

ISRG Journal of Arts, Humanities and Social Sciences (ISRGJAHSS)



ISRG PUBLISHERS

Abbreviated Key Title: ISRG J Arts Humanit Soc Sci

ISSN: 2583-7672 (Online)

Journal homepage: <https://isrgpublishers.com/isrgjahss>

Volume – III Issue -II (March – April) 2025

Frequency: Bimonthly



Discourse of People of the Book in Islamic Law Review

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| **Received:** 25.02.2025 | **Accepted:** 01.03.2025 | **Published:** 08.03.2025

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Abstract

The purpose of this study is to find out the discourse of the people of the book in Islamic law. Ahlul kitab in the Qur'an are the Jews and Christians, because the holy book has been revealed to them in the form of a holy book, they are basically a people who read and write. Unlike the Muslims who are a people of memorization in origin. The mention of the Jews and Christians as ahl al-book in Islamic teachings has certain consequences, which provide certain differences and specificities for them compared to other infidels. All of that departs from the similarity of the initial guidelines in religion, which is better known as the samawi religion, namely religion whose source of origin is revelation revealed by Allah from heaven. The term Ibrahimiyah religion or the religion of the descendants of Prophet Ibrahim is widely used to deceive about the true religion.

Keywords: Discourse, People, Book, Islamic, Law, Review

A. Introduction

In an effort to understand the content of the Qur'an, the scholars of tafsir generally interpret verse by verse in accordance with its order in mushhaf. In the next development, the idea emerged to reveal the Qur'anic guidance on a particular issue by collecting all or some verses from several letters that talk about the same topic, then connected between one verse and another, so that a comprehensive conclusion can be drawn about the problem according to the Qur'anic guidance.

Therefore, the book written by him is the main reference in the preparation of this paper. The work is not only limited to the term

ahl al-kitab which is analyzed in the context of its use, but also terms that have related meanings to it, the concept of Ahl al-Kitāb as a group that has advantages and contributes to the progress and civilization that is cosmopolitanism and tolerant.

The concept of Ahl al-Kitāb also has an impact on the progress of Islamic culture and civilization by opening up opportunities for the emergence of cosmopolitanism and an open and tolerant society. Thus, it is natural that the concept of Ahl al-Kitāb is seen as one of the milestones of the spirit of Islamic cosmopolitanism. On the basis of this concept's global orientation, Muslims in the classical

era succeeded in creating a truly universal dimension of science through the support of all parties. (Ibnu Katsir, 2006)

Despite the Qur'an's inclusive conception of Ahl al-Kitāb, there is some disagreement among scholars as to whether there are Ahl al-Kitāb outside of the Jews and Christians. Iman Shafi'i considers the term Ahl al-Kitāb only for the Jews and Christians of Israel, not other nations. This is because according to him, Prophet Moses and Prophet Jesus were revealed to the Israelites, and not to other nations. But this opinion was refuted by Abu Hanifah who considered that whoever believes in the first prophet revealed by Allah, then he is Ahl al-Kitāb. Many contemporary thinkers extend this view to many of the salaf scholars, such as Abu Ala al-Maududi, who considers that Hindu-Buddhists are included in the definition of who is called Ahl al-Kitāb.

In the perspective of Islamic law, ahlul kitab is still considered a contradictory issue because its existence is still a polemic in relation to other religions. In marriage, Muslims are strictly prohibited from marrying non-Muslims because they are considered as ahlul kitab. Of course, this issue triggers polemics in the Muslim community. Of course, it is necessary to be careful in addressing the differences that arise among scholars in relation to marital relations. However, in social relations, Islam does not question because it involves relations between fellow human beings. Islamic law certainly refers to the main teaching, namely the Qur'an as the main source that must be followed. (Rif'at Syauqi Nawawi (2002)

B. Methodology

This research is descriptive qualitative. Data sources are taken from literature research data by searching for literature references related to the subject matter discussed descriptively. Concept or literature studies are carried out by critically and carefully examining the literature relevant to the subject matter to be studied and analyzed. The approach in this research is a qualitative approach that is descriptive-interpretative. This type of research is library research. The data obtained is descriptive narrative about Ahlul Kitab in the perspective of Islamic law. As a qualitative research, the data collection technique used is documentation, by taking data from various relevant literature. (Asiz, 2017)

C. Results and Discussion

1. Epistemology of the Ahl Kitab

The term Ahl al-Kitāb consists of two syllables, ahl and al-Kitāb. The word ahl has various meanings, ahl can mean like, happy or friendly. In addition, the word ahl can mean society or community. The term Ahl al-Kitāb when Indonesianized is the same as the people of the book. In the Big Indonesian Dictionary, expert means a person who is proficient or well-versed in a particular science or skill. The word expert can also refer to people, families, relatives and people who belong to a certain group. In relation to Ahl al-Kitāb, the latter meaning is more appropriate, which refers to the group and followers of certain religions other than Islam. (al-Qattan, 2009)

The word ahl in the Qur'an is mentioned 125 times. The word is found in various usages. While the word al-kitab means writing. The writing itself indicates a series of letters. This includes the words of Allah Swt., which were revealed to His apostle, are called al-kitab because they are a set of several letters. The word al-kitab in its various forms is mentioned 319 times in the Qur'an, with

varied meanings, namely writing, books, provisions and obligations..

Thus, the term Ahl al-Kitāb is a term used by the Qur'an to refer to the two communities of pre-Islamic religions, namely the Jews and the Christians. Thus, the term Ahl al-Kitāb is naturally directed to non-Muslims and not to Muslims themselves, even though they also follow the sacred text, the Qur'an. The People of the Book are not Muslims because they do not recognize or even oppose the Prophethood and apostleship of Muhammad and the teachings he conveyed. Therefore, the Qur'anic terminology refers to them as "kafir", those who oppose or reject the teachings brought by the Prophet Muhammad Saw. As stated in QS. An-Nisa' (4): 159.

وَأَنَّ مِنْ أَهْلِ الْكِتَابِ إِلَّا لِيُؤْمِنُوا بِهِ قَبْلَ مَوْتِهِ ۖ وَيَوْمَ الْقِيَامَةِ يَكُونُ عَلَيْهِمْ شَهِيدًا

Translation:

None of the People of the Book will believe in him before his death. And on the Day of Resurrection he will be a witness against them.

Imam Shafi'i understood Ahl al-Kitāb as referring exclusively to the Jewish and Christian descendants of Bani Isra'il. According to him, other nations that embraced Judaism or Christianity were not included in this category. One of his reasons was that Prophet Moses and Prophet Jesus were sent only to the Israelites, not to other nations. (Baidan, Nasrhuddin, 2011)

In contrast, Imam Abu Hanifah and the majority of legal scholars argued that anyone who believes in any of God's prophets or in any divine scripture revealed by Allah is considered part of Ahl al-Kitāb. Therefore, this term is not limited to Jewish and Christian adherents alone.

The view widely accepted by scholars, particularly in the field of tafsir (Qur'anic exegesis), including al-Thabathaba'i, states that the Qur'an specifically uses the term Ahl al-Kitāb to refer to Jews and Christians. This is also the conclusion of Quraish Shihab, who asserts that Ahl al-Kitāb encompasses all followers of Judaism and Christianity, regardless of time, place, or lineage.

2. The Scope of Ahl al-Kitāb in Islamic Law

Jews and Christians hold a special status in the view of Muslims because their religions preceded Islam. In other words, Muslims believe that Islam is a continuation and perfection of these two religions. The core teachings conveyed by Allah (SWT) and Prophet Muhammad are the same as the fundamental teachings revealed to all prophets. (Suadi Putro, 1998)

Therefore, all followers of the religions revealed by Allah (SWT) essentially belong to a single community. However, corrections and refinements were required over time until the arrival of Prophet Muhammad. According to the Qur'an, the true teachings have undergone various distortions throughout history. This can be understood from the words of Allah (SWT) in the Qur'an. QS. Asy-Syura (42):13;

شَرَعَ لَكُمْ مِنَ الدِّينِ مَا وَصَّى بِهِ نُوحًا وَالَّذِي أَوْحَيْنَا إِلَيْكَ وَمَا وَصَّيْنَا بِهِ إِبْرَاهِيمَ وَمُوسَى وَعِيسَى أَنْ أَقِيمُوا الدِّينَ وَلَا تَتَفَرَّقُوا فِيهِ ۚ كَبُرَ عَلَى الْمُشْرِكِينَ مَا تَدْعُوهُمْ إِلَيْهِ ۚ اللَّهُ يَجْتَبِي إِلَيْهِ مَنْ يَشَاءُ وَيَهْدِي إِلَيْهِ مَنْ يُنِيبُ

Terjemahnya:

He has prescribed for you regarding religion what He has entrusted to Noah and what we have revealed to you and what we have entrusted to Abraham, Moses and Jesus, namely: Uphold your religion and do not be

divided about it. It is very difficult for the polytheists of the religion you call them

The Qur'an also mentions that among Ahl al-Kitāb, there are groups who have a good attitude toward the Prophet and Muslims. Some even secretly acknowledge the truth brought by the Prophet. This is exemplified in the case of certain Christian groups who maintained good relations with Muslims, distinguishing them from the Jews and polytheists, who were more hostile toward Islam.

The positive and sympathetic attitude of some Ahl al-Kitāb toward the verses of the Qur'an has led many scholars of tafsir (Qur'anic exegesis) to argue that, due to their acceptance of the truth, they are no longer considered Ahl al-Kitāb but have essentially become part of the Muslim community.

However, since these verses do not explicitly mention that they believed in Prophet Muhammad. Even though they believed in Allah and the Hereafter, as their own religions taught—such people were not directly considered Muslims. Instead, they were still seen as challengers to the Prophet or as those who did not fully embrace Islam. Nevertheless, because of their positive attitude toward the Prophet and the believers, Muslims are instructed to treat them fairly and with goodwill, as long as they do not show hostility or attempt to seize the property of the believers. (Quraish Shihab, 2002).

Thus, the Qur'an presents the concept of Ahl al-Kitāb as a recognition of other religious communities that possess a divine scripture and prohibits hostility toward them. This is because many among them respect and exhibit good qualities toward Muslims—psychologically and sociologically, even if not theologically.

Although the Qur'an's concept of Ahl al-Kitāb is inclusive, scholars have differing opinions on whether there are Ahl al-Kitāb outside of Jews and Christians. Imam Shafi'i argued that the term Ahl al-Kitāb applies only to Jews and Christians of Israelite descent, excluding other nations. He based this view on the belief that Prophet Moses and Prophet Jesus were sent specifically to the Israelites, not to other nations.

However, this view was challenged by Imam Abu Hanifah, who held that anyone who believes in a prophet originally sent by Allah (SWT) qualifies as Ahl al-Kitāb. Many contemporary scholars have expanded this interpretation, following the views of early Islamic jurists (salaf).

For instance, Abul A'la Maududi even argued that Hindu and Buddhist adherents could be included in the definition of Ahl al-Kitāb, as they follow scriptures that may have had divine origins. (Ruslani, 1999) From the perspective of Islamic law, the concept of Ahl al-Kitāb plays a role in determining the permissibility of a Muslim man marrying a woman from Ahl al-Kitāb—whether she is free, has the status of Ahl al-Dhimmah (a non-Muslim under Islamic rule), or maintains her chastity. Scholars have two differing views on this matter:

1. The First Opinion: A Muslim man is permitted to marry women from Ahl al-Kitāb, whether they are free, dhimmi (protected under Islamic rule), or chaste. This is the opinion of the majority of scholars (jumhur ulama).
2. The Second Opinion: A Muslim man is prohibited from marrying women from Ahl al-Kitāb, regardless of whether they are free, dhimmi, or chaste. This opinion is attributed to Abdullah bin Umar (RA) and is also the

stance of the Shia Imamiyah sect. The evidences supporting the second opinion are as follows: (*To be continued...*): QS. Al-Baqarah:221

وَلَا تَنْكِحُوا الْمُشْرِكَةَ حَتَّىٰ تُؤْمِنَ ۚ وَلَا مَـَّٔةً مُّؤْمِنَةً خَيْرٌ مِّنْ مُّشْرِكَةٍ وَلَوْ أَعْجَبَتْكُمْ ۚ وَلَا تَنْكِحُوا الْمُشْرِكِينَ حَتَّىٰ يُؤْمِنُوا ۚ وَلَعَنَ مُؤْمِنٌ خَيْرٌ مِّنْ مُّشْرِكٍ وَلَوْ أَعْجَبَكُمْ ۚ أُولَٰئِكَ يَدْعُونَ إِلَى النَّارِ ۚ وَاللَّهُ يَدْعُو إِلَى الْجَنَّةِ وَالْمَغْفِرَةِ بِمَا ذَنِبَ ۚ وَيُبَيِّنُ لِنَاسٍ لَّغُلَٔمٍ يَتَذَكَّرُونَ

Translation of the Verse (Surah Al-Baqarah 2:221)

"And do not marry polytheistic women until they believe. A believing slave woman is better than a polytheistic woman, even if she pleases you. And do not marry (your women) to polytheistic men until they believe. A believing slave is better than a polytheistic man, even if he pleases you. They invite (you) to the Fire, while Allah invites (you) to Paradise and forgiveness, by His permission. And He makes His verses clear to the people so that they may take heed."

The reasoning behind using this verse as evidence is that Allah (SWT) has prohibited marriage with polytheistic women in this verse. Since women from Ahl al-Kitāb (Jews and Christians) are considered polytheists (mushrikat) by some scholars, their marriage to Muslim men is also viewed as prohibited. However, among scholars who permit marriage with Ahl al-Kitāb women—the majority (jumhur) of scholars there are still differing opinions. Some hold that it is completely permissible (halal mutlaqan) without restrictions. Others argue that while permissible, it is discouraged (makruh) due to potential negative religious and social consequences. (Hikmat bin Basyir bin Yasin, 1999)

D. Conclusion

The concept of Ahl al-Kitāb in Islamic law has been a subject of scholarly debate, particularly regarding their status and the permissibility of marriage between Muslim men and Ahl al-Kitāb women.

1. Definition of Ahl al-Kitāb

- a. Imam Shafi'i limits Ahl al-Kitāb to Jews and Christians of Israelite descent, excluding other nations.
- b. Imam Abu Hanifah and other scholars take a broader view, considering anyone who believes in a divinely revealed scripture as Ahl al-Kitāb. Some even extend this to Hindus and Buddhists.

2. Marriage with Ahl al-Kitāb Women

- a. Majority of scholars (jumhur ulama): Permissible to marry Ahl al-Kitāb women (whether free, dhimmi, or chaste).
- b. Minority view (including Abdullah bin Umar and Shia Imamiyah): Prohibited, as Ahl al-Kitāb are seen as polytheists (mushrikat).
- c. Among those who permit marriage, some argue it is absolutely allowed (halal mutlaqan), while others consider it discouraged (makruh) due to religious and social concerns.

Final Thought While Ahl al-Kitāb hold a recognized status in Islam, their theological classification and legal implications—especially regarding marriage—remain debated among scholars.

Regardless of differing interpretations, justice and fairness toward them are emphasized in Islamic teachings.

Ahl al-Kitāb is a term explicitly mentioned in the Qur'an to describe a specific community. It refers to the followers of previous Abrahamic religions before Islam, namely the Jews and Christians. According to scholars, the term Ahl al-Kitāb in the Qur'an carries a theological rather than an ethical nuance.

The Ahl al-Kitāb or those who reject the Prophet (PBUH) and his teachings can be categorized into three groups:

1. Those who do not possess any scripture.
2. Those who have a scripture-like text.
3. Those who possess a clear, divinely revealed scripture—specifically the Jews and Christians, who are explicitly and directly referred to as Ahl al-Kitāb in the Qur'an.

Some Ahl al-Kitāb have shown a highly positive and sympathetic attitude toward the Qur'anic message. According to tafsir scholars, their acceptance of the truth means they are no longer classified as Ahl al-Kitāb but have become part of the Muslim community.

The issue of marrying Ahl al-Kitāb women has been a subject of scholarly disagreement among Islamic jurists, particularly regarding whether it is absolutely permissible (halal mutlaqan) or permissible but discouraged (makruh).

- a. Hanafi, Shafi'i, and Hanbali schools: Allow marriage with Ahl al-Kitāb women but consider it makruh (discouraged).
- b. Maliki school: Holds that such marriages are absolutely permissible (halal mutlaqan) without restriction.
- c. Az-Zarkashi: Views marrying an Ahl al-Kitāb woman as recommended (sunnah) if there is a hope that she will embrace Islam.

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