



Reassessing *Tajdid al-Nikah*: *Maqasid al-Shariah* and Legal Status of Illegitimate Children in Central Lombok

Doni Azhari,^{1*} Asmuni,² Khoiruddin Nasution³

^{1,2} Faculty of Islamic Studies Universitas Islam Indonesia, Indonesia

³ Faculty of Sharia and Law UIN Sunan Kalijaga Yogyakarta, Indonesia

Email: [1donyazhary00@gmail.com](mailto:donyazhary00@gmail.com), [2asmuni@uii.ac.id](mailto:asmuni@uii.ac.id), [3khoiruddin@uin-suka.ac.id](mailto:khoiruddin@uin-suka.ac.id)

**Corresponding Author*

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Abstract: The practice of *tajdid al-nikah* (renewal of marriage) within the framework of Maqhasid Sharia presents significant issues in Islamic law, particularly concerning legitimizing the lineage (*nasab*) of children born outside of marriage. In Islamic law, a couple involved in adultery can validate their relationship post-birth of a child through *tajdid al-nikah* to establish legal paternity. Although this practice aims to fulfill *maqasid al-shariah* objectives, such as preserving religion and lineage, it introduces various social, ethical, and legal challenges. This study aims to evaluate the social, moral, and legal ramifications of *tajdid al-nikah* and assess its alignment with the core principles of *maqasid al-shariah*, namely, the preservation of religion, lineage, intellect, and property. Additionally, it examines local perceptions in Central Lombok regarding *tajdid al-nikah* and the Islamic understanding of children born outside of marriage. The research employs a combination of literature review, field investigations, document analysis, and interviews with Islamic law experts and local religious leaders, using an analytical descriptive method grounded in Islamic legal principles. The findings reveal the complexities associated with *tajdid al-nikah*. While the practice supports *maqasid al-shariah* goals such as preserving lineage and religion, issues such as the ambiguity in confirming legitimate lineage and potential social repercussions highlight the need for further study. This research advocates for continued exploration and discussion on how *tajdid al-nikah* can be effectively integrated within an Islamic legal framework that respects *maqasid al-shariah* values, justice, legal certainty, and social welfare.

Keywords: *tajdid al-nikah*; illegitimate children; Central Lombok.

Abstrak: Praktik *tajdid al-nikah* (pembaharuan nikah) dalam kerangka maqhasid syariah menghadirkan isu-isu penting dalam hukum Islam, khususnya terkait legitimasi nasab anak yang lahir di luar pernikahan. Dalam hukum Islam, pasangan yang terlibat dalam perzinahan dapat mengesahkan hubungan mereka setelah

melahirkan anak melalui *tajdid al-nikah* untuk menetapkan status keperdataan. Meskipun praktik ini bertujuan untuk memenuhi tujuan *maqhasid al-syariah*, seperti menjaga agama dan keturunan, praktik ini menimbulkan berbagai tantangan sosial, etika, dan hukum. Penelitian ini bertujuan untuk mengevaluasi konsekuensi sosial, moral, dan hukum dari *tajdid al-nikah* dan menilai keselarasannya dengan prinsip-prinsip inti dari *maqhasid al-syariah*, yaitu menjaga agama, keturunan, akal, dan harta. Selain itu, penelitian ini juga mengkaji persepsi lokal di Lombok Tengah mengenai *tajdid al-nikah* dan pemahaman Islam terhadap anak yang lahir di luar nikah. Penelitian ini menggunakan kombinasi tinjauan literatur, investigasi lapangan, analisis dokumen, dan wawancara dengan para ahli hukum Islam dan pemuka agama setempat, dengan menggunakan metode deskriptif analitis yang berlandaskan pada prinsip-prinsip hukum Islam. Temuan-temuan penelitian ini mengungkapkan kompleksitas yang terkait dengan *tajdid al-nikah*. Meskipun praktik ini mendukung tujuan *maqhasid al-syariah* seperti menjaga garis keturunan dan agama, isu-isu seperti ketidakjelasan dalam mengkonfirmasi garis keturunan yang sah dan potensi dampak sosial menyoroti perlunya studi lebih lanjut. Penelitian ini mengadvokasi eksplorasi dan diskusi lebih lanjut tentang bagaimana *tajdid al-nikah* dapat diintegrasikan secara efektif dalam kerangka hukum Islam yang menghormati nilai-nilai *maqhasid al-syariah*, keadilan, kepastian hukum, dan kesejahteraan sosial.

Kata Kunci: *tajdid al-nikah*; anak tidak sah; Lombok Tengah.



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Introduction

Tajdid al-nikah in Indonesia refers to reform or renewal in Islamic practice and thought; there is a change in approach to social issues such as extramarital pregnancy and child abduction¹. *Tajdid al-nikah* often encourages interpretations that focus more on balancing traditional Islamic principles and contemporary social realities. This can include an effort to provide support and understanding to the affected individuals, rather than just emphasizing punishment. In Lombok, which is a Muslim-majority region, traditional values strongly influence social attitudes towards extramarital pregnancies.² Women who are pregnant outside marriage often face significant social stigma, which can lead to social isolation and limited support. Children born outside marriage in Lombok also often face challenges

1. Wawan Gunawan Abdul Wahid, "Pandangan Majelis Tarjih Dan Tajdid Muhammadiyah Tentang Nikah Sirri Dan Itsbat Nikah: Analisis Maqashid Asy-Yari' Ah," *MusâWa Jurnal Studi Gender Dan Islam* 12, no. 2 (2013): 215–36.
2. Lalu Muhammad Ariadi, "Islam Sasak: Sebuah Manifestasi Fikih-Budaya," *Schemata: Jurnal Pasca Sarjana IAIN Mataram* 6, no. 2 (2017): 155–66.

related to social acceptance and legal status. Traditional views can limit their rights or recognition, which affects their access to resources and social integration.³

Solving the social problems associated with extramarital pregnancy in Indonesia, especially in Lombok, by seeking to overcome the challenges that arise as a result of the traditional values that regulate family relationships. When a woman is pregnant outside of marriage, social stigma and significant legal consequences often occur.⁴ To overcome this, much discussion is growing about how to balance religious teachings with social realities. One solution being discussed is the introduction of retrospective marriage, which provides a way for parents who have children but are not legally married to marry after the child's birth. This practice aims to improve the legal and social status of children and their parents to ensure that the child is legally recognized and obtains rights according to Islamic teachings.

On the one hand, the marriage of a pregnant woman does not need to be re-conducted after the child is born by Islamic legal procedures, as specified in Article 53, paragraph 3 of the Compilation of Islamic Law (KHI). Then, according to Article 100, children born outside of marriage only have a *nasab* relationship with their mother and their mother's family. However, not all levels of society adhere to this strategy. *Tajdid al-nikah* is still practised alongside legal marriages, supposedly for various ulterior reasons. Although some local community and religious leaders have recognised *tajdid al-nikah* for a long time, the practice lacks official legitimacy because it has become customary, even from the point of view of positive law. It is asserted that there is a substantial difference between the disputes between the formal and normative parts of Islamic law, so the alignment of *tajdid al-nikah* with the current marriage law has no formal consequences in the legal sphere. This study emphasises the difference between formal legal theory and the normative elements within the framework of Islamic law, with a particular focus on the normative side of Islamic law.⁵

There are several journals, especially pregnant marriages, that occur in Indonesian society with various reasons behind them. Factors influencing pregnant

³ Arman Budiman, Rumadi, and Alif Faza Dli'fain, "The Contestation of State, Religious, and Customary Laws on Child Marriage: A Legal Pluralism Perspective," *Hikmatuna : Journal for Integrative Islamic Studies* 11, no. 1 (June 11, 2025): 53–64, <https://doi.org/10.28918/hikmatuna.v11i1.11004>.

⁴ Ann Oakley, "A Case of Maternity: Paradigms of Women as Maternity Cases," in *The Medicalization of Obstetrics* (Routledge, 2021), 209–33,

⁵ Nasruddin S and Sulaemang L, "Pregnancy Married in the Perspective of Islamic Law and Five Mazhab," *Al-'Adl* 14, no. 1 (January 27, 2021): 14–26, <https://doi.org/10.31332/aladl.v14i1.2234>.

marriages include parental, religious, educational, and globalization factors.⁶ Apart from pregnant marriages, repeated marriages are also a tradition in various regions of Indonesia. Repeating a marriage can occur because the terms and conditions are considered imperfect, so there are concerns that the marriage is imperfect.⁷ In addition, repeating the marriage is also a practice due to tradition, especially in the marriages of two couples whose previous partner has died.⁸ Another reason for repeating a marriage is a married couple who separate before remarrying because they are worried that the separation will result in divorce.⁹ One of the areas that has many cases of pregnant marriages is Mlati District, Sleman Regency, DI Yogyakarta. Cases of pregnant marriages even reach 10% of the total number of marriages conducted at the KUA of Mlati District. However, many community members in Mlati Subdistrict who previously had a pregnant marriage have done a remarriage contract, or *tajdid al-nikah*. The most common reason cited when performing Tajdid al-Nikah was doubt about the validity of the pregnant marriage. As many as 75% of respondents who married pregnant and then did tajdid al-nikah stated this.¹⁰ Tajdid al-nikah at the Mlati KUA is thus unique because it is carried out to further ensure the marriage contract's validity in pregnant marriages.

This research aims to examine how the position of maqasid sharia influences the implementation of tadjid an nikah, so that the differences based on previous research, as judges in deciding cases, Some of them are ethical theory (etische theory) from Aristotle, utility theory (utilities theory) from Jeremy Bentham, and mixed theory from Gustav Radbruch.¹¹ According to the moral theory, the law solely aims for justice.¹² Utility theory supporters assume that the law is intended exclusively to

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6. Umi Hasunah and Susanto Susanto, "Iddah Perempuan Hamil Karena Zina Dalam Kompilasi Hukum Islam Pasal 53," *Jurnal Hukum Keluarga Islam* 1, no. 1 (2016): 99–114.
 7. Haris Hidayatulloh and Siti Lailatul Munawaroh, "Pandangan Tokoh Masyarakat Terhadap Hukum Perkawinan Wanita Hamil (Studi Kasus Di Kecamatan Pangarengan Kabupaten Sampang)," *Jurnal Hukum Keluarga Islam* 2, no. 1 (2017): 1–20.
 8. Sukron Ma'mun, "Tradisi Nganyari Akad Nikah Pada Masyarakat Jengglong Di Boyolali," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 12, no. 2 (2019): 198–207.
 9. M. Sahibudin M. Sahibuddin, "Pandangan Fuqha Terhadap Tajdid An-Nikah (Sebuah Eksplorasi Terhadap Fenomena Tajdid an-Nikah Di Desa Toket Kec. Proppo Kab. Pamekasan)," *Al-Ulum Jurnal Pemikiran Dan Penelitian Ke Islam* 5, no. 2 (2018): 76–83.
 10. Khoiruddin Nasution, "Penerapan Kompilasi Hukum Islam Pasal 53 Tentang Kawin Hamil Dan Tajdid Al-Nikah Di Kecamatan Mlati Dalam Tinjauan Maqasid Syariah," *Jurnal Millah* 20 (2021), <https://www.academia.edu/>
 11. Zaeni Asyhadie and Arief Rahman, *Pengantar Ilmu Hukum*, (Jakarta: Raja Grafindo Persada, 2013).
 12. Julie Kuhlken, "Heidegger and Aristotle: Action, Production, and Ethos," *The Journal of Speculative Philosophy* 28, no. 3 (2014): 370–79.

create utility.¹³ As for the mixed theory, three fundamental values of the legal purpose are called the foundation of priority. This theory states that the purpose of the law is to prioritize justice, then utility, and ultimately guarantee legal certainty.¹⁴ Five factors determine the effectiveness or ineffectiveness of a law: its legal factor, law enforcement factor, means or facilities factor, community factor, and cultural factor.¹⁵ As for the research, I would like to accentuate such phenomena as the example of the provisions concerning pregnant marriages contained in the compilation of Islamic law section 53 paragraphs 1 to 3, which are hidden:

1. A pregnant woman outside of marriage may be married to the man who conceives her.
2. A marriage with a pregnant woman referred to in paragraph (1) may be entered into without waiting for the birth of a child.
3. If a marriage is entered into while a woman is pregnant, it is not necessary to marry again after the child's birth.

The above provisions are a sign or reference to the chiefs/officers of the KUA who are carrying out their duties in marriage. When there is a marriage in pregnancy, the elders whom the groom's guardian entrusts shall continue to marry on the terms of the administrative conditions that have been fulfilled. As for the marriage of a spouse who is not pregnant, so is the procedure of the administration of an unpregnant marriage. Although marriage is legally lawful, the number of *tajdid al-nikah* is also increasing. There are several reasons why couples who have previously engaged in a pregnant marriage have applied for *tajdid al-nikah*. Out of 21 couples who performed a *tajdid al-nikah* during 2017-2019, 21 couples, or 52%, indicated reasons for considering a pregnant marriage invalid. Another reason is the doubts submitted by five couples, or 23% of the *tajdid al-nikah*. The rest responded because they followed the invitation (2 couples or 14%) and read the new philosophy (2 pairs or 9.5%).¹⁶

The impact of *tajdid al-nikah* on Marriage Stability and Social Cohesion in the Central Lombok through the Perspective of the Shariah: First, protect the embarrassment or shame of the bride and his family. When a bride becomes

¹³. George J. Stigler, "The Development of Utility Theory. II," *Journal of Political Economy* 58, no. 5 (October 1950): 373-96, <https://doi.org/10.1086/256980>.

¹⁴. Gustav Radbruch, "Law's Image of the Human: A Translation of Gustav Radbruch's 1926 Inaugural Lecture at Heidelberg University with an Introductory Foreword," *Oxford Journal of Legal Studies* 40, no. 4 (2020), <https://philpapers.org/rec/radio>.

¹⁵. Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*, (Jakarta: Rajawali Pers, 2011).

¹⁶. Nasution, "Penerapan Kompilasi Hukum Islam Pasal 53 Tentang Kawin Hamil Dan Tajdid Al-Nikah Di Kecamatan Mlati Dalam Tinjauan Maqasid Syariah."

pregnant and is soon married, the bride and her family will be covered with shame, according to the Islamic Qur'an: "Whoever covers the shame of another Muslim, Allah will cover his shame in this world and the Hereafter"¹⁷. Second, protecting children or offspring³⁵ is nurturing offspring or *hifz al-nasl*. Immediately marrying in KUA will be valid in the administration of the state, so that the child will be protected by its offspring.¹⁸ Third, *maṣlahah mursalah* (consideration of public interest) is to establish another law that has not yet been written. In this case, it is prescribed to immediately marry the prospective bride who is pregnant because of adultery, and they believe that it has many good benefits from the administrative, social, and psychological sides. For this reason, the elders dare to engage in friendship if they are given their wives' trust to marry them. Fourth, delaying the good means that if the marriage is not immediately married or waiting until the uterus is clean, then it will delay the good.¹⁹ With a focus on the Maqhasid Sharia viewpoint, we shall critically assess the declaration of children born outside of marriage in Islam through *tajdid an-nikah* in this paper.

The term "*maqasid al-shariah*" refers to the primary goals that Islamic law aspires to, such as preserving property, religion, the soul, and the mind. We will examine how *tajdid al-nikah* influences these factors in this scenario to see if they are consistent with Islamic beliefs or if there are any unfavorable effects to consider.²⁰ Because it is a customary (*adat*) practice, whether or not *tajdid al-nikah* complies with the relevant marriage laws has no formal or advantageous legal repercussions for those who perform it. This critical evaluation will address several topics, such as the *tajdid al-nikah* practice's social, moral, and legal ramifications and underlying ethical issues. From a *Maqasid al-shariah* perspective, protecting children and families and upholding the integrity of marriage are just some of the complex Islamic values that must be considered when deciding whether or not *tajdid al-nikah* is an appropriate way to deal with children out of wedlock. While some perspectives emphasise the need to prevent out-of-wedlock pregnancies by improving education and knowledge of Islamic marriage principles, others regard *tajdid al-nikah* as an attempt to preserve family ties and offer a clear legal position for children born out of

¹⁷. Shabri Shaleh Anwar, "Tanggung Jawab Pendidikan Dalam Perspektif Psikologi Agama," *Psymphatic: Jurnal Ilmiah Psikologi* 1, no. 1 (2014): 11-21.

¹⁸. Ridwan, penghulu Religious Affairs Office (KUA) Central Lombok, *Interview*, 20 March 2024

¹⁹. Muhammad, penghulu KUA Central Lombok, *interview*, 27 March 2024

²⁰ Mahbubah Mahbubah, Darmiko Suhendra, and Mursyidul Wildan, "Pembaharuan Nikah Bagi Masyarakat Madura Ditinjau Dari Masalah (Studi Kasus Di Kelurahan Parit Lalang Kota Pangkalpinang)," *Islamitsch Familierecht Journal* 5, no. 1 (August 29, 2024): 64-82, <https://doi.org/10.32923/ifj.v5i1.4605>.

wedlock. To determine whether *tajdid al-nikah* or other options are more in line with Islamic principles and can successfully address the issues at hand, a thorough review of *maqasid al-shariah* and the social environment is required.²¹

This study used an analytical descriptive method emphasizing understanding *maqasid al-shariah* and an Islamic legal perspective. Central Lombok will be the site of this investigation. To understand *maqasid al-shariah*, the literature review will include texts on Islamic law, such as Islamic law books. To gather primary data about the beliefs and customs of the local community about the legalization of children born outside of marriage and *tajdid al-nikah* in Islam, the research will also incorporate field studies. A review of the relevant documents will be done to examine the Islamic legal norms that are applicable in Central Lombok. Interviews with Islamic jurists and local religious leaders will also be performed to gather information that will be assessed in light of Islamic legal principles and *maqasid al-shariah* notions pertinent to the local environment. Based on Maqhasid Sharia's comprehension, the analysis's findings will be the foundation for developing conclusions and recommendations.

This research methodology allows for a thorough analysis of the research subject, focusing on understanding *maqasid al-shariah* and considering local and cultural issues in Central Lombok. This research follows the example of a previous study entitled "The Application of the Compilation of Islamic Law Article 53 on Pregnant Marriages and *tajdid al-Nikah* in Mlati District in the Review of Maqhasid al-Syariah," which examines the application of Article 53 of the Compilation of Islamic Law in Mlati District, Sleman Regency, Yogyakarta. This article regulates pregnant marriages and *tajdid al-nikah*. In the study, it was found that the law of pregnant marriage with conditions, namely a clean uterus and repentance before marriage, is considered more appropriate and stronger to be applied in Indonesia. Therefore, the law of conditional pregnant marriage should be prioritized in the Compilation of Islamic Law Article 53, based on the study's recommendations. This study's analysis used historical, philosophical, and normative perspectives as the research methodology.

One of the significant findings from research in Mlati Subdistrict is the striking increase in *tajdid al-nikah* between 2017 and 2019. This data shows that the legality of pregnant marriages affects the rise in *tajdid al-nikah*. In addition, this research

²¹ Nurul Afiyah Hikmatul Mutmainah, "The Majelis Tarjih Muhammadiyah's Fatwa on the Pregnant Marriage: A Maqāṣid Approach," *Ulumuddin Journal of Islamic Legal Studies* 1, no. 1 (July 17, 2020): 68-90, <https://doi.org/10.22219/ulumuddin.v1i1.12867>.

underscores the importance of redrafting or amending Article 53 of the Compilation of Islamic Law to address emerging legal issues related to pregnant marriages and *tajdid al-nikah*. The research also highlights the importance of understanding the local and cultural context in applying Islamic law. Regional and cultural issues in Central Lombok, such as in Mlati Sub-district, must be considered in the application of Islamic law according to *maqasid al-shariah*, namely the objectives of sharia, which include the protection of religion, soul, mind, offspring, and property. Thus, this research contributes to the theoretical understanding of *maqasid al-shariah* and provides practical recommendations for formulating Islamic legal policies that are more contextual and relevant to local conditions. This research encourages the need for revision of the Compilation of Islamic Law Article 53, so that it can be more effective in addressing issues related to pregnant marriages and *tajdid al-nikah* in Indonesia.

The Concept of *Tajdid al-Nikah* in Maqasid Perspective

According to the language, *tajdid* means to renew.²² *Tajdid al-nikah* is a fresh marriage contract that a husband and wife perform as an alternative to strengthen their relationship and bring blessings to their peaceful and happy home. The community frequently renews their marriages by the notion of *tajdid al-nikah*. Consequently, what is meant by "renewing marriage" in this context is that it entails repeating the marriage contract to renew the marital contract.

The term "*tajdid al-nikah*" is mentioned in Zaid ad-Din al-Malibari's book *I'alah At-Talibin*, particularly in the *ruju* section.²³ In this context, "*tajdid al-nikah*" is synonymous with "*jadid an-nikah*." *Jadid al-nikah* is conducted in situations threatening the marriage, such as the absence of witnesses or a guardian.²⁴ On the other hand, *tajdid al-nikah* is performed when there is no such threat to the marriage. The term "*tajdid*" carries two distinct meanings in this context.²⁵ First, it denotes "restoring everything to its original state," considering its target, base, foundation,

22. Miftahuddin Yusuf Hanafi and Ahmad Hafid Safrudin, "Analisis Hukum Islam Terhadap Tradisi *Tajdid Al-Nikah* Di Desa Kampungbaru Kecamatan Kepung Kabupaten Kediri," *Salimiya: Jurnal Studi Ilmu Keagamaan Islam* 1, no. 2 (2020): 212-29.

23. I'alah at-Talibin Zaid ad-Din al-Malibari, *Zaid Ad-Din al-Malibari, I'alah at-Talibin*, (Mesir: Dar Ihya al-Kutub al-'Arabiyah, t.t, n.d.), 35.

24. Nahar Surur, "Al-Ahkam: Jurnal Ilmu Syari'ah dan Hukum," *Al-Ahkam* 7, no. 1 (June 30, 2022): 113-22, <https://doi.org/10.22515/alahkam.v7i1.5196>.

25. Mohammad Nafik, "Fenomena *Tajdidu An-Nikah* di Kelurahan Ujung Kecamatan Semampir Kodya Surabaya," *Realita: Jurnal Penelitian dan Kebudayaan Islam* 14, no. 2 (December 30, 2016): 163-74, <https://doi.org/10.30762/realita.v14i2.242>.

and unalterable sources. Second, *tajdid* refers to modernization when the objective lacks a support system, base, foundation, or source that can be adapted to accommodate varying circumstances, conditions, and the specific place and time.²⁶

In response to the query about the term's connection to modernization, it is essential to understand that in the context of *tajdid al-nikah*, the term primarily signifies the process of renewing and adapting marital practices without compromising the foundational principles, allowing flexibility by changing circumstances and contemporary needs.²⁷

According to the term, *tajdid* has two meanings, namely: First, when viewed in terms of its target or basis, *tajdid* means returning things to their original state. Second, *tajdid* means modernization, if the target is about things that do not have an unchanging backing, basis, foundation, and source to be adjusted to the situation and conditions, as well as space and time.²⁸

The word *tajdid* has a broad meaning since it incorporates three interconnected aspects, namely: first, *al-i'adah* refers to taking religious affairs, especially those of a *khilafah* type, back to the Qur'an and sunnah, the primary sources of Islamic teachings. Second, *al-ibanah* yang refers to the purification of Islam from all kinds of *khurafah* and *bid'ah*, as well as from extremist ideologies that go against the fundamentals of Islamic teachings. *Al-ilhya'* also refers to reviving, mobilizing, advancing, and renewing one's thinking and applying Islamic principles. According to academics, implementing *tajdid al-nikah* does not affect the first marriage contract. This means neither the *tajdid al-nikah* renders the first marriage contract invalid nor does it lessen the divorce rate.²⁹

There are two scholarly views on the regulation of *tajdid al-nikah* (renewing marriage): First, the correct view is that it is permissible. Establishing the marriage involves *tajammul* (beautification) and *ikhtiyat* (caution on the part of the couple) because something may happen to break it without them realizing it, and renewing

²⁶ Firdaus Firdaus, "The Concept of Wali Hakim, Marriage Witness, and Ijab Kabul in the Book of Al-Nikah: Analysis and Relevance to the Contemporary Context," *IJoIS: Indonesian Journal of Islamic Studies* 5, no. 2 (December 31, 2024): 39–50, <https://doi.org/10.59525/ijois.v5i2.565>.

²⁷ Abdul Manan, *Reformasi Hukum Islam Di Indonesia*, (Jakarta: Raja Grafindo Persada, 2006).

²⁸ Humaedillah Memed, *Status Hukum Akad Nikah Wanita Hamil Dan Anaknya*, Jakarta: Gema Insani Pers, 2002.

²⁹ Agus Salim, "Optimization of Husband and Wife Conflict Resolution in the People of Kebumen Regency Through *Tajdidu An Nikah*," *Injurity: Journal of Interdisciplinary Studies* 3, no. 3 (March 31, 2024): 237–47, <https://doi.org/10.58631/injurity.v3i3.189>.

the marriage neutralizes this possibility. The second (weaker) opinion does not allow it because it would break the first marriage contract.³⁰

According to Al-Ghazali, it is "something done at the original time and then done again at another time due to a deficiency the first time." *Hanafi scholar Ibn Abidin describes I'adah* as "doing something that is required at the time because of a deficiency that is not invalid." It is described as "performing an act of worship at another time because of a deficiency in part of it" by Imam Al-Qarafi of the Maalikis. It is described as "doing something again" by the Hanbali.³¹

Tajdid al-nikah, or renewing the marriage contract, is the phrase used to describe the act of repeating the marriage contract. Opinions regarding this matter vary.³² The decision is *Jawaz* (permissible), from the correct perspective, and does not jeopardize the preexisting marital contract. This is because renewing the agreement is only a matter of aesthetics (*al-tajammul*) or caution (*al-ihthiyath*). For instance, if a person was legally wed by Islam, with all of the terms and conditions in place, but their marriage was not registered with the KUA, and they later decide to do so, they must get remarried in front of KUA officials, who will also attest to their new marriage.³³

Another viewpoint holds that the *tajdid al-nikah* ruling is legitimate since the first marriage contract is not rendered void by repeating the terms of the first marriage contract. This is supported by Ahmad ibn 'Ali ibn Hajar al-Asqalani's claim that most scholars do not believe that *tajdid al-nikah* harms the first marriage contract. Other viewpoints forbid *tajdid al-nikah* because it might undermine the first marriage's contract or render it invalid, and consider the first wedding day to be unlucky, or because, after a long period of marriage, it might be assumed that the couple has said *talaq* (divorce), leading them to declare the first marriage invalid

³⁰ Ummu Rofi'ah and Wakid Evendi, "Tajdidun Nikah Sebagai Upaya Penguatan Keluarga Sakinah (Studi Kasus Di Desa Rejoagung Kecamatan Ngoro Kabupaten Jombang)," *Birokrasi: Jurnal Ilmu Hukum Dan Tata Negara* 1, no. 3 (August 31, 2023): 276-97, <https://doi.org/10.55606/birokrasi.v1i3.600>.

³¹ Maman Komaruzaman, "Legal Analysis of Pregnant Women's Marriage in Article 2 of Law No. 1 of 1974 And Article 2 of KHI in Perspective of Maṣlaḥah Al-Syāṭibi," *Al Hakam: The Indonesian Journal of Islamic Family Law and Gender Issues* 2, no. 1 (May 4, 2022): 1-17, <https://doi.org/10.35896/alhakam.v2i1.282>.

³² Tarmizi Tarmizi and Ekawati Hamzah, "Pregnant Marriage Maslahah Perspective," *Journal of Islam and Science* 9, no. 2 (July 31, 2022): 70-82, <https://doi.org/10.24252/jis.v9i2.29017>.

³³ Khairani Khairani and Cut Nanda Maya Sari, "Pengulangan Nikah Menurut Perspektif Hukum Islam (Studi Kasus Di KUA Kecamatan Kota Kualasimpang)," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 1, no. 2 (2017): 397-415.

finally. According to the fuqaha, implementing *tajdid al-nikah* must fulfill several conditions: the guardian's permission, witnesses, dowry, and marriage contract.³⁴

The terms and pillars of the previous marriage contract, such as the prerequisites for the existence of a prospective husband or wife, the existence of a guardian of the bride, the existence of two witnesses, and the existence of *ijab qabul*, are present in both *fiqh munakahat* and *tajdid al-nikah*.³⁵ The marriage rules are different in this case, too, because the wife in *tajdid al-nikah* is the husband's actual wife and is still formally married to him, not merely a potential wife. The author might conclude that *Tajdid al-nikah* does not satisfy the traditional prerequisites of marriage.³⁶

Tajdid al-nikah has significant social and legal implications in societies where it is practiced.³⁷ From a social perspective, *tajdid al-nikah* can strengthen the bonds of marriage by renewing the commitment between husband and wife and serves as a social ritual that strengthens family and community ties.³⁸ It also allows couples to ensure their marriage is socially recognized and avoid potential stigma while protecting women's rights by providing legal certainty and clear social status. From a social law angle, *tajdid al-nikah* provides legal legitimacy by ensuring that the marriage is recognized by an official authority, which is essential for administrative and legal purposes.³⁹ The process also offers official documentation necessary for resolving legal disputes, such as inheritance or divorce issues, and protecting both parties' human rights by providing fair access to legal protection. In addition, *tajdid al-nikah* helps to harmonize family law with state law, preventing any abuse or manipulation of marriage law that may occur if the marriage is not adequately

³⁴ M. Sahibudin M. Sahibuddin, "Pandangan Fuqha' Terhadap Tajdid an-Nikah (Sebuah Ekplorasi Terhadap Fenomena Tajdid an-Nikah DI Desa Toket Kec. Proppo Kab. Pamekasan)," *Al-Ulum Jurnal Pemikiran Dan Penelitian Ke Islam* 5, no. 2 (July 17, 2018): 76–83, <https://doi.org/10.31102/alulum.5.2.2018.76-83>.

³⁵ Anisa Putri Alyana and Ramdan Fawzi, "Pandangan Tokoh Agama Terkait Tajdidun Nikah Bagi Wanita Hamil Di Luar Nikah," *Jurnal Riset Hukum Keluarga Islam*, December 22, 2022, 89–94, <https://doi.org/10.29313/jrhki.vi.1268>.

³⁶ S. Ratnasari, "Tajdidun Nikah Pasangan Suami Istri Perspekti Hukun Islam (Studi Kasus Di Desa Purwoasri Kecamatan Gumukmas Jember)," *Doctoral Dissertation*, UIN Kiai Haji Achmad Siddiq Jember, 2018.

³⁷ Ahmad Musonnif and Sahira Rif'anil Muazza, "Pembaruan Akad Nikah: Internalisasi Hukum Islam Dalam Tradisi Lokal," *Sakina: Journal of Family Studies* 8, no. 3 (September 8, 2024): 302–15, <https://doi.org/10.18860/jfs.v8i3.10695>.

³⁸ Khairani and Sari, "Pengulangan Nikah Menurut Perspektif Hukum Islam (Studi Kasus Di KUA Kecamatan Kota Kualasimpang)."

³⁹ Achmad Mujab Zaini, "Tinjauan Hukum Terhadap Nyar-Nganyre Kabhin Masyarakat Pamekasan" (thesis, Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta, 2018), <https://repository.uinjkt.ac.id/dspace/handle/123456789/44671>.

documented in the first place.⁴⁰ Overall, *tajdid al-nikah* has symbolic and emotional value and provides tangible benefits in a legal and social context.

From the standpoint of *maqasid al-shariah*, the notion of *tajdid al-nikah*, which refers to renewing the marriage contract in Islam, may be regarded as an effort to accomplish the goals defined by Sharia to maintain the continuation of marriage and family welfare.⁴¹ And *tajdid al-nikah* from the perspective of *maqasid al-sharia*⁴²:

1. *Hifz al-Nasl* (Preservation of Descent): According to *maqasid al-sharia*, safeguarding future generations is a fundamental objective. In the context of *tajdid al-nikah*, this represents an endeavor to renew the marriage contract, ensuring that the couple continues to be acknowledged in sharia and that their children are recognized with religious validity. This underscores the importance of *tajdid al-nikah* in fulfilling the *maqsad* (the motive) of preserving descent.
2. *Hifz al-Din* (Religious Preservation): *Maqasid al-Shariah* also addresses the maintenance of Islam as a religion. Couples can confirm that their marriage is within the parameters of Islamic law and that there is nothing against religious principles that could jeopardize their faith by engaging in *tajdid al-nikah*.
3. *Hifz al-Aql* (Preservation of Intellect): Continuing a happy, sharia-permitted marriage can help safeguard the married couple's mental and emotional well-being. Therefore, *tajdid al-nikah* can also be considered a step to preserve the couple's mental and emotional well-being.
4. *Hifz al-Mal* (Property Preservation): In the context of *tajdid al-nikah*, wealth preservation is the preservation of the legal property rights of the marriage. By renewing their marriage contract, couples can ensure that their property rights are safeguarded and that their shared assets are distributed according to Sharia law.

⁴⁰. Oktafiani Meri, "Pandangan Ulama Muhammadiyah Dan Nahdatul Ulama Tentang Larangan Melangsungkan Pernikahan Pada Hari Meninggal Orang Tua (Studi Desa Margo Dadi Kecamatan Tumijajar Kabupaten Tulang Bawang Barat)" (Thesis, UIN Raden Intan Lampung, 2023), <http://repository.radenintan.ac.id/23313/>.

⁴¹. Azizatul Khumairoh, "Tinjauan Maqashid Syariah Terhadap Kehidupan Istri Pasca Perceraian Pernikahan Sirri (Studi Kasus Di Desa Jleper Kecamatan Mijen Kabupaten Demak)" (PhD Thesis, Iain Kudus, 2022), <http://repository.iainkudus.ac.id/7047/>.

⁴². Jasser Auda, *Maqasid Al-Shariah: A Beginner's Guide*, vol. 14 (International Institute of Islamic Thought (IIIT), 2008).

Thus, *tajdid al-nikah* can be regarded as an attempt to achieve some of the main objectives of *maqasid al-shariah*.⁴³ This includes protecting children, religion, mentality, and property. However, it is critical to remember that *tajdid al-nikah* must be performed with both parties' informed agreement and by all applicable Islamic law requirements. Additionally, in the framework of *maqasid al-shariah*, this strategy must also consider some facets of the advantages and welfare of the family as a whole.

Legal Considerations and Ethics of *Tajdid al-Nikah* Implementation in Central Lombok

Pregnant woman marriage occurs when a woman marries the man who impregnated her or someone else after becoming pregnant before the marriage contract is complete.⁴⁴ As a result, the issue of getting married while a woman is pregnant needs to be handled carefully and sensibly, especially by the marriage registrar. The intention is to create a social phenomenon whereby the Muslim community is unaware of moral, religious, and ethical norms, making it feasible for an individual who is not the biological parent to marry a pregnant woman without thorough consideration. Islamic jurists refer to a child born to a woman who becomes pregnant without first getting married as an adulterous child or the offspring of a notorious person. This is not the baby's name; rather, it is a term applied to parents who engaged in adultery or other heinous crimes, while the child they bore remained free from sin and did not inherit the crimes of the parents.⁴⁵

According to the opinions of community and religious leaders in Central Lombok regarding the use of *tajdid al-nikah*, it is acceptable in Islam to marry women who are carrying children as a result of adultery because adultery is viewed as a sin that needs to be atoned for through marriage.⁴⁶ In Article 53 of the Compilation of Islamic Law, it is clearly stated that pregnant women may not marry while unmarried. According to the story, a woman who is pregnant but not yet married can get married to the man who caused the pregnancy without having to wait for the baby to be born. A marriage that happens while a woman is pregnant

⁴³. Ummu Rofi'ah And Wakid Evendi, "Tajdidun Nikah Sebagai Upaya Penguatan Keluarga Sakinah (Studi Kasus Di Desa Rejoagung Kecamatan Ngoro Kabupaten Jombang)," *Birokrasi: Jurnal Ilmu Hukum Dan Tata Negara* 1, No. 3 (2023): 276-97.

⁴⁴. Fahrul Fauzi, "Tinjauan Kawin Hamil Dalam Perspektif Hukum Islam," *Journal of Islamic Law Studies* 3, No. 2 (2021): 7.

⁴⁵. Zainuddin Ali, *Hukum Perdata Islam Di Indonesia*, (Jakarta: Sinar Grafika, 2007).

⁴⁶. Saiful Millah And Asep Saepudin Jahar, *Dualisme Hukum Perkawinan Islam Di Indonesia: Fiqh dan KHI*, (Jakarta: Amzah, 2021).

also exempts her from having to get married again when the baby is delivered. The KHI's Article 53 offers a solution by permitting marriage in this circumstance rather than punishing the adulterer.⁴⁷

The permissible opinion comes from the faction of Imam Shafi'i and Imam Hanafi, which reads.⁴⁸ Opinion of Imam Shafi'i: "*It is permissible to contract marriage with an adulteress even if she is pregnant, and there is no prohibition on that because of this pregnancy.*" and opinion of Imam Hanafi: "*It is valid to contract marriage with a pregnant adulteress, but it is not permissible to have intercourse with her until she gives birth.*"

The legal basis held by Imam Syafi'i is Surah An-Nisa verse 24. It says that women who are pregnant due to adultery are included in the *mutlaq* category of women who are permitted to marry and that pregnant women are not included in the group of women who are prohibited from marriage. As well as the hadith of the Prophet recounted by Baihaqi from 'Aisha ra. "*Haram deeds do not forbid the halal.*"

They also uphold the idea that children in Islam typically inherit their ancestry from their father, although in the event of a marriage occurring after the child is born, the child will continue to inherit the mother's genealogy.⁴⁹ Their legal foundation is Article 100 of the Compilation of Islamic Law (KHI), which is thought to clarify that getting married again after having a kid is not required.⁵⁰ This viewpoint might also be a result of societal or legal factors that make it challenging to identify the father in the case of a child born after a marriage. Additionally, according to the KUA, the marriage contract remains unchanged for expectant women who are not married. It is still legal to marry an unborn child while pregnant. The bride's family will first be asked by the KUA or *penghulu* (marriage registrar) whether they choose to marry while the woman is still pregnant or wait until the baby is born before the marriage contract is signed. The family has the option to select this course of action.

The social impact of implementing *tajdid al-nikah* is very significant. Many families in Central Lombok choose to marry pregnant women to avoid social stigma or legal consequences of zina. However, this often creates new problems, such as uncertainty about lineage and family conflicts. The implementation of *tajdid al-nikah*

47. Saiful Millah and Asep Saepudin Jahar, *Dualisme Hukum Perkawinan Islam Di Indonesia: Fiqh Dan KHI*, (Jakarta: Amzah, 2021),

48. Anisa Putri Alyana and Ramdan Fawzi, "Pandangan Tokoh Agama Terkait Tajdidun Nikah Bagi Wanita Hamil Di Luar Nikah," *Jurnal Riset Hukum Keluarga Islam*, 2022, 89-94.

49. Siti, Community leaders Central Lombok, *interview*, December 2023.

50. Efrinaldi Efrinaldi et al., "Revealing the Enforcement of Mbasuh Dusun Tradition for Pregnant Women Outside of Marriage in Indonesia," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 2 November (November 28, 2023): 617-44, <https://doi.org/10.29240/jhi.v8i2.8437>.

without proper attention to the principles of Maqhasid Sharia can damage family integrity and public trust in the legal system,” said a religious figure from Central Lombok.⁵¹

According to an interview with a source involved in *tajdid al-nikah*, there are specific cases where the implementation of *tajdid al-nikah* has led to uncertainty regarding the status of children and inheritance rights. For example, there are children legally recognized as the offspring of a father who is not their biological parent, causing issues in inheritance distribution and children's rights. This also raises doubts in the community about legal fairness and child protection, which undermines the social order.⁵²

Based on an interview with the Office of Religious Affairs (KUA) of Central Lombok, approximately 30 cases of *tajdid al-nikah* were recorded over the past three years. Of these, around 60% are marriages of pregnant women resulting from *zina*. We also noted that 40% of these cases involve men who are not the biological fathers of the children involved. These figures indicate a significant trend in the use of *tajdid al-nikah* to address cases involving pregnant women. The impact is profound. In a 2023 interview, most respondents admitted feeling less confident in the fairness of the legal system due to these *tajdid al-nikah* cases. A small number of families involved reported conflicts in the recognition of lineage and inheritance rights. This suggests that unclear paternity issues can lead to social instability and injustice for children.⁵³

The implementation of *tajdid al-nikah*, which is frequently used in Central Lombok as a justification for claiming paternal lineage, sparks a deeper discussion that calls for a thorough comprehension of the *maqasid al-shariah* principles, which are the goals of Islamic law that cover more expansive facets of the structure of Islamic law.⁵⁴ *Hifz al-nasl*, or the preservation and protection of offspring, is one of the essential principles of *maqasid al-shariah*.⁵⁵ Moreover, maintain the integrity of the family and the stability of society as a whole.⁵⁶ However, in this situation, it is unclear if using *tajdid al-nikah* to assert the father's ancestry is by these Maqhasid

⁵¹. Zainuddin, religious figures Central Lombok (NTB), *interview*, March 2024.

⁵². Fikri, Perpetrator *Tajdid al-Nikah* Central Lombok, *interview*, March 2024.

⁵³. Kamiluddin, head of KUA Central Lombok, *Interview*, March 2024.

⁵⁴ RA Alisa Kathrin Nada Naftalin, “*Tajdid Nikah for Marriage without a Guardian in Poreh Lenteng Sumenep in the Perspective of the Compilation of Islamic Law and the Hanafi Madzhab*” (*Thesis*, UIN Maulana Malik Ibrahim, 2025), <http://etheses.uin-malang.ac.id/76471/>.

⁵⁵. M. Lutfi Khakim and Mukhlis Ardiyanto, “Menjaga Kehormatan Sebagai Perlindungan Nasab Perspektif Maqashid Syari’ah,” *Nizham: Jurnal Studi Keislaman* 8, no. 01 (2020): 32–41.

⁵⁶. Ahmad Al-Mursi Husain Jauhar, *Maqashid Syariah*, (Jakarta: Amzah, 2018).

Sharia rules. Because it involves several different factors, this consideration is complicated:

1. Uncertain Nasab: The issue of decisiveness in determining the true nasab, a crucial component of Islamic law, emerges in the context of *tajdid al-nikah*. Every person is entitled to a clear and correct lineage determination under Sharia law.⁵⁷
2. Integrity of the family and the community: *Maqasid al-shariah* made another point: the family is the cornerstone of society. The improper application of *tajdid al-nikah* can compromise family connections' integrity, stability, and trustworthiness, endangering the stability of society as a whole.⁵⁸
3. Justice and Legal Certainty: *Maqasid al-shariah* is based on justice and legal certainty. The principles of *Maqasid al-shariah*, which stress the value of justice and legal certainty in society, can conflict with the use of *tajdid al-nikah* if it is not done in line with the true aim.⁵⁹
4. Legal Aspects of Inheritance: Inheritance law can be complicatedly affected by using an invalid *tajdid al-nikah*.⁶⁰ Incorrect *tajdid al-nikah* can be used to establish paternal lineage, which might obstruct the distribution of inheritance and inheritance rights that belong to rightful offspring. Conflict and ambiguity in the process of inheriting property may result from this.

This is a reflection of more intricate social issues, including infidelity, carelessness, and gender inequity. As a transgression of Islamic moral principles, adultery has the potential to erode the strength of the family and harm society. The practice of *tajdid al-nikah* also draws attention to a lack of accountability on the side of the parties to the union, which might violate the *maqasid* principles of sharia that encourage societal responsibility and the defense of children's rights. Gender inequality issues also come up, with women frequently being the more helpless side in such circumstances.

57. Georgina Agatha, "Pembuktian Dan Pengesahan Anak Luar Kawin Serta Akibat Hukumnya Setelah Berlaku Putusan Mahkamah Konstitusi Nomor 46/PUU-VIII/2010 Dalam Pandangan Hukum Islam," *Indonesian Notary* 3, no. 1 (2021): 23.

58. Awang Nib Zuhairi Bin Awang Ahmad, Hadenan Bin Towpek, and Abdul Razak Bin Abdul Kadir, "Kesejahteraan Keluarga Menurut Maqasid Syariah Dalam Konteks Masyarakat Majmuk Di Sarawak: Satu Tinjauan Awal," *Azka International Journal of Zakat & Social Finance*, 2021, 163–85.

59. Zulfahmi Nur, "Keadilan Dan Kepastian Hukum (Refleksi Kajian Filsafat Hukum Dalam Pemikiran Hukum Imam Syâtibi)," *Misykat Al-Anwar Jurnal Kajian Islam Dan Masyarakat* 6, no. 2 (2023): 247–72.

60. F. Wati, "Pembaruan Hukum Perkawinan Islam Di Indonesia," *Doctoral Dissertation*, IAIN Jember, 2020.

The assessment of the social and moral effects of employing *tajdid al-nikah* as a justification for paternity claims in Central Lombok falls under the purview of the broader *maqasid al-shariah*, which includes preserving morality and social welfare. Islamic law has a set of goals known as *maqasid al-shariah*, which attempts to promote individual and societal well-being.⁶¹ First, one of the fundamental principles of *maqasid al-shariah* entails safeguarding socially acceptable moral and ethical standards. The morals of society can be compromised when *tajdid al-nikah* is misused, such as to avoid responsibility in an illicit relationship. The possible adultery that took place before *tajdid al-nikah* also compromises morals and Islamic principles that support chastity in male-female interactions. The *maqasid al-shariah*, which emphasizes the significance of morality in upholding social and religious integrity, opposes this.

Second, another *maqasid al-shariah* pertinent purpose in this situation is social welfare. *Tajdid al-nikah* can lead to unfairness, ambiguity, and injustice in society when it is utilized to make false paternity claims. Justice, legal clarity, and the defense of individual rights are all components of social welfare. If this behavior persists, it may endanger societal welfare by eroding fair social systems and bringing about conflict and instability.

Maqasid al-shariah, or the objectives of Sharia, has a vital role in maintaining the welfare of humanity, one of which is social welfare. In the context of *tajdid al-nikah* (remarriage) being misused for false paternity claims, this social welfare goal is particularly relevant.⁶² One of the main components of social welfare is justice. When *tajdid al-nikah* is used to circumvent the legal system regarding paternity, it causes legal and social injustice. Children who are falsely recognized as offspring of parents who are not their biological parents will experience uncertainty and injustice. Moreover, legal clarity is an essential component of social welfare.⁶³ Misuse of *tajdid al-nikah* leads to uncertainty in civil and legal records, confuses legal

61. Khasan Saifullah, "Implikasi Tajdid Al-Nikah Terhadap Relasi Suami Istri Dalam Membina Keluarga (Studi Kasus Desa Ngampal Kecamatan Sumberrejo Kabupaten Bojonegoro)" (Thesis, IAIN Ponorogo, 2018), <http://etheses.iainponorogo.ac.id/4849/1/perpus.pdf>.

62. Khabib Solihin, Siti Nur Ami'in, and Puji Lestari, "Maqashid Syariah Sebagai Alat Ukur Kinerja Bank Syariah Telaah Konsep Maqasid Sharia Index (MSI) Asy-Syatibi," *Laa Maisyir: Jurnal Ekonomi Islam* 6, no. 2 (2019): 148-70.

63. Muhammad Habibi Miftakhul Marwa and Norma Sari, "Akad Nikah Virtual Perawat Saat Covid-19: Tinjauan Hukum Perkawinan Islam Dan Hukum Kesehatan," *Jurnal Hukum Ius Quia Iustum* 29, no. 3 (2022): 674-97.

authorities, and prolongs unnecessary litigation.⁶⁴ Individual rights, especially the right of children to know their true origins and the right of parents to be recognized as biological parents, are also neglected. The negative impact of this practice is the erosion of people's trust in the institution of marriage and the legal system, as well as an increase in social conflicts that can disrupt the peace and well-being of society. Therefore, safeguarding justice, legal clarity, and individual rights is an essential step towards achieving the *maqasid al-shariah* goal of social welfare, as well as preventing the damage caused by false paternity claims through *tajdid al-nikah*.⁶⁵

Tajdid al-nikah as a justification for obtaining illicit paternity has the potential to develop into a long-lasting social phenomenon. This development might result from people realizing how simple it is to use *tajdid al-nikah* to establish paternity without serious legal repercussions. People may eventually come to believe that they might be "safe" in an illicit relationship because they think that *tajdid al-nikah* will legitimize their paternity. This phenomenon may significantly affect social morality and Islamic law's core principles. In the long run, it can compromise communal cohesion, upend family harmony, and foster inequality. Additionally, because of the perception that *tajdid al-nikah* can be readily manipulated or that Islamic law is not consistently enforced, this phenomenon may undermine societal senses of justice and legal certainty.

Conclusion

This study critically examines the practice of *tajdid al-nikah* (renewal of marriage) in Central Lombok, particularly concerning the *nasab* (lineage) of children born outside of marriage. Couples engaging in adultery often use *tajdid al-nikah* to atone and establish paternity. While *tajdid al-nikah* aims to align with *maqasid al-shariah* by preserving lineage, reinforcing religious norms, and safeguarding legal rights, it presents critical issues. From the *maqasid al-shariah* perspective, it protects property, reason, progeny, and religion by ensuring children's lineage, upholding religious orthodoxy, and securing legal rights. However, improper application can undermine justice, legal certainty, and accurate lineage determination, risking social stability and family integrity. The community and decision-makers in Central Lombok must review and discuss *tajdid al-nikah* to ensure adherence to *maqasid al-*

⁶⁴. Ipandang Ipandang and Syamsul Darlis, "Passampo Siri' in the Bugis Marriage Practices in East Kolaka, Indonesia: A Sociological Perspective of Islamic Law," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (December 31, 2022): 873–89, <https://doi.org/10.22373/sjhk.v6i2.12874>.

⁶⁵. Mukhammad Nur Hadi, *Pernikahan Dan Disabilitas: Nalar Hukum Penghulu Di Kota Malang* (Publica Institute Jakarta, 2020),

shariah principles – preserving lineage, religion, reason, and social welfare. Future research should explore alternative approaches and safeguards to align *tajdid al-Nikah* with Maqhasid Sharia better, investigating its impact on social stability and family dynamics for a just and appropriate application.

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