

**THE PILLARS AND CONDITIONS OF MARRIAGE IN THE QUR'AN: AN
INTERPRETATIONAL ANALYSIS OF THE ISSUES OF FEMALE MARRIAGE
GUARDIANS, INTER-RELIGIOUS MARRIAGES, AND MARRIAGE
REGISTRATION IN THE CONTEXT OF LEGAL REFORM IN INDONESIA**

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ABSTRACT

This study examines the concept of marriage pillars and requirements in the Qur'an through a tafsir-based analysis, focusing on contemporary issues such as female guardianship (marriage guardian), interfaith marriage, and marriage registration within the context of legal reform in Indonesia. The research employs a qualitative library research method with an integrative interpretative approach, combining maudhu'i (thematic), tahlili (analytical), and maqashidi (objectives of Islamic law) exegesis. The study finds that the Qur'an does not provide technical details of marriage requirements but establishes fundamental principles that frame marriage as a mitsāqan ghalīẓan (solemn covenant) with strong theological and moral dimensions. Classical and contemporary interpretations indicate that the pillars of marriage formulated by jurists are derived through ijtihad grounded in maqāṣid al-sharī'ah, particularly the protection of lineage (ḥifẓ al-nasl) and dignity (ḥifẓ al-'ird). Furthermore, the analysis shows that the role of guardian is essentially protective rather than restrictive, interfaith marriage restrictions are rooted in safeguarding religious integrity, and marriage registration is recognized as maslahah murlahan to ensure legal certainty and protection of rights. Overall, the study highlights that Islamic family law demonstrates flexibility and relevance in responding to modern legal developments without compromising its foundational principles.

Keywords: marriage in Islam, Qur'anic interpretation, maqashid al-sharia, legal reform

ABSTRAK

Studi ini meneliti konsep rukun dan syarat perkawinan dalam Al-Qur'an melalui analisis interpretasi dengan fokus pada isu-isu kontemporer seperti wali perempuan, perkawinan beda agama, dan pendaftaran perkawinan dalam konteks reformasi hukum di Indonesia. Studi ini menggunakan metode kualitatif berdasarkan studi literatur dengan pendekatan interpretasi integratif yang mencakup interpretasi maudhu'i, tahlili, dan maqashidi. Hasil penelitian menunjukkan bahwa Al-Qur'an tidak merinci ketentuan teknis perkawinan, tetapi menetapkan prinsip-prinsip dasar yang menempatkan perkawinan sebagai

mitsāqan ghalīzan atau kesepakatan yang kuat dengan dimensi teologis dan moral. Rukun perkawinan yang dirumuskan oleh para ulama merupakan hasil ijtihad berdasarkan maqāṣid al-syarī'ah, khususnya perlindungan keturunan (ḥifẓ al-nasl) dan kehormatan (ḥifẓ al-'ird). Lebih lanjut, peran wali dipahami sebagai pelindung, larangan pernikahan beda agama berkaitan dengan perlindungan iman, dan pendaftaran pernikahan dipandang sebagai manfaat yang diperlukan untuk memberikan kepastian hukum dan melindungi hak. Secara keseluruhan, studi ini menegaskan bahwa hukum keluarga Islam memiliki fleksibilitas untuk menanggapi perkembangan hukum modern tanpa meninggalkan prinsip-prinsip dasarnya.

Keywords: pernikahan dalam Islam, interpretasi Al-Qur'an, maqashid syariah, reformasi hukum

A. Introduction

Marriage, from an Islamic perspective, is a sacred institution with not only social but also theological and legal dimensions. The Quran refers to the marriage contract as a firm covenant, as affirmed in Surah An-Nisa, verse 21.

وَكَيْفَ تَأْخُذُونَهُ وَقَدْ أَفْضَىٰ بَعْضُكُمْ إِلَىٰ بَعْضٍ
وَأَخَذَنَ مِنْكُمْ مِيثَاقًا غَلِيظًا ٢١

Meaning: *And how will you take it back, when you have been with each other (as husband and wife). And they (your wives) have taken a strong covenant (marriage bond) from you.*

This verse shows that marriage is not just an ordinary civil contract, but rather a moral and spiritual bond that carries with it significant responsibilities before God and society. In his commentary, Ibn Kathir emphasized that the term mitsāqan

ghalīzan implies an affirmation of the husband's obligation to treat his wife in a manner that is good and to fully uphold her rights (Ibn Kathir, 1999: 242).

Conditions and Pillars of Marriage in Islamic Law A marriage is a valid contract if it meets the established conditions and pillars. The pillars of marriage are the main elements that must be present in a marriage, while the requirements of marriage are additional provisions that must be met so that these pillars can be carried out properly. The pillars of marriage include several important elements, namely: The prospective bride and groom. Both must meet the requirements of puberty, be of sound mind, and have no obstacles that make the marriage invalid, such as a mahram relationship. A guardian, usually the biological father of the

bride, is the party authorized to marry his daughter. This shows the importance of the guardian's role in protecting the rights of the bride. Two witnesses The marriage must be witnessed by two just male witnesses. Witnesses function to ensure that the marriage contract is carried out openly and legally. Ijab is a statement from the guardian who marries, while qabul is a form of acceptance from the groom. Ijab qabul is the core of the marriage contract which shows the agreement of both parties (Anton, *et.al.* 2025:793).

One frequently controversial topic in Indonesia is interfaith marriage. Under Islamic law, interfaith marriage is not permitted, except for a Muslim man marrying a Christian or Jewish woman.

However, interfaith marriages in the Indonesian social context often raise issues, particularly when state regulations do not explicitly stipulate a clear mechanism for this. Couples of different religions often face obstacles in officially registering their marriages, as existing regulations are deemed to prevent such marriages (*Ibid.*, 2025:794).

In the realm of jurisprudence, scholars formulate the pillars and

conditions of marriage through the *istinbāt* process from the Al-Qur'an and hadith. This formulation cannot be separated from the framework of *maqāsid al-syarī'ah*, namely protecting religion, soul, mind, lineage and property. Wahbah Az-Zuhaili emphasized that marriage law substantially aims to maintain offspring (*ḥifẓ al-nasl*) and honor (*ḥifẓ al-'ird*), so that the presence of guardians, witnesses, and marriage vows are not just formalities, but instruments of moral and social protection (Wahbah Az-Zuhaili, 1985:29).

However, developments in modern society have presented new challenges that require a re-examination of these normative texts. The issues of female guardians, interfaith marriage, and the obligation to register marriages are concrete examples of the dialectic between revealed texts and contemporary social realities. In the development of modern society, various contemporary issues have emerged that require a re-examination of these normative texts. These include the issue of female guardians, interfaith marriage, and marriage registration within the legal system of modern states.

Based on this description, a study of the Pillars and Conditions of Marriage in the Qur'an: An Interpretation Analysis of the Issues of Female Guardians, Interfaith Marriage, and Marriage Registration in the Context of Legal Reform in Indonesia is important to examine. And such an analysis is crucial to ensure that marriage regulations not only fulfill legal-formal aspects, but also reflect the main objectives of sharia, namely realizing justice, welfare, and protection of the family institution as the main pillar of society.

This study focuses on three main questions, namely how the interpretation of the Qur'an views the pillars and conditions of marriage as the normative basis of Islamic law, how the issues of female marriage guardians, interfaith marriages, and marriage registration are analyzed from an interpretation perspective, and how the values of the Qur'an are relevant in the context of marriage law reform in Indonesia.

This paper aims to understand the concept of pillars and conditions of marriage in the Qur'an as the normative basis of Islamic law, examine the issues of female marriage guardians, interfaith

marriages, and marriage registration through an interpretation approach, and see the relevance of Qur'anic values in the development of marriage law in Indonesia.

B. Research Methods

The writing method in this paper uses a literature study method by describing, explaining, and describing a problem, in accordance with existing conditions and supplemented with various sources of reading materials (Literature Study). This research uses an integrated interpretation approach, namely *maudhu'i* interpretation (thematic), *tahlili* interpretation (analytical), and *maqashidi* interpretation (based on the objectives of sharia). The *maudhu'i* approach is used to collect verses related to marriage, while the *tahlili* interpretation is used to analyze the verses in depth from the aspects of language and the context in which the verses were revealed. The *maqashidi* approach is used to understand the legal objectives of marriage within the framework of benefit (M. Quraish Shihab, 1992:74).

In addition, this research also uses a contextual approach by considering the social conditions of

modern society, so that the interpretation of the marriage verses is not only textual, but also relevant to current developments (Abdullah Saeed, 2006:112).

C. Research Results and Discussion

Before discussing the verses specifically, it is important to emphasize that the analysis in this paper is not merely descriptive but also utilizes a critical-analytical approach, comparing the views of various classical and contemporary exegetes. This approach aims to produce a more comprehensive understanding relevant to the context of family law in Indonesia (Fazlur Rahman, 1982:45).

1. Interpretation of the Qur'an on the Pillars and Conditions of Marriage as the Normative Basis for Islamic Law

The Quran does not detail the pillars and requirements of marriage in technical detail as in Islamic jurisprudence literature, but it does provide fundamental principles that serve as the normative basis for establishing law. QS. Ar-Rum verse 21 reads:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ
مُؤَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ ٢١

Meaning: *And among His signs (of His greatness) is that He created partners for you from your own kind, so that you would be inclined and feel at ease with them, and He created between you feelings of love and affection. Indeed, in that there are truly signs (of Allah's greatness) for a people who think.*

This verse emphasizes that the purpose of marriage is to achieve peace, love, and mercy. According to M. Quraish Shihab, this verse shows that marriage is not merely a biological institution, but a spiritual institution oriented toward existential peace and the sustainability of human civilization (M. Quraish Shihab, 2002:36).

Meanwhile, QS. An-Nisa: 21 refers to the marriage contract as a *mitsaqan ghalizhan* (firm covenant). This term is also used in the Qur'an to describe God's covenant with the prophets, thus indicating that the marriage contract has very strong theological and moral dimensions (M. Quraish Shihab, 2002:482). Thus, the marriage contract is not merely a civil contract, but a religious commitment with worship value.

In his interpretation, Ibn Kathir explains that the term *mitsaqan ghalizhan* indicates the weight of a husband's responsibility towards his wife, both in terms of maintenance, protection, and good treatment (Ibn Kathir, 1998:610). From these normative principles, the jurists then formulated the pillars of marriage which include the prospective husband, prospective wife, guardian, two witnesses, and the *ijab* and *qabul*.

According to Wahbah Az-Zuhaili, the formulation of the pillars and terms of marriage is the result of *istinbath* from the verses of the Al-Qur'an and the hadith of the Prophet which are constructed within the framework of *maqāṣid al-syarī'ah*, especially protecting offspring (*hifz al-nasl*) and honor (*hifz al-'ird*) (Wahbah Az-Zuhaili, 1989:29–31). Therefore, marriage norms in Islam are not only legal-formal in nature, but also aim to maintain the social and moral order of society.

Thus, the interpretation of the verses on marriage must be understood integrally between the text, context, and objectives of *sharia*, so as to be able to explain the position of the pillars and conditions of

marriage as an instrument for protecting the family institution.

2. Interpretive Analysis of Contemporary Issues

In analyzing contemporary issues such as female marriage guardians, interfaith marriages, and marriage registration, the *maqāṣid al-syarī'ah* approach is the main basis. This is because every legal provision in Islam is basically aimed at realizing benefit and preventing damage, especially in protecting descendants and family honor (Abu Ishaq al-Syatibi, 1997: 8).

a) Female Marriage Guardian

QS. Al-Baqarah Verse 232 prohibits guardians from preventing women from remarrying after the *iddah* period if a mutually acceptable agreement has been reached. This verse shows that the guardian's function is protective, not repressive (M. Quraish Shihab, 2002:560). It reads:

Allah's وَإِذَا طَلَّقْتُمُ النِّسَاءَ فَبَلَغْنَ أَجَلَهُنَّ فَلَا
مِنْكُمْ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ
آلْءَآخِرِ ۖ ذَٰلِكُمْ أَزْكَىٰ لَكُمْ وَأَطْهَرُ ۗ وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا
تَعْلَمُونَ

Meaning: And if you divorce (your) wives, then they have reached their consent, then do not prevent

them from marrying (again) their future husbands, if compatibility has been established between them in a good way. That is what is advised to those among you who believe in Allah and the Last Day. It is purer for you and cleaner. And Allah knows, while you do not know.

The majority of ulama (jumhur) require the existence of a guardian based on the hadith "lā nikāḥa illā bi walī". However, the Hanafi school of thought believes that mature and sensible women have the right to marry themselves as long as the conditions of kafa'ah and a commensurate dowry are met (Wahbah Az-Zuhaili, 1989:45–47).

Quraish Shihab emphasized that the verses about guardians must be read within the patriarchal Arab social context, where women are vulnerable to exploitation. Therefore, the presence of guardians is intended as a social protection mechanism (M. Quraish Shihab, 1996:192).

In the modern context, where women have equal legal capacity, a contextual approach is necessary without neglecting the precautionary principles of sharia. In Indonesia, the Compilation of Islamic Law still requires a guardian as a prerequisite

for marriage, but provides for a judicial guardian if a lineal guardian is unavailable or refuses without a sharia-compliant reason. This demonstrates a synthesis between the majority opinion and the needs of the modern legal system.

b) Interfaith Marriage

An interfaith marriage, also known as an interfaith marriage, is a marriage between a man and a woman of different religions. It is a marriage between a Muslim man or woman and a non-Muslim man or woman. This type of interfaith marriage is sometimes called an interreligious marriage.

The verse regarding the prohibition of interfaith marriages in QS Al-Baqarah (2) verse 221 reads:

وَلَا تَنْكِحُوا الْمُشْرِكَاتِ حَتَّى يُؤْمِنَ وَلَآمَةٌ
مُؤْمِنَةٌ خَيْرٌ مِّنْ مُّشْرِكَةٍ وَلَوْ أَعْجَبَتْكُمْ وَلَا
مُؤْمِنٌ خَيْرٌ مِّنْ مُّشْرِكٍ وَلَوْ أَعْجَبَكُمْ أُولَٰئِكَ
يَدْعُونَ إِلَى النَّارِ وَالْمَغْفِرَةُ بِإِذْنِهِ وَيُبَيِّنُ آيَاتِهِ لِلنَّاسِ
لَعَلَّهُمْ يَتَذَكَّرُونَ

Meaning: And do not marry polytheist women before they believe. Indeed, a believing female servant is better than an idolatrous woman, even if she attracts your heart. And do not marry polytheists (men) (to women who believe) before they believe. Indeed, a faithful male servant is

better than a polytheist male slave, even if he attracts your heart. They invite them to hell, while Allah invites them to heaven and forgiveness with His permission. (Allah) explains His verses to people so that they learn a lesson.

Prohibition of interfaith marriages in QS. Al-Baqarah: 221 is not only understood as a normative text, but must be analyzed based on legal illat, namely maintaining the faith (ḥifẓ al-dīn) (Wahbah Az-Zuhaili, 1986:1023).

According to Al-Qurtubi, this prohibition is related to the potential for disrupting the stability of faith in the household, so it must be understood within the framework of religious protection (Al-Qurtubi, 2006:67).

The sadd al-dzari'ah approach is also used, namely closing off paths that could cause greater damage (Abdul Karim Zaidan, 1996:245). In a modern, pluralistic context, this approach needs to be re-examined by taking into account social realities without ignoring the basic principles of sharia.

In the Indonesian context, administratively refusing to recognize interfaith marriages is a form of legal ijtihad that integrates religious values

and social interests. Therefore, marriage is not merely a legal event. In Indonesia, a religious society, marriage is considered a sacred event, even a form of worship. The Constitutional Court's refusal to recognize interfaith marriages is a religious requirement and reflects our Indonesian identity.

c) Marriage Registration

The Quran does not explicitly mandate the registration of marriages, but Surah Al-Baqarah: 282 on recording debts demonstrates the importance of documentation in legal transactions (Wahbah Az-Zuhaili, 1986:856). This verse provides an analogical basis for the need to record any contract with long-term legal implications.

Wahbah Az-Zuhaili categorized marriage registration as *maslahah murrasa*, namely a benefit that is not explicitly mentioned in the text but is in line with the objectives of sharia (Wahbah Az-Zuhaili, 1989:83). Registration aims to protect the rights of wives and children and prevent legal disputes.

The provisions regarding marriage registration are based on Article 2 Paragraph (2) of Law Number 1 of 1974 concerning Marriage,

namely "Every marriage is recorded according to the applicable laws and regulations" which is also stated in Articles 2 to 9 of Government Regulation Number 9 of 1975 concerning the Implementing Regulations of Law Number 1 of 1974 concerning marriage and in the Regulation of the Minister of Religion (PMA) Number 1 of 2019 concerning Marriage Registration. The purpose of this marriage registration is to provide legal certainty and protection to husbands and wives who have entered into marriage, so that the state as an organization that protects all its citizens will provide authentic evidence that a marriage has occurred, so that the parties who have entered into it can defend the marriage to anyone before the law.

This registration is a legal measure to protect the dignity and sanctity of Islamic marriage, specifically for women in married life. By registering a marriage, evidenced by this certificate, if a dispute arises between the parties, either party can take legal action to defend and obtain their respective rights. This ensures that both husband and wife have an authentic certificate as proof of their marriage (Mardani, 2017:56).

Thus, marriage registration is not only understood as an administrative obligation, but also as part of efforts to achieve well-being in family life. This demonstrates that Islamic law has the flexibility to accommodate developments in modern legal systems without abandoning its fundamental principles (Wahbah al-Zuhaili, 1989:29).

3. The Relevance of the Values and Principles of the Qur'an in Marriage Law Reform in Indonesia

Family law reform in Indonesia demonstrates a dialectic between normative texts and social needs. The principles of justice ('adl), welfare (maslahah), and protection of vulnerable groups form the primary basis for marriage regulation.

Al-Syatibi in Al-Muwafaqat explains that the main aim of sharia is to maintain five basic principles (Abu Ishaq Al-Syatibi, 1997:8).

a) Maintaining Religion (Hifz Al-Din)

Protecting religion means preserving its existence and freedom to practice its teachings. Sharia establishes obligations such as prayer, zakat, fasting, and the pilgrimage to strengthen faith.

Furthermore, it prohibits apostasy and insulting religion to maintain the stability of the community's faith.

b) Protecting the Soul (Hifz Al-Nafs)

Sharia highly values human life. Therefore, murder is strictly prohibited and subject to punishments such as qisas (retribution) or diyat (retribution). Allah also permits things that are previously forbidden in emergency situations to save lives, such as consuming forbidden food when threatened with death.

c) Maintaining Reason (Hifz Al-Aql)

Reason is a gift that distinguishes humans from other creatures. To safeguard it, sharia prohibits alcohol and all intoxicants, as they impair the function of reason. Furthermore, Islam encourages education and the pursuit of knowledge as a means of nurturing and developing reason.

d) Protecting the Offspring (Hifz Al-Nasl)

The protection of offspring is carried out through legal marriage regulations and the prohibition of adultery. Laws regarding lineage, inheritance and parental responsibility

are also established to maintain clarity of lineage and family honor.

e) Safeguarding Wealth (Hifz Al-Mal)

Sharia regulates the ownership and equitable distribution of wealth. Islam prohibits theft, robbery, usury, and fraud. Furthermore, Islam regulates zakat (alms), sadaqah (charity), and the system of transactions to ensure the healthy circulation of wealth within society.

The relevance of contemporary regulations to Islamic teachings is evident in the purpose of marriage. Islam emphasizes the importance of preserving offspring and honor, while modern regulations emphasize preventing child marriage and registering marriages as a means of protecting future generations. The principles of equality and justice taught by Islam are also reflected in the rules on polygamy, which require the wife's consent and the husband's ability.

Contemporary family law demonstrates that Islamic law can be implemented within a positive legal framework without losing its substance. This regulation emphasizes that Islam not only regulates marriage ritually but also

prioritizes social welfare. A balance between text and context is key to ensuring family law remains relevant to current developments.

A study of contemporary family law regulations demonstrates that Islamic law is dynamic and adaptable to the needs of the times. The basic principles of marriage in Islam remain intact, while formal regulations complement administrative aspects, social protection, and legal certainty. This overall arrangement demonstrates the harmony between Islamic teachings and the modern legal system in maintaining the integrity of the Muslim family (Khairuddin, 2025:78–79).

D. Conclusion

This study shows that an integrative and contextual approach to interpretation is crucial in understanding legal verses, particularly those related to marriage. By combining classical interpretation methods and contemporary approaches, Islamic law can remain relevant in addressing modern challenges, particularly in the family law system in Indonesia. Based on the discussion of the pillars and requirements of marriage from the

perspective of Qur'anic interpretation and its relevance to legal reform in Indonesia, it can be concluded that the pillars and requirements of marriage in the Qur'an show that the revealed text does not provide technical-procedural details, but rather establishes fundamental principles that position marriage as a *mitsāqan ghalīẓan* or a solid agreement with high theological and moral dimensions. The formulation of the pillars of marriage by the *fuqahā* is the result of *istinbāt* constructed within the framework of *maqāṣid al-syarī'ah*, particularly to safeguard offspring (*ḥifẓ al-nasl*) and honor (*ḥifẓ al-'ird*).

In responding to contemporary issues, this study emphasizes that the guardian's function is protective, preventing exploitation, not repressive. Meanwhile, the prohibition of interfaith marriage in the Indonesian legal system is understood as an effort to maintain the stability of faith and legal order through a *sadd al-dzari'ah* approach. Marriage registration, although not explicitly mentioned in the texts, has strong legitimacy as a necessary good to ensure legal certainty and the protection of human rights within the family. Academically, the reform of marriage law in

Indonesia represents a harmonious dialectic between normative texts and social reality, proving that Islamic law has the methodological flexibility to remain relevant to the needs of the times without losing its sharia substance.

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