



Normative Analysis of the *Maqāṣid Al-Syarī'ah* Theory on Pre-Marital Women's Health Screening

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Abstract: This study discusses the urgency of premarital health checks for women from the perspective of *maqāṣid al-sharī'ah* by emphasizing how the values of benefit can address contemporary issues related to women's reproductive health. One of the issues raised is whether premarital checks, which in some regions are beginning to be directed as administrative requirements, have the potential to marginalize women, especially if applied asymmetrically only to prospective brides. Thus, this study formulates two main questions: (1) how does *maqāṣid al-sharī'ah* view premarital health checks for women? and (2) can premarital checks be categorized as a hajj necessity or even elevated to *darūriyyāt* under certain conditions? This study uses a qualitative method with a normative nature through a literature study approach. Data were collected from fiqh literature, contemporary fatwas, national regulations, and reproductive health studies. They were then analyzed using the *maqāṣid al-sharī'ah* framework, which focuses on the five main objectives of *Syarī'ah*, specifically the preservation of the soul and the preservation of the nasl. The results of the study indicate that premarital health checks, especially for women, are generally categorized as hajj because they aim to preserve the soul and prevent harm after marriage. However, under certain conditions, such as the potential for transmission of genetic diseases or infectious diseases, these examinations can be elevated to the category of *darūriyyāt*. The study also emphasizes that the obligation of premarital checks must be applied fairly and symmetrically to men and women to avoid bias or administrative marginalization. These findings contribute to strengthening policies at the Office of Religious Affairs (KUA), the development of gender-responsive national regulations, and the development of welfare-oriented family jurisprudence.

Keywords: *maqāṣid al-Syarī'ah*; health screening; women; marriage.

Introduction

Marriage in Law of the Republic of Indonesia Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage explains that marriage is an inner birth bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family or household based on the Almighty Godhead (Lukmanulhakim et al., 2025). In the law, it is stated that the purpose of forming a family through marriage is to achieve physical and mental happiness. The happiness that the bride and groom aspire to will be realized if they have a partner who has stability in science, economics, and good health. The future of home life is usually determined from the starting point (Karimullah, 2021). The success or failure of a marriage also depends on the way it is taken in choosing its life partner.

The way that can be taken in finding a partner is by recognizing, paying attention, and having an open vision and mission in living a married life with a prospective partner, first, in order to unite the vision and mission that will be lived together (Jamieson et al., 2002; Markman et al., 2024). In addition, choose a partner who has good physical and spiritual health. Marriage in Islam becomes a shari'ah that is emphasized on its people to do because it is with marriage that the shahwat that exists in humans can be channeled in the right way in accordance with His Shari'a (Jahar, 2019).

Many benefits will be obtained in marriage, including being able to control one's gaze and keep one's genitals to avoid various diseases (Zumaro, 2021). Marriage is also highly recommended for young men who have entered the age of marriage because during that period, the turmoil of martyrdom is at its highest point. However, if you are not able to get married, it is recommended to fast in order to withstand the turmoil of shahwat.

The medical examination consists of two words, namely examination and health. According to the World Health Organization (WHO), under the auspices of the United Nations (UN), in charge of health, namely WHO (World Health Organization), states that what is meant by health is to improve human conditions, both physical, spiritual, or intellectual, social, and not merely eradicating disease (Alfanjari, 2013). In the sense meant by WHO, it is not to eradicate existing diseases but to improve human conditions from the deterioration of health conditions by driving a healthy lifestyle, reducing malnutrition, and also inviting the public to pay attention to the environment.

Previous studies examining women's premarital health screenings to determine the findings of this study are as follows: first, a study conducted by Muhammad Adib Hafiz Adam entitled "*A Maqāṣid al-Sharī'ah Analysis of Mandatory Pre-Marital Screening for STDs and Fertility Among Malaysian Couples.*" This study examines premarital health screenings (including infectious disease and fertility tests) from the *Maqāṣid al-Sharī'ah* framework. The author postulates that such screenings support *Syarī'ah* goals such as *hifẓ al-nafs* (preservation of the soul) and *hifẓ al-nasl* (preservation of offspring), so that in specific contexts it can be justified as an obligatory or highly recommended action. This is suitable to support the argument that premarital screenings can be categorized as *haji* or even *darūriyyāt*. (Hafiz Adam & Rosidi, 2025). The second study, conducted by Ayesha Sadiqa, is entitled "*Syarī'ah Status of Premarital Medical Screening: An Analytical Study.*" This study examines the legal status of premarital medical examinations in Islam. The analysis includes the text of the Quran, the Sunnah, and the principles of Islamic jurisprudence (*usul al-fiqh*) from various schools of thought. The conclusion is that premarital medical examinations are permissible and recommended under Islamic law, mainly when aimed at protecting life and preventing harm. However, their use as an administrative requirement remains controversial. (Sadiqa & Khan, 2025). And then, the research conducted by Khusni Tamrin entitled "*Premarital Check-Up in the Perspective of Maqāṣid al-Sharī'ah*" (Islamic Law). This study uses a normative-qualitative approach with the theory of *Maqāṣid al-Sharī'ah*. The results indicate that premarital check-ups are highly recommended because they support the goals of *Syarī'ah*: preserving the soul (*hifẓ al-nafs*) and offspring (*hifẓ al-nasl*). This article is highly relevant to building a normative framework for the literature in this study (Tamrin, 2021).

The Indonesian Ulema Council (MUI) in the National Ulema Conference (MUNAS) in 1983 formulated health as physical, spiritual, and social resilience possessed by humans as a gift of God that must be thanked by practicing His guidance and maintaining and developing it (Arisman, 2023). Health, according to Law No. 23 of 1992 concerning health, is a state of well-being of the body, soul, and society that allows everyone to live a productive life socially and economically (Widjaja, 2024). From the above understanding, it can be concluded that a premarital medical test is a series of processes carried out by a prospective married couple or individual who will marry to find out their health condition by checking themselves at a clinic or hospital. Prenuptial is when a person does not have a legal partner.

Method

This study employs a normative or doctrinal legal research design to analyze women's health screening before marriage through the theoretical framework of *Maqāṣid al-Sharī'ah*. As a normative study, the research focuses on examining legal texts, principles, and authoritative Islamic sources to understand how Islamic law conceptualizes premarital health examinations for women and how these norms interact with contemporary regulatory needs (Cownie & Bradney, 2013). The primary data sources consist of foundational Islamic texts, including the Qur'an, hadith, and classical works of jurists, particularly the writings of al-Syāṭibī, Ibn 'Āsyūr, and other scholars who formulated and developed *maqāṣid* theory. Indonesian legal instruments, such as the Marriage Law, Health Law, relevant Ministerial Regulations, and MUI fatwas, are also included to understand the normative landscape governing premarital health policies in Indonesia.

The secondary data include contemporary journal articles, books, and research on premarital screening, Islamic bioethics, reproductive health, gender studies, and Islamic jurisprudence. Data collection is conducted through a systematic literature review, followed by content analysis to interpret legal norms in light of the *maqāṣid* framework, especially the objectives of *hiḥẓ al-naḥs* (protection of life) and *hiḥẓ al-nasl* (protection of lineage). Through this method, the study aims to provide a normative reconstruction of how *Maqāṣid al-Sharī'ah* supports, regulates, and potentially reformulates premarital health screening policies for women in contemporary contexts.

Results and Discussion

The Essence of *Maqāṣid Al-Syarī'ah* Theory

The word *Maqāṣid al-Syarī'ah* consists of two words, namely *Maqāṣid* and *al-Syarī'ah*. The word *maqāṣid* is a plural form derived from the singular *maqṣad*, and both are *mashdar mimi*—the word *maqāṣid* *lughat* means goal. The word *al-Syarī'ah* in *lughat* means the road to the source of water (Latip, 2021). The theory used in this research refers to al-Syātibī, the primary goal of *Syarī'ah* is to realize the benefit of humanity (world and afterlife), which he then classified into three levels: *dharuriyyat* (basic principles), *hajiyyat* (supporting), and *tahsinīyyat* (perfecting). Al-Syātibī divides *maqāṣid* into two sides, namely "*Qashdu as-Syārī'*" (the meaning of Allah as the creator of the *Shari'a*) and "*Qashdu al-Mukallaḥ*" (the meaning of humans as recipients of the *Shari'a*). According to Ibn 'Ashur, the *maqāṣid* of *Syarī'ah* are divided into two main categories: *maqāṣid 'ammah* (general objectives) and *maqāṣid khassah* (specific objectives), which are realized through the method of *istiḡra'* (in-depth research) of the *Syarī'ah* evidence, especially from the Qur'an. He also differentiated between the rights of Allah and the rights of servants, as well as the mixture of the two, to understand the objectives and implementation of law. According to the term, the word *Syarī'ah* refers to a number of Islamic laws revealed to the Prophet Muhammad (peace be upon him), contained in the Qur'an and al-Hadith (Anwar, 2019).

In its development, contemporary Islamic legal methodologists reconstructed the existing terminology by defining it into a term (Pratomo, 2019). Among them are the following:

1. Ibn Assyria defines *maqāṣid as-Syarī'ah* as follows: "*Maqāṣid al-Syarī'ah* in general, that is, meanings and wisdom that are seen to be guarded by Allah in all or part of the matter of forming law: not only in one type of law but from *Syarī'ah* law as well, including the definition of *shari'a*, the general purpose of *Syarī'ah* and the meaning that has never been neglected in the formation of law, It also includes the meaning of laws that are invisible in their entirety but have many legal forms".
2. Allal Al-Fasi defines *Maqāṣid al-Syarī'ah* as follows: "*Maqāṣid al-Syarī'ah* is the purpose of *Syarī'ah* and the secret set by the *shari'a*, i.e., Allah Almighty on every law of its laws.
3. Ar-Raisuni Ar-Raisuni defines *Maqāṣid al-Syarī'ah* as follows: "The goals set by the *shari'a* are for the benefit of the servant. From several definitions that have been put forward by these experts about *maqāṣid al-Syarī'ah*, both linguistically and terminology, it can be concluded that *maqāṣid al-Syarī'ah* is the purpose or purpose of the derivation of *Syarī'ah* to be implemented by humans who are helpful for the benefit of both personally and society, Because it guarantees basic human needs such as religion, soul, offspring, reason and property. With the existence of *maqāṣid al-Syarī'ah*, humans will feel calm and secure in living life.

Several rules must be known in exploring a law using the theory of *maqāṣid al-syar'ah*. These rules are provisions that must be understood by a mujtahid in conducting legal *istimbath* (Mujib, 2021). Here are the rules:

1. Every provision of *Syarī'ah* law must have a purpose and benefit. The purpose and benefit of every *Syarī'ah* or law of existence must exist; all three must be sought and found in order to facilitate the taking of laws.
2. There is no *maqāṣid* without the use of postulates. Because to link a law with *maqāṣid al-Syarī'ah* is to link the statutes of the law to Allah. Not basing the view of *maqāṣid al-Syarī'ah* on Allah means expressing a purpose of the law not according to the will of the Creator of the law itself. This is tantamount to establishing laws without a scientific basis, which is not allowed by the Qur'an. i.e., in QS. Al-A'raf verse 31 and QS. Al-Isra' verse 36.

3. Benefit and prosperity must be sequential. In using *maqāṣid al-Syarī'ah*, a preparation is needed based on the level of benefit and its ability to make it easier to find the level of *maslahat* and *mafsadat* between those who are priorities and those who are not priorities. Therefore, according to scholars, the level of *maqāṣid al-Syarī'ah* is divided into three, namely: *darurīyyah*, *hajjīyyah*, and *tahsinīyyah*.
4. Distinguish between an end and a means to an end. The need to distinguish between goals and means to an end is that the correlation in legal provisions will usually look happily resembling. However, sometimes, the difference between the end and the means to the end is clearly visible. If there is a failure to distinguish between the two, eating will have implications for the results stipulated in the law.

In this case, the application of *maqāṣid al-Syarī'ah* in *premarital check-ups* is to find out how much benefit premarital medical tests are in maintaining the five main elements in the objectives of Islamic law. The application of *maqāṣid al-Syarī'ah* to premarital medical tests is to take an in-depth approach to the correlation of Islamic legal objectives in premarital medical tests. In the premarital medical test, there are elements that support the preservation of religion, soul, offspring, reason, and property, and implicitly, the values of *maqāṣid al-Syarī'ah* have been applied in the premarital medical test. The application is that with premarital medical tests, it supports the preservation of the main objectives of Islamic law, in this case, it is included in the categories of *hifhuz nafs* and *hifhuz nasl*.

The basis of law in the Qur'an and Islamic Hadith is a religion that regulates all aspects of human life, as well as regulating the order of life on earth, in order to lead to the happiness of the world and the hereafter (Omais, 2025). One of the supports of happiness is to have a healthy body, so that by it we may better serve God (Joshnloo, 2017). The religion of Islam places great importance on health (birth and mind) and places it as a pleasure second only to faith (Shobri, 2021). The specific legal basis for ordering a medical examination before marriage is not found, but there are arguments that support the maintenance of health. One of them is as follows :

قُلْ لَا أَجِدُ فِي مَا أُوحِيَ إِلَيَّ مُحَرَّمًا عَلَى طَاعِمٍ يَطْعَمُهُ إِلَّا أَنْ يَكُونَ مَيْتَةً أَوْ دَمًا مَسْفُوحًا أَوْ لَحْمَ خِنزِيرٍ فَإِنَّهُ رِجْسٌ أَوْ فِسْقًا أُهْلَ لِغَيْرِ اللَّهِ بِهِ فَمَنْ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَإِنَّ رَبَّكَ غَفُورٌ رَحِيمٌ

"Say, I cannot find in what is revealed to me, that it is forbidden to eat it for those who want to eat it, except the flesh of dead animals (carrion), flowing charcoal, pork, because they are filthy, or animals that are slaughtered not in the name of Allah. However, whosoever is compelled not to desire and not exceed (the emergency limit) then verily, thy God is merciful, merciful." (Q.S Al-An'am [6] verse 145).

In that verse, it is commanded to maintain the health that has been given by avoiding forbidden foods such as carrion, flowing blood, pork, and animals slaughtered not in the name of Allah (Fitriani, 2023). Because the prohibition contains a benefit for humans, if in a forced situation, then the food can be eaten only to survive, not to feast.

وَنَزَّلُ مِنَ الْقُرْآنِ مَا هُوَ شِفَاءٌ وَرَحْمَةٌ لِّلْمُؤْمِنِينَ وَلَا يَزِيدُ الظَّالِمِينَ إِلَّا خَسَارًا

"And we derive from the Qur'an (something) which is the antidote and mercy for the believer, while for the unjust (the Qur'an) will only increase the loss" (Q.S Al-Isra' [17] verse 82)

The verse explains that the Qur'an is an antidote to health. If one follows the instructions contained in the Qur'an, then the person gets good luck. Islam is very concerned about health by inviting and advocating for maintaining the health that everyone has (Muftisany, 2021). The recommendation to maintain health can be done with preventive measures (preventive) and elimination of disease or treatment (repressive) (Khandia et al., 2019).

Preventively, Islam's attention to health can be seen from the earnest recommendation for the maintenance of cleanliness, which the Prophet made. "From Ibn Abbas (r.a) said: that the Prophet Muhammad (peace be upon him) said: many people lose money because of the two blessings of health and leisure" (H.R. Bukhari) (Nur, 2023). The hadith clearly states that many of humanity are losing money because they waste healthy *nikamat* and free time. Health is a very extraordinary blessing. With health, people can feel the beauty of life, delicious food, and the happiness of gathering with others (Ciares, 2022).

The pleasure of being healthy will be felt when someone is sick; therefore, while still healthy, let's be smart to use it. At the same time, free time is a blessing that many people do not feel its existence, but in fact it exists, because within twenty-four hours a day, a night, a lot of free time is not used correctly (Mariyam et al., 2022).

Therefore, use free time to pray to Allah so that the heart is tranquil and not wasted with the *siasia* of the time He gives.

The legal basis for premarital medical tests is not regulated in detail in national legislation. However, there are regulations at the government level that regulate counseling and medical examinations for brides-to-be (Rofi'ah & Widatiningsih, 2020). There are regulations issued by the Director of Islamic Community Guidance and Hajj Affairs of the Ministry of Religious Affairs, with the Director General of Eradication of Infectious Diseases and Health of the Residential Environment of the Ministry of Health in 1989 concerning Tetanus Toxoid Immunization of Prospective Brides. The regulation contains IX chapters as well as 21 pasal (Nia et al., 2023).

In chapter IV of the Health Exhibition Policy and Strategy, it is mentioned in the second part of article 9 as follow (Nelwan, 2021):

1. Every bride and groom who will hold a marriage, whose registration is at the Office of Religious Affairs or the Office of Civil Registration, can check their health *seukarela* at designated health service facilities, both in Puskesmas, Laboratories, or Hospitals, both government and private.
2. Puskesmas forms a team for health checks of brides-to-be consisting of doctors, nurses, midwives, nutrition analysts, HIV, STI program managers, Hepatitis, and others deemed necessary.
3. The medical examination is carried out by the team after the bride and groom show their Identity Card or a cover letter for a medical examination application from the *Kelurahan* (Village), equipped with data on the bride and groom, and a validation letter signed by the Lurah for poor category beneficiaries based on the latest BDT data.
4. The implementation of medical examination is carried out no later than 1 (one) month before the date of marriage or marriage registration.
5. In delivering the results of the medical examination of the bride and groom, the right to patient confidentiality is still prioritized.
6. If the bride and groom, based on the results of a doctor's examination as referred to in paragraph (4), are declared unwell or require further management in terms of medical health, a referral letter is given to continue the treatment process, and it is recommended that they seek treatment until they are healthy.
7. The Head of the Examining Team verifies the results of the examination for further issuance of a medical examination certificate of the bride and groom.
8. For medical examinations carried out independently at private health facilities, the results of the examination must be submitted to the Head of the examination Team for verification and premarital medical examination counseling.
9. Medical expenses as referred to in paragraph (6) are handed over to their respective health programs.
10. The certificate of having carried out a medical examination for the bride and groom, as referred to in paragraph (3), and the referral certificate, as referred to in paragraph (6), are determined by the Decree of the Head of the Health Office.
11. Technical guidelines for providing counseling and medical examinations for brides-to-be are listed in the annex to this governor's regulation.

Basically, health checks before marriage are a process of preventive measures from various unwanted things, such as disease transmission and the prevention of even worse diseases. Medical examination before marriage should ideally be done 6 months before carrying out the wedding because a period of 6 months is sufficient to carry out treatment and preparation for marriage technicalities, but premarital medical examination can be done at any time as long as the marriage has not yet taken place (Rofiq, 2023).

In general, medical examinations are divided into three parts namely (Junaidi & Najamuddin, 2020):

1. Sexually Transmitted Diseases (STDs) Premarital health checks can avoid the transmission of sexually transmitted diseases, such as syphilis, gonorrhea, HIV, and hepatitis. If this infectious disease is found in one or both partners, you should seek treatment first until fully cured before carrying out the marriage, so that the risk of the disease being transmitted to the couple will be reduced. If both of them still want to get married, it is recommended to consult with the relevant doctor to find the best solution.

2. For couples who have a history of hereditary diseases, such as diabetes, asthma, and blood disorders, they should be more careful and guard themselves from the trigger factors of the disease so as not to pass the disease on to their children later. By doing a medical examination before marriage, the possibility of diseases that will occur after marriage can be detected early. When the 85 examinations found diseases such as blood disorders, thalassemia, leukemia, diabetes, cancer, or HIV/AIDS, the agreement to continue to the marriage level is absolutely the decision of the bride and groom. The doctor will provide an overview of the risks that will be faced by the couple and their offspring.

Premarital blood incompatibility can also reveal whether there is a blood rhesus incompatibility that may affect the quality of offspring. The presence of specific blood type differences can harm the fetus. For example, if the mother has blood type O, while the fetus has blood type A or B, then miscarriage can occur. This can be caused by rejection of the mother's antibodies to antigens contained in the fetal blood.

Analysis of Female Health Examination Before Marriage from the Perspective of *Maqāṣid al-Syarī'ah* Theory

Analysis of medical examinations before marriage in the *Maqāṣid al-Syarī'ah* Perspective is carried out, which shows that medical examinations before marriage are a series of medical examination processes carried out by experts in the health sector to determine the health condition of prospective brides who will get married, both their reproductive health conditions and overall health, and are carried out in clinical laboratories or hospitals. From the results, it is said that the medical examination before marriage is a preventive measure for the spread or transmission of diseases from one of the bride and groom to their partner or child in the future. Such as to prevent the transmission of HIV/AIDS, syphilis, gonorrhea, and hepatitis. Transmission of the disease can be through sexual intercourse carried out by husband and wife. If one of them has the disease, then the partner is likely to be infected too; it is important to do an examination first.

Apart from being a preventive measure for the transmission of sexually transmitted diseases, as mentioned, premarital health tests can also anticipate the potential spread of hereditary diseases such as diabetes and asthma. The disease can be prevented early so as not to attack children born by doing a medical examination before marriage. Apart from preventing postmarital infectious diseases, health tests also have various benefits. As explained, *maqāṣid al-sharī'ah*, according to al-Shathibi, is Allah's purpose in establishing the law, which is for the benefit of his servants, both in this world and the Hereafter (Kurniawan & Hudafi, 2021). No law of Allah has a purpose; this view is reinforced by Muhammad Abu Zahrah, who views that the true purpose of Islamic law is for the benefit of man (Nabilah & Hayah, 2022). No law is enacted unless there is a benefit to the law. Medical examination before marriage in the Perspective of *Maqāṣid al-Syarī'ah*, namely in the process of choosing a partner for life, has been regulated in Islam, based on the following Hadith: "From Abu Hurairah, from the Messenger of Allah, he said: "The woman was married because of several things, namely: her wealth, offspring, beauty, and religion. Then marry a devoutly religious woman, and you will surely be happy." Hadith Muttafaq Alaihi.

From the Hadith, it can be understood that the most important choice of spouse is the religious factor that must be true to the creed. In addition to the religious factor (*hiḥẓuḥ dīn*), several factors have been mentioned in the hadith, namely, considering wealth, offspring, and beauty. The premarital medical test also substantively supports the hadith, namely, with the aim of preserving offspring (*hiḥẓuḥ naṣl*). In addition to this hadith, the Prophet (peace be upon him) advised Mughirah that he should see the woman he wanted to circumcise. Seeing can create a good relationship between husband and wife and can help them realize affection between the two.

Medical examination before marriage based on *kuliyatul khamsa* or the five main objectives of Islamic law, namely maintaining religion, guarding the soul, guarding offspring, guarding reason and safeguarding property, then the premarital medical test will be in accordance with the five main objectives of Islamic law, namely *maintaining hiḥẓuḥ naḥs* (soul), *hiḥẓuḥ 'aql* (reason), *hiḥẓuḥ naṣl* (offspring), and *hiḥẓuḥ mal* (property), it is just that in this case more emphasis is placed on the category of maintaining *hiḥẓuḥ naḥs* (soul) and guarding *hiḥẓuḥ naṣl* (offspring). If viewed from the side of *hiḥẓuḥ naḥs* or maintaining the soul, the premarital health test is a process that must be done because by doing so it is one of the efforts to protect yourself from disease attacks that will cause the soul to be threatened, this is because the premarital health test is an application of the concept of *saad az-dzariah* or prevention of disease transmission and early detection of disease.

In terms of maintaining *hifz nasl* (offspring), premarital health tests are included in the category of secondary needs because premarital health tests are an effort to protect children who will be born from various hereditary diseases owned by parents, such as diabetes. The genes of parents are very influential for the development of inherited diseases, because they have the same blood (Rohman, 2021). If a person does not take a premarital medical test, then it is okay because this is not a mandatory action either in *Syari'ah* dictates or national law.

In examining women's premarital health screening through a Normative Analysis of the *Maqāṣid al-Shari'ah* Theory, several critical issues emerge that extend beyond medical considerations (Kalamiah, 2025). First, the possibility that families or prospective spouses could use test results to cancel engagements unilaterally raises ethical concerns, as such actions may disproportionately harm women and violate the *maqāṣid* principle of preserving human dignity (*hifz al-'ird*). Relatedly, premarital screening may expose women to stigma, especially those who test positive for HIV, are carriers of thalassemia, or experience infertility conditions that often lead to social marginalization in patriarchal contexts.

From the perspective of *maqāṣid*, *hifz al-nafs* and *hifz al-nasl* encompass not only the prevention of disease transmission but also the protection of women's rights to accurate information, privacy, and their fundamental right to marry without undue barriers (Qibtiyah et al., 2025). A tension therefore arises between public health objectives and the risk of discrimination, delays, or rejection of marriage applications based on medical status. This analysis also questions whether the state may legitimately impose mandatory screening as a prerequisite for marriage registration, or whether it should remain a *recommended* measure to uphold personal autonomy. Furthermore, a gender-biased policy where only women are required to undergo screening contradicts the *maqāṣid* principles of justice (*'adl*) and equality, as well as Islamic legal norms demanding reciprocal obligations between prospective spouses (Akbaba, 2025).

In terms of maintaining *hifz aql* (reason), premarital medical testing is an important process to be carried out in order to prevent the risk of diseases that can damage the minds of both spouses and offspring who will be born, especially to their children. Medical examination before marriage, seen from maintaining *hifz mal* (treasure), is a preventive measure so as not to spend more property to do treatment in the hospital due to the impact of disease transmission suffered by one of the bride and groom, or as a preventive measure from the worsening of the disease suffered (Kacem & others, 2025).

The correlation of safeguarding property with premarital health tests is that a person is required to manage their property correctly and adequately, to anticipate the release of more property, namely by conducting premarital health tests in order to detect early the possibility of disease in one partner or both. If a person does not do a health check before marriage, then he finds a disease that has long been on him, then the cost of treatment can indeed be greater than the cost of a medical examination before marriage.

Conclusion

This research demonstrates that premarital health screening for women has a strong foundation in the theory of *Maqāṣid al-Syari'ah*, particularly through the objectives of preserving the soul (*hifz al-nafs*) and preserving offspring (*hifz al-nasl*). From a normative perspective, premarital screening essentially falls into the category of *hājjiyyāt* because it helps prevent reproductive health risks, infectious diseases, and potential harm after marriage. However, under certain circumstances, such as the risk of HIV transmission, genetic diseases, or the potential for serious harm to the prospective partner and offspring, screening can be elevated to *ḍaruriyyāt*.

This research emphasizes that premarital screening must be implemented with the principles of justice, reciprocity, and non-discrimination, and should not be used as an instrument of marginalization for women, whether through unilateral annulment, health stigma, or administrative barriers. *Maqāṣid al-Shari'ah* demands the protection of women's dignity (*hifz al-'ird*), the right to medical information, and the right to marry without unfair treatment.

From a policy perspective, the state is permitted to encourage premarital screening as a public good, but making it a mandatory requirement for marriage registration requires caution to avoid creating structural discrimination. The ideal policy is screening that is recommendatory, educational, and applies symmetrically to

both men and women, in line with the principles of *maqāṣid*, which are oriented toward protection, welfare, and justice within the family institution.

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