

The Concept of Endogamous Marriage in Islamic Law: Study of Tafsir Al-Misbah by Quraish Shihab

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Article	Abstract
<p>How to cite: Moh Syarifuddin & Jatim, 'The Concept of Endogamous Marriage in Islamic Law: Study of Tafsir Al-Misbah by Quraish Shihab' (2025) Vol. 6 No. 1 Rechtenstudent Journal Sharia Faculty of KH Achmad Siddiq Jember State Islamic University.</p> <p>DOI: 10.35719/rch.v6i1.352</p> <p>Article History: Submitted: 11/02/2025 Reviewed: 21/02/2025 Revised: 12/03/2025 Accepted: 05/04/2025</p> <p>ISSN: 2723-0406 (printed) E-ISSN: 2775-5304 (online)</p>	<p>Marriage is a sunnatullah for the entire universe. Allah SWT gave humans reason and heart, which makes them different from other loving creatures. Therefore, in human life there is something called marriage, which is recommended for every Muslim man and woman to avoid falling into sin. This is recommended for Muslims who are physically and mentally able to marry, so as not to fall into sin. In the modern era, endogamous marriage is rarely found in society. This is due to the development of the times. This study aims to determine the views of Quraish Shihab regarding endogamous marriage in the interpretation of Al-Misbah QS An-Nisa' verse 23. The research method used is a qualitative method by searching for data from several books and journals that are in accordance with the study of endogamous marriage.</p> <p>Keywords: <i>Endogamous Marriage, Islamic Law, Quraish Shihab.</i></p> <p>Abstrak</p> <p>Akreditasi program studi merupakan instrumen krusial untuk mengukur mutu pendidikan tinggi. Program Studi Hukum Tata Negara Fakultas Syariah UIN Khas Jember telah menjalani proses akreditasi berdasarkan peraturan BAN-PT, yang mencakup 9 kriteria utama yang dijabarkan dalam Peraturan BAN-PT No. 2 Tahun 2019. Penelitian ini mengkaji kendala, hambatan, dan solusi penerapan peraturan BAN-PT menuju program studi terakreditasi yang unggul. Penelitian hukum empiris ini menggunakan pendekatan hukum dan mengumpulkan data melalui wawancara, observasi, dan dokumentasi. Prosesnya terdiri dari persiapan, pengajuan, evaluasi, dan tindak lanjut, yang melibatkan berbagai unsur akademik, termasuk dosen, mahasiswa, dan tenaga kependidikan. Keberhasilan akreditasi ini didukung oleh faktor-faktor seperti kualifikasi dosen, kesesuaian kurikulum, sarana dan prasarana, serta kemitraan dengan berbagai instansi. Namun, tantangan utamanya adalah kurangnya kerja sama internasional, yang berdampak pada terbatasnya sumber daya penelitian dan pendanaan. Untuk menciptakan peringkat akreditasi yang unggul, upaya strategis perlu dilakukan, yaitu pembentukan tim penyusun formulir akreditasi yang solid, pemenuhan standar akreditasi yang sistematis, dan penerapan siklus PPEPP. Hasil akreditasi yang unggul ini akan meningkatkan reputasi akademik dan berkontribusi pada pengembangan mutu pendidikan hukum di Indonesia.</p> <p>Kata Kunci: <i>Pernikahan Endogami, Hukum Islam, Quraish Shihab..</i></p>

Introduction

Marriage is an Islamic law that protects the honor of both individuals and their partners, preventing them from engaging in forbidden activities. Furthermore, marriage also maintains the human community by continuing to procreate and produce offspring.

Furthermore, marriage serves to maintain the continuity of the lineage and foster a spirit of mutual support among people. Marriage also serves as a covenant of love and mutual assistance between groups and strengthens family ties. Through marriage, the well-being of society can be fully achieved.¹

Not only humans, but all living creatures naturally marry, just as plants and animals do. Humans, as creatures of Allah SWT, are endowed with reason and a heart, which distinguishes them from other creatures through the rules they must obey.² Marriage is recommended for every human being, especially Muslims who are capable and do not want to fall into sin.³ Anyone who is physically and mentally capable of marriage should do so immediately, as remaining alone for too long without a life partner is feared to lead to sin.

Islamic law encourages marriage and provides motivation through the Quran and Sunnah. As humans, if we desire to be successful in the eyes of Allah SWT, half the journey must be completed through marriage. Therefore, marriage holds a crucial place in one's religious life. Half of one's religion can be achieved through marriage. Because of the importance of marriage in achieving religious excellence, Allah SWT commands Muslims to pay attention to and practice marriage. Marriage is a righteous and noble path to optimize one's Islam.⁴

There are various forms of marriage in Indonesia, one of which is endogamy. Endogamy is a form of marriage that applies in a society that only allows members of the community to marry members of their own group.⁵ Nowadays, we rarely find endogamous marriages in society, especially in modern societies.⁶

Increasingly modern society allows individuals to have greater freedom in choosing their partners, without being bound by local customs. They tend to embrace the principle of freedom in choosing their life partners.⁷ The practice of endogamous marriage has several factors that are the reason some communities still maintain it. One of these is that clarity of lineage is seen as a means of finding a potential partner with a more recognizable background. This is also a factor in the practice of endogamous marriage.

The controversy surrounding the positive and negative impacts of this marriage varies widely in its application. Among the positive impacts of endogamous marriages is the clarity of the offspring produced compared to marrying someone outside the family relationship. Furthermore, the negative impacts of endogamous marriages include the breakdown of kinship relationships that arise if the household built from an endogamous marriage ends in divorce, the lack of additional siblings or relatives, and the family's excessive interference in household relationships.⁸ Looking at these impacts, it indicates that endogamous marriages can become an opportunity for kinship ties to break down for some people

¹ Wahbah al-Zuhaili, *al-Fiqh al-Islami wa Adillatuhu*, terj. 'Abd al-Hayyi al-Kattani, dkk. (Jakarta: Gema Insani, 2011) 41

² Kementerian Agama, *Tafsir Ilmi: Seksualitas dalam Perspektif al-Qur'an dan Sains*, (Jakarta: Lajnah Pentashihan Mushaf al-Qur'an, 2012), 39.

³ Abu Sahla dan Nurul Nazara, *Buku Pintar Pernikahan*, (Jakarta: Belanoor, 2011), 35-37

⁴ Rahmy Diana, "Penundaan Pernikahan Perspektif Islam dan Psikologi," *Jurnal Psikologi* Vol. I no. II, (2008), 164

⁵ Andidarus, "Pernikahan Endogami Perspektif Islam Dan Sains" *Jurnal Alauddin*, Vol. 08, No 01 (April 2017), 12.

⁶ *Ibid.*, 15.

⁷ Mufidah, *Psikologi Keluarga Islam Berwawasan Gender*. (Malang: UIN Maliki Press, 2013), 42.

⁸ Andidarus, "Pernikahan Endogami Perspektif Islam Dan Sains", 33.

Research Method

This research adopts a qualitative approach, where the entire data collection and analysis process follows standard qualitative method procedures. To conduct this research, data will be obtained through a search of reliable literature and documents. The literature review will include a comprehensive summary of the research that has been conducted on a specific topic, with the aim of providing readers with an overview of what is already known about the topic and what remains unknown. Furthermore, the literature review also aims to establish the basis or rationale for the research that has been conducted and to identify potential ideas for further research.⁹

The data used comes from many sources such as international journals, national journals, scientific papers, and news in trusted media.¹⁰ Literature research is a process that involves searching for information from various sources such as journals, books, documents, the internet, and libraries. The literature research method includes a series of activities, such as collecting data from various library sources, reading and recording relevant information, and organizing these materials for the writing process.

The analysis used in this study is thick description. This in-depth description is used to provide a more detailed, comprehensive, and in-depth explanation of a topic. This analysis tends to expand and elaborate on aspects related to the topic being researched. The purpose of using thick description is to gain a deeper understanding of the phenomenon being studied, as well as to provide a broader context, enabling researchers to better describe and explain the phenomenon.¹¹

Results and Discussion

Definition of Endogamous Marriage

The word "nikah" consists of the letters النون – الكاف – الحاء. This word comes from Arabic, namely نكح – ينكح – نكح, which etymologically means البضاء (intercourse),¹² الطمع (marriage), الوطء (coitus).¹³ In the book of oral al-Arab it is explained that the word nakaha means a man marries a woman with a marriage, the word nakaha is the same as if it were said ينكحها, it can also be interpreted as ياضعها, خجأها and al-A'sya interprets marriage as تزوج (carrying out a contract).¹⁴ In the Qur'anic encyclopedia, the word النكاح means العقد (bond/agreement) and الوطأ (intercourse). Linguists differ on the meaning of these two meanings, which are the original meanings. Some view العقد as the original meaning and الوطأ as a figurative meaning.

According to Roqib al-Asfhani, nkah basically means al-'aqd, namely a bond of agreement between two parties. Then the meaning developed into jimak and the

⁹ Denney, A. S., & Tewksbury, R. (2013). How to Write a Literature Review. *Journal of Criminal Justice Education*, 24(2), 218–234. <https://doi.org/10.1080/10511253.2012.730617>

¹⁰ Zed, M. (2014). *Metode Penelitian Kepustakaan* (3rd ed.). Yayasan Obor Indonesia.

¹¹ Bungin, H. M. B. (2007). *Penelitian kualitatif: Komunikasi, ekonomi, kebijakan publik, dan ilmu sosial lainnya*. Kencana.

¹² Ahmad bin Faris Zakariyya' al-Quzawni al-Razi, *Mu'jam Maqayis al-Lughah*, Juz V (tp: Dar al-Fikr, 1979), 475. Lihat juga Abu Abd al-Rahman al-Khalil bin Ahmad bin 'Amr bin Tamim al-Farahidi al-Bashari, *Kitab al-'In* (tp: Dar wa Maktabah al-Hilal, t.th), h. 63. Lihat juga Isma'il ibn 'Ibad ibn al-'Abbas, dkk., *al-Muhit fi al-Lughah*, juz I, t.d., 174.

¹³ Muhammad bin Muhammad bin 'Abd al-Razzaq al-Husain, dkk., *Taj al-'Urusi min Jawahir al-Qamus*, Juz VII (tp: Dar al-Hidayah, t.th), 195.

¹⁴ Muhammad bin Mukarram bin 'Ali Abu al-Fadl Jamal al-Din bin Manzur al-Anshari, *Lisan al-'Arab*, Juz II (Cet. III; Bairut: Dar Shadir, 1414 H), 625.

permissibility of performing jimak for those who were married and were not allowed to jimak before the contract took place. Permission is not included as an act that is wrong and disgusting but as a way for those who have entered into a marriage contract to obtain goodness.¹⁵

In terms of terminology, marriage is a contract that allows sexual relations and having fun using the pronunciation of inkah or the lafad tazwiji, and this is the essence of the contract.¹⁶ Marriage is a universal law of God and applies to all His creatures, including humans, animals, and plants. It is a method chosen by Allah SWT as a way for His creatures to reproduce and preserve their lives.¹⁷

According to Dr. Abdillah Mustari, M. Ag, the literal meaning of marriage is sexual intercourse. In other words, marriage is nothing more than sexual intercourse. This literal meaning has subsequently been expanded, and this expanded meaning has been agreed upon as the definition of marriage as intended by the Qur'an, namely a solemn agreement ('aqd) made by a man and a woman to validate sexual intercourse.¹⁸

Furthermore, after understanding the definition of marriage as explained above, it is necessary to understand the concept of endogamous marriage. Endogamous marriage is marriage between individuals from within one's own group, typically an ethnic group. This marriage system usually aims to preserve the continuity of a tribe or region, for example, a Javanese person marrying a Javanese person, or a Bugis person marrying a Bugis person. This form of marriage is permissible in Islam as long as it does not include women who are forbidden to marry.¹⁹

Endogamy is a marriage system that requires marriage to a partner from the same tribe or lineage, or prohibits marriage to someone from another tribe or lineage. Some also argue that endogamy is the practice of intermarriage between individuals within a very close kinship group. Endogamy varies greatly depending on the culture of a given place. Examples include caste-based endogamy, religious endogamy, and tribal/lineage endogamy.²⁰

Endogamous Marriage According to Islamic Law

Endogamy marriage is a marriage system that requires marriage with a life partner of the same sex (same tribe or descent) or prohibits a person from marrying someone from another clan or tribe.²¹ Through the word of Allah in the Qur'an, Allah has implicitly explained endogamous marriage in the Qur'an, Surah An-Nisa, verse 23. The verse above

¹⁵ Abu al-Qasim al-Husain bin Muhammad al-Ma'ruf bi al-Ragib al-Ashfhani, *al-Mufradat fi Garib al-Qur'an*, Juz I (Cet. I; Beirut: al-Dar al-Syamiyyah, 1412 H), 823.

¹⁶ Zain al-Din bin 'Abd al-'Aziz al-Malyabari, *Fath al-Mu'in Bisyarhi Qurrah al-'Ain*, Juz III (Bairut: Dar al-Fikr, t.th), 255.

¹⁷ Pathul Bari, dkk, "Tinjauan Hukum Islam tentang Perkawinan yang Tidak Bertanggungjawab antara Pasangan Suami Istri yang Sah Studi kasus di Desa Tanjungjati Kota Agung Lampung Tanggamus 2022, *Syariah*, 2023, 1-2.

¹⁸ Abdillah Mustari, *Reinterpretasi Konsep-konsep Hukum Pernikahan Islam*, (Cet ke-I; Samata: Alauddin University Press, 2011), 128.

¹⁹ Abdullah Mustari, "Pernikahan antar Warga yang Memiliki Hubungan Kekerabatan Studi Kasus di Desa Lembana dan Desa Ara Kec.Bulukumba,8, no.2 (2014):h152.

²⁰ Hafida Ilma Maftuha, "Polemik Efek Positif dan negatif Pernikahan Endogami perspektif Syafiiyah dan Komplikasi Hukum Islam (KHI)" *Sakina* 5(3), 2021, 2.

²¹ Hilman Hadikusuma, *Hukum Perkawinan Indonesia Menurut Pandangan Hukum Adat, Hukum Agama*, (Bandung : Mandar Maju), 1990

shows that the children of uncles or aunts may marry each other because it is not part of the marriage contract. So the marriage of close relatives between cousins is not haram.²²

حرمت عليكم امهاتكم وبناتكم واخواتكم وعماتكم وخالاتكم وبنات الاخ وبنات الاخت وامهاتكم التي ارضعنكم واخواتكم من الرضاعة وامهات نسائكم التي دخلتم بهن فان لم تكونو دخلتم بهن فلا جناح عليكم وحلائل ابنائكم الذين من اصلابكم وان تجمعوا بين الاختين إلا ما قد سلف إن الله كان غفوراً رحيماً

“It is forbidden for you (to marry) your mothers, your daughters, your sisters, your father's sisters, your mother's sisters, the daughters of your brothers, the daughters of your sisters, your mothers who breastfeed you, your half-brothers, the mothers of your wives (in-laws), the children of your wives who are in your care from the wife you have interfered with, but if you have not If you mix with your wife (and you have divorced her), then it is not sinful for you to marry her, (and it is forbidden for you) the wives of your biological children (daughters-in-law), and unite (in marriage) two women who are sisters, except what has happened in the past. Indeed, Allah is Forgiving, Most Merciful.”

There are some women who are forbidden to marry a man forever; are not halal now and will not be halal in the future, they are called eternally haram (mu'abbad).²³ And among women, there are those who are temporarily forbidden to marry a man, they are called temporary or temporal forbidden (muaqqat). There are three groups that are included in the mu'abbad group, namely:

1. Lineage relationship. A man is prohibited from marrying a woman:
 - a. Mother, mother mother, mother father and so on in a straight line upwards.
 - b. Children, sons' children, daughters' children and so on in a straight line downwards.
 - c. Siblings, whether biological, father or mother
 - d. Father's siblings, whether related to the father by blood, father or mother; grandfather's siblings, either the same father or the same mother, and so on in a straight line upwards.
 - e. Mother's siblings, whether their relationship to the mother is in the form of birth, father or mother; siblings of biological grandmother, father or mother and so on in a straight line upwards.
 - f. Children of biological brothers, same father or same mother; grandchildren of biological brothers, fathers, or mothers, and so on in a straight line downwards.
 - g. Children of sisters, siblings, father or mother; grandchildren of siblings, same father or same mother, and so on in the descending line.²⁴

From the description above, it can be concluded that a man is prohibited from marrying a woman in a straight line of descent up and down from the father and mother without limits, in a sideways line of descent from the father and mother without limits, and children of grandparents, while grandchildren/great-grandchildren of grandfathers are allowed to marry.²⁵

²² Ach. Khoiri, “Endogamy Marriage According to Islamic Law and Customary Law in Madura” *Voice Justisia*, 7 (1), 2023, 47.

²³ Irtiyaah Imtiyaz Zuhri, “Wanita yang Haram Dinikahi menurut Al-Qur'an (Kajian Tafisr Mauḍū'ī)” *Ar-Rsialah*, 4 (1), 2024, 94.

²⁴ Mardani, *Hukum Perkawinan Islam di Dunia Islam Modern*, (Yogyakarta: Graha Ilmu, 2001), 13

²⁵ *Pedoman Pegawai Pencatat Nikah (PPN)*, Proyek Peningkatan Tenaga Keagamaan Dirjen Bimmas Islam dan Penyelenggaraan Haji Depaertemen Agama RI Jakarta 2004, 19-20

It is not haram for the daughters of aunts (from the mother's and father's side), the daughters of maternal aunts (from the mother's and/or father's mother's siblings), and the daughters of paternal aunts. They are not haram for them because they are separated from their grandparents. These two levels of permissibility are clearly stated in the words of Allah SWT, the Qur'an, Surah An-Nisa (4) verse 23.²⁶

This verse clearly states that it is forbidden to marry the mother, then the daughters, the father's sisters, the mother's sisters, the sisters and the daughters of the sisters. As for grandmothers, the prohibition is determined by *ijma'* which adheres to the verse, because grandmothers are also said to be mothers figuratively. If Allah forbids father and mother's sisters, then grandmothers are more forbidden in the text.²⁷ Another proof that Allah permits marriage with the child of an uncle or aunt is in Q.S. Al-Ahzab: 50

يَا أَيُّهَا النَّبِيُّ إِنَّا أَحْلَلْنَا لَكَ أَزْوَاجَكَ الَّتِي ءَاتَيْتَ أَجُورَهُنَّ وَمَا مَلَكَتْ يَمِينُكَ مِمَّا أَفَاءَ اللَّهُ عَلَيْكَ وَبَنَاتِ عَمِّكَ وَبَنَاتِ عَمَّاتِكَ وَبَنَاتِ خَالَكَ وَبَنَاتِ خَالَاتِكَ الَّتِي هَاجَرْنَ مَعَكَ وَامْرَأَةً مُؤْمِنَةً إِنْ وَهَبَتْ نَفْسَهَا لِلنَّبِيِّ إِنْ أَرَادَ النَّبِيُّ أَنْ يَسْتَنْكِحَهَا خَالِصَةً لَكَ مِنْ دُونِ الْمُؤْمِنِينَ قَدْ عَلِمْنَا مَا فَرَضْنَا عَلَيْهِمْ فِي أَزْوَاجِهِمْ وَمَا مَلَكَتْ أَيْمَانُهُمْ لِكَيْلَا يَكُونَ عَلَيْكَ حَرَجٌ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا

Meaning: O Prophet, indeed We have made lawful for you your wives to whom you have given a dowry and the servants you have which include what you obtained in the war that Allah gave you, and (likewise) the daughters of your father's brothers, the daughters of your father's sisters, the daughters of your mother's brothers and the daughters of your mother's sisters who migrated with you and the believing women who surrendered themselves to the Prophet. If the Prophet wanted to marry her, it would be a special one for you, not for all believers. Indeed, We already know what We have required of them regarding their wives and the servants they have so that it will not be a hardship for you. And Allah is Most Forgiving, Most Merciful. (Q.S. Al-Ahzab: 50)

The lesson in making these women forbidden is that some of the wisdom can be seen clearly and others are difficult to know. The prohibition of these women is seen from the perspective of lineage (heredity) because Allah SWT has established for humans a nature that prevents them from thinking about lust for women who are forbidden to them.²⁸ Including things that are impossible by nature are people who feel lust in the same way as towards their mother or they want to think about having fun with her, because of the love that exists, the noble gift that is carried in the heart of a son towards his mother from the perspective of pure nature. All this prevents sons from having strange views, based on the marriage provisions of these relatives from conflicting rights, fulfilling obligations, for example a mother has the right to her children in the form of goodness, service and sincerity in glorifying them, it is unthinkable that a child has the right to a mother like the conflicting rights of a wife. Also the position of the mother of her son, such as the mother providing service to him, his obedience to his orders, his education for his mother when a quarrel occurs.²⁹

²⁶ Firmansyah, "Tala'ah Ayat Hukum dan Hadist tentang Perempuan-Perempuan yang Haram Dinikahi serta Problematikanya dalam Tatahan Hukum Indonesia" *El-Sirry*, 1 (2), 2023, 1554-155.

²⁷ Abdul Aziz Muhammad Azzam dan Abdul Wahhab Sayyed Hawwas, *Fiqh Munakahat Khitbah, Nikah dan Talak*, (Jakarta: Sinar Grafika Offset, 2011), 138

²⁸ Nihakim, "Tinjauan Hukum Islam terhadap Perbedaan Pemahaman tentang Nikah Kekerabatan" *Shar-E*, 7 (1), 2021, 22.

²⁹ Abdul Aziz Muhammad Azzam dan Abdul Wahhab Sayyed Hawwas, *Fiqh Munakahat Khitbah, Nikah dan Talak*, (Jakarta: Sinar Grafika Offset, 2011), 138

In fact, marrying them results in the severing of kinship, because marriage is inseparable from the traditional ease established between husband and wife, and for this reason, it leads to hardening of hearts between them. Sometimes this leads to the severing of kinship ties, so marrying them becomes a cause for severing kinship. The special nature of mothers means that honoring and honoring their mothers is obligatory. For this reason, children are commanded to accompany their parents well. They must be humble toward them, speak kindly, and forbid the use of the word "hus." If marriage were permitted, a woman would be under her husband's authority, and obedience to him would be her right. This would certainly diminish her dignity, leading to conflict.³⁰

2. Milk sibling

If a child suckles from a woman, the woman's milk becomes flesh and blood and growth for the child so that the woman who breastfeeds is like its mother.³¹ The mother produces milk due to pregnancy caused by her relationship with her husband. So that the husband is like his father. Thus, the child born to the mother is like a sibling to the child who breastfed the mother. Because milk is like a lineage relationship. The reason for the prohibition of breast milk is:

بنات الأخوت وأمهاتكم التي أرضعنكم وأخواتكم من الرضاعة.....

Meaning: And your mothers who suckled you; sisters through breastfeeding." (QS. An-Nisa (4): 23)

The wisdom behind the prohibition of breastfeeding has become clear, allowing people to understand that when a woman breastfeeds a child, she becomes a partner in the formation of its composition. She is the cause of the formation of its bones and the growth of its body parts.

3. In-law kinship

In fiqh, this is called a *mushaharah* relationship. Women who are not permitted to be married by a man forever due to in-law relations are:³²

- a. A woman who has been married by a father, also known as a stepmother
- b. A woman who has been married by a son, also known as a daughter-in-law
- c. A wife's mother, also known as a mother-in-law
- d. A wife's child, provided the wife has had sexual intercourse with the man.

The four women who are prohibited from marrying due to marital ties are based on Q.S. An Nisa verses 22-23. The women who are prohibited from marrying due to marital ties (marriage ties) aim to protect the family from conflict, for important matters such as the breaking of kinship, poor understanding, the spread of jealousy between a mother and her daughter or between a father and his son, or between a woman and her mother's sister, father's sister, or her sister which sometimes results in conflicts between members of one family. There is another wisdom behind the prohibition of marriage with close relatives, namely causing physical weakness in the children.³³

Islam directs wisely in choosing a wife, namely prioritizing women who are far away over women who are of the same blood or relatives. This is intended for the physical safety of

³⁰ Ali Yusuf As-Subki. 2010. *Fiqh Keluarga Pedoman Berkeluarga dalam Islam*, (Jakarta: Bumi Aksara), hlm. 122

³¹ Ali Hamdan, "Menelaah Konsep Rada'ah sebagai Penentu Mahram dalam Perkawinan" *Al-Maqashidi*, 6 (2), 2023, 45.

³² Annisa Nurbati, dkk, "Pernikahan dalam Mahram Mushaharah di Desa Mekarjaya Kecamatan Buay Pemaca Kabupaten Oku Selatan" *Usroh*, 5 (2), 2021, 108-109.

³³ Muhammad Yusuf Abd. *Qadhaya Al-Mar'ah fi Surah An Nisa*, . 198. Diambil dari buku *Fiqh Keluarga*, . 124

children from infectious diseases or hereditary disabilities, also marriage with distant relatives can spread the wings of brotherhood and kinship to strengthen better social ties. In this case, their physicality becomes stronger and more entwined, and their acquaintance broadens.³⁴ It is important for every Muslim to heed the Prophet Muhammad's (peace be upon him) recommendation to marry a Muslim man or woman who is not closely related. This recommendation is likely intended to broaden ties of kinship. Another wisdom is seen from a medical perspective regarding heredity.³⁵

Marriage is an innate feeling and instinct that must be fulfilled within the bounds of Islamic law and the religion of Allah. Marriage between close relatives can weaken the bond between husband and wife, sometimes leading to a cold relationship. This is especially true if the couple grew up together under the same roof. Furthermore, marriage between close relatives can trigger hereditary diseases.³⁶ Islam neither forbids nor prohibits marriage between close cousins, as long as both parties desire the union and there are no known medical impediments. Sometimes, marriage between close relatives is more appropriate for a couple, where both parties can support each other and share household responsibilities.

Marriage between relatives has both positive and negative aspects. The choice of whether to marry between close relatives is left entirely to the consideration of both prospective husband and wife, supplemented by the advice of a medical expert. The Prophet Muhammad (peace be upon him) married his daughter, Fatimah Az-Zahra, to his cousin, Ali ibn Thalib. There is not a single hadith prohibiting marriage between close relatives. However, there are several narrations attributed to Umar ibn al-Khattab (may Allah be pleased with him), who once criticized the As-Sa'ib family for marrying their children through arranged marriages within the same family, as in the hadith mentioned above. This means that the offspring and family they foster will be weak. Therefore, Umar advised, "Marry someone other than a close relative, and do not become weak."³⁷ From the explanation above, it can be concluded that it is recommended that Muslim families are not closed in matters of marriage. A family should connect marriage ties with other families who are not from the same lineage, so that social and community ties become stronger, and the resulting offspring also carry new and quality physical genetic elements. We do not deny the existence of genetic factors that influence the quality of offspring. However, Allah created this universe based on the principle of cause and effect that applies only by the will of Allah. Therefore, we should follow the principle of cause and effect, and submit the results to Allah as the only All-Wise Being. As in the last sentence of verse 23 of Q.S. An-Nisa (4), namely: *إن الله كان غفوراً رحيماً*

Allah does not impose sin on you for what you did in the past during the time of Jahiliyyah, if now you truly practice Islamic Sharia. And among His maghfirah is that Allah removes from your souls the influence of bad deeds, and He forgives your sins whether you want to repent to Him. And among Allah's blessings is that He has prescribed for you the laws

³⁴ Al-Risalah, Jurnal Hukum Keluarga Islam, Vol I Januari-Juni "Perkawinan Endogmi Perspektif Hukum Adat dan Hukum Islam (Studi terhadap Masyarakat Bugis Bone)" Oleh Nenni Rachman, Mahasiswi S2 Watampone.2016 Prodi al-Ahwal al-Syakhsyiyah STAIN

³⁵ Miftah Faridl, *150 Masalah Nikah dan Keluarga*, (Jakarta: Gema Insani Press, 1999),.18-19

³⁶ Yunita Azahra, dkk, "Metode Dakwah Mubaligh Dalam Pencegahan Pernikahan Dini Di Desa Gattareng, Kecamatan Gantarang, Kabupaten Bulukumba" *Jurnal Intelek Insan Cendikia*, 1 (7), 2024, 2819.

³⁷ Sayyid Ahmad Al-Musayyar, *Fiqih Cinta Kasih, Rahasia Kebahagiaan Rumah Tangga*, (Jakarta: Penerbit Erlangga, 2008), 14

of marriage, which contain benefits for yourselves which strengthen the bond between you so that you are mutually merciful and help each other in matters of virtue and piety.³⁸

Endogamous Marriage According to Quraish Shihab's View

M Quraish Shihab explains that all women who have a relationship with their father in terms of their mother's birth origin, whether it is their father or mother, or only one of them, as well as your mother's sisters who are the sisters of your brothers; whether they are blood relatives or not, as well as the daughters of your sisters; these are the seven types who are forbidden to marry in terms of blood relations.³⁹

Next, it is explained what is forbidden to marry because of external factors, starting with the mention of mothers who breastfeed a child with breast milk that meets the requirements set by Allah and His Apostle, then he is the same as a biological mother. Likewise, it is haram to marry any woman who has a financial relationship with the wet nurse, either because of heredity or because of breastfeeding. Just as it is also haram to marry half-brothers, that is, women who suckle five breasts on the same breast that you suck, either before, at the same time or after you suck it.⁴⁰

Next, after finishing the mention of those who are forbidden to marry due to breastfeeding that has almost reached the level of blood relations, now we mention women who are forbidden to marry due to the factor of marriage, namely your stepmothers, namely your in-laws, whether you have had intercourse with them as husband and wife or not, also your wives' children who are currently or naturally and have the potential to become children under your care, namely stepchildren because they can be equated with the biological children of the wife with whom you have had intercourse, as is proper for husband and wife. But if you have not had intercourse with your wife and you have divorced her or the wife with whom you have not had intercourse dies, then there is no sin in you marrying her, namely the stepchildren of your former wife whom you divorced before having intercourse; likewise, the wives of your biological children, namely your daughters-in-law, are forbidden to you.

After explaining the women who are forbidden to marry forever, this verse continues its explanation about what is forbidden to marry but not absolutely forever, namely bringing together in marriage and at the same time two women who are sisters, except for similar marriages that have occurred in the past, in which case Allah does not impose a sanction on you because indeed Allah is Forgiving and Merciful.

In the author's book on the Miracles of the Qur'an, this verse is held up as an example of the accuracy and harmony of the systematics of the Qur'an. The author states: "The verses above - in one wording - are detailed, comprehensive and do not omit anything. In addition, the verse is arranged very systematically, accompanied by terms and conditions and instructions regarding who is forbidden to marry. It cannot be denied that compiling such a sequence, even for a scientist, is a process of reasoning that is not easy, especially when delivered spontaneously, as was the case with the Prophet Muhammad SAW.⁴¹

³⁸ Ahmad Musthafa, *Terjemah Tafsir Al-Maraghi*, juz IV (Semarang, PT. Karya Toha Putra, 1993), 401

³⁹ Zamroni Ishaq, "Nalar Hukum M. Quraish Shihab (Kajian atas Ayat-Ayat dalam Perkawinan di dalam tafsir)" *Ummul Qura*, 9 (1), 2025, 25-26.

⁴⁰ M. Quraish Shihab, *Tafsir al-Mishbah: Pesan Kesan dan Keserasian al-Qur'an*, Vol. III, 391.

⁴¹ M. Quraish Shihab, *Tafsir al-Mishbah: Pesan Kesan dan Keserasian al-Qur'an*, Vol. III, 392.

Notice how the above verse describes fourteen different groups, and how the mention of each group is arranged in such a way. Notice how the verse describes these groups very consistently by prioritizing the mention of men over women, namely, mentioning a brother's daughter before a sister's daughter and in mentioning kinship relationships by mentioning a husband before a wife's kinship relationship, while prioritizing men over women. Truly, this systematic arrangement could not have been spontaneously arranged by anyone except Allah SWT.

The wording of this verse is directed at men, although it is also best directed at women. When this verse tells boys that it is forbidden for you to marry your mothers, it also conveys a message to girls that it is forbidden for you to marry your fathers. The omission of women is not only due to the Quran's habit of using wording that refers to men for both sexes, but this time it may also indicate that marriage is generally preceded by a man's active attitude in expressing his desire and proposing to a woman. As stated above, Allah forbids marriage to anyone who is closely related to him.

Some scholars assert that marriage between close relatives can produce physically and mentally weak offspring. Imam Ghazali, in his book *Ihya' Ulum al-Din*, presents several narrations attributed to the Prophet Muhammad (peace be upon him) and Umar ibn al-Khattab (may Allah be pleased with him). Among them are: "Do not marry close relatives, for the child will be born weak" (narrated by Ibrahim al-Harbi). According to some experts, it has recently been discovered that marriage between close relatives has the potential to cause offspring to be susceptible to disease, physical defects, low fertility, and even near infertility. Conversely, marriage with someone who is not closely related to the family, of course, refers primarily to close relatives, as prohibited by the above verse, not all kinship, as is not always absolute because the Prophet (peace be upon him) himself married his daughter, Ali ibn Abi Talib (may Allah be pleased with him), who was his son.

There are also those who view the prohibition from the perspective of the need to maintain kinship relations to prevent disputes or divorce, as can occur between husband and wife. Husband and wife relationships are not always harmonious; they can be turbulent and chaotic. What happens if a father and mother quarrel? What happens if a child who should love his sibling quarrels? What happens if a father and mother who should be respected quarrel? What happens if a father and mother who should be respected are abused. Ultimately, we can say that the prohibition on marrying relatives may be intended to expand kinship and strengthen ties between relatives of one family and relatives of another family in order to strengthen a community.⁴²

Those who are forbidden to marry due to external factors, because they have the same status as children, siblings, and biological mothers. The Word: *وامهاتكم اللا تي ارضعنكم واخواتكم من الرضاعة*

Maliki and Hanafi scholars believe that breastfeeding absolutely prohibits marriage. However, the Shafi'i and Hanbali schools of thought believe that the legal consequences only occur if the breastfeeding is at least five times, based on the saying of the Prophet Muhammad (peace be upon him). Through 'Aisha ra. That: "It is not forbidden to suckle once or twice" (narrated by Muslim and others). In another narration it is stated that: "It is not forbidden to suckle once or twice, nor to suckle once or twice."

⁴² M. Quraish Shihab, *Tafsir al-Mishbah: Pesan Kesan dan Keserasian al-Qur'an*, Vol. III, 393.

The wording of the verse above does not mention an age limit for breastfeeding, so it can include anyone who breastfeeds even if they are adults. However, the majority of scholars are of the opinion that breastfeeding that has legal consequences is that which occurs before a child reaches the age of two years, based on the word of Allah: "Mothers should nurse their children for two full years, namely the part that wants to perfect breastfeeding" (Qs al-Baqarah [2]: 233).

The majority of past scholars including Abu Hanifah, Malik and Syafi'i understood the word (الرضاعة) ar-radhaah/ menyusukan in the sense of entering milk into the child's body cavity through the esophagus or other than the esophagus by sucking or not. Therefore, inserting milk, for example with a spoon into the esophagus which in legal language is called (الوجور) al-wajur is also included in the word menyusukan, thus resulting in the above legal impact. There are even scholars who include (السعوط) as-sauth in the scope of the word menyusukan, namely inserting milk through the nose, this makes Some scholars consider injecting milk also has legal impacts.

The above opinion is not approved by Imam al-Laits and a group of other scholars. Contemporary cleric Sheikh Yusuf al-Qardhawi wrote in his collection of fatwas that the basis for the prohibition placed by religion on breast-feeding is the mother who breast-feeds as stated in verse 23 of Surah Annisa'. Motherhood, which is emphasized in the Qur'an, is not possible because it is only by receiving/drinking breast milk, but by rubbing and sticking it so that the mother's love and dependence on the breastfed child becomes clear. Furthermore, the Egyptian cleric emphasized that it is mandatory to refer to the pronunciation used in the Qur'an, while the meaning of the pronunciation he uses in the language of the Qur'an and Sunnah is clear and unequivocal, meaning sucking on the breasts and swallowing the water slowly, not just eating and drinking it in any way, even considering the benefits.

Sheikh Yusuf al-Qardhawi's opinion is in line with the opinion of Ibn Hazm, which he also quoted and which stated that "the nature of breast-feeding which has legal consequences is only that which is sucked with the mouth and suckled from the breasts of the mother who breastfeeds him. As for if a woman drinks breast milk from a container or squeezes it into her mouth and then swallows it, or feeds it with bread or in food, or into her mouth, or her nose or ears, or injects it into her, then All of this does not result in uncleanness even though it is food for all time,"⁴³ On this basis, and several other considerations, al-Qardhawi assessed that giving babies drinks from milk banks, which is known in several countries, does not result in legal consequences as described in this verse.

The word: "The children of your wives who are under your care" in the wording indicates that stepchildren who are not under the care of their husbands and mothers are not forbidden to marry. There is indeed a verse attributed to Ali Ibn Abi Thalib ra. which supports this opinion, but this narration is rejected by many scholars. The majority of scholars believe that the use of the word "under your care" is because that was the common practice at that time, and also to indicate that this is what should happen, namely that a husband must share the responsibility of educating and caring for not only his biological children but also his wife's children born from another husband (stepchildren).

On the other hand, it should be noted that the above verse requires that the wife, who is the mother of the stepchildren, have had sexual intercourse with her husband, who is the stepfather of the children. If sexual intercourse has not occurred with the husband of the

⁴³ M. Quraish Shihab, *Tafsir al-Mishbah: Pesan Kesan dan Keserasian al-Qur'an*, Vol. III, 394.

stepchildren's mother and then divorces the stepmother, then the stepchildren can be married to their former stepfather. Here we see the difference in status between the child and the stepmother. If a mother's child has married a man, then the mother is no longer permitted to marry her child's ex-husband, once the marriage contract has been carried out even though they have not yet been married. However, if the man marries the mother, then the man can still marry her child under two conditions: first, they have not yet been married as husband and wife, and second, they are separated, due to divorce or death. This difference is caused by the fact that usually the mother can sacrifice for her child's happiness and is not jealous of her, while children have a jealous nature and not all are willing to make sacrifices.

The meaning of His words: Bringing together (in marriage) two sisters who are sisters includes several people other than those mentioned. In this context the Prophet saw. explains that: "It is not permissible to unite a woman in marriage with her father's sister, nor with her mother's sister, nor with her male brother's daughter nor with her female sibling" (HR. Muslim, Abu Daud, at-Tirmidhi and an-Nasa'i via Aba Hurairah). Hadith expert ath-Thabarani added that the Prophet said: "Because if you do that, you will break your family ties."⁴⁴

In this verse, the prohibition is once again excluded by using the word *mā* in His statement: (إِلَّا مَا قَدْ سَلَفَ) illa mā qad salafa/ except for what has passed. The explanation given previously also applies here. It should only be added that this exception, in addition to invalidating the two types of marriages that were in effect in the past and prohibiting their continuation, also indicates that children born of such adultery should not be considered as children of adultery, nor should their affiliation with their parents and families be invalidated. Thus, such marriages do not prevent children from inheriting on the grounds that the marriage was invalid, or that the child is the result of adultery.

Conclusion

Based on the results of the discussion above, the following conclusions can be drawn:

First, there is a verse explaining the law of endogamous marriage. Endogamous marriage is a system that requires marriage to a partner from the same tribe or lineage as oneself, or prohibits marriage to someone from another tribe or lineage.

Second, through Allah's words in the Quran, Allah implicitly explains endogamous marriage in Surah An-Nisa, verse 23. The above verse indicates that the children of an uncle or aunt may marry each other as they are not part of the marriage contract. Therefore, marriage between close relatives, cousins, is not forbidden.

Third, the wording of the verse, which uses the masculine form in the prohibition on marrying a mahram, reflects the Quran's general language, which applies to both sexes. Although explicitly addressed to men, the provision also applies to women. This demonstrates the principle of legal equality and takes into account the social context, where men generally play an active role in the marriage process.

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