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MUSLIM-NON-MUSLIM
Marriage

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MUSLIM-NON-MUSLIM
Marriage
Political and Cultural
Contestations in Southeast Asia

Edited by
Gavin W. Jones,
Chee Heng Leng and
Maznah Mohamad



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PREFACE

Among the many changes sweeping Southeast Asia, trends in marriage are prominent. These include delayed marriage and increased non-marriage, and new developments in marriage across boundaries of various kinds — including the boundaries of nation states, of ethnic groups and of different religions. In September 2006, the research cluster on the changing family in Asia of the Asia Research Institute, National University of Singapore held a conference on “International Marriage, Rights and the State in Southeast and East Asia”, followed by a one-day workshop on “Muslim-non-Muslim Marriage, Rights and the State in Southeast Asia”. This workshop brought together researchers working on Indonesia, Malaysia, Thailand and Singapore to examine various legal, political and cultural aspects of marriage across religious boundaries — specifically marriages between Muslims and non-Muslims. In order to bring the papers from this workshop to a wider audience, revised versions of a selection of papers, supplemented by one additional paper, were prepared for publication in this book.

Although the book covers a good deal of ground, it is far from comprehensive. For example, there is no separate chapter on the Philippines. However, it is our hope that the book will open up this rather sensitive topic for wider discussion. Wider discussion is much needed, because it is clear that in a globalizing

world, the frequency of cases where Muslims and non-Muslims wish to marry is likely to increase, whereas the legal situation relating to such marriages in Southeast Asia is confused and unsatisfactory.

Our thanks go to the chapter authors, who have been cooperative in following up our requests for revision. We would also like to thank Saharah Abubakar, who has provided excellent assistance in the editing of the manuscript. Finally, our thanks go to the Institute of Southeast Asian Studies, especially Mrs Triena Ong, Head of the Publications Unit, for accepting the manuscript and seeing it through to timely publication.

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Ratno Lukito received his DCL (Doctor of Civil Law) from the Faculty of Law, McGill University, Montreal, in 2006, and is currently an associate professor at the State Islamic University Sunan Kalijaga, Yogyakarta, Indonesia. He is also an Indonesian director of the International Institute for Quranic Studies (IIQS), LibforAll Foundation Indonesia. His writings include “Shariah and the Politics of Pluralism in Indonesia: Understanding State Rational Choice in Legal Pluralism”, *Studia Islamika* (December 2007); *Interpersonal Law in Modern Indonesia: Trapped between Pluralism and Uniformism* (Center for the Study of Law and Social Change, Yogyakarta, 2007); *Hukum Sakral dan Hukum Sekuler: Konflik dan Resolusi dalam Sistem Hukum Indonesia* (2008) and *Tradisi Hukum Indonesia* (2008).

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GLOSSARY

ahl al-kitab (kitabiyah)	“People of the Book”; term used in the Qur’an to refer to Jews and Christians who, like Muslims, have scriptures recognized as having been revealed by God.
akad nikah faraid	Sacred legal contract of marriage Injunction, statutory portion, lawful share; action made obligatory on Muslims by Allah
fatwa	Ruling on a point of law or dogma given by a scholar who has the authority to do so
fiqh	Islamic jurisprudence
ijma	Social consensus
ijtihad	Independent judgment, based on recognized sources of Islam, on a legal or theological question (in contrast to <i>taqlid</i> , judgment based on tradition or convention)
kadi	A judge of the religious court
kafir	Infidel, non-Muslim
kaum muda	Islamic modernist movement originating in West Sumatra in the early 1900s

khalifah fi al-ardh	The vice regent of God on earth
khao khaek	Become a Muslim, in southern Thai usage
mahar	A gift, mandatory in Islam, given by the groom to the bride
mufti	In the Singapore context, the mufti is the highest religious official appointed by the President of Singapore, and chairs the Legal Committee of the Muslim Religious Council of Singapore.
musyrik	Generally refers to those who believe in more than one God
nikah	Marry; or unite; legal union of a man and woman as husband and wife
sufi	A Muslim mystic
syariah	Divine guidance as given by the Qur'an and Sunnah and includes all aspects of Islamic beliefs and practices
tasawuf	Mysticism
ulama	Islamic scholars
wali	Guardian
zauj	To pair; used in the Qur'an, along with the term nikah, as meaning to marry