



Interfaith Marriage Among Muslim Minorities: A Comparative Legal Analysis

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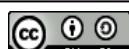
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Abstract: The purpose of this study is to determine the differences in opinion between Abdullah ibn Bayyah and Muhammad Yusri Ibrahim regarding interfaith marriage among Muslim minorities. This study uses normative legal research by adopting a comparative approach to identify the similarities and differences in the thinking of these two figures. The results of this study show that the differences in opinion between Abdullah ibn Bayyah and Muhammad Yusri Ibrahim regarding cases of interfaith marriage are influenced by their respective views, which combine several legal principles. In the case of "the validity of marriage if one of the spouses converts to Islam," Yusri Ibrahim prefers the opinion of Ibn Qayyim as the main figure of the Hanbali school of thought, without considering Qaul al-Šahābī as an argument (hujjah). This differs from Ibn Bayyah, who uses Qaul al-Šahābī as an argument (hujjah) in accordance with the Maliki school of thought. Ibn Bayyah does not discuss the limits of taisir (ease) in interfaith marriage issues at length. However, in terms of application, both figures agree on setting burdensome conditions. Ibn Bayyah prioritizes a deep discussion of maṣlahah (public interest), with various considerations, and explores more universal and facilitative concepts. Thus, his opinion is more flexible and easier to apply to cases of interfaith marriage in Singapore. Ibn Bayyah's opinion is based on considerations of the social reality of minority Muslims, so that his legal decisions are not textual and are more cautious. This differs from Yusri Ibrahim's opinion, which tends to be stricter and more difficult to apply in countries with non-Muslim majorities. This is because most of his opinion is very textual, following the foundations of Islamic law and his school of thought, without considering the public interest and the social realities of minority Muslims. The practical implications of this research have an impact on the legality of giving inheritance to wives or children who are not Muslim, and the right of a father

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to be the marriage guardian for his daughter, based on the opinion of Ibn Bayyah. This study suggests that the fiqh formulations of contemporary scholars on interfaith marriage can serve as a guideline for Muslim minorities in Western countries by taking social realities into account.

Keywords: Interfaith Marriage, Muslim Minorities, Ibn Bayyah, Yusri Ibrahim

Introduction

Minority fiqh is a legal concept that addresses all issues faced by Muslim communities living among non-Muslim majorities. Emerging in the early 1990s, the idea of minority fiqh only applies to Muslims living in Western countries, whether as immigrants or citizens.¹ The existence of this fiqh has become a necessity that must be used as a guideline for Muslims in practicing Islam in Western countries. This is because most of the problems faced by Muslim minorities differ from those faced by the Muslim majority. In addition to issues of food and worship, a significant problem often encountered is interfaith marriage.²

Reeshma Haji revealed that interfaith marriages have become common in North America. The challenges that need to be considered are the religious education status of children, pressure to convert, and acceptance from family and the surrounding community. She also said that the growth of interfaith marriages in North America increased from 3% in 1967 to 40% in 2025.³ The traditional Islamic perspective allows Muslim men to marry “people of the book” based on verses from the Qur'an, or those who follow holy books that predate Islam. The reformist perspective tends to emphasize the importance of ijtihad when deciding to enter into an interfaith marriage.⁴

In addition to North America, interfaith marriages also occur in the United Kingdom, and their number is increasing every day. The results of research by Jawad and Elmali-Karakaya (2020) show that Muslim women who enter into interfaith marriages come from different ethnic groups and are mostly Turkish immigrant women. Although Islamic doctrine prohibits it, Turkish women in the UK decide to marry non-Muslim men, which places them in a theological and ethical dilemma. On the one hand, the families of Turkish women do not easily accept their daughters' decisions due to the differences in religion and culture between the spouses.⁵

Former Supreme Court Judge Sir James Munby has often called for changes to the family court system to accommodate all interfaith marriage issues in the UK. According to him, this reform must be carried out by judges who have a strong understanding of Sharia law and understand the family law system in the UK. Thus, this family court system can be formed by Muslim scholars who are highly experienced and qualified in the field of law within the British judicial system.⁶

One of the countries in Southeast Asia that legalizes interfaith marriage is Singapore. Such marriages are legally recognized under applicable laws and are even

¹ Hilmi Ridho, Hamim Maftuh Elmi, and Muhammad Sibawaihi, “Fiqh Al-Aqalliyat; Jurisprudence For Muslim Minorities As A Guide To Living In Non-Muslim Countries,” *Syariah: Jurnal Hukum dan Pemikiran* 23, no. 1 (2023): 93–106.

² Khoirul Anwar et al., “Muslim Minorities in the Context of Citizenship in Western Countries According to Fiqh Al-Aqalliyat: Challenges and Obligations,” *Tribakti: Jurnal Pemikiran Keislaman* 36, no. 1 (2025): 1–24.

³ Reeshma Haji, “Interfaith Marriage in North America and Abroad,” in *Oxford Research Encyclopedia of Religion*, ed. John Barton (England: Oxford University Press, 2023), 350–367.

⁴ Akhmad Faroh Hasan et al., “Interfaith Marriage in Indonesia’S Law: A Comparative Study of Tafsir Al-Misbah and Al-Maraghi,” *Petita: Jurnal Kajian Ilmu Hukum dan Syariah* 10, no. 1 (2025): 322–337.

⁵ Ayse Elmali and Karakaya, “Being Married to a Non-Muslim Husband: Religious Identity in Muslim Women’s Interfaith Marriage,” in *Research in the Social Scientific Study of Religion* (Leiden: Brill, 2020), 388–410.

⁶ Amra Bone, “Islamic Marriage and Divorce in the United Kingdom: The Case for a New Paradigm,” *Journal of Muslim Minority Affairs* 40, no. 1 (2020): 163–178.

facilitated by the state. In addition, Singaporean citizens who have entered into interfaith marriages are included in civil marriage records. However, in Singapore, there is a Fatwa Committee that has prohibited interfaith marriages because they are contrary to Islamic teachings. So if this is still done, the marriage contract is invalid and considered adultery. However, in reality, the Fatwa Committee does not have binding legal authority in Singapore, so its power is not comparable to the applicable laws and regulations. This factor is the main reason why interfaith marriages in Singapore continue to increase every year.⁷ This is in contrast to interfaith marriages in Indonesia, which remain a controversial issue to this day. Thus, those who wish to enter into interfaith marriages choose an alternative method by conducting the marriage ceremony abroad, then returning to Indonesia to register it in the civil registry.⁸

In classical fiqh, the majority of scholars say that interfaith marriages require immediate divorce.⁹ Applying classical fiqh law would actually complicate the situation for Muslims in Western countries.¹⁰ In addition, it would cause severe psychological conflict, as they would have to leave the families they had built with great effort over many years.¹¹ In fact, this could scare other women who want to convert to Islam because they would have to leave their husbands and children.¹² They need legal solutions from contemporary scholars of this century with their innovative ijtihad through their reasoning abilities.¹³

There are several reasons why the issue of Muslim minorities in Western countries requires new ijtihad as a legal solution. First, different contexts and realities. Muslim minority groups face different conditions and challenges from the Muslim majority in Muslim-majority countries.¹⁴ Second, filling legal gaps. The emergence of new problems due to social, economic, and technological changes requires legal solutions that are not explicitly regulated in the Qur'an and Hadith.¹⁵ Third, addressing contemporary issues. Ijtihad allows Muslims to respond to modern issues in accordance with Sharia principles, such as digital transactions and ethical issues.¹⁶ Fourth, maintaining the relevance of Islamic law. By conducting ijtihad, Islamic law can continue to adapt and remain relevant to the changing times, so that it remains applicable in the lives of Muslims wherever they are.¹⁷

⁷ Mohd Norhusairi Mat Hussin et al., "Interfaith Marriage Among Muslims in Singapore," *Al-'adalah* 22, no. 1 (2025): 1–28.

⁸ Ahmad Rajafi, Arif Sugitanata, and Vinna Lusiana, "The 'Double-Faced' Legal Expression: Dynamics and Legal Loopholes in Interfaith Marriages in Indonesia," *Journal of Islamic Law* 5, no. 1 (2024): 19–43.

⁹ Asy'ari and Triansyah Fisa, "Interfaith Marriage in Perspectives of Classical and Modern Scholars," *Al-Manahij: Jurnal Kajian Hukum Islam* 16, no. 2 (2022): 287–300.

¹⁰ M. Sa'i, "Interfaith Marriage in the Perspective of the Qur'an: An Analysis of Social Interpretation of a Pluralistic Society in Indonesia," *Journal of Islamic Thought and Civilization (JITC)* 15, no. 1 (2025): 385–400.

¹¹ Ayse Elmali-Karakaya, "Interfaith Marriage in Islam: Classical Islamic Resources and Contemporary Debates on Muslim Women's Interfaith Marriages †," *Religions* 13, no. 8 (2022): 1–21.

¹² Liky Faizal et al., "Challenges in Interfaith Marriage: Literature Review of Faith Values and Their Implications for Families," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 9, no. 2 (2025): 965–988.

¹³ Mohamad Abdun Nasir, "Negotiating Muslim Interfaith Marriage in Indonesia: Integration and Conflict in Islamic Law," *Mazahib Jurnal Pemikiran Hukum Islam* 21, no. 2 (2022): 155–186.

¹⁴ Omar Mohammad-Ameen Ahmad Hazaymeh, "Muslim Representation in European Parliaments in the XXIst Century: Societal Integration or Political Necessity?," *Journal for the Study of Religions and Ideologies* 24, no. 71 (2025): 45–59.

¹⁵ Heewon Kim, "Reinforcing the Path: The Paradox of Failed Reform in India's Minority Policies (2004–2024)," *Journal of Contemporary Asia* 0, no. 0 (2025): 1–26.

¹⁶ Munazza Akram, "Issues of Muslim Minorities in Non-Muslim Societies: An Appraisal of Classical and Modern Islamic Legal Discourses with Reference to Fiqh Al-Aqalliyāt," *Islamic Studies* 58, no. 1 (2019): 107–125.

¹⁷ Mohammad Firmansyah et al., "When Traditional Meets Modern Pedagogies: A Case Study of Ma'had Aly Situbondo," *EDUKASI: Jurnal Penelitian Pendidikan Agama Dan Keagamaan* 23, no. 1 (2025): 192–207. Read more: Hilmi Ridho and Debi Fajrin Habibi, "Al-Turast Wa Al-Tajdid; Telaah Atas Pemikiran Hasan Hanafi Tentang Tradisi Dan Pembaharuan Ajaran Islam Di Era Digital," *Indonesian Journal of Cyber Education* 1, no. 1 (2023): 40–53.

However, before conducting ijтиhad, it is necessary to understand the principles of minority fiqh, namely:¹⁸ conducting ijтиhad professionally and correctly, paying attention to universal fiqh rules and *fiqh al-wāqi'* (fiqh of reality), prioritizing collective fiqh, using methods that facilitate (*manhāj al-taysīr*) and methods of legal gradualism (*tadarruj fi al-tasyrī'*), knowing the primary and secondary needs of humans, and freeing oneself from sectarian fanaticism.¹⁹

The above dialectic encourages the author to discuss interfaith marriage for Muslim minorities according to contemporary scholars. However, the author limits this study to the views of Abdullah ibn Bayyah and Muhammad Yusri Ibrahim. This is because both are contemporary scholars of this century who specialize in minority fiqh with several innovations in their thinking about *maqāṣid al-sharīah*. As a product of contemporary scholars' ijтиhad, minority fiqh must be able to provide solutions to cases of interfaith marriage for Muslim minorities in Western countries. The purpose of this study is to analyze the reasoning behind the minority fiqh of these two contemporary scholars and to determine their positions and distinctions.

Research Methods

This type of research uses normative legal research, which is a method of study that focuses on legal principles to interpret law as a system of applicable norms.²⁰ Meanwhile, the approach used is a comparative approach, which compares two objects or phenomena to identify similarities, differences, and patterns between them.²¹ In this study, the comparative approach serves to compare the thoughts of Abdullah ibn Bayyah and Muhammad Yusri Ibrahim on interfaith marriage conducted by Muslim minorities.

The primary data was taken from a book on minority fiqh entitled *Ṣana'at al-Fatwā wa Fiqh al-Aqalliyāt* (Production of Fatwas and Fiqh of Minorities) by Abdullah ibn Bayyah, and a fiqh book entitled *Fiqh al-Nawāzil li al-Aqalliyāt al-Muslimah Ta'sīlan wa Tatbīqan* (Contemporary Fiqh for Muslim Minorities: Theory and Practice) by Muhammad Yusri Ibrahim. The data referred to in these works not only presents the specific thoughts of these two figures, but also the legal basis for the establishment of laws on interfaith marriage, whether from the Qur'an, Hadith, or the opinions of scholars from their respective schools of thought. Meanwhile, the secondary data was taken from contemporary books and reputable international journals discussing cases of interfaith marriage in Western countries.

The collected data were then classified into two groups, namely interfaith marriage according to Abdullah ibn Bayyah and Muhammad Yusri Ibrahim. After classification, analysis was carried out using qualitative methods. The author presented the thoughts of each figure, starting from their opinions to the arguments they referred to. After that, a descriptive conclusion was drawn to answer the objectives of this study.

Results and Discussion

Typology of marriage in Islam

Before getting into the main discussion, the author will first describe the types of marriage in Islam. In Islamic law, there are four types of marriage, including: first, marriage

¹⁸ Hilmi Ridho et al., "Interpretation of the Qur'an from Classical-Textual to Contemporary-Contextual ; An Approach Proposed by Muslim Scholars," *QiST: Journal of Quran and Tafsir Studies* 4, no. 2 (2025): 645–674.

¹⁹ Suud Sarim Karimullah, "The Implications of Islamic Law on the Rights of Religious Minorities in Muslim-Majority Countries," *MILRev: Metro Islamic Law Review* 2, no. 2 (2023): 90–114.

²⁰ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Group, 2007), 21, <https://books.google.co.id/books?id=CKZADwAAQBA&printsec=copyright#v=onepage&q&f=false>.

²¹ Soerjono Soekanto and Sri Mamuji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: Raja Grafindo Persada, 2013), 17.

whose validity is agreed upon by all Muslims.²² This means marriage between a Muslim man and a Muslim woman, as stipulated in the words of Allah SWT: "And do not marry polytheistic women until they believe. Indeed, a believing slave woman is better than a polytheistic woman, even if she attracts you. And do not marry polytheistic men (to believing women) until they believe. Indeed, a believing slave is better than a polytheist, even if she attracts you. They invite you to Hell, while Allah invites you to Paradise and forgiveness by His permission. And Allah explains His verses (His commands) to mankind so that they may take heed" (Q2: 221).

Second, the marriage of Muslim men to women of the People of the Book is permitted according to the Qur'an:²³ "Today, all good things are made lawful for you. The food of the People of the Book is lawful for you, and your food is lawful for them. And it is lawful for you to marry chaste women from among the believers and chaste women from among those who were given the Scripture before you, when you have paid them their dowries with the intention of marrying them, not with the intention of committing adultery or taking them as concubines. Whoever disbelieves after having believed (does not accept the laws of Islam), then his deeds are nullified, and he will be among the losers on the Day of Judgment" [Q5: 5].

The above verse contains the meaning of the permissibility of food (slaughtered animals) of the People of the Book (Jews and Christians) and the permissibility of marrying women of the People of the Book for Muslim men. In this context, the mention of the People of the Book refers to groups that have holy books as their guide to faith. Therefore, as stated in the verse above, the slaughter of animals carried out by the People of the Book is considered *tayyibāt* (lawful), because they still acknowledge and mention the name of Allah SWT as the Lord who created the universe and the place where humans will return in the hereafter.²⁴

Although Muslim men are explicitly permitted to marry women of the People of the Book, scholars differ on the definition and scope of the People of the Book. There are differences of opinion on this matter. First, Caliph Umar ibn al-Khattab recognized that followers of Judaism and Christianity were *ahl al-kitāb*, but he once forbade Talhah ibn Ubaidillah from marrying a Jewish woman.²⁵ Second, according to Imam Shafi'i, the term *ahl al-kitāb* only includes followers of Judaism and Christianity who are descendants of the Children of Israel, not those from other races or tribes before the advent of Islam.²⁶ Third, the Rafidah Shi'ah strictly prohibit marriage between Muslims and non-Muslims, regardless of whether the Muslim is male or female and regardless of whether the non-Muslim is *ahl al-kitāb* or not. Thus, marriage between Muslims and non-Muslims is absolutely prohibited.²⁷ Fourth, according to Abu Hanifah, the term *ahl al-kitāb* refers to anyone who believes in the scriptures revealed by Allah SWT to His messengers and prophets, not only to the followers of Prophet Moses and Prophet Jesus, who are known as Jews and Christians. The scope of *ahl al-kitāb* also includes those who believe in the Suhuf Ibrahim and the

²² Suud Sarim Karimullah, "Agus Moh. Najib's Project and Ushul Fiqh Redesign: Interlinking of Islamic Law and Legal Science," *Al-Mazaahib: Jurnal Perbandingan Hukum* 11, no. 2 (2023): 139–159.

²³ Moh Wahib, "Implementation of the Minority Fiqh Concept for the Papuan Muslim Community," *De Jure: Jurnal Hukum dan Syar'iah* 13, no. 1 (2021): 97–112.

²⁴ Mohamad Zulkifli bin Abd Rahman and Mustafa bin 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: A Comparative Juristic Analysis," *International Journal of Fiqh and Usul al-Fiqh Studies* 9, no. 1 (2025): 114–128.

²⁵ Zubair and Muhammad Faisal Hamdani, "The Qur'an and Muslim Men's Marriages to Women of the People of the Book (Ahl Kitab) (an Interpretive Essay of Ahl Kitab on Qur'an 5:5)," *Cogent Arts and Humanities* 12, no. 1 (2025): 1–11.

²⁶ Muhammad Azizan Sabjan and Noor Shakirah Mat Akhir, "The Conceit of the People of the Book (Ahl Al-Kitab) In Islamic Religious Tradition," *Ajkar: Jurnal Akidah Dan Pemikiran Islam* 6, no. 1 (2005): 15–36.

²⁷ Amiur Nuruddin et al., "Relationship of Interfaith in Tunisia (Critical Study of Ibn 'Ashur Tafsir W.1973)," *Budapest International Research and Critics Institute (BIRCI-Journal) : Humanities and Social Sciences* 2, no. 1 (2019): 353–372.

Zabur revealed to Prophet David, and even includes the *ṣābiīn* (star worshippers). However, this opinion was not followed by his students Abu Yusuf and Muhammad. In fact, according to both of them, the Sabians are not included in the scope of Ahl al-Kitab.²⁸ Fifth, according to Ahmad ibn Hanbal, the meaning of *Ahl al-Kitāb* refers not only to the followers of Judaism and Christianity but also includes the Magians (fire worshippers).²⁹ Sixth, a broader opinion on the scope of *ahl al-kitāb* is that of the author of the tafsir *al-Manār*, M. Rasyīd Ridā. According to him, *ahl al-kitāb* is not limited to followers of Judaism and Christianity, but also includes Magians, *ṣābiīn*, and followers of Indian, Chinese, and Japanese religions. He also asserts that the Sabians are part of Christianity.³⁰

Third, the marriage of Muslim men to polytheistic women is prohibited according to the words of Allah SWT in QS. al-Baqarah: 221. Here, there is no difference between Muslim men and Muslim women. If they marry a polytheist, then according to the agreement of the scholars, the marriage is invalid.³¹ If polytheism is defined as adhering to a religion other than Islam (non-Muslim), then the scholars differ in their opinions about who belongs to the polytheist group. This difference is in line with their differences in determining who is meant by *ahl al-kitāb*. Meanwhile, people outside of Islam who are not included in *ahl al-kitāb* are polytheists.

Fourth, the marriage of a Muslim woman to a non-Muslim man (*mushrik* or *ahl al-kitāb*). The scholars of the four schools of thought agree that marriage between Muslim women and non-Muslim men is prohibited, whether the man is a polytheist or a follower of Judaism or Christianity (*ahl al-kitāb*). This prohibition is based on QS. Al-Baqarah: 221 and the consensus of the scholars.

Interfaith Marriage According to Abdullah ibn Bayyah

In their interactions with non-Muslims, Muslims are confronted with the issue of interfaith marriage, whether between Muslims and non-Muslims who are People of the Book or those who are not. In addition, Muslims are also faced with the question of how to respond to marriages conducted by them according to their own laws. There are several classifications of categories in the model of non-Muslim marriages that later enter Islam or become converts.³² The following is a summary of Abdullah ibn Bayyah's opinion in his book.

Table 1.

Conditions	Explanation	Legal Standing	Legal Position
Husband and wife converted to Islam at the same time.	There are no prohibitions in marriage from the outset, such as siblings or foster siblings.	The marriage remains valid and can continue.	The marital relationship remains valid according to Islamic law and applicable legislation.
The husband	There is no familial	The marriage remains	The marital

²⁸ Sayed Aqeel Hussaini and Mohammad Nasser Vaezi, "The Scientific Authority of the Ahl Al-Bayt (as) in the Qur'an Sayed," *Journal of Ahl al-Bayt (as) Teachings* 2, no. 3 (2024): 41–58.

²⁹ Lutfan Muntaqo, "Islamic Thoughts on Interfaith Marriage in Local and Global Context," *Manarul Qur'an: Jurnal Ilmiah Studi Islam* 20, no. 1 (2020): 69–79.

³⁰ M. Rasyid Rida, *Al-Manar* (Beirut: Dar al-Maarif, 1998), 61.

³¹ M. Jamil, "The Quran on Marriage: Indonesian Interpreters Perspectives on Marriage of Muslim with Polytheist," *International Journal of Humanities and Social Science Invention* 6, no. 7 (2017): 9–12.

³² Abdullah bin Syekh Mahfudz bin Bayyah, *Shina'ah Al-Fiqh Al-Qaliyyat* (Dubai: Muwaththa Centre, 2018), 20.

converted to Islam and the wife remained with her old religion.	relationship, and the woman is a People of the Book.	valid and can continue.	relationship remains valid according to Islamic law and applicable legislation.
Wife converts to Islam, and husband remains with his old religion.	If they have not yet had sexual intercourse	They are automatically divorced at that moment.	The divorce was decided by a judge.
	If they have already had sexual relations and husband converts to Islam before the end of the <i>iddah</i> (waiting period).	The marriage can continue.	The judge does not have the authority to decide on a divorce before the completion of the <i>iddah</i> (waiting period).
	If they have been intimate, and it has exceeded the period of <i>iddah</i> (waiting period).	The wife may wait for her husband to convert to Islam, even if it takes a long time. If the husband converts to Islam, the marriage remains valid and does not need to be repeated.	The judge has the authority to grant a divorce provided that the wife has given her consent and filed for divorce.

*Source: The book of *Sana'at al-Fatwā wa Fiqh al-Aqalliyāt**

The table above shows that Abdullah ibn Bayyah classifies the issues of people who were previously non-Muslims into three categories. First, both non-Muslims convert to Islam at the same time. According to the majority of scholars, marriage between non-Muslims is valid if the marriage is carried out in accordance with their beliefs. In other words, if the marriage is valid according to their teachings, then after converting to Islam, the marriage remains valid. Then, the status of a non-Muslim marriage that converts to Islam is considered valid on the condition that the woman being married is not from a group of women who are forbidden to marry and is not more than four, even if the marriage contract was previously carried out without a guardian and witnesses. This is based on a hadith narrated by al-Tirmidzî: "From Ibn Umar, that Ghailan bin Salamah Ats-Tsaqafi converted to Islam, while he had ten wives during the time of ignorance, then they also converted to Islam with him, then the Prophet SAW ordered Ghailan to choose (keep) four of them".³³

In the hadith, it is narrated that Ghailan al-Tsaqafi converted to Islam along with his ten wives. Then the Prophet Muhammad ordered him to choose four of his ten wives and divorce the rest. At that time, Ghailan only carried out what the Prophet Muhammad ordered and did not ask about the conditions of his marriage. He believed that the Prophet Muhammad (peace be upon him) would not impose a law on someone based on false grounds.

The story of Ghailan al-Tsaqafi in the hadith narrated by al-Tirmidhi concludes that marriages between non-Muslim couples who convert to Islam are valid. The validity of marriages performed by non-Muslims before converting to Islam remains valid after conversion. The validity of these marriages is in accordance with the concept of *istiṣḥāb*

³³ Abu 'Isa Al-Tirmidzi, *Sunan Al-Tirmidzi* (Beirut: Dar al-Gharbi, 1999), 112.

(continuing previous laws) in the Shafi'i school of thought. If a non-Muslim husband and wife convert to Islam at the same time, then their marriage contract before conversion is valid in the view of Islamic law. *Istiṣḥāb* is the continuation of laws that existed in the past into the present until there are other legal provisions that change them.³⁴

Tajdīd al-nikāh (renewal of marriage contract) performed by non-Muslim couples appears to be a second marriage, whereas they were previously married according to their religious teachings. Non-Muslim marriages are still considered valid after converting to Islam without the requirement to perform *tajdīd al-nikāh*. This means that the marriage continues as usual, even though the previous marriage contract was not in accordance with Islamic law.

However, some scholars recommend performing *tajdīd al-nikāh*. Scholars differ on the ruling on *tajdīd al-nikāh*. Some scholars permit it, while others do not. Ibn Hajar al-Haitami stated that the second contract performed by the husband does not invalidate the first contract. The purpose of the second marriage contract is to beautify (*al-tajammul*) and strengthen the marriage bond (*iḥtiyāt*).³⁵ This means that the second contract has no effect; it only serves to beautify the marriage. From this wording, it can be understood that al-Haitami also allows the implementation of *tajdīd al-nikāh*. This opinion is among the strongest in the Shafi'i school of thought. *Tajdīd al-nikāh* is an alternative measure to calm the heart and practice the concept of *iḥtiyāt* (caution).

The view advocating *tajdīd al-nikāh* seems contradictory to the principle of *istiṣḥāb*. This is because the purpose of *istiṣḥāb* is to continue the previous marriage, whereas *tajdīd al-nikāh* implies the opposite assumption. One of the scholars who argued that *tajdīd al-nikāh* could invalidate the previous marriage contract was Yusuf al-Ardabili al-Shafi'i, a prominent scholar of the Shafi'i school of thought. This is as he stated in his book, *al-Anwār li A'māl al-Abraar*: "If a husband renews his marriage to his wife, then he must give another dowry, because he acknowledges the divorce, and renewing the marriage reduces the number of divorces. If this is done three times, then a *muḥallil* (a third person who can make the marriage with his wife lawful again) must be brought in."³⁶

Second, the husband converts to Islam, while the wife remains in her old religion. If this happens, the marriage between the two must be *fasakh* (divorced) if the wife is not a member of *ahl al-kitāb*. However, if the wife is a member of the People of the Book, the contract remains valid. This is because her previous marriage to a woman of the People of the Book is considered valid according to Islamic law.³⁷ This opinion is in accordance with the words of Allah SWT in Surah al-Baqarah: 221.

Third, when the wife converts to Islam while the husband remains in his old religion, there are several things that need to be considered in this case. If the wife converts to Islam before *dukhūl* (sexual intercourse), then the two must immediately divorce. It is different if the wife converts to Islam after *dukhūl* (sexual intercourse) and before the end of the *iddah* (waiting period). In this case, if the husband also converts to Islam, their marriage can continue, and they are not required to perform a second marriage ceremony, known as *tajdīd al-nikāh*. Similarly, when the wife converts to Islam after sexual intercourse and the *iddah* period has ended. In this case, the wife is permitted to wait until her husband converts to Islam, and their marriage can then proceed. The majority of scholars think that after the *iddah* period ends, the wife is not allowed to live with her former husband. However, if after the *iddah* period ends, the wife wants to find a new partner, then she is required to file for divorce through the court.

³⁴ Abdullah Ahmadi Shahroodi and Ali Kolagar, "The Presumption of Continuity (Al-*Istiṣḥāb*) in Conceptual Doubts," *Principles of Jurisprudence* 6, no. 9 (2023): 95–106.

³⁵ Ibn Hajar Al-Haitami, *Tuhfatu Al-Muhtaj Fī Syarḥi Al-Minhāj* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1996), Juz III, 98.

³⁶ Yusuf Al-Ardabili, *Al-Anwar Li A'mal Al-Abraar* (Damaskus: Dâr al-Dhiya li Nashr wa Tauzi', 2006), 441.

³⁷ Sayyid Sābiq, *Fiqh Al-Sunnah* (Beirut: Dâr al-Fikr, 1985), Juz I, 167.

According to some scholars, Abdullah ibn Bayyah's last opinion is considered too lenient (*tasāhul*) by allowing both partners to live together and also have relations as husband and wife. This opinion is based on the narration of Umar bin Khattab: "There was a woman from the people of Khairah who converted to Islam, while her husband did not want to follow her in her conversion. So Umar bin Khatab wrote (decided) to her: choose! Either separate from him or remain with him."³⁸

In addition to Umar bin Khattab, Abdullah ibn Bayyah also quoted the opinion of Ali bin Abi Thalib: "When a Christian woman converts to Islam, her husband, who is Jewish or Christian, still has rights over the marital relationship, because there is already an agreement."³⁹

The selection of the above opinion, in addition to the argumentation of two arguments sourced from *Qaul al-Šahābī* (the opinion of the Companions), is certainly also influenced by the school of thought of Ibn Bayyah. In classical literature, the Maliki school of thought clearly considers *Qaul al-Šahābī* to be an argument (*hujjah*).⁴⁰ On the other hand, the use of the *taisir* (convenience) rule is also strongly emphasized in the selection of opinions, as evidenced by Abdullah ibn Bayyah's statement: "So that wives do not avoid converting to Islam because of the necessity of divorce, which could leave their former families." However, it is also stipulated that it must not be harmful to the wife's religion, and there must be hope that the husband will eventually convert to Islam.⁴¹

Interfaith Marriage According to Muhammad Yusri Ibrahim

There is a significant difference between the opinions of Abdullah ibn Bayyah and Muhammad Yusri Ibrahim regarding interfaith marriage when one of the spouses converts to Islam. In his book, Yusri Ibrahim presents several opinions of scholars that form the basis for determining interfaith marriage,⁴² including the opinion of Ibn Qayyim in his book entitled *Ahkām Ahl al-Žimmah*.⁴³ Hasan Al-Bashri and Ikrimah stated emphatically that if the husband or wife converts to Islam, then automatically the marriage between the two is declared invalid (*fasakh*). Atha' bin Abi Rabah said that the marriage is invalid if the wife does not belong to the group of *ahl al-kitāb* women. This differs from the opinion of Ibn Qayyim and some scholars from the Maliki school of thought, who are more flexible and understand the conditions of Muslim minorities. They said that if the husband first converted to Islam and allowed his wife to convert to Islam, but she refused, and she was not from the *ahl al-kitāb*, then their marriage was invalid. Meanwhile, Ibn Qasim and some other Maliki scholars argue that if a wife does not immediately follow in the footsteps of her husband, who has converted to Islam, then the marriage is invalid. Mujahid Al-Maliki adds that the marriage is invalid if the wife does not convert to Islam until the *iddah* (waiting period).

Some scholars from the Hanafi school of thought argue that interfaith marriages are considered invalid if either the Muslim husband or wife moves from a country at war (*dār al-ḥarb*) to an Islamic country (*dār al-Islām*). In other words, as long as the couple does not move to an Islamic country, their marriage remains valid. This opinion seems more moderate and in line with the lives of Muslim minorities in the West. Even more flexible is the opinion of Sufyan al-Tsauri and the al-Zuhri school of thought, which states that even if both spouses have moved to an Islamic country, the marriage remains valid as long as it is not decided by a court judge or the completion of the *iddah* period. Meanwhile, other scholars from the Hanafi school of thought say that the marriage is considered invalid if one

³⁸ Abu Bakar Abdul Razzaq, *Mushannaf 'Abd. Al-Razaq* (Malaysia: Majelis Ulya, 1970), 43.

³⁹ Abi Shaibah, *Al-Musanaf Abi Shaibah* (Kairo: al-Faruq al-Hadisiyah li Thaba'ah wa Nashr, 2007), 77.

⁴⁰ Muhammad Al-Āmudi, *Al-Ihkām Fī Uṣūl Al-Āhkām* (Riyād: Dār as-Šāmi'i, 2003), 57.

⁴¹ Bayyah, *Shī'aḥ Al-Fatwa Wa Fiqh Al-Qalīyyat*, 537.

⁴² Muhammad Yusri bin Ibrahim, *Fiqh Al-Nawazil, Lil Aqalliyat Al-Muslimah; Ta'shilan Wa Tathbiqan* (Qatar: Wizarah Awqaf Wa Su'un Al Islamiyyah, 2013), 203.

⁴³ Ibn Qayyim Al-Jauziyah, *Ahkām Ahl Al-Dzimmah* (Kairo: Dar al-Kutub al-Ilmiyah, 1995), 88.

of the spouses converts to Islam in a war zone (*dār al-harb*) after the wife has had three menstrual cycles and the husband is not yet willing to convert to Islam. Umar bin Abdul Aziz emphasized that if one of the spouses does not want to convert to Islam, then the marriage contract is absolutely invalid. This differs from the opinion of Thawus Al-Yamani, who argues that the marriage of the two spouses is not invalid, as long as there is no ruling from a court judge.

According to Ibn Taymiyyah, Ibn Jauzi, and Daud al-Dhahiri, if one of the spouses converts to Islam, the marriage contract, which was originally a *lāzim* contract (an agreement between the two parties), becomes a *jāiz* contract (either party can end the relationship without the consent of the other party). This opinion is based on the ruling of Caliph Umar bin Khattab and Ali bin Abi Talib that if one of them converts to Islam, the marriage contract is considered a *jāiz* contract. This means that the wife is allowed to divorce her husband, and is also allowed to remain with her husband, as long as she is safe, such as in an Islamic country.

Muhammad Yusri Ibrahim summarizes all of the above opinions into four main conclusions. First, the marriage of a Muslim woman to a non-Muslim is invalid, and the differences among scholars are only related to the timing of its invalidity. Second, the marriage is not invalid without an absolute decision from a judge, or it is invalid when both parties are in an Islamic country. Third, there is a change from a *lāzim* contract (binding on both parties, no unilateral divorce allowed) to a *jāiz* contract (divorce and remarriage are allowed without the consent of either party). Fourth, it is permissible to divorce or remain together on the condition that there are no marital relations, according to some opinions, while other opinions permit it if they reside in a safe country, such as an Islamic country.⁴⁴

From the above description, it can be understood that according to Muhammad Yusri Ibrahim, there are four models of opinion in cases of interfaith marriage for Muslim minorities, namely: first, the marriage is *fasakh* (void) after the completion of the *iddah* period. Second, divorce occurs with the pronouncement of talak. Third, the marriage remains valid, but the couple has no rights and obligations towards each other until the judge determines the divorce. Fourth, the nature of the marriage contract changes from *lāzim* to *jāiz*.

Table 2.
Models of Interfaith Marriage for Muslim Minorities According to Muhammad Yusri Ibrahim

Divorce Models	Consequences of Marriage Contracts
<i>Fasakh</i> (divorce) after the completion of the <i>iddah</i> (waiting period)	A new marriage contract and a new dowry are required.
Divorce	If the divorce occurs before the <i>iddah</i> period, then it is not obligatory to renew the marriage contract (<i>ajdīd al-nikāh</i>).
The marriage remains valid, but they are not allowed to have sexual relations.	<i>Tajdīd al-nikāh</i> is necessary, but renewing the dowry is not obligatory.
<i>Mauqūf</i> (no legal ruling)	The marriage continues, even after the end of the <i>iddah</i> period and the long waiting phase.

⁴⁴ Ibrahim, *Fiqh Al-Nawazil, Lil Aqalliyat Al-Muslimah; Ta'shilan Wa Tathbiqan*, 93.

Source: *The book of Fiqh al-Nawāzil li al-Aqalliyāt al-Muslimah Ta'sīlan wa Taṭbīqan*

Regarding the preferred opinion (*tarjīh*), Muhammad Yusri Ibrahim leans more towards the opinion of Ibn Qayyim, stating: "If only a woman converts to Islam (while her husband remains a non-Muslim), she may stay with her husband with the intention of waiting for him to convert, as long as she remains steadfast in her faith. Their marriage contract becomes *mauqūf* (suspended), she may choose to divorce and marry someone else, or remain with her husband on the condition that they do not have sexual relations."⁴⁵

Muhammad Yusri Ibrahim's opinion is considered more encouraging for women to convert to Islam, as it is seen as easier without the need for divorce. In addition, it also encourages the husband to immediately convert to Islam and become a Muslim. In essence, this opinion is a form of practicing the words of Allah SWT; "They are not lawful for the disbelievers, nor are the disbelievers lawful for them" (QS. al-Mumtahanah: 10).

However, Ibn Qayyim's statement that it is not obligatory to perform *tajdīd al-nikāh* and that it is not necessary to pay the dowry again contradicts the opinion of the majority of scholars who require *tajdīd al-nikāh* if the husband converts to Islam and his wife remains in her faith until the end of the *iddah* period.

Muhammad Yusri Ibrahim's conclusion is in line with the statement of Daud bin Ali al-Dzahiri (d. 883 AD) quoted by one of his successors, Ibn Hazm (d. 1064 AD): "Shu'bah said: It was narrated from Hammad bin Abi Sulaiman from Ibrahim al-Nakha'i regarding a non-Muslim woman (a non-Muslim living peacefully alongside Muslims) who converted to Islam but whose husband remained with his old religion. He replied: Stay with him (her husband). That was the fatwa issued by Hammad bin Abi Sulaiman, and he added: It is not permissible to have marital relations."⁴⁶

After analysis, it appears that the opinion taken by Muhammad Yusri Ibrahim is more cautious, because it is influenced by the school of thought he follows, namely the Hanbali school, which does not consider *Qaul al-Sahabi* (the opinion of the Companions) as evidence. He chose the opinion of Ibn Qayyim, who was one of the leaders of the Hanbali school. In addition, Muhammad Yusri Ibrahim is quite strict in applying the principle of *taisir* (convenience). The implementation of the principle of *taisir*, which allows the couple to remain together and continue their marital relationship, does not provide any feedback on Islam. This is evidenced by the support of the decision of the Sharia fatwa institution in America, the Assembly of Muslim Jurists in America (AMJA), which prefers the opinion of the majority of scholars on this case.

Practical Implications for Interfaith Marriage Cases in Singapore

Currently, interfaith marriages have become commonplace and widely accepted among Muslim minorities in Singapore without the need to convert to Islam.⁴⁷ This provision applies if the non-Muslim partner is unwilling to convert to Islam. Under the civil marriage provisions in Section 3(4) of the Women's Act, interfaith marriages are legally valid in Singapore. Similarly, children born from such marriages are also considered legitimate under Article 92 concerning Women.⁴⁸ Of course, the psychological impact will be felt by both the parents and the child, especially in relation to the faith they will

⁴⁵ Ibrahim, *Fiqh Al-Nawazil, Lil Aqalliyat Al-Muslimah; Ta'sīlan Wa Taṭbīqan*, 92.

⁴⁶ Ibrahim, *Fiqh Al-Nawazil, Lil Aqalliyat Al-Muslimah; Ta'sīlan Wa Taṭbīqan*, 91.

⁴⁷ François Bretault, "Challenges of Interfaith Families in Singapore, and Beyond," *Union of Catholic Asian News (UCA News)*, last modified 2023, accessed October 31, 2025, <https://www.ucanews.com/news/challenges-of-interfaith-families-in-singapore-and-beyond/103178>.

⁴⁸ Bee Chin Ng et al., "Language Practices in Malay-Chinese Families in Singapore," *Journal of Multilingual and Multicultural Development* 45, no. 8 (2024): 2940-2960.

embrace.⁴⁹ They need certainty as to whether the child's religion will follow the faith of one of the parents based on a written agreement or whether the child will be given a choice according to their own wishes. Parents will also feel the same impact due to their children's different beliefs, such as losing their responsibility as head of the family or primary teacher for their children in teaching religious beliefs. The Singapore courts also do not have the authority to decide on a child's religion, as the choice of religion for a child is entirely the responsibility of the parents.⁵⁰

The distribution of inheritance is also a major issue for interfaith marriages among Muslim minorities. Islamic law stipulates that a non-Muslim cannot receive inheritance from their Muslim parents. Conversely, a Muslim cannot receive inheritance from their non-Muslim parents.⁵¹ However, inheritance is not a serious issue, as non-Muslim spouses can still obtain all assets through the joint ownership system among Muslim families in Singapore. In the joint ownership system, spouses have ownership rights over all property, and there are no separate shares. If one spouse dies, ownership of the property automatically passes to the surviving spouse, regardless of whether there is a will stating the next owner. This is why there are no court disputes in the joint ownership system, as both spouses will inevitably receive the property as joint owners.⁵²

Article 111 (1) of the Islamic Law Administration Act (AMLA) allows a Muslim to make a will to a non-Muslim spouse or family member to distribute their property after their death. However, the practice of wills must follow the conditions set out in Islamic law according to the school of thought adhered to by the Muslim spouse. This can be used as a strategy or alternative to bequeath property to non-Muslim family members. In Islamic law, there is no prohibition for a Muslim to make a will that benefits non-Muslims, but it must comply with the rules on gift-giving. In addition, fatwa decisions in 1992 and 2006 allow Singaporean Muslims to allocate one-third of their assets through a will to family members who are not eligible to receive inheritance.⁵³ Bequests in the form of a will must be legally valid under Islamic law, with the rule that a Muslim may not give away more than one-third of their assets, as two-thirds must be left to heirs in accordance with the rules of *farāid* law.⁵⁴

In addition to the two problems above, issues of alimony and child custody after divorce are also common cases in interfaith marriages in several countries. However, such cases do not occur in Singapore, because marriage issues are regulated in civil law. Thus, child custody and alimony will be determined based on applicable regulations and the best interests of the children.⁵⁵ Thus, divorce disputes, ranging from alimony to child custody,

⁴⁹ 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): 791-820.

⁵⁰ Prahasti Suyaman and Temmy Fitriah Alfiany, "Polemics of Interfaith Marriage Reviewed from the Perspectives of Marriage Law and the Compilations of Islamic Law," in *International Conference on Law Reform (3rd INCLAR)*, vol. 3 (Dubai: KnE Social Sciences, 2022), 537-549.

⁵¹ Ahmad bin Abdul Latif Al-Khatib, *Hasyiyah Al-Nafahat 'Ala Syarh Al-Waraqat*, 2nd ed. (Lebanon: Dar al-Kutub al-Ilmiyah, 2013), 287.

⁵² Administrator, "Muslim Inheritance Law in Singapore," *Singapore Legal Advice.Com*, last modified 2024, accessed October 31, 2025, <https://singaporelegaladvice.com/law-articles/muslim-inheritance-law-in-singapore/>.

⁵³ Nazirudin Mohd Nasir et al., *Fatwas of Singapore Volume 2: Inheritance and Estate Planning* (Singapore: Majlis Ugama Islam Singapura, 2024), 67.

⁵⁴ Administrator, "Muslim Inheritance Law - Faraid," *I.R.B. Law LLP*, last modified 2025, accessed October 31, 2025, <https://irblaw.com.sg/learning-centre/muslim-inheritance-law-faraid/>.

⁵⁵ Tolga Tezcan, "Gender Gap in Religiosity and Interfaith Marriage Attitudes: Muslim Migrants in Germany," *International Journal of Intercultural Relations* 102, no. June 2023 (2024): 1-17, <https://doi.org/10.1016/j.ijintrel.2024.102040>.

are regulated by the Women's Act and the jurisdiction of the Family Court, which applies to both Muslims and non-Muslims.⁵⁶

In Abdullah ibn Bayyah's view, interfaith marriages in Singapore can be classified as follows: *first*, If the husband and wife convert to Islam at the same time, the marriage remains valid and there is no need to perform *tajdīd al-nikāh* (renewal of the marriage contract) based on the *istiṣḥāb* argument. *Second*, if the husband converts to Islam, while the wife remains in her former religion, the marriage remains valid and can continue on the condition that the wife is a woman of the People of the Book. *Third*, if the wife converts to Islam while the husband remains in his old religion, the ruling is explained in detail; the marriage automatically ends if the wife has not been consummated, and remains valid if the wife has been consummated and the husband converts to Islam before the end of the *iddah* period. Meanwhile, Muhammad Yusri Ibrahim classifies it into four parts, namely: *first*, the marriage of a Muslim woman to a non-Muslim is invalid. *Second*, the marriage is invalid without a judge's decision, or invalid if both parties are in an Islamic country. *Third*, the contract changes from *lāzim* (binding on both parties and not allowing unilateral divorce) to *jāiz* (allowing divorce and remarriage without the consent of one of the parties). *Fourth*, it is permissible to divorce or remain together on the condition that they do not have sexual relations as husband and wife.

Responding to the differing opinions of the two figures above, it appears that Ibn Bayyah's opinion is more flexible and easier to apply to cases of interfaith marriage in Singapore. The flexibility of Ibn Bayyah's opinion is evident in the case of "when a wife converts to Islam and her husband remains with his old religion, the marriage remains valid on the condition that the wife has been consummated and the husband converts to Islam before the end of the *iddah* period." In fact, if we refer to Q.S. al-Baqarah: 221, then absolutely the marriage is invalid, because there is no tolerance in Islamic law for a Muslim woman who wants to marry a non-Muslim man, as stated in the opinion expressed by Yusri Ibrahim. According to the author, Ibn Bayyah's opinion is based on considerations of the social reality of minority Muslims, so that the legal ruling is not textual and is more cautious. This is because marriage is a sacred bond that will last a lifetime. Although divorce is permitted in Islam, it is most detested by Allah SWT because divorce can cause a lot of damage and suffering, especially for their children.

This differs from Yusri Ibrahim's opinion, which tends to be more strict and difficult to apply in countries with a non-Muslim majority. This is because most of his opinions are very textual, following Islamic legal sources and his school of thought, without considering the public interest and the social realities of minority Muslims. For example, Yusri Ibrahim argues that interfaith marriages conducted by Muslim minorities are invalid if the husband and wife return to an Islamic country. If this opinion is followed, then households that have been built for a long time will be destroyed instantly, just because of a trivial reason. In addition, the psychological impact will also be felt by the children and their parents, especially the suffering experienced by both spouses due to divorce, because the contract has changed from *lāzim* to *jāiz*. Although Yusri Ibrahim says it is permissible to live together on the condition that they do not engage in sexual relations as husband and wife, this is irrational and contrary to human nature. This is because the essence of marriage is to allow sexual relations that were previously prohibited by Islamic law. Furthermore, logically, a married couple living together will not be able to resist sexual desire for too long. If this is allowed, it will actually encourage both of them to commit adultery, which is forbidden by Islam.

The practical implications of applying the views of these two figures on interfaith marriage will be seen in cases of inheritance distribution. Based on Ibn Bayyah's opinion,

⁵⁶ Najibah Mohd Zin et al., "Jurisdictional Conflict in Interfaith Child Custody Disputes: A Legal Discourse in Malaysian Courts," *Al-Shajarah: Journal of the International Institute of Islamic Thought & Civilization* 24, no. 1 (2019): 1-24.

which states that interfaith marriage is permissible under the conditions specified above, the prohibition on bequeathing inheritance to a spouse or child of a different religion no longer applies. Therefore, it is permissible for a husband to bequeath his inheritance to his non-Muslim spouse or child. In addition, the lineage of the child born will still follow the father's line, and he has the right to become the marriage guardian if the child is female. However, the issue of inheritance law and marriage guardianship will be different if we follow Yusri Ibrahim's opinion. This is because the invalidity of interfaith marriage results in the prohibition of giving inheritance to non-Muslim wives or children.

Conclusion

The difference of opinion between Abdullah ibn Bayyah and Muhammad Yusri Ibrahim in understanding the case of interfaith marriage is influenced by their respective thinking, combining several legal principles. In the case of "the validity of a marriage if one of the spouses converts to Islam," Yusri Ibrahim prefers the opinion of Ibn Qayyim as the leading figure of the Hanbali school of thought, without considering *Qaul al-Šahābī* as an argument (*hujjah*). This differs from Ibn Bayyah, who uses *Qaul al-Šahābī* as an argument (*hujjah*) in accordance with the Maliki school of thought. Ibn Bayyah does not discuss the limits of *taisir* (ease) in the issue of interfaith marriage at length. However, in terms of applying the *taisir* rule, both figures agree on applying burdensome conditions. In addition, Ibn Bayyah discusses *maṣlahah* (public interest) in depth with various considerations and explores more universal and facilitative concepts. Ibn Bayyah's opinion appears to be more flexible and easier to apply to cases of interfaith marriage in Singapore.

The flexibility of Ibn Bayyah's opinion can be seen in the case of "when a wife converts to Islam and the husband remains with his old religion, the marriage remains valid on the condition that the wife has been consummated and the husband converts to Islam before the end of the *iddah* period". Ibn Bayyah's opinion is based on considerations of the social reality of minority Muslims, so that his legal rulings are not textual and are more cautious. This differs from Yusri Ibrahim's opinion, which states that such marriages are automatically invalid because they contradict the Qur'anic verse prohibiting Muslim women from marrying non-Muslim men. Yusri Ibrahim's opinion tends to be more strict and difficult to apply in countries with non-Muslim majorities. This is because most of his opinions are very textual, following the foundations of Islamic law and his school of thought, without considering the public interest and the social reality of minority Muslims. If this opinion is followed, then households that have been built for a long time will be destroyed instantly, and the psychological impact will be felt by the children and their parents. The practical implications of this research have an impact on the legality of giving inheritance to wives or children who are not Muslim, and the right of a father to be the marriage guardian for his daughter, based on the opinion of Ibn Bayyah. This study suggests that contemporary scholars' fiqh formulations on interfaith marriage can serve as guidelines for Muslim minorities in Western countries, taking into account social realities. Further research is needed on issues faced by Muslim minorities beyond the issue of interfaith marriage.

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