



DETERMINATION OF MAQAŞID AL-SYARI'AH IN THE REQUIREMENTS FOR PRE-MARRIAGE HEALTH CHECK WITH THE TAḤQIQ AL-MANAṬ APPROACH

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ABSTRACT

This study examines the application of the Taḥqīq al-Manaṭ methodological framework in determining the essential categories and priority levels of Maqāşid al-Syarī'ah in premarital health evaluations. It emphasizes the necessity of applying Maqāşid al-Syarī'ah in a casuistic manner to modern challenges, highlighting the absence of a systematic framework for its implementation in premarital health examinations. The study employs a library research method with documented data gathering, utilizing a taxonomy approach and descriptive analysis. Research indicates that establishing the essential categories of Maqāşid al-Syarī'ah involves: (1) identifying the al-Manaṭ object, encompassing seven categories of premarital assessments; (2) validating al-Manaṭ via medical expert opinions and the principle of al-Daf'u ashāl min al-rafi'; and (3) delineating Maqāşid al-Syarī'ah through rational premises substantiated by empirical results. Establishing priority levels entails: (1) delineating three priority tiers; (2) corroborating through the viewpoints of potential couples and governmental entities; and (3) evaluating priorities utilizing pertinent instruments linked with the research topic. The study finds that delineating the categories and priorities of Maqāşid al-Syarī'ah in a case-specific context necessitates a dynamic Taḥqīq al-Manaṭ framework and a variety of instruments to tackle contemporary difficulties in Islamic law, especially regarding premarital health evaluations.

1. Introduction

Marriage is a bond between humans that is respected and recognized by society and religion (Faaqih et al., 2024). In the Quran, marriage is described as *Mīṣaq Galīḍa*, a marriage contract based on sincere intentions and ongoing harmony (AbuAlkheir et al., 2024). This means that the relationship between a couple must be based on love and responsibility (Hasanudin et al., 2024). Marriage is not just a contract between two people; it is also a deep emotional and spiritual commitment. As Surah al-Rum, verse 21 says, "Marriage requires sacrifice, understanding, and respect for one another" in order to achieve the ideal marriage that the Quran addresses about.

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَعْتَكِرُونَ

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Meaning: Among His signs is that He created for you mates from yourselves, that you may find comfort in them, and He has placed love and compassion between you. Indeed, in this are signs for a people who give thought.

Marriage in the view of the Shari'a has a number of purposes, including being a medium for the worship of Allah SWT(Tinggi et al., 2024). through carrying out the commands of Him and His Messenger to marry, perfecting peace in the couple, perfecting self-protection from what is forbidden, and getting pious offspring as implied in the hadith:

إِذَا مَاتَ ابْنُ آدَمَ انْقَطَعَ عَمَلُهُ إِلَّا مِنْ ثَلَاثٍ: صَدَقَةٍ جَارِيَةٍ، أَوْ عِلْمٍ يُنْتَفَعُ بِهِ، أَوْ وَلَدٍ صَالِحٍ يَدْعُو لَهُ

Meaning: When a son of Adam dies, all his good deeds come to an end except for three: ongoing charity; beneficial knowledge; and the prayers of a righteous child. (Narrated by Muslim)

Islamic law says that having children is the next step in the line of succession to the caliph on earth(Begum et al., 2024). Also, many people find meaning and purpose in marriage through their children. So, having kids is a hope and one of the main reasons people get married. The Prophet Muhammad stressed this purpose, as shown by what he stated:

تَزَوَّجُوا الْوُدُودَ الْوُلُودَ فَإِنِّي مُكَاتِرٌ بِكُمْ الْأُمَمَ

Meaning: Marry a woman who is affectionate and who (has the potential to) bear many children because I am proud of your large numbers (HR: Abu Dawud) [2/220]

Attaining the values and objectives of marriage as prescribed by sharia, whether inside the familial context or externally, poses significant problems, stemming from both the couple and other influences(Fausi & Asmuni, 2024). This may result in future separation, which is deemed undesirable according to Sharia(Ababsa, 2024). These challenges include couples facing physical or mental illnesses prior to marriage that are later revealed, such as conditions that impede procreation, sexual orientation disorders, and irresponsible sexual conduct during singlehood, which significantly contributes to the proliferation of sexually transmitted infections (STIs)(Rahman Fitra et al., 2025). Variations in sexual orientation and promiscuity have emerged as the most evident indications of the proliferation of sexually transmitted diseases (STIs). Researchers indicate that the LGBT community, particularly men who engage in sexual relations with men, has experienced a rise in syphilis and other sexually transmitted infections, with syphilis cases among LGBT individuals being 47% of recorded instances. These STIs are not solely associated with homosexual orientation; lesbians also partake in oral-genital contact, which can facilitate the transmission of illnesses such as Hepatitis A and Bacterial Vaginosis, hence heightening vulnerability to other STIs(Amizuar et al., 2024).

One initiative to mitigate this issue prior to marriage is the implementation of premarital health assessments(Jameel et al., 2024). These assessments are designed to confirm that both partners are in optimal health and prepared for parenthood. Premarital health assessments might identify specific disorders or medical issues that may impact the couple's health and their fertility prospects(Kacem, 2025). In Indonesia, premarital health examinations, which encompass tetanus toxoid immunization, are legally mandated as outlined in Joint Instruction No. 02 of 1989 162-I/PD.03.04.EL issued by the Director General of the Indonesian Institute of Ulama (BIUH) of the Ministry of Religious Affairs and the Director General of Infectious Disease Eradication and Environmental Health of the Ministry of Health regarding Tetanus Toxoid Immunization for Prospective Brides and Grooms(Blitar et al., 2024; Hazram, 2025). Couples intending to marry must obtain a tetanus toxoid vaccination prior to their wedding. Consequently, premarital health assessments help avert marital conflicts stemming from post-marital difficulties. Moreover, couples will circumvent the possibility of divorce stemming from problems necessitating divorce in Islamic law(Nayyab, 2024)

Simultaneously, numerous scholars investigating premarital health assessments have examined the presence of Maqāṣid al-Syarī'ah (mandatory tenets of Islamic law)(Fadila et al., 2025). This issue not only facilitates the promotion of the significance of premarital health assessments but also reinforces the stance of Islamic scholars on the permissibility of such checks, alongside additional evidence that substantiates the legality of premarital health evaluations(Muda & Nasri, 2024). The idea of Maqāṣid al-Syarī'ah, employed as a framework for analyzing premarital health assessments specifically, generally presents as uncomplicated in its implementation. Studies frequently engage with the theory of Maqāṣid al-Syarī'ah, which thoroughly analyzes

all dimensions of Maqāṣid al-Syarī'ah, including classifications and rationales for its use. The examined partial case is promptly validated as encompassing Maqāṣid al-Syarī'ah, without elucidating the method by which Maqāṣid al-Syarī'ah can be identified within that partial case. Nevertheless, a meticulous analysis reveals that ascertaining the presence of Maqāṣid al-Syarī'ah in contexts such as premarital health assessments necessitates particular methodologies to identify and substantiate them in specific circumstances, regardless of whether Maqāṣid al-Syarī'ah is regarded as a legal principle, legal evidence, or legal rule (Jarkawi et al., 2025). This is predicated on the premise that Maqāṣid al-Syarī'ah (al-Maṣlaḥah) constitutes a broad principle extrapolated from specific laws established from comprehensive evidence. Consequently, the process of identifying al-Maṣlaḥah, as interpreted by general sharia, in a specific instance can be likened to the processes of Takhrij al-Manāṭ and Taḥqīq al-Manāṭ (Nawir et al., 2024).

A benefit observed in a problem cannot be directly substantiated as being encompassed within Maqāṣid al-Syarī'ah. A benefit may remain unrecognized if it fails to satisfy the established standards and benchmarks (Ḍawābiṭ) of benefits (Juvan et al., 2025). Persisting in the evaluation of Maqāṣid al-Syarī'ah regarding premarital health assessments, without elucidating the methodology by which these advantages are acknowledged by Shari'a, will lead to partiality and misrepresentation in the application of the Maqāṣid al-Syarī'ah theory, suggesting that a benefit in an issue that is either unknown or not explicitly recognized can be validated as a benefit encompassed within Maqāṣid al-Sharī'ah (Santoso et al., 2023).

Consequently, the establishment of a definitive procedural and methodological framework for the application of the Maqāṣid al-Syarī'ah theory in specific instances is imperative to prevent its arbitrary and improper usage. This study aims to review the application of the Maqāṣid al-Syarī'ah doctrine about premarital health check criteria. This study aims to thoroughly examine and elucidate the process of identifying Maqāṣid al-Syarī'ah concerning premarital health assessments and the many forms of Maqāṣid al-Syarī'ah relevant to the issue, employing the Taḥqīq al-Manāṭ methodology. This paper is named "Determination of Maqāṣid al-Syarī'ah in Premarital Health Check Requirements Using the Taḥqīq al-Manāṭ Approach."

2. Methodology

This study is a normative legal analysis utilizing qualitative research methodologies centered on library research. Library research involves the examination of written legal knowledge from diverse, widely disseminated sources, and is crucial for normative legal inquiry. Moreover, obtaining library research data necessitates comprehensive library investigation. This study employs data sourced from diverse library materials, including books, journals, and other academic publications that substantiate this research. This research is a descriptive analysis, systematically and accurately detailing specific facts and qualities while depicting phenomena as they exist. This work meticulously analyzes and elucidates explanations to draw conclusions regarding the establishment of Maqāṣid Al-Syarī'ah (Islamic Principles) in premarital health check requirements through the Taḥqīq al-Manāṭ approach. This study utilizes both primary and secondary data sources.

The principal data sources are Usul Fiqh texts, including al-Ḍawābiṭ al-Maṣlaḥah fī al-Syarī'ah al-Islāmiyyah by Sheikh Ramaḍān al-Būṭī and Asās al-Qiyās and Syifā' al-Ghalīl fī Bayān al-Shabahi wa al-Mukhayyil wa Masālik al-Ta'ālīl by al-Ghazālī. Secondary data sources encompass publications and journals pertaining to Maqāṣid al-Syarī'ah, Taḥqīq al-Manāṭ, premarital health assessments, and further scientific references. The employed data collecting strategy was documentation, utilizing documents acquired from both primary and secondary data sources. Research employing documentation as a data gathering method, with the researcher serving as the research instrument. Documents or notes function as the data source, and the contents of the notes represent the research subjects or variables. The traced and gathered data will be processed. This aids the researcher's analysis. The researcher utilized the following approaches in data processing: inventory, identification, categorization, and systematization. This research used taxonomic analysis as its data analysis strategy. Taxonomic analysis is an analytical endeavor that concentrates on a single topic

and subsequently elaborates on it with increased detail and depth. Moleong asserts that taxonomic study commences with a certain domain, subsequently subdividing it into subdomains and specialized, detailed parts that typically denote groupings exhibiting similarities. The researcher meticulously examines the topics of premarital health assessments, *Maqāṣid al-Syarī'ah*, and *Tahqīq al-Manāṭ*. Moreover, in formulating findings, qualitative research employing the inductive method aims to present a comprehensive understanding of the process utilized in constructing *Maqāṣid al-Syarī'ah* about premarital health assessments through the *Tahqīq al-Manāṭ* approach.

3. Results

3.1. The Tahqīq Al-Manāṭ Process in Determining Maqāṣid al-Syarī'ah in Premarital Health Checks

Basically, based on the *Tahqīq al-Manāṭ* terminology in the previous section, it can be seen that the *Tahqīq al-Manāṭ* mechanism process is carried out in three stages, namely: (1) the general principles or rules that have been agreed upon and taken from the texts; (2) understanding reality as the object or target of the application of the general principles or rules; and (3) the application or implementation of these general principles or rules in a partial reality. Of these three stages, the final two are the focus of discussion and analysis in this study. This is because the first stage, which in this case is the basic category of *Maqāṣid al-Syarī'ah*, is a universal principle that is readily applicable and agreed upon, so the researcher does not need to discuss it in detail. Furthermore, this study does not focus on that section.

Although the researcher focuses only on the final two stages, it is important to note that there is another stage included in the final stage: the use of specific instruments. The steps for using these instruments, upon closer examination, are implicitly included in the final stage (*Ḍimnī*). Nevertheless, because this step is considered so important, it will be elaborated and considered the primary step within the overall framework of *Tahqīq al-Manāṭ*. Before the researcher explains each step, it is important to emphasize that within the framework of the *Tahqīq al-Manāṭ* mechanism in determining the basic categories of *Maqāṣid al-Syarī'ah*, *Maqāṣid al-Syarī'ah* is positioned as *al-Manāṭ al-Ma'nawīy* and *al-Manāṭ* that are legally imperative. The object of *Tahqīq al-Manāṭ* here is the types of health checks that fall under the category of *Tahqīq al-Manāṭ al-Ām*, while the subject (performer) of *Tahqīq al-Manāṭ* is the researcher herself, who also has an *al-Ām* nature.

Therefore, the process of using the *Tahqīq al-Manāṭ* mechanism in premarital health checks encompasses three processes. In general, the three processes are the identification of the type of premarital health check as the object of *Tahqīq al-Manāṭ* and as the object that will be justified by *Maqāṣid al-Syarī'ah* on it, verification of *al-Manāṭ* using the instruments in *Tahqīq al-Manāṭ*, and determination or application of *Maqāṣid al-Syarī'ah* on each type of premarital health check.

1. Case Identification: Types of Premarital Health Checks

The first step in the application framework of *Tahqīq al-Manāṭ* is to identify the case in which the general principles or *ilat* (rules) will be justified, in this case the *Maqāṣid al-Syarī'ah* (Islamic Law). This step can be clearly understood from the definition of *Tahqīq al-Manāṭ* in Chapter II, which involves establishing the general principles or *ilat* for partial cases. This means that the partial case must be fully and accurately described and illustrated. This identification is the second stage after reaching an agreement on the general principles or *ilat*. This agreement is embodied in the first premise, such as "protecting the soul is part of the *Maqāṣid al-Syarī'ah*," "intoxicants are a prohibited *ilat* for alcohol," and "facing the *Qibla* is an absolute requirement for prayer." Furthermore, it is known that *Tahqīq al-Manāṭ* is divided into two types in terms of its objects, namely *al-Ām* and *al-Khās*. This classification has an impact on the extent to which *Tahqīq al-Manāṭ* practitioners can

capture and understand the partial cases that are used as the objects of Taḥqīq al-Manāṭ. Ash-Syāṭibī emphasized that in the Taḥqīq al-Manāṭ al-Khās, the user of the Taḥqīq al-Manāṭ must know and understand all aspects inherent in the individual case. Ash-Syāṭibī further emphasized that the Taḥqīq al-Manāṭ on Khās requires the Mujtahid to analyze the individual from one moment to another and from one occasion to another. This means that the aspects and characteristics of the individual will be verified by the al-Manāṭ on him. As for Taḥqīq al-Manāṭ al-‘Ām, the Taḥqīq al-Manāṭ practitioner also needs to identify the object of Taḥqīq al-Manāṭ, but not as rigorously and in detail as Taḥqīq al-Manāṭ Khās, which requires identifying all aspects inherent in the Taḥqīq al-Manāṭ object. Therefore, it is necessary to first identify the Taḥqīq al-Manāṭ object, so that the Taḥqīq al-Manāṭ instrument can be applied in the next step. The object of Taḥqīq al-Manāṭ in this study is certainly ‘Ām, not Khās. This is due to the researcher's limited time and resources. Apart from that, with the results of this research, Taḥqīq al-Manāṭ Khās can be applied by health checkers to find out the content of Maqāshid Al-Syarī'ah and its types in themselves. To identify the object of this Taḥqīq al-Manāṭ ‘Ām (Religious Health Checkup), researchers examined medical perspectives on the elements of premarital health checks, as well as the positive and negative impacts of each element, to then determine whether they constitute the object of Taḥqīq al-Manāṭ. The medical elements of a premarital health check are as follows:

a. Sexually Transmitted Disease (STD) Screening

Explanation: This examination aims to detect sexually transmitted infections that have the potential to be transmitted vertically. Specifically, this examination can help prevent transmission to sexual partners or from mother to child, as in the triple elimination program for pregnant women. Among STDs is HIV. HIV screening, which has evolved with the introduction of fourth-generation tests, can detect infection within 14 days of exposure, faster than antibody tests alone. The 2023 CDC guidelines for Hepatitis B screening recommend universal hepatitis B screening using three serological markers: HBsAg, anti-HBs, and total anti-HBc. This approach can identify acute/chronic infection (HBsAg positive), natural immunity (anti-HBc and anti-HBc positive), vaccine immunity (anti-HBc only positive), and susceptibility (all negative). Syphilis screening can use the Rapid Test (Immunochromatography) technique. Research in Kediri Regency among commercial sex workers (CSWs) showed that CSWs who routinely undergo syphilis screening and do not have STIs and consistently use protection during intercourse often test negative for syphilis.

b. Thalassemia and Hemoglobinopathy Screening

Thalassemia is a heterogeneous group of genetic disorders caused by decreased synthesis of the alpha or beta chains of hemoglobin (Hb). Hemoglobin functions as the oxygen-carrying component in red blood cells. Hemoglobin is composed of two proteins, alpha and beta. The result of a deficiency in these two proteins is that red blood cells are not formed properly and cannot carry enough oxygen. This causes anemia that begins in childhood and persists throughout life. Hemoglobinopathies refer to a group of structural hemoglobin disorders caused by point mutations in the globin gene. Unlike thalassemia, which affects the production of globin chains, hemoglobinopathies alter the chemical structure of hemoglobin. A 2022 study in Indonesia found a lack of awareness of thalassemia disorders among young women. Therefore, thalassemia screening as a preventive measure can be carried out at three critical stages: premarital, pre-marital, prenatal, and neonatal. Early detection plays a crucial role in reducing the impact of the disease.

c. Iron deficiency anemia screening

This screening is important for vulnerable groups such as infants and pregnant women. It includes:

- 1) Body mass index (BMI) measurement
- 2) Hemoglobin examination (cut-off <12 g/dL)
- 3) Serum ferritin and transferrin saturation tests
- 4) Reticulocyte analysis to differentiate iron deficiency anemia from thalassemia trait.

This screening allows for rapid intervention, such as iron supplementation, thus preventing complications of severe anemia. In addition, this screening can improve reproductive health, especially in adolescents and pregnant women, and can reduce the risk of pregnancy complications and neurocognitive disorders in children.

d. Comprehensive reproductive health screening

This type of screening includes a complete blood count (CBC), urine test, ultrasound, HSG, sexually transmitted infection (STI) tests such as syphilis with the VDRL test, and a Pap smear.

e. Autosomal recessive genetic disease screening

This type of screening is a genetic test used in premarital screening that involves analyzing an individual's DNA, chromosomes, or proteins using tools such as genome sequencing to assess the risk of transmitting inherited conditions to their future children. This test involves drawing peripheral blood (blood drawn from a peripheral vein such as a fingertip, the baby's heel, or a vein in the arm), and then sending the blood sample to a temperature-controlled (2-8°C) genetics laboratory. The results of the sample analysis include carrier risk for over 200 diseases. The benefits and positive impacts of this screening include a 60% reduction in the risk of thalassemia disease burden in families, as found in a study in Saudi Arabia between 2004 and 2009. In addition, this screening also benefits prospective couples, including: (1) preventing genetic conditions; early intervention can reduce the risk of hereditary diseases, improving the quality of life for future generations; (2) lower emotional and financial burden; planning for health-related issues in advance reduces emotional distress and reduces the cost of long-term care; and (3) awareness and empowerment: couples gain a deeper understanding of their shared genetics, strengthening their partnership through informed decisions. While this screening offers a number of benefits to couples, it also carries some risks, such as couples canceling their weddings after learning of their carrier status and potentially leading to negative social stigma, as occurred in Oman where 29% of couples chose to cancel their weddings.

f. Blood Sugar Screening

Blood sugar testing is used to detect and monitor the possibility of Diabetes Mellitus (DM). This screening measures blood glucose levels, which is crucial for detecting diabetes, which can impact a healthy pregnancy. Pregnant women with diabetes should undergo this test regularly to monitor their blood sugar levels and reduce the potential for pregnancy complications. This screening measures blood glucose levels in an effort to detect hyperglycemia in the partner. This step aims to prevent or mitigate the risk of complications due to diabetes during pregnancy (gestational diabetes).

g. TORCH Screening

TORCH screening is a screening test that targets toxoplasmosis, other infections, rubella, cytomegalovirus, and herpes simplex virus (TORCH). This screening aims to detect TORCH infections in expectant mothers. These infections can affect pregnancy and cause complications such as miscarriage or premature birth. TORCH screening helps detect these infections and provide appropriate treatment before pregnancy.

2. Tahqīq al-Manāṭ Instruments

Historically, the explanation of Taḥqīq al-Manāṭ, with its two meanings mentioned in Chapter II, was previously reviewed by 'Alī al-Ḥasan ibn Shihāb al-'Ukbarī (d. 428 AH) before Ghazali. However, al-'Ukbarī did not explain the instruments used within the Taḥqīq al-Manāṭ framework. Therefore, Ghazali who appeared after al-'Ukbarī had a great influence in building the methodological framework of Taḥqīq al-Manāṭ. Ghazali established Taḥqīq al-Manāṭ as a methodological framework for establishing law through validating the ilat (laws) in partial cases using the instruments he described, after previously obtaining the ilat through the processes of Takhrīj al-Manāṭ and Tanqīh al-Manāṭ. These instruments were explored by Ghazali in his two works: *Shifā' al-Ghalīl* and *Asās al-Qiyās*. In *Shifā' al-Ghalīl*, Ghazali states that the framework of burhani evidence consists of two premises and a conclusion (natijah). For example, if food (Ṭu'mu) is a riba (riba) action, and an apple is food (Ṭu'mu), then the apple is considered riba. The first premise is derived through the Takhrīj al-Manāṭ and Tanqīh al-Manāṭ, and the second premise is derived and proven through Taḥqīq al-Manāṭ.

Ghazali explains the methodological framework of Taḥqīq al-Manāṭ in *Asās al-Qiyās*, explaining that there are five instruments that can be used to validate this second premise: the five senses, habit ('urf), language, rational reasoning (the essence of something), and the nature of something. Meanwhile, in *Shifā' al-Ghalīl*, Ghazali adds a shari'a text as one of the instruments for validating an ilat (inheritance) in a partial case.

a. Five Senses

The five senses are used to validate something that can be validated by hearing, seeing, smelling, tasting, and touching. For example, validating the "livestock" mentioned in the Quran.

فَجَزَاءٌ مِّثْلُ مَا قَتَلَ مِنَ النَّعَمِ

Meaning: So the fine is to replace it with livestock equal to the prey that was killed (QS: al-Maidah: 95)

b. The Nature of Something

The instrument of the nature of something, for example, is said to be that soil can eliminate changes (changes that cause holy water to become impure). Therefore, water that has changed to the point of becoming impure is then placed in soil, which can cause changes in the water. The change in the status of the water caused by the soil can be verified by observing the nature of the soil and the altered water.

c. Custom ('Urf)

Meanwhile, the instrument of custom ('Urf) can be understood in the following example. A person swears, "By Allah, I will not eat food." To validate whether something is "food" or not, one can use the instrument of custom, namely the customs prevailing around the person making the oath.

d. Language

Language instruments are used for anything that can be validated through language. For example, it is said that it is permissible to free a slave using a metaphorical sentence. Therefore, to verify whether a sentence is a metaphor or not, language must be used.

e. Rational reasoning

Meanwhile, rational reasoning instruments, including the essence of something, such as validating that the child of a Magshub is also Magshub. This is validated by understanding the essence of al-Gashb, which is intentionally controlling something by removing the power of its owner.

f. Sharia text

The instrument of sharia text is the sharia text (Naql) that verifies something. For example, verifying the "thief" in the case of the "shroud thief" with a hadith from Siti Aisyah:

سَارِقُ أَمْوَاتِنَا كَسَارِقِ أَحْيَانِنَا

Meaning: The thief of our corpses is like the thief of the living (Narrated by Imam Baihaqi). This hadith clearly validates that the thief of a corpse is a thief. Therefore, the thief of a corpse is subject to the same punishment as the thief, namely the punishment of cutting off the hand.

Meanwhile, Imam Ghazali, in his *Asās al-Qiyās* (The Principles of Qiyās), emphasized that these instruments are not limited to those already mentioned. This is because the use of *Tahqīq al-Manāṭ* falls within the realm of legal implementation (Tathbiq), not legal *Itsbat* (Theoretical Framework). The unlimited nature of these instruments is also emphasized by al-Qarāfī in *al-Furūq*. More explicitly, al-Qarāfī stated that the evidence prescribed by law is indeed limited and must be recognized by sharia, such as the Quran, Sunnah, *Ijma'* (consensus), *Qiyas* (consensus), and other evidence explained in *Usul Fiqh* (Islamic Principles of Jurisprudence). The evidence for the existence of law, which demonstrates the existence of conditions, causes, and *mani'* (the source of law), is not limited. Furthermore, Imam al-Qarāfī explained that the setting of the sun, for example, is a cause prescribed by the Shari'a as a reason for entering prayer time. This means that this "cause" cannot be justified by arguments that are not recognized by the Shari'a. The reason for the existence of sun slips is that they are tools that show sun slips, such as astrolabes that were used in ancient times. This tool for indicating sun slips is not limited to that tool, but can follow developments over time and time. Therefore, the use of clocks today as a tool for indicating (dalil) slipping is *Tahqīq al-Manāṭ*.

Therefore, the instruments used to indicate the existence of rules in the referent case are not limited to the instruments mentioned above, but rather these instruments can develop as instruments become available that are suitable for use in cases where the law is to be known or the rules apply. current scholars developed instruments that could be used within the framework of *Tahqīq al-Manāṭ*. These instruments include indicators (*Qarīnah*), calculations (*Hisab*), as in the example presented by al-Qarāfī above, and investigations to verify reality, including pledges, testimony, and expert opinion (*al-Khubarā'*). Subsequently, Muslim researchers further developed the instruments used in *Tahqīq al-Manāṭ*. These include the case study method, the social survey investigation method, the descriptive method, the comparative method, the historical method, and the content analysis method.

In the case of premarital health checks, the instruments researchers used to determine *Maqāṣid al-Syarī'ah* are as follows:

a. Expert Opinion (*al-Khubarā'*).

This instrument was developed by scholars and researchers after Ghazali. It serves as a stand-alone instrument, meaning it is not included in any of Ghazali's instruments. Therefore, the expert opinion (*al-Khubarā'*) referred to here refers to the opinion of medical experts, including medical and health researchers. Upon closer examination, this instrument is closely related and intertwined with the initial instrument developed by Ghazali, namely the nature and essence of something. In the context of premarital health checks, medical expert opinion indirectly serves as a person who can reveal and uncover the essence of each type of health check. Medical experts are also able to determine the consequences of health checks using specialized methods and tools.

Therefore, it is clear that researchers, as subjects of *Tahqīq al-Manāṭ* (Islamic Law) in determining the *Maqāṣid Al-Syarī'ah* (Islamic Principles of Islamic Law), must adhere to and rely on the opinions of medical experts regarding the nature of each type of premarital health checkup and its impacts. However, the role of expert opinion here does not mean that it has the role and authority to justify and verify a rule or law. Rather, expert opinion here has two roles:

1) Explaining the reality and essence of an actual problem requested by scholars or practitioners of *Tahqīq al-Manāṭ* (Islamic Law). This allows them to understand the problem thoroughly and in-depth and then verify the existence of *al-Manāṭ* in that actual problem.

2) The Mujtahid has performed *Tahqīq al-Manāṭ* on general objects (*al-'Ām*), then the Mujtahid transfers *Tahqīq al-Manāṭ* on specific objects (*al-Khās*) to their respective experts in each specific partial or individual case.

Therefore, the two roles of medical expert opinion are precisely as explained previously: the opinion of medical experts serves as a guide for researchers (as practitioners of *Tahqīq al-Manāṭ al-'Ām*) in verifying the existence of the five basic *Maqāṣid al-Syarī'ah* (Islamic Principles) for each type of premarital health care. Meanwhile, when verifying the existence of each type of *Maqāṣid al-Syarī'ah* using expert opinion, the practitioner of *Tahqīq al-Manāṭ* is already partial or specific (*al-Khās*), as will be explained in point B. From this description, the opinion of medical experts regarding each of the seven types of premarital health checks described by the researcher at the beginning of the chapter becomes a crucial instrument in verifying the existence of *Maqāṣid al-Syarī'ah* in premarital health checks.

b. The rules of *al-Daf'u ashal min al-raf'i*

This principle is included in the principles of Islamic jurisprudence and is often used in matters other than Islamic jurisprudence, such as in matters of "usualism," such as prioritizing "takhsis" over "naskh." The principle of "*al-Daf'u ashal min al-raf'i*" means preventing (something) is easier than removing (eliminating) something. "*al-Daf'u*" refers to preventing disease and preventing illness. "*al-raf'i*" refers to removing something that already exists and erasing it after it has already existed. In the context of this rule, it becomes an instrument in verifying *Maqāṣid al-Syarī'ah* in every type of health check, namely by seeing that the essence of the health check is a preventive measure or *al-Daf'u* rather than the symptoms of diseases that can be analyzed by medical means, where this step is an easier step than after the disease has infected someone. If we look more deeply, this principle becomes a medium for practicing verse 195 of the *Al-Baqarah*.

وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ

Meaning: "Do not plunge yourselves into destruction."

This verse, which clearly forbids humans from plunging themselves into destruction, provides the understanding that one way to avoid this is by taking preventative measures, such as the principle mentioned above in the context of premarital health checks. From the above description, it is clear that these two instruments can be used to verify the existence of the basic *Maqāṣid al-Syarī'ah* in any type of premarital health check. Verification using these two instruments will be more clearly explained in the following discussion, where they are embedded in logical reasoning, which is a crucial stage in the methodological framework of *Tahqīq al-Manāṭ*. Steps for determining the *Maqāṣid al-Syarī'ah* using *Tahqīq al-Manāṭ* The methodological steps in determining the *Maqāṣid al-Syarī'ah* can be taken as explained by Ghazali, namely by using two premises (major and minor) and will produce a conclusion, where the *Tahqīq al-Manāṭ* focuses more on the second premise (minor premise), as Ghazali explains below. In *al-Mustaṣfā*, Ghazali explains

فَقَوْلُ: هَذَا فَاسِدٌ؛ لِأَنَّ الْحُكْمَ فِي الْأَشْخَاصِ الَّتِي لَيْسَتْ مُتَنَاهِيَةً إِذَا يَسُّ بِمَقْدَمَتَيْنِ: كَحَلِيَّةٍ، كَقَوْلِنَا: كُلُّ مَطْعُومٍ رِبَوِيٌّ، وَجَزِيئَةٍ كَقَوْلِنَا هَذَا النَّبَاتُ مَطْعُومٌ أَوْ الرَّعْفَرَانُ مَطْعُومٌ، وَكَقَوْلِنَا: كُلُّ مُسْكِرٍ حَرَامٌ، وَهَذَا الشَّرَابُ بِعَيْنِهِ مُسْكِرٌ... وَالْمَقْدَمَةُ الْجَزِيئَةُ هِيَ الَّتِي لَا تَتَنَاهَى مَجَارِيهَا فَيُضْطَرُّ فِيهَا إِلَى الاجْتِهَادِ لَا مَحَالَةَ، وَهُوَ اجْتِهَادٌ فِي تَحْقِيقِ مَنَاطِ الْحُكْمِ، وَلَيْسَ ذَلِكَ بِقِيَاسٍ

Meaning: So we say: This (the opinion that the prophets were commanded to spread the law to every form of case, while the cases are unlimited in number, so how can the texts cover those cases?) is not valid, because the determination of the law for partial cases that are unlimited in number can only be done with two premises: one premise is universal (Kulliyah), such as our saying: 'Every edible thing is included in riba (usury)', and one premise is partial (Juz'iyah), such as our saying: 'This plant is edible' or 'This Zafaran (saffron) is edible'; or as we say: 'Every intoxicant is haram' and 'This drink is specifically intoxicating', As for the partial premise (Juz'iyah), it is the one that is not limited to its occurrence (in reality), so in this part it is inevitable that ijtiḥād must be carried out, namely ijtiḥād in the framework of Taḥqīq al-Manāṭ al-Ḥukm (determining the locus of law). And that is not included in Qiyās (analogy).

Meanwhile, in *Syifā' al-Ghalīl*, Ghazali explains the framework of Taḥqīq al-Manāṭ along with explaining the instruments of Taḥqīq al-Manāṭ.

إِذَا وَقَعَ التَّرَاعُ فِي الْمَقْدَمَةِ الْأُولَى، لَمْ تَنْبُتْ إِلَّا بِالْأَدَلَّةِ الشَّرْعِيَّةِ: فَإِنَّ الْمُنْتَارِعَ فِيهِ قَضِيَّةٌ شَرْعِيَّةٌ، وَهُوَ: كَوْنُ الطَّعْمِ عِلَّةً مَثَلًا فَيَنْبُتُ ذَلِكَ: بِالنَّصِّ، أَوْ الْإِيمَانِ، أَوْ التَّرْتِيبِ عَلَى الْوَاقِعَةِ، أَوْ الْحُدُوثِ بِحُدُوثِ الْوَصْفِ، أَوْ بِالتَّأْتِيرِ... أَمَّا إِذَا وَقَعَ التَّرَاعُ فِي الْمَقْدَمَةِ الثَّانِيَةِ، وَهُوَ: وَجُودُ الْعِلَّةِ فِي الْفَرْعِ، بَعْدَ تَسْلِيمِ كَوْنِ الْوَصْفِ عِلَّةً - فَهَذَا يُعْرَفُ تَارَةً بِالْحَسَنِ

Meaning: If there is a difference of opinion regarding the first premise, its validity cannot be established except by means of Islamic evidence. This is because the disputed issue concerns Islamic law, namely, for example, making food a legal basis. Therefore, this can be established through: narration, indications (from texts), the formulation of a law for an event, the existence of a law that appears simultaneously with the emergence of the attribute, or the influence that attribute has.

However, if there is a difference of opinion regarding the second premise, namely: the existence of an intention in a new case, after it has been agreed that the attribute is an intention, this is sometimes known through the five senses (hiss), if the attribute is sensory. Some of the Uṣūliyyīn after Ghazali, such as al-Rāzī (d. 606), al-Āmidī (d. 631), al-Qarāfī (d. 684), did not explain the framework of Taḥqīq al-Manāṭ like Ghazali. While others such as Ibn Qudāmah (d. 620), al-Syāṭibī (d. 790), and Ibn al-Subkī (d. 771) explained the framework of Taḥqīq al-Manāṭ as explained by Ghazali although there are differences in the wording. From Ghazali's explanation above, it is clear that the Taḥqīq al-Manāṭ framework mechanism, which focuses on the minor premise, is closely related to the argument-building framework mechanism in classical dialectics ('Ilm Ādāb al-Baḥṡ wa al-Munāzarah). Seeing that this minor premise can be accepted as true even by non-users of Taḥqīq al-Manāṭ because the knowledge contained within it is Ḍarūrī or Badīhī (axiomatic knowledge) or Naẓarī (knowledge resulting from reasoning) accompanied by proof of the minor premise, demonstrates the mechanism in classical dialectics.

In classical dialectics, it is explained that a claim is sometimes Ḍarūrī, Badīhī, or Naẓarī, supported by arguments and evidence. These two characteristics make a claim undeniable or impossible to deny unless there is evidence to the contrary. Denial or resistance to such a claim is called Mukābarah (arrogance that does not acknowledge the truth). The mechanism of the Taḥqīq al-Manāṭ framework, which is oriented and focused on the minor premise, is also similar. Verifying a Manāṭ requires instruments that determine whether a Manāṭ exists in a partial case. These instruments do not have to be sharia evidence, but can be anything that has the potential to confirm the existence of a Manāṭ

in a partial case. Therefore, Ghazali clearly explains that the instruments of *Tahqīq al-Manāṭ* are not limited to those he has mentioned.

Further examination shows that the orientation of *Tahqīq al-Manāṭ* to the minor premise, which is merely part of logical reasoning, does not mean that the *Tahqīq al-Manāṭ* mechanism functions only at the theoretical level and has no impact on reality. However, by using certain instruments, *Tahqīq al-Manāṭ* also shows that it functions at the practical level. Clear evidence is that when a minor premise that has been proven with certain instruments and accepted, and then produces a logical conclusion, then that conclusion must be accepted and put into practice.

Therefore, in the context of establishing a minimum health insurance (MS) in the case of premarital health checks, when the minor premise is supported by arguments in the form of specific instruments to justify the existence of a MS in a particular type of health check, and then leads to a logical conclusion, then the existence of a MS in premarital health checks cannot be rejected and can be implemented within the framework of Sharia law.

Based on the framework explained by Ghazali and a number of other *Uṣūliyyīn*, and that *al-Manāṭ* is intended in its second meaning, namely general rules, the determination of *Maqāṣid al-Syarī'ah* using *Tahqīq al-Manāṭ* follows the methodological framework established by Ghazali.

Therefore, the methodological framework of *Tahqīq al-Manāṭ* in establishing *Maqāṣid al-Syarī'ah* is as follows:

a. Major Premise (PM_y): Prepared with agreed general rules or principles, which in this case are *Maqāṣid Al-Syarī'ah*.

b. Minor Premise (PM_n): Compiled with partial cases that have been verified through the instruments used.

c. Based on the types of health checks explained at the beginning, and the use of the *Tahqīq al-Manāṭ* instrument, the determination of *Maqāṣid al-Syarī'ah* within the *Tahqīq al-Manāṭ* framework is as follows:

d. Protecting the soul is included in *Maqāṣid al-Syarī'ah* (PM_y). Screening for STDs in prospective brides and grooms is part of protecting the soul (PM_n). So screening for STDs in prospective brides is included in *Maqāṣid al-Syarī'ah*.

e. Protecting the soul is included in *Maqāṣid al-Syarī'ah* (PM_y). Examination of *Thalassemia* and *Hemoglobinopathy* which can prevent anemia is part of maintaining the soul (PM_n). So examination of *thalassemia* and *hemoglobinopathy* which can prevent anemia is part of *Maqāṣid al-Syarī'ah*.

f. Protecting life and offspring is part of *Maqāṣid al-Syarī'ah* (*Maqāṣid al-Syarī'ah*). Screening for iron deficiency anemia, which can improve reproductive health in adolescents and pregnant women and reduce the risk of pregnancy complications and neurocognitive disorders in children, is part of protecting life and offspring. Therefore, screening for iron deficiency anemia is part of *Maqāṣid al-Syarī'ah*.

g. Protecting offspring is one of *Maqāṣid al-Syarī'ah* (*Maqāṣid al-Syarī'ah*). Ensuring the reproductive health of prospective brides and grooms is part of *Maqāṣid al-Syarī'ah*.

h. Protecting offspring is one of *Maqāṣid al-Syarī'ah* (*Maqāṣid al-Syarī'ah*). Screening for autosomal recessive genetic diseases, which is useful for reducing the risk of *thalassemia* disease burden by 60% and reducing the risk of hereditary diseases, is part of protecting offspring. Therefore, screening for autosomal recessive genetic diseases falls within the *Maqāṣid al-Syarī'ah* (*Maqāṣid al-Syarī'ah*).

i. Protecting offspring and life is part of the *Maqāṣid al-Syarī'ah* (PM_y). Premarital blood sugar screening, which can prevent expectant mothers from complications during pregnancy, is also part of protecting offspring and life (PM_n). Therefore, premarital blood sugar screening is part of the *Maqāṣid al-Syarī'ah*.

j. Maintaining mental and progeny health is included in Maqāṣid al-Syarī'ah (Maqāṣid al-Syarī'ah). Premarital TORCH screening, which can prevent complications during pregnancy, is part of safeguarding mental and progeny health. Therefore, premarital TORCH screening is included in Maqāṣid al-Syarī'ah.

4. CONCLUSION

This study analyzed the determination of Maqāṣid al-Syarī'ah concerning premarital health check requirements through the Taḥqīq al-Manāṭ approach. The findings indicate that Maqāṣid al-Syarī'ah serves as a universal principle derived inductively from sharia texts and legal products, encompassing five fundamental categories: the protection of religion, soul, intellect, progeny, and property. This necessitates a specific mechanism to ensure the presence of these categories in particular instances, specifically in the context of premarital health check requirements. The framework is Taḥqīq al-Manāṭ, which has three steps: (1) finding the object of al-Manāṭ, which is seven types of premarital health checks; (2) checking al-Manāṭ with the help of medical expert opinion and the principle of al-Daf'u ashāl min al-raf'i; and (3) finding Maqāṣid al-Syarī'ah with the help of rational premises that can be proven by the results of using the instrument. In the framework mechanism, the researcher is identified as the subject of Taḥqīq al-Manāṭ al-'Ām, as the object of Taḥqīq al-Manāṭ pertains to a general case rather than a specific individual.

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