

Actualization of Imam Al-Ghazali's Maslahah Concept in the Context of Mixed Marriage

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Abstract

This abstract discusses the actualization of Imam Al-Ghazali's concept of maslahah within the context of mixed marriages. Imam Al-Ghazali, a prominent Islamic scholar, emphasized the importance of maslahah, which refers to the pursuit of societal welfare and the realization of benefits. Mixed marriages, involving individuals from different religious or cultural backgrounds, have become increasingly common in today's globalized world. However, such unions often present challenges, including cultural clashes, differing religious practices, and potential conflicts within families. In the context of mixed marriages, the concept of maslahah can play a significant role in promoting understanding, harmony, and social cohesion. It encourages individuals and communities to focus on the shared benefits and well-being derived from such unions. By prioritizing maslahah, couples can strive to find common ground, respect each other's beliefs, and foster an inclusive environment that embraces diversity. Imam Al-Ghazali's concept of maslahah emphasizes the importance of mutual consultation (shura) and the preservation of essential values and principles in society. Applied to mixed marriages, this concept encourages open dialogue, understanding, and compromise between partners and their respective families. It highlights the need to prioritize the well-being of individuals and society as a whole over individual desires or differences. The actualization of Imam Al-Ghazali's maslahah concept in the context of mixed marriages requires active engagement from religious scholars, community leaders, and families involved.

Keywords: *Concept, Ghazali, Maslahah, Marriage*



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INTRODUCTION

The philosophy of Islamic law in Syatibi's conception is a continuation of the discussion of the concept of maslahah (Husein Hamid Hasan tt) which has been stated in most of the works of ushul fiqh before Syatibi. Even though the use of the word maslahah in the early period and in the Qur'an meant goodness and benefit, Imam al-Ghazali rejected the use of this term based on the reduction of the theology of his fiqh (al Ghazali 2008).

The use of the term maslahah among jurists before Imam al-Syatibi experienced a very important development and at this time there were two main stages in the development of maslahah, namely the al-Ghazali period in the 12th century as described in al-Ghazali's book

namely al- Mustasfa. The discussion of maslahah is explained clearly and more thoroughly than what was put forward by Imam al-Basri, the jurist and expert on ushul before al-Ghazali where he emphasized the use of maslahah in relation to God (Yudian W Asmin 1995).

Al-Ghazali's style of legal thinking is heavily influenced by theological and philosophical thoughts, so he does not accept that maslahah is understood as the benefit of humanity, for him maslahah is only a complement and is placed under qiyas (al Ghazali 1992). Therefore, al-Ghazali criticizes the use of maslahah which is not supported by the texts. Furthermore, this paper will elaborate further on the style of legal thought and al-Ghazali's maslahah concept and its relevance to mixed marriages. Unlike some other legal scholars who emphasized the importance of maslahah as a primary source of law, al-Ghazali considered it to be secondary to qiyas, or analogical reasoning. For him, maslahah was considered a complementary tool that could be utilized within the framework of qiyas, but it did not hold the same weight as textual evidence.

Al-Ghazali's skepticism towards the use of maslahah not supported by textual evidence is reflective of his conservative approach to legal interpretation. He believed that the primary sources of Islamic law, such as the Quran and the Hadith (sayings and actions of the Prophet Muhammad), should serve as the foundation for legal rulings. Consequently, any argument based on maslahah had to be firmly grounded in these textual sources to be considered valid in his view.

Now, concerning the relevance of al-Ghazali's concept of maslahah to mixed marriages, it is important to note that al-Ghazali's specific views on this topic are not explicitly known or documented. However, one can speculate on the possible implications of his legal thinking. Mixed marriages, particularly between individuals of different religious backgrounds, have historically been a topic of debate within Islamic jurisprudence. Some scholars argue that such marriages are impermissible due to concerns about maintaining religious unity and preserving the faith of future generations. Others take a more permissive stance, emphasizing the potential benefits of promoting harmonious relationships and fostering understanding between different communities. Considering al-Ghazali's approach, it is likely that he would lean towards a cautious and conservative position on mixed marriages. His emphasis on textual evidence and his skepticism towards maslahah not supported by the texts would suggest that he would prioritize the explicit rulings and guidelines found in Islamic sources when addressing the issue of mixed marriages.

However, it is important to recognize that Islamic legal thought is diverse and encompasses a range of opinions. Other scholars may adopt different perspectives, and contemporary interpretations and approaches to mixed marriages may differ from those held by al-Ghazali or other classical jurists. The understanding and application of maslahah in relation to mixed marriages may vary depending on the context and the specific scholarly views taken into consideration.

RESEARCH METHODS

This writing uses a normative juridical research method, namely a research method that is carried out by examining only library materials or research objects focused on legal norms, both contained in laws and regulations, customs, or others.(Ali, 2021). The research approach used includes. Statutory Approach, "statuta approach," and Conceptual Approach, "conceptual

approach."Normative research must certainly use a statutory approach because what will be examined are various legal regulations that are the focus of research.(Suhaimi, 2018). This step starts by researching the existence of legal norms regarding food security and then looking at social facts in the field. Furthermore, it is analyzed whether there is a gap between the rule of law and the social facts. The types of legal materials used in this study consist of (1) Primary legal materials, which are the main materials in conducting normative research consisting of laws and regulations relating to the formation of regional apparatus and food. (2) Secondary legal materials are references related to the topic raised, consisting of books and other scientific writings. (3) Tertiary legal materials support legal materials in the form of dictionaries and other sources (print and electronic media). Legal materials are collected by taking an inventory of all regulations (primary materials) related to regional apparatus, including related references (secondary legal materials). Furthermore, the legal material is analyzed deductively by drawing conclusions from general matters to specific matters.(Timothy, 2017).

RESULTS AND DISCUSSION

A. Imam al-Ghazali and his Style of Legal Thought

Al-Ghazali's full name is Abu Hamid Muhammad ibn Muhammad ibn Taus Ahmad al-Tusi al-Shafi'i. He was born in 450 H/ 1058 AD in a small village called Ghazlah Thabran the city of Thus in the Khurasan region of Iran (Syarif 1993). As a child, al-Ghazali died by his father, and together with his younger brother Ahmad, he was raised by his father's friend, a Sufism expert, and then was handed over to an orphanage founded by Prime Minister Nizamul Mulk in the city of Thus. It was here that al-Ghazali studied fiqh from Imam Razaqani then moved to Naisabur and studied fiqh and kalam from Imam al-Juwaini, known as Imam al-Haramain, an Ash'ariyyah theologian.

As a person who masters theology and philosophy, al-Ghazali's style of legal thought is deeply rooted in faith, so his method of thinking in the field of Islamic law crystallizes in his ushul fiqh book, namely al-Mustasfa. According to al-Ghazali, religious law must be taken from the teachings of revelation, not the product of human reason, and this is a form of theological anticipation from the view of the Mu'tazilah that reason is one of the sources of Islamic law. For al-Ghazali, revelation only has an informative function towards reason and he insists on this view because al-Ghazali saw the diversity of thoughts that hit the Muslim community caused by the Greek free-thinking method which had penetrated into the mindset of Muslim intellectuals in the field of theology and philosophy which has an impact on fiqh thinking and this is dangerous for the substance of Islamic teachings (Muh Zuhri 1996).

Even though al-Ghazali was very attached to revelation, he did not ignore the role of reason at all because he realized that legal issues would continue to increase while the number of revealed texts could not possibly increase. Therefore, he argues that if a legal case is not indicated by the text, then qiyas can be used and the essence of qiyas is to align something that is not mentioned in the law with something that is mentioned in law by the text and the point of similarity is called illat (Yusif Musa tt). Meanwhile, al-Ghazali did not use wisdom as an illat (ta'lill ahkam bil illah), he only wanted to establish laws based on illat (ta'lilul ahkam bil illah). This is different from the Kufa sect which is always looking for the

secret behind legal provisions, they determine laws sometimes with wisdom because sometimes a legal decision is made based on wisdom (al Wahhab Khalaf 1993).

Al-Ghazali's style of thought and legal method above seems to be the basis and foundation for his thinking on the concept of maslahah as described in al-Mustasfa, as a more complete form of legal philosophy of thought compared to previous legal thinking as introduced by Hasan al-Basri where the concept maslahah is still understood as part of illat which also does not explain its relationship with Masalih al-Syar'iyyah itself (Zaki ad-Din Sya'ban tt).

B. Maslahah AL-Ghazali Concept

Al-Ghazali defines maslahah as follows that in its essential sense maslahah is an expression to seek something useful (benefits) or get rid of something vile (harm). But this is not what we mean because seeking benefits and getting rid of harm is the goal (maqashid) meant by creation (khalq) and goodness (as-shulhu) of creation in realizing their goals (maqashid). What is meant by maslahah is the maintenance of the objective objective of the law which consists of five things, namely the maintenance of religion, life, reason, lineage, and wealth (Suratmaputra, 2002). What guarantees the five principles (ushul) is maslahah and any negligence in maintaining these five things is mafsada and the opposite is maslahah (al Ghazali tt).

Furthermore, only maslahah mursalah which according to al-Ghazali is not supported by textual evidence and textual evidence or texts that will be accepted which has three qualities, namely daruruat, qathiyah and kulliyah (ar Razi 1998). Al- Ghazali explained this point by giving an example that if some infidels protect themselves with groups of Muslim captives while attacking the defenses of infidels means killing innocent Muslims. If the attack from the Muslims is not carried out, then the infidels will conquer the Islamic territory. In such conditions, it is permissible to argue that even if the Muslims do not attack, the life of the Muslim captives is not safe, therefore it is more important to protect the entire Muslim community than to secure only a part of it. This kind of thinking is acceptable because it refers to the three qualifications above, this is an emergency condition because it contains steps to protect one of these principles, namely preserving life and that can guarantee the life of the Muslims. This problem is universal because it considers the whole community, not some people (Nasution & Siregar, 2013).

two maslahah graduations are not allowed if they are not supported by specific textual evidence, if they are supported by the text, then the thought is called qiyas and those that are not supported are called istislah which are in accordance with istisan and therefore are invalid (Anwar Rasyidi 1984). Al-Ghazali classifies istislah parallel to istihsan as a method of reasoning that does not have unequal validity with the validity possessed by qiyas (Badran tt). He called the method of istislah and istisan as ushul mauhumah, namely the principles in which the mujtahid relies more on his imagination or wisdom than on Hadith.

For al-Ghazali, maslahah is not one of the four foundations (al-Qur'an, Sunnah, ijma and reason as a method of thought and analogy) (Moh Dahlan 2009). The description of maslahah is only an addition to the four foundations where al-Ghazali argues that maslahah is not one of the four reliable foundations and maslahah is not discussed (al-Mustasfa) in the section discussing methods of interpretation and analogy even though the relationship is

stated indirectly. direct. Even though maslahah is not the basis for al-Ghazali, references to maslahah are still put forward by al-Ghazali in the legal section in al-Mustasfa. Al-Ghazali also provides references to maslahah in the section that talks about methods of thinking.

For al-Ghazali, there are only two valid *istinbat* methods, namely *al-sabr wa al-taqsim* (observation and classification; elimination method) and *munasabah* (combination). It is in this connection with *munasabah* that maslahah becomes the main combined element with *syara'* which is often discussed by al-Ghazali and *munasib* is defined as something like *masalih*, but *munasabah* and *maslahah* are not identical (Al Kalni 1414 H). Although al-Ghazali analyzes *munasib* also in terms of effectiveness and validity in the same way as was done for *maslahah*, the detailed statements are different.

In al-Ghazali's view, *munasib* is divided into four categories namely, First, the appropriate consensus and supported by a special textual foundation. Second, unsuitable and unsupported textual foundations. Third, the *munasib* is inconsistent but supported by a textual basis and the fourth is that the narration is supported by a textual basis. Al-Ghazali added that the first classification can be accepted by all legal experts. The second category is called *istisnā*, namely making laws according to personal authority. The third category is called *istislah* or *istidlal al-mursal*. From the classification given by al-Ghazali *maslahah* is a basic consideration for deciding the compatibility or *munasabah* of something that *istisnā* doesn't have but once again *munasabah* and *maslahah* depend on its compatibility and confirmation with texts in general. Otherwise, it will fall into the *istisnā* category.

In *istislah*, the focus is on the broader welfare of society and the well-being of individuals. It allows for flexibility in legal interpretation and decision-making, taking into account the overall benefits and harms that may result from a particular action or ruling. While *istislah* considers *maslahah* as a fundamental consideration, it is important to note that *maslahah* can also be taken into account in other legal reasoning methods, such as *istisnā* (juristic preference). However, *istisnā* primarily relies on juristic preference or equity rather than explicitly considering *maslahah*.

In determining the compatibility or appropriateness (*munasabah*) of a particular action or ruling, both *istislah* and *istisnā* can be relevant. However, their specific applications may differ. *Istislah* focuses on considering overall public interest and welfare, while *istisnā* emphasizes juristic preference and equity. The compatibility and confirmation with texts (such as the Quran and Hadith) remain important factors in evaluating the validity of any legal reasoning method, including *istislah*. It is worth mentioning that the classification and understanding of legal reasoning methods may vary among different scholars and schools of thought within Islamic jurisprudence. Therefore, while al-Ghazali's classification is widely recognized, there may be variations and nuances in how different scholars interpret and apply these concepts.

From al-Ghazali's description of *maslahah*, it can be understood that his penchant for the theologizing of *fiqh* and *qiyas* as a method of thought led al-Ghazali to examine the concept of *maslahah* with several requirements. Based on his theological views, al-Ghazali rejected *maslahah* in terms of human benefit, research, and study of *maslahah* must be focused on existing texts. Al-Ghazali made a method of thinking by using *maslahah* one level below *qiyas* and al-Ghazali did not reject *maslahah* at all as his rejection of *istisnā* but

the qualifications he provided to accept maslahah did not place maslahah as an independent principle of thought.

The classification and definition put forward by al-Ghazali was then followed by several legal experts according to the chain of ushul fiqh works that were known later. The influence of al-Ghazali's thoughts on maslahah is very strong as stated by Ibn Khaldun that *Kitab al-Mustasfa* is still the main source that is influential for subsequent ushul fiqh writers until the emergence of al-Razi's monumental work, namely *al-Mahsul* (Ibnu Khaldun 1320 H).

C. Actualization of al-Ghazali's Maslahah Concept in the Context of Interfaith Marriage

As previously stated, that al-Ghazali placed maslahah under texts, reason cannot go beyond the provisions of religious texts. Therefore, the issue of mixed marriages, for example, as an issue born of a human stigma acting in the name of benefit, will be studied for its legality based on al-Ghazali's concept of maslahat. Is mixed marriage (different religion or nation) valid and justified in the context of al-Ghazali's benefit.

In the Indonesian legal literature, marriages that occur between two people of different religions, for example between a man who is Muslim and a woman who is Christian, are commonly referred to as interfaith marriages (Abdul Rozak 2011). The naming is a translation of the word *interreligious marriage* (English) or *interreligious huwelijk* (Dutch). In addition, Law No. 1 of 1974 does not provide a definition of interfaith marriage (Amir Syarifuddin 2006). The law only provides the meaning of mixed marriage as contained in Article 57, namely: " Marriage between two people who in Indonesia are subject to different laws, because of differences in nationality and one of the parties is an Indonesian citizen."

Scholars have formulated the notion of mixed marriage as interfaith marriage. Ahmad Azhar Basyir, for example, recognizes interfaith marriages as mixed marriages. According to him, mixed marriages are marriages between men and women who have different religious beliefs (A. Zubairie 1985). While Rusli and R. Tama, provide an understanding of interfaith marriage as an inner and outer bond between a man and a woman which due to different religions, causes the involvement of two different regulations regarding the terms and procedures for carrying out marriages in accordance with their respective religions, with the aim of establishing happy and eternal family based on Belief in the One and Only God (Rusli and R. Tama 1986).

Meanwhile, Hilman Hadikusuma formulated the notion of inter-religious marriage as a mixed marriage between religions when a man and a woman of different religions enter a marriage while maintaining their respective religions. Included in this understanding, even though the religion is the same Qiblah but differs in the implementation of religious ceremonies and beliefs (Hilman Hadikusuma 2007). While Abdurrahman defines interfaith marriages as marriages carried out by people who embrace different religions and beliefs from one another (Abdurrahman 1986).

Based on the definitions put forward by the expert's above, mixed marriages are caused, among other things, by differences in religion and it is this marriage of different religions that is much discussed in Islamic law (M. Nurkholis and Al Amin 2016).

In Islamic Law, when talking about interfaith marriages, some scholars always adhere to the word of Allah in QS al-Baqarah (2): 221 as follows:

Translated:

And do not marry polytheistic women, before they believe. Indeed, a believing slave woman is better than a mushrik woman, even if she attracts your heart. And do not marry polytheists (to believing women) before they believe. Verily, a believing slave is better than a polytheist, even if he seduces your heart. They invite to hell, while Allah invites to heaven and forgiveness with His permission. And Allah explains His verses (His commandments) to humans so that they take lessons (Departemen Agama 1997).

In addition, they also use the word of God in QS al-Mumtahanah (60): 10 as follows:

Translated:

O you who believe, when believing women come to you from among the emigrants, then you should test their (faith). Allah knows better about their faith, so if you already know that they (really) believe, then do not return them to (their husbands) disbelievers. They are not lawful for those disbelievers and those who disbelieve are not lawful for them either. And give to their (husbands) the dowry they have paid. And there is no sin on you marrying them if you pay them the dowry. And do not hold on to ropes (marriage) with disbelieving women, and you should ask for the dowry that you have paid and let them ask for the dowry they have paid. This is the law of Allah which He has established among you. and Allah is All-knowing, All-Wise.

The above verses are the first Madaniyah verses to be revealed and carry a special message so that Muslims do not marry Muslim women or vice versa. Imam Muhammad al-Razi refers to these verses as the initial verses which explicitly explain things that are lawful (*mâ yuhallu*) and things that are prohibited (*mâ yuhramu*) (al Razi 1995). And marrying a polytheist *is* one of God's commandments in the category of haram and prohibited (Muhammad Radhia Wardana 2020).

Indeed, if you read this verse literally, you will arrive at an immediate conclusion, that marrying non- Muslims is prohibited or unlawful (Dewi Tuti Septiandi dkk 2017). This perspective is because some Muslim people still think that those who are included in the category of polytheists are non- Muslims, including Jews and Christians (Christians), who are positioned by the Koran as *Ahl al-Kitab*, in Indonesia they become *Ahl al- Kitab*. Al-Hasan al-Thabarsy is one who put *Ahl al-Kitab* into the category of *polytheists*. That's why so al-Hasan al-Thabarsy in commenting on the Q.S. al-Baqarah/2: 221 argues that marriage between a Muslim man and a woman of the People of the Book and other than that (all non-believers) is prohibited, saying:

Do not marry women who disbelieve (before they believe)... and the prohibition is general to us regarding the prohibition of marrying all non-believers from the People of the Book and besides that... (Abu Ali al-Fadli ibn al-Hasan al-Thabarsy 1995).

This opinion is in line with the opinion of the Prophet's friend, Abdullah ibn Umar, who strictly prohibited the marriage of a Muslim man to a woman of the People of the Book, on the grounds that they are polytheists (Aliyasa Abu Bakar 2008) Abdullah bin Umar said: "I do not know any greater polytheism than the polytheism of a person who claims that his Lord is Jesus or one of Allah's servants (M. Quraish Shihab 1996)." However, the question that needs to be raised is whether it is true that non-Muslims (Jews and Christians) are included in the polytheist category?

In fact, there are several verses in the Koran which mention Jews and Christians as polytheists (Aulil Amri 2020). Mushrik category for the second adherents of the divine religion, because the Jews consider Uzair as a child of God, meanwhile Christians consider al-Masih to be the son of God too, as will be explained later. In a hadith it is also explained that: "The Apostle has ordered one of the leaders/governors, if when he meets polytheists, he should invite them to convert to Islam. If they want to convert to Islam, then accept it, and if not, then order them to pay taxes (*jizyah*) and sign the *dzimmah contract*.

However, this view cannot be used as a basis (*hujjah*), because in other verses another paradigm regarding polytheism is found. It can be seen how the Qur'an is carefully and clear distinction between the meaning of the People of the Book and the polytheists. In QS al-Baqarah/2: 105 Allah says:

Translated:

The disbelievers from the People of the Book and the polytheists do not want anything good to be sent down to you from your Lord, and Allah determines whom He wills (to be given) His mercy (prophecy); and Allah has great bounty.

And in QS al-Bayyinah/98: 1 :

Translated:

The disbelievers, namely the People of the Book and the polytheists (say that they) will not leave (their religion) until clear evidence comes to them.

In the two verses above and in other verses, the Koran uses the conjunction "and" (Quran: *waw*) between the words infidel Ahl al-Kitab and infidel Musyrik. This means that these two words have different meanings and meanings. Before explaining the difference in meaning between the two words, it is necessary to provide some information about the meaning of kafir.

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The word *kafr* (*kufir*) from semantically means to cover. The terms infidel (*kufir*) which are repeated 525 times in the Qur'an, all refer to the meaning of "covering up", that is covering up the blessings and truth, both truth in the sense of God (as the source of truth) and truth in the sense of His teachings. conveyed through His apostles (Harifuddin Cawidu 1991).

Based on this division of disbelief, it can be concluded that the term infidel includes a broad meaning under which there are more specific terms whose meanings and meanings differ from one to another. If Allah mentions in the Koran the term infidel Musyrik, then that meaning must be different from the meaning of the term infidel Ahl al-Kitab, and if only the word infidel is mentioned, then that word must refer to one of the types of disbelief that exists.

Back to the issue of Mushrik and Ahl al-Kitab. Musyrik _ implies that people who adhere to the belief that there are many Gods in this world (*polytheist*), such as in the Jahiliyyah Arab society who have the Gods *al-Lata*, *al-Uzza*, and *Manata*, do not recognize or even oppose the apostleship of the Prophet Muhammad and the teachings he brought,

and hostile to Muslims. So, in many aspects it is contrary to Islam and detrimental to Muslims. As for the People of the Book, Allah clearly and explicitly states in the Koran that they follow the religion revealed by Allah which carries the teachings of monotheism, namely believing in the One God (*monotheism*) and God for all mankind and even God for the entire universe. Indeed, in the course of their history they have been inconsistent in maintaining the purity of their monotheism, namely by adding elements of other beliefs so that their monotheism is no longer pure (Harun Nasution 1979). As the Jews said in the word of God that "... Uzair the son of God ...". (Qs At Taubah 9: 30) Likewise Christians say, it is mentioned in the word of Allah that "... al-Masih son of Allah ... ", then they say that " ... verily Allah is al-Masih son of Maryam ...", (al Maidah 5: 7) and then they say again that "... God is the third of the trinity ...". (al Maidah 5: 73) But they are different from the polytheists whose religion carries the teaching that God is many. In other words, Allah only characterizes them as having committed acts of shirk ---- as something they invented that was not ordered by Allah ---- so they must be distinguished from the polytheists, because they follow the religion revealed by Allah which carries the teachings of Tawheed. (*monotheism*), and not the teachings of Shirk (*polytheism*). What they have done is an act of Shirk, but the Koran as a revelation that comes directly from Allah has chosen and put words and terms that are very precise, then the Koran never mentions them all with the word Mushrik as a call and term for them. They are still called by Allah as People of the Book.

Based on the verses of the Koran above, it can be understood that every act of shirk does not directly make the perpetrator called a polytheist. Because in reality, Jews and Christians have committed acts of Shirk, but Allah did not call and call them polytheists, but called them People of the Book. An analogy that can also be developed is that Muslims can also commit acts of shirk, and in fact there are, but they cannot be called polytheists. How many there are in the reality of this life in religious people, including Muslims, who commit acts of shirk in their daily lives , there are even people who deify their desires. That is, people who deify their lust, wealth, position, and so on, have committed acts of shirk. Can these shirk actors be categorized as polytheists? The author thinks no. The Koran sura al-Baqarah/2: 221 does not speak of polytheism like that. Because of this, it can be concluded that every act of shirk does not directly make the perpetrator a polytheist, but on the contrary, every polytheist is a polytheist (Nurcholis Madjid 2004).

So clear is the difference between the People of the Book and the polytheists, that it is not permissible to confuse the meaning and meaning between the two; where Musyrik means Ahl al-Kitab and Ahl al-Kitab means Musyrik. If Allah forbids or forbids marrying a polytheist woman as contained in Q. S. al-Baqarah/2: 221, it is not correct if the Qur'anic verse is understood that what is meant by polytheistic women are women of the People of the Book. In fact, Muhammad Abduh was more specific and clearly of the opinion that women who were prohibited or forbidden to marry by Muslim men in QS al-Baqarah/2: 221, were Arab Muslim women (Jahiliyah), while women of the People of the Book were not included in it (Muhammad Abduh tt). In line with Muhammad Abduh, Muhammad Rasyid Ridla said the following:

... in fact, the Muslim women who were forbidden by Allah to marry him in the verse of surah al-Baqarah, were formerly Arab Muslim women, and this opinion has been

confirmed by the Supreme Master of Tafsir, ibn Jarir al-Thabary (Muhammad Rasyid Ridho tt).

Apart from that, other scholars such as Qatadah and mahaguru mufassir, ibn Jarir al-Tabari, also said that it is forbidden for women to marry in Q. S. al-Baqarah/2: 221 was a former Jahiliyyah Arab Muslim woman. Are there still people like the Arab Musyrik? If there is a law, it can apply, but if there is not, then automatically there will be no beliefs or any religion which becomes an obstacle in carrying out a marriage. Therefore, it can be concluded that Islam does not prohibit Muslims, both men and women, from entering into marriages with people from among the People of the Book.

Because Islam does not prohibit marriage between Muslims and Ahl al-Kitab, it is also important to know comprehensively about the category of Ahl al-Kitab itself, namely who is meant by Ahl al-Kitab? The scholars of the Salaf (mutaqaddimin), such as Malik and sy-Shafi'i, are of the opinion that the People of the Book consist of Jews and Christians. Indeed, in the Koran especially QS al-Nisa'/4: 171; QS al-Maidah/5: 5; and QS Ali Imran/3: 64, which is popular among Muslims, Jews and Christians is referred to as People of the Book. But in the Koran actually the Magi (Zoroastriy/Zorodism) and the Shabi'in/Shabi'un, Allah also calls them People of the Book. This was confirmed again by the actions of the Prophet Muhammad who collected taxes (*jizyah*) from the Magi (Zoroastrians/Zorodism) in Bahrain and Persia. Based on that, many scholars conclude that there is a group of People of the Book apart from Jews and Christians, because *jizyah* is only justified to be collected from the People of the Book who live in peace in an Islamic country, and not to be collected from groups who do not belong to the People of the Book, such as polytheists who are Muslims. you can't make peace with them yourself. Because of this, khalaf scholars (*mutakhhirin*), such as Ibn Taimiyah, Abu al-A'la al-Maududi, Muhammad Abduh, and Rashid Rida, are of the opinion that the People of the Book are not limited to Jews and Christians, but include the Zoroastrians. (Zoroastriy/Zorodism), Shabi'in/Shabi'un, Hinduism, Buddhism, and Confucianism. Rasyid Ridla for example, explains this as follows:

... and actually the Magi, the Shabi'in, Hindus/Buddhists, Confucianism, and those like them are the same as the People of the Book who adhere to the monotheistic religion until now, and such is the historical fact and explanation of the Qur'an. ...

Rasyid Ridla's opinion about the insights of Ahl al-Kitab can be accepted on the grounds that from the point of view of Usul Fiqhi, the verses of the Koran: QS al-Nisa'/4: 171; QS al-Maidah/5: 5; QS Ali Imran / 3: 64; QS al-Baqarah/2: 62; and QS al-Hajj/22: 17, are verses that are *qaṭ'iy al-ḍalālah* (*mono interpretable*), that is, what is mentioned is also what it means, and not to anything else. Another reason is that every ummah has been resurrected by a messenger as the carrier of a life guide or a book or a type of book (al-Qur'an: *suff*) to him. So, according to Islam, the People of the Book are not only Jews and Christians, but also Zoroastrians (Zorodism), Shabi'in/Shabi'un, Hindus, Buddhists and Confucianists.

Based on the description above, it can be concluded that according to Islamic law, it is permissible to marry adherents of religions other than Islam, in this case Catholics, Christians, Hindus, Buddhists and Confucianists are permissible because they are People of the Book whose Islam makes it lawful for them to marry. What is prohibited or forbidden is to marry with the Arab Jahiliyah Musyriks in the past (not all Musyriks). The prohibition of

marriage with the last non-Muslim group is because they believe in many gods (*polytheism*) (Zikri Fahrul Nurhadi and Sheila Yandhini 2016) .So, more because they do not believe there is only one God (*monotheism*) in this world.

CONCLUSION

Based on the description above, the conclusions that can be drawn from the discussion regarding Imam al-Ghazali's maslahah concept are as follows: Even though al-Ghazali's style of thought is very much tied to revelation, he still gives a role to reason because the problems of human life will continue to increase, while revelation is informative to reason. Maslahah does not become part of the four legal foundations namely the Qur'an, al-Hadith, ijma and reason. Maslahah is only a complement to the four foundations, and he places maslahah under qiyas.

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