

Maṣlaḥah-Based Fatwa Formulation: The Indonesian Ulema Council's Rejection of Mut'ah Marriage in the Context of Women's Rights Protection

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Abstract

This study aims to examine the protection of women's rights in the fatwa issued by the Indonesian Ulema Council (Majelis Ulama Indonesia, MUI) concerning mut'ah marriage, through the lens of the Maṣlaḥah (public interest) principle. The research adopts a qualitative library-based approach, focusing on textual analysis of primary sources such as the Qur'an, classical and contemporary Islamic legal literature, and scholarly articles. Using the Maṣlaḥah framework, the study analyzes the MUI's legal reasoning and its implications for safeguarding women's welfare. The findings reveal that the MUI fatwa rejects the practice of mut'ah marriage on the grounds that it undermines legal certainty and moral integrity, especially for women, and contradicts the objectives of Islamic law in ensuring justice, protection, and public benefit. The MUI asserts that marriage must comply with both Islamic teachings and national legal standards, including formal registration, to ensure women's legal protection. This research contributes originality by highlighting how Maṣlaḥah serves not only as a legal tool but also as an ethical framework in contemporary fatwa formulation. The implications of this study suggest that integrating Maṣlaḥah into fatwa development can reinforce the protection of vulnerable groups, such as women, and align religious rulings with broader societal interests.

Keywords: Protection of Women, Fatwa, Nikah Kontrak, Maṣlaḥah.

Abstrak

Penelitian ini bertujuan untuk mengkaji perlindungan hak-hak perempuan dalam fatwa yang dikeluarkan oleh Majelis Ulama Indonesia (MUI) mengenai pernikahan mut'ah, melalui kacamata prinsip Maṣlaḥah (kepentingan umum). Penelitian ini menggunakan pendekatan kualitatif berbasis perpustakaan, dengan fokus pada analisis teks sumber primer seperti Al-Qur'an, literatur hukum Islam klasik dan kontemporer, serta artikel ilmiah. Menggunakan kerangka Maṣlaḥah, penelitian ini menganalisis alasan hukum MUI dan implikasinya terhadap perlindungan kesejahteraan perempuan. Temuan menunjukkan bahwa fatwa MUI menolak praktik pernikahan mut'ah dengan alasan bahwa praktik tersebut merusak kepastian hukum dan integritas moral, terutama bagi perempuan, serta bertentangan dengan tujuan hukum Islam dalam memastikan keadilan, perlindungan, dan kepentingan umum. MUI menegaskan bahwa pernikahan harus mematuhi ajaran Islam dan standar hukum nasional, termasuk pendaftaran resmi, untuk memastikan perlindungan hukum bagi perempuan. Penelitian ini memberikan kontribusi orisinal dengan menyoroti bagaimana Maṣlaḥah tidak hanya berfungsi sebagai alat hukum tetapi juga sebagai kerangka etika dalam pembentukan fatwa kontemporer. Implikasi

penelitian ini menunjukkan bahwa integrasi Maṣlaḥah dalam pengembangan fatwa dapat memperkuat perlindungan kelompok rentan, seperti perempuan, dan menyelaraskan putusan agama dengan kepentingan masyarakat yang lebih luas.

Kata Kunci: Perlindungan Perempuan, Fatwa, Nikah Kontrak, Maṣlaḥah.

1. Introduction

Marriage in classical Arabic *fiqh* literature is referred to by two terms: *nikāḥ* and *zawāj* (Shamad, 2017). Both words are commonly used in the daily lives of Arabs and frequently appear in the Qur'an and the Hadith of the Prophet. Islamic law stipulates that marriage must be conducted through a formal contract (*ʿaqd*) or legal agreement between the parties involved, witnessed by two male witnesses (Jamaluddin, 2016). In Islam, marriage occupies a noble position as an act of worship imbued with sacred value, aimed at forming a harmonious family founded on love and compassion (Kasdi, 2019). Marriage is not merely a physical bond between a man and a woman but also an emotional and spiritual union based on the principles of affection and care. Within Islamic teachings, marriage is considered a divine command; thus, performing marriage constitutes both an act of worship and a legitimate means to fulfill human desires in accordance with religious law (Musawar, 2020). Therefore, marriage serves as a means to preserve one's honor and ensure the continuity of lineage. Islam provides clear guidance concerning marriage, including the rights and obligations of both spouses, to promote domestic harmony. However, in practice, numerous challenges arise, such as gender inequality, injustice, and the misuse of marriage concepts that neglect the element of *maṣlaḥah* (public welfare) in marital practices (Basri, 2019), as can be seen in the case of temporary or contractual marriages. Hence, a proper understanding of the objectives of marriage in Islam is essential so that the institution of marriage operates in accordance with the *sharīʿah* and brings benefit to all parties involved.

The protection of women in the practice of temporary marriage (*nikah kontrak*) has become a crucial issue in Indonesia, particularly from the perspective of Islamic law (Marzuki, 2019). *Nikah kontrak* or *mut'ah marriage* is often perceived as detrimental to women due to its temporary nature, which fails to guarantee women's rights—economically, socially, and psychologically (Muhammad Ifzal Mehmood & Noraini Binti Md Hashim, 2021). The Indonesian Council of Ulama (*Majelis Ulama Indonesia*, MUI) has issued a fatwa declaring that *nikah kontrak* is prohibited (*ḥarām*) because it contradicts *sharīʿah* principles and disregards the concept of *maṣlaḥah* (Kusumawardhani, 2020). The principle of *maṣlaḥah* emphasizes the welfare of the community and the protection of individual rights, including women's rights (Suwarjin, 2003). Nevertheless, challenges remain in implementing this fatwa, as the practice continues in certain communities due to limited public understanding or economic constraints. Therefore, it is necessary to examine more deeply how the concept of *maṣlaḥah* is applied within this fatwa to ensure the protection of women's rights and to prevent exploitation through *nikah kontrak* practices.

Previous studies concerning *maṣlaḥah* and the protection of women in the MUI fatwa on *nikah kontrak* include several works, such as the article “Kawin Kontrak Agama Islam, Hukum dan Realita dalam Masyarakat” (Hariati, 2017). “Perlindungan Hak Perempuan dalam Fatwa MUI Bidang Munākaḥāt Perspektif Maṣlaḥah” (Alwi & Maloko, 2024). another with a similar title, “Perlindungan Hak-Hak Perempuan dalam Fatwa MUI Bidang Munākaḥāt Perspektif Maṣlaḥah” (Daud & Fuadah, 2021).

This research primarily aims to examine the socio-religious background underlying the issuance of the MUI fatwa that specifically addresses the practice of *nikah kontrak* (temporary marriage). It seeks to analyze the legal arguments and sources of evidence employed by the MUI in formulating its prohibition, with particular attention to the application and significance of the *maṣlaḥah* principle in this context. By exploring how *maṣlaḥah* functions as a guiding framework in contemporary Islamic legal reasoning, the study offers a deeper understanding of its role in promoting justice, equity, and the protection of women's rights. The results are expected to shed light on the broader implications of integrating *maṣlaḥah* into Islamic legal thought, especially in addressing complex social and gender-related issues in modern Indonesian society. Ultimately, this research not only contributes to academic discussions on Islamic jurisprudence and legal ethics but also provides practical insights for strengthening women's protection within the framework of Islamic law.

2. Methods

The research method employed in this study is qualitative research using a library-based approach (*library research*) with a *maṣlaḥah* perspective. This method involves the systematic collection of data through the examination of various sources, including books, scholarly literature, and relevant reports related to the topic under investigation. Library research constitutes a structured process aimed at gathering, analyzing, and synthesizing information from written materials to construct a comprehensive understanding of the issue being studied. In this context, the researcher conducts an in-depth analysis of the MUI fatwa concerning *nikah kontrak* (contractual marriage), focusing on its legal reasoning, theological basis, and alignment with the principle of *maṣlaḥah* within Islamic jurisprudence.

3. Discussion

3.1. The Principle of Maṣlaḥah in Islamic Legal Theory

The concept of *maṣlaḥah* (public interest or welfare) occupies a central and enduring position in Islamic jurisprudence, serving as a guiding principle that ensures the dynamism and adaptability of Islamic law in response to human needs and societal transformations. Linguistically, the term *maṣlaḥah* derives from the Arabic root *ṣalaha* (صَلَح), which denotes goodness, soundness, or righteousness, and stands in direct contrast to *fasād* (corruption or harm) (Yuslem, 2007). As a *masdar* (verbal noun), *maṣlaḥah* signifies benefit, utility, or any

condition that fosters well-being and prevents corruption. In this sense, the concept transcends mere moral goodness, encompassing the totality of measures, actions, or legal rulings that secure the welfare of individuals and communities while averting potential harm or injustice. Within the framework of *fiqh* (Islamic law), *maṣlaḥah* functions as both a philosophical foundation and a methodological tool for juristic reasoning (*ijtihād*), particularly in matters where explicit textual evidence from the Qur'an or Hadith is either ambiguous or absent (Umar, 2021).

The integration of *maṣlaḥah* into Islamic jurisprudence is deeply rooted in the overarching objectives of Islamic law, known as *maqāṣid al-sharī'ah*. According to classical scholars such as al-Ghazālī (d. 1111) and al-Shāṭibī (d. 1388), *maqāṣid al-sharī'ah* aims to preserve and promote five essential elements of human existence: religion (*dīn*), life (*nafs*), intellect (*'aql*), lineage (*nasl*), and property (*māl*). These five pillars constitute the foundational framework for understanding *maṣlaḥah* as the ultimate goal of all legal rulings (Farida & Kasdi, 2023). Al-Ghazālī, for instance, asserts that any rule or policy that safeguards these essentials serves the purpose of *maṣlaḥah*, whereas any action that compromises them constitutes *mafsadah* (harm) and must therefore be avoided. This teleological approach underscores that Islamic law is not static or rigid but intrinsically oriented toward promoting human welfare and preventing injustice. Consequently, *maṣlaḥah* acts as both a moral compass and a jurisprudential mechanism, guiding jurists (*fuqahā'*) in aligning divine commands with the evolving realities of human life.

From a methodological standpoint, *maṣlaḥah* represents a form of rational legal reasoning that complements scriptural interpretation (Sulaeman, 2017). When jurists encounter issues not directly addressed by the Qur'an or the Hadith—such as new financial instruments, biomedical ethics, or emerging social phenomena—they turn to *maṣlaḥah* as a criterion for determining rulings that reflect the spirit of Islamic law rather than its literal expressions (Al-Hafizh et al., 2021). Classical jurists classified *maṣlaḥah* into three categories: *maṣlaḥah mu'tabarah* (recognized benefits) (Hidayatullah & Fadillah, 2022) that are explicitly endorsed by the texts; *maṣlaḥah mulghāh* (rejected benefits) that contradict the texts; and *maṣlaḥah mursalah* (unrestricted or open-ended benefits) (Rohman, 2019), which are not explicitly mentioned but are consistent with the general principles of the *sharī'ah*. The last category—*maṣlaḥah mursalah*—has been instrumental in allowing jurists to exercise creative *ijtihād* in addressing contemporary issues, provided that the pursuit of benefit does not violate established divine injunctions.

The significance of *maṣlaḥah* extends beyond theoretical discourse into the practical domain of legal decision-making and social governance. It embodies the idea that Islamic law must serve as a means to achieve justice (*'adl*), compassion (*raḥmah*), and balance (*tawāzun*), rather than as a rigid system of prohibitions (Syatar et al., 2023). For instance, in the formulation of *fatwas* by contemporary institutions such as the Indonesian Council of Ulama

(MUI), *maṣlaḥah* serves as a key evaluative standard in determining the permissibility or prohibition of specific practices. This is evident in rulings that address modern challenges such as bioethics, digital finance, environmental preservation, and gender relations. By invoking *maṣlaḥah*, jurists and religious authorities acknowledge the necessity of interpreting Islamic law in light of societal well-being and moral development, thereby maintaining its relevance and legitimacy in the modern age (Nofiardi & Samiran, 2023).

Historically, the reliance on *maṣlaḥah* has marked a significant evolution in Islamic legal thought. Early jurists from the Mālikī and Ḥanbalī schools, such as al-Qarāfī and Ibn Taymiyyah (Osman et al., 2020), viewed *maṣlaḥah* as an indispensable principle for ensuring that legal rulings correspond with the purposes of divine legislation. Al-Shāṭibī, in his *al-Muwāfaqāt fī Uṣūl al-Sharī'ah*, systematized this principle by asserting that every legal command is designed to secure benefit and prevent harm. He argued that any interpretation or application of the law that leads to harm (*mafsadah*) contradicts the objectives of *sharī'ah* and must therefore be re-evaluated. This ethical dimension of *maṣlaḥah* transforms jurisprudence into a dynamic moral enterprise rather than a mechanical adherence to precedent. It also underscores that *ijtihād*—the intellectual effort to derive legal rulings—must always be contextual, guided by the realities and needs of society.

In contemporary Islamic thought, *maṣlaḥah* continues to serve as a critical framework for reconciling the immutable principles of divine law with the mutable conditions of human existence. Modern scholars and reformists employ *maṣlaḥah* as a bridge between tradition and modernity, advocating for interpretations of Islamic law that address issues such as gender equality, economic justice, and human rights without compromising religious authenticity (Nurjaman & Witro, 2021). For example, the application of *maṣlaḥah* has informed progressive interpretations in family law, allowing for greater protection of women's rights and promoting equitable marital relationships. Likewise, in economic jurisprudence, *maṣlaḥah* justifies the regulation of financial instruments that prevent exploitation and ensure fairness in commercial dealings. Such applications demonstrate that the spirit of Islamic law is inherently compatible with principles of social justice and human welfare.

Moreover, *maṣlaḥah* reflects the ethical universalism of Islam, emphasizing that the preservation of public welfare transcends religious ritual and extends into the moral, social, and political spheres. It mandates that any legal or social policy must be evaluated through its capacity to enhance human dignity and communal harmony. This universal scope of *maṣlaḥah* reinforces Islam's commitment to *rahmatan li al-'ālamīn*—a mercy to all creation—by positioning the law as a means of compassion and moral guidance rather than mere legal formalism. In this way, *maṣlaḥah* serves as both a theological ideal and a socio-legal instrument, ensuring that Islamic jurisprudence evolves in harmony with the moral and existential needs of humankind.

The principle of *maṣlaḥah* affirms that the vitality of Islamic law lies in its ability to serve humanity. It integrates divine command with moral reasoning, offering a holistic vision of justice rooted in both revelation and human experience. Through *maṣlaḥah*, Islamic jurisprudence achieves its true purpose: to establish a just, compassionate, and balanced social order that nurtures both spiritual and material well-being. Hence, *maṣlaḥah* is not merely a legal theory but a living ethic—one that continues to illuminate the path of Muslim jurists and communities as they strive to align their moral choices with the higher objectives of the *sharī'ah*.

3.2. The Role of the Indonesian Council of Ulama (MUI) in Regulating Contemporary Marital Practices

The Indonesian Council of Ulama (Majelis Ulama Indonesia or MUI) holds a central and authoritative position in shaping the religious and legal discourse of Indonesia's Muslim community. Established in 1975 during the New Order era, the MUI was designed as a bridge between the state and the '*ulamā'*' (Islamic scholars), aiming to ensure that Islamic legal and ethical principles could be harmonized with the socio-political and cultural context of the Indonesian nation. Over the decades, the institution has evolved from merely issuing religious opinions into a dynamic body that addresses contemporary issues affecting the daily lives of Muslims—from economic and political matters to bioethics, technology, and family law. Its authority, though not legally binding in the state judicial system, carries immense moral and social weight among Indonesia's Muslim majority, often influencing both individual behavior and public policy. In this sense, the MUI operates as a semi-official guardian of Islamic orthodoxy and moral integrity, ensuring that modern developments do not deviate from the ethical spirit of Islam (Wahab et al., 2018).

The MUI's fatwas represent a collective effort of *ijtihād jamā'ī* (collective legal reasoning), formulated through a careful deliberative process that involves scholars, experts, and practitioners from various disciplines. The council's methodology integrates three essential dimensions: scriptural evidence from the Qur'an and Hadith, rational analysis grounded in the classical principles of *uṣūl al-fiqh* (legal theory), and empirical data derived from social realities. This multi-dimensional approach enables the MUI to produce rulings that are both doctrinally sound and contextually responsive. Each fatwa is typically the product of extensive debate and consensus-building within its various commissions, particularly the Fatwa Commission, which is tasked with interpreting Islamic norms in light of Indonesia's unique pluralistic and multicultural society (Asari & Firdaus, 2022). By emphasizing *maṣlaḥah* (public welfare) as one of its guiding principles, the MUI ensures that its rulings aim not merely to enforce textual legality but also to secure social harmony, moral integrity, and justice.

Among its many significant rulings, the 1997 fatwa prohibiting *nikah kontrak* (contractual or temporary marriage) stands out as a landmark decision that reflects the institution's moral and social responsibility. Issued on 25 October 1997, this fatwa explicitly

declares *nikah kontrak* unlawful (*ḥarām*) on the grounds that it contradicts the ethical and spiritual objectives of Islamic marriage (*nikāḥ*). The fatwa draws upon foundational scriptural sources such as the Qur'anic verses in *Sūrat al-Mu'minūn* (23:5–6), which emphasize chastity and the sanctity of marital relationships, and the Prophet's traditions that condemn temporary unions resembling *mut'ah* marriages practiced during early Islamic times. However, beyond its textual grounding, the fatwa is also informed by sociological concerns—namely, the potential exploitation and degradation of women, the weakening of family structures, and the erosion of moral values in society. In this respect, the MUI's decision goes beyond formal jurisprudence; it functions as an ethical safeguard against practices that could undermine the social fabric and dignity of women in contemporary Indonesia.

The prohibition of *nikah kontrak* by the MUI can also be interpreted as an embodiment of the *maqāṣid al-sharī'ah* (objectives of Islamic law), particularly the protection of lineage (*ḥifẓ al-nasl*), honor (*'ird*), and social order (*niẓām al-mujtama'*). The council's reasoning reflects a conscious attempt to harmonize classical jurisprudence with the demands of modern social realities. While the notion of temporary marriage has historical precedents in early Islam—particularly among certain Shī'ī interpretations—the MUI situates its prohibition within a broader ethical framework that prioritizes *maṣlaḥah mursalah* (unrestricted public interest). The rationale is that any practice potentially leading to moral corruption, exploitation, or instability in family relations constitutes harm (*mafsadah*) that must be prevented in accordance with the higher aims of Islamic law. Thus, the MUI's fatwa not only reinforces the permanence and sanctity of marriage but also reflects the adaptability of Islamic jurisprudence when guided by *maṣlaḥah*.

From a methodological standpoint, the MUI's fatwa demonstrates how institutional *ijtihād* functions in a modern nation-state context. It bridges the gap between classical *fiqh* and contemporary social realities by employing *maqāṣid*-based reasoning that places ethical outcomes at the center of legal interpretation. In the case of *nikah kontrak*, the fatwa commission examined not only the textual legitimacy of the practice but also its socio-economic and psychological consequences. Reports of women being used for short-term sexual relationships under the guise of marriage—sometimes involving foreign visitors—were perceived as violations of women's dignity and contrary to the Islamic conception of family as a foundation for mercy, stability, and mutual respect. Consequently, the fatwa became an instrument of moral regulation, discouraging practices that reduce marriage to a transactional arrangement and protecting vulnerable individuals, particularly women, from exploitation.

The influence of this fatwa extends beyond religious discourse. It has shaped public awareness, informed governmental and community policies, and provided a moral reference point for Islamic family law education in Indonesia. Institutions such as the Ministry of Religious Affairs, local religious courts, and Islamic universities often refer to MUI fatwas as interpretative tools for guiding marital ethics and social conduct. Moreover, by asserting its

authority in this domain, the MUI reinforces its role as an intermediary between religious norms and social governance. It demonstrates that religious institutions, when guided by principles such as *maṣlaḥah*, can play a transformative role in promoting gender justice and upholding moral values in a rapidly changing society.

The MUI's role in regulating contemporary marital practices reflects a broader vision of Islam that is not static but responsive—anchored in divine revelation yet attuned to human welfare. The prohibition of *nikah kontrak* is more than a legal statement; it is a manifestation of Islamic ethical consciousness shaped by the pursuit of *maṣlaḥah* (Hariati, 2017). Through its fatwas, the MUI seeks to ensure that Islamic law continues to serve as a source of guidance that upholds human dignity, strengthens family bonds, and sustains social cohesion. In doing so, the institution exemplifies how the principles of Islamic jurisprudence can remain both faithful to tradition and adaptive to the evolving moral challenges of the modern world.

3.3. The Prohibition of Contractual Marriage as a Maṣlaḥah-Based Ethical Framework

The prohibition of *nikah kontrak* (contractual or temporary marriage) in Indonesia represents one of the most significant applications of the *maṣlaḥah* principle as an ethical and legal foundation within Islamic jurisprudence. This ruling demonstrates how Islamic law can remain both rooted in divine revelation and responsive to the evolving social, moral, and cultural realities of modern society. In essence, the MUI's fatwa prohibiting *nikah kontrak* does not merely express a legal opinion—it articulates a comprehensive framework of moral reasoning and social protection aimed at preserving human dignity and public welfare. By grounding its argument in *maṣlaḥah*, the MUI ensures that Islamic law continues to serve its ultimate objective: achieving the common good (*jalb al-maṣlaḥah*) and preventing harm (*dar' al-mafṣadah*) in accordance with the higher objectives of the *maqāṣid al-sharī'ah*.

From an ethical and theological standpoint, temporary marriage contradicts the fundamental essence of marriage as envisioned in Islam. The Qur'an and Hadith emphasize that *nikāḥ* is a sacred covenant (*mīthāq ghalīḥ*), built on mutual love, mercy, and lifelong commitment between spouses. Marriage serves not only as a means of satisfying human desires but also as a vehicle for spiritual growth, emotional stability, and social responsibility. Temporary marriage, however, undermines these purposes by reducing the institution of marriage to a transactional arrangement, often motivated by short-term pleasure or financial gain. Such a practice disrupts the moral order (*niẓām al-akhlāqī*) and weakens the social institution of the family, which is the cornerstone of an Islamic community. In this regard, the MUI's prohibition aligns with the Qur'anic vision of marriage as a relationship of enduring companionship and tranquility (*sakan wa rahmah*), rather than an arrangement limited by time or material interest.

The MUI's ruling also addresses the various forms of harm (*mafṣadah*) associated with *nikah kontrak*, especially its negative impact on women and children. In many cases, women involved in temporary marriages face exploitation, abandonment, and social stigma after the

contractual period ends. They are often deprived of their marital rights, including maintenance (*nafkah*), inheritance, and legal recognition as legitimate wives. Furthermore, children born from such unions may face ambiguity in lineage (*nasab*), creating legal and social complications that affect their identity and rights. From the perspective of *fiqh al-usrah* (family law), these consequences directly contradict the objectives of Islamic marriage, which include the preservation of lineage and the protection of offspring. By prohibiting *nikah kontrak*, the MUI therefore acts to uphold the *maqāṣid al-sharī'ah*—specifically, the protection of lineage (*ḥifẓ al-nasl*), honor (*ḥifẓ al-ird*), and social order (*ḥifẓ al-nizām al-ijtimā'ī*).

Beyond the individual harms, *nikah kontrak* also threatens the broader moral and social fabric of society. In practice, the phenomenon has often been associated with tourism-related “marriages” in which foreign men engage in short-term unions with local women, blurring the line between marriage and prostitution. This practice not only degrades the sanctity of marriage but also commercializes intimate relationships in ways that contradict the ethical teachings of Islam. Such arrangements have the potential to erode social trust, disrupt community values, and perpetuate gender-based inequalities. The MUI's fatwa thus functions as a moral barrier (*sadd al-dharā'ī*)—a preventive mechanism to close the pathways leading to greater social corruption (*fasād*) (Harahap et al., 2023). By applying the principle of *sadd al-dharā'ī*, the MUI asserts that even if certain textual ambiguities exist, any practice that opens the door to moral harm or exploitation must be firmly prohibited in the interest of public welfare.

From a jurisprudential perspective, the fatwa reflects the flexibility and adaptability of *uṣūl al-fiqh* when guided by *maṣlaḥah mursalah* (unrestricted public interest). While classical jurists such as al-Ghazālī, al-Shāṭibī, and Ibn 'Āshūr recognized *maṣlaḥah* as a secondary source of law after the Qur'an and Sunnah, they also emphasized its essential role in ensuring that Islamic law remains just and beneficial. Al-Ghazālī defined *maṣlaḥah* as the attainment of benefit and prevention of harm in matters that preserve the five necessities: religion, life, intellect, lineage, and property. The MUI's reasoning mirrors this classical framework, yet extends it into the contemporary Indonesian context. By framing *nikah kontrak* as a practice that violates these five essentials—particularly *ḥifẓ al-nasl* and *ḥifẓ al-ird*—the MUI situates its decision within a coherent and ethically grounded system of legal reasoning.

The implementation of *maṣlaḥah* in this fatwa also demonstrates the shift from a purely textualist approach to a more purposive and contextual interpretation of Islamic law. Rather than relying solely on the literal meanings of scriptural texts, the MUI employs *maqāṣid*-based reasoning to interpret the ethical intent behind those texts. This methodological shift aligns with the modern reformist tendency in Islamic jurisprudence, which views the *maqāṣid al-sharī'ah* as the key to reconciling tradition with modernity. In the case of *nikah kontrak*, the prohibition is not simply an act of legal conservatism but a moral

affirmation of Islam's commitment to justice (*'adl*), compassion (*rahmah*), and human dignity (*karāmah insāniyyah*). By emphasizing these values, the MUI positions Islamic law as a living ethical system capable of guiding social behavior in complex and changing circumstances.

The MUI's prohibition has a strong gender-justice dimension. The institution acknowledges that *nikah kontrak* disproportionately harms women by commodifying their bodies and undermining their legal and emotional security. In this sense, the fatwa can be seen as part of a broader *fiqh al-nisā'* (jurisprudence of women) movement in Indonesia, which seeks to reinterpret Islamic law through the lens of equity and protection. By invoking *maṣlaḥah*, the MUI reaffirms that Islamic law is not meant to perpetuate inequality but to protect the vulnerable and uphold social justice. The fatwa therefore represents a progressive application of *uṣūl al-fiqh* that bridges the gap between traditional jurisprudence and contemporary human rights discourse, without detaching itself from its theological foundations.

Another important aspect of this fatwa is its contribution to the institutionalization of *ijtihād jamā'ī* (collective legal reasoning) (Amin et al., 2022). The decision was not made by an individual scholar but through collective deliberation involving jurists, social scientists, and policy experts. This reflects an advanced model of Islamic legal practice that combines scholarly tradition with empirical knowledge. The process embodies the *maṣlaḥah*-oriented vision of Islamic governance, where religious institutions take an active role in addressing moral and social challenges through consensus and contextual understanding. As a result, the fatwa carries not only religious authority but also social legitimacy, reinforcing the credibility of the MUI as an institution capable of moral leadership in the modern nation-state.

The prohibition of *nikah kontrak* also underscores the relevance of *maṣlaḥah* in shaping national moral discourse in Indonesia. The fatwa's influence extends beyond religious observance, contributing to public awareness, legal education, and policymaking in areas such as family law and women's rights. It has inspired academic discussions, court interpretations, and community initiatives aimed at strengthening marital ethics and family welfare. In this sense, the MUI's decision serves as a model of how Islamic jurisprudence can contribute constructively to national moral development and social cohesion.

The prohibition of *nikah kontrak* exemplifies how the *maṣlaḥah*-based ethical framework operates as both a moral compass and a legal principle in contemporary Islamic thought. It reaffirms that the ultimate goal of Islamic law is not mere textual conformity but the realization of justice, compassion, and public welfare. Through this fatwa, the MUI demonstrates that *maṣlaḥah* is not an abstract theological concept but a practical tool for protecting human dignity and ensuring social harmony. The ruling thus represents a vital step in the evolution of Indonesian Islamic jurisprudence—one that harmonizes classical legal heritage with the ethical imperatives of modern society, ensuring that Islamic law remains a source of guidance, protection, and moral clarity for all.

4. Conclusion

This study concludes that the principle of *maṣlaḥah* stands as a central and enduring foundation in Islamic jurisprudence, ensuring that legal rulings remain aligned with human welfare, justice, and moral integrity. As a manifestation of *maqāṣid al-sharī'ah*, *maṣlaḥah* safeguards the five essential objectives of Islamic law—religion (*dīn*), life (*nafs*), intellect (*'aql*), lineage (*nasl*), and property (*māl*). Within this conceptual framework, the fatwa issued by the Indonesian Council of Ulama (MUI) prohibiting *nikah kontrak* (contractual or temporary marriage) exemplifies the practical application of *maṣlaḥah*-based reasoning. The fatwa, declared on October 25, 1997, is rooted in both Qur'anic injunctions and Prophetic traditions, yet it also demonstrates a deep awareness of the socio-ethical realities of modern Indonesian society. By prohibiting *nikah kontrak*, the MUI not only seeks to preserve the sanctity of marriage as a lifelong covenant but also aims to protect women from economic and social exploitation, prevent moral degradation, and ensure family stability as the cornerstone of social order. The strength of this study lies in its ability to link classical Islamic legal theory with contemporary ethical and social considerations, showing that *maṣlaḥah* continues to serve as a bridge between divine revelation and human experience. Nevertheless, future research should explore the empirical implications of the fatwa—how it influences public perception, behavior, and legal enforcement in Indonesia. Comparative studies with other Muslim societies could further illuminate how *maṣlaḥah* is applied across diverse cultural contexts, reinforcing its value as a dynamic ethical framework in the development of modern Islamic law.

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