

The Role of Religious Affairs Office (KUA) of Makassar City in Preventing Marriage Violation under the *Mashlahah Mursalah* Principle

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Abstract: This study discusses the role of the Makassar City Religious Affairs Office (KUA) in preventing marital violations based on the principle of *mashlahah mursalah*. The aim is to obtain a complete picture of the position of the Religious Affairs Office (KUA) as the front guard in resolving various problems and marital violations in the community. This study is qualitative using a descriptive phenomenological approach. Data were obtained from two types of sources, namely primary sources and secondary sources. Primary sources are carried out through interviews, observations, and documentation whereas secondary sources are in the form of certain documents, standard books, articles, or other materials related to the topic studied. Interviews were conducted with the Head of KUA, Penghulu, and office staff. This study involved five KUA in Makassar City with a case study approach that was analyzed in depth through the principle of *mashlahah mursalah*. This study found that the KUA in Makassar City has played an active role in taking various strategic steps to realize flexible marriage law policies that are in line with the dynamics and needs of society. Other policies that have also been implemented include the formation of a special team, the implementation of routine studies on Islamic marriage law, and increasing cooperation with research institutions. This policy is implemented to make marriage law relevant and responsive to social change. All of this is evidence that in addition to being a public service institution, the KUA in Makassar has also played a role in maintaining legal flexibility so that it remains in line with the interests of the wider community.

Keywords: Islamic marriage law, *mashlahah mursalah*, Religious Affairs Office in Makassar

Abstrak: Penelitian ini membahas tentang peran Kantor Urusan Agama (KUA) Kota Makassar dalam upaya pencegahan pelanggaran perkawinan berdasarkan prinsip *mashlahah mursalah*. Tujuannya untuk memperoleh gambaran yang utuh tentang kedudukan Kantor Urusan Agama (KUA) sebagai garda terdepan dalam menyelesaikan beragam persoalan dan pelanggaran perkawinan yang muncul di tengah-tengah masyarakat. Penelitian ini bersifat kualitatif dengan menggunakan pendekatan deskriptif fenomenologi. Data diperoleh dari dua macam sumber, yakni sumber primer dan sumber sekunder. Sumber primer dilaksanakan melalui kegiatan wawancara, observasi dan dokumentasi. Sedangkan sumber sekunder berupa dokumen

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tertentu, buku-buku, artikel atau bahan lain yang terkait dengan topik yang diteliti. Wawancara dilakukan dengan Kepala KUA dan Penghulu serta Staf kantor. Penelitian ini melibatkan lima KUA di Kota Makassar dengan pendekatan studi kasus yang dianalisis secara mendalam melalui prinsip *mashlahah mursalah*. Penelitian ini menemukan fakta bahwa KUA di kota Makassar telah berperan aktif dalam melakukan berbagai langkah strategis untuk mewujudkan kebijakan hukum perkawinan yang fleksibel dan selaras dengan dinamika dan kebutuhan masyarakat. Kebijakan lain yang juga telah dilakukan adalah penyusunan tim khusus, penyelenggaraan kajian rutin terhadap hukum perkawinan Islam, dan peningkatan kerja sama dengan lembaga riset. Kebijakan ini dilakukan untuk menjadikan hukum perkawinan tetap relevan dan responsif terhadap perubahan sosial. Kesemuanya ini menjadi bukti bahwa selain sebagai lembaga pelayanan masyarakat, KUA di kota Makassar juga telah berperan dalam memelihara fleksibilitas hukum agar tetap selaras dengan kepentingan masyarakat luas.

Kata kunci: Kantor Urusan Agama di Kota Makassar, *mashlahah mursalah*, hukum perkawinan Islam

Introduction

The existence of Islamic law, especially for marriage law (*munâkahât*) and family law (*al-ahwâl al-syakhsiyyah/ahkâm al-usrah*), has obtained a strong legal position, guarantee, and protection both in the legal system and state practice in Indonesia.¹ However, various problems in society are related to family law,² still arise, such as *sirri* marriage (secret/unrecorded marriage),³ interfaith marriage,⁴ underage marriage,⁵ contract

¹ Supardin Supardin, 'Faktor Sosial Budaya dan Aturan Perundang-Undangan Pada Produk Pemikiran Hukum Islam', *Jurnal Al-Qadau: Peradilan dan Hukum Keluarga Islam*, 1.2 (2014), doi:10.24252/al-qadau.v1i1.2.640.

² Kartika Septiani Amiri, 'Perkembangan dan Problematika Hukum Perkawinan di Indonesia', *Al-Mujtahid: Journal of Islamic Family Law*, 1.1 (2021): 50–58, doi:10.30984/jifl.v1i1.1639.

³ Andi Muhammad Akmal and Mulham Jaki Asti, 'Problematika Nikah Siri, Nikah Online dan Talak Siri Serta Implikasi Hukumnya dalam Fikih Nikah', *Al-Risalah: Jurnal Ilmu Syariah dan Hukum*, (2021): 45–59, doi:10.24252/al-risalah.v1i1.22247.

⁴ Muhammad Ilham, 'Nikah Beda Agama dalam Kajian Hukum Islam dan Tatahan Hukum Nasional', *TAQNIN: Jurnal Syariah dan Hukum*, 2.1 (2020), doi:10.30821/taqnin.v2i1.7513; Abdul Qodir Zaelani and Edward Rinaldo, 'Larangan Pernikahan Beda Agama di Indonesia dan Relevansinya dengan Fatwa Majelis Ulama Indonesia', *ADHKKI: JOURNAL OF ISLAMIC FAMILY LAW*, 4.2 (2022): 149–55, doi:10.37876/adhki.v4i2.106; Oktaviana Lestari, 'Pernikahan Beda Agama Menurut Imam Syafi'i dan Hukum Nasional di Indonesia', *Al-Nizam: Indonesian Journal of Research and Community Service*, 1.1 (2023): 45–62.

⁵ Rosdalina Bukido and others, 'Muslim Society's Response to the New Rule of Marriage Age', *Al-Istinbath: Jurnal Hukum Islam*, 8.1 (2023): 135–154, doi:10.29240/jhi.v8i1.5521.

marriage,⁶ and several other cases. Therefore, the Religious Affairs Office (KUA), as the vanguard in the Ministry of Religion, is expected to play an active role in handling and resolving these various problems.

There are many studies on the role of the KUA in handling various problems in society, among them are studies by Muhammad Julian, Suyud Arief, and Ahmad Mulyadi Kosim.⁷ Heri Fuadhi, and Zaiyad Zubaidi,⁸ Rahmat Nur Hidayat, and Tahir Maloko.⁹ These studies explain the steps taken by the KUA to minimize early marriage. These steps include socialization of the marriage law, counseling on harmonious families, periodic guidance and counseling related to the impact of early marriage, and others.

Other studies focusing on the role of the KUA in minimizing divorce are conducted by some researchers interested in this problem. Among them are Ajis Supangat, and Linda Auliana,¹⁰ Muhammad Zainuddin Rizky and Aulia Rachman,¹¹ Ichwal Subagjo and Muhammad Mansur.¹² Their research states that several preventive and sustainable policies were carried out by the KUA to minimize divorce, including

⁶ Amiri, 'Perkembangan dan Problematika Hukum Perkawinan di Indonesia'.

⁷ Muhammad Julian, Suyud Arief, and Ahmad Kosim, 'Peranan Kantor Urusan Agama dalam Mengantisipasi Pernikahan Usia Dini: Studi Kasus Kecamatan Citeureup Kabupaten Bogor', *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga*, 4 (2021): 50–61, doi:10.47467/ as.v4i1.610.

⁸ Heri Fuadhi, and Zaiyad Zubaidi, 'Peran Kantor Urusan Agama (KUA) dalam Meminimalisir Terjadinya Pernikahan di Bawah Umur (Studi Penelitian pada Kantor Urusan Agama (KUA) Kecamatan Kuta Alam Kota Banda Aceh)', *AHKAMUL USRAH: Jurnal S2 Hukum Keluarga dan Peradilan Islam*, 2.1 (2022): 28–46.

⁹ Rahmat Nur Hidayat, Hamzah, and Tahir Maloko, 'Peran Kantor Urusan Agama (KUA) dalam Menghadapi Kasus Pernikahan Anak di Bawah Umur', *Qadauna: Jurnal Ilmiah Mahasiswa Hukum Keluarga Islam*, 3.3 (2022): 673–686, doi:10.24252/qadauna.v3i3.29011.

¹⁰ Ajis Supangat and Linda Auliana, 'Peran Kantor Urusan Agama Sangatta Utara dalam Meminimalisir Perceraian di Pengadilan Agama Sangatta', *Al-Usroh: Jurnal Hukum Keluarga Islam*, 1.01 (2023): 1–13, doi:10.55799/alusroh.v1i01.251.

¹¹ Muhammad Zainuddin Rizki and Aulia Rachman, 'Peran Kantor Urusan Agama Samarinda Seberang dalam Meminimalisir Angka Perceraian di Kecamatan Samarinda Seberang', *Mitsaq: Islamic Family Law Journal*, 1.1 (2023): 115–125.

¹² Mochammad Mansur and Ichwal Subagjo, 'Peran Kantor Urusan Agama dalam Mengurangi Tingginya Angka Perceraian di Kabupaten Bojonegoro (Study pada Kantor Urusan Agama di Kabupaten Bojonegoro)', *Jurnal Independent*, 7.2 (2019): 181–196, doi:10.30736/ ji.v7i2.101.

holding counseling on Law Number 16 of 2019, pre-marital guidance for prospective and non-prospective brides and grooms, marriage guidance, and harmonious family counseling.

Other studies that also discuss the role of the KUA from other aspects are the research of Palwi Rakhman,¹³ Danu Aris Setiyanto,¹⁴ Atikah, Atikah, et al.¹⁵ Their research focuses on the role of the KUA in fostering a harmonious family, namely through the Prospective Bride and Groom Course (SUSCATIN), marriage registration, routine counseling related to spiritual aspects of family, and others.

Furthermore, other research that focuses on the role of the KUA in minimizing Sirri marriages was conducted by some researchers such as Haris Hidayatulloh and Mochammad Ashar Muchlis.¹⁶ Their research reveals the role of the KUA in reducing Sirri marriages by conducting counseling on Marriage Registration and Happy Families which is carried out in collaboration with the Marriage Advisory Board (BP4) at the Religious Affairs Office to prospective brides and grooms and guardians, conducting seminars and religious studies on the importance of registering marriages and their negative impacts on families, and socialization during office meetings involving elements of the Sub-district Leaders (Muspika) regarding the understanding of the importance of marriages being officially recorded.

This study also discusses the same topic but is different in terms of approach and location. This study is located in the city of Makassar and the problem studied is the role of the KUA in preventing marital

¹³ Palwi Rakhman, 'Peran Kantor Urusan Agama dalam Menciptakan Keluarga Sakinah', *Al-Mizan (e-Journal)*, 17.1 (2021): 1–26, doi:10.30603/am.v17i1.2110.

¹⁴ Danu Aris Setiyanto, 'Peranan Kantor Urusan Agama (KUA) dalam Mewujudkan Keluarga Sakinah Pasca Putusan Mahkamah Konstitusi tentang Perkawinan Beda Agama', *Al-Mabsu: Jurnal Studi Islam dan Sosial*, 11.1 (2017): 129–149, doi:10.56997/almabsut.v11i1.202.

¹⁵ Atikah Atikah and others, 'Peran Kantor Urusan Agama (KUA) Kecamatan Medan Area dalam Membina Keluarga Sakinah', *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial*, 9.6 (2022): 2129–2134, doi:10.31604/jips.v9i6.2022.2129-2134.

¹⁶ Haris Hidayatulloh and Mochammad Ashar Muchlis, 'Peran Kantor Urusan Agama (KUA) dalam Mengurangi Perkawinan di Bawah Tangan (Studi Kasus di KUA Kecamatan Tembelang Kabupaten Jombang)', *Jurnal Hukum Keluarga Islam*, 3.2 (2018): 159–182.

violations from the perspective of *mashlahah mursalah*. This is done because, as in other areas, in Makassar, there are various family law problems that require the involvement of the KUA to resolve them.

Research Methods

This research is classified as a qualitative research type with a phenomenological approach. The phenomenological approach is an approach based on the description of what happens in the field according to the actual situation and is analyzed using the problem-solving method as it is.¹⁷ The purpose of phenomenological research is to explain what experiences a person has in life, including their interactions with others.

This research took place in 5 KUA Makassar City, namely: KUA Mamajang, KUA Panakkukang, KUA Birinkanaya, KUA Mariso, and KUA Ujung Tanah. Researchers will collect data from a combination of interview methods, observation, and documentation to find the truth about various phenomena. In this case, the role of the District KUA in the application of the concept of *mashlahah mursalah* in Islamic marriage law in Makassar City.

Result and Discussion

The Concept of *Mashlahah Mursalah*

Etymologically, the term *mashlahah mursalah* is defined by al-Ghazali as an expression that contains the meaning of "achieving benefits or rejecting difficulties".¹⁸ Meanwhile, in terms of terminology, the meaning of the term *mashlahah mursalah* is "everything that is not regulated in the Shara' argument, both those that cancel it and those that allow it".¹⁹ Based on this definition, it can be stated that *mashlahah mursalah*

¹⁷ Mohammad Mulyadi, 'Riset Desain dalam Metodologi Penelitian', *Jurnal Studi Komunikasi dan Media*, 16.1 (2012): 71–80, doi:10.31445/jskm.2012.160106.

¹⁸ Al-Ghazali, *Al-Mustasyfâ Min 'Ilm al-Ushûl* (Mishr: Maktabat al-Jundiyya, 1971), p. 46.

¹⁹ Abû Hamid al-Ghazali, *Al-Mustasyfâ Fi 'Ilmi al-Ushûl* (Bayrût: Dâr al-Kutub al 'Ilmiyah, 1983), p. 89.

is one of the methods of *istinbâth* law (law finding)²⁰ that does not rely directly on the Qur'an and Hadith but has the aim of realizing *mashlahah* (virtues).

The majority of Fuqaha agree that the use of *istinbâth* law is limited only to the area of *mu'âmalah* (civil relations).²¹ This is because civil cases can develop very widely, in contrast to matters of worship which must follow existing provisions, namely Qur'an and Sunnah. By using the *mashlahah mursalah* method, various contemporary *mu'âmalah* problems that have no rules in the Qur'an and hadith can be answered accurately in accordance with the demands of the times. This is supported by the rule of ushul fiqh which states " *taghayurul ahkâm bi taghyuri al-azminah wa al-amkinah* " which means "the law can change due to changes in time, place and circumstances". This rule means that sometimes a law can change in certain circumstances and times with the existence of *maslahah* value because basically, *mashlahah mursalah* is one of the legal *istinbâth* methods that emphasizes the aspect of *mashlahah* in decision-making.²²

Furthermore, *mashlahah mursalah* is considered capable of resolving various legal problems that are currently occurring in society. In general, legal issues that arise in society are important and urgent to be resolved immediately. Without the right method, it will be difficult for Muslims to resolve the various issues that arise. By using *mursalah*, community issues can be resolved while simultaneously showing that Islamic law is responsive in resolving community issues and will continue to live and not be outdated.²³

²⁰ Jayusman Jayusman and others, 'Halal Certification for Micro and Small Businesses in Bandar Lampung, Indonesia: An Evaluation from the Maslahah Perspective', *As-Siyasi: Journal of Constitutional Law*, 3.1 (2023): 89–110, doi:10.24042/as-siyasi.v3i1.16313.

²¹ Mohammad Sulthon, 'Peranan *Mashlahah Mursalah* dan *Mashlahah Mulghah* dalam Pembaruan Hukum Islam', *Al-Qanun: Jurnal Pemikiran dan Pembaharuan Hukum Islam*, 25.1 (2022): 59–70, doi:10.15642/alqanun.2022.25.1.59-70.

²² Muh Idris, Finsa Adhi Pratama, and Lian Mulyani Muthalib, 'The Using of *Mashlahah Mursalah* Method as Hujjah', *Al-'Adl*, 14.2 (2021): 184–197, doi:10.31332/aladl.v14i2.2793.

²³ Ahmad Munif Suratmaputra, 'Reorientasi Pemikiran al-Ghazali Tentang *Mashlahah Mursalah* dengan Pembaruan Hukum Islam', *MISYKAT: Jurnal Ilmu-Ilmu al-Quran Hadist Syari'ah dan Tarbiyah*, 3.2 (2018): 29–64, doi:10.33511/misykat.v3n2.29-64.

Moreover, *mashlahah mursalah* aims to optimize the maintenance of the welfare of humanity which is a reflection of the concept of *hifzu al-dîn* (being religion), *al-nafs*, *al-'aql*, *al-nasl*, and *al-mâl* (*al-'aradh*) (maintaining religion, soul, mind, descendants and property).²⁴ The five main things, better known as *al-ushûl al-khamsah*, occupy the highest level, namely *mashlahah dharûriyah*, followed by the levels below it, namely *mashlahah hâjjiyah*, and *mashlahah tahsîniyah*. Meanwhile, according to its existence, *mashlahah* is also divided into three categories, namely: *mashlahah mu'tabarah*, *mashlahah mulghah* and *mashlahah mursalah*.²⁵

The KUA's Commitment to Prevent Marriage Violations is Based on the *Mashlahah Mursalah* Principle

The role of KUA in Makassar City in resolving marital conflicts in the local community is more reflective of the function of a mediator and facilitator. In carrying out its function as a mediator, KUA in Makassar City encourages conflicting parties in the family to dialogue and deliberate to find the best solution to resolving marital problems. Meanwhile, in carrying out its function as a facilitator, KUA in Makassar City provides guidance and facilitates dialogue to find a good solution for couples experiencing conflict. The institution also organizes educational activities to provide a better understanding of Islamic marriage law to the community. Some educational activities include premarital course programs, marriage seminars, publication and socialization of Islamic marriage law, and others. These kinds of roles and functions are carried out by KUAs in Makassar City, one of which is KUA Mamajang.²⁶

In other KUAs, such as KUA Panakkukang, KUA Birinkanaya, KUA Mariso, and KUA Ujung Tanah, the activities carried out are not

²⁴ Hendri Hermawan Adinugraha and Mashudi Mashudi, 'Al-Maslahah al-Mursalah dalam Penentuan Hukum Islam', *Jurnal Ilmiah Ekonomi Islam*, 4.01 (2018): 63–75, doi:10.29040/jiei.v4i01.140.

²⁵ Idris, Pratama, and Muthalib, 'The Using of Maslahah Mursalah Method as Hujjah'.

²⁶ Idil Fitri, Head of KUA Mamajang District, *Interview* on November 7, 2023.

much different. Their main focus is to provide a better understanding to prospective couples through premarital guidance programs, family seminars, and disseminating educational materials on marriage law. In these institutions, a personal and informative approach is the choice to prepare prospective couples before entering into a marriage relationship so that there are no violations of marriage. With the provisions they obtain during the courses and guidance, it is hoped that couples who are going to get married can gain a grip on navigating the ship of a household that is full of challenges and trials.²⁷

The KUAs in Makassar City are active in preventing violations of Islamic marriage law, to obtain several objectives as follows:

1. To provide legal protection and individual rights.

KUA has a role in protecting the rights and obligations of individuals in the context of Islamic marriage. By handling marriage cases, KUA can ensure that every individual involved in the marriage has sufficient legal protection;

2. To ensure the validity of marriage.

In the issue of marriage law violation, the KUA can also ensure that the marriage that occurred was following the provisions of Islamic law, including procedures, elements, and conditions.

3. To prevent illegal divorce.

Violation of Islamic marriage law can trigger a divorce that is procedurally and legally invalid. Therefore, the role of the KUA is needed to prevent such divorces from occurring.

4. To regulate the formation of a camp settlement council.

The KUA can act as a mediator to resolve household conflicts. Proper and wise handling can help prevent the escalation of conflict that can harm both parties.

²⁷ Idil Fitri, Head of KUA Mamajang District, *Interview* on November 7, 2023, Saifuddin Alwi, Head of KUA Panakkukang, H. Abd Rahman, Head of KUA Birinkanaya District, H. Yusrin Sabang, Head of KUA Mariso, District, A. Irwan, Head of KUA Ujung Tanah, *Interview* on November 1-5, 2023.

5. To maintain the integrity of religious institutions.

The KUA's efforts in handling violations of the law will have an impact on maintaining the institution's integrity. By implementing and enforcing Islamic marriage law, the KUA can maintain public trust in the institution.

6. As a means of legal awareness education.

The KUA can be a means of education and increasing legal awareness among the community. By providing a better understanding of Islamic marriage law, the KUA can help the community understand the importance of complying with the provisions of the law in their marriage.²⁸

The description above shows that the efforts of the KUA in overcoming or handling violations of Islamic marriage law in Makassar City are not only a form of legal protection but also a preventive measure to maintain the stability of families and society as a whole. There is no substantial difference in administrative handling at the KUAs of Makassar City. In other words, this institution applies the same treatment to Indonesian citizens and foreign citizens in the Islamic marriage process, and both groups are treated equally and fairly in accordance with applicable legal provisions.²⁹

In general, informants from various KUAs in Makassar City have a positive view of the development of Islamic marriage law in the City of Makassar. Although various complex problems always arise, they hope that there will be an increase in public understanding through socialization activities, workshops, training, and various other educational activities. In addition, while highlighting the various changes and initiatives implemented to deal with social, cultural, and

²⁸ Idil Fitri, Head of KUA Mamajang District, *Interview* on November 7, 2023, Saifuddin Alwi, Head of KUA Panakkukang, H. Abd Rahman, Head of KUA Birinkanaya District, H. Yusrin Sabang, Head of KUA Mariso, District, A. Irwan, Head of KUA Ujung Tanah, *Interview* on November 1-5, 2023.

²⁹ H. Abd Rahman, Head of KUA Birinkanaya District, H. Yusrin Sabang, Head of KUA Mariso, District, A. Irwan, Head of KUA Ujung Tanah, *Interview* on November 1-5, 2023.

legal dynamics, they hope that the rules and regulations can be adjusted to the demands and needs of the ever-growing community.³⁰

Furthermore, although all Religious Affairs Offices (KUA) in Makassar City have a strong commitment to maintaining the sustainability and success of marriages, there are differences in the approach of each KUA in handling and preventing cases of marital violations. From the results of interviews with several KUA heads in various sub-districts, several KUAs emphasize a more intensive educational approach, such as organizing seminars, workshops, and programs to understand Islamic marriage law; other KUAs, however, prefer to socialize regulations with the aim that the community can better understand the rules and values of marriage in the context of Islam.

In addition, several KUAs appear to be more active in fostering cooperation with third parties such as educational institutions, community organizations, or local religious leaders, to support the sustainability of marriages. Through this collaboration, they strive to build social support and ensure active community participation in maintaining the success of marriages. The same thing occurs in conflict management policies. Several KUAs take a specific approach to handling marital conflicts, while other KUAs emphasize the formation of special units or teams that are trained to handle complex or controversial situations by considering the principle of *mashlahah mursalah*. These institutions also differ in making initiatives in response to specific challenges in their areas, while others prefer to create specific programs tailored to local demographic, social, and cultural characteristics.³¹

Despite the differences in tendencies and variations in policies as described above, the KUAs in Makassar City have a strong commitment to maintaining the sustainability of marriage by referring to the principle of *mashlahah mursalah*. This means that they strive to maintain justice,

³⁰ H. Abd Rahman, Head of KUA Birinkanaya District, H. Yusrin Sabang, Head of KUA Mariso, District, A. Irwan, Head of KUA Ujung Tanah, *Interview* on November 1-5, 2023

³¹ Saifuddin Alwi, Head of KUA Panakkukang, H. Abd Rahman, Head of KUA Birinkanaya District, H. Yusrin Sabang, Head of KUA Mariso, District, A. Irwan, Head of KUA Ujung Tanah, *Interview* on November 1-5, 2023.

equality, and the welfare of society by considering common interests in handling Islamic marriage issues.

The KUA's Commitment to Prevent Marriage Violations is Based on the *Mashlahah Mursalah* Principle

The principle of *mashlahah mursalah* is the main consideration in resolving Islamic marriage problems because it provides a broad and flexible legal basis that allows adaptation to the needs and developments of society. *Mashlahah mursalah* reflects the spirit of balance between maintaining the basic provisions of Islamic law and paying attention to the public interest and welfare of society. This main consideration involves assessing the benefits and disadvantages and the balance between the principles of Islamic law and the actual needs of society.

Furthermore, even though the principle of *mashlahah mursalah* has no direct textual basis in the Qur'an, the concept can be linked to several verses that demonstrate the principles of justice, welfare, and human consideration. As a legal principle that reflects the public interest and welfare of society, *mashlahah mursalah* can be found in Surah al-Nisâ [4]:135 insisting the importance of upholding justice, which is in line with the principle of *mashlahah mursalah*, Surah Ali Imrân [3]:159, showing the importance of deliberation and consultation in making decisions, which is following the principle of *mashlahah mursalah*. Although there are no verses that directly mention the word *mashlahah mursalah*, the principles of Islamic law which emphasize justice, welfare, and deliberation provide the basis for the application of *mashlahah mursalah* in the context of Islamic marriage.

Every KUA in Makassar City strives to implement the principle of *mashlahah mursalah* by listening to the aspirations and needs of the local community. The implementation of the *mashlahah mursalah* principle allows the KUA to adjust marriage regulations to the development of modern society, technology, and developing social values so that the resulting regulations remain progressive and relevant. Moreover, by prioritizing the community interests, the KUA in Makassar City

can ensure that marriage policies not only reflect religious values but also provide equitable benefits for the community as a whole. This means that dialogue and consultation with community leaders, religious scholars, and related groups is an integral part of decision-making related to marriage policies.

KUAs in Makassar City in handling marital dispute cases always use the principle of *mashlahah mursalah*. Indeed, in the context of Makassar, a city with a rich cultural and traditional diversity, the application of *mashlahah mursalah* is a necessity to bridge between religious teachings and dynamic social realities. By understanding and respecting the uniqueness of each community in Makassar City, the KUA can create policies that are more suitable to local values, avoid potential value conflicts, and increase community acceptance of these regulations.

In addition, the KUAs in Makassar City also demonstrate their commitment to maintaining justice and siding with the community interests in every legal policy. Steps involving related parties, holding discussion forums, periodic evaluations, active communication, and opening up community participation are concrete forms of implementing the principle of *mashlahah mursalah* in implementing marriage law in the local area.

The main reason the principle of *mashlahah mursalah* is applied by the KUA in Makassar City is that it provides a framework following Islamic values that are adaptive, responsive, and consider the public interest of the local community.

As explained by A. Irwan P., KUA Ujung Tanah is committed to ensuring that community interests are accommodated fairly in every marriage law policy. KUA Ujung Tanah also strives to maintain justice by opening up space for participation and exploring input and views from the community.³² A similar approach is done by KUA Mamajang and KUA Panakkukang involving related parties in policymaking so that the

³² A. Irwan, Head of KUA Ujung Tanah, *Interview* on November 1, 2023.

resulting policies reflect representativeness and justice. Both institutions also open discussion and consultation forums to ensure aspirations are heard and accommodated in marriage law policies.³³

On the other hand, KUA Birinkanaya District adopts an in-depth analysis approach in dealing with marital conflicts. They try to find solutions that not only benefit one party but also achieve overall balance following the principle of *mashlahah mursalah*, the principle of justice and sustainability.³⁴ Likewise with KUA Mariso, this institution prioritizes open and honest dialogue as a step in resolving conflicts. By committing to transparency, they ensure that every decision taken is based on the principle of *mashlahah mursalah*. This allows complex cases to be handled carefully and based on in-depth consideration.³⁵

This is in line with the interviews with informants from various KUA in Makassar City who explained that KUA actively implements adjustments to marriage rules according to the conditions and developments of the local community. In handling marriages, they consider social, economic, and cultural factors. This approach reflects the responsiveness of KUA to the needs and changes in society, following the principles of justice and public welfare.³⁶

Saifuddin Alwi from KUA Panakkukang, H. Abd Rahman from KUA Birinkanaya, and H. Yusrin Sabang from KUA Mariso emphasized the importance of accommodating cultural diversity in the marriage process. For this reason, in making a decision they apply the principle of *mashlahah mursalah* by understanding and respecting local cultural values while ensuring the relevance and empowerment of marriage law in the local context. This is done so that marriage legal services can

³³ Idil Fitri, Head of KUA Mamajang, and Saifuddin Alwi, Head of KUA Panakkukang, *Interview* on November 1-5, 2023.

³⁴ H. Abd Rahman, Head of KUA Birinkanaya, *Interview* on November 1, 2023.

³⁵ H. Yusrin Sabang, Head of KUA Mariso, *Interview* on November 2, 2023.

³⁶ Saifuddin Alwi, Head of KUA Panakkukang, H. Abd Rahman, Head of KUA Birinkanaya District, H. Yusrin Sabang, Head of KUA Mariso, District, A. Irwan, Head of KUA Ujung Tanah, *Interview* on November 1-5, 2023.

provide maximum benefits and be responsive to the needs of the local community.³⁷

The importance of the *mashlahah mursalah* principle in this context is reflected in the policy of adjusting regulations responsive to changes and developments in local communities. By understanding and accommodating social and cultural values, the KUA in Makassar City strives to build policies that not only follow religious norms but are also inclusive and acceptable to all levels of society. This is a concrete form of the implementation of the *mashlahah mursalah* principle, which provides flexibility and adaptability in handling Islamic marriages amidst the complexity of diverse local values.

The application of *mashlahah mursalah* in making policies allows the KUA to respond to changes and dynamics of society that continue to develop. By implementing the principle of *mashlahah mursalah*, all forms of development of the era and technology as well as changes in social values can be accommodated through wise legal interpretation and follow actual conditions so that marriage rules remain relevant and useful.

The response of the KUA to the needs and aspirations of the community begins with the understanding that each community has its uniqueness. From this understanding, the policies taken are then attempted to embrace the diversity of society and respect local values without sacrificing the principles of Islamic law. Thus, the resulting marriage law policy not only meets religious demands, but also becomes a strong foundation for creating a just, harmonious, and equitable society. This responsiveness is in line with the principle of *mashlahah mursalah* as mentioned in Surah al-Imrân [3]: 16 highlighting the importance of listening to and following good advice or opinions. By referring to these verses, the principle of *mashlahah mursalah* applied by the KUA in Makassar City can be considered in line with the teachings and guidance contained in the Qur'an and will make the

³⁷ Saifuddin Alwi, Head of KUA Panakkukang, H. Abd Rahman, Head of KUA Birinkanaya, H. Yusrin Sabang, Head of KUA Mariso, *Interview* on November 1-5, 2023.

Islamic marriage law they create an integral part of justice, and siding with the public interest.

Several examples of the principle of *mashlahah mursalah* implementation can be seen in what is done by each KUA in Makassar City. KUA Mamajang, for instance, provides leniency to families facing difficult economic conditions to speed up the marriage process to obtain better social and economic benefits.³⁸ The same is true for KUA Panakkukang, KUA Birinkanaya, KUA Mariso, and KUA Ujung Tanah.³⁹ These institutions have ever faced some cases of couples facing economic pressure, psychological pressure, family conflict, age constraints, or couples with other special needs who need leniency so they can get married without a complicated process.⁴⁰ For cases like this, KUA allows them to get married early by considering their welfare, social justice, and special needs. All of this not only reflects the responsiveness of KUA in maintaining a balance between the principles of Islamic law and the actual needs of society but also shows an inclusive, responsive attitude towards the diversity of society while reflecting awareness of the urgent needs of families and the public interest.

In addition, the principle of *mashlahah mursalah* can also respond to legal changes due to the ever-growing demands of society. For example, in changing social norms related to women's rights or the development of reproductive technology, *mashlahah mursalah* provides a legal basis for adjusting marriage regulations to be more inclusive and relevant. The implementation of the principle of *mashlahah mursalah* in handling marriage cases involving various conditions and constraints. Each KUA shows flexibility in making decisions, taking into account the public interest, public welfare, and the principle of social justice.

By including the public interest and involving community participation in the policy-making process, the KUA can ensure that marriage policies

³⁸ Idil Fitri, Head of KUA Mamajang District, Interview on November 7, 2023.

³⁹ H. Abd Rahman, Head of KUA Birinkanaya District, H. Yusrin Sabang, Head of KUA Mariso, District, A. Irwan, Head of KUA Ujung Tanah, *Interview* on November 1-5, 2023.

⁴⁰ Saifuddin Alwi, Head of KUA Panakkukang *Interview* on November 1-5, 2023.

are not only legal but also have broad support from the community. By prioritizing the public interest, the KUA in Makassar City can ensure that marriage policies not only reflect religious values but also provide equitable benefits for the entire community. This concept encourages active community involvement in the policy-making process. By involving the community, the KUA can gain a better understanding of their needs and aspirations, so that the resulting policies are more relevant and follow local demands.

The views of H. Yusrin Sabang, and A. Irwan show that KUAs in various regions, especially in Makassar City, consistently apply in marriage policies. They adjust marriage rules according to the public interest and community development, emphasizing adaptability, responsiveness, and empowerment of marriage legal services following the local context. The KUAs also ensure that Islamic marriage law policies in Makassar City accommodate the community interests fairly and justly based on the principle of *mashlahah mursalah*. Such provides a consistent picture of their efforts to ensure that Islamic marriage law policies accommodate the interests of the community fairly.

H. Abd Rahman from KUA Birinkanaya stated that they maintain justice by periodically evaluating policies so that they can adjust policies to the actual needs of the community.⁴¹ This approach reflects thoroughness and responsiveness to changes in the conditions and aspirations of the community. Meanwhile, H. Yusrin Sabang from KUA Mariso explained that active communication with the community is key to ensuring justice in marriage law policies. Through meetings and socialization, KUA Mariso seeks input to understand the needs of the community and ensure that the policies taken are inclusive.⁴²

The next principle that also comes from the principle of *mashlahah mursalah* is balance. The balance referred to here is between Islamic law and the actual needs of society. In the context of Islamic marriage, this principle allows for the adjustment of marriage law regulations to ever-

⁴¹ H. Abd Rahman, Head of KUA Birinkanaya, *Interview* on November 1, 2023.

⁴² H. Yusrin Sabang, Head of KUA Mariso, *Interview* on November 2, 2023.

changing social, economic, and cultural developments. The principle of *mashlahah mursalah* allows the authorities to consider the psychological, economic, and social interests of both husband and wife, as well as the interests of the children involved. This reflects the spirit of justice and balance in dealing with family conflicts.

The Religious Affairs Offices (KUA) in Makassar City, consisting of KUA Mamajang, KUA Panakkukang, KUA Birinkanaya, KUA Mariso, and KUA Ujung Tanah, in handling marriage cases, actively and consistently consider the social and cultural values that develop in the local community. This is done to align marriage regulations with existing social and cultural conditions. In addition, they also strive for society to internalize the values of *mashlahah* in the context of marriage and make serious efforts to maintain the continuity of marriage and family integrity.⁴³

The application of *mashlahah mursalah* in Islamic marriage law can include aspects such as adjusting rules in certain cases, providing leniency in certain economic or health conditions, and ensuring that the policies taken are in the best interest of the public. This principle reflects the elasticity of Islamic law that allows for fair and contextual law enforcement, following the main goal of achieving *mashlahah* and the sustainability of society. This means that the role of the KUA in implementing Islamic marriage law based on *mashlahah mursalah* is not only to implement the formal aspects of marriage but also to recognize the complexity and dynamics in community life.

This is the basis for the KUA to resolve marriage problems wisely, ensuring that the decisions taken fulfill the elements of justice, public welfare, and community values. Concrete steps taken to manage family conflicts involving related parties in the decision-making process, as well as making the forum for deliberation and open dialogue a means to

⁴³ H. Abd Rahman, Head of KUA Birinkanaya District, H. Yusrin Sabang, Head of KUA Mariso, District, A. Irwan, Head of KUA Ujung Tanah, *Interview* on November 1-5, 2023.

listen to the aspirations and views of various parties, including religious leaders, the community, and other stakeholders.⁴⁴

Furthermore, to ensure that Islamic marriage law remains relevant and able to accommodate social change, the Religious Affairs Office (KUA) in Makassar City has taken several concrete steps, including conducting regular studies and evaluations of the implementation of Islamic marriage law in the region. This study includes monitoring social, cultural, and economic developments so that the KUA can respond to changes in society appropriately. In addition, the KUA also actively collaborates with various stakeholders, such as community leaders, religious leaders, and religious institutions, and conducts intense communication with these related parties so that they can become a source of valuable information in the decision-making process and ensure that the resulting marriage law truly reflects the principle of *mashlahah mursalah*.⁴⁵

In addition, the KUAs in Makassar strive to improve public understanding of protecting children's rights and adjust regulations to the demands of the times. The application of the principle of *mashlahah mursalah*, in this case, is reflected in systematic efforts to accommodate evolving social conditions. When faced with special cases not covered in detail in classical Islamic legal texts, the Religious Affairs Office (KUA) in Makassar City strives to consult them through discussion forums or seminars to obtain input from Islamic Law experts. In addition, in handling family conflicts, the KUA in Makassar City always prioritizes a mediation and deliberation approach, and does not view the situation rigidly from a formal legal perspective, but also considers the general *mashlahah* and the interests of society.

With regard to women's empowerment and gender equality, the KUAs in Makassar City always pay attention to the protection

⁴⁴ H. Abd Rahman, Head of KUA Birinkanaya District, H. Yusrin Sabang, Head of KUA Mariso, District, A. Irwan, Head of KUA Ujung Tanah, *Interview* on November 1-5, 2023.

⁴⁵ H. Abd Rahman, Head of KUA Birinkanaya District, H. Yusrin Sabang, Head of KUA Mariso, District, A. Irwan, Head of KUA Ujung Tanah, *Interview* on November 1-5, 2023.

of women's rights, including economic rights and protection in divorce. Here, the KUA makes a serious effort to ensure that the protection of these rights follows the needs and dynamics of the local community.

Moreover, in the context of marriage law, the application of *mashlahah mursalah* by the Religious Affairs Office (KUA) in Makassar City does not only rely on human interpretation but also obtains a legal basis from the main texts of Islam. In the Qur'an, there are general principles that underlie *mashlahah mursalah*, such as the principles of justice, public welfare, and the continuity of marriage. The Hadith also provides concrete guidance in understanding the context of marriage law. The Hadith of the Prophet Muhammad SAW often provides explanations and concrete examples that can be used as a basis for implementing *mashlahah mursalah*. By referring to these main texts, the Makassar KUA can build legal arguments that are valid and follow Islamic teachings.⁴⁶

The importance of linking this theory to the Qur'an and Hadith is to emphasize that *mashlahah mursalah* is not an innovation or the result of arbitrary interpretation, but rather a concept having a strong basis in the main sources of Islam. Therefore, the application of *mashlahah mursalah* in the reality of marriage law in Makassar City does not only follow trends or policies but is also an implementation of the principles contained in religious texts.

Furthermore, in handling certain cases that are special and emergency, the KUA provides leniency and adjustments according to the needs of the community. The principle of maintaining basic interests in certain complex situations, the application of *mashlahah mursalah* is a solution for KUAs in Makassar in handling emergencies or urgent interests. The principle of preventing damage (*hafzh al-mashâlih*) which is connected to *mashlahah mursalah* in the context of damage prevention, both for individuals and society, is also used as a guideline

⁴⁶ H. Abd Rahman, Head of KUA Birinkanaya District, H. Yusrin Sabang, Head of KUA Mariso District, *Interview* on November 1-5, 2023.

in making decisions. Handling divorce cases based on this principle ensures that the divorce process does not cause excessive damage to the parties involved while bringing *mashlahah* to the public interest (*tijârat al-mashâlih*).⁴⁷

Conclusion

The role of the KUA in Makassar City in implementing the principle of *mashlahah mursalah* in Islamic marriage law occupies a strategic position in increasing public understanding and awareness of Islamic marriage law. Although there are variations in the approach in each sub-district, all KUA in Makassar City demonstrates awareness of the principle of *mashlahah mursalah* and a strong commitment to realizing family sustainability and peace. To that end, the KUA organizes efforts to strengthen public understanding through socialization, education, and dialogue forums with various groups, as well as collaborating with third parties to build social support and respond to local challenges with diverse demographic, social, and cultural characteristics. These are the main foundations and strategies for KUAs in Makassar City in implementing the principles of *mashlahah mursalah* that support the sustainability of marriage and general welfare in the region.

Author Contribution

The first author, Muhajir HM, contributed to the study design and provided a conceptual framework related to the *mashlahah mursalah*. The second author, Hamzah Hasan, focused on the legal aspects of marriage and conducted an in-depth review of the principles of Islamic Law as contained in the Qur'an and Hadith. The third author, Supardin, played a role in the empirical analysis of the collected data including the collection and analysis of field data. The fourth author, Mursyid Fikri, was in charge of writing down the data and compiling it in this

⁴⁷ H. Abd Rahman, Head of KUA Birinkanaya District, H. Yusrin Sabang, Head of KUA Mariso District, *Interview* on November 1-5, 2023.

journal. The fifth author, Laras Shesa, helped proofread the writing and English translation.

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