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Dynamics of Childless Marriage Through the Lens of Maqasid Al-Shari'a

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DYNAMICS OF CHILDLESS MARRIAGE THROUGH THE LENS OF MAQASID AL-SHARI'A

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Abstract

There is a trend among Muslims, especially married couples, not to or delay having children. Meanwhile, having children horizontally is one of the main goals of marriage to continue the human race. This literature research used secondary data which were collected in two ways: manually and online. Manual data comprised information derived from major books on marriage, maqasid al-shari'a, and others. Online data were acquired in the form of articles attributed to research themes using an open journal system. The collected data were subsequently analyzed through data reduction, data display, and verification techniques. This research found that the goal of marriage in Islamic law referred to both horizontal and vertical aspects. Vertically, marriage aimed to display one's level of allegiance to God, who created him. This obedience was accompanied by a faith test in the shape of the ability to restrict and control desires in the face of the magnitude of human sexuality's challenges and God's call to produce pious offspring. Horizontally, the aim of marriage was directly tied to oneself, others, and the surrounding environment. Marriage, in this perspective, served a social function by creating a communal family. Families could be formed and developed when there were children and offspring. As a result, the presence of children in a marriage is essential for establishing society, nation, and civilization, because those all cannot exist without children.

Keywords: Marriage; Maqasid al-Shari'a; Child; Sexuality.



A. Introduction

Marriage is one aspect of Shari'a law whose regulations are outlined in the Qur'an and Sunnah. Sharia has regulated a variety of provisions, ranging from choosing a partner through the proposal called *khitbah*, characteristics of an appropriate partner, household management, rights, and obligations, caring for and educating children, managing divorce, and managing inheritance when a member of the family dies. The *khitbah* is described in the Qur'an and Sunnah in such a way that everyone who is being married can choose the right person to be his or her spouse, allowing the household life to proceed following religious rules and regulations (Santoso et al., 2022). Following the marriage contract or *akad*, Islamic law instructs each couple to prepare themselves to nurture and educate their children.

Provision concerning the education of children has been governed starting from the child's development in the womb, naming, it is called *aqiqah*; teaching them the basics of religion from an early age, and developing them into strong, devout, self-respecting, and creative individuals when they reach the age of adolescence (Tadjuddin, 2018). Furthermore, Shari'a requires every parent to ensure that their child is financially stable so that they do not always rely on their parents. Similarly, Sharia governs household management in terms of the execution of rights and obligations between husband and wife and their children. If a problem arises, Shari'a guides the married couple on how to handle it both internally and externally. In case the problem cannot be settled, the husband and wife can divorce according to Shari'a law, and both are still accountable for the child born (Busroh, 2018). If one of the husband and wife dies, the family members, including husband or wife, father, mother, siblings, and children, are obligated to settle their affairs, and those left behind are also entitled to inheritance.

The presence of children is one of God's blessings through marriage, and the parents must ensure their survival. Each married couple can have



many children, both on the male side as the provider of sperm and on the female side as the provider of the egg and the uterus as the vessel. Considering humans' ability to reproduce children is not limited, Sharia allows attempts to control childbirth (Sulaemang, 2015). Efforts to limit childbirth extend from simple methods or procedures (*azl*) to advanced techniques such as what is being done today. There are numerous reasons why people limit the number of children they have. Some argue that raising children necessitates high living expenses and a great deal of responsibility. Many married couples agree to have a limited number of children, and some do not even want to have a child at all (Zhao et al., 2019).

The desire not to have children is becoming more obvious in current society. This trend appears to have begun in developed countries with a highly competitive life cycle. They are more concerned with careers, positions, and jobs that pay the most money, obligations, and lifestyles, and changes in sexual orientation from heterosexual to homosexual (Tate & Patterson, 2019). Although some homosexual couples still want to have children through adoption.

Afifah et al stated that some NU and Muhammadiyah figures have different views about married couples who do not want children in their lives (Afifah et al., 2023). However, they agree that married couples should re-explore Islamic teachings regarding the purpose of marriage. The attitude of not having children is an act that violates the essence of marriage that God has ordained for humans. The presence of children in a marriage is an important goal in a marriage when viewed from a human substance perspective, even though the main goal of marriage itself is as a form of a person's obedience to God's commands. Based on that, this study is worthy of being carried out by looking at the important meaning of marriage from the perspective of maqasid al-shari'a.

The childless marriage principle leads to a decline in population in several developed countries. China in the last 60 years experienced the largest population decline to 1.411 billion in 2022 since the implementation of the one-child policy. In 2021, this policy was changed to allow for 2-3



children per married couple. Despite several incentives offered to married couples to have children, these attempts have been unsuccessful. Many young people in China choose not to have children and even marry due to a variety of factors such as behavioral changes, a negative perspective toward family (family is a burden), a longer life span (Xu & Koszycki, 2023), an older marriage age (Temmesen et al., 2023), and the high cost of living, resulting in population shrinkage. Other countries, like Japan, South Korea, and European countries, also experience this condition.

Matsudam & Sasaki found that currently many Japanese people are marrying late, and couples agree not to have children or at least delay the birth of children for various reasons, both economic, gender, and difficulty finding an ideal partner (Matsudam & Sasaki, 2020; Jamal & Ikhwan, 2021). The drastic decline in the birth rate of children in Japan is increasingly worrying, so the government provides special and extraordinary subsidies to people/ couples who are willing to have children so that they do not become extinct soon (Yu & Kuo, 2017). The population decrease in these developed countries has reached a frightening level, with predictions that they will become extinct in the not-too-distant future. Meanwhile, Indonesia is currently and will continue to face a demographic bonus in which there are many young people. Nonetheless, a tendency not to have children has also spread in the country. Indonesia is predominantly inhabited by Muslims, and Islam highlights the significance of marriage in ensuring the continuing existence of humans in the future.

Based on the background described above, it can be emphasized that this study can be part of the scientific concept regarding the importance of having children in marriage according to Islamic law. With this study, it is hoped that every married couple who intend not to have children can change their perspective. There is God's guarantee that every child has provisions for his sustenance so that children do not become an excuse to become a burden on the family. On the other hand, the presence of children is a factor in family happiness.



B. Method

This research is a literature study using a text approach. Secondary data were obtained through two methods, namely manual and online. Manual data were gathered by tracing literary sources relevant to the topic of discussion, such as books on marriage and *maqasid al-shari'a*. The online data in the form of related articles were searched through an open journal system. The collected data were then separated into primary data and supporting data. The data were coded for easier reference and analysis, and temporary conclusions were drawn. Content analysis technique was used to understand and deepen the texts that have been collected. Data were narrated using data reduction, display, and verification techniques.

C. Result and Discussion

1. *Maqasid al-Shari'a*

Maqasid is the plural form of the word *maqasid*. In this case, it refers to the Shari'a's purposes or objectives. Shari'a is a legal provision prescribed by Allah in the Qur'an and Sunnah in the form of *aqidah* (belief), worship, *muamalah* (social), *jinayah* (criminal), *siyasa* (politics), morals (morals and behavior) and other rules of life. The goal is for humans to receive correct and guided life direction. In a broader sense, *maqasid al-shari'a* is the ultimate purpose (*ghayah*) of Shari'a enactment in general and the enactment of specific laws (Purnomo et al., 2023).

Another term that is compatible with *maqasid al-shari'a* is *al-qawaid al-'ammah*, which means universal principles derived from the Qur'an and Sunnah and in conformity with the spirit of religion and the public good (Sholihuddin et al., 2024). Based on this, it is possible to conclude that both *maqasid* and *al-qawaid al-'ammah* contain the same substance, despite their differences in naming and terminology. The term *maqasid al-shari'a* became known after Imam al-Syatibi wrote about *al-maqasid* in his book *al-Muwafaqat fi Ushul al-Shari'ah*. *Maqasid al-shari'a* means the goals of the Shari'a. Religious teachings established by Allah in the Quran and Prophet Muhammad through Hadiths have certain goals. Sometimes these



objectives are visible textually, and other times they need extensive research to discover. Experts in Islamic law, known as *mujtahid*, have broad jurisdiction under Shari'a to investigate the Shari'a's objectives (Azhar, 2024; Mutawali, 2023; Rusydiana et al., 2022).

Al-Syatibi is an Islamic law expert who carries the concept of *maqasid al-Shari'a*. He summarizes *maqasid al-Shari'a* in five aspects of protection that apply hierarchically. The five aspects are to protect religion (*hifz al-din*), to protect life (*hifz al-nafs*), to protect the mind (*hifz al-'aql*), to protect offspring (*hifz al-nasl*), and to protect property (*hifz al-mal*). These five forms of protection are the general objectives of the Shari'a carried out by al-Syatibi (al-Syatibi, 2005; Azhar, 2024; Mutawali, 2023; Asmuni et al., 2024).

Al-Syatibi as the expert on Islamic law outlines the goals of the Shari'a with clear examples. First, Allah stipulates the Shari'a obligation to establish prayer as well as the wisdom and good values of performing it, carrying out fasting and its benefits for health, paying zakat to help people, and purifying wealth with the main aim of maintaining the existence of religion. On the other hand, people who insult religion or ridicule those who pray or fast, ought to face sanctions. Second, Allah establishes the Shari'a so that everyone eats, drinks, rests, and takes good care of himself so that his body remains healthy to carry out his service to God and society. In contrast, when someone interferes with the safety of people's lives in many ways and then threatens the safety of their souls, or even to the point of killing them, Allah punishes the perpetrators severely (Barkah et al., 2023; Mutawali, 2023; al-Syatibi, 2005).

Third, Allah prescribes Shari'a so that everyone maintains his mental ability or mind with excellent food and drink so that his mind remains healthy. Alternately, when someone consumes certain drinks or substances that can change the function of their mind and brain, Allah penalizes the perpetrators with clear punishments. Fourth, Allah has established the Shari'a so that people who have fulfilled the requirements for marriage can get married and the Shari'a institutionalizes this marriage with the help of the state. On the contrary, when there are people who

channel their sexual needs in a deviant way, then this is reprehensible by religion, and in some cases, the perpetrators can be punished. Fifth, Allah has stipulated that everyone seeks sustenance, collects wealth, and strives to be good/ right and Allah guarantees the existence of his wealth for himself. Meanwhile, when someone takes, seizes, and/ or embezzles other people's property, then Allah will severely punish the perpetrators (al-Raisuni, 2002).

These are the general objectives of the Shari'a in the Qur'an and Sunnah as mentioned by al-Syatibi. The importance of *maqasid al-shari'a* is to resolve the problems of Islamic law in society. In this case, the theory of *maqasid al-shari'a* from al-Syatibi serves as a reference for taking Islamic law in solving new problems in society. Therefore, al-Syatibi put forward five main elements of *maqasid al-shari'a* as mentioned above (Toha & Rozikin, 2020).

From the perspective of the Prophet Muhammad's apostolate, it is apparent that Allah handed down Islamic law to attain comprehensive welfare for humanity. *Maqasid al-shari'a* refers to the purpose of Allah and His Messenger in formulating Islamic laws. This purpose can be traced in the verses of the Qur'an and Sunnah as a logical reason for the formulation of a law that is oriented to the benefit of mankind. According to al-Syatibi, the major objective of Islamic law is to assist mankind both in this world and in the hereafter. Furthermore, al-Syatibi emphasized the results of the scholars' research of the passages of the Qur'an and the Sunnah of the Prophet that the rules were prescribed by Allah to benefit mankind in this world and the hereafter. The benefits that will be realized, as outlined by al-Syatibi, are classified into three categories of needs, including *daruriyah* needs, *hajiyyah* needs, and *tahsiniyah* needs (al-Raisuni, 2002; Toha & Rozikin, 2020).

In Arabic, *maslahah* (plural *masalih*) is a synonym for the benefit and the inverse of *mafsadah* (damage). In *majazi*, the term can also refer to beneficial activities. The word benefit is generally associated with *lazzah* (good taste) and the efforts required to obtain and maintain it. The word



maslahah can be used as a term in Sharia studies to represent a specific meaning, but it cannot be detached from its original meaning. Meanwhile, the meaning of *maslahah* is to take benefit or to avoid harm. Al-Ghazali opined that *maslahah* denotes something that produces benefits or profits while keeping away harm (damage), which in essence is to maintain sharia's purposes in establishing law (al-Ghazali, 2008).

Thus, *maslahah* is something to which the law applies; it will succeed in gaining benefits and rejecting the disadvantages of something, whether or not there is specific evidence that either justifies or cancels it. So, al-Ghazali conveyed that *maslahah* is something that sometimes exists and sometimes does not by certain arguments that justify or cancel it, and that *maslahah* must be by the objectives of Sharia, namely protecting religion, life, mind, property, and offspring (Alpian, 2019).

Interests or benefits are part of the study of *al-maqasid* in usul fiqh, which signifies goodness or profit. *Maslahah* is based on the five benefits, which are known as *al-kuliyah al-khamsah*. *Al-Maslahah* must be founded on the people's benefits and interests, however, individual benefits should not be overlooked. As a result, any policy or behavior that does not refer to the welfare and interests of the people is not classified as *maslahah*. Nonetheless, *maslahah* is primarily concerned with individual interests. So, if some actions conflict between individual interests and societal interests, societal interests take precedence.

Al-Ghazali mapped *maqasid a-shari'a* into three groups namely *daruriyah* (primary needs), *hajiyyah* (secondary needs), and *tahsiniyah* (supplementary needs). He then classified those three groups into five categories, including the first, *hifz al-din* (protection of religion). This concept is applied to religious freedom as well as the need to respect and not offend other religions. The second is *hifz al-nafs* (protection of life). This concept is based on each person's obligation to protect his soul and not jeopardize his safety as a means of protecting human souls. The third is *hifz al-nasl* (protection of offspring). This notion is applied to marital laws by instituting marriage to safeguard offspring, hence adultery is likewise

prohibited because it can damage offspring. The fourth concept is *hifz al-'aql*, (protection of mind). This principle is realized through the prohibition of *khamr* (alcohol and similar substances), which serves as the foundation for the legal implementation of Islamic law. The fifth is *hifz al-mal* (protection of property). This idea is used in Allah's and Messenger's guarantee for people who seek and gather property in all legitimate ways. On the other hand, the Qur'an and Sunnah provide the law of cutting off someone's hands for stealing someone else's property.

Imam al-Syatibi has formulated a pattern that must be prioritized in *maqasid al-shari'a* studies using the priority scale while still considering the benefits and/ or harm. Based on this, *maqasid al-daruriyah* (principle) must take precedence over *maqasid al-hajiyah* (primary) and so on to *maqasid al-tahsiniyah* (secondary). *Maqasid al-daruriyah* fundamentally means that all basic needs must be met in life to benefit the world and the hereafter. *Maqasid al-daruriyah* protects religion, soul, mind, offspring, and property, which is why it is also known as *al-daruriyat al-khams*. Whereas *maqasid al-hajiyah* conveys more about the benefit that must also be fulfilled, because if it is not met, it does not immediately terminate life; rather, it makes life more difficult and unpleasant (Syaikhu et al., 2023).

The *maqasid al-shari'a* category includes the permissibility of breaking the fast for people who are pregnant or breastfeeding, as well as the permissibility of merging and shortening (*qashr*) prayers for people who are traveling (*musafir*). *Maqasid al-tahsiniyah* is more about habits or things that are considered good by local traditions and customs and meet *muru'ah* criteria (social appropriateness) so that they are preserved. *Maqasid al-tahsiniyah* commonly relates to local wisdom or good customs passed down from generation to generation in society, and this is consistent with fiqh principles that custom or tradition can be (consideration) law (*al-'adat muhakkamah*) (Fajriyyah & Alfitri, 2022; Iman et al., 2023).

Maqasid al-shari'a is not a new concept of science because it is a legacy of former scholars that can be easily traced back (Toriquuddin, 2013). The work of Imam al-Haramain al-Juwaini (478 H) can be found in his book



al-Burhan. It is explicitly stated in this book that Sharia law is based on benefit (*al-shari'a mabniyyatun 'ala al-istislah*), which was later continued by his students such as al-Ghazali (505 H) and 'Izzuddin bin Abdissalam (660 H) in his book *Qawa'id al-Ahkam fi Masalalih al-Anam* and his student Syihabuddin al-Qarafi (684 H) in his book *al-Furuq*. Imam al-Syatibi (790 H) then presented a systematic study of *al-maqasid* in his two works *al-Muwafaqat* and *al-I'tisham*. Likewise, Ibn Taimiyah (728 H) discussed *al-maqasid* in the book *Majmu' al-Fatawa* and his student Ibnul Qayyim al-Jauziyah (751 H) through his writings, *I'lam al-Muwaqifi' in 'an Rabb al-'Alamin* who contributed an abundance of ideas in developing and perfecting the concept of *maqasid al-shari'a*.

In the contemporary context, Ibn Asyur is one of the figures in the field of *Maqasid al-shari'a* born in Tunisia. He is a successor as well as a complement to the concept of *al-maqasid* which was initiated by his predecessors such as Imam al-Syatibi, al-Ghazali, Izzuddin ibn Abdussalam, Ibn Taymiyah, Ibn Qayyim al-Jauziyah and others. Ibnu Asyur put forward the study of *maqasid al-shari'a* which is easier to apply to current issues so that Islamic law can always adapt to the challenges of the times.

There are several reforms carried out by Ibn Asyur in the field of *maqasid al-shari'a* including all laws that are in the *muamalah* (transactional) category or worship (ritual) that have an *illat*. In applying *al-maqasid's* theory, he adhered to three basic principles, namely *maqam khitab al-syar'i* (situation and condition of khitab syar'i), *al-tamyiz baina al-wasilah wa al-maqasud* (distinguishing between infrastructure and goals), and *istiqrar* (induction). The theory of *maqasid al-shari'a* Ibn Asyur globally is based on *maqasid al-ummah* and *maqasid al-khassah*, whereas the rationale for establishing *al-maqasid* is by using *fitrah*, *maslahah*, and *ta'lil*. To determine if something has *maslahah* or not, he divided it into three categories: *maslahah* for the people as a whole, *maslahah* for groups, and *maslahah* for individuals. According to Ibn Asyur, *maqasid al-shari'a* is the meaning and wisdom revealed by Allah in His shari'a, as well as the features of shari'a or its overall purpose. According to him, the essence of *maqasid al-shari'a* is to achieve the greatest benefit for the people (Rahmi et al., 2019).

2. The Purpose of Marriage in the Frame of *Maqasid al-Shari'a*

All types of Shari'a in the Qur'an and Sunnah serve a purpose for humanity, both explicitly and implicitly stated. Marriage (*munakahat*) is one of the sharia that is full of goals (*maqasid al-nikah*). In general, marriage goals are discovered more implicitly than explicitly. As a result, scholars attempt to investigate the goals of marriage using *ijtihad* rules (Aziz et al., 2023).

The results of the scholar's investigation show that marriage has many purposes. The goals of marriage are an important component of protecting offspring (*hifz al-nasl*) in the concept of *maqasid al-shari'a*. The obligation to protect offspring (*hifz al-nasl*) is at least stipulated by Allah in the Qur'an and Sunnah in two opposing forms. On the one hand, Islamic law institutionalizes marriage for married couples to properly channel their sexual desires and obtain good and legitimate offspring (Barkah et al., 2023).

The institutionalization of marriage is detailed in the Qur'an and Sunnah, starting from the introduction of the spouse (*khitbah*) to the rules after the spouse dies or divorces (Patnani et al., 2021). On the other side, Allah forbids Muslims from channeling their sexual urges, such as the prohibitions against adultery, homosexuality, and having sexual relations with corpses and animals (Sudiono, 2018; Kamarudin, 2022).

Marriage is the same as protecting dignity and therefore married couples can avoid things that are prohibited by Islamic law. Marriage can protect Muslims from negative things, allowing them to avoid adultery and carry out marriages better (Salma & Firdaus, 2016; Nawawi et al., 2022). Another viewpoint holds that marriage is equivalent to fulfilling half of the Islamic religion. That is, it can increase the reward for a Muslim and perfect his religion by protecting his genitals and stomach. Scholars say that in general many causes that destroy one's religion come from the inability to control one's genital and stomach. Marriage can lead both men and women (husband and wife) to protect their genitals and stomachs so that they avoid committing adultery and other sexual deviations (Nuroniayah & Maula, 2022; Qadri & Siregar, 2023). The following information describes the objectives of marriage as the substance of *maqasid al-shari'a*.



a. Marriage as a god's order

Marriage is a contract that authorizes sexual encounters between a man and a woman, resulting in a mutual assistance relationship between the two and raising the rights and obligations of the two (Zahrah, 1948; Mubarak et al., 2021). Other scholars also put forward various types of definitions referring to the same goal. These definitions ultimately show the purpose of the marriage contract, which is the permissibility of having enjoyment (*istimta'*) or having sexual intercourse in a manner determined by the Shari'a. Even so, this is not the only goal of the marriage contract, because there is the major goal or main objective of the marriage itself, which is to have children (*tanasul*) and to preserve the human race (*hifz al-nau'i al-insani*). The marriage also brought the two together in a spiritual partnership as a form of God's assistance in softening their hearts and spirits.

Marriage can provide peace to both souls, as stated by Allah in QS. ar-Ruum (30): 21. Other scholars explain that the fulfillment of sexual desires is not the primary goal of marriage. Marriage is mostly about seeking benefit or goodness, and one of the virtues includes satisfying sexual urges in legal ways (Millati Agustina, 2022; Syufa'at, 2022). This substance distinguishes sexual relations between a Muslim and a non-Muslim. A Muslim marries and has sexual relations as a form of obedience to Allah's commands. Meanwhile, non-Muslims marry or do not marry, and have sexual relations not to show obedience to God but rather to fulfill sexual desires.

Marriage, in general, has a more profound meaning. Marriage is the foundation or principle of a family, which is based on rights and obligations referring to fundamental religious principles. Marriage is a symbol of the spiritual essence of human beings before their God in expressing their sexual desires as intelligent beings, which distinguishes them from animals. The substance of this human soul is known as *mawaddah* in QS. ar-Ruum (30): 21, which Allah creates in the hearts of husband and wife and is one of the rewards for which humans must be grateful. The effect of *mawaddah* established by God in the soul of a married couple can form a strong

character when each adheres to the concept that the husband is clothing for his wife and vice versa (QS. al-Baqarah (2): 187).

Marriage's existence is consistent with the creation of humans on the earth, and it is also a nature bestowed upon them by God. In other words, marriage in Islamic law serves to supplement religion. Marriage is one method of refining religion. A Muslim has fulfilled half of his religion by getting married, making him stronger in devotion. As a result, marriage is an act performed to carry out God's commands. A Muslim will receive rewards as well as enjoyment in life if he obeys God's commands.

b. Marriage is a medium for channeling sexual desires

Everyone has sexual desires that are proportional to their capacities. Sexual desire must be channeled for the physical and psychological systems to become healthy and balanced (Onibala et al., 2022). Happiness as a result of channeling this sexual desire will be disrupted when one partner is unable to engage in channeling it due to an illness (Gholami et al., 2022; Aditya et al., 2023). One of the most difficult human inclinations to control is sexual desire. Islamic Shari'a aims to demonstrate to everyone that marriage is what distinguishes people from animals in terms of channeling sexual urges. Therefore, all the negative consequences of incorrectly channeling sexual desire can be anticipated as early as possible. As a result, scholars conclude that marriage is the only proper and legal option to channel sexual desire. This understanding is consistent with Allah's words in QS. ar-Ruum (30): 21.

Marriage, according to Islamic Shari'a, is a noble deed since it is the most beneficial approach to maintaining dignity and controlling sexual desires. This sexual desire is more dominant in young people, so the Prophet urged them to marry when they reached the age of sexual maturity by saying "*ya ma'syar al-syabab manistatha'a minkum al-ba'ah, falyatazwwaj*" (Sahih Al-Bukhari, 2009). In this hadith, it is emphasized that the purpose of marriage is to lower the gaze and protect the genitals (*farj*) from misuse of channeling. The inability of a person to lower his gaze and defend himself



from heinous and dirty deeds can demean his dignity as a human being. In the end, their behavior triggers chaos and imbalance in society. This is a common occurrence nowadays, particularly when a group of people promotes LGBT as their sexual orientation (Hikmah et al., 2022).

c. Marriage as the right way to have children

Islamic Shari'a has regulated the procedures for appropriately channeling sexual desires and being a decent approach to having legitimate offspring. Rasulullah commanded that a man marry a woman capable of giving him children (*al-walud*) and full of affection (*al-wadud*). The Prophet highlighted at the end of the hadith that he appreciated the generation of Muslims who have a large *ummah* (al-Zuhaili, 1997). The presence of children in a family is a means to awaken maternal and paternal instincts (the instinct to be loving parents to their children) from the time they are born until adulthood. In this case, a human will not feel perfect if he is unable to channel his instincts as a parent (Jamal & Ikhwan, 2021).

The presence of children can also foster a responsible attitude toward caring for and educating their children to become strong and resilient individuals, particularly pious individuals capable of becoming pioneers who ensure the continuation of the reward for both parents even after they have died (Sopyan et al., 2023). This responsibility is also able to encourage someone to make the people (children) they care about happy. On the other hand, the presence of a child might foster an attitude of sharing responsibilities between husband and wife, which have been previously assumed by each party. The presence of children in the family can unite two families and establish good relationships to form larger families.

Marriage can shape a couple who fears Allah. This couple will struggle for the values of the common good and have the potential to make their shelter in Allah Almighty's wealth of mercy. So that marriage can create the best generation (children) that gives peace of mind and body. Allah s.w.t describes this in QS. al-Furqan (25): 74, which says, "*They are those who pray, "Our Lord! Bless us with pious spouses and offspring who will be*

the joy of our hearts and make us models for the righteous". The urgency of the presence of children in a marriage is explained by Allah in QS. an-Nahl (16): 72. Allah says, *"And Allah has made for you spouses of your kind, and given you through your spouses, children, and grandchildren. And He has granted you good, lawful provisions. Are they then faithful to falsehood and ungrateful for Allah's favors?"* According to this verse, the objective of marriage under other Islamic laws is to have devout children (offspring) to produce strong, competitive, and excellent next generations.

Marriage essentially seeks to raise a generation of believers. In Islamic law, forming and sustaining a peaceful family indicates that they have contributed to the formation of a generation of devout Muslims so that extinction does not occur. This goal can only be achieved through marriage. Allah mentions it in QS. at-Thur (52): 21, *"As for those who believe and whose descendants follow them in faith, We will elevate their descendants to their rank, never discounting anything of the reward' of their deeds. Every person will reap only what they sowed".*

Marriage is about more than merely justifying sexual interactions and having children. Every married couple desire pious children. A pious child can be a source of sustenance for a husband and wife who have become parents (Syahr et al., 2023). A pious child's fortune can be felt both in this world and in the hereafter. This means that the union of men and women through legal marriage is intended to produce offspring, namely children (to become future successors), although some people may misinterpret one of the purposes of this marriage. The concept of offspring is frequently misunderstood by multiplying the number of offspring (Iswantoro & Tobroni, 2022). However, what is essential and needed in Islam is the quality of the child, both religious and noble character, which ensures a good life in this world and the hereafter.

Marriage's major purpose is to create a family that is *sakinah*, *mawaddah*, and *rahmah*, which is a happy, peaceful, loving, and affectionate family. Having children is the desire of many couples to continue and educate their new generation. Every parent wishes for their children's lives



to be better than their own. More specifically, Elias explains that a woman's dream is to become a mother (Elias, 2020; Hadi et al., 2023). This is one of parents' responsibilities to their children. As a result, family management is a crucial responsibility that should not be overlooked in a marriage. It takes a high level of awareness and belief for each family member to realize their potential as a driver of the welfare of people's lives, which leads to the welfare of the nation. Allah ensures sustenance and wealth for every married couple (QS. an-Nur (24): 32) so that they are not burdened when more family members (children) are present.

Various studies have been undertaken by contemporary scholars on the purpose of marriage and its relationship to the children born. Married couples with children tend to live longer. According to the findings of a United Nations population study in 1958, married couples had a greater life expectancy than people who were not married (Dahlan, 1997). Likewise, it is also shown in the results of recent research (Jamalnik et al., 2020). The married partnership can extend the couple's lives by implementing a healthy lifestyle and having good physical and mental health. According to other studies, people who are happily married have a better immune system than those who are not. Cortisol, the stress hormone, is also secreted in lesser amounts in married people than in single individuals. Other research indicates that married couples have better mental health because they have a person who supports and cares for them. As a result, getting married is also important for each party's mental health.

d. Marriage is the foundation of society

Marriage is more than just a medium to channel sexual desire; it also encompasses the meanings of *ijtima'iyah* (social), *nafsiyah* (psychiatric), and *diniyah* (religious). Islamic Shari'a desires the longevity of married spouses who have established a family through a marriage contract. There is harmony between them, and they love each other, thus they both feel at peace and secure in the marriage. This goal is known as *sakinah* as expressed in QS. ar-Ruum (30): 21. *Sakinah* referred to by the verse pertains

to the ideal household that is the goal of marriage. It shows the existence of peace, tranquility, and affection in the family by carrying out God's commands by each party sincerely, diligently, and responsibly, as well as with mutual respect and mutual tolerance (al-Sais, 1989).

The *sakinah* atmosphere fosters a reciprocal loving attitude between husband and wife, particularly in the form of good sexual interactions, which is known as *mawaddah*. In the end, each husband and wife's responsibility grows stronger, especially since a healthy sexual relationship leads to the birth of a child between them. The *sakinah* and *mawaddah* elements in the life of marriage then are added with the element of *rahmah*, namely the presence of children (offspring) who are healthy, strong, and full of blessings from Allah.

Marriage raises rights and obligations that must be fulfilled following the provisions of Islamic law. It is stated in Article 1 of Law Number 1 of 1974 concerning Marriage that marriage is a physical and spiritual bond between a man and a woman as husband and wife to form a happy and eternal family based on the one and only God principle. As a result, marriage can be considered one of the great and commendable acts that God established to improve human life. Furthermore, a good marriage can make the husband-and-wife relationship more respectful, resulting in contentment between them. The culture in question sometimes occurs between local people and foreigners (Mujiburohman et al., 2023).

The implementation of marriage usually relates to the progression of time and culture in people's lives. In cultural reality, the embodiment of religious teachings and local culture occurs in marriage and it is not uncommon in a marriage culture to find various symbols that are full of meaning (Auni & Nidawati, 2023; Khoiroh & Syakur, 2023).

The implementation of marriage usually relates to the progression of time and culture in people's lives. In cultural reality, the embodiment of religious teachings and local culture occurs in marriage. This allows for the emergence of new variations in the application of Islamic law-based marriages in society due to the dialectical process between normative values and the culture of society (Syaikhu et al., 2023). There is a tie



between humans and their traditions, including the tradition of marriage, in addition to the existence of a system of relations in human life and culture. Thus, in this life, the marriage tradition is not a cultural tradition, but rather a relationship with parallels that are not causal relationships. This suggests that marriage culture does not generate tradition, but rather that tradition causes culture because culture and tradition have the same root, namely the human mind (Lutfiyah, 2014; Iman et al., 2023).

Tradition, in terms of meaning and purpose, contains a mechanism for society to conceive and treat basic facts of human life, such as societal consensus on marriage (Avita et al., 2022). Tradition becomes a transcendental order that serves as the foundation for human behavior in marriage. As a result, discussing the marriage tradition entails delving into the order of human existence and how society portrays it in their lives. In this perspective, every society has its marriage tradition based on how they present the marriage tradition in their daily lives.

D. Conclusion

Based on the description and discussion above, the purpose of marriage in Islamic law pertains to both horizontal and vertical aspects. Vertically, marriage aims to show the quality of one's devotion to God who has created him or her. This devotion is followed by a test of faith in the form of the ability to restrict and control sexual desires in the face of the immensity of human sexuality's challenges and God's call to produce pious offspring.

The purpose of marriage horizontally is closely related to oneself, others, and the surrounding environment. From this point of view, marriage has a social function to build a communal family. Families can be formed and developed when there are children and offspring. As a result, the presence of children in a marriage is required for the development of a community, nation, and civilization, because without them, there will be no civilization. The family, consisting of the father, mother, and children, is the smallest unit of a society and an essential component of a nation's existence.

Therefore, in the context of maqasid al-syari'a, the shari'a provisions regarding marriage have various objectives such as gaining inner peace, channeling sexual needs well, establishing friendly relationships and one of the main objectives is to have children to continue the lineage.

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