

ABSTRAK

PANDANGAN HUKUM ISLAM TERHADAP KASUS SUAMI ISTRI PINDAH AGAMA SETELAH MENIKAH SAH SECARA SYARIAT ISLAM DI KECAMATAN TIGANDERKET KABUPATEN KARO SUMATERA UTARA

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Perkawinan atau pernikahan didalam literatur fiqih berbahasa Arab disebut dengan dua kata , yaitu *nikah* dan *zawad*. Kedua kata ini yang terpakai dalam kehidupan sehari-hari orang Arab dan banyak terdapat dalam Al – quran dan Hadist Nabi.

Penelitian ini bertujuan untuk mengetahui menurut hukum Islam pasangan suami istri dapat hidup Bersama sebagai keluarga padahal secara keyakinan agama mereka berbeda. Untuk mengetahui pandangan hukum Islam terhadap kasus suami istri pindah agama setelah menikah secara syariat Islam. Untuk mengetahui penyebab pasangan suami istri pindah agama setelah menikah dengan sah secara syariat Islam. penulis menggunakan beberapa metode: observasi, interview, dan dokumentasi.

Menurut hukum Islam pasangan suami istri dapat hidup Bersama sebagai keluarga padahal secara keyakinan agama mereka berbeda. Para ulama berpendapat bahwa istilah non muslim atau kafir disimpulkan oleh pakar al-Qur'an, Syeikh Muhammad Abduh segala aktifitas yang bertentangan dengan ajaran tujuan agama. Tentu saja maksudnya tidak mengarah pada suatu kelompok agama saja, akan tetapi mencakup sejumlah agama dengan segala bentuk kepercayaan dan variasi ritualnya. Pandangan hukum Islam terhadap kasus suami istri pindah agama setelah menikah secara syariat Islam. Sesungguhnya tidaklah sah menurut agama yang diakui keberadaannya dalam Negara Republik Indonesia. Dan, karena sahnya perkawinan didasarkan pada hukum agama, maka perkawinan yang tidak sah menurut hukum agama, tidak sah pula menurut Undang-undang Perkawinan Indonesia. Dalam agama Islam menurut para ulama pernikahan beda agama dilarang kecuali pernikahan seorang laki-laki muslim dengan perempuan ahlul kitab.

Kata Kunci: Hukum Islam, Suami Istri, Pindah Agama

ABSTRACT

ISLAMIC LEGAL VIEWS ON CASES OF HUSBAND WIFE SEPARATE RELIGIONS AFTER VALID MARRIAGE ACCORDING TO ISLAMIC SHARES IN TIGANDERKET DISTRICT KARO DISTRICT NORTH SUMATRA

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Marriage or marriage in Arabic fiqh literature is referred to by two words, namely nikah and zawad. These two words are used in the daily life of Arabs and are often found in the Al-Quran and Hadith of the Prophet.

This research aims to find out according to Islamic law a husband and wife can live together as a family even though their religious beliefs are different. To find out the view of Islamic law regarding cases of husband and wife changing religions after marrying according to Islamic law. To find out the reasons why husband and wife change religions after legally marrying according to Islamic law. The author uses several methods: observation, interviews, and documentation.

According to Islamic law, a husband and wife can live together as a family even though their religious beliefs are different. The scholars are of the opinion that the term non-Muslim or infidel is defined by the Koran expert, Sheikh Muhammad Abduh, as all activities that are contrary to the teachings of religious goals. Of course, this does not mean just one religious group, but rather includes a number of religions with all forms of belief and ritual variations. The view of Islamic law on cases of husband and wife changing religions after getting married according to Islamic law. In fact, it is not legal according to religions that are recognized as existing in the Republic of Indonesia. And, because the validity of a marriage is based on religious law, a marriage that is not valid according to religious law is also not valid according to the Indonesian Marriage Law. In Islam, according to the ulama, interfaith marriages are prohibited, except for the marriage of a Muslim man to a woman from ahlul kitab.

Keywords: Islamic Law, Husband and Wife, Changing Religions