



Mut'ah Marriage Position In The National Law System And Islamic Law

Ainul Yakin^{1*}

¹Universitas Nurul Jadid Paiton, Indonesia, E-mail: yakin4255@gmail.com

Abstract

This article examines the position of mutáh marriage in the national legal system and Islamic law. The background of this study departs from the many phenomena in society regarding the practices of mutáh marriage. Therefore, this article seeks to raise the legal status of mutáh marriages both in terms of legislation and in terms of Islamic law. In Law No. 1 of 1974 it is stated that one of the conditions for a valid marriage is that it must be recorded in state documents. Likewise in Islamic law that one of the goals of marriage is a form of actualizing the perfection of religion and carrying out the sunnah of the Prophet.

Keywords: Mutáh Marriage; National Law and Islamic Law

I. Introduction

In The Law no. 1 of 1974 explains that "marriage is an inner and outer bond between a man and a woman as husband and wife to form a happy and eternal (household) based on the One Supreme Godhead"¹. In the Complications of Islamic Law Chapter II Article 2 it is stated that the rule of this law emphasizes that marriage is not only temporary but forever whose ultimate goal is to form a family that is *sakinah mawaddah warahmah*².

Marriage is also a *Mitsaqon Ghalidhan* to obey Allah's commands and carry it out in worship. Therefore, to maintain the sanctity of the institution of marriage, marriage or marriage for Muslims is only valid if it is carried out according to Islamic law and its existence needs to be protected by state law. In the view of Islam, marriage or marriage in principle is an eternal agreement, which is not limited by time. Among the purposes of marriage is to fulfill Allah's instructions and follow the sunnah of the Prophet Muhammad. Informing a *sakinah, mawaddah, warahmah* family and preserving offspring. Therefore, marriage can be carried out if all parties have met the requirements and pillars that have been set in Islam.

However, recently a social phenomenon has emerged in society along with the opening of globalization and industrialization in various regions, namely mutáh marriage or

*Corresponding Author

¹*Marriage Law and Compilation of Islamic Law*, (Yogyakarta: Pustaka Yustisia, 2008), hlm 7.

² *Ibid*

Indonesian is called contract marriage. What is meant by mutáh marriage or contract marriage here can be understood as a phenomenon of marriage or marriage that has a deadline or duration? In this marriage practice, of course, the main orientation is biological and economic needs.

According to several studies, mutáh marriage or contract marriage is considered a form of disguised prostitution because the conditions and pillars of marriage are not fulfilled, both by religious law and statutory regulations³. The practice of contract marriage is basically not in line with the principles of marriage law in Indonesia. Contract marriage is a marriage practice that is contrary to the concept of marriage contained in Law Number 1 of 1974 concerning Marriage.

The Marriage Law states that the relationship between a man and a woman is a form that aims to build a happy and eternal family (home) based on the One Godhead⁴. From this definition, it can be seen that there are several purposes of marriage, namely: (1) to obtain a sakinah life based on mawaddah and rahmah, (2) to regenerate/reproduce, (3) the purpose of marriage is to fulfill biological needs, (4) to maintain honor, and (5) for worship⁵.

The existence of deviations from the practice of mutáh marriage to legal norms and the purpose of marriage itself is actually already known by the wider community and related stakeholders. Often law enforcement officers and local governments carry out law enforcement operations to suppress prostitution under the guise of tourism. However, the efforts that have been made have not been able to eliminate this social phenomenon, and it is even suspected that currently, it is growing rapidly by using social media as a tool.

In today's times, the laws that encourage the occurrence of Mut'ah marriages are pros and cons so many opinions have sprung up on matters relating to this marriage. In this case, of course, we really need the understanding of the scholars or madhhab priests who underlie the occurrence of Mut'ah marriage. and something that underlies why someone

³ Abdul Jamil Wahab & Kustini, Muchtar Ali, *The Phenomenon of 'Dawar' Contract Marriage and Prostitution in the Puncak Bogor Area*, Jurnal Al Qalam, Vol. 35, No.01, Januari-Juni 2018, hlm. 128

⁴ Pasal 1 Undang-Undang No. 1 Tahun 1974

⁵ Siti Sarah Maripah, *The Phenomenon of Contract Marriage in the Puncak Bogor Area*, Jurnal Societas, Vol. 6, No.2, September 2016, hlm 2

does Mut'ah marriage, based on history and strong arguments, so that things related to or related to mut'ah marriage can be understood⁶.

Departing from the description above, the writer is interested in studying the position of mutáh marriage in the national legal system and Islamic law. Because the practice of mutáh marriage is almost commonplace in some areas.

II. Method

The research method is a very important thing in a study, both in sociological or empirical research as well as normative ones. Without using the method (way) in researching, the researcher will not get the results or goals he wants. This is because the research method is the basis for the discovery process in accordance with the scientific discipline built by the researcher. Based on this, a researcher must determine and choose the right method so that the research objectives are achieved optimally. The approach that the author uses in this research is a sociological normative approach. The research paradigm used in writing this article is to find answers to the problems studied. This sociological legal research is a legal research model that seeks to identify law and the effectiveness of law in social dynamics of society. For this reason, law is often associated with current and future social dynamics.

III. Main Heading of the Analysis or Results

Etymologically, mut'ah means having fun or enjoying. Mut'ah marriages are also called temporary marriages or interrupted marriages⁷. In Arabic, the word mut'ah comes from mata'a-yamta'u-mat'an wa muta'atan which means pleasure, joy, joy⁸. The origin of the word Mutáh is matta, which means to carry⁹. Meanwhile, the definition of mut'ah in terms of the Shi'a reference is the ties of marriage between a man and a woman, with an agreed dowry, which is referred to in the contract, up to a predetermined time limit¹⁰. For a different and more detailed opinion, it explains that mut'ah is: Marriage between a man and a woman with a certain dowry for a limited period ending with the expiration

⁶ Isnawati Rais. "The practice of mut'ah marriage in Indonesia in a review of Islamic law and marriage law", Januari 2014.

⁷ Mardani, *Islamic Marriage Law in the Modern Islamic World*, Vol.1, (Yogyakarta: Graha Ilmu, 2010), hlm 101

⁸ Ahmad Warson Munawwir, *Al-Munawwir Arabic-Indonesian Dictionary* (Yogyakarta: Pon-Pes Krapyak Yogyakarta, 1984), hlm 1401

⁹ Sachiko Murata, *More Clear on Mut'ah: The Shia Sunni Debate*, (Jakarta: Srigunting, 2001), h. 41

¹⁰ M. al-Amili, *Mut'ah Marriage in Islam: Scientific Studies from Various Madzhab*, (Surakarta: Yayasan Abna' al Husain, 2002), h. 27.

of that period, in which the husband is not obliged to provide a living, and a place to live for the wife, and is not obliged to give rise to inheritance between the two¹¹.

According to Yuli Purnomosidi, S.H, M.H, if a marriage is based on an agreement regarding the period of the marriage or what is commonly referred to as a contract marriage, formally legalistically it is not allowed and cannot be justified, because it is based on the fact that Indonesia is a state of law, so have to hold on to the formalities. Therefore, as long as the contract marriage is not regulated by law, in this case, the Marriage Law, Ministerial Regulation, and other regulations, it can be said that there is no marriage¹².

The purpose of a contract marriage is only to fulfill the desire and obtain mere pleasure from a partner without any purpose to perpetuate the relationship between the two¹³. Mut'ah marriage has no intention and purpose to form an eternal family *sakinah mawaddah warahmah*, and it is very contrary to the purpose of a marriage that has been prescribed by Islam¹⁴. In a Mut'ah marriage, it is certain that the perpetrator himself makes an agreement that is not appropriate and does not fulfill what has been determined by Article 1320 of the Civil Code.

In contract marriage, there is also a marriage agreement. However, the existence of a marriage agreement in a Mut'ah marriage is very contrary to the marriage agreement contained in Law No. 1 of 1974. According to Law no. 1 of 1974, a marriage agreement is allowed as long as it does not violate the boundaries of law, religion, and decency. Due to the existence of an agreement that is in a marriage contract, it is about the existence of a period of time in the marriage, the rewards to be obtained in the marriage, and the matters related therein.

Marriage is essentially formed to fulfill a very noble achievement and aims to form a good family both physically and mentally. Happiness will never be achieved if the initial goal

¹¹ Hartono, P. *The Points of Shi'a Misguidance*. [online]. Tersedia: <http://www.perpustakaan-islam.com> [10 April 2022]

¹² Muhyidin, *Navanya Gabriel Weather, Mut'ah Marriage (Contract Marriage) in Indonesia's Positive Legal Perspective and Legal Consequences on Marriage Assets and Inheritance*, Journal of Diponegoro Private Law Review, Vol. 7, No. 1, February 2020, p. 738.

¹³ Yusuf Ad-duraiswisy, *Siri Marriage, Mut'ah and Contracts in the Al-Qur'an and As-Sunnah Scales*, (Jakarta: Jumadats Tsaniah, 2010), hlm 10

¹⁴ Muhammad Baharun, *Epistemology of Shia Antagonism from Imamah to Mut'ah*, (Jawa Timur, Pustaka Bayan, 2014), hlm 162

is only to fulfill his biological needs. Or just aim to prolong the lineage. The value of marriage will be very valuable if it combines several main elements, namely physical, spiritual and spiritual.

Mut'ah marriage is one type of marriage that falls into several lame categories because it does not meet these three aspects. But only aims to fulfill worldly desires. Mut'ah marriage is nothing but a temporary marriage and its main purpose is to get pleasure at a specified time in a paired relationship on a term basis, not the intention of worship as is usually an official marriage through guardians and witnesses. But alone, it may be family and neighbors who don't know, and that is indeed the case with "illegal marriages"¹⁵. The practice is similar to *samen leven*, which is widespread in Western countries, except that free sex is packaged in the name of religion by most Shi'ite leaders.

This marriage will also end when the time they have set is up without a divorce. And in this marriage there is no obligation to live, there is no inheritance law and there is no inheritance law. Nor does it require the presence of a witness, and the permission of the wife's guardian, therefore the status of women in mut'ah marriages is a hired woman or a slave.

The fatwa regarding Mut'ah was once decided by the Masa'il Commission (religious issues) at the Nahdhatul Ulama Grand Conference in Mataram. It had been a long time since the Nahdliyin had been bothered by the mut'ah case, which has recently become a hot issue, to the point that a student organization in Surabaya had 'slid' in proposing to open a kind of Shi'ite-style mut'ah marriage post in Surabaya. prostitution complex- he said to provide a solution for adultery¹⁶.

The author wants to start¹⁷, with the statement of Aisyah narrated by Imam Bukhari, according to the Sunni school of thought in the study of Mut'ah Nikah, which in the period of ignorance was known as four kinds of marriage. Among them are marriages that apply as they are now, initiated by the proposal of parents/guardians, paying a dowry, and getting married. Furthermore, a husband orders his wife when she is pure from menstruation to marry (have sex) someone, and when she is pregnant, then she returns

¹⁵ *Ibid*, hlm 162

¹⁶ *Ibid*

¹⁷ Musolli, *Sunni Syiah*, (Bondowoso: PP Nurud Dhalam, 2014), hlm 145

to be intimate with her husband. This is done in order to get good offspring. This kind of marriage, Ibn 'Ansur called marriage al-istibda'¹⁸.

As is well known, it is permissible to do Mut'ah marriage during the Prophet's time only temporarily, namely during the year of authors. it is different from mut'ah marriages that occur today, which only have a purpose and aim to fulfill their sexual desires. Things like this are very contrary to the purpose of marriage, which is to create a strong family, all of that will not happen and cannot be achieved in very little time.

If the Sunni view of Mut'ah marriage says that this marriage is a faade, then it will have fatal consequences for all, both from the status of children after marriage, marital property, as well as to the status of their inheritance.

A. Purpose of Marriage in Islam and Law no. 1 Year 1974

Marriage in essence has a noble purpose. Because, through marriage, humans are protected from other types of relationships that are prohibited by the Shari'a, a family building is created that is pleasing to Allah SWT. Specifically, the compilation of Islamic law (KHI) outlines that the purpose of marriage is intended as an effort to create a household life that is sakinah, mawaddah and rahmah.

Whereas in Islam, marriage is substantially the actualization of Islamic law, so the implementation of marriage aims to carry out religious orders or to fulfill religious instructions in order to establish a harmonious, prosperous and happy family. Harmony in the context of exercising the rights and obligations of prosperous family members means the creation of inner and outer peace so that happiness arises, namely love between families.

In that context, Imam Ghazali said that marriage has a purpose which includes; 1) Obtain and carrying out offspring. 2) Fulfilling human desires to channel their lust and shed their affection. 3) Fulfilling religious calls, protecting oneself from evil and damage. 4) Growing seriousness to be responsible for accepting rights and obligations, also being serious about obtaining halal assets and 5) Building households to form a peaceful society on the basis of love and affection¹⁹. For this reason, Islam essentially places marriage as a

¹⁸ Ibn 'Anshur, *Maqasid al-Shari'ah al-Islamiyah* (Tunis: Daral-Salam, 2006), 153 dan Quraish Shihab, *Tafsir Al Misbah*, Vol. 1 (Ciputat : Lentera Hati, 2000), 379-380

¹⁹ Muhammad al Ghazaly, *Ihya „Ulumuddin*, Beirut: Daar Fikr, tt, hlm. 27.

means to realize larger goals which include various aspects of society that have a major and fundamental influence on Muslims.

Thus, marriage is one of the dimensions of life that is very important in human life in any world. Because of its importance, all religions in the world regulate the issue of marriage, even the traditions or customs of the community and state institutions do not lag in regulating marriages that apply among their people²⁰.

In Indonesia, which has a diverse and diverse population, provisions for the practice of marriage are also regulated in Law no. 1 of 1974. Article 1 states that the purpose of marriage as husband and wife is to form a happy and eternal family (household) based on the One Godhead. To create a happy family, husband and wife need to help and complement each other so that each can develop his personality to help and achieve spiritual and material well-being²¹.

Referring to Article 1 above marriage has a very close relationship with religion/spirituality, so marriage not only has an external/physical element, but an inner/spiritual element also has an important role. Because, with marriage, a family arises which is the core of social life, so it can be expected that a social life is organized and in an atmosphere of peace.

B. Mut'ah marriage in the review of the national legal System

The term mut'ah marriage can be understood as a temporary marriage event or in accordance with the contract. Thus, Mu'ah marriage is a temporary marriage and only emphasizes the economy. Of course, this contradicts the conception of marriage itself as an inner and outer bond that is sacred and oriented toward efforts to regulate the relationship between humans and other humans, especially related to the relationship between men and women.

Indonesian law regulates marriage in Law Number 1 of 1974 concerning Marriage with the definition of marriage, namely: "Marriage is an inner and outer bond between a man and a woman as husband and wife to form a happy and eternal household based on the One Godhead"²². As a married couple and master to form a happy and eternal household

²⁰Santono, *The Nature of Marriage According to the Marriage Law, Islamic Law and Customary Law*, UNISSULA Semarang;

²¹ *Ibid*

²² Article 1 of Law Number 1 of 1974 concerning Marriage

based on the principle of divinity, so marriage is one of the goals of human life to achieve inner and outer happiness, especially in order to continue or continue offspring, and also aims to realize a prosperous society. and inner.

In the development of today's society, the term Mut'ah marriage emerged. Mut'ah marriage is not regulated by Law No.1 of 1974. Due to the existence of Mu'ah marriage is a new phenomenon in society. The existence of Mu'ah Marriage describes a marriage that is based on a mutually agreed contract or agreement, which regulates the time of marriage, rights, and obligations between the parties involved and others. The purpose of the Mu'ah marriage is to channel lust, without any intention of forming a true household, and sometimes not expecting offspring. The difference between marriages in general and mut'ah marriages is that when mut'ah marriages are time-bound, and only highlight economic values, so that mut'ah marriages are considered to deviate from the noble purpose of marriage.

Article 1320 of the Civil Code regulates the legal terms of the agreement. The four elements then, in the developing legal science doctrine, are classified into²³: first, two main elements concerning the subject (party) who entered into the agreement (subjective element); second, two other main elements that are directly related to the object of the agreement (objective elements). If these four elements are not fulfilled, then an agreement is flawed, both in the form of can be canceled (subjective element) and null and void (objective element).

Likewise in the principle of marriage as regulated in Law no. 1974, every marriage must have the goal of forming a happy and eternal household/family based on the One Godhead. Referring to this principle, it is certain that Mut'ah marriage is not categorized and does not fulfill this principle. Because Mut'ah marriage is essentially only aimed at channeling biological needs, and only highlighting its economic nature and having offspring is not the main goal in Mut'ah marriage.

According to Law no. 1 of 1974, if the marriage is carried out, then the marriage will last for the rest of their lives, it is not allowed to just break up. A marriage does not know a specified time limit. Therefore, the existence of Mut'ah marriage is contrary to this

²³ Gunawan Widjaja & Kartini Muljadi, *The Association Born from the Law*, (Jakarta: Raja Grafindo Perseda, 2004) hlm. 93.

principle. If it continues, the marriage is void. Mut'ah marriage is contrary to this principle, because Mut'ah marriage is temporary or impermanent, and if the time limit has expired then the marriage has been decided.

In a mutáh marriage, there is also an agreement. However, the agreement here is temporary. That is, if the agreement is complete, then the marriage is also finished. Thus, the agreement contained in the Mut'ah marriage is contrary to Law no. 1 of 1974. This is because this law stipulates that a marriage agreement may be made as long as there is no conflict with legal, religious and moral norms.

The agreement contained in the Mut'ah marriage is said to be contradictory because it regulates the period or duration of the marriage, according to the rewards to be obtained from the marriage agreement, and also regulates the rights and obligations of each party. The contents of this agreement are temporary, in contrast to marriage in general which is not only aimed at the happiness of the world but also for the hereafter. The contents of the marriage agreement must not conflict with law, religion, and decency. If the agreement is still implemented, the marriage is canceled because it violates Law no. 1 1974.

In law no. 1 of 1974 the term mutáh marriage is not clearly regulated. However, several signs for the implementation of marriage in Indonesia are very clear and negate that mutáh marriage is an illegal marriage practice and has no legal standing. This is because, in terms of the practice of mut'ah marriage, it is contrary to the principles of marriage regulated in Law No. 1 of 1974. Thus, in the Indonesian national legal system, mut'ah marriage is an illegal marriage practice.

C. The Position of Mutáh Marriage in Islamic Law

Mut'ah marriages are said to be fun because this marriage is carried out only for fun between a man and a woman, only aiming to channel their biological desires, not hanging out like husband and wife, or not for the purpose of getting offspring and not to build a prosperous household²⁴. Mut'ah marriages are also said to be Muaqqat marriages²⁵, meaning marriages that are carried out within a certain time, or Munqathi marriages,

²⁴ Muhammad Baharun, *Op.Cit*

²⁵ Musholli, *Op.Cit*

which means breaking up, which means that a man binds his marriage to a woman for a certain number of days, weeks or months.

In Sayyid Sabiq's opinion, Mut'ah marriage is also called temporary marriage or interrupted marriage (al-ziwaj al-munqati), because a man will marry within a day, a week, or a month. It is called Nikah Mut'ah because Nikah Mut'ah is just for fun²⁶ (Sayyid Sabiq:1980). In a Mut'ah marriage, the presence of a legal witness is mustahab/not obligatory. Likewise, the presence of a guardian in the marriage contract is not required, it is only a precaution if the woman is still a girl.

Mut'ah marriages include marriages that deviate from the provisions determined by the Shari'ah. Because the wife who has been contracted by Mut'ah marriage is not a slave owned and neither is his wife. Marriage is generally a marriage in which the marriage contract is followed by the validity of talaq, the obligation to provide maintenance, iddah, and mutual inheritance. And all that is not in the Mut'ah marriage except the contract in the form of an agreement.

Mut'ah marriage does not aim to have a child, even the existence of Mut'ah marriage results in uncertain lineage. In the Islamic Shari'ah, marriage is based on affection, love, and a sense of togetherness, and all of this will not be achieved if a marriage is based solely on the purpose of venting lust and biology. So if Mut'ah marriage is allowed, then Mut'ah marriage will be made an opportunity by someone who idly avoids legal marriage.

In Islam, there are two types of marriage, namely; Permanent marriages, which are often called da'im marriages, and mut'ah marriages, which are marriages that are limited by a certain time. In da'im marriages, all scholars, both Sunni and Shia, agree on its legality, while mut'ah marriages are still being debated and debated about their validity²⁷.

Although historically mut'ah marriage has been an alternative model of marriage in early Islam, many scholars reject its presence today because it is considered covert adultery. However, some scholars still view mut'ah marriage as a solution to inhibit the increasingly worrying rate of adultery. Those who refuse are generally from among the

²⁶ Sayyid Sabiq, *Sunnah fiqh*, (Bandung: PT al-Ma'arif,1980), hlm 80

²⁷ Muhammad Anis Malik; *Hadith Insights About Mut'ah Marriage (A Mawduhu'iy Study)*, Jurnal Al-Maiyyah, Volume 8 No. 2 Juli-Desember 2015

Sunni scholars, while those who allow many are in the Shia. That is, in Islam, the issue of mut'ah marriage is a controversial issue among scholars²⁸.

Currently, many mut'ah marriages are carried out by people with the Shi'a Imamiyah sect who are spread throughout Iran, parts of Iraq, and some areas in Indonesia even though they are only a minority. Another term for mut'ah marriage is munqati marriage. Meanwhile, ordinary marriages whose validity period is not determined are called daim marriages²⁹.

The Sunni scholars say that the verse allowing mut'ah marriage has been abolished with a verse that explains the protection of the farji, some others say that it has been removed by the verse on talaq and iddah, others say it has been removed by ijma'³⁰. As for the Shiites, they think that there is not a single verse or hadith that erases the permissibility of mut'ah marriage, even according to them the verse about mut'ah marriage is a verse that is muhkamat³¹.

For this reason, Mut'ah marriage or contract marriage was chosen because the procedure is not complicated, unlike in permanent marriage. The requirement to perform a mut'ah marriage is not bound by the requirements as is usually done for the conditions for a permanent marriage to be valid. Mut'ah marriage can be carried out by presenting witnesses or without witnesses, in front of a guardian or vice versa as long as the woman who is married agrees to accept it.

According to Ja'far Murthada Al-Amili, what must be fulfilled in a mut'ah marriage are baligh, reasonable, there is no syar'i obstacle for the marriage to take place, such as the existence of nasab, milk relatives, still being someone else's wife, or being married to someone else. his wife's sister as stated in the Qur'an³².

After the agreed time has expired, if the woman wants to marry another man, she must perform iddah for 2 (two) months. But there is another opinion that says 1 (one) month if her menstrual period is normal, and 45 (forty-five) days if she is an adult but never

²⁸ *Ibid*

²⁹ Amir Syarifuddin, *Islamic Marriage Law in Indonesia Between Fiqh Munakahat and Marriage Law* (Jakarta: Prenada Media, 2006), hlm. 100

³⁰ Ja'far Murtada al-Amili, *Mut'ah Marriage in Islam Scientific Studies From Various Schools*, (Jakarta: Yayasan As-Sajjad, 1992), hlm. 23.

³¹ *Ibid*, hlm 25

³² *Ibid*, hlm 17

menstruates. As for the iddah of a pregnant woman or her husband's death, then her iddah is like the iddah of permanent marriage³³.

Thus, even though the contract marriage is carried out according to Islam, which means it fulfills Article 2 paragraph (1) of the Marriage Law, the validity of this contract marriage cannot be directly said to be valid according to Religion. This is because the marriage must be re-examined whether it is true that the conditions and pillars of marriage in Islam have been completely fulfilled or not. So, in other words, even though the marriage has met the requirements, it cannot be said to be legal/not before an examination from the practitioners in this case is the Religious Court.

IV. Conclusion

Based on the data above, it can be concluded that the position of mutáh marriage in the national legal system and Islamic law is in the category of illegal and illegitimate marriages, according to Islamic law in Indonesia. That is, Mut'ah marriage is included in the category of marriage that deviates from the provisions determined by the Shari'ah and the national legal system. Because the wife who has been contracted by Mut'ah marriage is not a slave owned and neither is his wife. Although in Mut'ah marriage there is a marriage agreement, the agreement in Mut'ah marriage is contrary to the marriage agreement contained in Law no. 1 of 1974. Marriage agreements may be made provided that there is no conflict at all with law, religion, and decency.

References

Book:

2008. *Marriage Law and Compilation of Islamic Law*, (Yogyakarta: Pustaka Yustisia)

Ad-duraiswisy, Y. 2010. *Siri Marriage, Mut'ah and Contracts in the Scales of the Qur'an and As-Sunnah*, Jakarta: Jumadats Tsaniah

Al-Amili, M. 2002. *Mut'ah Marriage in Islam: A Scientific Study of Various Madzhabs*, Surakarta: Yayasan Abna' al Husain

Al-Amili, M. J. 1992. *Mut'ah Marriage in Islam Scientific Studies From Various Schools*, Jakarta: Yayasan As-Sajjad

³³ *Ibid*, hlm 18

- Baharun. M. 2014. *Epistemology of Shia Antagonism from Imamah to Mut'ah*, Jawa Timur, Pustaka Bayan;
- Ibn 'Anshur, 2006. *Maqasid al-Shari'ah al-Islamiyah*, Tunis: Daral-Salam,
- Mardani, 2010. *Islamic Marriage Law in the Modern Islamic World*, Vol.1, Yogyakarta: Graha Ilmu,
- Muhammad al Ghazaly, *Ihya, Ulumuddin*, Beirut: Daar Fikr Tanpa Tahun
- Munawwir, W. A. 1984. *Al-Munawwir Arabic-Indonesian Dictionary*, (Yogyakarta: Pon-Pes Krapyak Yogyakarta,
- Murata, S. 2001. *More Clear on Mut'ah: The Shia Sunni Debate*. Jakarta: Srigunting,
- Musolli, 2014. *Sunni syiah*, Bondowoso: PP Nurud Dhalam,
- Rais. I. 2014. "The practice of mut'ah marriage in Indonesia in a review of Islamic law and marriage law". Januari
- Sabiq. S. 1980. *Fikih Sunnah*, Bandung: PT al-Ma'arif,
- Shihab, Q. 2000. *Tafsir Al Misbah*, Ciputat : Lentera Hati
- Syarifuddin, A. 2006. *Islamic Marriage Law in Indonesia Between Fiqh Munakahat and Marriage Law*, Jakarta: Prenada Media;
- Thabathaba'i. A. 1993. *Tafsir Al Mizan Married Mut'ah*. Jakarta Oktober;
- Widjaja, G. & Muljadi, K. 2004. *The Association Born from the Law*, Jakarta: Raja Grafindo Perseda;
- Journal:*
- Hartono, P. (2002). The Points of Shia Misguidance: <http://www.perpustakaan-islam.com> 10 April;
- Malik, Muhammad, A.; 2015. *Hadith Insights About Mut'ah Marriage (A Mawdhu'iy Study)*, Jurnal Al-Maiyyah, Volume 8 No. 2 Juli-Desember 2015;
- Maripah, Siti, S. 2016. *The Phenomenon of Contract Marriage in the Puncak Bogor Area*, Jurnal Sosietas, Vol. 6, No.2, September;
- Muhyidin, Weather G. N., 2020. *Mut'ah Marriage (Contract Marriage) in Indonesia's Positive Legal Perspective and Legal Consequences on Marriage Assets and Inheritance*, Journal of Diponegoro Private Law Review, Vol. 7, No. 1, February
- Santono, *The Nature of Marriage According to the Marriage Law, Islamic Law and Customary Law*, UNISSULA Semarang Without Year;

Wahab. A. J. Wahab, Kustini, Ali. M., 2018. *The Phenomenon of 'Dawar' Contract Marriage and Prostitution in the Puncak Bogor Area*, Jurnal Al Qalam, Vol. 35, No.01;

Laws And Regulation:

Law Number 1 Year 1974

Islamic Law Compilation

Code Of Civil Law