in Southeast Asia. The model is derived from four interconnected dimensions identified throughout the analysis: orientation, interpretation, maqāṣid prioritization, and legal institutionalization. These dimensions collectively explain how Muslim-majority and minority-Muslim societies negotiate the relationship between scriptural authority and contemporary legal realities.

The model is described as transcendental because it recognizes revelation as the primary source of legal legitimacy. Across all jurisdictions examined in this study, legal arguments concerning interfaith marriage continue to refer, directly or indirectly, to al-Mā'idah (5):5 and the broader Islamic legal tradition concerning marriage, family, and communal identity. Classical exegetes such as al-Ṭabarī, al-Qurṭubī, and Ibn Kathīr understood the verse as providing conditional permissibility for Muslim men to marry

⁷² Administration of Muslim Law Act (AMLA), Cap. 3, Revised Edition 2009 (Singapore).

⁷³ Silawati et al., "The Application of Aspects of Islamic Family Law to the Muslim Minority in Singapore: A Literature Review," *International Journal of Social Science and Religion (IJSSR)* 5, no. 1 (2024): 148-151.

⁷⁴ Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: IIIT, 2008), 123-125.

women from among the Ahl al-Kitāb, while simultaneously emphasizing moral integrity, communal welfare, and the protection of faith.⁷⁵ Consequently, the transcendental dimension ensures that legal reasoning remains connected to the ethical and theological objectives embedded within the Qur'anic text.

At the same time, the model is emancipatory because it acknowledges that legal interpretation must engage with changing social realities. Contemporary scholars such as Rashīd Riḍā, Yūsuf al-Qaraḍāwī, Muḥammad Shahrūr, Hamka, and M. Quraish Shihab demonstrate that the application of al-Mā'idah (5):5 cannot be separated from the social consequences generated by interfaith marriage within specific contexts.⁷⁶ In this perspective, Islamic law is not viewed as a static legal structure but as a dynamic system designed to achieve public welfare (*maṣlahah*) while preserving the fundamental objectives of the Shari'ah. The emancipatory dimension therefore allows legal reasoning to respond constructively to multiculturalism, constitutional pluralism, and evolving forms of religious coexistence.

The first dimension of the model is orientation, which determines the philosophical direction of legal reasoning. The findings reveal that Indonesia, Malaysia, and Brunei adopt a predominantly protective orientation aimed at safeguarding Islamic identity within the family institution. By contrast, Singapore exhibits a more accommodative orientation due to its plural legal system and minority-Muslim demographic configuration.⁷⁷ These differing orientations significantly influence how legal authorities understand the relationship between religious commitment and civil citizenship.

The second dimension is interpretation, which refers to the hermeneutical approach applied to al-Mā'idah (5):5. In Muslim-majority states, the verse is generally interpreted through restrictive and protectionist readings that emphasize the preservation of religious identity and communal cohesion. Conversely, minority-Muslim contexts tend to adopt contextual and integrative readings that prioritize coexistence and legal accommodation within a pluralistic society.⁷⁸ The variation therefore lies not in the authority of the text itself but in the methodology used to contextualize its meaning.

The third dimension concerns *maqāṣid* prioritization. The analysis demonstrates that legal differences across Southeast Asia are primarily shaped by varying hierarchies of *maqāṣid*. Muslim-majority states tend to prioritize *ḥifẓ al-dīn* (protection of religion)

⁷⁵ Al-Ṭabarī, *Jamī' al-Bayān 'an Ta'wīl Āy al-Qur'an*, vol. 6 (Beirut: Dār al-Fikr, 2000), 145-150; Al-Qurṭubī, *Al-Jāmi' li Ahkām al-Qur'an*, vol. 6 (Cairo: Dār al-Kutub al-Miṣriyyah, 1967), 90-93; Ibn Kathīr, *Tafsīr al-Qur'an al-'Azīm*, vol. 3 (Riyadh: Dār Ṭayyib, 1999), 71-72.

⁷⁶ Rashīd Riḍā, *Tafsīr al-Manār*, vol. 6 (Cairo: al-Hay'ah al-Miṣriyyah, 1947), 182-184; Yūsuf al-Qaraḍāwī, *Fiqh al-Aqalliyāt al-Muslimah* (Cairo: Dār al-Shurūq, 2001), 112-115; Muḥammad Shahrūr, *Al-Kitāb wa al-Qur'an: Qirā'ah Mu'aṣirah* (Damascus: al-Ahālī, 1990), 487-489; Hamka, *Tafsīr al-Azhar*, vol. 6 (Jakarta: Pustaka Panjimas, 1985), 58-60; M. Quraish Shihab, *Tafsīr al-Mishbah*, vol. 3 (Jakarta: Lentera Hati, 2002), 311-312.

⁷⁷ Mohd Norhusairi Mat Hussin et al., "Interfaith Marriage Among Muslims in Singapore," *Al-'Adalah* 22, no. 1 (2025): 12-16; Hakim, Ahmad, and Jaafar, "Perbandingan Fatwa Perkahwinan Beza Agama," 39-54.

⁷⁸ Shehnaz Haqqani, "The Qur'an on Muslim Women's Marriage to Non-Muslims," *Journal of Qur'anic Studies* 25, no. 1 (2023): 36-78.

and *ḥifẓ al-nasl* (protection of lineage), resulting in restrictive legal policies toward interfaith marriage. In contrast, minority-Muslim contexts assign greater weight to *ḥifẓ al-nafs* (protection of human dignity and social stability) and *ḥifẓ al-ʿaql* (protection of rational agency), thereby facilitating more flexible legal arrangements.⁷⁹ Consequently, divergent legal outcomes should be understood as different applications of the same maqāṣid framework rather than contradictory interpretations of Islam.

The fourth dimension is legal institutionalization, namely the manner in which interpretive choices are translated into state regulations and administrative mechanisms. Malaysia and Brunei institutionalize Islamic family law through strong Shariʿah-based legal systems, while Indonesia adopts a plural-administrative model that integrates Islamic family law into the national legal framework. Singapore, on the other hand, operates through a dual legal structure that separates religious administration from civil marriage law.⁸⁰ These institutional arrangements ultimately determine the practical legal consequences experienced by interfaith couples.

Taken together, these four dimensions demonstrate that legal diversity regarding interfaith marriage in Southeast Asia is produced through the interaction between scriptural authority and socio-legal context. Accordingly, the Transcendental-Emancipatory Model proposes that the reconciliation of al-Mā'idah (5):5 is achieved neither through rigid textualism nor unrestricted liberalization, but through a contextual application of maqāṣid al-shariʿah that preserves the normative authority of revelation while accommodating the realities of plural societies. In this sense, the model shifts the discourse from a binary debate between permissibility and prohibition toward a more comprehensive inquiry into how Islamic law can remain faithful to its theological foundations while responding to contemporary social transformations.⁸¹

Table 1. The Transcendental-Emancipatory Model of Interfaith Marriage Regulation in Southeast Asia

Dimension	Indonesia	Malaysia	Brunei Darussalam	Singapore
Orientation	Protective	Protective	Protective	Accommodative
Interpretation	Contextual-Restrictive	Restrictive	Highly Restrictive	Contextual-Inclusive
Dominant Maqāṣid	<i>Ḥifẓ al-Dīn; Ḥifẓ al-Nasl</i>	<i>Ḥifẓ al-Dīn; Ḥifẓ al-Nasl</i>	<i>Ḥifẓ al-Dīn</i>	<i>Ḥifẓ al-Nafs; Ḥifẓ al-ʿAql</i>
Legal System	Administrative-Pluralist	Dual Legal System	<i>Shariʿah</i> -Centered	Civil-Pluralist

⁷⁹ Al-Shāṭibī, *Al-Muwāfaqāt fī Uṣūl al-Shariʿah*, vol. 2 (Cairo: Dār Ibn ʿAffān, 1997), 8 -10; Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law*, 123 -125.

⁸⁰ Mark E. Cammack, "Indonesia's Islamic Law Reform," *Journal of Law and Religion* 35, no. 1 (2020): 112 -115; Malaysia, *Islamic Family Law (Federal Territories) Act 1984*; Brunei Darussalam, *Islamic Family Law Act (Chapter 217)*; Singapore, *Administration of Muslim Law Act (AMLA)*.

⁸¹ Muhammad Khalid Masud, *Shariʿah Today: Islamic Law in the Modern World* (Islamabad: Islamic Research Institute, 2005), 45-48; Yūsuf al-Qaraḍāwī, *Fiqh al-Aqallīyyāt al-Muslimah*, 112-115.

Legal Outcome	Restricted	Prohibited unless Conversion Occurs	Prohibited	Civil Accommodation
----------------------	------------	-------------------------------------	------------	---------------------

CONCLUSION

The interpretation of al-Mā'idah (5):5 in Southeast Asian family law serves as a critical barometer for how religious norms reconcile with modern statecraft. This study concludes that the regional spectrum, ranging from the restrictive-protective stance in Indonesia, Malaysia, and Brunei to the civil-inclusive frameworks in Singapore, is not a sign of textual fragmentation, but a demonstration of *ijtihad mu'tabar* responding to distinct national socio-legal architectures. The principal contribution of this study is the development of a 'Transcendental-Emancipatory' model that integrates Qur'anic exegesis, *maqāṣid al-shari'ah*, and comparative family law to explain the diversity of interfaith marriage regulations across Southeast Asia.

Through the proposed 'Transcendental-Emancipatory' model, this research resolves the tension between Qur'anic normativity and contemporary pluralism by positioning *Maqāṣid al-Shari'ah* as a bridge. This model answers the research problem by showing that legal variations are not deviations from orthodoxy, but necessary adaptations that maintain the relevance of Islamic law, ensuring it remains both faithful to divine revelation and responsive to the empirical demands of multicultural nation-states.

However, moving beyond the current landscape of legal mapping, this study identifies a critical gap in existing scholarship: a lack of engagement with contemporary exegetical methodologies. The discourse on interfaith marriage has often remained locked in either rigid classical adherence or surface-level civil adaptation, failing to critically interrogate how modern Southeast Asian *mufasssirin* (exegeists) engage with the *Ahl al-Kitāb* category amidst contemporary secularity.

To address this, future research should prioritize two critical agendas. First, comparative exegetical analysis is essential to uncover how scholars in the region reconcile classical interpretive tools with the lived challenges of multiculturalism. Second, there is an urgent need for hermeneutics of social impact, empirical-normative research that measures how divergent legal interpretations affect the social and domestic lives of interfaith families. By shifting from a static textual analysis to a dynamic, impact-oriented inquiry, future studies can bridge the gap between abstract jurisprudential objectives and the empirical realities of multicultural societies. Ultimately, this research affirms that the adaptability of Islamic family law is not merely a theoretical claim, but a functional necessity for maintaining the relevance and inclusivity of *Shari'ah* in an increasingly interconnected world.

REFERENCES

- Administration of Muslim Law Act (AMLA), Cap. 3, Revised Edition 2009 (Singapore).
 Afifuddin, Ahmad. "Relasi Muslim Dan Non-Muslim Dalam Tafsir Tarjuman al-Mustafid." El-Afkar: Jurnal Pemikiran Keislaman Dan Tafsir 11, no. 1 (2023): 92-95.
 Albab, Muhammad Ulil, dan Ahmad Izzuddin. "Interfaith Marriage in Islamic Law and Positive Law in Indonesia: A Study of the Conditions and Pillars." AL-WIJDĀN Journal of Islamic Education Studies 10, no. 1 (2025): 134-136.
 Ash-Shiddieqy, Hasbi. Falsafah Hukum Islam. Jakarta: Bulan Bintang, 1975.
 Auda, Jasser. Maqasid al-Shari'ah as Philosophy of Islamic Law: A Systems Approach. London: IIIT, 2008.
 Azra, Azyumardi. Renaissans Asia Tenggara: Sejarah Wacana Dan Kekuasaan. Bandung: PT. Remaja Rosdakarya, 2006.
 Cammack, Mark E. "Indonesia's Islamic Law Reform." Journal of Law and Religion 35, no.

- 1 (2020): 112-115.
- Daus, Candra Refan, dan Ismail Marzuki. "Perkawinan Beda Agama Di Indonesia; Perspektif Yuridis, Agama-Agama Dan Hak Asasi Manusia." *Al-'Adalah: Jurnal Syariah Dan Hukum Islam* 8, no. 1 (2023): 40-64.
- Erwinsyahbana, Tengku. "Aspek Hukum Perkawinan Antar Agama Dan Problematika Yuridisnya." *Refleksi Hukum: Jurnal Ilmu Hukum* 3, no. 1 (2019): 97-114.
- Friedmann, Yohanan. *Tolerance and Coercion in Islam: Interfaith Relations in the Muslim Tradition*. Cambridge: Cambridge University Press, 2003.
- Habermas, Jürgen. *The Theory of Communicative Action*. Diterjemahkan oleh Thomas McCarthy. Boston: Beacon Press, 1984.
- Habudin, Ihab. "Menimbang Metode Tematik-Holistik Dalam Pembaruan Hukum Keluarga Muslim (Telaah Pemikiran Khoiruddin Nasution)." *Al-Ahwal: Jurnal Hukum Keluarga Islam* 8, no. 1 (2015): 51-54.
- Hallaq, Wael B. *A History of Islamic Legal Theories: An Introduction to Sunni Usul al-Fiqh*. Cambridge: Cambridge University Press, 1997.
- Hamdani. *Harmonisasi Takwil Dan Tafwid Dalam Tarjuman al-Mustafid*. Banda Aceh: Ar-Raniry Press, n.d.
- Hamka. *Tafsir Al-Azhar*. Vol. 6. Jakarta: Pustaka Panjimas, 1985.
- Haqqani, Shehnaz. "The Qur'an on Muslim Women's Marriage to Non-Muslims: Premodern Exegetical Strategies, Contradictions, and Assumptions." *Journal of Qur'anic Studies* 25, no. 1 (2023): 36-78.
- Humanists International. "Freedom of Thought Report 2024." Accessed June 5, 2026. <https://fot.humanists.international/>.
- Kurniawan, Itok Dwi, et al. "Analysis of Interfaith Marriage Legality in Indonesia and South East Asia Countries." *Fiat Justisia: Jurnal Ilmu Hukum* 18, no. 3 (2024): 287-316.
- Masud, Muhammad Khalid. *Shari'ah Today: Islamic Law in the Modern World*. Islamabad: Islamic Research Institute, 2005.
- Mat Hussin, Mohd Norhusairi, et al. "Interfaith Marriage Among Muslims in Singapore." *Al-'Adalah* 22, no. 1 (2025): 1-28.
- Mohd Nor, Mohd Roslan, Ahmad Termizi Abdullah, dan Abdul Karim Ali. "From Undang-Undang Melaka to Federal Constitution: The Dynamics of Multicultural Malaysia." *SpringerPlus* 5, no. 1 (2016): 1683-1685.
- Muntaqo, Lutfan. "Islamic Thoughts On Interfaith Marriage In Local And Global Context." *Manarul Qur'an: Jurnal Ilmiah Studi Islam* 20, no. 1 (2020): 72-76.
- Mutaqin, Ayi Zaenal, et al. "Interfaith Marriage in the Perspectives of Indonesian Tafsir Ulama." *Hanifiya* 5, no. 2 (2022): 118-120.-
- NYU Law Global. "Shariah Law in Southeast Asian (ASEAN) Region: Business and Religion - An Exploratory Introduction." *GlobaLex*, 2023.
- Qāḍī, Muḥammad Sa'īd Al-. *Tafsīr Nūr Al-Iḥsān*. Kedah: Matba'ah al-Nahḍah al-'Ilmiyyah, n.d.
- Qaraḍāwī, Yūsuf. *Fiqh al-Aqalliyyāt al-Muslimah*. Cairo: Dār al-Shurūq, 2001.
- Qurṭubī, Al-. *Al-Jāmi' Li Ahkām al-Qur'ān*. Vol. 6. Kairo: Dār al-Kutub al-Miṣriyyah, 1967.
- Rahman, Fazlur. *Islam and Modernity: Transformation of an Intellectual Tradition*. Chicago: The University of Chicago Press, 1982.
- Rahman, Mohamad Zulkifli Abd, and Mustafa Mat Jubri Shamsuddin. "Principle of Consideration of the Consequences (*I'tibār al-Ma'ālāt*) on the Conflicting Fatāwā in Malaysia about the Interfaith Marriage between Muslims and the Women from the People of the Book." *International Journal of Fiqh and Usul al-Fiqh Studies* 9, no. 1 (2025): 114-128.

- Riḍā, Rashīd. *Tafsīr al-Manār*. Cairo: al-Hay'ah al-Miṣriyyah, 1947.
- Roziqin, Opik, dan Ah. Fathonih. "The Evolution of Marriage and Inheritance Law in Brunei Darussalam: A Comparative and Historical Study." *Indonesian Journal of Advanced Research* 3, no. 11 (2024): 1675-88.
- Saat, Norshahril. "Two Borneo Neighbours on Diversity: Comparing Religious Authority in Brunei and Sarawak." *ISEAS-Yusof Ishak Institute Perspective*, no. 47 (2024).
- Safira, Martha Eri. *The Politics of Family Law Reform in Southeast Asia*. Tulungagung: Satupress, 2024.
- Salahuddin, Muhammad, et al. "Practice of Interfaith Marriages in Indonesia on Islamic Jurisprudence." *International Journal of Social Science and Religion (IJSSR)* (2023): 477-485.
- Salahuddin, Muhammad, Nurhayati, and Ahmad Syarif. "Practice of Interfaith Marriages among Muslim Communities in Contemporary Southeast Asia." *Jurnal Al-Ahkam* 34, no. 2 (2024): 475-486.
- Samsudin, Samsudin, dan Siti Nurbaya. "Konsep Pemikiran Abdurrahman Wahid Tentang Islam Kosmopolitan." *FiTUA: Jurnal Studi Islam* 3, no. 1 (2022).
- Setiawan, Iwan, Muhammad Nurkholis, Ahmad Fauzi, and Siti Rahmah. "Reforming Marriage Law in Indonesia: A Critical Examination of Islamic Law on the Ban of Interfaith Marriages." *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 2 (2024): 179–198.
- Shahrūr, Muḥammad. *Al-Kitāb wa al-Qur'ān: Qirā'ah Mu'āṣirah*. Damascus: al-Ahālī, 1990.
- Shāṭibī, Al-. *Al-Muwāfaqāt fī Uṣūl al-Sharī'ah*. Kairo: Dār Ibn 'Affān, 1997.
- Shihab, M. Quraish. *Tafsir al-Mishbah: Pesan, Kesan dan Keserasian al-Qur'an*. Jakarta: Lentera Hati, 2002.
- Silawati, et al. "The Application of Aspects of Islamic Family Law to the Muslim Minority in Singapore: A Literature Review." *International Journal of Social Science and Religion (IJSSR)* 5, no. 1 (2024): 148-150.
- Singkili, 'Abd al-Ra'ūf Al-. *Tarjumān Al-Mustafid*. Kuala Lumpur: Khazanah Fathaniyah, 1990.
- Ṭabarī, Muḥammad ibn Jarīr Al-. *Jāmi' al-Bayān 'an Ta'wīl Āy al-Qur'ān*. Vol. 6. Beirut: Dār al-Fikr, 2000.



© 2026 by the authors. Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution (CC BY SA) license (<https://creativecommons.org/licenses/by-sa/3.0/>).