

## Comparative Analysis of Al Ġazâlî 'S Opinions and Jamâluddîn 'aṭiyyah on the Phenomenon of Sexual Recession, an Efforts to Realize Family Strengthening

\*Irvan Zidny Arifin<sup>1</sup>, Linda Firdawaty<sup>2</sup>, Edi Susilo<sup>3</sup>

<sup>1,2,3</sup> Universitas Islam Negeri Raden Intan Lampung, Indonesia

\*aarifinzzidny@gmail.com

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### Abstract

A good marriage aims for mu'âsharah bil ma'rûf . Mu'âsharah bil ma'rûf can be achieved by giving what is the right and obligation of each partner, respecting each other, and being able to express expressions of love to their partners. Sexual recession is a phenomenon that eliminates almost all of the components of mu'âsharah bil ma'rûf . This is characterized by the perpetrators of sexual recession not having sex due to certain factors such as economic problems, careers and health. This study uses qualitative methods and literature studies using a normative approach. The data sources used by the researcher refer to the books Iḥyā' 'Ulūm al-Dīn and Naḥwa Taf'īl al-Maqāṣid . The secondary data used by the author are several books related to fiqh, mantiq, ushul fiqh, fiqh rules and balaghah. This study aims to analyze and find the law and solution of the phenomenon of sex recession efforts to maintain the family. The results of the study found that sex recession in Imam Ġazali's perspective is slightly looser because in determining the law of taklifi Imam Ġazali is guided by istidlāl which in approaching the context of the problem, if no evidence is found then it cannot be ruled either obligatory or haram, because the determination of the law of taklifi must be based on the text . Jamâluddîn Aṭiyyah in responding to this problem tends to be stricter by referring to the logic of maṣlāḥat and mafsādat , according to him if he says when a problem violates the purpose of the sharia which contains mafsādat then such a thing is haram and must be avoided. The solution that can be offered is to still be able to express love for a partner by realizing all the components of mu'âsharah bil ma'rûf.

**Keywords: Imam Ġazali, Jamaluddin Aṭiyyah, Sexual recession.**



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### INTRODUCTION

As a result of the development of the times, it has had an impact on every part of society, even related to lifestyle, tradition, and thinking have also changed. Logical reasoning that has developed rapidly by emphasizing the concept of cause and effect, results in people thinking logically by weighing the risk presentation. There is a term of the previous generation "*many children, many fortunes*" which enabled couples in the past to actively engage in marital relations without the anxiety that arose afterwards. The statement used by these previous couples does not have any basis, but when scrutinized deeper, related to the emergence of the jargon can be found in classical literature, precisely in the book titled *Tuhfat Al Akhwadz* written by Sheikh Abdurrahman Al Mubârafurî. (Mubarakfuri, n.d.)

At that time, in the 70s the average birth percentage reached 5.61, until finally the Indonesian government in the 1970s promoted the KB (family planning) program, even highly recommended to use contraception every time you have sex, this was intended to suppress

population growth. The percentage that originally reached 5.61 fell in the 80s to 4.68, not only that, the figure continued to fall until now in 2020 the last census the percentage figure only reached 2.18.

However, in recent decades, a phenomenon called "*sex recession*", where there is a decrease in the frequency of sexual intercourse among married couples. Sex recession itself can be interpreted as an act of reluctance of a person to have a biological relationship due to certain factors. Sex recession occurs with the most severe impact in Japan and Korea, and although in Indonesia it has not been hit by the phenomenon of sex recession intensively, the negative thoughts that have emerged have influenced the mindset of Indonesian society to have a sex recession.

This phenomenon is caused by various factors, namely, *first*, economic problems, difficult economic conditions can make someone more focused on meeting the primary needs of their physical body so that the impact can reduce interest in sexual activity. *Second*, technological developments that make couples spend more time with electronic devices. *Third*, changes in lifestyle and social values, an increased sense of individuality (high ego or feeling superior and no sense of interdependence between partners) which of course these things demand to make someone have less time and energy to have sex. *Fourth*, problems of anxiety and depression, an unstable mentality can potentially make a person's libido and interest decrease which in turn decreases their interest in sexual relations.

Furthermore, sexual recession can cause an imbalance in the fulfillment of the urgent rights of each husband and wife, which ultimately has the potential to cause quarrels or even divorce (Fadah et al., 2025). Therefore, sexual recession as a phenomenon that disrupts the rights and obligations in marriage requires further attention and review from the perspective of Islamic law, in order to understand how this imbalance can be overcome without damaging the integrity of the household.

From the initial concept, the purpose of marriage is to uphold *the maqâṣid al syari'ah daruriyah*, namely *hifẓ nasl* (protecting descendants). ('aṭiyyah, 2001) While this phenomenon is very contradictory to this purpose, the impact of this phenomenon cannot be underestimated, namely, the decline in population in an area, which can be a problem with a much larger impact. Jamâluddîn Athiyyah as the initiator of the *maqâṣid al 'usrah theory* stated that a matter that can prevent someone from achieving the goal of the sharia, then it is a definite provision for that person to leave it. Although in reality, no definite evidence can be found, be it *nash*, *ijma'* or *qiyas* that intersect with the problem. If the positive side of a matter is known, it is not permissible to deny it. Because in reality a person is not allowed to leave a matter in which there is *a benefit* and is also not allowed to do a matter in which there is a *benefit*. ('aṭiyyah, 2001) Therefore, it can be concluded that the phenomenon of sexual recession must be avoided, according to him.

There is an opinion that states that not having sex is not an obligatory act, but rather the act is *tarku al afdhal* (abandoning virtue) with many classifications included in it. (Abu Hamid Muhammad Al Ghazali, 1971) Of course, from here there are two opinions that contradict each other when responding to this sexual recession phenomenon, the first opinion is supported by the great figure of the *maqâṣid al 'usrah theory*, namely Jamâluddîn 'Aṭiyyah who strongly

rejects the existence of this phenomenon, of course when reviewing the concepts he put forward, while the second opinion was pioneered by Hujjatul Islam Al Ġazālī, who only judges in terms of *tarku al afdhal* .

Sex recession can lead to divorce, either because of a divorce filed by the husband, or a divorce suit (*khuluk*) filed by the wife. In fact, the phenomena of sex recession and divorce are 2 different things, but both are interrelated, influence each other and reflect changes in the dynamics of interpersonal relationships and social values. The causes of the relationship between the two are:

*First*, the factor of changing social values, be it sex recession or increasing divorce rates, is often associated with changes in social values such as a high sense of individualism (career work). Related to this problem, it can be found in the case of the Sengeti Religious Court, Jambi Number 180/Pdt.G/2015/PA.Sgt. *Second*, economic pressure, unstable economic pressure can trigger stress in relationships which results in someone choosing to divorce, not infrequently it can also affect someone's interest or desire to have sex (Ismail & Ja'far, 2024). in this case it was found, someone was afraid of having many children on the pretext of the child's future that could not be imagined because the cost of living was relatively high, in this case the author took it from direct interviews with those involved. In addition, data in the Religious Court related to divorce due to economic factors that ultimately reduce a person's mood is found in the Decision of the Religious Court of Malang, East Java Number 1257/Pdt.G/2024/PA.Mlg. *Third*, communication problems, lack of expressive communication can also affect dissatisfaction in relationships, both in sex or other aspects of marriage which will later lead to divorce. *Love language* is the core of communication between couples. In this case, problems related to lack of expressive communication are usually experienced by someone who is married because of an arranged marriage. This case can be found in the Decision of the Religious Court of Kolaka, Southeast Sulawesi Number 92/Pdt.G/2022/PA.Klk. Therefore, according to the author, it is important to conduct further research related to the sex recession, an effort to strengthen the family and also a breakthrough solution that can be offered after comparing the two different opinions.

## RESEARCH METHODS

This study uses a qualitative method using a normative-psychological approach. The data sources used by the researcher refer to the books *Iḥyā' 'Ulūm al-Dīn* and *Naḥwa Taf'īl al-Maqāsid*. The secondary data used by the author are several books related to *fiqh*, *mantiq*, *ushul fiqh*, *fiqh* rules and *balaghah*. The data collection technique used by the researcher is to study book data sources related to the context of the related problem because basically the author in writing this research uses library research. The data analysis technique used in this study is comparative analysis.

## RESULTS AND DISCUSSION

### Sex recession

Sex recession is a sentence composed of two words, namely recession and sex. The term recession is usually used to describe something related to the economy. Recession itself means a reduction or decline in trade activities. Sex in KBBI can be interpreted as gender, intercourse or things related to the genitals, it can also be interpreted as lust. So sex recession can be defined

briefly as a reduction in intimate activity. The word sex recession refers to a decrease in a person's mood to get married, have sex and even have children.

There are many factors that cause a sex recession, because in reality a sex recession is a drive that arises from oneself which is influenced by a person's personal mindset. In this case, the author lists several core factors that cause a sex recession that are often encountered. *First*, Economic problems. *Second*, Pleasures other than sex. *Third*, Changes in lifestyle. *Fourth*, Communication and openness.

In addition, sexual recession can occur because someone has found good pleasure that does not violate the door of sharia or is not permitted by sharia, for example communication technology and sodom. (Rangkuti, 2012)

Sex recession is a phenomenon that occurs on a large scale. Indonesia has not been hit by this phenomenon on a large scale, but the change in mindset of today's teenagers will slowly continue to develop by weighing the positive and negative ratios after doing it. Neighboring countries such as Singapore have recently been hit by this sex recession phenomenon. Reported according to existing data facts, there are at least 5 negative impacts of the sex recession phenomenon, namely, *First*, Reducing the birth rate. *Second*, Increasing the elderly population, the lack of birth rates means that the birth and death cycle becomes unbalanced. *Third*, Disharmonious family relationships, *Fourth*, Reducing productive age.

### **Imam Al-Gazali**

'Imām Al Ġazālī's full name is Muhammad Bin Muhammad bin Ahmad Bin Abu Al Thusi Al Ġazālī. He was born in the Thus area in 450 H or 1058 AD. Imam Ġazālīy was born right during the reign of the Seljuk Dynasty. Thus, itself is one of the small areas in Khurasan, Persia which is now better known as Iran. Imam Ġazālī was a highly respected Ulama' figure in his time, this is proven by the nicknames he once held such as, *Hujjat Al Islam*, *Al Bahr*, *Zainu Al Abidin*, *A'jubah Al Zaman* . (Dzihabi, 1982) Imam Ġazali passed away in Thus on Monday, 14th Jumadil Akhir in the year 505 AH or 1111 AD. (Abu Hamid Muhammad Al Ghazali, 1971) Imam Ġazali was later buried in Tabiran, Thus. (Ghazali, 2006)

According to Imam Haramain, the teenage Ġazālī was a very intelligent and very competent student. Finally, the adult Ġazālī was appointed to be the right hand of Imam Haramain. At that time, the adult Ġazālī had reached the age of 28 years. The task of the right hand was very difficult, the adult Ġazālī was once asked to represent his teacher to replace him in teaching at the assembly, even to the high madrasah, precisely at the Madrasah Nizamiyyah. Nizamiyyah was the most prestigious madrasah at that time which was founded by Nizam Al Mulk who was the prime minister of the Seljuk Dynasty. Imam Haramain was the figure who inspired the teenage Gahzali in writing. (Masyharudin, 2001)

Imam Ġazālī was a scholar who was never satisfied with his knowledge. The proof is that he kept himself busy studying, especially in philosophy. The peak was when Imam Ġazālī had successfully completed his writing in the field of philosophy entitled *Maqâṣid Al Falasifah* which was then followed by his second composition entitled *Tahafut Al Falasifah*. After he had been absent for several years from all academic activities at the Nizamiyyah Madrasah, finally Nizam Al Mulk's son, Fakhr and Wazir, forced Imam Ġazālī to return to teaching at the Nizamiyyah Madrasah. Imam Ġazālī agreed to the coercion. However, in 1111 AD Al Ġazālī

left the Nizamiyyah Madrasah again and then returned to Thus. Before he left for Nisabur on his journey to seek knowledge, he had time to establish an institution in Thus, a place that focused on Sufi theory and practice. This is where he ended his career journey. (Musyaraf, 2010)

Among the works of 'Imâm Al Ġazālī are, *Al Munqīd Min Al Dalāl*, *Al Iqtisād Fi Al I'tiqād*, *Al Maqṣad Al Asnâ Fi Syarh Asma' Allah Al Husnâ*, *Maqâṣid Al Falâsifa*, *Tahâfut Al Falâsifah*, *Bidâyat Al Hidâyah*, *Kimiya' Al Sa'âdat*, *Ihyâ' 'Ulum Al Dîn*, *Al Muṣṭasyfâ Fî Ilm Al 'Ushûl*, *Al Wasîf Fî Al Maṭlâb*, *'Asâs Al Qiyâs*, and many others because he was a very productive Ulama.

### **Jamaluddin 'Athiyyah**

Jamaluddin 'Athiyyah was born in Egypt, precisely in the village of Kumnur, which is one of the villages in Dakahlia Province. He was born in the month of Dzul Qa'dah in the year 1346 H or coincided with December 5, 1928 AD. Jamaluddin 'Athiyya passed away on Thursday, 14 Rabi' Al Akhir 1438 H or coincided with January 12, 2017 AD.

Jamaluddin studied law at the Faculty of Law, Al Azhar University, Cairo and finally graduated in 1367 H or in 1948 AD. Two years after his graduation, Jamaluddin earned a diploma in law. After graduating, he continued his studies in Switzerland to obtain his doctorate. Finally, in 1960 AD, Jamaluddin received his doctorate at the University of Geneva, Switzerland. (2017, زيد)

After completing his doctoral program in Switzerland, he went to Kuwait to work there as a lawyer. Then Jamaluddin continued his journey to Luxembourg, where he worked as a banker, Jamaluddin spent 11 years there. Then Jamaluddin returned to Cairo and joined the International Institute of Islamic Thought. There he carried out various activities, such as scientific activities, culture and writing books until the institution published them. His career journey did not stop there, then Jamaluddin joined as a lecturer at the Faculty of Sharia, and Islamic Studies at Qatar University, even there Jamaluddin became the head of the sharia department. (2017, زيد)

Jamāluddīn 'Athiyyah was a prolific scholar. He wrote a number of scientific works during his lifetime, among others: *Turaṣ al-Fiqh al-Islâmi wa Minhâj al-Ifâdah minhu 'ala Ṣa'idain al-Islâmî wa al-'Alami*, *At-Tanzir al-Fiqhî*, *An-Nadâriyah al-'Ammah al-Syar al-Islamiyyah*, *Nahwa Tafîli Maqâṣidi al-Syarî'ah*, *'Ilmu 'Uṣul al-Fiqh wa 'Ulum al-Ijtimâ'iyah*, *'Istifâdah min Manâhiji al-'Ulûm as-Syarî' lûhân fî al-Umiyah*, *'Ulûhîyâ al as-Syarî'ah: Nidamiha wa Taṭbiqâtuha*, *Al-'Alâqah baina as-Syarî'ah wa al-Qanûn*, *Nahwa Falsafah Islâmiyah li al-'Ulum*, *Sunanullah fî al-'Afaq wa al-Anfâs*

### **Al Ġazālī's Thoughts Regarding the Existence of the Sex Recession Phenomenon**

Most of the Ḥadīṣ that touch on sexual relations only mention the points of wisdom contained in having children, not in the legal context of the biological relationship itself.

Meanwhile, in making rules, whether it is an obligation or a prohibition, it must be based on the evidence of the text or a law that can be likened to the text itself, which is better known as *qiyas*. *Qiyas* here has 4 mandatory components, each of which must meet its requirements. *'aṣl* which has requirements, including *far'* which has requirements, law which has requirements, *illat* which has requirements. It does seem as if there is leeway in determining *illat* according to Al Ġazālī, which is different from the understanding of other Ulama regarding

the others. The framework of the legal method used by him also considers *the terminology* of a problem.

This is also supported by Sheikh Murtadha Al Zabidi that marriage is not obligatory unless there is a motive that can make it obligatory. If a man marries then there is no obligation for him except to live in the same house with her and provide for her. So if a husband leaves such things, it is only *tarku al afdhal*. (Zabidi, 1994)

The legal classification in the principles of Fiqh in the early generation of Fiqh scholars did not mention the term *khilaful aula (tark al afdhal)*. The term *khilaful aula* began to appear and was included in the legal classification starting from the later generation of Ulama. So that Imam Ġazālī in his writings did not use the language *khilaful aula* but used *tark afdhal*. As for *khilaful aula*, it has a slight resemblance to makruh. (Dimyathi, n.d.)

Makruh is a demand that is not firm in nature in leaving something with a specific prohibition wording such as praying the Dzuhur prayer when it is still hot. (Anshari, 1971) In a more complete explanation, it is stated that makruh is

الكَرْهُهُ هِيَ طَلْبُ الْكَفِّ عَنِ الْفِعْلِ طَلْبًا غَيْرَ جَازِمٍ

Meaning: "Karahah (makruh) is an indefinite demand to leave one's job". (Maliki, 1971)

While *khilaful aula* is not doing something that is ordered which is sunnah, or virtue such as not leaving the Duha prayer. (Dimyathi, n.d.)

Furthermore, it is also mentioned that things related to sex recession can be judged as *makruh* according to Al Ġazālī if the perpetrator's intention is for evil. Basically, a person's intention in doing something can have an impact on the quality of the work. In a Ḥadīṣ it is stated,

Meaning: "Abdullah bin Maslamah bin Qa'nab told us Malik told us from Yahya bin Said from Muhammad bin Ibrahim from Alqomah bin Waqas from Umar bin Khattab, he said that the Messenger of Allah said: Indeed, every action depends on its intention. And indeed, everyone will be rewarded according to what he intended. Whoever emigrates for the sake of Allah and the Messenger, then his emigration is for Allah and the Messenger. Whoever emigrates because he wants a decent life in this world or because of a woman he wants to marry, then his emigration is for what he intended." (Nisaburiy, 1955)

On the basis of the Ḥadīṣ, Imam Al Suyuthi finally made a big rule plan in an effort to discuss all matters related to intention,

الأُمُور بِمَقَاصِدِهَا

Meaning: "everything depends on its purpose (intention)". (Subki, 1991)

As for the intention itself, it can be defined as intentionally doing something along with one's work. (An-Nawawi Al-Bantani, 2011) In the problem of this diversion of intention for the perpetrator of sexual recession, it can actually be analogized as entering into this branch of the rule, namely

مَقَاصِدُ اللَّفْظِ عَلَى نِيَّةِ اللَّافِظِ

Meaning: "The purpose of the word depends on the intention of the person who pronounces it." (Suyuthi, 1971)

The intention or purpose that usually arises for a sex recess perpetrator is as follows, first, Maintaining the beauty and shape of a woman's body so that it can be enjoyed for a long time.

Second, Fear of pain due to childbirth for women. In addition to avoiding difficulties or hardships in earning a living. Third, Fear that when the child is born it will be a girl, as the customs of the Jahiliyah considered girls to be a disgrace so that most girls were killed. Fourth, Women avoid cleaning or the like because they consider themselves not supposed to do such things. They are also reluctant to breastfeed, postpartum and all things related to femininity. (Abu Hamid Muhammad Al Ghazali, 1971)

Therefore, the initial concept was not judged as makruh, namely only being judged as *tark al afdhal*, in the end it was judged as makruh because of the wrong intention of the perpetrator of the sexual recession. As for the problems that exist in the current sexual recession, there are several that are similar to those classified by Al Ġazālī, namely the gripping economic problem as in the problem in the decision 1257 / Pdt.G / 2024 / PA.Mlg. Because if we examine further from the existence of *jima'* itself, namely, the desire for *jima'* will grow along with the fulfillment of basic human needs, namely food. So, on the other hand, if human primary needs are insufficient, the desire to have sex has the potential to decrease. This is in line with the statement in the book *Mausuah Al Fiqhiyyah Li Tuwaijiri*,

شَهْوَةُ الْجَمَاعِ كَشَهْوَةِ الطَّعَامِ كُلُّ مِنْهُمَا غَرِيزَةٌ مَرْكُوزَةٌ فِي كُلِّ إِنْسَانٍ الطَّعَامُ لِبَقَاءِ الْبَدَنِ وَالْجَمَاعُ لِبَقَاءِ النَّسْلِ

Meaning: "The desire for biological relationships is like the desire to eat. Each of them is a natural instinct of every human being. Eating is to maintain the body. While biological relationships are to maintain offspring". (Tuwaijiri, 2009)

Regarding the law of *tarku al-jima'*, it is something that is still debated by the Ulama. There are several Ulama who are in line with the opinion of Al Ġazālī, namely *tarkul afdhal* and the like, including, Ulama Syafi'iyah, Ibn Hajar Al Asqalaniy, Zakaria Al Anshari, Izzuddin Ibn Abdissalam. (Anshari, 1997)

### **Jamāluddīn 'Athiyyah's Thoughts Regarding the Phenomenon of Sexual Recession**

Jamāluddīn 'Athiyyah said the opposite of what was said by Imām Ġazālī, regarding sex recession. In fact, in his work entitled " *Nahwa Taf'il Fi Al Maqâşid*" he never deviated from the opinion expressed by Al-Ġazālī, and even always supported it, starting from theories regarding *the maqâşid al syariah* to his Fiqh theory as well. In looking at a problem in this context, Jamāluddīn 'Athiyyah used the reference of *the maqâşid al syariah* in considering the legal results of the existence of a phenomenon.

Furthermore, Jamāluddīn 'Athiyyah said that humans are not actually required to *jalbu al maşâlih* (take goodness) and *dar`u al mafâsid* (reject damage) because there is no evidence in the Islamic texts that demands this, but the doctrine of *jalb al mashalih* and *dar al mafâsid* is a pattern of rational thought that should indeed exist and be applied. ( 'athiyyah, 2001)

of course this doctrine does not mean that it is not based on the text, but there are many verses that implicitly indicate such a thing. As in the word of Allah,

فَمَنْ يَعْمَلْ مِثْقَالَ ذَرَّةٍ خَيْرًا يَرَهُ وَمَنْ يَعْمَلْ مِثْقَالَ ذَرَّةٍ شَرًّا يَرَهُ

Meaning: "Whoever does good equal to the weight of an atom will surely see it. And whoever does evil equal to the weight of an atom will surely see it."

From the verse it shows about good and bad. Of course there is *isykâl* (denial) here, if the motive is not known, good and bad or if the motive of *maşlâhat* and *mafsâdat* is not known ,

how? While in determining the motive of good and bad, reason plays an important role, reason here is a perfect reason that has been filled with wisdom so that it can judge good and bad or *maṣlāhat* and *mafsādat* (Arrasyid et al., 2024).

Apart from that, there is one verse which clearly contains things about doing good and avoiding evil, namely in Surah An Nahl verse 90 which reads,

إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَنِ وَإِيتَايَ ذِي الْقُرْبَىٰ وَيَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ وَالْبَغْيِ يَعِظُكُمْ لَعَلَّكُمْ تَذَكَّرُونَ

Meaning: "Indeed, Allah commands (you) to act justly and do good deeds, to give to your relatives, and Allah forbids evil deeds, evil and enmity. He teaches you so that you can learn a lesson."

Jamāluddīn 'Athiyyah also formulated a priority scale in the context of *maṣlāhat* an. He divided it into 2 parts, *dunyāwī* and *ukhrāwī* which were then divided into primary, secondary and tertiary.

The primary *ukhrawi* here includes commands and prohibitions in worship. The secondary *ukhrawi* includes things that are of a priority in worship. While the tertiary *ukhrawi* includes everything other than the primary *ukhrawi* and secondary *ukhrawi*.

The primary *world* includes basic needs such as clothing, food and shelter. The tertiary *world* includes all needs that are of a taste nature such as eating burgers or others. While the secondary *world* is that which is other than the primary and tertiary ('athiyyah, 2001) So from this idea it can be concluded that *the necessities* that are *dharari* in nature contain obligations which of course are more urgent than *the necessities* that are *sunnah* or even *permissible*. Likewise, vice versa in the context of *mafsādat* an. ('athiyyah, 2001)

After discussing *the 'aṣl* in *maqāṣid* which includes primary, secondary and *terir*, it is also important to explain *the waṣīlah 'aṣl* in *maqashid syari'ah*. In formulating the level of *waṣīlah* in *maqāṣid darurī*, *taḥajjī* and *taḥsiniy* Most Ulama use what has been formulated by 'Imām Jalāluddīn As Suyūṭī which includes,

- a. *Ḍarūrat*, namely a condition where if you do not do what is forbidden, it will undoubtedly lead to death or close to death. Like, a starving person only finds a carcass, which if the person doesn't eat it will die. In this condition the level is *darūriy*
- b. *Hājat*, which is a condition where if you do not do something forbidden it will not cause death but will cause difficulties. In this condition, a person is not allowed to break through something forbidden. In this condition, the level is *Ḍarūrī*
- c. *Manfā 'at*, which is a condition where something that someone wants that starts from the desire of someone's heart to enjoy it. Such as eating bubu or eating fatty foods. In this condition, the level is *taḥajjī*
- d. *Zīnah*, which is a condition where someone wants something only to the extent of being complementary and not more. Like someone who adds sugar to a cake to make it taste sweeter. In this condition the level is *taḥsiniy*
- e. *Fudūl*, namely a condition whose nature is expansion. Like a person who will feast on various foods from things that are haram or *syubhat* (something whose halality and haraamness are unclear). (Fadani, 1996) In this condition the level is *taḥsiniy*.

Based on these considerations, in the end, his writing mentioned that for couples who object to biological relationships, sharia has opened the door wide open to choose other



alternatives such as divorce or polygamy. Because according to him, having children is an urgent matter in sharia. ('aṭhiyyah, 2001) This opinion is also in line with Sheikh Abu Ja'far Al Baghdadi, in which it is stated that separation is an alternative solution for couples who avoid biological relationships. (Abu husain muhammad bin muhammad bin ja'far al baghdadi, 2006)

As is known, Jamāluddīn 'Aṭhiyyah is the initiator of the theory of *Maqāṣid Al 'usrah* (Sufi'y et al., 2024). Furthermore, it is stated about the goals that are included in the dhoruriyyat (primary) in the family,

*First*, Regulating the relationship between the two individuals. *Second*, in order to maintain offspring. *Third*, Realizing sakinah mawaddah and rahmat. Fourth, Maintaining lineage. *Fifth*, Maintaining religion in the family. *Sixth*, Regulating family institutions. *Seventh*, Regulating family treasury, in which includes everything related to family finances. (Syafi'i, 2005)

Sexual recession is a final stage symptom that has negated almost all of *the maqāṣid* mentioned above. Because the background of the sexual recession itself is diverse, starting from economic problems, mistakes in prioritizing something, finding other pleasures outside the context of the family and so on. The essence of a relationship is to achieve *mu'āsyarah bi al ma'ruf*, so all matters relating to it and its background will certainly be urgent matters that must be fulfilled.

Indeed, at first, the sexual recession whose character is *tarku al jima'* did not have a definite law because *tarku al jima'* was not *a far'* problem but *tarku al jima'* was a *'aṣl*. While *tarku al jima'* did not have a definite law. According to Jamāluddīn 'Aṭhiyyah, something that contains *maṣlāhat* should not be left and vice versa if something contains *mafsādat* then it is not allowed to do it. So in this case, every matter, even though it is not in *the text*, *ijma'* or *qiyas* regarding its law, if it is known to be related to the most dominant *maṣlāhat* and *mafsādat*, it is obligatory to anticipate it, either by implementing it or leaving it. ('aṭhiyyah, 2001)

While the sexual recession itself is known for certain regarding its *maṣlāhat* and *mafsādat*. It is also said in one basic rule that if there is a conflict between carrying out *maṣlāhat* and rejecting *mafsādat* then the one who wins must reject the *mafsādat*. (Suyuthi, 1971) So here it is certain that sexual recession must be prevented because of its contradiction that leads to *mafsādat*, of course after observing the causes and effects of this phenomenon.

Therefore, it is only natural that Jamāluddīn 'Aṭhiyyah firmly rejected and even immediately gave his solution without thinking. His statement was simple, if someone does not want to have children (while in order to have children a biological relationship is needed) with various underlying motives, then the person is allowed to choose between divorce or polygamy as a solution to the relationship. ('aṭhiyyah, 2001)

There are several Ulama who are in line with Jamāluddīn 'Aṭhiyyah's opinion, namely, Hanafiyah Ulama, Malikiyah, Imam Al Qamul, and Ibn Taimiyah. (Kuwait, 2002)

### **Comparative analysis of Al Gazali and Jamaluddin Aṭhiyyah regarding the sex recession**

Sex recession is a phenomenon that has denied all concepts related to the wisdom in marriage. However, the author still cannot deny the opinion related to *tarkul jima'* (not having sexual intercourse) as formulated in the previous narrative. Because in reality, differences of opinion are a blessing that shows the breadth of the concept of Islam.

Examining it as *'aṣl tarku al jima'* is considered makruh, this is the preferred opinion, it can be allowed absolutely when the husband has not paid his dowry to the wife. The motive for the legalization of marriage is to avoid adultery and in order to avoid tasyabbuh in the Jewish and Christian communities.

However, after being studied through *tarjih*, the evidence that sexual intercourse is an obligation, only the Shafi'iyyah camp said that it is not obligatory. And this is the opinion of the majority which is *the arjah opinion*. *Arjah* here can be defined as an opinion that is stronger both in terms of *aṣl* and its *ilat*, defeating other opinions. (Tubani, n.d.)

As for *Tarkul Jima'*, it is an act that contains many *harms* for both husband and wife.  
ولكن يُسْتَحَبُّ لَهُ أَنْ لَا يُعْطِلَهَا مِنَ الْجِمَاعِ تَحْصِينًا لَهَا، لِأَنَّهُ مِنَ الْمَعَاشِرَةِ بِالْمَعْرُوفِ، وَلِأَنَّ تَرْكَهُ قَدْ يُؤَدِّي إِلَى الْإِضْرَارِ بِهَا أَوْ فَسَادِهَا

Meaning: "However, it is *sunnah* for a husband not to neglect his wife from biological relations because he protects himself from his wife, because biological relations are part of the manifestation of *mu'āsyarah bi al ma'ruf*. Leaving biological relations can bring harm and damage to his wife". (Kuwait, 2002)

In line with the idea of this statement, there is a statement that says,  
ولِأَنَّ النِّكَاحَ شَرَعٌ لِمَصْلَحَةِ الزَّوْجَيْنِ وَدَفْعِ الضَّرَرِ عَنْهُمَا، وَهُوَ مَفْضُ إِلَى دَفْعِ ضَرَرِ الشَّهْوَةِ عَنِ الْمَرْأَةِ كَإِفْصَائِهِ إِلَى دَفْعِ ذَلِكَ عَنِ الرَّجُلِ، فَيَكُونُ الْوُطْءُ حَقًّا لِهَُمَا جَمِيعًا، وَلِأَنَّهُ لَوْ لَمْ يَكُنْ لَهَا فِيهِ حَقٌّ لِمَا وَجَبَ اسْتِنْدَانُهَا فِي الْعَزْلِ كَالْأَمَةِ

Meaning: "Because marriage is prescribed to achieve the good of both spouses and to reject the harm of both. Biological relationships can reject the dangers of a woman's sexual desires just as well as men. So biological relationships are a right for both. Because if they are not included in the right, then it is obligatory to ask permission from the wife if they want to have sex like a slave". (Kuwait, 2002)

Of course, it can be proven that people who do not have biological relationships, especially for men, can endanger the male genital bladder, because they do not ejaculate for too long. (Tuwajjiri, 2009) In addition, medical research also states that not having biological relationships can cause cancer, stress, susceptibility to disease and several other bad effects in the health sector. It is even stated that it can be better to control emotions.

In the psychological field, a sex recession perpetrator who does not have sex due to various factors tends to be easily angered and makes his relationship full of disharmony. This can be proven by Sri Andjariah's research on the psychological facts of communication language and its influence on family harmony. The language of communication here includes both biological relationships between couples. Sri mentioned 29.9% of the figures achieved from the influence of communication on household harmony.

In another study, it was stated that satisfaction in sexual relations is a major determinant of household harmony. In Khusnul Khotimah's study, it was stated that, on the sexual satisfaction scale, the score range was 35, the lowest score was 55 and the highest score was 90 with an average (mean) of 89.82 and a standard deviation of 7.80552. While the scale of marital happiness had a score range of 33, the lowest score was 51 and the highest score was 84 with an average (mean) of 66.74 and a standard deviation of 67.82933. (Khotimah, 2017)

Of course, not only looking at the side of the apology but also the side of *the maṣlâhat* of the existence of a sex recession, for example, treating certain diseases or not wanting to transmit

certain diseases to partners. These factors are generally very rare. Therefore, these criteria are included in special conditions, which result in law and the impact that is produced is also special and cannot be immediately globalized in the realm of discussion.

In addition to considering *the maṣlāhat* and *mafsādat* of the existence of sexual recession. It is also very necessary to consider the motive or *illat* of the permissibility of sexual recession in the context of '*azl* or *tarkul jima*', namely, *first*, when his wife is in a kafir harbi country and is afraid that her child will become a kafir. *Second*, when the woman is amat and she is afraid that her child will become a slave because she was born from a slave's womb. *Third*, when the woman is afraid of the pain of pregnancy or the pain she suffers will increase. *Fourth*, when she is afraid that her baby will be born in a weak state. *Fifth*, when the era has been corrupted both morally, and she is afraid that her descendants will be corrupted. (Kuwait, 2002)

From the narrative of the motives of the perpetrators of the current sex recession, none of them are related to the five contexts above, so in this case it is certainly still not allowed. This conclusion was drawn after considering *the maṣlāhat* and *mafsādat aspects* contained in the existence of sex recession. Because there is a basic sub-rule in determining a law, namely,

دَرءُ الْمَقَاسِدِ أَوْلَى مِنْ جَلْبِ الْمَصَالِحِ

Meaning: "*rejecting harm is more important than inviting benefit*". (Subki, 1991)

However, this does not deny Al-Ġazālī's opinion regarding this issue, it is still permissible to express his opinion if it meets the terms and conditions expressed by Al-Ġazālī. This statement is in line with the words of 'Imām Sya'rani,

فَمَنْ وَجَدَ فِي نَفْسِهِ ضَعْفًا أَخَذَ بِالتَّخْفِيفِ أَوْ قُوَّةً فَبِالْأَشَدِّ

Meaning: "*if someone finds himself unable, he may take a light opinion or if he is capable, he may take a higher opinion.*" (Umar, 1971)

### **Solutions in Facing the Phenomenon of Sexual Recession and Efforts to Realize Family Strengthening**

In some decisions as attached to the previous chapter, it occurs due to economic problems, matchmaking that cannot foster the language of love, or health problems between the two. After reviewing in detail related to the conflicting opinions, there is a chance of *khilaful aula* (*tarku al afdal*) in economic problems as stated by Imam Ġazali in the previous discussion by the author. Furthermore, such as the problem of the language of love or health problems, the author did not find anything specifically regarding *the tasybih illat* of the law that is in line with sexual recession in Imam Ġazali's opinion, so that problems other than economic or those stated by the author in the previous sub-chapter, it is possible that there is no chance of *khilaful aula law* (can shift to the law of makruh or even tend to be haram) in the context of the problem of sexual recession. Although in general the opinions that support Al Ghazali's statement say that *jima*' is the husband's prerogative.

From a psychological perspective (specifically, this analysis is based on Maslow's hierarchy of needs theory, Maslow proposed that in regard to basic human needs, individuals are generally motivated to fulfill the lowest-level needs first before moving on to higher-level ones. According to his theory, the first level of need is physiological needs, which include basic necessities such as clothing, food, and shelter. The second level is safety needs, referring to the need for physical and emotional security, including financial stability and protection from illness. The third level is love and belonging, which represents the human tendency to form

bonds and cultivate affection, including family relationships, romantic relationships, and the feeling of being loved and loving others. Next is esteem needs, referring to the desire to be recognized and valued for one's achievements, including self-respect, dignity, and accomplishment. The final and highest level is self-actualization, the human desire to reach their fullest potential.

Sexual recession is a phenomenon that denies the fulfillment of the third-level need in Maslow's hierarchy: the need for love. Thus, it is understandable that individuals will naturally prioritize the more urgent first- and second-level needs (physiological and safety needs). In the reality of modern marriages, couples tend to focus on securing their basic needs such as food, clothing, and shelter before prioritizing emotional desires like the need to feel loved or even engaging in sexual activity.

This phenomenon is frequently found among married couples, as generational differences naturally create gaps in how priorities are determined. In the 1970s in Indonesia, for example, the dominant mindset was "more children bring more blessings," since at that time, livelihoods were often determined by the amount of available labor. The more manpower available, the more efficient and productive the work, which directly led to material gain.

In contrast, today's workforce no longer relies heavily on the number of people, but rather on individual skills and knowledge. It is not uncommon for job opportunities to be fewer than the number of people seeking employment. This leads to economic disparity, which falls under the category of basic needs in Maslow's hierarchy. The phenomenon of sexual recession arises as a response to this gap. Although it is not solely driven by economic reasons it can also stem from health issues or career pursuits these factors are also categorized as higher-priority needs than the need for love.

The sexual recession is basically caused by humans' own thinking patterns which are too negative. Negative thinking here such as problems related to lack of economy, personal busyness, excessive sensitivity (easily jealous). Of course, if someone chooses to have sexual intercourse, they will automatically tell themselves that they no longer love their partner. Why is that?

Basically, the form of manifestation to express love initially begins with the expression of love. (Ibrahim Al Baijuri, 1971) There is no special rule in expressing love whether it must be from the man or from the woman, this is based on the argument,

*Meaning: "When one of you likes brother among you (other people who are not mahram) then declare to him that among you he loves him". ( (Daud, n.d.)*

Then, after expressing love, it progresses to the next stage, with a man giving a dowry to a woman he is going to marry.

Therefore, in the legalization of the concept of dowry, among the wisdom of the existence of dowry is evidence of sincere love given by a man to his wife. Because in determining dowry in the text it is mentioned that the best woman is the one whose dowry is light. However, the best man who wants to marry a woman is a man who can respect the woman he will marry by giving an appropriate amount of dowry. (Zahrah, 2008)

The biological relationship is a higher level in expressing the love that a couple has. Mentioned in an opinion that,

وَلَأَنَّ الْجَمَاعَ مِنْ دَوَاعِي الشَّهْوَةِ وَخُلُوصِ الْمَحَبَّةِ الَّتِي لَا يُقَدَّرُ عَلَى تَكْلُفِهَا بِالنِّصْنَعِ.

Meaning: "Because biological relationships are part of the form of desire and the true manifestation of love that cannot be measured by the weight of a woman because she pretends (love)". (Kuwait, 2002)

So it would be very strange of course if someone gets married but does not have sexual intercourse. Whereas the kḥiṭab in the context of establishing the law of marriage is sexual intercourse itself besides that it only follows after economic factors, and mental readiness or others. (Zahrah, 2008) It is also mentioned in another statement that the amount of biological activity of the couple is determined by how much love and desire there is from both partners. So, if the couple does not want to have biological intercourse, it is certain that the person does not have love or desire for their partner.

After expressing love by having sexual intercourse, it continues to the next stage, namely by consciously fulfilling the rights and obligations of each between husband and wife. Among the obligations of a husband are, *first*, to provide sufficient sustenance, whether in the form of food, clothing or shelter. This statement can be proven by the following excerpt from the Ḥadīṣ, وقال صلى الله عليه وسلم: أَفْضَلُ دِينَارٍ يُنْفَقُهُ الرَّجُلُ دِينَارٌ يُنْفَقُهُ عَلَى عِيَالِهِ وَدِينَارٌ يُنْفَقُهُ عَلَى دَابَّتِهِ فِي سَبِيلِ اللَّهِ وَدِينَارٌ يُنْفَقُهُ عَلَى أَصْحَابِهِ فِي سَبِيلِ اللَّهِ

Meaning: "The Messenger of Allah (peace and blessings of Allah be upon him) said: The best dinar is the dinar given by a husband to his family. And the dinar given to his wife in the way of Allah. And the dinar given to his companions in the way of Allah." (Tihami, n.d.)

In another section it is also mentioned that, وفي حديث أنس قال قلت يا رسول الله الجلوس على العيال أفضل أم الجلوس في المسجد؟ قال الجلوس ساعة مع العيال أحب إلي من الاعتكاف في مسجدي هذا. قال: قلت يا رسول الله النفقة على العيال أحب إليك أم النفقة في سبيل الله؟ قال: درهم ينفق على عياله أحب إلي من ألف دينار ينفق في سبيل الله

Meaning: "In the Hadith, Anas said: I asked the Apostle about sitting with the family, which is more important to sit in the mosque? The Apostle answered: I like sitting for an hour with the family more than doing I'tikaf in my mosque. Anas said: I asked: O Apostle, providing for the family or living in the way of Allah, which do you like most? The Apostle answered: I like the dirhams that are given to his family more than 1000 dinars that are spent in the way of Allah." (Tihami, n.d.)

Furthermore, in the matter of sustenance, sustenance itself is a word that means a gift that is in the form of something good. Mushtofa Al Khin in one of his opinions said that the wife's sustenance must be prioritized because the wife's sustenance cannot be dropped over time. (Khin, 1971)

Along with the provision of sustenance by the husband, a wife should be able to grow a sense of *qana'ah* or be able to accept what her husband has tried to fulfill the basic needs in the household. The manifestation of the sense of *qana'ah* itself varies, namely with the attitude of calculation for a wife towards the basic expenses of the family but of course not to the point of being excessive (calculation) by not allowing her husband or her family to divert their wealth to those in need because such actions are a manifestation of the spirit of gratitude to the creator.

*Second*, teach your wife about the limits of religion which include prayer, fasting, menstruation and so on which are still within the corridor of sharia law. This is based on Ḥadīṣ,

حَدَّثَنَا أَبُو كُرَيْبٍ وَمُوسَى بْنُ جَزَامٍ قَالَا حَدَّثَنَا حُسَيْنُ بْنُ عَلِيٍّ عَنْ زَائِدَةَ عَنْ مَيْسَرَةَ الْأَشْجَعِيِّ عَنْ أَبِي حَازِمٍ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ «اسْتَوْصُوا بِالنِّسَاءِ فَإِنَّ الْمَرْأَةَ خُلِقَتْ مِنْ ضِلْعٍ وَإِنَّ أَعْوَجَ شَيْءٍ فِي الضِّلْعِ أَعْلَاهُ فَإِنْ ذَهَبَتْ تُقِيمُهُ كَسَرْتَهُ وَإِنْ تَرَكْتَهُ لَمْ يَرَلْ أَعْوَجَ فَاسْتَوْصُوا بِالنِّسَاءِ

*Meaning: "Abu Kuraib and Musa bin Hizam both told us that Husain bin Ali told us from Zaidah from Maisarah Al Ashjai from Abu Hazim from Abu Hurairah RA said that the Messenger of Allah SAW said: Give a will to women. Because women are created from a rib and the most crooked of the ribs is the base. If you try to straighten the crooked rib, it will break. But if you leave it, it will remain crooked". (Bukhari, 1994)*

*Third, foster good communication with the wife. (Jawi, n.d.)* Because women really like to be praised and flattered.

After all of that is fulfilled, then the seeds of love bloom and grow fertile until they bear fruit, and this fruit is what is called *sakinah*. In addition, the *kufu`* factor also determines how quickly or slowly love grows in a person's heart, because if a person is *kufu`* then it is very possible in the way they communicate with each other, the attitudes between each other will tend to be in harmony. So, in this case, a guardian is not allowed to marry a woman who is not *kufu`* (equal) even if the woman is willing and wants to marry the man. Because *kufu`* itself is the prerogative of every individual, whether male or female. (Suyuthi, 1971) This statement is in line with the basic rules of *kulliah* as contained in his work Jalaluddin as Suyuti,

تَصَرَّفُ الْإِمَامُ عَلَى الرَّعِيَّةِ مَنُوطٌ بِالْمَصْلَحَةِ

*Meaning: "The leader's policy towards his people depends (is in harmony) with the welfare." (Suyuthi, 1971)*

Meanwhile, in the case of arranged marriage as in the case of the Kolaka Religious Court Decision, Southeast Sulawesi No. 92/pdt.G/2022/PA.Klk, where the reporter and the reported feel incompatible with what their parents have determined. This is where the role of *kufu`* is in bridging this. It is even stated in a statement that men must be higher in rank, wealth, and body posture than women because these three factors determine whether or not a man's dignity is respected in front of a woman. (Syatha, n.d.) although in general the term *kufu`* is attributed to his religion alone, not to his wealth, body posture or even his degree.

So, in this case, in short, the author says that marrying the one you love is a hope, but loving the one you marry is an obligation, and love will grow more easily with an equal background accompanied by one-way communication.

The solution that can be offered in facing the phenomenon of sex recession is to maintain and realize these things as has been said, namely starting with a person's skill in expressing love, carrying out each person's rights and obligations and not forgetting to always adhere to the sharia. Because in fact, as explained above (Sufi'y et al., 2024), recession sex is fruit human thinking that is based on excessive worry .

Furthermore, in sexual intercourse there is a tempo. It is said that the best tempo in intercourse is once every 4 days, and it is not good to do it at night such as the beginning of the month or the end of the month, takbir night or other nights. (Mulqin, 2001) From this statement,

it emphasizes the importance of tempo in biological relations. It does not have to be done every day so that in this case the Ulama stated that,

فَإِنْ أَصَرَ الزَّوْجُ عَلَى تَرْكِ الْوَطْءِ حَتَّى انْقَضَتْ الْأَرْبَعَةُ الْأَشْهُرُ بِلَا عُذْرٍ، فَرَّقَ الْقَاضِي بَيْنَهُمَا بِطَلْبِهَا، كَالْمَوْلَى وَالْمَمْتَنِعِ عَنِ النَّفَقَةِ وَلَوْ قَبْلَ الدُّخُولِ. نَصَّ عَلَيْهِ أَحْمَدُ فِي رِوَايَةِ ابْنِ مَنْصُورٍ

Meaning: "If the husband remains persistent in not having biological relations until after 4 months without any excuse, then the judge has the right to separate the two. Such as the case of a person who is *ila'* and does not provide maintenance even before *dukhl*. In the narration of Ibn Manshur, 'Imām Ahmad confirmed this." (Kuwait, 2002)

From these limitations, it can be concluded that sex recession in the context of *tarkul jima'* on the one hand forbids it absolutely without any negotiation, on the one hand it allows it but there is a motive of *makruh*, it does not mean it can apply forever. It is permissible (*khilaful aula*) within a certain time limit, which the Ulama limit it to a maximum of 4 months, no more. However, it still goes back to the basic concept in general, sex recession is still not allowed because it has a bad impact on family harmony.

## CONCLUSION

According to Imam Ġazālī, sexual recession is something that is *tarku al afdhal*, or better known in the term of the Ulama' *mutaakhirin* with the term *khilaful aula* because the Ulama during the time of Imam Ġazālī had not formulated the concept of *khilaful aula*. He also said regarding the details of the law when there is a motive of bad intentions, the law changes to *makruh*. Meanwhile, according to Jamāluddīn 'Aṭiyyah, sexual recession is a forbidden act, he even firmly stated the alternative solution, namely by divorce or practicing polygamy. This is of course based on the fact that sexual recession has violated almost every norm in the family.

The similarity between the opinions of Imam Ġazālī and Jamāluddīn 'Aṭiyyah is that in *istinbath* the law still uses classical methods starting from understanding the intent of a problem to even the *istidlal* used. While the difference is that in further decision making, Jamāluddīn 'Aṭiyyah adheres to the concept of reason in assessing *maṣlāhat* and *mafsādat* while Imam Ġazālī assesses it by still referring to the evidence of the text.

The solution that can be offered in facing this phenomenon as an effort to strengthen the family is to always be able to express love both with words and actions. Because true love can ward off all bad influences triggered by anxiety in the soul and mind as in the case of the sex recession phenomenon.

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