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The Perspectives of Indonesian Ulema Council Figures in North Maluku on Pregnancy Marriage Practices

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Abstract

This study examines the perspectives of figures of the Indonesian Ulema Council (Majelis Ulama Indonesia/MUI) in North Maluku regarding the practice of pregnancy marriage in the community of North West Gane District. The research focuses on the practice of marriage involving women who become pregnant outside of wedlock, its impacts, and the views and fatwas of MUI North Maluku on this issue. Pregnancy marriage is generally influenced by two main factors: internal factors related to individual behavior and external factors shaped by the social environment. This practice has resulted in various negative consequences, affecting women, families, and the wider community. This research employs a descriptive qualitative method using a case study approach. Data were collected through interviews and analyzed inductively based on field findings. The results show that pregnancy marriage is often encouraged by parents to hasten marriage in order to conceal family disgrace. The impacts include psychological pressure, social stigma, and legal as well as religious consequences. MUI figures in North Maluku generally share similar views with classical Islamic scholars, stating that pregnancy marriage is legally valid, whether conducted with the man responsible for the pregnancy or another man, subject to certain conditions, particularly concerning the child's lineage (nasab) and the timing of the marriage contract. Nevertheless, MUI emphasizes that pregnancy outside of marriage constitutes a major sin requiring sincere repentance and may result in the loss of the biological father's lineage if the child is born before six months of marriage.

Keywords: Perspectives, North Maluku MUI Figures, Pregnancy Marriage.

Introduction

Islam is a comprehensive religion that regulates various aspects of human life, including marriage as a fundamental institution for maintaining moral order and social stability. Marriage in Islam is not merely a social contract but a sacred covenant (*mīthāqan ghalīẓan*) aimed at establishing a harmonious family characterized by tranquillity (*sakinah*), affection (*mawaddah*), and compassion (*rahmah*), as emphasized in Qur'an Surah Ar-Rum (30:21) (Kemenag, 2019). Through marriage, Islam seeks to preserve lineage, protect human dignity, and prevent immoral behavior such as adultery.

Marriage is also viewed as a form of worship and a legitimate means of fulfilling human biological and emotional needs (Zainuddin & Ulya, 2021). Classical Islamic scholars define marriage as a lawful contract that permits conjugal relations between a man and a woman while imposing reciprocal rights and obligations (Al-Ghazzi, 2023). Indonesian positive law, as stipulated in Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law (KHI), similarly recognizes marriage as a binding legal and spiritual institution grounded in religious principles (Indonesia, 2015).

However, rapid social change driven by the advancement of communication, information, and digital technology has significantly influenced patterns of social interaction, particularly among youth. While technology offers many benefits, its misuse has contributed to moral degradation, including premarital sexual relations. One of the most prominent consequences of this phenomenon is pregnancy outside of marriage, which is widely regarded as a social and moral disgrace affecting not only the individuals involved but also their families and communities.

In many Indonesian communities, including Desa Dolik in North West Gane District, pregnancy outside of marriage often leads to what is locally known as pregnancy marriage (*nikah hamil*), where a pregnant woman is married either to the man responsible for the pregnancy or to another man. This practice is frequently encouraged by families as an attempt to conceal shame and to clarify the legal status

of the child. Nevertheless, pregnancy marriage raises complex legal, social, psychological, and religious issues, particularly concerning the status of lineage (nasab), moral responsibility, and repentance.

Islamic jurists differ in their legal opinions regarding pregnancy marriage. While the Shafi'i and Hanafi schools generally permit such marriages without requiring the woman to give birth first, the Maliki and Hanbali schools impose stricter conditions (Jaziri, n.d.). These differences reflect the dynamic nature of Islamic jurisprudence in responding to social realities.

Within this context, the Indonesian Ulema Council (Majelis Ulama Indonesia/MUI) plays a crucial role in providing religious guidance to society. This study focuses on examining the practice and impact of pregnancy marriage in Desa Dolik and analyzing the perspectives of MUI figures in North Maluku regarding this phenomenon. By doing so, the research aims to contribute to a deeper understanding of how Islamic legal authority responds to contemporary moral and social challenges related to pregnancy outside of marriage.

Methods

This study employs a qualitative descriptive research design aimed at exploring the perspectives of figures of the Indonesian Ulema Council (Majelis Ulama Indonesia/MUI) in North Maluku regarding pregnancy marriage (nikah hamil) within the community of Desa Dolik, North West Gane District, South Halmahera Regency. A qualitative approach was chosen because it allows an in-depth understanding of social realities, religious views, and community practices that cannot be adequately captured through statistical or quantitative methods.

The research was conducted in Desa Dolik, North West Gane District, South Halmahera Regency, North Maluku Province. Data collection took place from November 2025 to January 2026. The primary data were obtained directly from the field through in-depth interviews with key informants, including village officials, religious leaders (such as the village imam), traditional leaders, and community

members who were considered knowledgeable about the practice of pregnancy marriage. In total, five main informants were involved in this study. Secondary data were collected from relevant literature, including books, academic journals, legal documents, and other written sources related to Islamic family law and pregnancy marriage.

Data collection techniques consisted of initial observation, interviews, and documentation. Preliminary observations were conducted to gain an initial understanding of the social context and the prevalence of pregnancy marriage in the community. Semi-structured interviews were then carried out using interview guidelines to ensure the consistency and depth of the information obtained. Interviews were recorded to maintain data accuracy. Documentation was used to support the primary data, particularly village profiles and other relevant records.

Data analysis was conducted inductively and simultaneously with data collection. The analysis followed three main stages: data reduction, data display, and conclusion drawing. Relevant data were selected and categorized according to research objectives, systematically presented in descriptive narratives, and continuously verified to ensure validity. The analytical process was carried out until data saturation was achieved, after which conclusions were drawn by linking empirical findings with relevant theoretical and jurisprudential frameworks.

Result and Discussion

The Role and Position of Ulama and the Indonesian Council of Ulama in Socio-Religious Dynamics

The research findings indicate that public understanding of ulama and the Indonesian Council of Ulama (Majelis Ulama Indonesia/ MUI) cannot be separated from the historical and social position of these institutions within the religious life of Indonesian Muslim (Amin, 2024). MUI is perceived as a collective representation of ulama, zu'ama, and Muslim intellectuals who possess moral and religious authority in providing guidance on issues faced by the Muslim community (Sujono et al., 2024).

This perception has been shaped since the establishment of MUI on 7 Rajab 1395 H (26 July 1975) in Jakarta, which emerged as a response to the need for collective religious leadership amid post-independence social, political, and cultural dynamics.

Field findings reveal that the existence of MUI is understood by society as a continuation of the role of classical ulama as *warasatul anbiya'* (heirs to the prophetic mission), particularly in safeguarding morality, maintaining Muslim unity, and ensuring social stability. In a plural society facing global challenges—such as the penetration of Western culture, shifts in moral values, and fragmentation of religious thought—MUI is viewed as a unifying institution that functions to mitigate internal conflicts within the Muslim community and to prevent the intensification of group egoism (Junaidi, 2024).

From a constitutional perspective, the analysis shows that MUI does not hold the status of a state institution whose products are legally binding under positive law. MUI fatwas are understood as religious opinions that carry moral and social authority but cannot be enforced juridically. This is consistent with the views of constitutional law scholars who position MUI as part of the state's socio-political infrastructure rather than its formal superstructure (Sujono et al., 2024). Accordingly, MUI fatwas do not carry formal legal sanctions and are binding only for Muslim communities that voluntarily adopt them as religious references.

Nevertheless, this study finds that in social practice, MUI fatwas are often treated as if they possess binding force comparable to state law, particularly at the grassroots level. This condition reflects a gap between MUI's juridical position and the sociological perceptions held by society (Al Kausari, 2021). Although MUI is not explicitly mentioned in the 1945 Constitution or statutory laws as a state institution, its existence is historically and culturally accepted as an influential religious authority in shaping the attitudes and behaviors of Muslims.

Furthermore, the role of MUI and ulama is manifested through various religious functions, including the issuance of fatwas, guidance of the Muslim community, reform movements (*islah wa tajdid*), and the enforcement of *amar ma'ruf*

nahi munkar. Ulama also perform strategic functions as transmitters of religious teachings (tabligh), interpreters of Islamic law (tibyan), mediators in conflict resolution (tahkim), and moral exemplars (uswah). These functions strengthen the social legitimacy of ulama in responding to contemporary religious issues that develop within society.

In the context of ijtihad, the findings demonstrate that ulama are not merely transmitters of normative texts but also intellectual actors who employ legal reasoning to address emerging issues that are not explicitly regulated in the Qur'an and the Sunnah (Method & Sholihin, 2021). Ijtihad is understood as a crucial mechanism for maintaining the relevance of Islamic law amid social change (Alimuddin, 2022). The foundations of ijtihad – rooted in the Qur'an, the Sunnah, and rational reasoning (dalil 'aqli) – serve as the basis for ulama and MUI in formulating religious perspectives, including on sensitive social issues.

Pregnancy Marriage (Nikah Hamil) in Islamic Legal Discourse and Social Practice

The findings of this study indicate that pregnancy marriage (nikah hamil) is commonly understood in the community as a marital contract conducted when the bride is already pregnant prior to the ijab qabul. This condition may arise either when the woman is married to the man who caused the pregnancy or when she is married to another man who is not the biological father (Fathoni et al., 2023). In the local context, nikah hamil is generally perceived as a pragmatic solution to resolve social pressure resulting from premarital pregnancy rather than as a religiously ideal form of marriage.

Field data reveal that premarital pregnancy and the birth of children outside marriage are influenced by multiple interrelated factors. These include underage relationships, economic unpreparedness for marriage, differences in religious beliefs, cases of sexual violence, lack of parental consent, obstacles related to polygamy regulations, free sexual association, and involvement in prostitution or commercial sexual activities (Zuhrah et al., 2020). These factors demonstrate that nikah hamil is

not merely an individual moral issue but also a social phenomenon shaped by structural, cultural, and economic conditions.

From the perspective of Islamic law, the study confirms the existence of diverse scholarly opinions regarding the permissibility of marrying a pregnant woman (Istihanah, 2025). When the pregnancy results from a relationship with the man who intends to marry her, the majority of classical jurists – particularly from the Hanafi, Shafi'i, and Hanbali schools – consider the marriage valid, provided that sincere repentance is undertaken (Fathoni et al., 2023). Ibn Hazm of the Zahiri school also permits such a marriage, emphasizing repentance and legal accountability as moral prerequisites. These views reflect a tendency within Islamic jurisprudence to prioritize moral restoration and social order (Zainuddin & Ulya, 2021).

However, when a pregnant woman is married to a man who is not responsible for the pregnancy, juristic opinions diverge significantly. Some scholars, particularly within the Maliki school, prohibit such marriages based on Qur'anic injunctions and prophetic traditions that aim to protect lineage (nasab). Conversely, other scholars, including Abu Hanifah and several Shafi'i jurists, permit the marriage without conditions, arguing that unlawful acts do not invalidate what is otherwise lawful (Fathoni et al., 2023).

The findings further show that Indonesian positive Islamic law, as codified in the Compilation of Islamic Law (KHI), adopts a pragmatic approach. Article 53 of the KHI allows a pregnant woman to marry the man who impregnated her without waiting for childbirth and without requiring remarriage afterward (Hadaiyatullah1 et al., 2024). This provision reflects the legal objective of protecting the unborn child, ensuring legal certainty, and preventing prolonged social stigma.

Overall, this discussion demonstrates that *nikah hamil* occupies a complex position between normative Islamic doctrine, juristic diversity, and socio-legal realities. While Islamic law strongly condemns premarital sexual relations, both classical jurisprudence and contemporary legal frameworks provide mechanisms to

address their consequences in order to preserve social stability, protect lineage, and uphold human dignity.

Pregnancy Marriage in the Perspective of Classical Islamic Jurisprudence

Marriage involving a woman who becomes pregnant as a result of fornication (zina) has long been a subject of debate among classical Islamic jurists. The divergence of opinions does not merely stem from differences in textual evidence, but also from varying interpretations of the objectives of Islamic law (maqāṣid al-sharī'ah), particularly the protection of lineage (ḥifẓ al-nasl) and the preservation of moral order within society (Toriquddin, 2014).

Scholars of the Shāfi'ī school maintain that pregnancy resulting from fornication does not constitute a legal impediment to marriage. According to this view, a pregnant woman may lawfully be married either to the man who impregnated her or to another man, without the necessity of waiting until childbirth. The Shāfi'ī jurists argue that fornication does not generate legal consequences capable of preventing a valid marriage contract (Jaziri, n.d.). As long as the essential pillars and conditions of marriage, including a valid offer and acceptance (ijāb and qabūl), are fulfilled, the marriage is considered legally valid. Pregnancy caused by zina is regarded as a biological condition rather than a juridical status that affects the permissibility of marriage (Adnan, 2023).

A similar position is held by the Ḥanafī school, which asserts that a woman who is pregnant due to fornication is not subject to a waiting period ('iddah). The rationale behind this opinion lies in the legal purpose of 'iddah, which is to safeguard lineage arising from a lawful marital relationship. Since zina does not establish legitimate lineage, the enforcement of 'iddah is deemed unnecessary (Nurul, 2022). Consequently, a man is permitted to marry a woman who is pregnant as a result of zina without waiting for the completion of any waiting period (Fathoni et al., 2023).

In contrast, the Mālikī school adopts a more restrictive approach. Mālikī jurists categorically prohibit the marriage of a woman who is pregnant due to fornication

until she has completely cleared her womb (*istibrā'*), either through childbirth or by completing a prescribed period indicating the absence of pregnancy . A marriage conducted prior to *istibrā'* is considered defective (*fāsid*), as it raises the risk of confusion of lineage (Chairuni & Sugitanata, 2024). This position is grounded in the prophetic prohibition against “watering another person’s crop,” which is interpreted as a metaphorical prohibition against introducing a man’s semen into a womb that already contains a fetus .

The Ḥanbalī school takes an even stricter stance by declaring marriage to a woman known to have committed fornication invalid unless two conditions are met. First, the woman must have completed her *'iddah*, which, in the case of pregnancy, concludes only upon the delivery of the child. Second, she must demonstrate sincere repentance from the act of fornication. Without the fulfillment of these conditions, the marriage is deemed invalid, whether the prospective husband is the biological father of the fetus or another man.

Differences among jurists also extend to the determination of lineage (*nasab*) of a child born as a result of fornication. The majority of scholars, particularly within the Shāfi'ī school, hold that such a child is legally affiliated only with the mother and not with the biological father, even if the parents subsequently marry before the child’s birth (Al-Dimyati, n.d.). This opinion is based on the well-known prophetic tradition stating that lineage belongs to the lawful marital bed, while the fornicator has no claim. Some scholars, however, argue that a child may be attributed to the biological father if the child is born at least six months after the conclusion of a valid marriage between the biological parents (Sonny et al., 2024). If the child is born within a period shorter than six months following the marriage contract, lineage to the father is not legally established.

From a legal standpoint, marriage conducted during pregnancy may be deemed valid in Islamic law if its essential requirements are satisfied, particularly according to the Shāfi'ī and Ḥanafī schools. Nevertheless, the validity of the marriage contract does not negate the broader legal consequences associated with lineage,

inheritance rights, and social implications. A child born from fornication is generally affiliated with the mother and, as a result, does not possess inheritance rights from the biological father. Any financial provision from the father may only be granted through voluntary mechanisms such as gifts or bequests, rather than through compulsory inheritance.

Beyond legal considerations, pregnancy marriage often carries significant social consequences, including stigma directed toward both the parents and the child. Such stigma can adversely affect the social standing of the family and lead to marginalization within the community (Ma'mun, 1960). These realities underscore the need for legal and social approaches that prioritize the welfare of the child and the broader principle of public interest (*maṣlaḥah*).

In the Indonesian context, the Compilation of Islamic Law (*Kompilasi Hukum Islam*) adopts a mediating position by permitting a man to marry a woman who is pregnant as a result of fornication, provided that he is the individual responsible for the pregnancy. The marriage may be conducted without waiting for the birth of the child, and no renewal of the marriage contract is required after childbirth (Indonesia, 2015). This provision seeks to ensure legal certainty regarding the child's status and to protect the child's rights within the national legal framework.

In Law Number 1 of 1974 concerning Marriage, the permissibility of marriage involving a pregnant woman is not explicitly regulated in a separate or specific provision. This conclusion is drawn from a careful examination of the content of Law Number 1 of 1974. The law primarily addresses the legal status of children born from marital or non-marital relationships, rather than directly regulating pregnancy marriage. According to Law Number 1 of 1974, the legal status of children is divided into two categories: legitimate children and children born outside of marriage. A legitimate child, as stipulated in Article 42 of Law Number 1 of 1974, is defined as a child born within or as a result of a legally valid marriage (Indonesia, 2015).

The MUI Fatwa in North Maluku on Pregnancy Marriage

The findings of this study indicate that pregnancy outside of marriage has become a concerning social phenomenon within families and local communities in North Maluku. Field data reveal that various responses are adopted to conceal the perceived social disgrace associated with premarital pregnancy, ranging from unsafe practices such as abortion to the immediate arrangement of marriage, either with the man responsible for the pregnancy or with another willing partner. This situation has generated significant confusion among community members regarding the permissibility of marrying a pregnant woman under Islamic law.

The diversity of public perceptions reflects the long-standing differences of opinion among classical Islamic jurists. Prominent scholars such as Imam al-Shafi'i, Imam Abu Hanifah, Imam Malik, and Imam Ahmad ibn Hanbal offered varying legal interpretations based on their respective methodologies in understanding the Qur'an, Hadith, and juristic reasoning. These differences continue to influence contemporary religious discourse, as modern scholars also rely on classical precedents while responding to changing social realities.

Empirical findings show that the Indonesian Council of Ulama (Majelis Ulama Indonesia/MUI) in North Maluku is widely regarded by the community as the primary religious authority capable of addressing sensitive socio-religious issues such as pregnancy marriage. Although sociologically perceived as a binding religious authority—sometimes even mistaken as a “school of law” (mazhab)—MUI is institutionally a socio-religious organization rather than a formal state body. This misconception is particularly evident in rural areas, where limited access to religious education leads people to equate affiliation with MUI, NU, or Muhammadiyah with adherence to a specific mazhab.

In its legal reasoning, MUI adopts a contextual and moderate approach. Based on the Compilation of Islamic Law (KHI), MUI generally allows pregnancy marriage, especially when it involves the man responsible for the pregnancy, in order to protect social order, ensure legal certainty for the child, and uphold public welfare (maṣlaḥah). However, MUI also recognizes alternative views, including more

restrictive positions that prohibit such marriages to preserve moral and doctrinal purity. These perspectives are reflected in MUI Fatwa Number 11 of 2012 concerning the legal status and treatment of children born from zina, which emphasizes moral responsibility, repentance, and the protection of lineage.

Thus, the role of MUI in North Maluku demonstrates a dynamic interaction between classical fiqh, national Islamic legal frameworks, and contemporary social realities, positioning the fatwa not merely as a normative ruling but as a moral and sociological instrument guiding community behavior.

Practices and Impacts of Pregnancy Marriage outside Wedlock in Dolik Village

The findings reveal that pregnancy marriage outside wedlock in Dolik Village constitutes a complex phenomenon involving intertwined religious, social, and legal dimensions. Although Islamic norms clearly prohibit premarital sexual relations, field data demonstrate that community responses tend to be pragmatic, prioritizing social harmony and damage control rather than strict normative enforcement. In practice, pregnancy marriage is often viewed as an emergency solution to mitigate shame (aib), protect family honor, and secure the future of the unborn child, even though its long-term consequences frequently remain unresolved.

Empirical evidence from the field indicates that there were two dominant patterns of pregnancy marriage in Dolik Village. The first pattern involved women who were married to the men responsible for the pregnancy, while the second involved women who were not married at all and were left to bear the social and economic consequences alone. In cases where marriage did occur, it was generally performed when the pregnancy had already reached an advanced stage, often around six months. Although these marriages formally fulfilled the pillars and conditions of Islamic marriage, interviews revealed that they were often marked by deep psychological distress, unstable marital relations, jealousy, domestic conflict, and eventual separation. These findings suggest that marriage undertaken primarily as a

remedial response to pregnancy does not automatically result in marital stability or emotional security.

Narratives from female informants highlight intense fear, shame, and moral anxiety upon discovering their pregnancies, followed by pressure from families to demand male responsibility. While some men agreed to marry, responsibility was frequently limited to the formal act of marriage itself, without sustained emotional commitment or relational maturity. In several cases, marital breakdown occurred within a short period after childbirth, indicating that pregnancy marriage, when motivated by coercion or social pressure rather than mutual readiness, tends to produce fragile family structures.

More severe social consequences were observed in cases where the woman was not married at all. Women in this category experienced prolonged stigma, social isolation, and psychological vulnerability, particularly when the male partner or his family refused to acknowledge responsibility. The absence of marriage not only intensified the woman's marginalization but also transferred the full burden of childcare to her and her natal family. Although Islamic jurisprudence assigns lineage (*nasab*) of a child born from *zina* to the mother, this legal clarification did not alleviate the social discrimination faced by unmarried mothers and their children within the community.

Interviews with traditional leaders, religious figures, and village officials reveal a shared concern that pregnancy outside marriage produces broader social harm extending beyond the individuals involved. Parents, families, and even community institutions are compelled to absorb the consequences of what is perceived as individual moral failure. Informants emphasized that legal regulations and religious norms often fail to function effectively when social control weakens and personal desires override moral restraint. The influence of digital media, peer relationships, and interreligious social interaction was repeatedly identified as accelerating behavioral change among adolescents, contributing to the normalization of premarital relationships.

At the institutional level, officials from the Office of Religious Affairs (KUA) acknowledged the difficulty of identifying pregnancy marriage formally, as verification largely depends on health authorities and voluntary disclosure. Preventive efforts such as premarital counseling and socialization programs remain limited due to structural constraints, including the shortage of religious counselors. Consequently, preventive mechanisms have not yet been able to significantly reduce the incidence of premarital pregnancy.

Overall, the findings demonstrate that pregnancy marriage in Dolik Village functions more as a reactive social mechanism than a comprehensive solution grounded in Islamic ethical objectives (*maqāsid al-sharī'ah*). While it may temporarily restore social order, it often fails to protect essential values such as family stability, psychological well-being, and the long-term interests of women and children. This condition underscores the urgent need for integrated efforts involving religious education, parental engagement, community awareness, and institutional support to address the root causes of premarital pregnancy rather than merely managing its visible consequences.

Perspectives of the Indonesian Council of Ulama (MUI) of North Maluku on Pregnancy Marriage in Dolik Village

The findings of this study indicate that pregnancy marriage in Dolik Village is not only a social phenomenon but also a matter that attracts serious attention from religious authorities, particularly the Indonesian Council of Ulama (Majelis Ulama Indonesia/MUI) of North Maluku. Field data show that there were five cases of pregnancy marriage identified during the research period. Among these cases, four women were married after becoming pregnant outside wedlock, while one woman was not married at all. Of the four marriages that took place, one ended in divorce within a relatively short period, reflecting the fragility of marriages conducted primarily as a response to premarital pregnancy. These empirical findings correspond

with the broader concerns expressed by MUI regarding both the practice and the social impact of pregnancy outside marriage (Shavira et al., 2025).

According to Muhammad Wardah, Chairman of the Fatwa Commission of MUI North Maluku, pregnancy marriage refers to a situation in which a woman is already pregnant at the time of marriage, regardless of whether the man she marries is the one responsible for the pregnancy or not. He explained that classical Islamic jurisprudence presents diverse scholarly opinions on this issue (Muhammad Syauqi Arinalhaq, Suadi Saad, 2025). Some scholars consider such a marriage valid, while others regard it as invalid. Certain opinions require that the man who marries the pregnant woman must be the one who caused the pregnancy, whereas other views do not impose this condition. There are also opinions that acknowledge the validity of the marriage contract but prohibit conjugal relations until the woman gives birth. Nevertheless, he emphasized that the dominant scholarly opinion generally considers the marriage valid, irrespective of whether the groom is the biological father of the fetus (Wardah, 2026). However, the act of zina itself remains categorically sinful and constitutes a separate moral and legal issue. He further noted that the legal status of the child born from such a marriage remains subject to scholarly disagreement, particularly concerning lineage (*nasab*) and inheritance rights. In general, if the child is born at least six months after the marriage contract, the child is considered legally affiliated with the father and is entitled to inheritance rights (Widhy Adrian Pratama, Adis Nevi Yulianim Djulya Eka Puspita, 2025). Conversely, if the child is born less than six months after the marriage, lineage is attributed solely to the mother.

This perspective was reinforced by Harwis Alimuddin, Secretary of the Fatwa Commission of MUI North Maluku and a lecturer in Islamic Family Law. He acknowledged that pregnancy marriage is a recurring issue within society and that differences of opinion among the four Sunni schools of law significantly influence public understanding. In the Indonesian context, where the *Shāfi'ī* school predominates, pregnancy marriage is generally regarded as valid, whether the marriage is conducted with the man responsible for the pregnancy or with another

man. However, he stressed the importance of careful public explanation to prevent misinterpretation, particularly among adolescents. Without proper clarification, society may mistakenly assume that pregnancy outside marriage is permissible simply because pregnancy marriage is considered legally valid. To counter this misunderstanding, he highlighted the opinion of the Ḥanbalī school, which considers pregnancy marriage invalid, whether conducted with the perpetrator of zina or not. From this perspective, preventive measures such as continuous socialization, moral education, and strict parental supervision are essential to curb the increasing incidence of premarital pregnancy (Alimuddin, 2026).

Interviews with individuals directly involved in pregnancy marriage reveal deep regret and acknowledgment that their actions constituted serious moral and social mistakes. Most informants expressed remorse and a strong desire that their experiences not be repeated by other family members or community members, given the negative psychological, social, and familial consequences they endured. Similarly, community members emphasized the crucial role of parents in supervising and guiding their children to prevent behaviors that could lead to premarital pregnancy (Ramayani et al., 2025). Although pregnancy marriage may be accommodated within certain legal and juristic frameworks, premarital sexual relations themselves remain unequivocally prohibited by both Islamic law and moral norms. The rapid development of information and communication technology, combined with limited public understanding of Islamic legal principles, has further exacerbated the vulnerability of younger generations to moral deviation.

The study also found that efforts undertaken by community leaders in addressing pregnancy marriage remain largely limited to general advice and informal reprimands. Insufficient educational outreach to both parents and children has contributed to ongoing violations of religious norms in Dolik Village. Excessive and uncontrolled interaction between members of the opposite sex frequently leads to emotional attachment and unrestrained desire, ultimately resulting in pregnancy outside marriage (Ligit, 2016). While cases of pregnancy marriage appear increasingly

common at the social level, official data from the local Office of Religious Affairs (KUA) indicate that such cases are rarely recorded. This discrepancy suggests the presence of social dysfunction within the community, where social institutions fail to operate effectively as interconnected components of a unified system.

From a sociological perspective, society functions as a system composed of interrelated subsystems, including family, religion, education, and community institutions. In Dolik Village, these subsystems have not fully performed their expected roles. Families, which should serve as the primary foundation for religious and moral education, often tolerate violations of Islamic norms (Nurhalisa & Khasanah, 2026). Religious authorities, such as Qur'anic teachers, village imams, and local religious institutions, have not maximized their role in providing comprehensive guidance on Islamic ethics, including proper interaction between men and women. Similarly, both formal and informal educational institutions lack balanced methods for delivering religious education that integrates moral discipline with contemporary social challenges.

As a result of this systemic dysfunction, pregnancy outside marriage has gradually become normalized, even perceived as a new social pattern, reflected in common community expressions that casually inquire about the stage of pregnancy following marriage. An equally important issue concerns the procedural mechanisms of marriage registration at the Office of Religious Affairs or by Marriage Registration Officers. In principle, the procedure for marrying a pregnant woman outside wedlock in Dolik Village does not differ from that of a woman who is not pregnant. The marriage must fulfill the pillars and conditions prescribed by Islamic law and Indonesian marriage legislation. In practice, however, families of pregnant women often first consult village imams or neighborhood leaders to seek advice and solutions before proceeding through formal channels. Only after these informal processes are completed does the case reach the KUA or Marriage Registration Officer as the final stage of resolution.

Overall, the perspectives of MUI North Maluku underline that while pregnancy marriage may be accommodated within certain juristic interpretations, it should not be misconstrued as legitimizing premarital sexual relations. The phenomenon reflects deeper structural and moral challenges that require comprehensive preventive strategies, integrating religious guidance, family involvement, educational reform, and institutional responsibility to protect societal values and future generations.

Conclusion

This study concludes that pregnancy marriage (*nikah hamil*) in Dolik Village, North Maluku, represents a complex intersection between Islamic jurisprudence, social reality, and institutional practice. The research confirms that pregnancy marriage is not a normatively encouraged practice but rather a pragmatic social response to premarital pregnancy aimed at preserving family honor and social stability. The findings demonstrate that, from the perspective of the Indonesian Council of Ulama (MUI) of North Maluku, pregnancy marriage is generally considered legally valid under certain juristic interpretations, particularly those influenced by the Shāfi'ī school, regardless of whether the man who marries the woman is the biological father of the fetus. However, this legal permissibility does not negate the moral prohibition of *zina*, which remains a distinct and condemnable act within Islamic law.

The study further reveals that divergent opinions among classical and contemporary scholars significantly shape public understanding of pregnancy marriage. While MUI accommodates differing juristic views, its stance emphasizes that legal validity of marriage should not be misconstrued as justification for premarital sexual relations. Moreover, the research highlights that the legal status of children born from pregnancy marriages continues to be a contested issue, particularly regarding lineage and inheritance, thereby reinforcing the need for careful legal and religious interpretation in practical applications.

From a sociological perspective, the findings indicate that the increasing occurrence of pregnancy marriage reflects broader social dysfunction within the community. The family, religious institutions, and educational systems have not optimally fulfilled their roles in moral guidance and preventive education. This dysfunction has contributed to the normalization of premarital pregnancy and the perception of pregnancy marriage as an acceptable social solution rather than a moral and legal exception. Although formal marriage procedures for pregnant women comply with Islamic and national legal requirements, the reliance on informal mechanisms prior to official registration underscores the gap between normative law and lived social practices.

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