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**AN ANALYSIS OF THE HADITH ON THE TREATY OF HUDAYBIYAH
REGARDING THE PROHIBITION OF INTERFAITH MARRIAGE FROM THE
PERSPECTIVE OF ISLAMIC FAMILY: A Study of *Sharḥ*, *Takhrīj*, and Its Relevance
to the Compilation of Islamic Law in Indonesia**

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ABSTRACT

This study aims to analyze the ḥadīth concerning the Treaty of Ḥudaybiyyah regarding the prohibition of interfaith marriage from the perspective of Islamic family law by examining its *sharḥ*, *takhrīj*, and relevance to the Compilation of Islamic Law in Indonesia. This research employs a qualitative methodology with a library research approach, drawing upon secondary data analyzed through a descriptive-analytical method. The findings indicate that the ḥadīth of Ḥudaybiyyah constitutes a strong legal basis that, within Islamic family law, interfaith marriage—particularly when it threatens the unity of faith—is impermissible. The prohibition against maintaining a marital bond with a non-Muslim spouse, as articulated in this ḥadīth, demonstrates that Islam places ‘aqīdah as the primary foundation of the family. Therefore, the prohibition of interfaith marriage in the Compilation of Islamic Law is not merely an administrative regulation, but rather a concrete implementation of Sharī‘ah principles aimed at preserving religion, lineage, family harmony, and public welfare.

Keywords: *Treaty of Hudaibiyah; Prohibition of Interfaith Marriage; Islamic Family Law.*

ABSTRAK

Penelitian ini bertujuan menganalisis hadis perjanjian Hudaibiyah tentang larangan pernikahan beda agama dalam perspektif hukum keluarga Islam dengan mengkaji syarah, takhrij, dan relevansinya terhadap kompilasi hukum Islam di Indonesia. Penelitian ini menggunakan metodologi kualitatif dengan pendekatan studi kepustakaan, yang bersumber dari data sekunder dan dianalisis melalui metode deskriptif-analitis. Hasil penelitian menunjukkan bahwa Hadis Hudaibiyah ini menjadi dalil kuat bahwa dalam Hukum Keluarga Islam, pernikahan beda agama—khususnya yang mengancam kesatuan iman—tidak dibenarkan. Larangan mempertahankan ikatan nikah dengan pasangan non-Muslim dalam hadis ini menunjukkan bahwa Islam menempatkan akidah sebagai fondasi utama rumah tangga. Oleh karena itu, larangan nikah beda agama dalam KHI bukan sekadar aturan administratif, tetapi merupakan implementasi nyata dari prinsip syariat yang bertujuan menjaga agama, keturunan, keharmonisan, dan kemaslahatan keluarga.

Kata Kunci: *Perjanjian Hudaibiyah; Larangan Pernikahan Beda Agama; Hukum Keluarga Islam.*

A. INTRODUCTION

Marriage in Islam constitutes a fundamental institution that functions not merely as a social bond between two individuals, but also as a sacred covenant (*mīṣāqan ghalīzan*) aimed at realizing tranquility, affection, and the continuity of future generations.⁷⁷ Within the framework of Islamic Family Law, marriage is established upon the foundations of faith and unity of values, such that it is understood not merely as a legal contract, but also as a means of preserving religion (*ḥifẓ al-dīn*) and lineage (*ḥifẓ al-nasl*) within the perspective of *maqāṣid al-sharī'ah*.⁷⁸ Therefore, the issue of interfaith marriage has become one of the crucial themes continuously debated, both within the corpus of classical *fiqh* and in the context of modern legal systems, including in Indonesia.

⁷⁷ Asra Nur Hasanah Acha, "Mīṣāqan Ghalīzan Dan Problematika Kotemporer Dalam Pernikahan: Kajian Tafsir Terhadap Ayat-Ayat Al-Qur'an," *Al-Manhaj: Journal of Indonesian Islamic Family Law* 6, no. 1 (June 2024): 44–67, <https://doi.org/10.19105/al-manhaj.v6i1.13839>.

⁷⁸ Taufiqurohman Taufiqurohman and Nelli Fauziah, "The Evaluation of Maqāṣid Asy-Syarī'ah on Discourses of the Islamic Family Law," *El-Ushrah: Jurnal Hukum Keluarga* 6, no. 1 (September 2023): 81, <https://doi.org/10.22373/ujhk.v6i1.13035>.

Within the literature of *fiqh*, Muslim scholars generally agree that a Muslim woman is not permitted to marry a non-Muslim man, whereas the marriage of a Muslim man to a non-Muslim woman—particularly from among the *Ahl al-Kitāb*—constitutes a considerably complex area of debate.⁷⁹ However, in contemporary developments, many scholars maintain that changes in the social context and the increasing potential for harm (*maḍarah*) to family integrity have rendered the practice of interfaith marriage increasingly problematic.⁸⁰ In Indonesia itself, this polemic continues to emerge alongside the increasing number of interfaith marriages and the demands of certain groups for broader legal recognition, despite the prevailing regulations—such as the *Kompilasi Hukum Islam* (KHI)—explicitly prohibiting such practices.

One of the important normative foundations in this discussion is the ḥadīth concerning the Treaty of Ḥudaybiyah narrated by al-Miswar ibn Makhrumah and Marwān ibn al-Ḥakam. This ḥadīth not only records the historical event related to *taḥallul* under circumstances in which the performance of the ‘umrah was obstructed, but also constitutes an integral part of the revelation of the Sharī‘ah provisions concerning believing women who migrated (*hijrah*) and the prohibition against maintaining marital bonds with non-Muslim spouses, as stated in Sūrah al-Mumtaḥanah verse 10. Accordingly, this ḥadīth possesses broad significance in the formulation of the norms of Islamic Family Law, particularly regarding the principle of unity of creed (*‘aqīdah*) as the foundation of the family institution.

Nevertheless, studies on the ḥadīth of Ḥudaybiyah in the context of the prohibition of interfaith marriage often remain descriptive and normative in nature, without being accompanied by a comprehensive analysis that integrates the approaches of ḥadīth studies—such as *takhrīj* and *sharḥ*—with the framework of *maqāṣid al-sharī‘ah* and its relevance to positive law. In fact, such an integrative approach is essential for understanding not only the authenticity of the ḥadīth in terms of its *sanad* and *matn*, but also the legal rationality embedded within it and its application in the contemporary social context.

⁷⁹ Asy’ari Asy’ari and Triansyah Fisa, “Interfaith Marriage in Perspectives of Classical and Modern Scholars,” *Al-Manahij: Jurnal Kajian Hukum Islam*, November 2022, 287–300, <https://doi.org/10.24090/mnh.v16i2.6772>.

⁸⁰ Muhammad Nurfikri Amin, Nasrullah Nasrullah, and Fadil Sj, “Interfaith Marriage from the Perspective of Maqashid Al-Syari’ah Jasser Auda (Analysis of Decision Number 916/Pdt. P/2022/PN. Sby.),” *Mutawasith: Jurnal Hukum Islam* 6, no. 2 (2023): 156–67.

Based on this background, the present study aims to analyze the ḥadīth concerning the Treaty of Ḥudaybiyah related to the prohibition of interfaith marriage through the approaches of *takhrīj* and *sharḥ*, as well as examining its relevance within the perspectives of Islamic Family Law and the *Kompilasi Hukum Islam* in Indonesia. More specifically, this study seeks to address several principal questions: how the quality and meaning of the ḥadīth are understood within the discipline of ḥadīth studies, what principles of family law may be derived from it, and how far it corresponds with the provisions of positive law in Indonesia.

A previous study relevant to this research is the work entitled “*Nikah Beda Agama di Indonesia: Studi Komparasi Hukum Islam dan Hukum Nasional*” written by Amiruddin.⁸¹ This study aims to examine interfaith marriage in Indonesia by comparing the perspectives of Islamic law and national law. In recent years, however, this type of marriage has become increasingly prevalent in Indonesian society, particularly among celebrities. Employing a library research method and a synthesis approach, the article seeks to reinforce the dominant view that marriage between adherents of different religions is prohibited, both according to Islamic law and the norms of national law. As a conclusion, the study finds that regulations prohibiting such marriages in Indonesia should be firmly upheld in order to maintain harmony within social life and the broader community.

Another study entitled “*Nikah Beda Agama dalam Perspektif Maqāṣid al-Sharī‘ah dan Problematika Hukumnya di Indonesia*” written by Nursyamsi Ichsan and colleagues is also relevant to this research.⁸² The findings of the study indicate that interfaith marriage constitutes a crucial issue within contemporary Islamic legal discourse, particularly when examined in light of *maqāṣid al-sharī‘ah* principles. This article analyzes the legal problems surrounding interfaith marriage by emphasizing the principle of *ḥifẓ al-dīn* (the preservation of religion) as the primary normative foundation within Islamic Family Law. In the Indonesian context, the pluralistic and complex social reality has increasingly generated tensions between religious norms and individual freedom, especially following the issuance of the Supreme Court Circular

⁸¹ Amiruddin Amiruddin, “NIKAH BEDA AGAMA DI INDONESIA: STUDI KOMPARASI HUKUM ISLAM DAN HUKUM NASIONAL,” *Jurnal Tahqiqā : Jurnal Ilmiah Pemikiran Hukum Islam* 18, no. 1 (January 2024): 29–43, <https://doi.org/10.61393/tahqiqa.v18i1.207>.

⁸² Nursyamsi Ichsan, Hamzah Hasan, and Abdul Wahid Haddade, “NIKAH BEDA AGAMA DALAM PERSPEKTIF MAQASID AL-SYARI’AH DAN PROBLEMATIKA HUKUMNYA DI INDONESIA,” *Iqtishaduna: Jurnal Ilmiah Mahasiswa Hukum Ekonomi Syari’ah* 6, no. 4 (2025): 1282–88.

Letter (*Surat Edaran Mahkamah Agung / SEMA*) No. 2 of 2023, which explicitly rejects the legality of interfaith marriage. Employing a juridical-normative approach grounded in *maqāṣid al-sharī'ah*, the study finds that interfaith marriage not only has the potential to weaken the principle of *ḥifẓ al-dīn*, but also gives rise to negative implications for the preservation of lineage (*ḥifẓ al-nasl*), intellect (*ḥifẓ al-'aql*), and wealth (*ḥifẓ al-māl*). Therefore, a legal approach is required that is not merely legalistic but also integrative and solution-oriented in addressing the tensions between Sharī norms and the realities of national law.

The primary novelty of this study lies in its specific focus on the ḥadīth concerning the Treaty of Ḥudaybiyah as the principal basis for analyzing the prohibition of interfaith marriage. Unlike previous studies, which generally adopt a normative approach relying on Qur'ānic arguments and general *fiqh* opinions, this research positions a single key ḥadīth as the main object of investigation and examines it thoroughly through the approaches of *takhrīj* and *sharḥ*. Accordingly, this study not only reinforces the normative dimension of the legal ruling, but also verifies the validity of the *sanad* and comprehensively examines both the textual and contextual meanings of the ḥadīth.

The second novelty of this study lies in its integrative approach, which combines the discipline of ḥadīth studies with the perspective of Islamic Family Law within the framework of *maqāṣid al-sharī'ah*. This research does not merely explain the legal prohibition of interfaith marriage but also examines the underlying legal rationality through the objectives of the Sharī'ah, such as *ḥifẓ al-dīn* and *ḥifẓ al-nasl*. Such an approach produces a more profound and systematic analysis, thereby enabling a clearer understanding of the relationship between the text of the ḥadīth, the principles of the Sharī'ah, and their social implications within Muslim family life.

The third novelty lies in the effort to contextualize the findings of the ḥadīth analysis within the reality of positive law in Indonesia, particularly the *Kompilasi Hukum Islam* (KHI). This study does not merely examine the ḥadīth text theoretically, but also investigates its relevance to the prevailing legal regulations and the contemporary social dynamics surrounding interfaith marriage. Accordingly, this research offers a significant contribution by serving as a bridge between classical Islamic scholarship and modern legal practice, while simultaneously

reinforcing the normative legitimacy of the KHI as a representation of the implementation of the Shari‘ah principles within the context of the Indonesian state.

B. METHOD

This study employs a qualitative research design based on library research, utilizing a transparent and systematic data selection procedure.⁸³ The primary data consist of ḥadīth narrations related to interfaith marriage. These ḥadīths were selected from the canonical collections—*Ṣaḥīḥ al-Bukhārī*, *Sunan Abī Dāwūd*, and *Sunan al-Nasā’ī*. Classical *sharḥ* works were utilized to ensure contextual accuracy and depth of interpretation. The secondary data were derived from reputable journal articles and academic books concerning interfaith marriage.⁸⁴ The analytical procedure follows the approach of thematic ḥadīth analysis (*al-dirāsah al-mawḍū‘iyyah*),⁸⁵ which is combined with a *maqāṣid*-based framework to identify normative principles and reconstruct them into a preventive social model.⁸⁶ Through this structured process of selection and analysis, the study maintains methodological rigor and avoids interpretations that are merely subjective in nature.

To analyze the data, this study employs a descriptive-analytical method, namely, an approach that focuses on the systematic presentation of the characteristics and details of the collected data rather than on hypothesis testing or outcome prediction. Following the initial descriptive stage, the findings are subsequently synthesized and interpreted through deductive reasoning, thereby enabling the formulation of logical conclusions grounded in well-established theoretical principles.⁸⁷ General observations are first analyzed before being formulated into specific evidence-based conclusions.

⁸³ Haradhan Kumar Mohajan, “Qualitative Research Methodology in Social Sciences and Related Subjects,” *Journal of Economic Development, Environment and People* 7, no. 1 (2018): 23–48.

⁸⁴ Oranus Tajedini et al., “How to Increase the Loyalty of Public Library Users? A Qualitative Study,” *Journal of Librarianship and Information Science* 52, no. 2 (July 2019): 317–30, <https://doi.org/10.1177/0961000619856081>.

⁸⁵ Irsyad Hasan, Marwan Mas’ud, and Teguh Dwi Prayoga, “Preventing Bullying in Pesantren: A Maqāṣid al-Shari‘ah and Hadith Perspective on the Role of the Sakinah Family,” *Al-Insiyroh: Jurnal Studi Keislaman* 12, no. 1 (2026): 1–17, <https://doi.org/10.35309/alinsiyroh.v12i1.633>.

⁸⁶ M. Ikhwanul Huda, Ummi Fadliyat Kaamilah, and Muhammad Faqihuddin El Hijri, “Jasser Auda’s Maqāṣid al-Shari‘ah: Transforming Professional Zakat for People’s Welfare,” *Al-Muamalat: Jurnal Ekonomi Syariah* 12, no. 1 (March 2025): 77–96, <https://doi.org/10.15575/am.v12i1.40952>.

⁸⁷ Theophilus Azungah, “Qualitative Research: Deductive and Inductive Approaches to Data Analysis,” *Qualitative Research Journal* 18, no. 4 (November 2018): 383–400, <https://doi.org/10.1108/QRJ-D-18-00035>.

C. RESULTS AND DISCUSSION

Text of the Ḥadīth

عن المسور بن مخرمة ومروان رضي الله عنهما في قصة الحديبية: قال رسول الله ﷺ لأصحابه: (قوموا فانحروا ثم احلقوا). قال: فوالله ما قام منهم رجل حتى قال ذلك ثلاث مرات، فلما لم يقيم منهم أحد دخل على أم سلمة، فذكر لها ما لقي من الناس، فقالت أم سلمة: يا نبي الله، أتحب ذلك، اخرج ثم لا تكلم أحدا منهم كلمة، حتى تنحر بدنك، وتدعو حالقك فيحلقك. فخرج فلم يكلم أحدا منهم حتى فعل ذلك، نحر بدنه، ودعا حالقه فحلقه، فلما رأوا ذلك قاموا فنحروا وجعل بعضهم يحلق بعضا، حتى كاد بعضهم يقتل بعضا غما، ثم جاءه نسوة مؤمنات، فأنزل الله تعالى: ﴿يا أيها الذين آمنوا إذا جاءكم المؤمنات مهاجرات فامتحنوهن - حتى بلغ - بعصم الكوافر﴾. فطلق عمر يومئذ امرأتين، كانتا له في الشرك، فتزوج إحداهما معاوية بن أبي سفيان، والأخرى صفوان بن أمية⁸⁸.....

It was narrated from al-Miswar ibn Makhramah and Marwān ibn al-Ḥakam (*raḍiya Allāhu ‘anhumā*) in the account of the Treaty of Ḥudaybiyah that Muḥammad ﷺ said to his Companions: “Stand up, then slaughter your sacrificial animals, and thereafter shave your heads.” The narrator said: “By Allah, none of them stood up until he repeated the command three times. When none of them arose, he entered upon Umm Salamah and informed her of what he had encountered from the Companions. Umm Salamah then said: ‘O Prophet of Allah, do you wish that this matter be carried out? Go out and do not speak a single word to any of them until you slaughter your sacrificial animal and summon your barber to shave your head.’ Thereupon, he went out and did not speak to any of them until he carried out what she had advised: he slaughtered his sacrificial animal and called his barber, who then shaved his head. When the Companions saw this, they immediately arose and slaughtered their sacrificial animals. Some of them shaved the heads of others, to the extent that they almost harmed one another due to the intensity of their sorrow and distress.”

Meaning of the Ḥadīth

In this ḥadīth, there are several *gharīb* expressions:

1. The phrase *fa-inḥarū* (فانحروا) means “slaughter your sacrificial animals (*hadyu*).”

Linguistically, the term derives from *naḥr* (نحر), which denotes slaughtering,

⁸⁸ Muḥammad Fu’ād ‘Abd al-Bāqī, *Miftāḥ Kunūz al-Sunnah* (Internet Archive, 2011), <https://archive.org/details/MiftahKunuzSunah/> V. 30, P. 566.

particularly by cutting the neck of a camel.⁸⁹ In the account of the Treaty of Ḥudaybiyah, this command signifies that the Companions were instructed to slaughter the *hadyu* animals as a sign of *tahallul* from the state of *iḥrām*, since they were unable to continue the performance of the ‘umrah. The expression also reflects obedience to the Sharī‘ah despite circumstances of sorrow and hardship.

2. The phrase *iḥliqū* (احْلِقُوا) means “shave your heads” or “cut your hair.” Linguistically, the term derives from *ḥalaqa* (حلق), which means “to shave the hair of the head”.⁹⁰ In the narrative of the Treaty of Ḥudaybiyah, this command signifies that the Companions were instructed to perform *tahallul* by shaving their heads after slaughtering the *hadyu* animals, as a sign of the completion of the state of *iḥrām* and as an expression of obedience to the Sharī‘ah despite the difficult circumstances.
3. The term *budnaka* (بُدْنَكَ) refers to large sacrificial animals (*hadyu*), such as camels or cattle, that are brought for slaughter.⁹¹ In the account of the Treaty of Ḥudaybiyah, this term refers to the *hadyu* animal belonging to Muḥammad ﷺ that was slaughtered as part of the *tahallul* process after he had been prevented from completing the ‘umrah. This reflects the completion of the ritual in accordance with the Sharī‘ah and demonstrates the exemplary conduct of the Prophet in practice.
4. The term *ghamman* (غَمًّا) denotes profound sorrow, anxiety, and severe emotional distress.⁹² In the account of the Treaty of Ḥudaybiyah, this term illustrates the sorrow experienced by the Companions due to their inability to complete the ‘umrah, which caused them to feel deeply distressed, although they nevertheless remained obedient to the commands of Muḥammad ﷺ.
5. The phrase *fa-imitāḥinūhunna* (فَامْتَحِنُونَهُنَّ) means “then test them” or “examine them carefully.”⁹³ In the context of the Treaty of Ḥudaybiyah, this command signifies that the

⁸⁹ Muḥammad ibn Mukarram Ibn Manzūr, *Lisān Al-‘Arab*, 3rd ed. (Beirut: Dār Ṣādir, 1994) V. 5, P. 195.

⁹⁰ Ibn Manzūr, *Lisān Al-‘Arab* V. 10, P. 85.

⁹¹ Ibn Manzūr, *Lisān Al-‘Arab* V. 13, P. 49.

⁹² Ibn Manzūr, *Lisān Al-‘Arab* V. 12, P. 443.

⁹³ Ibn Manzūr, *Lisān Al-‘Arab* V. 12, P. 443.

Muslims were instructed to examine the believing women who migrated (*hijrah*) in order to ensure that their migration was genuinely motivated by faith. This demonstrates the importance of verification so that the rulings of the Sharī'ah may be implemented justly and appropriately.

6. The term *bi'ishām* (بِعِصَمٍ) means “marital bonds” or “matrimonial ties”.⁹⁴ In the verse revealed after the Treaty of Ḥudaybiyah, this term signifies the prohibition against Muslims maintaining marital contracts with polytheist women who do not believe. This demonstrates that marriage in Islam constitutes both a legal and spiritual bond that must be in harmony with the principles of faith.
7. The term *al-shirk* (الشِّرْك) means associating partners with Allah or adhering to polytheistic beliefs. In the ḥadīth concerning the Treaty of Ḥudaybiyah, the phrase “*kānatā lahu fī al-shirk*” indicates that the two wives of ‘Umar ibn al-Khaṭṭāb at that time were still adherents of polytheism. This serves as a legal basis for the dissolution of the marital bond in order to preserve harmony in creed in accordance with the Sharī'ah.

General Meaning

In an *ijmālī* (general) sense, this ḥadīth contains a number of important principles within Islamic Family Law, affirming that the family institution in Islam is established upon the foundations of faith, obedience, consultation, and public welfare (*maṣlahah*).

First, this ḥadīth demonstrates the importance of the wife's role within family life, particularly in providing advice and counsel to her husband. The attitude of Umm Salamah, who offered a wise solution to Muḥammad ﷺ, reflects that a wife is not merely a domestic companion but also a strategic partner in family decision-making.⁹⁵ This serves as an important foundation indicating that the marital relationship in Islam is established upon the principles of *shūrā* (consultation), mutual support, and cooperation in confronting challenges.

⁹⁴ Ibn Manẓūr, *Lisān Al-'Arab* V. 12, P. 403.

⁹⁵ حصّة الغنّام، "المبادئ الإدارية النبوية في صلح الحديبية"، *المجلة التربوية لتعليم الكبار* 1–25.6, no. 3 (2024): 1–25.6

Second, this ḥadīth affirms the importance of exemplary leadership on the part of the head of the family in guiding family members. The Prophet ﷺ did not merely issue commands but also provided a direct example through his actions.⁹⁶ Within the family context, this demonstrates that a husband, as the leader of the household, should educate and guide through exemplary conduct, gentleness, and wisdom rather than merely through commands.

Third, this ḥadīth contains the principle that marriage in Islam possesses a profoundly significant creedal (*‘aqīdah*) dimension. The revelation of the verse prohibiting the continuation of marriage with polytheist women—which was subsequently implemented by ‘Umar ibn al-Khaṭṭāb—demonstrates that harmony in faith constitutes an essential foundation for the integrity of the family institution.⁹⁷ Differences in creed (*‘aqīdah*) under certain circumstances may become grounds for the dissolution of the marital relationship in order to preserve religion and safeguard the welfare (*maṣlaḥah*) of the family.

Fourth, this ḥadīth also emphasizes the importance of verifying one’s status in family-related matters, as reflected in the command to examine the believing women who migrated (*hijrah*).⁹⁸ Within Islamic Family Law, this serves as a foundation for the principle that the determination of marital status, divorce, *hijrah*, lineage (*nasab*), and family rights must be based upon clear evidence rather than mere assumptions.

Fifth, this ḥadīth demonstrates that Islamic Family Law regulates not only formal legal aspects but also takes psychological and social dimensions into consideration.⁹⁹ The sorrow experienced by the Companions, the wisdom of the Prophet, and the role of revelation in resolving the matter demonstrate that the Sharī‘ah of family law exists to preserve tranquility, justice, and the welfare (*maṣlaḥah*) of all parties involved.

⁹⁶ خالد الديب عبدالعزيز، "الدلالات الدعوية في صلح الحديبية"، مجلة كلية أصول الدين والدعوة بأسبوط 37 (2019): 4, no.

3956–4072.

⁹⁷ صباح حسن فلاح البدرى، "حوار النبي (ص) مع المشركين في ضوء مرويات الإمام الصادق (عليه السلام) صلح الحديبية

انموذجاً)، "Journal of Education College Wasit University 2, no. 47 (2022): 387–98.

⁹⁸ أسماء خميس صالح الغامدي، "أخلاقيات الحوار النبوي في صلح الحديبية"، "Journal of Arts, no. 25 (2022): 106–27.

⁹⁹ علي حميد إبراهيم and أبو بكر الصديق، "صلح الحديبية تاريخه وبنوده وأثره في بناء الدولة الإسلامية"، "المجلة العربية للعلوم

الإنسانية والاجتماعية. (2024). no. 24,

Accordingly, the *ijmālī* meaning of this ḥadīth from the perspective of Islamic Family Law is that the Muslim household must be established upon the foundations of faith, consultation (*shūrā*), exemplary conduct, legal clarity, and public welfare (*maṣlahah*), thereby enabling the realization of a harmonious, just, and resilient family capable of confronting the various trials of life.¹⁰⁰

Takhrīj of the Ḥadīth

This ḥadīth was narrated by al-Bukhari, Abū Dāwud,¹⁰¹ Al-Nasa'i,¹⁰² Abd al-Razzaq,¹⁰³ Ibnu Hibbān,¹⁰⁴ al-Thabari,¹⁰⁵ dan al-Bayhaqi.¹⁰⁶

The discussion regarding the narrators (*ruwāt*) of this ḥadīth is as follows:

1. ‘Abd Allāh ibn Muḥammad ibn ‘Abd Allāh al-Ju‘fi, known by the epithet *al-Musnadī*. Ibn Hajar al-‘Asqalānī stated: “He is *thiqah* (reliable), a *ḥāfiẓ*, and the compiler of the *Musnad*.”¹⁰⁷
2. ‘Abd al-Razzāq ibn Hammām ibn Nāfi‘ al-Ḥimyarī, a mawlā of them from Yemen. Ibn Hajar al-‘Asqalānī stated: “He is *thiqah* (reliable), a *ḥāfiẓ*, and the author of a well-known work. In the later period of his life, he became blind, which led to changes in his memory, and he had a tendency toward *tashayyu‘*.”¹⁰⁸

¹⁰⁰ Aḥmad ibn ‘Alī Ibn Hajar al-‘Asqalānī, *Fatḥ Al-Bānī Bi-Sharḥ Ṣaḥīḥ al-Bukhārī*, al-Salafīyah al-Ūlā, ed. Muḥammad Fu‘ād ‘Abd al-Bāqī and Muḥibb al-Dīn al-Khaṭīb (Miṣr [Cairo]: al-Maktabah al-Salafīyah, 1960) V. 11, P. 45.

¹⁰¹ Sulaymān ibn al-Ash‘ath Abū Dāwūd, *Sunan Abī Dāwūd*, 1st ed., ed. Shu‘ayb al-Arnā‘ūṭ and Muḥammad Kāmil Qarah Balālī, Sunan (Beirut, Lebanon: Dār al-Risālah al-‘Ālamīyah, 2010) No. 2581, V. 2, P. 974.

¹⁰² Aḥmad ibn Shu‘ayb Al-Nasā‘ī, *Sunan Al-Nasā‘ī (Maṭbū‘ Ma‘a Sharḥ al-Suyūṭī Wa Ḥāshiyat al-Sindī)*, 1st ed., ed. reviewed by Shaykh Ḥasan Muḥammad al-Mas‘ūdī Group of scholars (Cairo: Al-Maktabah al-Tijārīyah al-Kubrā, 1930) No. 1753, V. 3, P. 172.

¹⁰³ ‘Abd al-Razzāq ibn Hammām al-Ṣan‘ānī, *al-Muṣannaḥ*, 2nd ed., ed. Markaz al-Buḥūth wa-Tiqniyyat al-Ma‘lūmāt-Dār al-Ta‘šīl (Kairo: Dār al-Ta‘šīl, 2013) No. 10564, V. 6, P. 16.

¹⁰⁴ Muḥammad ibn Hibbān ibn Aḥmad al-Tamīmī al-Bustī Ibn Hibbān, *Ṣaḥīḥ Ibn Hibbān: Al-Musnad al-Ṣaḥīḥ ‘alā al-Taqāsim Wa-al-Anwā‘ Min Ghayr Wujūd Qaṭ‘ Fī Sanadīhā Wa-Lā Thubūt Jarḥ Fī Nāqīlīhā*, 1st ed., ed. Muḥammad ‘Alī Sönmez and Khāliṣ Āy Demir (Beirut: Dār Ibn Ḥazm, 2012) No. 6161, V. 7, P. 94.

¹⁰⁵ Sulaymān ibn Aḥmad Al-Ṭabarānī, *Al-Mu‘jam al-Kabīr*, 2nd ed., ed. Ḥamdī ibn ‘Abd al-Majīd Al-Salafī (Al-Qāhirah [Cairo]: Maktabat Ibn Taymiyyah, 1994) V. 20, P. 359.

¹⁰⁶ Aḥmad ibn al-Ḥusayn al-Bayhaqī, *Al-Sunan al-Kubrā*, 3rd ed., ed. Muḥammad ‘Abd al-Qādir ‘Aṭā (Beirut, Lebanon: Dār al-Kutub al-‘Ilmiyyah, 2003) No. 13971, V. 7, P. 277.

¹⁰⁷ Aḥmad ibn ‘Alī Ibn Hajar al-‘Asqalānī, *Taqrīb Al-Tahdhīb*, 1st ed., ed. Muḥammad ‘Awwāmah (Syria: Dār al-Rashīd, 1986), 321.

¹⁰⁸ Ibn Hajar al-‘Asqalānī, *Taqrīb Al-Tahdhīb*, 354.

3. Ma‘mar ibn Rāshid al-Azdī al-Ḥaddānī. Ibn Ḥajar al-‘Asqalānī stated: “He is *thiqah* (reliable), strong in memory, and a person of virtue. However, there are minor reservations regarding his narrations from Thābit, al-A‘mash, and Hishām ibn ‘Urwah, as well as in the narrations he transmitted in Basra.”¹⁰⁹
4. Muḥammad ibn Muslim ibn ‘Ubaydillāh al-Zuhrī. Ibn Ḥajar al-‘Asqalānī stated: “He was a *faqīh* and a *ḥāfiẓ*; the scholars unanimously agreed upon his excellence, precision, and strong memory.”¹¹⁰
5. ‘Urwah ibn al-Zubayr ibn al-‘Awwām. Ibn Ḥajar al-‘Asqalānī stated: “He is *thiqah* (reliable), a *faqīh*, and widely renowned.”¹¹¹
6. Al-Miswar ibn Makhramah ibn Nawfal. Ibn Ḥajar al-‘Asqalānī stated: “He and his father both hold the status of Companions (*ṣaḥābah*).”¹¹²
7. Marwān ibn al-Ḥakam ibn Abī al-‘Āṣ. Ibn Ḥajar al-‘Asqalānī stated: “His status as a Companion (*ṣaḥābī*) is not established.” However, ‘Urwah ibn al-Zubayr ibn al-‘Awwām said: “There is no doubt regarding Marwān’s honesty in the transmission of ḥadīth.”¹¹³

Takhrīj of the Matn / Quality of the Ḥadīth

The *matn* of this ḥadīth is classified as *ṣaḥīḥ* and may be used as a *ḥujjah*, because its chain of transmission (*sanad*) is uninterrupted, its narrators are *thiqah* (reliable), and it is narrated in *Ṣaḥīḥ al-Bukhārī*. In terms of content, this ḥadīth contains no irregularities (*shudhūdh*) and is in harmony with the principles of the Sharī‘ah.

Asbāb Wurūd of the Ḥadīth

The *asbāb wurūd* of this ḥadīth are closely related to the event of the Treaty of Ḥudaybiyah, when Muḥammad ﷺ and his Companions departed from Madinah in the sixth

¹⁰⁹ Ibn Ḥajar al-‘Asqalānī, *Taqīb Al-Tahdhīb*, 541.

¹¹⁰ Ibn Ḥajar al-‘Asqalānī, *Taqīb Al-Tahdhīb*, 490.

¹¹¹ Ibn Ḥajar al-‘Asqalānī, *Taqīb Al-Tahdhīb*, 389.

¹¹² Ibn Ḥajar al-‘Asqalānī, *Taqīb Al-Tahdhīb*, 532.

¹¹³ Ibn Ḥajar al-‘Asqalānī, *Taqīb Al-Tahdhīb* 525.

year of Hijrah with the intention of performing ‘umrah rather than engaging in warfare.¹¹⁴ However, during the journey, the Quraysh prevented them from entering Makkah and dispatched forces to obstruct the Muslim delegation.

After a lengthy process of negotiation, the Treaty of Ḥudaybiyah was eventually concluded between the Prophet ﷺ and the Quraysh.¹¹⁵ One of the provisions of the treaty that weighed most heavily upon the Muslims was the obligation to postpone the ‘umrah until the following year, as well as the clause stipulating that anyone from the Quraysh who came to Madinah without the permission of his guardian was to be returned.¹¹⁶ This provision caused profound sorrow among the Companions, as they had greatly hoped to perform worship at the Ka‘bah at that very time.

It was in this situation that the Prophet ﷺ instructed the Companions to slaughter the *hadyu* animals and shave their heads as a sign of *tahallul*: “*Qūmū fa-inḥarū thumma ihliqū*” (“Stand up, slaughter your sacrificial animals, and then shave your heads”).¹¹⁷ However, because it was extremely difficult for them to accept the situation, the Companions remained silent for a moment and did not immediately carry out the command. The Prophet ﷺ then entered upon Umm Salamah and sought her counsel. Following her advice, the Prophet ﷺ set an example by first slaughtering his own sacrificial animal and shaving his head.¹¹⁸ After witnessing the Prophet’s actions, the Companions then followed him. This part of the ḥadīth appears in order to explain the background of the command to perform *tahallul* when prevented from completing the ‘umrah.

¹¹⁴ Muhammad Fikri and Uswatun Hasanah, “Unsur-Unsur Hadis Dan Asbabul Wurud Hadis Dalam Studi Ilmu Hadits,” *Adabiyah Islamic Journal* 1, no. 2 (2023): 120–28.

¹¹⁵ Abu Abu Haif, “Perjanjian Hudaibiyah (Cermin Kepiawaiian Nabi Muhammad Saw. Dalam Berdiplomasi),” *Rihlah: Jurnal Sejarah Dan Kebudayaan* 1, no. 01 (2014): 119–31, <https://doi.org/10.24252/rihlah.v1i01.673>.

¹¹⁶ أحمد آدم and شرف الدين, “مرحلة السلام بين صلح الحديبية وفتح مكة,” *مجلة كلية الدراسات الإسلامية والعربية للبنات بجامعة الأزهر فرع كفر الشيخ* 3, no. 4 (2019): 347–438.

¹¹⁷ د. عصام محمد أبو سنينة, “صلح الحديبية وحي واجتهاد سياسي,” *مجلة جامعة القدس المفتوحة للبحوث الإنسانية والاجتماعية* 2, no. 44 (2018): 2.

¹¹⁸ محمد الدريس and بدر, “فن التفاوض عند الرسول ﷺ (صلح الحديبية نموذجاً).” *مجلة كلية الشريعة والقانون بتفهيها الأشراف-دقهلية* 21, no. 6 (2019): 4441–80.

Subsequently, after the treaty had been concluded, several believing women migrated (*hijrah*) from Makkah to Madinah. In this context, Sūrah al-Mumtaḥanah verse 10 was revealed, commanding the Muslims to examine the sincerity of their faith and not return them to their disbelieving husbands.¹¹⁹ This verse simultaneously became the legal basis for the prohibition against maintaining marital bonds with polytheistic spouses under certain circumstances. For this reason, ‘Umar ibn al-Khaṭṭāb divorced his two wives who remained in a state of polytheism (*shirk*).¹²⁰ This portion of the ḥadīth was narrated in order to explain the occasion for the revelation of the verse, as well as the implementation of its legal ruling in matters of Islamic family law.

Thus, the *asbāb wurūd* of this ḥadīth lie in the event of Ḥudaybiyah, beginning with the Muslims being prevented from performing ‘umrah, followed by the emergence of the command of *tahallul*, the Prophet’s wisdom in resolving the psychological distress of the Companions, and culminating in the revelation of the legal ruling concerning the migration of believing women and the dissolution of interfaith marriages under Sharī‘ah provisions.

Sharḥ of the Ḥadīth

The ḥadīth concerning the Treaty of Ḥudaybiyah constitutes one of the fundamental evidences in Islamic Family Law affirming the prohibition against maintaining or contracting interfaith marriages, particularly when such differences affect matters of creed (*‘aqīdah*) and the legal status of the family. This ḥadīth not only records a historical event, but also serves as a normative explanation for the emergence of Islamic family law provisions that later developed within classical *fiqh* and were adopted into the positive law of various Muslim countries, including Indonesia.

The event of Ḥudaybiyah was initially related to the performance of the ‘umrah and the dynamics of diplomatic relations between the Muslims and the Quraysh. However, after the peace treaty had been concluded, a new issue emerged with the arrival of believing women who

¹¹⁹ إبراهيم and السعيد شعبان الدسوقي, "التعايش السلمي في ضوء صلح الحديبية," مجلة كلية أصول الدين والدعوة بالمنوفية, no. 42 (2023): 1145–252.42

¹²⁰ الباحث and دكتور عبد الله حقيار, "وثيقة صلح الحديبية دروسها القيمة وفوائدها العظيمة," *Rihan Journal for Science Publishing*, no. 40 (2023).

migrated (*hijrah*) from Makkah to Madinah. They came having embraced faith, while some of them were still bound by marital contracts with their polytheistic husbands in Makkah. It was within this context that Allah revealed His statement: ﴿فَأَمَّا الْمُجْرِمُونَ ... وَلَا تُمَسِّكُوا بِعَصَمِ الْكُوفِرِ﴾, commanding the Muslims to verify the faith of those women while simultaneously prohibiting the maintenance of marital bonds with non-Muslim spouses under such circumstances. The ḥadīth of Ḥudaybiyah functions as a practical explanation (*bayān taḥbīqī*) of the implementation of this verse within social reality.

The phrase “*wa lā tumsikū bi ‘iṣam al-kawāfir*” linguistically signifies a prohibition against maintaining marital bonds with disbelieving women. From the perspective of the *sharḥ* of family *fiqh*, this prohibition implies that a Muslim man is not permitted to continue a marriage with a polytheistic wife who remains in disbelief, and that a marital bond which contradicts the principle of faith may be dissolved for the sake of preserving religion (*ḥifẓ al-dīn*). Its normative implementation is clearly reflected in the action of ‘Umar ibn al-Khaṭṭāb, who immediately divorced his two wives who remained polytheists after the revelation of the verse. This demonstrates that the ruling was legally binding and directly practiced by the generation of the Companions, rather than being merely a moral recommendation.

Within the framework of Islamic Family Law, this ḥadīth affirms that marriage is not merely a social contract, but rather a *mīthāqan ghalīẓan* that encompasses legal, spiritual, moral, and religious dimensions of responsibility. Therefore, unity of creed (*‘aqīdah*) constitutes the primary foundation in establishing a household, so that the family’s vision remains harmonious, the upbringing of children is properly guided, and rights and obligations are fulfilled in a just manner. Differences in religion may potentially give rise to various *mafsadah* (harmful consequences), such as conflicts in religious practice, divergences in values regarding child education, issues of inheritance, and even psychological disharmony. From the perspective of *maqāṣid al-sharī‘ah*, the principle of *ḥifẓ al-dīn* (preservation of religion) is regarded as the highest priority; therefore, the preservation of the family’s creed takes precedence over maintaining the formal bond of marriage.

From the perspective of *fiqh*, this ḥadīth reinforces the general principle that Muslim women are unanimously (*ijmā‘an*) prohibited from marrying non-Muslim men, as well as the prohibition upon Muslim men from marrying polytheistic women. Although classical literature

contains differing opinions regarding the permissibility of marrying women from the *Ahl al-Kitāb*, the majority of contemporary scholars tend to restrict or even prohibit such marriages by considering the changes in the modern social context, the increasing potential for familial harm, and the risks posed to the religious upbringing and creed (*'aqīdah*) of children.

The relevance of this ḥadīth is also clearly reflected in the positive law of Indonesia, particularly in the *Kompilasi Hukum Islam* (KHI). Article 40 letter (c) prohibits Muslim men from marrying non-Muslim women, while Article 44 prohibits Muslim women from marrying non-Muslim men. These provisions are consistent with the evidence of the Qur'ān, the ḥadīth of Ḥudaybiyah, as well as the principle of *sadd al-dharā'ī* (blocking the means to harm) and the protection of family integrity. The Indonesian legal system likewise affirms that the validity of marriage for Muslims must conform to religious law, and repeated attempts to legalize interfaith marriage have continued to be rejected, demonstrating the state's consistency in upholding this principle.

Thus, this ḥadīth embodies fundamental *sharī'ah* values, namely that faith (*īmān*) constitutes the primary foundation of the family, that the household must be established upon unity of values, and that the Sharī'ah prioritizes long-term welfare (*maṣlahah*). Under certain circumstances, even divorce may become a legitimate *sharī'ah* solution for the preservation of religion and the protection of the fundamental principles of the family in Islam.

D. CONCLUSION

This study concludes that the ḥadīth of Ḥudaybiyah constitutes a strong proof that, within Islamic Family Law, interfaith marriage—particularly when it threatens the unity of faith—is not permissible. Through the approaches of *takhrīj* and *sharḥ*, the study confirms that the sanad of the ḥadīth is uninterrupted, its narrators are reliable (*thiqah*), and its matn is consistent with the principles and objectives of the Sharī'ah (*maqāṣid al-sharī'ah*). The analysis further demonstrates that the ḥadīth contains important legal and ethical principles concerning family life, including consultation (*shūrā*), exemplary leadership within the household, legal clarity, and the preservation of unity of creed (*'aqīdah*) as the primary foundation of marriage in Islam.

From the perspective of maqāṣid al-sharī‘ah and Islamic Family Law, this ḥadīth affirms that the preservation of religion (ḥifz al-dīn) constitutes a central objective in the establishment of the family institution. Accordingly, interfaith marriage is regarded not merely as a personal matter, but also as an issue closely related to the protection of faith, family harmony, the upbringing of children, and the realization of long-term welfare (maṣlaḥah). The findings of this study also demonstrate the relevance of the ḥadīth to the contemporary legal context in Indonesia, particularly within the *Kompilasi Hukum Islam* (KHI), which prohibits marriages between Muslims and non-Muslims. Thus, this research contributes to the development of ḥadīth studies and Islamic Family Law through an integrative approach that combines textual analysis, maqāṣid-based reasoning, and contemporary legal realities.

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