

## **Maqāṣid Shariah in Family Institutions: Analysis of the Prenuptial Course Module in Malaysia**

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### **Abstract**

*Of significant purposes of marriage in Islam are building self-serenity, developing a harmonious family with positive values, being a perfect platform to show love, affection, and gratitude among each member. Ironically, these purposes are immaterialized in some marriages as divorce cases are still high in Malaysia. Introducing compulsory pre-marriage course is among other actions taken by the government to protect its continuity. This article aims to study the module of the compulsory pre-marriage course and highlights elements of Maqāṣid Shariah in family and marriage. By Using the descriptive analysis method, this article argues that the modules have covered the whole elements of Maqāṣid Shariah. For instance, the faith and worship chapter is one factor in maintaining one's marriage and creating an individual's excellent character, which served them a better and happy life while preserving the religion itself. Highlighting Maqāṣid Shariah elements helps us understand the importance of building a fine family and preserving harmony within. Hence, a candidate who attends this prenuptial course build a good understanding among family members better than those who did not attend the pre-marriage course and, therefore, can maintain their relationship in marriage.*

**Keywords:** Maqāṣid Shariah, prenuptial course module (MKPPI), family institution, Malaysia

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## Introduction

A family institution in Islam began with a basic balance system, known as marriage, which is considered the first step in building society. In Islam, every rule or regulation about marriage and family affairs functions to safeguard *maslahah*, which involves the family members.<sup>2</sup> Marriage connects two people with different education and nurturing methods, which resulted in a different point of view, contrast characters, and variance personalities between them. However, these variations and differences might be faced by the open-minded mentality, and good behavior by each individual ends to good acceptances.<sup>3</sup> Based on these reasons, Islam has already clarified marriage's purposes: safeguarding the *maslahah* of family members and presenting perfect guidelines to be obeyed by Muslims for their benefits and happiness. Thus, the significant reason for well-understanding about this topic is highlighting them as the key to strengthening bonds between family members.

To enlight each term in this research, the word 'Maqasid' is a plural word of *maqṣad*, the Arabic word that means direction, orientation, and purpose.<sup>4</sup> The word *Maqṣad* is referring to the purposes of God's orientation and His divine order.<sup>5</sup> On the other one, it is also defined as 'Shariah' as religion and path.<sup>6</sup> The word *shariah* refers to anything ordered by Allah towards His servants. In sum,

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<sup>2</sup> Mohd Suhadi Mohamed Sidik, Md Noor Saper and Nurul'Ain Mohd Daud, *The Application of Maqasid Shariah Elements in Family and Marriage Counseling*, (Advances in Social Science, Education and Humanities Research, Atlantis Press SARL, volume 464,2019),713.

<sup>3</sup> Nurhidayah Muhd Hashim, *Penceraian Secara Fasakh: Konsep Dan Amalan Di Malaysia*, (Shah Alam, Pusat Penerbitan Universiti, 2011), 4.

<sup>4</sup> Muhammad Saad Ahmad al-Yubi, *Maqasid al-Syari'ah al-Islamiyyah wa 'Alaqatitha bi al-Adillati al-Syari'ah*, (Riyadh: Dar al-Hijrah, 1998), 26.

<sup>5</sup> Ahmad Raysuni, *Muhadarat fi Maqasid al-Syari'ah*, (Dar al-Kalimah li al-Nasyr wa al-Tawzi'), 9.

<sup>6</sup> Ibrahim Mustafa et. al, *al-Mu'jam al-Wasith*, (Istanbul: Dar al-Dakwah, 1989), *al-Shahah*, 1232. Ibn Mandhur, *Lisan al-Arab*, (Cairo: Dar al-Ma'arif, 1988), 2238.

Maqasid Syariah is a guideline or reference that contains rules and guidelines stated as Islamic orientation. In the other meaning, it refers to rules that are stated in Qur'an and Sunnah to guide human life.

The term 'family' refers to the meaning of a bond or mentioned in the Arabic word *al-usra'*. Oxford dictionary (2006) stated that family means a group consisting of one or two parents and their children.<sup>7</sup> Thesaurus Oxford (2010) mentioned that family refers to related and living individuals living on a roof.<sup>8</sup>

Maqasid Shariah generally aims to protect five main elements in human's life; religion, self, mental, descendance, and wealth.<sup>9</sup> Ibnu Ashur (1999) once stated that shariah aims to lead us to our true kind self (*fitrah*) and resulted in our right actions in various aspects of life.<sup>10</sup> It shows that a good understanding of building a family in Islam will initiate harmony, stability, and durability in a family conducted to fulfill their needs and protect them from any harm.

To have mates and descendants through marriage is considered human beings' nature to maintain humans' existence and protect their purity and dignity. Al-Quran had mentioned: "*And of His signs is that He created for you from yourselves mates that you may find tranquility in them, and He placed between you affection and mercy. Indeed, in that are signs for a people who give thought*" (Ar-Ruum: 21). Ironically, in Malaysia's view, there are numbers of unsuccessful marriages recorded by statistics, mentioned explicitly as 50,314 by 2017 and increased to 50,356 by 2018. These numbers show that 80 percent of them are

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<sup>7</sup> Oxford *Advances Learner's Dictionary*, Oxford: Oxford University Press, (2006).

<sup>8</sup> Oxford *Learner's Pocket Thesaurus*, Oxford: Oxford University Press, (2010).

<sup>9</sup> Ibn 'Ashur, *Maqasid al-Shariah al-Islamiyyah*. Tahqiq: Muhammad al-Habib ibn al-Khujah, N.Ed. (Qatar: Wizarat al-Awqaf wa ash-Shu'un al-Islamiyyah, 2004), 300.

<sup>10</sup> Ibn 'Ashur, *Maqasid al-Shariah al-Islamiyyah*. Tahqiq: Muhammad al-Habib ibn al-Khujah, N.Ed. (Qatar: Wizarat al-Awqaf wa ash-Shu'un al-Islamiyyah, 2004), 117.

Muslims, 39,709 by 2017 and increased to 40,269 by 2018.<sup>11</sup>

Previously, Malaysia Religious Affairs or Jabatan Agama Islam Malaysia (JAKIM) initiated a compulsory pre-marriage course to decrease the statistic of divorced spouses in Malaysia. Sulaiman Endut stated a research conducted on 3000 couples who had been married from 1992 until 1994, which attend pre-marriage courses before their marriage resulted in a lowering divorce rate among them, by one percent only.<sup>12</sup>

From that point, Malaysians must attend this course before being able to register their marriage formally. This course has been introduced since 1997, without any systematic syllabus. After establishing these courses, a systematic module is known as *Modul Bersepadu Kursus Pra-Perkahwinan Islam* (MBKPPI). It became the only source used by entire religious affairs in Malaysia states.

In 2002, JAKIM improvised the contents of the pre-marriage module after using it for five years. Also, JAKIM orders authorized organizations to reviews repetitively this module and its applications; to ensure that the aim and purpose of introducing it may be reached.<sup>13</sup> These reviews must be in line with the manual published in 1997 and written by JAKIM itself.<sup>14</sup> Besides, JAKIM also prepared a book entitled *Memasuki Gerbang Perkahwinan* (2004)<sup>15</sup> or

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<sup>11</sup> Jabatan Perangkaan Malaysia, *Perangkaan Perkahwinan dan Perceraian*, Malaysia, 2019.

[https://www.dosm.gov.my/v1/index.php?r=column/pdfPrev&id=c\\_kFNQUg4OHpESG1WRzZSeXRYZEJlQT09](https://www.dosm.gov.my/v1/index.php?r=column/pdfPrev&id=c_kFNQUg4OHpESG1WRzZSeXRYZEJlQT09), access on 1 December 2020.

<sup>12</sup> Sulaiman Endut, *Ingin Tahu Perkahwinan*, (Kuala Lumpur: Utusan Publications & Distributors Sdn Bhd, 1997) 131.

<sup>13</sup> Ruhil Hayati binti M. Busra, *Modul kursus Praperkahwinan Islam: Kajian terhadap keberkesanannya di Jabatan Agama Islam Negeri Perak Darul Ridzuan*, (Disertassion Jabatan Fiqh Dan Usul Akademi Pengajian Islam Universiti Malaya Kuala Lumpur, 2011), 32.

<sup>14</sup> Mustafa b. Abd. Rahman, *Garis Panduan Pengawalan Pelaksanaan Modul Bersepadu Kursus Pra Perkahwinan Islam*, (Jabatan Kemajuan Islam Malaysia: Kuala Lumpur, 1997), 11.

<sup>15</sup> Ghazali Hj Abd Rahman, *Memasuki Gerbang Perkahwinan*. (Jabatan Kemajuan Islam Malaysia, Kuala Lumpur, 2004), Vii.

introducing marriage life as a source in this pre-marriage course. This book contains three major parts: basic human needs, family management, and family problems. In 2008, this book was improvised by adding a discussion about conflicts and stress management. Ghazali Haji Abd. Rahman stated that this addition was due to Malaysian couples' inability to handle their conflicts.<sup>16</sup>

As stated in *Utusan Malaysia*, since 2013, the participant of the pre-marriage course required to sit for writing tests regarding their understanding of Islam. The first will be at the beginning of the course, and the last will held at the end of it. According to the religious ministry in Prime Minister Affairs, Datuk Seri Jamil Khir Baharom, the purpose of both tests is to examine participants' knowledge about 11 topics mentioned in the module and build real understanding throughout the pre-marriage course.<sup>17</sup> Ruhil Hayati (2011) mentioned a significant deduction of divorce couple statistic after five years of this course implementation, by 7.6%.<sup>18</sup> However, by these days, the statistic is increasing to an alarming figure statistics. Thus, it is essential to study its module to ensure the content had enlightened true meanings or purposes of marriage in Islam, which covered the topics of Maqasid Shariah in the family institution.

Apart from this current study, thesis entitled *Maqasid Shariah Dalam Bab Perkahwinan Dari Segi Tanggungjawab* (Maqasid Shariah in marriage, a study from responsibilities aspect) written by Nazihah Binti Nasirudin (2011) had discussed Maqasid Shariah in protecting five primary purposes: religion, self, mental, descendant and wealth. This thesis focuses on the responsibilities of family members. It highlights the importance of a descendant in

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<sup>16</sup> Ghazali Hj Abd. Rahman, *Memasuki Gerbang Perkahwinan*, v.

<sup>17</sup> *Utusan Malaysia*, Arkib Dalam Negeri (14/02/2013), Candidate pre-marriage course have a test for basic knowledge in Islam.

<sup>18</sup> Ruhil Hayati binti M. Busra, *Modul kursus Praperkahwinan Islam: Kajian terhadap keberkesanannya di Jabatan Agama Islam Negeri Perak Darul Ridzuan*, (Disertassion *Jabatan Fiqh Dan Usul Akademi Pengajian Islam Universiti Malaya Kuala Lumpur*, 2011), 20.

marriage and the responsibilities to protect the goodness of building a family institution and its harmony. Among results of this study found; there is a lack of awareness about responsibilities in marriage, which caused an unsuccessful relationship between family members. It shows that understanding Maqāṣid Shariah in marriage life is essential. Therefore, the real preparations for marriage life are needed by every Muslim in order to fulfill responsibilities in a better way.<sup>19</sup>

Ruhil Hayati Binti M. Busra (2011) in her thesis entitled *Modul Kursus Praperkahwinan Islam: Kajian Terhadap Keberkesanannya Di Jabatan Agama Islam Negeri Perak, Darul Ridzuan* (The module of Islamic pre-marriage course: A study about its effectiveness at Jabatan Agama Islam Negeri Perak, Darul Ridzuan) focus on the effectiveness of pre-marriage course in Perak, including its context, input, product, and the processes. This study found that the effectiveness of the module was based on the test results of participants. This study also highlights that the pre-marriage course module is fundamental to prepare Muslims before getting into real marriage life. However, this study not discussed Maqāṣid Shariah in building a family in Islam, specifically.<sup>20</sup>

Another study focuses on the rules of beating a wife who committed *nushuz* in Islam based on the perspective of Maqāṣid Shariah. There are also discussions about compensation or qisas if death occurs. Generally, this study focuses on the purposes of beating a wife who committed *nushuz*. Thus, this study limited to Maqāṣid Shariah in beating their wife and not discussed Maqāṣid Shariah in building a family institution.<sup>21</sup>

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<sup>19</sup> Nazihah Binti Nasirudin. *Maqāṣid Shariah Dalam Bab Perkahwinan Dari Segi Tanggungjawab*. (Dissertation: Fakulti Pendidikan Universiti Teknologi Malaysia, 2011).

<sup>20</sup> Ruhil Hayati Binti M. Busra, *Modul Kursus Praperkahwinan Islam: Kajian Terhadap Keberkesanannya Di Jabatan Agama Islam Negeri Perak, Darul Ridzuan*.

<sup>21</sup> Nurul Afidah Awang & Mek Wok Mahmud, *Memukul Isteri Ketika Nusyuz Dari Sudut Pandang Maqāṣid Shariah*, (Seminar Fiqh Semasa (SeFis) 2015).

Additionally, there is a book entitled *Maqasid Shariah Bia'bad Jadidah* (Maqasid Shariah in a new dimension) written by Dr. Abdul Majid Najjar (2008), which discuss Maqasid Shariah in protecting Muslim's needs. This book also focuses on Maqasid Shariah in the family, including various aspects of individual, family, and society. This study found; a proper understanding of family members' duties and responsibilities conducted to harmonize the family. This study shows that a combination of fine families may lead Muslims to strengthen the concept of Ummah Islamiyyah in the future.<sup>22</sup>

The latest study about this topic is a paper entitled *Maqasid Shariah fi Ahkam Al-Ussrah Taujihan lia'hkam al-Ussrah al-Muslimah fil Gharb* (Maqasid Shariah in the family institution: A study case of Muslims families living in West) written by Dr. Abdul Majid Najjar (2016) which focus on importance and benefits of understanding Maqasid Shariah in building family institution. This study discusses the Maqasid Shariah concept's perfectness to be applied in Muslim families in West countries. Besides, this study highlights the concept of *ijtihad* in Islam as an alternative solution to face family problems. This study also found that the influences of Islamic Jurisprudence in the West's family institution show that protecting human's needs and avoiding problems is one of the highlighted issues there. However, this study is limited to families in the West as a sample.<sup>23</sup>

On the other hand, this current study focuses on Maqasid Shariah itself, by deepening its elements, specifically in marriage issues, to define purposes in building a family in Islam, which benefits Muslims as a human being in this world and hereafter life, through this beautiful shariah. Besides, it aims to review the module contents of the pre-marriage course in Malaysia, in the

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<sup>22</sup> Abdul Majid Najjar, *Maqasid Shariah Bia'bad Jadidah* (Maqasid Shariah in a new dimension, (Beirut: Dar al-Gharb al-Islami, 2008).

<sup>23</sup> Abdul Majid Najjar, *Maqasid Shariah fi Ahkam Al-Ussrah Taujihan lia'hkam al-Ussrah al-Muslimah fil Gharb*. (The European Council for Fatwa and Research, 2016).

light of Maqāṣid Shariah, to find its role to build awareness about the proper purposes in marriage and family institution guided by Allah.

In this context, this paper urges the importance of highlighting Maqāṣid Shariah related to this module, responding to Mariam's results (2015). She had mentioned that the main factor of divorce in Malaysia are: responsibility negligence among the couple, miscommunication between them, personal ethics, third party interference, lack of religious knowledge, and practices. In the same vine, minor factors included the economy, sexual, and health issues. These findings highlighted the urgency of instilling awareness about marriage purposes in Islam, which conducted to well-awareness about their duties or roles.<sup>24</sup>

These factors show that every couple must be aware of marriage's real purposes regarding their responsibilities, focuses, skills, and adapting methodologies. In Malaysia, this awareness may be cultivated through a compulsory pre-marriage course because it is required for every Muslim couple in Malaysia. Thus, it is crucial to study the module used in this course, whether it explains these purposes (Maqāṣid Shariah in marriage) in detail.

### **Maqāṣid Shariah in Building Family Institution in Islam**

Building a family institution in Islam contains primary purposes to be achieved. Maqāṣid Shariah in building family divided into three parts: *Maqāṣid Am* (general purposes), *Maqāṣid Khas* (specific purposes) dan *Maqāṣid Juz'iyah* (particular purposes). These three significant purposes in building family institutions in Islam lead to the primary purpose, strengthening Ummah's unity throughout families' unity and stability.<sup>25</sup>

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<sup>24</sup> Mariam binti Abd. Majid & Muhammad Syafirul Zarif Bin Saleh Hudin. *Trend dan Faktor Perceraian Rumahtangga di Negeri Selangor dari tahun 2011 hingga 2015*. (KUIS: Al-Irsyad: Journal of Islamic and Contemporary Issues), Vol. 2, No. 2, December 2017.

<sup>25</sup> Ibn 'Asyur, *Kitab Maqāṣid al-Syariah al-Islamiyyah*, 532.



In brief, *Maqasid Am* of building family institution is to protect Islam as the true religion through the spread of its teachings in this world, building the unity of Ummah Islamiyyah by linking relationships between Muslims and their hearts. Building fine family institutions is considered as a basis for building unity among Muslims. It shows that this religion respects human nature, preferring to love families and relatives more than others. Thus, the purpose of building a family in Islam is to strengthen the relationship that is based on *Imaan* (faith) between Muslims in the same *nasab* (descendant) but not lead to *ta'asub* (obsession) of bloodline relationship.<sup>26</sup>

In this *Maqasid Am* (general purposes), there is a discussion about its main elements, among them: *dharuriyat khamsah* (five important preservations in Maqasid) such as protecting; religion (*hifz al-din*), self (*hifz an-nafs*), mental (*hifz al-'aql*), lineage (*hifz an-nasab*), and property (*hifz al-mal*).<sup>27</sup>

*Maqasid Am* contains various laws in detail. Those laws are related to *Maqasid Khas* and *Maqasid Juz'iyah*. The stability of the family will bring to the stability of a community. Therefore, the wisdom of successful marriage strongly contributed to the wisdom of a perfect community.<sup>28</sup>

Meanwhile, *Maqasid Khas* (specific purposes) discuss the role of each member of the family. Among the examples are The roles of a husband who must be responsible for *qawwamah* (leadership) as a leader and the one who makes a living and hold the responsibility of guardianship in the family.<sup>29</sup> These responsibilities were shouldered to men to balance a family in both spiritual and material aspects.

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<sup>26</sup> Jabir Abd al-Hadi al-Syafi'i, *Maqasid Ahkam al-Usrah 'inda al-Thahir Ibn 'Ashur, sebuah tulisan dalam kitab Maqasid al-Shariah 'inda al-Thahir Ibn 'Ashur Majmu'at Buhus*, (USA: Muassasah al-Furqan li al-Turath al-Islamiy, 2013), 221.

<sup>27</sup> Ibn 'Ashur, *Kitab Maqasid al-Syariah al-Islamiyyah*, 302-305.

<sup>28</sup> Abd al-Majid an-Najjar, *Maqasid as-Syariah bi Ab'adin Jadidah*, (Tunisia: Dar al-Gharb al-Islamiy, 2012), 162.

<sup>29</sup> Ibn Ashur, *Tafsir Tahrir wa Tanwir, An-Nisa: 34*, Vol. 5, 38.

Other than that, the laws in feeding the family, wife, and kids will strengthen their bonding because the family members will appreciate each other and respect the family leader.<sup>30</sup>

*Maqāṣid Khas* for wives is like an obligation to obey a husband, maintain family, and educate them. These obedient aims to keep the harmony and calmness in the family. That is why the disobedient wife or the one who committed *nushuz* must be educated so that the family's aims can be conserved.<sup>31</sup> Among *Maqāṣid Khas* related to children are the need to conserve their right to education and breastfeeding. Fulfilling their right to keep the continuance of children's lives as good as possible is related to family harmony and its complement.<sup>32</sup>

The discussion of *Maqāṣid Khas* related to the roles of family members shows justice in Islam. It is stated that Islam captures justice by a striking balance between spousal rights and duties. Abiding the guidelines and following rules inside marriage in Islam led to bonds between them, free from the sensitive issue between gender position such as supremacy and power. It clarifies that the proper understanding of *Maqāṣid Khas* resulted in harmonious marriage as a role model to societies.<sup>33</sup>

The third type of *Maqāṣid Shariah* in the family institution is *Maqāṣid Juz'iyah* (specific purpose), which focuses on family issues: Divorce or *talaq*, specifically for those couples who have confronted by unstoppable conflicts in their family. A discussion in *Maqāṣid* shows that one of the *talaq*'s purposes is to preserve Muslim from being stuck in a broken family with unsuitable spouses. Although the divorce itself has many *mudharat* (shortcomings), but in certain circumstances, divorce can

<sup>30</sup> Ibn Ashur, *Tafsir Tahrir wa Tanwir*, An-Nahl: 90, Vol 14, 256.

<sup>31</sup> Ibn Ashur, *Tafsir Tahrir wa Tanwir*, An-Nisa': 34, Vol. 5, 43.

<sup>32</sup> Ibn Ashur, *Tafsir Tahrir wa Tanwir*, Al-baqarah: 233, Vol. 2, 429.

<sup>33</sup> Sayed Sikandar Shah Haneef, Saidatolakma bt Mohd Yunus, Mohammed Farid Ali al-Fijawi, *Jurnal Pemikiran Hukum Islam Mazahib*. Muslim Feminists' Reading of The Quran: A Juristic Analysis on Family Law Issues. Indonesia: (IAIN-Samarinda,2018).

be the only way to keep *maslahah* (goodness) each family member in urgent cases and special conditions.<sup>34</sup> This shows that the only purpose of marriage is to bring serenity and calmness to Muslims.

However, it is mentioned that even *talaq* involves unilateral rights by men, Islam already expressed justice for women by specifically made this law with conditions; first: making divorce an abhorrent act (*makruh*) in Islam. Second: declaring abusive rights such as divorce with a triple at once as morally depraved. On the wife's side, Allah warns them of negative consequences in asking for their marriage's dissolution without any valid reason. It shows that Islam protects both parties even though it captures one-sided right literally.<sup>35</sup>

Another sample in *Maqasid Juz`iyah* discussed in family issues is the compulsory period for women in Islam, known as '*iddah*. It is a waiting period for Muslim women caused by the divorced or dead husband for further explanation. Uniquely, this period aims to preserve descendants from previous husbands with the next husbands. It shows that protecting descendants is significant and needed, aligning with humans' priorities in protecting their lineage from others.<sup>36</sup>

In the topic of '*iddah*, there are also discussions about the prohibition to make this waiting period longer in order to keep good things in the side of women, because they are always a victim to the husbands who abuse the aims of *rujuk* (being back together) in order to oppress women only, by re-marry his wife after she almost finished her '*iddah*, but divorce her again and re-marry again, until three times. Even though the original law is not against it, this immoral action is considered a prohibited measure because it

<sup>34</sup> Ibn Ashur, *Usul al-Nidham al-Ijtima'I fi al-Islam*, (Tunis: al-Syirkah al-Tunisia li al-Tauzi', Aljazair: al-Muassasah al-wathaniyah li al-Kitab), 36.

<sup>35</sup> Sayed Sikandar Shah Haneef, Saidatolakma bt Mohd Yunus, Mohammed Farid Ali al-Fijawi, *Muslim Feminists' Reading of The Quran: A Juristic Analysis on Family Law Issues*.

<sup>36</sup> Ibn Ashur, *Tafsir Tahrir wa Tanwir*, Al-Talaq: 1-4, Vol. 30, 294.

contains flaws in protecting women's goodness. There is an abuse of men's power as protectors.<sup>37</sup>

Among *Maqāṣid Juz`iyyah*, which has been discussed also is the right of a husband to beat his wife to educate them. Ibnu Ashur (1984) explained that beating a wife is allowed but subjected to strict terms and conditions, not considered as a simple license to a husband because of his status.<sup>38</sup> Islam aims to bring happiness to all Muslims, including comfort and respected position for women. There must be strong and clear reasons conducted to husband's beating rights such as involvement of wife is forbidden (*haram*) action or has been committed *Zina* and must be proven with vital facts and evidence.

Ibnu Ashur also stated the strict regulations related to beating in Islam, such as not harming the wife eternally and not related to her appearance, especially on the face. Moreover, the wife also has the right to be protected by the religious institution if her husband had exceeded the limit. It shows that beating a wife is to educate them to maintain religious matters and not take advantage of them. Al-Jaṣāṣ mentioned that *nusyūz* or rebellion and disobedience act from a wife could be one of the reasons.<sup>39</sup> Hence, beating comes as the last stage in educating a disobedient wife. Rashīd Ridhā asserted that beating was considered a bitter way to educate a rebel wife and not recommend treatment.<sup>40</sup>

### **The Contents of Pre-Marriage Course Module<sup>41</sup>**

The *Modul Bersepadu Kursus Pra-Perkahwinan Islam* (MBKPI), known as the integrated pre-marriage course

<sup>37</sup> Ibn Ashur, *Tafsir Tahrir wa Tanwir*, Al-Talaq: 1-4, Vol. 30, 294.

<sup>38</sup> Ibn Ashur, *Tafsir Tahrir wa Tanwir*, An-Nisa: 34, Vol. 5, 43.

<sup>39</sup> Ahmad Ibn Ali Abū Bakr Al-Rāzi Al-Jaṣāṣ Al-Ḥanafī, *Aḥkām al-Qurān*, (Beirut: Dār Iḥyā` al-Turāth al-‘Arabī, 1405), Vol. 3, Pg. 148.

<sup>40</sup> Muhammad Rashīd ibn ‘Alī Ridhā ibn Muhammad Shams Al-Dīn Ibn Muhammad Bahā` Al-Dīn, *Tafsir al-Manār* (Egypt: Al-Hai`ah Al-Maiṣriyyah al-‘Āmmah Li al-Kitāb, 1990), Vol. 5, Pg. 65.

<sup>41</sup> *Garis Panduan Pelaksanaan Kursus Pra-perkahwinan Islam Berdasarkan Modul Bersepadu Kursus Pra-Perkahwinan Islam*, (Jabatan Kemajuan Islam Malaysia: Kuala Lumpur, 2016), 1, 6-9.

module, has been enacted by the Jabatan Kemajuan Islam Malaysia (JAKIM) in 1996 and approved its implementation in 1997. In 2008, a second improvement was made before (MBKPI) version 3 was produced in 2012 with significant added topics relevant to contemporary issues.

This module (MBKPI) is the only reference material used by every pre-marriage course in every state in Malaysia. Based on this reason, the compulsory pre-marriage courses known as 'Islamic Pre-marriage Course Based on Integrated Module of Islamic Pre-marriage Course' or '*Kursus Praperkahwinan Islam Berdasarkan Modul Bersepadu Kursus Pra-Perkahwinan Islam.*'

This course is one of Malaysia's initiatives to provide early marriage knowledge for the future husband and wife. This pre-marriage course, which compulsory for participants to take, was organized by the Religious state department. It is stated that the course fees do not exceed RM120.00 and was conducted in 2 days/ 13 credit hour. Every participant of these courses will be given a file, stationery, course certificates, food and drink, the booklet of module summarization (MBKPI), and the book entitled '*Memasuki Gerbang Perkahwinan*' by (JAKIM). Besides, the book '*Memasuki Gerbang Perkahwinan*' is a discussion about the (MBKPI) also. It shows that the module's booklet (MBKPI) and the addition book are provided for the participants' references who attended the pre-marriage course.

The module (MBKPI) as the whole has been used as reference material for facilitators in conducting these pre-marriage courses. Additionally, these facilitators have observed guidelines to ensure the implementation of this module (MBKPI) in every course attended, such as attending courses to continuously upgrade their skills.<sup>42</sup> The integrated module of pre-marriage course<sup>43</sup> Malaysia

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<sup>42</sup> Ruhil Hayati Binti M. Busra, *Modul Kursus Praperkahwinan Islam: Kajian Terhadap Keberkesanannya Di Jabatan Agama Islam Negeri Perak, Darul Ridzuan*, 32.

<sup>43</sup> *Ringkasan Modul Kursus Pra-perkahwinan Islam for negeri Johor*, 1-5, 13, 24, 26, 28, 29, 30, 33, 59.

consists of 11 main chapters; First: Faith. Second: Worship. Third: Morals and family relation. Fourth: Communication between husband and wife. Fifth: Family resource management. Sixth: Health management. Seventh: Parenting preparation. Eighth: Marriage. Ninth: Marriage procedure. Tenth: Conflict and stress management and advisory service. Twelfth: Divorce.

Inside the 'Faith and Worship' chapter, this module explained the details of faith and worship as a fundamental concept to be learned by every Muslim. It mentions the importance of faith and its role in maintaining one's marriage. Moreover, it states a list of acts that contributed to the broken Muslim faith as a precaution. This module mentions that faith is an essential element that can be referred to in life issues. In terms of worship, self-purification and prayers play a fundamental role in building an excellent family because performing a correct way in worship guided by God will create individuals' excellent character and serve them a better and happy life.<sup>44</sup>

Under the chapter of 'Health Management,' this module explained an Islamic view about health and affirmed all the good and evil matters to family health. For example, a smoking parent will give harmful effects on children's health. There are also explanations about family-health preparations such as diagnosing HIV/AIDS before marriage, getting rid of smoking habit that is dangerous to health and the importance of halal relationship to make sure the couple is not infected by venereal disease.<sup>45</sup>

In 'Parenting Preparation,' this module explained several views of Muslim psychologists who said that the parent's attitude during pregnancy would determine children's personality. For example, parents who like to fight tend to create a high tempered child. Meanwhile,

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<sup>44</sup> *Modul Kursus Pra-perkahwinan Islam for negeri Johor*, 1-5.

<sup>45</sup> *Ringkasan Modul Kursus Pra-perkahwinan Islam for negeri Johor*, 26-28.

parents who like to give a charity will create a gentle soul child.<sup>46</sup>

The topic of 'Conflict and Stress Management' discussed steps to solve problems between husband and wife, including elaborations about managing or decreasing stress in the family. It advises spouses to be good listeners to one another, helping hand in house chores, not merely pass house management to one party specifically to wife. Also, there must be two-way communication in expressing feelings and needs. Both parties must be sensitive to each other. It also describes family violence guidelines and shows the right steps to deal with it for wife or husband. If violence occurred domestically, the victim must be proactive, not silently bear the illness and problems. He or she must get a consultation from the right person or organization. They also can report to authorities, specifically to the religious department.<sup>47</sup>

In the 'Financial Management' topic, this module explained steps to manage finance: income source, future saving, and the importance of managing finance. It also stated clearly about *zakat* and how to count *zakat* in detail. This topic is an essential part of this module because many families had suffered from economic issues these days.<sup>48</sup>

It is concluded that the critical part of this module is: the good discussions about duties and roles of family members, for husband, wife, and kids in order to create a happy family and produce an excellent generation. For instance, this module explained the duty of husband and wife and their rights since the beginning of married life. Significant responsibilities of husband and wife are also listed there, such as: keeping an *amaanah*, managing jealousy, and creating the right relationship environment and understanding between each family member.

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<sup>46</sup> *Ringkasan Modul Kursus Pra-perkahwinan Islam for negeri Johor*, 29-30.

<sup>47</sup> *Ringkasan Modul Kursus Pra-perkahwinan Islam for negeri Johor*, 30-33.

<sup>48</sup> *Ringkasan Modul Kursus Pra-perkahwinan Islam for negeri Johor*, 41-44.

Moreover, it discusses health management, which contains steps to remain healthy, mentally, and spiritually. Besides, simple elaborations of important issues, with exciting and clear summarization of the topics presented by this module, may help the readers understand the main topics of marriage life and make it easier to apply them.

### **Maqāṣid Shariah in Family within the Module<sup>49</sup>**

After discussions about Maqāṣid Shariah in building family institution generally, with elaborations of all topics in the module of pre-marriage course (MPPKI), these are discussions about Maqāṣid Shariah in the module itself, starting with:

- *Maqāṣid Am* or general purposes.

*Maqāṣid Am* is all virtues and purposes behind all shariah such as to gain *maslahah* (benefits) and to avoid *mafasid* (detriments).<sup>50</sup> Introduction of this module focus on *aqidah* aspects as fundamental needs in the family. This is because of its essential role in keeping peace and harmony within the family. It shows that the relationship between husband and wife is based on the belief and faith of Allah. The integrity of marriage only continued and developed if both spouses willing to share the same mission and objective to be accomplished through this marriage. This same mission and objective contributed to well understanding between spouses, indirectly will produce future Islamic generations with proper awareness about real living objectives such as; to be servants of Allah and leaders of the human being. It means that performing marriage means doing an act of *taqarrub* to Allah, as marriage is included in His shariah. Understanding this ultimate purpose-led

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<sup>49</sup> *Ringkasan Modul Kursus Pra-perkahwinan Islam* for negeri Johor, 10, 11, 15, 31, 32, 35, 52, 55.

<sup>50</sup> Sartut Yousef, *Muḥāḍarāt Maqāṣid Al-Sharī'ah al-Islāmiyyah al-Muta'alliqah bi al-Usrah*, (Aljazair: Markaz Al-Jāmi'ī Nūr Al-Bashīr bi Al-Bayaḍ, 2017), pg. 19.



couples is sensitive to each other's feelings, more sympathetic and empathetic to each other's problem, which may avoid heated arguments.<sup>51</sup>

This module also explained the aspects that must be avoided by the spouses when they face problems inside their marriage in order to keep the harmony in the family, such as blaming each other, accepting another third party involves in their family matters, which worsening the chaotic surrounding. It also advises family members to return to Allah in managing their crisis because it stated that the strong relationship between family members results from actual and acceptable fundamental values, which are *Aqidah* and *Imaan*.<sup>52</sup>

- *Maqāṣid Khas* or specific purposes.

Every act in law has its purposes that is means by *Maqāṣid khas*. The example that they are specific purposes in conducting family.<sup>53</sup> This type of *Maqāṣid* focuses on the obligations and rights of family members, among them:

1) Husband: True Muslim Husband's attitudes and right actions were listed under the chapter of 'Akhlaq' in this module. Among these attitudes are being responsible, wise, and providing an excellent example to the family. It also states that all family members are always under the responsibility of a husband. Straightforwardly, being responsible for their acts may encourage other family members to be genuine and honest. It also creates a special bond when they can find the ultimate role model among them. On the other hand, husbands who are being helpful for domestic chores may set a good sample for the next generation

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<sup>51</sup> *Ringkasan Modul Kursus Pra-perkahwinan Islam* for negeri Johor, 10-11.

<sup>52</sup> *Ringkasan Modul Kursus Pra-perkahwinan Islam* for negeri Johor, 11.

<sup>53</sup> Sartut Yousef, *Muḥāḍarāt Maqāṣid Al-Sharī'ah al-Islāmiyyah al-Muta'alliqah bi al-Usrah*, pg. 19.

in the family that marriage life is about helping and working together. Thus, this module explained the roles of a husband, before, in between, and after his wife delivered their baby. It shows that this module preserves the responsibility of the husband as a family leader and protector.<sup>54</sup>

Under the chapter of 'Health Management,' the module states that a husband must protect his family members from being infected by virus spread, infectious diseases, or sexually transmitted diseases. Because of that, they must be aware of a healthy lifestyle and spread awareness among his family. A healthy lifestyle is a way to prevent disease and lower the risk of getting infected by it. It also covers all mental, physical, and social well-being, which will lead to a positive role model, especially for kids.<sup>55</sup>

Other than that, the module also discusses the husband's responsibilities in managing and providing finance to the family, such as preparing *mahr*, supplying living costs, known as *nafqah*, and the responsibility to educate, to give suitable treatments and services to those who under his care.<sup>56</sup> It shows that the module mentions clearly about *Maqasid Khas* related to a husband before and after marriage.

2) Wife: Within the chapter of 'Akhlaq,' this module states *Maqasid Khas* focused on a wife, among them: First: her duty to obey her husband. Obeying a husband is one of the foremost commitments for a wife. However, this obedience is only restricted to lawful matters. Second, taking good care of herself and the whole household, keeping her dignity, and doing her duty as a wife inside their family are the wife's responsibilities. By doing so, she indirectly honors their

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<sup>54</sup> *Ringkasan Modul Kursus Pra-perkahwinan Islam* for negeri Johor, 12-13.

<sup>55</sup> *Ringkasan Modul Kursus Pra-perkahwinan Islam* for negeri Johor, 26-28.

<sup>56</sup> *Ringkasan Modul Kursus Pra-perkahwinan Islam* for negeri Johor, 10-13.

husbands. Even though running the affairs of her house in matters related to cooking, cleaning, and washing is not an obligation to them, it is considered an act of servings and love. Later, the act of servings and loves toward the husband counted as *ibadah* and good *akhlaq*. It also mentions about wife's rights within the family, such as her right to have a sexual relationship, suitable treatments by her husband, and have a happy life.<sup>57</sup>

3) Children: this module explained *Maqāṣid Khas* related to children, such as their responsibilities to obey parents and respecting them, such as doing right actions and pray for the parent's happiness, either during their life or after their death, showing them kindness and treating them with dignity and respect, all these acts is next to worshipping God. Moreover, it also elaborates on children's rights since they are still in their mothers' wombs until they become teenagers. Everyone must choose the right person to be their spouse since they will inherit their character to their kids. Moreover, choosing a pious and noble spouse considered as fulfilling children's rights before they are born. For instance, the responsibility towards children's rights that must be fulfilled by their mother is by living a healthy lifestyle and taking good and nutritious foods throughout the pregnancy period. Furthermore, among children's rights are getting a breastfeeding moment, having a good name, also, getting a good education and guardianship are included.<sup>58</sup>

4) Mother/Father in Laws: Under the chapter of 'Family Relationship,' this module shows the significance of building good communication and relationship between in-law family members. It advises the new bride and groom to adapt to their new families' different cultures, prepare to accept any different point

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<sup>57</sup> *Ringkasan Modul Kursus Pra-perkahwinan Islam for negeri Johor*, 11-13.

<sup>58</sup> *Modul Kursus Pra-perkahwinan Islam for Negeri Johor*, 14.

of view, be humble, and keep trying to understand others' differences in their new family surroundings.<sup>59</sup> This topic aims to build a healthy and fair relationship between family members and grant them the primary purposes of marriage: *sakinah* (serenity) and harmony.

- *Maqāṣid Juz'iyah* or particular purposes.

Yousuf (2017) quoted Alyubi saying that this *Maqāṣid juz'iyah* means any virtues or purposes related to only one matter and not another. For example, the 'particular purposes' related to family life is not related to other matters such as prayer, ablution, and divorce. Among these third type of *Maqāṣid* in marriage, mentioned as *Maqāṣid Juz'iyah* in this module including:

- 1) *Qawwamah* (leadership): Husband as the head of the family institution. This module has been explained the criteria of being a husband who capable of leading the family members. In the topic 'Akhlaq,' this module emphasizes the characters that must be owned by a husband, among them; respectful leadership, which influence the wife to obey his command such as guiding his wife and family to worship Allah by praying, fasting, and performing *ibadah* together. He also following Rasulullah (PBUH) in every aspect of life, specifically in managing the family.<sup>60</sup> The purpose of having good akhlaq in this module is one of the ways to pursuits happiness and brings peace to the family members. As mentioned before, being responsible for all their action may encourage another family member to be trustworthy and honest. It also captures other family members' attention by following the example of good leadership.

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<sup>59</sup> *Ringkasan Modul Kursus Pra-perkahwinan Islam for negeri Johor*, 15.

<sup>60</sup> *Ringkasan Modul Kursus Pra-perkahwinan Islam for negeri Johor*, 26-28.

- 2) *Radha'ah* (breastfeeding): This module explains the importance of breastfeeding. The nursing duty aims to safeguard the mother and child, supplying nutrients and vitamins needed by children to strengthen their relationship. Nowadays, most healthcare professionals recommend exclusive breastfeeding for at least six months or longer. The module states that the introductory period suggested in Islam is within two years.<sup>61</sup> It is proven that breast milk contains ideal nutrients.<sup>62</sup> (vitamins, protein, sugar, colostrum) for baby in all the right proportion. It is also loaded with antibodies, which helps babies to fight viruses and bacterias. Other than that, breastfeeding also benefits the mother in several conditions. It may help lose weight, reduce the risk of disease and depression, promote her health, and help financially by saving time and money.<sup>63</sup>
- 3) *Nushuz* (disobedient): In this module, there is debate and elaborations about these *nushuz* solutions. It is giving advice, always being the first step for every problem. It may escalate to another step by doing *hijr* or sleeping separately. If these treatments failed, the last treatment that is not recommended is to beat with strict conditions and terms applied. This description is intended to prevent harm caused by dysfunctional family institutions and neglect of individual responsibilities.<sup>64</sup>
- 4) Polygamy: This module also describes implementing polygamy for a man who still has a wife or a divorced

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<sup>61</sup> *Ringkasan Modul Kursus Pra-perkahwinan Islam* for negeri Johor, 11-13.

<sup>62</sup> Olivia Ballard & Ardythe L. Morrow, *Pediatr Clin North Am*, Human Milk Composition: Nutrients and Bioactive Factors, National Institutes of Health, February 2013, 3.

<sup>63</sup> Fani Anatolitou, *Journal of Pediatric and Neonatal Individualized Medicine*, Human Milk Benefits and Breastfeeding, Vol 1, No. 1, 2012,12-14.

<sup>64</sup> *Ringkasan Modul Kursus Pra-perkahwinan Islam* for negeri Johor, 32-35.

wife and still within the prescribed period *talaq raj'ie*. In order to practice polygamy, there are conditions to be fulfilled. The applicant shall state the reasons, revenue, commitments of financial liabilities, number of dependents, and his current wife or wives' views. It shows that instead of giving men total rights to re-marry, there is still preservation of his current wife's rights and their kids to keep the peaceful surrounding of family. This module stresses the purpose of being a justice in the polygamous family to safeguard and maintain peace in family institutions. The guidelines provided in the module are in line with the official Malaysia Shariah Laws, which precisely stated that every husband must apply for re-marry and fulfilling every condition required by the Shariah Law in 'Enakmen Undang-undang Keluarga Islam 2004', in section 23: Polygamy.<sup>65</sup>

In brief, elaborations about three types of Maqāṣid in this module discussed before the show that there are well-explained with proper presentations about these purposes of marriage in Islam.

### **Elements of the Five Necessities (*Dharuriyat Khamsah*)**

In Maqāṣid Shariah, the most popular element is *dharuriyat khamsah* that preserves and protects the five Muslim necessities through any laws stated in Islam.

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<sup>65</sup> Portal rasmi e-syariah, ENAKMEN UNDANG-UNDANG KELUARGA ISLAM 2004, BAHAGIAN II – PERKAHWINAN, Permulaan Kepada Perkahwinan. Link: [http://www2.esyariah.gov.my/esyariah/mal/portaltv1/enakmen/S\\_tate\\_Enact\\_Ori.nsf/100ae747c72508e748256faa00188094/7c2bd a16bb6c11e14825718c000da79e?OpenDocument](http://www2.esyariah.gov.my/esyariah/mal/portaltv1/enakmen/S_tate_Enact_Ori.nsf/100ae747c72508e748256faa00188094/7c2bd a16bb6c11e14825718c000da79e?OpenDocument), accessed on 1 December 2020.

Among the discussions about these five elements, based on the module, are:<sup>66</sup>

- The protection of religion (*Hifz ad-din*)

The elements of Maqasid, especially the protection of religion, had been discussed in the first topic, named 'Human Construction.' This chapter discussed the primary purpose of marriage in Islam, which is to protect religion by explains that marriage prevents Muslims from committing *Zina* as well as protects them from moral decadence among Muslim communities, which lead to show that Islam as the way of life, providing its follower better choices for their good. Therefore, the subtopics that have been highlighted in this chapter demonstrate the significance of marriage as a way of worship and a direct connection to Allah SWT. Among the topics highlighted are the importance of faith as the basis in humans' relationships and the significance of worship in maintaining a good family.<sup>67</sup>

- The protection of self (*Hifz an-nafs*)

In chapter one of the module, the topic of 'Marriage and Its Procedures' explains marriage's missions and wisdom, including self-protection offered by the family institution in Islam. Among the missions is protecting oneself from the unlawful relationship such as adultery and fornication. Shariah Laws mentioned in 'Enakmen 11 Tahun 1965, Undang-undang Pentadbiran Uagama Islam 1965, Seksyen 155: *Zina*' that adultery or fornication considered a crime in Malaysia.<sup>68</sup>

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<sup>66</sup> Ghazali Hj Abd Rahman, *Memasuki Gerbang Perkahwinan*, Jabatan Kemajuan Islam Malaysia, Ed.2. Iii, 1-15, 33, 104, 105,111.

<sup>67</sup> *Ringkasan Modul Kursus Pra-perkahwinan Islam* for negeri Johor, 10, 11, 15.

<sup>68</sup> Enakmen 11 Tahun 1965, UNDANG-UNDANG PENTADBIRAN UGAMA ISLAM 1965, BAHAGIAN IX – KESALAHAN, Seksyen 155. *Zina*, Website:  
[http://www2.esyariah.gov.my/esyariah/mal/portaltv1/enakmen/Sate\\_Enact\\_Ori.nsf/f831ccddd195843f48256fc600141e84/e7a2d7](http://www2.esyariah.gov.my/esyariah/mal/portaltv1/enakmen/Sate_Enact_Ori.nsf/f831ccddd195843f48256fc600141e84/e7a2d7)

It is also to encourage humans the right approaches to mingle between men and women in order to protect them from negative consequences. Furthermore, a good understanding of marriage missions and wisdom and knowing the consequences of committing adultery will encourage humans to choose the best way to legally entertain their desire, leading to peace of mind, soul, and body.

Under the topic of 'Health Management,' this module discusses self-preservation elements towards having a healthy and happy family. Among the topics debated in this topic were the factors that influence family health, such as having balanced nutrition, good social interaction skills between genders, and sufficient daily lifestyle, and maintaining the cleanliness of self and the environment.

Other than that, genetic factors that contribute to unhealthy generations also had been highlighted in this topic to preserve them from infection and avoid inherited diseases such as thalassemia, hemophilia, and schizophrenia. Various prevention and treatment are stated in the module to end these genetic diseases from being spread, such as performing health screening before marriage, consulting specialists for a further relationship, and adapting to risks for being exposed to unhealthy spouses.<sup>69</sup>

The family planning topic has also been discussed as an element of self-protection. The family will be more organized materially and spiritually, decrease mortality due to maternal and child health, prevent abortion, and physically and mentally assist children's development.<sup>70</sup> All these factors explain the mission of family planning required in Islam to maintain a harmonious family. The

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7747a8a24c482575620014c514?OpenDocument, access on 1 December 2020.

<sup>69</sup> *Ringkasan Modul Kursus Pra-perkahwinan Islam* for negeri Johor, 24-27.

<sup>70</sup> Ghazali Hj Abd Rahman, *Memasuki Gerbang Perkahwinan*, 33, 71, 73, 112, 114, 133, 152.



module is also equipped with appropriate family planning information acceptable in Islam, such as condoms, intrauterine contraceptive devices (IUCD), oral contraceptive pills, and natural family planning.<sup>71</sup>

Brief studies about pregnancy are also discussed for self-preservation. These discussions include preparations of knowledge during and after pregnancy, including mothers' physical health, the importance of avoiding diseases that can be inherited, periodic inspection, balance nutrition, safely delivered baby, breastfeeding, and immunization requirements for the baby.

Meanwhile, it was discussed *Maqāṣid Shari'ah* under four classifications; first, which related to God's right such as *hifz al-dīn*. Second, related to the right of humans in general, like *hifz al-nasl*. On the other hand, *hifz al-nās*, *hifz al-ummah*, *hifz al-daulah*, *hifz al-mujtama'* are included in this part. The third is the human's right as an individual, including *hifz al-nafs*, *hifz al-'aql*, and *hifz al-mal*. The last part is the right which God, community, and personally share in common, called *hifz al-'ālam*.<sup>72</sup> Later, this marriage or family has 'particular purposes' related to humans' rights as an individual.

- Protection of mental (*Hifz al-aql*)

This module also emphasizes the elements related to the protection of the mind by implementing marriage in Islam. It is clearly described that the law of marriage and family is the peace in every step: Before marriage, during, and upon the dissolution of marriage.

According to this module, especially in topic two entitled 'Family Management,' family is considered vital

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<sup>71</sup> *Ringkasan Modul Kursus Pra-perkahwinan Islam* for negeri Johor, 26.

<sup>72</sup> Afrizal Ahmad, *Hukum Islam Journal for Islamic law*. Reformulasi Konsep Maqāṣid Syar'iah; Memahami Kembali Tujuan Syari'at Islam Dengan Pendekatan Psikologi. (Indonesia: UIN Sulan Syarif Kasim Riau, 2014), 47.

to Muslims to preserve their sense. For example, the importance of good relationships within the family members has been debated in this module and the challenges of a newly married couple presented in it, with suggested methods of stabilizing the relationship throughout the challenges. Among them are: accepting spouses' weaknesses wholeheartedly, trying hard to understand their feelings and needs. Unpredictable circumstances in a marriage can make pressures end up lacking the protection of the mind. Therefore, this module focuses on overcoming challenges by strengthening the relationship between family members and maintaining peace in them mentally.<sup>73</sup>

This topic also demonstrates each family member's role, specifically interaction and communication among close family members, relatives, and neighbors. Satisfactory bonding among them is essential to be maintained as a preventive measure to avoid conflicts in a family that could be an obstacle to developing prosperous and peaceful minds. The elaborations of this role including; responsibilities of children toward their parents<sup>74</sup>To keep the family in comfort and pleasant community to be living with, parents' responsibilities towards their children, husbands' and wives' responsibilities to each other. There is also discussion on the tips of creating a good relationship between family in-laws.

The elements of protection of mind are also found in the topic 'Stress Management and Conflict.' This module focuses on the causes of stress, fear, poverty, drug addiction, loneliness, financial problem, and an unhealthy environment. These factors are unable to protect peace in family members mentally. Therefore, the module explains the steps of prevention from these factors. Among them: Practising healthy communication

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<sup>73</sup> *Ringkasan Modul Kursus Pra-perkahwinan Islam for negeri Johor*, 28, 29.

<sup>74</sup> Ghazali Hj Abd Rahman, *Memasuki Gerbang Perkahwinan*, 46, 82, 95, 134, 137, 141, 174.

between husband and wife, expressing feelings and needs full of honesty, avoiding violence in managing crisis, consulting authorities, or seeking advice from other relevant parties. Other than that, there is a discussion about pressure symptoms and how to overcome them in the family, such as contemplation, managing emotions, time, and finance management, aiming to protect the peace of mind for the whole individual.<sup>75</sup>

- The protection of lineage (*Hifz an-nasal*)

The protection of lineage is one of the marriage purposes, as the only right way to preserve the existence of descendance, morally, and religiously. In the meantime, the prohibition of adultery is also to ensure that protecting lineages is fulfilled. Apart from these purposes, the module clearly stated that women are banned from being married to keep this lineage protected from being mixed and untraceable. This prohibition was divided into two; illegal forever, for instance, mother and sisters, also there are illegal for a while, such as the women who are married or still in the waiting period. These prohibitions are the way of Islam in protecting Muslims' lineage.<sup>76</sup>

In the topic 'Dissolution of Marriage', it is indicated that among purposes of '*iddah*' or waiting period for a divorced woman or after her husband's death are: the womb of the women must be clean from a child of her former husband to avoid any unclear status of the child. Again, this clearly shows that the module highlights the value of protecting lineage in Islam as one of marriage's purposes.<sup>77</sup>

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<sup>75</sup> *Ringkasan Modul Kursus Pra-perkahwinan Islam for negeri Johor*, 42-43.

<sup>76</sup> *Ringkasan Modul Kursus Pra-perkahwinan Islam for negeri Johor*, 22-23.

<sup>77</sup> *Ringkasan Modul Kursus Pra-perkahwinan Islam for negeri Johor*, 58.

- The Protection of Property (*Hifz al-mal*)

Financial management has been explained in detail in this module to protect properties in Muslim families. It is undeniable that assets also count as an essential component in maintaining peace, harmony, and happiness within the family. Therefore, this module discusses the importance of financial management, family planning expenses,<sup>78</sup> spending categories, and the steps to keep stability in the family financially. The subtopics in this module demonstrate protecting property elements by giving guidelines to manage the finance properly and avoid any unwanted expenditure to avoid any expenses that might harm (*mafsadah*) in terms of debts and other unnecessary burdens.

In the topic of expenditure again, the module clearly explains the concept of Maqasid in family expenses, which are *dharuriyat*, *hajiyyat*, and *tahsiniyyat*. This is intended to guide the selection of daily expenses based on priorities to prevent harm to individuals in the family.

**The Element of ‘Warding off Detriments Takes Priority over the Acquisition of Benefits’ (*Jalb al-Manafi’ wa Dar’ al-Mafasid*)**

Another element of Maqasid Shariah in the family institution is 'Warding off detriments takes priority over the acquisition of benefits' (*jalb al-manafi’ wa dar’ al-mafasid*). Ibnu Ashur (2004) stated that Shariah or Islamic Laws aims to benefit its followers and prevent them from harming.<sup>79</sup> Thus, these elements are generally considered as the central concept in Maqasid Shariah. Based on this reason, It is understandable that marriage law and its guidelines in Islam also aim for its practitioners' benefits and avoid them from any harm.

This element was highlighted in the module by stressing protecting the spouses and family members'

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<sup>78</sup> Ghazali Hj Abd Rahman, *Memasuki Gerbang Perkahwinan*, 96, 98, 100.

<sup>79</sup> Ibnu Ashur, *Maqasid Shariah*, 278-279.

rights and freedom. There are elaborations about how to avoid any harm to the couple and their families. It begins with preparing before marriage, the life after marriage, and ways to overcome marriage challenges. This topic is essential to ensure that every family member gets their rights and proves that they are appreciated and valued.<sup>80</sup>

Challenges and unpredictable situations within the family will always exist and continuously happen. However, Islam emphasizes that reducing and preventing harm is more significant than acquiring the benefits. Some people often misunderstand this concept to accuse that Islam does not put individuals' rights accordingly, and it is not valid. For example, the dissolution of marriage (*talaq*) is considered one way to solve marriages involving couples who do not have their rights and have been suppressed in that marriage. This chaotic situation needs to be settled in the right decision to give a better life.

The statement mentioned above shows that marriage's primary purpose is to share love, not being its victims. Therefore, Islam provides ways to reject any harm, even though it is related to a desperate solution. Getting out of harm is a priority from holding on to acquire uncertain benefits.<sup>81</sup> However, it is essential to mention that this final measure is considered as the last options in solving continuous unpleasant situations in the family because it contributed to many negative impacts individually and socially such as child welfare desertion, endless hatred between two families or may lead to mentally and emotionally demotivated and broken.

Based on these reasons, even though it is advised to the couples to take this decision in some circumstances, *talaq* is almost the avoided Islam action. Rasulullah (PBUH) said: The most hated Halal by Allah is divorce.<sup>82</sup>

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<sup>80</sup> *Ringkasan Modul Kursus Pra-perkahwinan Islam for negeri Johor*, 22-26.

<sup>81</sup> Ibnu Ashur, *Maqasid Shariah*, 446-450.

<sup>82</sup> Narrated by Muhd Bin Yazid Al-Qaizuani in *Sunan Ibn Majah*, (Beirut: Darul Fikr, n.d), The Chapters on Divorce, Vol. 3, Book 10, Hadith no 2018,650.

Before deciding to divorce, there are many ways to rebuild harmony and peace in the family, including seeking others' help to resolve conflicts between spouses, referring authority persons such as imam, Islamic officers, or Religious Affairs. Wilayah Persekutuan, for instance, The 'Jabatan Agama Wilayah Persekutuan' (JAWI) offers a free consultation for any family seeks help or advice. They may visit their counter at any working hours and fill the consultation form. There will be appointments set for them with consultants.<sup>83</sup> After all, the dissolution of marriage is the last solution if there are no other solutions to end the conflicts.

Finally, it is essential to state that the primary purpose of marriage in Islam is to create happiness for life. The primary objective of marriage in Islam is to maintain every Muslim's rights and dignity. This aspect ensures happiness and harmony among them, and it plays a significant role in making human life meaningful and significant. Therefore, marriage in Islam should be the source of happiness and peace. Otherwise, the family and marriage life itself will be useless and meaningless.

Nevertheless, this happiness requires several sacrifices from various aspects to make it achieved. Therefore, the module suggested various methods with their systematic and practical details to be practiced in marriage and family. It provides references and guidelines to achieve the goal of establishing a harmonious and prosperous family.

## **Conclusion**

*Shariah* (legislation) in Islam aims to benefit a human being. Every law in the legislation has specific goals that form the main objectives: uphold Allah's religion on earth. Generally, *Maqāṣid Shariah* in building Muslim families is a combination of '*Maqāṣid Juzi'yyah*' which is rely on '*Maqāṣid Khas*' and eventually form the primary purposes,

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<sup>83</sup> Official portal Department of Federal Territor Islamic Affairs. Website:  
<http://jawi.gov.my/index.php/my/suaraandanmaklumbalas>

'*Maqasid Am.*' All these '*Maqasid*' or objectives should be understood and comprehend by every Muslim to establish a prosperous family. Based on this study, the elements of all these *Maqasid* have been integrated into the module of pre-marriage courses that have been provided by JAKIM. So, the future families in this country must be aware of all these *Maqasid* eventually. This module demonstrates that the legislation aims to preserve: Religion, self, mind, lineage, and property. Also, the law of marriage in Islam is to benefits humanity and prevent harm from them. The other purpose of marriage emphasized in this module is to produce happiness for every individual.

Among results found from this study: First: The application of *Maqasid* elements is integrated already in the pre-marriage courses module. Indeed, it will be evidence that the module is equipped and reliable as a reference for Muslim family formation in Malaysia. Second: This module should serve as an example to other countries or Muslim communities. Third: It is suggested that the contents of this module must be in various forms. For instance, the delivery method for this module's contents must be flexible to be understood correctly by Muslims. Among them, significant points may be elaborating through recording films that adopt the module's values to display in the course attended will be grateful. In short, with the great arrangement and remarkable presentation, the 'Module of Pre-Marriage Courses' has parsed the elements of *Maqasid* greatly and succeeded in highlighting the purposes of marriage and building family institution in Islam.

**Conflict of Interest:**

The authors declare that they have no conflict of interest.

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