

## ABSTRACT

Ahmad Ziat, 07210044. 2011. An Analysis of Usul Fikih Between Advise's Indonesian Ulama Council (MUI) Number: 4/Munas VII/MUI/8/2005 And M. Quraish Shihab's Thought About Marriage Different Religion. Thesis. Faculty of Sharia. Programs Ahwal Al-Syakhsyah. State Islamic University of Malang Maulana Malik Ibrahim. Supervisor: Dra. Hj. Tutik Hamida, M. Ag.

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In practice, not least the relationship's young people of different religions likes Muslims and non Muslims. That relationship is possible continue until marriage, Ulama have different opinions about it, as the fatwa MUI that Muslim women are forbidden to marry non-Muslim men or Muslim men are forbidden to marry a woman of *Ahl al-Kitab*. Meanwhile, according to the Quraish Shihab, a Muslim man is allowed to marry women of *Ahl al-Kitab*, based on the Commandment of God in QS al-Maidah (5): 5, which does allow it.

The purpose of this research is to find similarities, differences, and *istinbath*'s methods which used by the MUI and Quraish Shihab in take a legal decision in setting the marriage of different religions and what's the argument used in its opinion. Therefore this research using Descriptive Method Comparative, the aim is to identify the elements of equality and difference, finally can conclude why there is a difference opinion in determining the interfaith marriage.

Based on the analysis in this study, it can be concluded that fatwa MUI and thinking of Quraish Shihab are differently in *istinbath* law's method. Resulting in different legal product. It is seen that Istinbath of MUI's law which forbids any form of interfaith marriage that is based on al-Baqarah verse 221 by using *al-ibarah dalalah*'s approach, by looking *Zahir nash* that show the coverage in question. In contrast to the Quraish Shihab allowing Muslim men mating with women of Ahl al-Kitab using *dalalah Zahir*'s approach to the letter al-Maidah verse 5: 5 which *nash* is a pronunciation that it's *dalalah* pointed to a clear understanding and do not need any element from outside to understand, easy to understand and clear.

So in setting different religion marriage occurred different opinion. MUI based on al-Baqarah, verse 221 forbidden all forms of marriage different religion, both the *Ahl al-Kitab* and polytheis, while the Quraish Shihab based on al-Maidah verse 5 allow a Muslim man marriage with women of Ahl al-Kitab.