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HAMKA's Interpretation on Interfaith Marriage: Its Relevance in Malaysia

Penafsiran HAMKA terhadap Perkahwinan Antara Agama: Relevansinya di Malaysia

Syarifah Zahrah Syed Khalid and Mohd Noh Abdul Jalil*

Abstract

The paper seeks to examine the relevance of HAMKA's discourse on interfaith marriage in the context of present Malaysia. Interfaith marriage is one of the contributing factors to the increment of apostasy rate in Malaysia. HAMKA or Haji Abdul Malik Karim Amrullah (1908-1981) based his views on the issue of interfaith marriage on the Ouranic source of law, the opinions of four major schools of jurisprudence and his personal experiences. In general, HAMKA stands on the view that prohibits interfaith marriage which he emphasizes on the strength of faith. The significance of this study lies in exhibiting the implications of interfaith marriage deliberated by HAMKA in his Tafsīr al-Azhar apostasy and unclear religious belief. From his interpretation, it could be used to generate insights among Muslims towards the implications of interfaith marriage. In this sense, he highlighted the negative effects of such marriage on the problem of faith. HAMKA's explicit rejection of such marriages is grounded in faith, particularly regarding the religious status of the child following the parents' divorce and the implications for child custody. In deriving such discussions, the study embarks on qualitative research that utilizes primary and secondary sources. Descriptive and critical analysis are the main methods for analyzing the data collected and implemented across the study.

Keywords: HAMKA, Interfaith Marriage, Apostasy, Malaysia.

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Abstrak

Kertas kerja ini bertujuan untuk mengkaji relevansi wacana HAMKA mengenai perkahwinan antara agama dalam konteks Malaysia kini. Perkahwinan antara agama adalah salah satu faktor yang menyumbang kepada peningkatan kadar murtad di Malaysia. HAMKA atau Haji Abdul Malik Karim Amrullah (1908-1981) mendasarkan pandangannya mengenai isu tersebut kepada sumber undang-undang Al-Qur'ān, pendapat empat mazhab fiqh yang utama, dan pengalaman peribadinya. Secara umum, HAMKA berpihak kepada pendapat yang melarang perkahwinan antara agama Dimana beliau menekankan pada kekuatan iman. Kepentingan kajian ini terletak pada implikasi perkahwinan antara agama yang dibincangkan oleh HAMKA di dalam Tafsīr al-Azhar murtad dan kepercayaan agama yang tidak jelas. Daripada tafsirannya, ia boleh digunakan untuk menghasilkan pemahaman di dalam kalangan umat Islam terhadap implikasi perkahwinan antara agama. Dalam pengertian ini, beliau menekankan kesan negatif perkahwinan tersebut terhadap masalah keimanan. Penolakan HAMKA yang jelas terhadap perkahwinan itu adalah berdasarkan kepada asas keimanan, terutamanya mengenai status agama anak ketika ibu bapa bercerai dan status penjagaan anak. Dalam mendapatkan perbincangan sedemikian, kajian ini memulakan penyelidikan kualitatif yang menggunakan sumber primer dan sekunder. Analisis deskriptif dan kritikal adalah kaedah utama untuk menganalisis data yang dikumpulkan dan dilaksanakan di seluruh kajian.

Kata Kunci: HAMKA, Perkahwinan Antara Agama, Murtad, Malaysia.

Introduction: The Causal Relationship Between Apostasy and Interfaith Marriage in Malaysia

Living in the era of globalization and modernization, the interaction between diverse religious adherents in close proximity is inevitable. This interaction has been proven to exist since the time of

Prophet Muhammad PBUH in Medina¹. Looking into the context of Southeast Asia, particularly Malaysia, colonization and trading activities were among the means of the spread of multiple religions. The establishment of such conditions could be traced back to the interactions between the colonizers, traders, and the local community. This has been confirmed through the motives and stances of the 3Gs (Gold, Glory, and Gospel) that were brought by the colonizers upon their exploration, invasion, and conquest, which contributed to the rise of European countries between 1400 and 1750².

The propagation of religion among the colonizers can be attributed to the concept of "the white man's burden", which compelled them to shoulder the aspirations of 'guiding' the local population through the actions of missionaries. Typically, the colonizers identified themselves with Christianity³. On the other hand, Islam has been disseminated into the *Tanah Melayu* (the previous name of states consisting of Malaysia and Singapore) through trading activities. In due course, some Muslim merchants married local women⁴. Unlike the spread of Islam, Hinduism had long been practiced in the Malay Archipelago. It has been suggested that some cultural practices like 'sanding' and structures of architecture were influenced by Hinduism⁵.

The above briefly illustrates the origin of the contemporary multireligious landscape of Malaysia. At first glance, multireligious practices which originated from more than one religion in Malaysia do not appear to result in any unintended consequences. However, when indepth research was conducted on the rising apostasy rate in Malaysia, it was discovered that interfaith marriage is one of the main causes of such

¹ Isma'il R. Al-Faruqi, "Meta-Religion: Towards A Critical World Theology," *American Journal of Islamic Social Sciences* 3, no. 1 (1986): 51–54.

² "Gold, God, and Glory," in *International Encyclopaedia of the Social Sciences* (Encyclopedia.com, August 22, 2023), https://www.encyclopedia.com/social-sciences/applied-and-social-sciences-magazines/gold-god-and-glory.

³ David Block, ed., *Globalization and Language Teaching*, Repr (London: Routledge, 2005).

⁴ Muhammad Shahiran, "The Evidence of the Dissemination of Islam in the Malay Lands before the 15th Century," 2022, 5–9, https://doi.org/10.13140/RG.2.2.34597.78562.

⁵ Nur Ain Nazurah Kamarudin and Mashitah Sulaiman, "The Advent of Islam and Its Influence on the Malays' Thoughts, Culture and Educational Tradition in Malaysia" (Seminar Antarabangsa Falsafah, Tamadun, Etika Dan Turath Islami, USIM, Malaysia: USIM, 2022), 477, https://oarep.usim.edu.my/jspui/handle/123456789/18447.

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a fundamental issue. This, therefore, subsequently sparked various reactions and responses on issues surrounding the legality of apostasy in Malaysian law.

In comparison, Indonesia for example, demonstrates an accepting stance toward interfaith marriage⁶, whilst Malaysia adopts a position that does not permit such practice, even in the most extreme cases⁷. Malaysia is a predominantly Sunni Muslim and follows the principles of the Shafi'i school of jurisprudence in matters of governance, religious rites and rituals. In this regard, the Shafi'i school as practised in Malaysia distinguishes Jewish and Christian women with the criteria on whether or not they are considered as descendants of Prophet Jacob (Israelites)⁸.

This was consolidated during Malaysia's 14th *Muzakarah* (Conference) of 1977, in which the fatwa committee decided to define Jews and Christians as (1) the descendants of Prophet Jacob if the ancestors were not known to embrace the religion after the religion was abrogated; and (2) not the descendants of Prophet Jacob if the ancestors were known to embrace the religion before it was abrogated. In this sense, Jews and Christians might be referred to as Israelites or non-Israelites⁹. The Malaysia Islamic Family Law 1984 also clarified the definition of *Ahl al-Kitāb* as *kitabiyah*, (People of the Book) which means (1) a woman whose ancestors were from the lineage of Prophet Jacob, (2) a Christian woman whose ancestors were Christians before the

⁶ Krithika Varagur, "In Indonesia, Interfaith Marriage Is Legal - But With Many Obstacles," *Voice of America (VOA)*, May 3, 2018, sec. East Asia, https://www.voanews.com/a/in-indonesia-interfaith-marriage-is-legal---but-with-many-obstacles-/4373874.html.

⁷ "Perkahwinan Berlainan Agama Boleh Diambil Tindakan - JAKIM," *Star Media Group*, September 27, 2013, mstar.com.my/lokal/semasa/2013/09/27/perkahwinan-berlainan-agama-boleh-diambil-tindakan--

 $jakim\#:\sim: text=KUALA\%20LUMPUR\%3A\%20Perkahwinan\%20berlainan\%20agama, (Jakim)\%20Datuk\%20Othman\%20Mustapha.$

⁸ Sheikh AbdulRahman Khan, "Is It Allowed to Marry a Christian Woman? (Shafi'i)," Org, Seekers Guidance, October 19, 2016, https://seekersguidance.org/answers/shafii-fiqh/allowed-marry-christian-woman-shafii/.

⁹ Mohd Zahidul Islam, "Interfaith Marriage in Islam and Present Situation," *Global Journal of Politics and Law Research* 2, no. 1 (March 2014): 42.

prophethood of Prophet Muhammad PBUH, and (3) a Jewish woman whose ancestors were Jews before the prophethood of Prophet Jesus¹⁰.

Despite this, Malaysia still has to look into such issues and address appropriate solutions. Addressing the problem holds significance in light of Malaysia's ongoing efforts to promote religious tolerance and foster social harmony within its community. This is consolidated in the written Federal Constitution, Article 11. Even though Article 3(1) indicates that Islam as the religion of the Federation, it must be read cordially with the permission of other religions to be practiced so that it does not contradict the promotion of religious freedom stated in the law. Hence, the failure to address the issue of apostasy might potentially lead to discontentment among religious adherents in Malaysia.

Apostasy refers to a contradicting claim about the belief in Allah and Prophet Muhammad PBUH, either by saying, action, or belief¹¹. In other words, it is a renunciation of faith. In light of this study, the context of apostasy is to connote two different conditions: (1) reverted, and (2) converted. Often, the first condition happened between non-Muslim partners who reverted to Islam for the sake of marrying a Muslim partner. Yet after the dissolution of the marriage, the non-Muslim spouses went back to the previous religion they adhered to. This circumstance was evident before the case of Faridah To Abdullah and her husband in 2009, in which she appealed to return to Buddhism after their divorce in 2011¹². A similar application also happened in Penang, where Siti Fatimah Tan Abdullah was granted the right to return to Buddhism after her Iranian Muslim husband left her in 2004¹³.

¹⁰ "Islamic Family Law (Federal Constitution) Act 1984," Pub. L. No. Act 303, Stat

http://www2.esyariah.gov.my/esyariah/mal/portalv1/enakmen2011/Eng_act_lib.nsf /b3ac9c218c8efdc4482568310022d8b3/16703758f1a7d213482569810025f115?0p enDocument.

¹¹ Nik Rahim Nik Wajis, "Revisiting Law of Apostasy in Islamic Law," *Malaysian Journal* Svariah and Law 6. no. (November 2018): https://doi.org/10.33102/mjsl.vol6no2.141.

¹² "High Court Denies Muslim Convert's Application to Revert to Buddhism," Dayak Daily, October 19, 2017, sec. Local, https://dayakdaily.com/high-court-denies-muslimconverts-application-to-revert-to-buddhism/.

¹³ "Malaysian Woman Can Leave Islam," BBC News, May 8, 2008, sec. Asia-Pacific, http://news.bbc.co.uk/2/hi/asia-pacific/7389874.stm.

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Meanwhile, the second condition applies to Muslims who renounce their faith and convert to other religions. The landmark apostasy case in Malaysia was the conversion of Lina Joy to Christianity. The Federal Constitution ultimately refused and denied the application to change the designated religion on her identity card. Her case led to disputes over religious freedom that are recognized in the Federal Constitution. Islam, as the religion stated in her identification card, made it impossible for her to register her marriage under civil law with her Christian husband in 1998. After years of appeals in civil courts, she was refused recognition as a Muslim convert to Christianity. Subsequently, her marriage was regarded as illegal and invalid by the state¹⁴.

However, there is a recent case that involves both conditions where a Malaysian woman (not named to protect her privacy) who filed for judicial review to be declared no longer Muslim. Her application is to cancel her status as a Muslim and to return to being a Christian. The reversion on August 18, 2017 was only for administrative reasons to marry her then-Malay Muslim boyfriend. But the relationship ended before the marriage. This case is subject to the High Court's decision on September 21, 2023, in the application of a Malaysian revert to renounce and return her faith to Christianity after her relationship with the Muslim partner was over¹⁵.

As for the case mentioned above, the High Court rejected her attempt at judicial review to leave Islam. The judge who observed the judicial review is under the *Sharī'a* Courts to oversee such matters¹⁶. When dealing with love, emotional judgment preceded religious ones. In general, the non-Muslim partner made a conversion to Islam for the sake of marriage and reverted or became apostates when the relationship worsened. On the other hand, there were also Muslims who became

¹⁴ The Becket Fund For Religious Liberty, Lina Joy v. Majlis Agama Islam Wilayah Persekutuan. (High Court of Malaysia January 1, 2007).

¹⁵ R Loheswar, "Woman Who Embraced Islam for Boyfriend Now Seeking Return to Christianity." Malav Mail. July https://www.malaymail.com/news/malaysia/2023/07/26/woman-who-embracedislam-for-boyfriend-now-seeking-return-to-christianity-to-know-if-high-court-willhear-her-case-on-sept-21/81815.

¹⁶ R Loheswar, "High Court Rejects Woman's Bid for Judicial Review to Leave Islam and Return to Christianity," Malay Mail, September 21, 2023, sec. Malaysia, https://www.malaymail.com/news/malaysia/2023/09/21/high-court-rejectswomans-bid-for-judicial-review-to-leave-islam-and-return-to-christianity/92081.

apostates and entered other religions with the same purpose of marriage.

Based on the such cases in Malaysia, it is necessary to proactively address the issue of the apostasy rate in Malaysia. When looking at the available statistics in Malaysia on this issue of apostasy, a recent study conducted in 2020 identified 84 Malay apostates between March 2019 and February 2020. The study examined the reasons for apostasy among Malays in Malaysia, which include being influenced by Christian and Atheist zeal, conversion for marriage, being gay, experiencing sexual abuse, and having problems with Islamic morals, Quranic science, and prophetic hadiths. From the study, 6% (5) out of the total samples were apostates due to marriage¹⁷. This particularly refers to interfaith marriage. Though the number is relatively small, the effects on marriage and apostasy are alarming and in urgent need for solutions.

Apart from that, a study by Muhammad Zahir Othman found several factors for apostasy among Malaysian Malay students who study abroad. The study conducted in 2022, explored the journey of student life abroad that led to apostasy. Among the factors discovered were cultural differences, lack of religious upbringing, the influence of apostate friends, and negative perceptions towards religious preachers. The study emphasized the way for preachers to help apostates regain the correct understanding of Islam, aside from parents' responsibilities towards children's religious upbringing¹⁸.

In addition, a 2016 study by Ahmad Nehaluddin, Ahmad Masum, and Abdul Muhaimin on freedom of religion and apostasy based on Malaysian experience examines the extent of religious freedom that could be exercised and practiced according to the laws in the Federal Constitution. The issue of conversion and apostasy was discussed concerning the practicality of religious freedom according to Article 11. The study found that Article 11(4), indirectly, does not restrict a Muslim from studying other religions and converting to another religion out of

¹⁷ Santhira Morgan and Jasni Sulong, "Malay Apostates in Malaysia: A Study on Reasons," 2020, 653, https://doi.org/10.15405/epsbs.2020.10.02.59.

Muhamad Zahir Othman, "Apostasy Factors Among Malaysian Students Abroad: A Case Study," *International Journal of Academic Research in Business and Social Sciences* no. 12 (December 18, 2022): Pages 2645-2656, https://doi.org/10.6007/IJARBSS/v12-i12/16057.

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his or her conscience. The issue of apostasy remains unsolved regarding the right to religious freedom granted to Muslims. Thus, the study suggests the need for reformation of the law on religious freedom to provide clear-cut restrictions and permissible acts¹⁹.

It is to be noted that the discourse pertains to the interfaith marriage of individuals adhering to different religious beliefs, which also includes religious conversions. The issue at hand holds significant importance in terms of how it relates to an individual's faith and belief system. Even though marital issues are frequently concerned with the laws—Islamic and constitutional, it is inextricably linked with the study of tafsīr (interpretation) of Al-Qur'ān. Tafsīr provides valuable insights into comprehending the legal principles outlined in Al-Qur'an and effectively addresses the contemporary socio-religious challenges faced in life. HAMKA's *Tafsīr al-Azhar* frequently addresses social problems while relating them to Quranic verses. His discourse on the subject matter was in the hope of enhancing awareness and insights among Muslims.

The Relevance of HAMKA's Interpretation on Interfaith **Marriage**

The terms interfaith and interreligious can be, and have been used interchangeably, as they are commonly viewed as synonymous. However, a study found that the terms are polysemic in nature²⁰. Interfaith refers to the religions that hold onto common faith traditions, while interreligious is defined as religions based on the diversity of faith traditions²¹. In this sense, the former is the concern of this discussion. The rulings on interfaith marriage have been mentioned in Al-Qur'an and are subject to different interpretations by scholars. Unanimously, the Islamic jurisprudence of any school agreed on the prohibition of interfaith marriage without conversion. Regarding the term usage of

¹⁹ Nehaluddin Ahmad, Ahmad Masum, and Abdul Muhaimin, "Freedom of Religion and Apostasy: The Malaysian Experience," Human Rights Quarterly 38, no. 3 (2016): 736-53.

²⁰ Christopher Evan Longhurst, "Interreligious Dialogue? Interfaith Relations? Or, Perhaps Some Other Term?," Journal of Ecumenical Studies 55, no. 1 (2020): 117, https://doi.org/10.1353/ecu.2020.0001.

²¹ Longhurst, 123-24.

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either interfaith marriage or interreligious marriage, HAMKA is inclined to use interfaith marriage, which is reflected in his words:

"...perkahwinan campur kerana perlainan agama..."22

This is evident in his interpretation, which revolves around the exception of interfaith marriage between a Muslim man and woman of *Ahl al-Kitāb*. In this sense, he defined *Ahl al-Kitāb* as the followers of Judaism and Christianity that adhered to the belief in the oneness of God, which the belief is shared with fellow Muslims as the same faith traditions—Abrahamic religions²³. Furthermore, given the shared characteristics of Malaysia and Indonesia in terms of their multireligious societies, it is crucial to examine the viewpoints and stances of HAMKA on pertinent issues and then relevantize its fundamental comprehension within the Malaysian context. Therefore, the following will discuss HAMKA's view on this issue as deliberated in his *Tafsīr al-Azhar*.

In his *tafsīr*, HAMKA, when discussing interfaith marriage, deliberates on the strength of *īmān* (faith) possessed by Muslims. He stresses on the status and level of faith for Muslim men to marry women of other religions, particularly the *Ahl al-Kitāb*, as crucial to the development of marriage institutions and children's upbringing. Thus, HAMKA's approach to interfaith marriage is evident in his interpretation of selected verses of *Sūrah al-Baqarah* and *Sūrah al-Māidah*, which served as a reminder and ruling for Muslims in terms of marriage.

Observing the socio-religious condition of Muslims in Indonesia post-independence, HAMKA perceives promiscuity between adherents of religions other than Islam as among the contributing factors of interfaith marriage. The plurality of religions within a locality become a contributing element for such mixed marriages. HAMKA's deliberation of pertinent Qur'anic verses revolves around the implications that affect future generations, especially the problem of belief and infidelity.

²² "... mixed marriages due to religious differences..." Haji Abdul Malik Krim Amrullah HAMKA, *Tafsīr al-Azhar*, vol. 1 (Jakarta: Pustaka Panjimas, 2008), 200.

²³ Ahmad F. Yousif, *Studies in World Religions: An Introduction to Abrahamic Traditions* (Kuala Lumpur: IIUM Press, 2013), 27–30.

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Views on the Prohibition to Marry Polytheist Woman

HAMKA's discussion on interfaith marriage is derived from Our'anic sources of law, interpretations of major schools of jurisprudence, and his personal experiences with interfaith couples²⁴ during his time. He thematized such marriage of the necessity of choosing the right life partner. This is explained in his interpretation of Sūrah al-Bagarah,

And do not marry polytheistic women until they believe. And a believing slave woman is better than a polytheist, even though she might please you. And do not marry polytheistic men [to your women] until they believe. And a believing slave is better than a polytheist, even though he might please you... (Al-Qur'ān, 2:221)

HAMKA explains that the verse serves as a reminder for Muslims concerning marriage. The criteria for a lawful partner recognized in Islam are outlined in the verse. Islam acknowledges the marriage between a Muslim and a faithful partner, despite their physical or material status. A believing slave is better than a beautiful woman or one with abundant wealth. The context of this verse revolves around the time and place that acknowledged the status of slaves²⁵.

HAMKA elaborates on the necessity of choosing the right life partner, emphasizing belief rather than beauty, progeny, or wealth²⁶. In this sense, he relates to the concept of kafa'ah which refers to compatibility between the prospective bride and groom. He stresses on the importance of both of them in having the same understanding, faith and religious practices²⁷. He argues that the verse indicates the priority for Muslim men to select faithful slaves among Muslim women over idolatrous ones as wives. This commandment is also imposed upon Muslim women to not marry idolatrous men, even though they come from a good lineage and are wealthy.

In terms of interfaith marriage, in his *Tafsīr al-Azhar*, HAMKA is of the opinion that these verses directly forbid marriage between Muslims

²⁴ HAMKA, *Tafsīr al-Azhar*, 2008, 1:200-201.

²⁵ HAMKA, 1:200.

²⁶ HAMKA, 1:198.

²⁷ In the words of HAMKA, "pokok kafaah atau kufu yang penting ialah persamaan pendirian, persamaan kepercayaan dan anutan agama". HAMKA, 1:199.

and those who commit partnerships with Allah, i.e. idol worshippers. He affirms his stand on the necessity for Muslims to marry fellow Muslims. He then argues logically on the need to maintain the same faith between couple to establish a harmonious marriage life. For him, the disparity in faiths within a marriage institution causes more harm and threatens the society's observance to the pure Islamic faith²⁸. He emphasizes the benefits gained out of the love that sprouts between a husband and his wife. In his words,

"Apakah keuntungan dan bahagianya cinta yang tiada berpengharapan? Bukankah cinta itu sudah satu keuntungan dan pengharapan?"29

... Those (polytheistic women and men) invite [you] to the Fire, but Allah invites to Paradise and to forgiveness, by His permission. And He makes clear His verses to the people that perhaps they may remember. (Al-Qur'ān, 2:221)

He observes that the later part of this verse confirms the religious commandment for marriage to be established based on the strong foundation of faith and tauhid (belief in the oneness of God). He asserts that a harmonious marriage is supposed to be built upon the similarity in religious principles in obeying God's commandments. The responsibilities and duties between husband and wife must be performed for the sake of expanding the ummah. Marriage is not merely for fulfilling the psychological and physical needs of humans³⁰. Without this basic principle, a harmonious marriage is impossible to achieve.

He further contextualizes the effects of interfaith marriage among local Indonesian Muslim, which he perceives as threatening their faith. HAMKA concludes with the negative implications that are evident among those who exercise interfaith marriage and have fallen into apostasy. This type of marriage affects children's upbringing31. Children will end up having unclear religious foundation and beliefs. HAMKA illustrates further with the example of an interfaith marriage between Pangeran Ali

²⁸ HAMKA, 1:200.

²⁹ "What are the benefits and joys of unrequited love? Is not love itself already a benefit and a source of hope?" Haji Abdul Malik Krim Amrullah HAMKA, Di Bawah Lindungan Ka'bah (Jakarta: Bulan Bintang, 1999).

³⁰ HAMKA, Tafsīr al-Azhar, 2008, 1:199-203.

³¹ HAMKA, 1:198-201.

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Khan and the famous actress Rita Hayworth, which ended with divorce and a Catholic child³².

In the case of Malaysia, interfaith marriage does not merely contribute to apostasy but also affects children's faith. There is still an ongoing debate on child custody over divorced parents of interfaith marriages³³. According to Section 81 of the *Sharī'a* Law of 1986, by all means, the mother is the best option for the custody of her children even after the dissolution of the marriage³⁴. Hence, it is appropriate to say that HAMKA was deeply concerned with the problem of belief and infidelity caused by this kind of marriage. Inevitably, mothers play crucial roles in the upbringing of their children. The unilateral conversion of the children without permission from one of the parents has raised the issue of individual religious freedom³⁵.

It is vital to note that Malaysian law prohibits a Muslim to have interfaith marriage. In this sense, non-Muslim partners must revert to Islam before the marriage can be solemnized to be recognized according to the Islamic Family Law of 1984 under sections 10 and 25. This act is outlined in Article 3 of the Federal Constitution, which recognizes Islam as the religion of the Federation. Interfaith marriage, traditionally called mixed marriage, refers to a marital union between spouses who profess different religions³⁶. In the context of Malaysia, mixed marriage refers to

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³² HAMKA, 1:200.

³³ Feng Emily, "In Malaysia, a Mom Is Contesting Her Kids' Conversion to Islam. It's a Landmark Case," *NPR News*, July 18, 2023, Morning Edition, https://www.npr.org/2023/07/18/1183935523/malaysia-conversion-case-islam-identity-politics.

³⁴ "Islamic Family Law (Federal Constitution) Act 1984," Pub. L. No. Act 303, § 81, Stat (1987),

http://www2.esyariah.gov.my/esyariah/mal/portalv1/enakmen2011/Eng_act_lib.nsf/b3ac9c218c8efdc4482568310022d8b3/6655521b3f1ba9d9482569810025f14d?OpenDocument.

³⁵ "2022 Report on International Religious Freedom: Malaysia," International Religious Freedom (Malaysia: US Department of State, 2022), 2, https://www.state.gov/reports/2022-report-on-international-religious-freedom/malaysia/.

³⁶ Khadijah Mohd Khambali @ Hambali, "Interfaith Marriage and Religious Conversion: A Case Study of Muslim Converts in Sabah," vol. 23 (International Conference on Behavioural, Cognitive and Psychological Sciences (BCPS 2011), Maldives, 2011), 2, https://www.researchgate.net/publication/253239476_INTERFAITH_MARRIAGE_AN

partners who are of different races and ethnicities but belong to the same faith. The Malaysian population is mainly made up of three major races, namely Malay, Chinese, and Indian. According to Article 160 of the Federal Constitution, Malay refers to a person who professes the religion of Islam, while majority Chinese are Buddhists and Christians. Most of the Indians are Hindus³⁷. Thus, taking the example of marriage between a Malay man and Chinese woman, it is considered interracial marriage instead of interfaith marriage in the case that the wife has to reverts to Islam³⁸.

It is imperative to relate to HAMKA's interpretation of the clear prohibition of marriage between Muslims and polytheists—those who have committed partnership with Allah. For instance, within Malaysian societies, various cases have been reported on marriages between Muslims and Buddhists who reverted to Islam. Despite the racial and ethnic differences, such marriages are seen as beneficial in propagating Islam. However, there have been several applications from converted partners to revert to the previous religion after the failure of their marriages with Muslim spouses. Additionally, the faith and religious beliefs of the children are also at risk. As a result of such divorce, the parents who possess custody of the children undoubtedly influence their religious upbringing. Such circumstances are worrying in that the children risk being brought up not according to their Islamic background. Indirectly, HAMKA affirms the necessity and importance of Muslim men marrying Muslim women so that no one's faith risk being jeopardized.

View on the Exception of Taking Jewish and Christian Women as Wife

The aforementioned verse prohibits marriage to anyone other than a Muslim. However, this ruling was later exempted by the revelation of verse 5 of *Surah Al-Maidah*, which states:

This day [all] good foods have been made lawful, and the food of those who were given the Scripture is lawful for you and your food is lawful for them. And [lawful in marriage are] chaste women

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³⁷ "2022 Report on International Religious Freedom: Malaysia," 3.

³⁸ Mohd Khambali @ Hambali, "Interfaith Marriage and Religious Conversion: A Case Study of Muslim Converts in Sabah," 1–2.

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from among the believers and chaste women from among those who were given the Scripture before you, when you have given them their due compensation, desiring chastity, not unlawful sexual intercourse or taking [secret] lovers. And whoever denies the faith - his work has become worthless, and he, in the Hereafter, will be among the losers. (Al-Qur'ān, 5:5)

This verse presents the lawful subject matters related to food and marriage authorized by Allah. HAMKA's interpretation of the verse takes into consideration religious tolerance in Indonesia, particularly with Christians. For him, the spirit of propagating openness and tolerance in Islam is implicitly mentioned in the verse, with certain conditions. The latter part of the verse outlined the conditions for Muslim men to marry women of different faiths.

In this sense, there is an exception for a Muslim man to marry a woman among Ahl al-Kitāb—Jews and Christians. The woman does not need to convert to Islam³⁹. Despite the exception, this is only applicable to Muslim men. With regard to those who are regarded as Ahl al-Kitāb, HAMKA explains that they profess essentially the same belief as Muslims, i.e., the belief in the Oneness of God⁴⁰ and does not further argue on the existence of Ahl al-Kitāb in contemporary times. He expounds on the condition of establishing interfaith marriage—a strong foundation of belief. The Muslim man is required to have a firm religious belief in tauhid insofar as he is not easily swayed by the influence of his wife's faith. In the words of HAMKA,

"...tidak ditakuti bahawa dia akan goyah dari agamanya kerana berlainan agama dengan isterinya"41.

In contrast, Muslim men with fragility in their faith are prohibited from performing such marriages for fear that they will sway in their faith, consequently leadings to apostasy. HAMKA gives an analogy this kind of

³⁹ Haji Abdul Malik Krim Amrullah HAMKA, *Tafsīr al-Azhār*, vol. 6 (Jakarta: Pustaka Panjimas, 2008), 181.

⁴⁰ Essentially Muslims, Jews and Christians holds on the belief in the oneness of God. As Muslims and Jews believe in absolute monotheism where God is one and Christians believe in the qualified monotheism where God is one Being in three Persons. HAMKA, 6:199.

⁴¹ "... there is no fear that he will waver in his faith despite having a different religion from his wife"., HAMKA, 6:181.

situation as "the fisherman pulled by the fish". He relates to the socioreligious condition of Muslims during the Dutch colonial era, when many Muslim men were attracted to marry religious Christian women⁴². This resulted in the disruption of religion, which led to apostasy and infidelity. Such situations are used in the romantic literary work of an Indonesian independence warrior Abdul Moies, entitled Salah Asuhan (A Wrong Upbringing)⁴³.

To HAMKA, such an exception is given to Muslim men because of Islam's tolerance. In this sense, permission is given only to those who possess a strong foundation in Islam. However, it is prohibited for those who have fragile faith to marry other religious adherents, which HAMKA presented as their weakness. In his words,

"...di antara mereka kerana goyah iman lalu lebih tertarik ke dalam agama isterinya, sehingga tinggal dan tanggallah imannya yang asal... bukan dia yang menarik isterinya, melainkan dia yang terseret keluar dari Islam"44.

Therefore, in the matter of interfaith marriage, HAMKA strictly presents his stand based on the Quranic verses. His interpretation adheres to the undisputed agreement between the four major schools of Islamic jurisprudence, which unanimously prohibit interfaith marriage without conversion⁴⁵. However, HAMKA's critical approach towards the exception to marrying Jewish or Christian women is made with the condition of strong foundation of and adherence to Islam insofar as apostasy could be avoided.

It is evident from Tafsīr al-Azhar that HAMKA expresses much concern with the implications of these marriages on the of faith of Muslims—the issue of apostasy—and the future of the children born out of mixed marriages. In the matter of Muslim women, in any situation, they are strictly prohibited from marrying men of other religions

⁴² HAMKA, 6:184.

⁴³ Abdoel Moeis, Salah Asuhan, 1st ed, Indonesian Cultural Heritage (Jakarta: Balai Pustaka, 1998).

^{44 &}quot;...among them, due to wavering faith, some become more inclined towards their wife's religion, eventually abandoning their original faith. It is not he who draws his wife into his faith, but rather he who is drawn away from Islam"., HAMKA, Tafsīr al-Azhār, 6:182.

⁴⁵ HAMKA, 6:183.

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regardless on whether the suitors are adherents of Judaism, Christianity, or other religions. Through the *tafsīr*, HAMKA presents equal footing on the prohibition of Muslim women from marrying other than Muslims as declared by classical and contemporary Islamic jurists. For him, the reason behind this prohibition is simply because of the nature of women, who often follow the leadership of men⁴⁶. It is important to realise the position of a non-Muslim husband as the head of the family and generally dominant compared to the wife. It is feared that the Muslim wife will be influenced by the faith and lifestyle of her husband, or preventing her from performing her Islamic religious duties and obligations, and in the worst-case scenario, leading her towards apostasy⁴⁷.

In preserving one's beliefs and faith, HAMKA indirectly encourages Muslim men to marry fellow women of Islam. He upholds the importance of the preservation of religion as a priority in magāSid alsharī'a (Objectives of Islamic law). Consequently, he affirms the potentially negative influence of interreligious marriages between men and women, which often contributes to apostasy⁴⁸.

Regarding the present context of Malaysia, its citizens are governed by two primary laws when it comes to family matters. First, the Civil Marriage Law of 1976 does not apply to Muslims. Hence, there is no means to legalize interfaith marriage under civil law. Second, the Islamic Family Law of 1984, known as the sharī'a law, specifically applies to Muslims in all aspects of life. Marriages performed by Muslims have to be registered under Islamic Religious Departments⁴⁹. According to the sharī'a law, a Muslim woman is strictly prohibited from taking a man of another religion as a husband, whether he is of *Ahl al-Kitāb* or any other religions with or without scriptures⁵⁰. Nevertheless, the *sharī'a* law

⁴⁷ Mohd Zahidul Islam, "Interfaith Marriage in Islam and Present Situation," 40.

⁴⁶ HAMKA, 6: 183-4.

⁴⁸ HAMKA, *Tafsīr al-Azhar*, 2008, 1:201.

⁴⁹ "Islamic Family Law (Federal Constitution) Act 1984," Pub. L. No. Act 303, § 25, Stat (1987).

http://www2.esyariah.gov.my/esyariah/mal/portalv1/enakmen2011/Eng_act_lib.nsf /b3ac9c218c8efdc4482568310022d8b3/16703758f1a7d213482569810025f115?0p

^{50 &}quot;Islamic Family Law (Federal Constitution) Act 1984," Pub. L. No. Act 303, § 10, Stat

http://www2.esyariah.gov.my/esyariah/mal/portalv1/enakmen2011/Eng_act_lib.nsf

under Section 10 allows Muslim men to marry women of *kitabiyah* (Jewish and Christian women). In this sense, this law is in accordance with the rulings interpreted by the classical Islamic jurists from the four major schools of jurisprudence, with which HAMKA also agrees.

However, the issue of apostasy as the result of interfaith marriage in Malaysia needs further explanation so that it is not against the country's propagation of tolerance and freedom. Hence, HAMKA's explanation of interfaith marriage is somewhat relevant looking into the Malaysian Islamic Family Law. Based on Section 10(1), the law states that Muslim men have permission to marry a *kitabiyah* (People of the Book) Conversely, HAMKA highlights on conditions which will lead to the fulfilment of the requirement of marriage, i.e., strong foundations of Islam, and the woman must hold on to her belief in the Oneness of God and the prophet hood of Muhammad P.B.U.H. Meanwhile, Section 10(2) denotes the prohibition on any Muslim woman marrying a man of another religion. Likewise, HAMKA elaborates on the general perspective of husband's dominant position over his wife in a marriage institution as the head of the family. Thus, Malaysia generally prohibits interfaith marriages in line with the rulings of classical jurists, which needs further clarification on the prohibition. This is so, to avoid disrespecting religious freedom granted to its citizens, which has become the centre of discussions on interfaith marriages.

It is inferred from *Tafsīr al-Azhar*, that HAMKA would perceive such interfaith marriage as honourable and for the sake of Islam if the required conditions could be fulfilled by the Muslim man. Furthermore, the problem of apostasy could ultimately be avoided and prevented from its root. However, looking into the context of Malaysia today, neither Jews nor Christians are seen to portray strong adherence to their religious beliefs. As has been noted, the apostasy cases among Muslims as a result of interfaith marriage in Malaysia are undoubtedly alarming. Not only individuals' faith is at stake, the future of children in their upbringing is also threatened.

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Conclusion

The paper has discussed the relevance of HAMKA's interpretation and commentaries on the issue of apostasy as the result of interfaith marriage, which has been derived from his magnum opus, Tafsīr al-*Azhar*. In the process of writing this *tafsīr*, the socio-religious condition of Muslims in Indonesia, particularly in the post-independence period, greatly influenced him. His diverse works are still relevant to the current context, as these provide guidelines and solutions to the social problems of Malay Muslims. Its relevance in the current context of Malaysia which concern on the enhancement of faith and understanding of Islamic rulings on interfaith marriages. Such actions are needed so that Muslims in Malaysia could comprehend the negative implications of interfaith marriages such as apostasy and unclear religious belief of the children.

Given the alarming situation of apostasy resulting from interreligious marriages in Malaysia, it is perceived that HAMKA and the society at his time faced similar challenges. He was troubled with the negative implications of interfaith marriages. HAMKA acknowledged the inevitability of interaction among adherents of diverse religions within a multireligious society, identifying it as the primary factor in such marriages. Nonetheless, he pointed out on the need to be vigilance regarding promiscuity between individuals of different religious background. HAMKA's stand that encouraged Muslim men to only marry fellow Muslim women is well understood. He did not directly oppose interfaith marriages with Jewish and Christian women if Muslim men observed strong adherence to the Islamic faith and practices, and married for the sake of propagating Islam. In contrast, he strictly prohibited interfaith marriages in the case that Muslim men did not faithfully observe Islamic principles in life. Such conditions would risk resulting in apostasy.

In Malaysia, there have been quite a number of Muslims who reverted into Islam for marriages and then went back to their old religion as a result of the failure in the marriage. It is observed that apostasy commonly occurs among non-Muslim partners who had converted to Islam for the marriage, and later on went through divorce after several years of marriage. There are also cases in which Muslim women renounced their religion and embrace other religions adhered to by their partner for the sake of marriage. Currently, there is a case involving a

Malaysian woman who has reverted to Islam with the intention to marry a Muslim fiancé but later return to Christianity after the failure of engagement. Hence, the issue of apostasy in Malaysia is closely related to the problem of faith and belief as described by HAMKA. Undoubtedly, this issue touches on the problem of religious freedom and tolerance in Malaysia. Such an issue can be solved by taking into consideration HAMKA's advice to either marry only fellow Muslims or enhance one's faith for the sake of Islamic propagation (da'wah).

In a nutshell, it is appropriate to say that HAMKA's interpretation of the verses is relevant in the context of multireligious societies, like Malaysia. Though he admits the importance of religious tolerance and unity, he advises his reader to always consolidate Islamic belief and practices in oneself and in life. Muslims who live among adherents of other religions are supposed to equip themselves with strong foundation of faith, clear understanding and unfailing practice of Islam. Modernization and globalization further accelerate the interactions between diverse religious followers. With strong faith, Muslims should be able to govern themselves in accordance with Islamic principles, to not easily be influenced by invitations to proselytize to other religions. In a way, interfaith marriages are good in propagating the authentic teachings and practices of Islam. However, the sacred union between man and woman risks tarnishing by the inability to uphold a faithful Islamic life. It is to be noted as well, that the criterion of *Ahl al-Kitāb* as put forward by HAMKA - belief in the original teaching of Jesus and Moses, i.e., *tauhīd* – is less likely to be present in the lives of most Jews and Christians today. Thus, looking into the Malaysian present context, the prohibition of interfaith marriage is relevant as it contributes to the increase of apostasy rate among Muslims.

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