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# An Analysis of the Legal Implications of Mut'ah Marriage in the Context of the Contemporary Islamic Family

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Mut'ah marriage, a temporary marriage practice in Islam, has been the subject of deep debate in the context of the contemporary Islamic family. This article aims to analyze the implications of Mut'ah marriage law in the context of contemporary Islamic families through a qualitative approach using literature study methods and library research. By gathering and analyzing a variety of literary sources, including Islamic legal texts, scholarly studies, and scholarly views, this article describes the conceptual framework and historical context of Mut'ah marriage and explores its impact on family dynamics in modern Muslim society. This study identifies that the practice of Mut'ah marriage raises various legal, social, and cultural implications in the context of the contemporary Islamic family. From a legal point of view, this article highlights the debate about the validity and implementation of the Mut'ah marriage law according to various schools of fiqh. Meanwhile, from a social and cultural point of view, this practice can affect the pattern of family relationships, women's social status, and the protection of children's rights. Taking into account the complexity of this issue, this article also highlights the challenges of handling Mut'ah marriage ethically and effectively in the context of contemporary Islamic family law. The policy implications and the need for a holistic approach in dealing with this problem are also the focus of this article.

## 1. Introduction

Mut'ah marriage, a temporary marriage practice in Islam, has been the subject of deep debate in the context of the contemporary Islamic family. The practice is notable for its complex legal, social, and cultural implications, as well as its impact on family dynamics in modern Muslim societies. Although there have been several studies on this topic, there is still a lack of thorough and in-depth research on the implications of Mut'ah marriage law in the context of contemporary Islamic families.

The research gap in this study lies in the need to better understand the legal, social, and cultural consequences of the practice of Mut'ah marriage in modern Muslim society. Previous research has tended to focus on legal aspects or social and cultural aspects separately, without paying attention to the relationship between the two as a whole.

The urgency of this research lies in the importance of a deep understanding of the implications of Mut'ah marriage in the context of contemporary Islamic families to guide more effective and sustainable policies, legal practices, and social interventions. With a better understanding of these practices, better efforts can be expected to be made in safeguarding the well-being of the family and individual rights in modern Muslim society.

Previous research has made a valuable contribution in understanding certain aspects of Mut'ah marriage. However, this research emphasizes more on legal or social and cultural aspects separately. Therefore, this study will bring new contributions by analyzing a more comprehensive relationship between the legal, social, and cultural implications of the practice of Mut'ah marriage in the context of contemporary Islamic families.

The novelty of this study lies in a holistic approach in analyzing the implications of Mut'ah marriage, which

includes legal, social, and cultural aspects simultaneously. Thus, this research is expected to provide new insights and a more comprehensive understanding of Mut'ah marriage in modern Muslim society.

The purpose of this study is to thoroughly analyze the implications of Mut'ah marriage law in the context of contemporary Islamic families, as well as to understand the social and cultural dynamics associated with this practice. Through this objective, this research aims to provide a strong foundation for more inclusive and responsive policymaking to the needs and aspirations of modern Muslim society.

The benefits of this research include a theoretical contribution in enriching the understanding of Mut'ah marriage in the context of the contemporary Islamic family, as well as practical benefits in supporting the development of more effective legal and social policies in safeguarding family welfare and individual rights in modern Muslim society.

## 2. Research Method

This study uses a qualitative approach to explore a deep understanding of the implications of Mut'ah marriage law in the context of contemporary Islamic families. The qualitative approach was chosen because it allows researchers to explore a variety of perspectives, values, and complex experiences related to the practice of Mut'ah marriage.

The data sources for this study consist of various relevant literature, including Islamic law texts, scientific studies, books, journal articles, and official documents related to Islamic family law. Data sources can also include fatwas, scholarly views, and related research reports.

The data collection technique used in this study is literature study or library research. Researchers will conduct detailed and systematic searches in various sources of literature relevant to the research topic,

either online or through access to libraries or other sources of information. Data will be collected through careful text analysis and documentation of the selected literature.

Data analysis in this study will be carried out through a descriptive and interpretive approach. Data collected from literature studies will be systematically analyzed to identify emerging themes, patterns, and trends related to the legal implications of Mut'ah marriage in the context of contemporary Islamic families. In addition, the data will be critically analyzed to understand the arguments presented in the selected literature, as well as to identify gaps in existing research and the potential contribution of this research in filling those gaps. Through the use of qualitative approaches, literature studies, and library research, this study aims to present a deep understanding of the implications of Mut'ah marriage law in the context of contemporary Islamic families, as well as to make new contributions to the academic literature on this topic.

### 3. Result and Discussion

The diversity of legal opinions regarding Mut'ah marriage reflects the complexity in the understanding and interpretation of Islamic teachings. The schools of fiqh have different views on the validity and conditions of Mut'ah marriage. The Sunni sect generally rejects this practice as illegitimate in its entirety, considering it to be inconsistent with the principles of Islamic justice and morality. On the other hand, the Shia school recognizes the validity of Mut'ah marriage under certain conditions, such as in difficult economic circumstances or when there is an urgent need. This view is based on the interpretation of different legal texts and traditions in Islam. In addition, these differences of views are also reflected in the intellectual and cultural traditions of diverse Muslim societies. This diversity of legal opinions poses challenges in the implementation of Islamic family law in various Sunni and Shia majority countries, and highlights the need for dialogue and cooperation across sects in formulating inclusive and fair policies.

The socio-gender implications of the practice of Mut'ah marriage

are a complex and controversial issue in contemporary Muslim society. In many cases, women are vulnerable to facing inequality in the context of Mut'ah marriage. This practice often provides more benefits for men, while women may feel marginalized or exploited. Notably, women often do not have adequate financial security or guarantees of legal protection in Mut'ah marriages, as these agreements often tend to favor the male side. These implications can reinforce the prevailing patterns of gender dominance in society and deepen the power gap between men and women. In addition, the practice of Mut'ah marriage can also affect the overall family dynamics, by worsening the stability and security of the relationship. Women involved in Mut'ah marriages may experience emotional and psychological uncertainty due to their unclear status in the relationship. This can negatively impact the mental and emotional well-being of women and children involved in the situation. The socio-gender implications of Mut'ah marriage highlight the need for a gender-sensitive approach to issues in the context of contemporary Islamic family law, by ensuring that women have adequate legal protection and have equal access to justice in the practice of marriage.

The pattern of family relationships in the context of Mut'ah marriage can be complex and often unstable. This practice can exacerbate family dynamics by creating uncertainty and doubt in the relationship between husband and wife. As a temporary marriage, Mut'ah marriages are often not based on long-term commitments, but rather tend to be transactional or situational. This can disrupt the strong emotional and interpersonal bonds between husband and wife, as well as undermine the overall stability of the household. In addition, Mut'ah marriage can also affect the relationship between parents and children. Children born to Mut'ah marriages may experience uncertainty of identity and attachment, as their status in the family may not be officially recognized by law or society. This can result in emotional and psychological instability in children, as well as affect their social and cognitive development. In some cases, Mut'ah marriages can lead to divisions and conflicts within the family, resulting in the breakdown of healthy family ties and affecting the well-being of all family members. In this context, it is important to consider the social and emotional impact of Mut'ah marriage in

assessing the sustainability and fairness of this practice in contemporary Muslim society. The protection of children's rights and family welfare must be the main consideration in formulating policies and legal practices related to Mut'ah marriage. Thus, a deeper understanding of family relationship patterns in the context of Mut'ah marriage can help communities and policymakers in developing a more holistic and sustainable approach to this issue.

#### 4. Conclusion

Overall, an analysis of the implications of Mut'ah marriage law in the context of contemporary Islamic families highlights the complexity and diversity of views that emerge in the understanding of this practice. From a legal point of view, differences of opinion among schools of fiqh reflect the challenges in implementing Islamic family law in various countries. The social implications, especially related to gender equality and family dynamics, point to the need for a holistic approach to this issue. Therefore, this study underscores the need for a comprehensive approach to dealing with Mut'ah marriage, which not only takes into account legal aspects, but also takes into account social, cultural, and humanitarian dimensions.

The implication of this study is the importance of developing policies that are inclusive and responsive to the needs of contemporary Muslim society, taking into account Islamic values and universal human rights standards. The research recommendations include the need for inter-sectarian dialogue, collaboration between Islamic scholars, policymakers, and community leaders to formulate solutions that respect religious principles and also realize social justice. By taking these steps, it is hoped that society can move towards harmony, justice, and better prosperity in contemporary Islamic family life.

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