

The Legal Interpretation of Hadiths on Marriage in *Fath al-Mun'im*: Mūsā Shāhīn Lāshīn's Insights and Role in Islamic Family Law Reform

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Abstract. This article analyzes munākahāt hadiths in *Fath al-Mun'im* by Mūsā Shāhīn Lāshīn and his contribution to the reform of Islamic family law. While these hadiths are central in shaping legal thought, the interpretation has often remained literalist, producing a gap between normative texts and present socio-legal realities such as child marriage, women's consent, and dowry inflation. Addressing this gap is crucial for developing a hadith-based framework that is responsive to contemporary challenges in Muslim family life. The study aims to examine how Lāshīn constructs legal reasoning on munākahāt and to evaluate the implications of his method for family law reform. Using a qualitative, library-based approach, it applies content analysis to the ten-volume *Fath al-Mun'im*, supported by classical fiqh and modern scholarship. Analytical lenses include maqasid al-shari'ah and the sociology of knowledge. The findings show that Lāshīn develops an integrative framework that harmonizes hadith authority with ethical priorities and social realities. He affirms women's agency, critiques burdensome dowries, and classifies marriage rulings according to context. His approach, rooted in *fiqh al-amlawīyyāt* and comparative madhhab analysis, offers not only a moderate and contextual model of hadith-based ijtihād but also practical guidance for policymakers in shaping equitable and sustainable Islamic family law.

Keywords: Hadith Studies, Mūsā Shāhīn Lāshīn, *Fath al-Mun'im*, Islamic family law, *Maqasid al-Shari'ah*.

Introduction

Hadith constitutes the second principal source of Islamic law after the Qur'an, functioning not only as a normative reference but also as a practical guide for addressing various social issues, including matters related to family and marriage.¹ Within this context, *munākahāt*—a category within *ahādīth al-ahkām* (legal traditions)—regulates foundational aspects such as the marriage contract (*ijab-qabul*), the rights and responsibilities of spouses, the prohibition of overlapping marriage proposals (*khitbah 'ala khitbah*), and principles of justice in gender relations.² A significant challenge arises when these traditions are interpreted literally, without consideration for the higher objectives of Islamic law (*maqasid al-shari'ah*), evolving social dynamics, or the ethical and justice-oriented values embedded in Islamic teachings. This issue is further exacerbated by the structural transformations in modern society, such as the increasing role of women in the public sphere, shifts in gender roles within the family, and a growing awareness of women's rights within the family framework.³

In the context of reforming Islamic family law, *hadith* plays a crucial role in providing religious legitimacy for the legal changes needed to meet modern demands. Issues such as setting a minimum legal age for marriage and ensuring the protection of women during divorce proceedings have prompted scholars and policymakers to revisit prophetic traditions as sources for creating more

¹ Yūsuf Al-Qaraḍāwī, *Kaifa Nata'amalu Ma'a Al-Sunnah Al-Nabawīyyah* (Cairo: Maktabah Wahbah, 1991).

² Abdul Karim Zaydan, *Al-Madkhal Li Dirasat Al-Syari'at Al-Islamiyyah* (Beirut: Muassasah al-Risalah, 2005).

³ Amina Wadud, *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective* (New York: Oxford University Press, 1999).

responsive and socially relevant legal frameworks.⁴ Since the 20th century, many Muslim-majority countries have begun to reform family law, focusing on areas such as the economic aspects of marriage, *mahr* (dower), the role of guardians (*wali*), age limits for marriage, and the acceptable age gap between spouses.⁵

Although marriage-related hadiths emphasize ideals of simplicity, justice, and welfare, contemporary socio-legal realities reveal significant discrepancies. Classical fiqh regards marriage as a *sunnah mu'akkadah* and, in some cases, obligatory, with the dowry (*mahr*) ideally symbolic and moderate. Yet, empirical data show otherwise: in Indonesia, 8.06% of women aged 20–24 were married before the age of 18 in 2022, despite the enactment of Law No. 16/2019 equalizing the legal marriage age at 19 years for men and women. Applications for child marriage dispensation at religious courts remain high, with 50,673 cases recorded in 2022, and even peaking at 63,382 in 2020.⁶ At the same time, the inflation of dowries in several cultural contexts—sometimes reaching tens of millions of rupiah—contradicts the Prophetic injunctions that emphasize affordability and social accessibility.⁷

Contemporary Muslim scholars such as Fazlur Rahman, Abdullah Saeed, and Jasser Auda have proposed contextual and progressive approaches to interpreting Islamic texts. Their methods emphasize the historical context of scripture, the importance of *maqāsid al-sharī'ah* (the higher objectives of Islamic law), and the need to adapt legal interpretations to meet contemporary societal needs. Rahman is known for his double movement theory.⁸ Saeed for his contextual hermeneutics,⁹ and Auda for his *maqāsid* matrix framework.¹⁰ However, these approaches are often seen as theoretical and external to the classical *turāth* methodology. This perspective has drawn criticism from conservative scholars, who argue that such frameworks lack a solid foundation in traditional jurisprudential structures.

In contrast, scholars rooted in the classical tradition—such as Yūsuf al-Qaradāwī—have worked within the framework of *turāth* (the inherited corpus of Islamic scholarly tradition, including jurisprudence, theology, and hadith commentary) while simultaneously pursuing reformist agendas. Rather than abandoning the authority of classical sources, they reinterpret and selectively apply elements of *turāth* to address modern concerns, thereby legitimizing reform as a continuation of tradition rather than a rupture from it. Al-Qaradāwī does not dismantle the foundational principles of *uṣūl al-fiqh*; instead, he reinterprets them in light of contemporary social realities. He does this through concepts such as *fiqh al-wāqī'* (*jurisprudence of reality*) and *fiqh al-maqāsid*.¹¹ He exemplifies how legal reform can arise from within the classical Islamic intellectual tradition without forsaking it.

Within this spectrum, Mūsā Shāhīn Lāshīn is notable for engaging with *hadīth* through a contextual approach that remains true to the classical foundations of *sanad* (transmission chain) and *matn* (text), while also embracing the ethical vision of *maqāsid* and the insights of legal sociology. In

⁴ Andi Darna, “El-Usrah: Jurnal Hukum Keluarga Perkembangan Hukum Islam Di Indonesia: Konsep Fiqih Sosial Dan Implementasinya Dalam Hukum Keluarga” 4, no. 1 (2021): 2021, <https://jurnal.ar-raniry.ac.id/index.php/usrah/>.

⁵ Muhammad Nasir, Aulia Rizki, and M. Anzaikhan, “Pembaharuan Hukum Keluarga Islam Kontemporer,” *Taqnin: Jurnal Syari'ah Dan Hukum* 4, no. 2 (2022): 93–107.

⁶ BPS and UNICEF, *Pernikahan Anak Di Indonesia: Tren, Dampak, Dan Upaya Pencegahan*. Jakarta, 2022.

⁷ Randi Kurniawan and Salman Samir, “DETERMINANTS OF THE DOWRY: FINDING FROM IFLS EASTERN,” *JDEP Jurnal Dinamika Ekonomi Pembangunan* 2, no. 2 (2019): 71–79.

⁸ Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (The University of Chicago Press, 1982).

⁹ Abdullah Saeed, *Interpreting the Qur'an: Towards a Contemporary Approach* (London: Routledge, 2006).

¹⁰ Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: The International Institute of Islamic Thought, 2008).

¹¹ Yūsuf Al-Qaradāwī, *Al-Ijtihād al-Mu'āṣir bayna al-Indibāṭ wa al-Infirāṭ* (Beirut: Al-Maktab al-Islamy, 1998).

his magnum opus, *Fath al-Mun'im Sharh Sahih Muslim*¹², Lāshīn not only comments on *hadīth* texts but also develops a flexible and adaptive legal framework for family law. One of the key strengths of this work is its systematic structure, which allows for a thorough understanding of the meanings and contexts of the prophetic traditions discussed.¹³ Lāshīn's approach is deeply analytical, combining classical Arabic linguistics (*al-mabāhith al-'arabiyyah*), comparative jurisprudence (*fiqh al-hadīth*), and value-based interpretation (*mā yu'khabh min al-hadīth*).¹⁴ He grounds his reasoning in ethical and social considerations that are consistent with the principles of *maqāsid*. This approach allows him to avoid both progressive extremism, like that seen in Rahman's liberalism, and stagnant conservatism. Instead, he articulates a middle path, offering reforms that are grounded in textual evidence, contextual awareness, and the scholarly etiquette characteristic of al-Azhar.

Previous studies on *Fath al-Mun'im*, including works by Umi Aflaha and M. Amirur Rahman, have highlighted Lāshīn's systematic approach and comparative methodology (*muqāranah*) in interpreting legal *hadīth*.¹⁵ These studies affirm his strength in integrating prophetic tradition with diverse perspectives from classical *fiqh*. Hanif Ahmad Ansharullah has further emphasized that Lāshīn's treatment of the Prophet's life is entirely legislative (*tashrī'i*), making it a valid reference for contemporary Islamic jurisprudence.¹⁶ However, existing scholarship has yet to thoroughly explore how Lāshīn constructs legal rulings specifically regarding family law issues, such as early marriage, female consent in contracts, and the reformulation of family law. The application of *maqāsid al-shari'ah* within *hadīth* commentary remains underexplored, despite its potential for bridging textual authority with contextual realities. This research, therefore, fills the gap by analyzing Lāshīn's interpretive framework as both a theological and practical resource for contemporary Islamic family law. The novelty lies in demonstrating that Lāshīn not only critiques socially distorted practices but also constructs a *maqāsid*-oriented, ethically grounded model of *hadīth*-based *ijtihād*, thereby offering a moderate and contextual contribution to Islamic legal reform.

This article aims to fill a significant gap by addressing two key questions: (1) How does Lāshīn develop Islamic legal reasoning regarding *hadīth* related to marriages (*munākahāt*) in his work, *Fath al-Mun'im*? and (2) What implications does his thought have for contemporary family law reform? Thus, the article intends to (1) explore the framework of Lāshīn's legal reasoning in interpreting *hadīth* on marriage, and (2) analyze his contributions to addressing contemporary challenges in Islamic family law. By adopting this approach, the study not only elucidates the legal thought of a prominent scholar but also provides a model for interpreting legal *hadīth* in ways that are ethical, context-sensitive, and relevant to contemporary Muslim societies.

This study makes a threefold scholarly contribution. Theoretically, it expands the field of *hadīth* studies by demonstrating that *Fath al-Mun'im* by Mūsā Shāhīn Lāshīn is not merely an exegetical commentary but also a framework of legal reasoning that integrates *hadīth* authority, *maqāsid al-shari'ah*, and comparative *madhhab* analysis. Empirically, it situates marriage-related *hadīths*—such as those on dowry, women's consent, and the obligation to marry—within pressing contemporary realities, including child marriage, dowry inflation, and gender justice. This highlights that *hadīths*

¹² Mūsā Shāhīn Lāshīn, *Fath al-Mun'im bi-Sharh Sahih Muslim*, vol. 1 (Cairo: Dar el-Shourouq, 1996).

¹³ Hasbullah bin, Sudirman Suparmin Ja'far, "Portrait of Contemporary *Hadīth* Commentary Book: A Study of The Book *Fath al-Mun'im* Syarh Shahih Muslim by Mūsā Syāhīn Lāsyīn," *Dirojah: Jurnal Studi Ilmu Hadis* 8, no. 1 (October 27, 2023).

¹⁴ Lāshīn, *Fath al-Mun'im bi-Sharh Sahih Muslim*.

¹⁵ Umi Aflaha and M Amirur Rahman, "Telaah Kitab *Fath Al-Mun'im* Syarah Sahih Muslim Karya Musa Syahin Lasyin (Analisis Metode Kitab Syarah Hadis)," *An-Nur: Jurnal Studi Islam* 11, no. 2 (2019), https://uinsgdbandung.academia.edu/Departments/Tafsir_Hadis/Documents.

¹⁶ Hanif Ahmad Ansharullah, "Interpretasi Sunnah Ghair Tashri'iyah Menurut Mūsā Syāhīn Lāsyīn," *Al-Isnad: Journal of Indonesian Hadist Studies* 3, no. 1 (June 2022): 16–30.

remain tested and relevant as a source of ethical critique against socially distorted practices. Practically, the study contributes to the reform of Islamic family law by offering a hadith-based *ijtihād* model that is moderate, contextual, and ethically grounded, thereby providing actionable insights for policymakers, scholars, and religious authorities in addressing challenges faced by modern Muslim families.

This study applies a qualitative, library-based approach using content analysis to examine Mūsā Shāhīn Lāshīn's interpretive framework on marriage-related hadiths (*munākahāt*) in *Fath al-Mun'im Sharh Sahih Muslim*. The primary source is the ten-volume *Fath al-Mun'im*, supported by secondary references from classical *fiqh* literature (e.g., Ibn Qudāmah's *al-Mughni*, al-Nawawi's *al-Majmu'*) and contemporary studies on Islamic family law and *maqāsid al-shari'ah*. The study employs the dual frameworks of *maqāsid al-shari'ah* to assess ethical and purposive dimensions, and the sociology of knowledge to explore the interaction between hadith texts and evolving social realities, thereby demonstrating the continuing relevance of hadith for contemporary Islamic family law reform.

Discussion

A Brief Biography of Mūsā Shāhīn Lāshīn and His Work, *Fath al-Mun'im Sharh Sahih Muslim*

Mūsā Shāhīn Lāshīn (1920–2009) was a leading figure in contemporary *hadith* studies in Egypt, deeply rooted in the scholarly tradition of al-Azhar University. He was born in the village of Asnit in Qalyubiyyah Province and memorized the Qur'an at a young age. His formal education was exclusively at al-Azhar, where he completed his studies from undergraduate to doctoral levels in *tafsir* and *hadith*. In 1965, he earned his doctoral degree and became a permanent lecturer at the Faculty of Usuluddin. His academic career progressed significantly, eventually leading him to serve as the Dean of the Faculty of Usuluddin and the Director of the Postgraduate Program at al-Azhar. Beyond his work in Egypt, Lāshīn also taught in various countries, including Qatar, Somalia, and Saudi Arabia, highlighting the transnational influence of his scholarship in the Muslim world.¹⁷

In terms of intellectual contributions, Lāshīn was widely recognized for his mastery of classical Islamic sciences such as *hadith*, *usūl al-fiqh*, and *tafsir*. He developed a distinctive methodology for interpreting *hadith* that integrates textual analysis (*nash*), *maqāsid al-shari'ah*, comparative *madhhab* analysis (*muqāranah*), and awareness of socio-cultural contexts. This approach elevates *hadith* from being merely a normative legal source to a functional ethical and social guide relevant to contemporary life. His magnum opus, *Fath al-Mun'im Sharh Sahih Muslim*, exemplifies this integrative method, systematically presenting *hadith* explanations from linguistic, theological, and jurisprudential perspectives, supported by strong and coherent arguments.¹⁸

Lāshīn was also renowned for his academic integrity and moral courage. He openly rejected state interference in scholarly affairs. He was once dismissed from a strategic position at al-Azhar for criticizing Egypt's family law policies, which he believed were contrary to *shari'ah* principles. Although he lost his position, Egypt's Constitutional Court later cleared him of all charges. This episode enhanced his public image as a principled scholar who upheld the truth and maintained independence against political pressure.¹⁹ As an educator, Lāshīn played a crucial role in mentoring a new generation of *hadith* scholars across the Muslim world. He supervised over 50 junior lecturers at al-Azhar and oversaw the authentication (*takhrīj*) and evaluation of approximately 400 graduate and doctoral theses.

¹⁷ Ahmad Mushthafa Fadhiyyah, *Al-'Allamah Musā Syāhin Lāshīn; Hayatuhu Wa Jubuduhu Fi Khidmat Al-Islam* (Cairo: Syirkat al-Quds li al-Nasyr wa al-Tauzi', 2009).

¹⁸ Fadhiyyah.

¹⁹ "https://www.vetogate.com/4498325," January 27, 2024.

Despite his numerous responsibilities, he remained active in writing and preaching through print and broadcast media, with over 1,000 recorded lectures in Egypt, Qatar, and the United Kingdom.²⁰

As a moderate thinker, Lāshīn was influenced by the rational and reformist approach of Muhammad al-Ghazālī, especially in promoting *maqāsid al-shari'ah*, the revival of *ijtihād*, and a critique of literalism.²¹ While rooted in the Shāfi'ī school, he welcomed opinions from other schools, including the Hanafī, Mālikī, and Hanbalī traditions. This intellectual openness and tolerance enhanced the relevance of his contributions to contemporary Islamic legal discourse across different madhhab boundaries. With his proven integrity, deep scholarly expertise, and meaningful contributions to the development of hadīth studies, Mūsā Shāhīn Lāshīn embodies an ideal model of a contemporary Muslim scholar, uniting academic authority, spiritual depth, and social responsibility within the Islamic intellectual tradition.

His magnum opus, *Fath al-Mun'im Sharh Sahih Muslim*, is a comprehensive commentary on *Sahih Muslim*, one of the most authoritative collections of *hadīth* in Islam. Lāshīn authored this work to fulfill the academic requirements of al-Azhar's curriculum, where *Sahih Muslim* serves as a core reference. The commentary not only provides textual explanations but also incorporates elements of classical Arabic linguistics (*al-mabāhith al-'arabiyyah*), jurisprudential reasoning (*fiqh al-hadīth*), and thematic interpretation (*al-ma'nā al-'amm*), making it both thorough and applicable.²²

The collection consists of ten volumes and includes over 6,500 *hadīth*, organized into 57 thematic chapters. Each chapter is systematically arranged, addressing textual variations, cross-school juristic analysis, and socio-ethical issues relevant to the modern context. The *hadīth* related to *munākahāt* (marriage and family matters) are primarily explored across four chapters: *al-nikāh* (marriage), *al-ridā'* (fosterage), *al-talāq* (divorce), and *al-li'an* (mutual imprecation), which can be found in volumes five and six.²³

The Legal Interpretation on Marriage *Hadīth* in *Fath al-Mun'im Syarh Sahih Muslim*

The Hadīth on the Recommendation to Marry

عَنْ عَلْقَمَةَ، قَالَ: كُنْتُ أَتَشِي مَعَ عَبْدِ اللَّهِ بْنِ مَيْمُونٍ، فَلَقِيَهُ عُثْمَانُ، فَقَامَ مَعَهُ يُحَدِّثُهُ، فَقَالَ لَهُ عُثْمَانُ: يَا أَبَا عَبْدِ الرَّحْمَنِ، أَلَا نُزَوِّجُكَ جَارِيَةً شَابَةً، لَعَلَّهَا تُذَكِّرُكَ بَعْضَ مَا مَضَى مِنْ زَمَانِكَ، قَالَ: فَقَالَ عَبْدُ اللَّهِ: لَيْنَ قُلْتُ ذَاكَ، لَقَدْ قَالَ لَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «يَا مَعْشَرَ الشَّبَابِ، مَنْ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَزَوَّجْ، فَإِنَّهُ أَغَضُّ لِلْبَصَرِ، وَأَحْصَنُ لِلْفَرْجِ، وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ، فَإِنَّهُ لَهُ وَجَاءٌ».²⁴

'Alqamah reported: I was walking with 'Abdullāh in Mina when 'Uthmān approached him and began conversing. 'Uthmān said, "O Abū 'Abd al-Rahmān, should we arrange a marriage for you with a young virgin girl who may revive some of your youthful memories?" 'Abdullāh replied, "If you are suggesting that, know that the Messenger of Allah (peace be upon him) once advised us: O young men, whoever among you can

²⁰ Fadhlīyyah, *Al-'Allamah Mūsā Syāhīn Lāshīn; Hayatuhu Wa Jubuduhu Fi Khidmat Al-Islam*.

²¹ Muhammad Al-Ghazali, *Al-Sunnah Al-Nabawīyyah Bayna Ahl Al-Fiqh Wa Ahl Al-Hadīth* (Cairo: Dar al-Shuruq, 1989).

²² Lāshīn, *Fath al-Mun'im bi-Sharh Sahih Muslim*.

²³ Lāshīn.

²⁴ Abu al-Husein Muslim ibn al-Hajjaj al-Qusyairi Al-Naysaburi, *Sahih Muslim*, vol. 2 (Beirut: Dar Ihya al-Turats al-'Arabi, 1431).

bear the responsibilities of marriage, let him marry, for it helps lower the gaze and guard against immorality. And whoever cannot, then let him fast, for that will diminish his desires."

The Prophet Muhammad (peace be upon him) consistently encouraged young Muslims to marry, as reflected in various *hadith* that emphasize the virtue of marriage and the risks of abstaining from it. In *Sahih Muslim*, numerous traditions strongly discourage prolonged celibacy, even when justified by religious devotion, and explicitly prohibit self-castration (*ikhtisā*) as a means of renouncing one's human nature. Extreme voluntary celibacy contradicts one of the primary objectives of Islamic law: the protection of lineage (*hifẓ al-nasl*) and the lawful expression of sexual instincts. Islam does not consider sexual desire inherently sinful; instead, it prescribes marriage as the proper outlet for these desires.²⁵

Mūsā Shāhīn Lāshīn adopts an integrative approach that combines the textual authority of the *hadith* with the higher objectives of Islamic law (*maqāsid al-sharī'ah*) when deriving legal rulings on marriage. In interpreting this *hadith*, he does not view the command to marry as an absolute obligation. Instead, he contextualizes it within the framework of *maṣlaḥah*, or social benefit, and considers individual circumstances. He argues that marriage is recommended for those who are physically and financially capable and who fear falling into sin. This is because marriage serves two essential *maqāsid*-based functions: protecting one's gaze (*hifẓ al-basar*) and safeguarding sexual integrity (*hifẓ al-farj*), both of which are vital for moral and societal preservation.²⁶

Lāshīn explicitly rejects the literalist interpretation of the Zāhirī school, which considers the command to marry as universally obligatory. He argues that this view overlooks individual circumstances and the higher objectives of the Sharī'ah. For Lāshīn, the Prophet's encouragement of marriage was intended to promote social welfare, not to impose an unconditional duty. He emphasizes that legal rulings should consider factors such as economic capacity, psychological readiness, and social context. Within the framework of *maqāsid al-sharī'ah*, marriage may thus be obligatory, recommended, or discouraged depending on the situation. This reasoning reflects his broader rejection of rigid literalism in favor of a contextual and purpose-oriented approach. He also argues that the presence of an alternative—fasting—within the same ḥadīth negates this absolutist stance. Lāshīn further categorizes the legal ruling on marriage into five normative categories of legal obligation (*ahkām taklīfīyyah*) based on the objectives of Islamic law (*maqāsid*) and contextual realities: 1. *Wājib* (obligatory): Necessary for someone who fears falling into sin and has no lawful alternative; 2. *Haram* (prohibited): Applicable to those who are physically or financially incapable and who may harm their spouse; 3. *Mandūb* (recommended): Suitable for individuals who are ready and willing to uphold the objectives of marriage; 4. *Makrūh* (dislike): Relevant when marriage interferes with higher priorities, such as seeking knowledge; 5. *Mubāḥ* (permissible): When there are no strong reasons for or against marriage.²⁷

The authoritative study in Legitimacy: Journal of Law and Islamic Law highlights that marriage serves essential *maqāsid al-sharī'ah*—specifically the preservation of religion (*hifẓ al-dīn*), lineage (*hifẓ al-nasl*), and life (*hifẓ al-nafs*)—by functioning not only as an act of devotion but also as a safeguard against forbidden behavior.²⁸ This aligns unequivocally with Mūsā Shāhīn Lāshīn's contextualized framework, which interprets the Prophetic encouragement to marry as a prudential guideline rather than an absolute mandate. Lāshīn emphasizes that marriage should be recommended for those who are physically, mentally, and financially prepared, mainly when it safeguards moral integrity and

²⁵ Lāshīn, *Fath al-Mun'im bi-Sharh Sahih Muslim*.

²⁶ Lāshīn.

²⁷ Lāshīn.

²⁸ Yoga Reza Fahkevi and Diny Melga Sari, "Legitimacy : Journal of Law and Islamic Law Childfree Marriages in Islamic Perspective : A Maqā ṣ Id Al- Sharī ' Ah Analysis of Spousal Choice and Reproductive Intentions," 2025.

prevents deviation. In this light, the Scopus-indexed study corroborates Lāshīn's integrative, purpose-oriented jurisprudence—one that harmonizes scriptural authority with the protective ethos of Islamic law.

This analytical framework highlights Lāshīn's firm reliance on the principle of *mā lā yatimmu al-wājib illā bihi fa huwa wājib*, which translates to "what is necessary to complete an obligation becomes obligatory." It also emphasizes the importance of balancing benefit and harm, which is central to the spirit of *maqāsid al-sharī'ah*. By combining scriptural authority with contextual sensitivity, he reinterprets the *hadīth*, not just as legal evidence but as a practical, ethical, and social guide. His approach aligns with the broader vision of Islamic law as a value-driven system focused on promoting human welfare and preventing societal harm.

The Hadīth on the Prohibition of Proposing Over Another's Engagement

عَنْ عُقْبَةَ بْنِ عَامِرٍ، عَلَى الْمَنْبَرِ يَقُولُ: إِنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: «الْمُؤْمِنُ أَخُو الْمُؤْمِنِ، فَلَا يَحِلُّ لِلْمُؤْمِنِ أَنْ يَبْتَاعَ عَلَى بَيْعِ أَخِيهِ، وَلَا يَخْطُبَ عَلَى خُطْبَةِ أَخِيهِ حَتَّى يَذَرَ».²⁹

'Uqbah ibn 'Amir, while delivering a sermon from the pulpit, reported: "The Messenger of Allah (peace be upon him) said: 'A believer is the brother of another believer. Therefore, it is not lawful for one believer to purchase what is being sold by his brother, nor to propose marriage to a woman who has already been proposed to by another believer, until the latter has withdrawn his proposal.'"

Mūsā Shāhīn Lāshīn emphasizes that Islam firmly upholds the principles of *ta'awun* (cooperation) and *tabābub* (social affection) within communal life. As a result, all forms of social interaction aim to preserve social cohesion and prevent interpersonal fragmentation. One example of this ethical foundation is the prohibition against making a marriage proposal to a woman who has already accepted another Muslim's proposal. Lāshīn argues that this prohibition should not be seen merely as a legal rule, but as an expression of ethical values that protect the Muslim community from selfishness and destructive competition in social relationships. In this context, women play a central role in interpersonal dynamics, and their involvement can often lead to social tension. Therefore, Islam strictly forbids interference once a woman has indicated her willingness to accept an earlier proposal.³⁰

Lāshīn places this hadīth within a broader context rooted in *maqāsid al-sharī'ah* and the Islamic vision of social order. The prohibition against proposing to someone already engaged is not merely transactional; it reflects the fundamental value of *ukhuwwah islāmiyyah* (Islamic brotherhood), which emphasizes respect for the rights of others and aims to prevent potential hostility within the Muslim community. He draws a parallel between the prohibition of proposing to someone who is already engaged and the prohibition of buying something over someone else's purchase. Both of these prohibitions affirm Islam's commitment to moral integrity and ethical boundaries in interpersonal relationships. In this context, an engagement is viewed as a form of *'aqd i'timād* (a contract of mutual trust) between the man and woman. Any indication of mutual acceptance requires protection from third-party interference unless there is explicit termination or permission from the parties involved.

Most jurists, including al-Nawawī, agree that this prohibition is considered *harām* (forbidden), although they differ regarding the legal validity of a subsequent marriage if this rule is violated. The majority opinion holds that while the act is sinful, the marriage contract remains valid.³¹ Lāshīn also

²⁹ Al-Naysaburi, *Ṣaḥīḥ Muslim*.

³⁰ Lāshīn, *Fath al-Mun'im bi-Sharh Sahih Muslim*.

³¹ Yahya ibn Sharaf Al-Nawawi, *Al-Minhaj Syarh Shahih Muslim-Al Nawawiy* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1995).

critiques Ibn Hajar's argument that the permission given by an initial suitor is general and can be extended to anyone.³² Instead, Lāshīn argues that such permission must be explicitly granted to a designated individual, in consideration of the dignity and preferences of both the woman and the initial suitor. This nuanced perspective demonstrates Lāshīn's attentiveness to the formal legal framework as well as the ethical complexities inherent in Islamic social conduct. Additionally, Lāshīn addresses the scope of the prohibition, questioning whether it applies in cases involving non-Muslims or morally corrupt individuals (*fāsiq*). While he acknowledges the differing opinions across various schools of law, Lāshīn ultimately favors a consistent principle that emphasizes equity, mutual compatibility, and ethical standards in all marriage-related interactions.³³

The legal framework established by Lāshīn highlights the importance of two key concepts in Islamic family law: *hifẓ al-ʿird* (preservation of dignity) and *hifẓ al-nafs* (protection from social conflict). Lāshīn perceives marriage not just as a biological union, but rather as a socially embedded institution designed to promote collective harmony. Therefore, any unauthorized or unethical intervention during the engagement stage threatens this moral order. By integrating textual analysis, linguistic precision, and comparative jurisprudence, Lāshīn presents a legal perspective that is not only normative but also ethical and responsive to the context.

A study analyzing Yusuf al-Qaradhāwī's fatwa on khitbah underscores that an engagement (khithbah) constitutes more than a personal commitment; it functions as a social bond that safeguards the dignity of both parties and prevents communal discord.³⁴ The prohibition against making a marriage proposal to a woman who has already accepted another proposal thus represents not merely a legal restriction, but an ethical imperative designed to uphold social harmony and avoid destructive rivalry.³⁴ This perspective resonates strongly with Mūsā Shāhīn Lāshīn's interpretation, which situates the hadīth on engagement within the broader *maqāṣid al-sharīʿah* framework. Both views emphasize that the prohibition is an embodiment of *taʾwun* (cooperation) and *tahābub* (social affection), ensuring that marriage remains a vehicle for *ukhuwwah islāmiyyah* and the protection of communal trust rather than a source of selfish competition.

The Ḥadīth on Female Consent in Marriage

عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لَا تُنْكَحُ الْأَيُّمُ حَتَّى تُسْتَأْمَرَ، وَلَا تُنْكَحُ الْبُكَرُ حَتَّى تُسْتَأْذَنَ»، قَالُوا: يَا رَسُولَ اللَّهِ، وَكَيْفَ إِذْهَاجًا؟ قَالَ: «أَنْ تَسْكُتَ»³⁵

Abū Hurayrah reported that the Messenger of Allah (peace be upon him) said: "A previously married woman (ayyim) shall not be married off without her command, and a virgin shall not be married off without her consent." They asked: "O Messenger of Allah, how is her consent given?" He replied: "Through her silence."

Mūsā Shāhīn Lāshīn's legal interpretation of *ḥadīth* regarding female consent in marriage emphasizes the importance of protecting women's dignity, promoting relational justice, and integrating scriptural texts with the ethical objectives of Islamic law (*maqāṣid al-sharīʿah*). Lāshīn argues that Islam brought about a significant transformation in the status of women, freeing them from the

³² Ahmad ibn ʿAlī ibn Hajar Al-ʿAsqalani, *Fath Al-Bari Bi Syarh Shahih Al-Bukhari*, vol. 9 (Beirut: Dar al-Maʿrifah, n.d.).

³³ Lāshīn, *Fath al-Mun'im bi-Sharh Sahih Muslim*.

³⁴ Nurfazila Nurfazila and Zainal Azwar, "Fenomena Berduaan Dengan Tunangan (Analisis Fatwa Syekh Yusuf Al-Qaradhawi)," *An-Natiq Jurnal Kajian Islam Interdisipliner* 4, no. 2 (2024): 182–94, <https://doi.org/10.33474/an-natiq.v4i2.21701>.

³⁵ Al-Naysaburi, *Ṣaḥīḥ Muslim*.

subjugation imposed by pre-Islamic customs. During the era of Jāhiliyyah, women were often married off without their knowledge or approval, and any resistance was met with coercion. In contrast, with the advent of Islam, as reflected in Qur'anic verses (such as Q. al-Nūr: 33) and Prophetic traditions, women's autonomy, dignity, and right to self-determination in marriage were enshrined.³⁶

Through a detailed linguistic and contextual analysis of *ḥadīth*, such as "*al-ayyim abaqqu bi nafsibā*" ("a previously married woman has greater authority over herself"), Lāshīn argues that the term "*ayyim*" does not apply exclusively to widows or divorcees. Instead, it broadly includes any woman who is not currently married, including virgins. The terms "*tusta'mar*" (to be consulted) and "*tusta'dhan*" (to be asked for permission) illustrate that a marriage contract is invalid without the woman's approval—whether that approval is expressed verbally or indicated through silence, which in certain contexts can be interpreted as consent.³⁷

Lāshīn's legal framework is thorough, providing a classification of marital situations based on a woman's age, psychological maturity, and the type of guardian (*walī*) involved. He differentiates between the following categories: (a) minor girls married by their fathers or guardians, (b) mature virgins, (c) mature divorcees or widows, (d) minor divorcees or widows, and (e) women who choose to contract their own marriages. For each category, he presents various scholarly opinions from different legal schools and supports his analysis with principles from *uṣūl al-fiqh* and *maṣlahah* (social benefit).

Lāshīn agrees with the majority of scholars (*jumhūr*) that a father may marry off his underage daughter without her explicit consent. Lāshīn agrees with the majority of scholars (*jumhūr*) that a father may marry off his underage daughter without her explicit consent, while acknowledging that the Hanafī school opposes this view by requiring a woman's consent to protect her autonomy. He supports the *jumhūr* on the grounds that paternal guardianship (*wilāyah*) was historically intended to secure the child's welfare and preserve family honor. At the same time, he cautions that such authority must be guided by *maṣlahah* and the objectives of Sharī'ah, particularly the protection of lineage (*hifz al-nasl*) and dignity (*hifz al-'ird*), in order to prevent potential abuse.

However, he notes that for mature virgins, silence can only be considered valid consent if there are no signs of reluctance. In the case of mature divorcees or widows, there is a consensus that their explicit approval is necessary. Lāshīn presents clear and insightful arguments regarding the debated issue of whether a marriage can be valid without a guardian. He challenges the Hanafī stance, which permits adult women to marry without a *walī* (guardian), by referencing Qur'anic verses and *ḥadīth* that emphasize the necessity of having a guardian present. Lāshīn concludes that a *walī* is essential for a valid marriage contract, drawing on Prophetic practices and the actions of the Companions. He argues that the presence of a guardian is important for maintaining *hifz al-'ird* (protection of honor) and *hifz al-naḥs* (social security).³⁸

Lāshīn's reasoning pays careful attention to the socio-psychological context of women. He emphasizes the importance of providing women with the space and time needed to make informed decisions about marriage. He critiques the extreme textualism of the Zāhirī school, which only considers silence as a valid form of consent and dismisses verbal expression. Lāshīn argues that this literal interpretation undermines the ethical intent of the *sharī'ah*, which aims to uphold individual dignity and autonomy.³⁹

³⁶ Lāshīn, *Fath al-Mun'im bi-Sharh Sahih Muslim*.

³⁷ Lāshīn.

³⁸ Lāshīn.

³⁹ Lāshīn.

Recent accredited studies support Mūsā Shāhīn Lāshīn's interpretation that women's consent is essential for a just and valid marriage. Research on *ijbār* by guardians concludes that forced marriage, while tolerated in certain classical schools, violates principles of justice and undermines female dignity, echoing Lāshīn's emphasis on *hifz al-ʿird* (protection of honor) and the ethical limits of paternal authority.⁴⁰ Likewise, field studies on women's rights in choosing spouses show that cultural traditions still restrict female autonomy, highlighting the continued relevance of Lāshīn's insistence that women be recognized as full legal subjects whose consent is a necessary condition for marriage.⁴¹ Together, these perspectives affirm Lāshīn's synthesis of textual evidence and *maqāṣid al-sharīʿah* in safeguarding women's agency and dignity within Islamic family law.

By grounding his interpretation in the *maqāṣid al-sharīʿah* and being contextually aware, Lāshīn emphasizes the values of justice (*ʿadālah*), benefit (*maṣlahah*), and respect for women's agency as full legal subjects rather than merely passive objects of tradition. His work in *Faṭḥ al-Munʿim* represents a synthesis of traditional jurisprudential authority (*turāth*), legal rationality, and contemporary social ethics, offering a reformist yet grounded model of Islamic family law.

The *Hadīth* on the Permissibility of Viewing a Prospective Spouse

عَنْ أَبِي هُرَيْرَةَ، قَالَ: كُنْتُ عِنْدَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَأَتَاهُ رَجُلٌ فَأَخْبَرَهُ أَنَّهُ تَزَوَّجَ امْرَأَةً مِنَ الْأَنْصَارِ، فَقَالَ لَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَنْظَرْتَ إِلَيْهَا؟»، قَالَ: لَا، قَالَ: «فَادْهَبْ فَانْظُرْ إِلَيْهَا، فَإِنَّ فِي أَعْيُنِ الْأَنْصَارِ شَيْئًا»⁴²

Abū Hurayrah reported: "I was with the Prophet (peace be upon him) when a man approached him and said that he intended to marry a woman from among the Anṣār. The Prophet then asked him, 'Have you seen her?' The man replied, 'No.' The Prophet said, 'Go and look at her, for there is something special about the eyes of the Anṣār.'"

In "*Faṭḥ al-Munʿim*," Mūsā Shāhīn Lāshīn offers a nuanced interpretation of Islamic legal thought concerning *al-naẓar ilā al-makhtūbah*, which refers to the recommendation of viewing a prospective spouse prior to marriage. His approach incorporates principles such as transparency in social transactions (*muʿāmalāt*), protection against deception (*ghishsh*), and the realization of the *maqāṣid al-sharīʿah*—particularly the safeguarding of dignity (*hifẓ al-ʿird*) and the confirmation of rational-emotional compatibility (*tathbūt al-muwāfaqah al-ʿāqilah*).⁴³

Lāshīn begins by asserting that Islam opposes deception and upholds clarity in relationships to prevent marital discord caused by unmet expectations. He emphasizes that the Prophet's instruction to view a prospective bride was not merely a social courtesy. Instead, it was a directive grounded in legal and ethical wisdom, intended to prevent future regret and to establish an honest foundation for marital relations. Lāshīn highlights the Prophet's specific reference to a trait "in the eyes of the Anṣār," emphasizing Islam's focus on social and physiological factors that can affect marital harmony. The act

⁴⁰ Thahir M and Ismail Nasution, "Analysis Of The Legal Status Of Forced Marriage (IJBAR) By Wali Mujbir In Marriage From The Perspective Of Islamic Law," *Rivayat: Educational Journal of History and Humanities* 6, no. 3 (2023): 1390–99.

⁴¹ Abdul Aziz et al., "Muwa Ah" 68 (2025): 47–68, <https://doi.org/10.28918/muwazah.v17i1.9178>.

⁴² Al-Naysaburi, *Ṣaḥīḥ Muslim*.

⁴³ Lāshīn, *Faṭḥ al-Munʿim bi-Sharḥ Sahib Muslim*.

of *nazar* (viewing a prospective spouse) goes beyond mere physical attraction; it is a crucial step towards achieving *maslahah* (benefit) in the marriage contract.⁴⁴

Lāshīn interprets the phrase "*fi 'uyūn al-Ansār shay'an*" to refer to observable physical traits, such as small eyes, nearsightedness, or unique coloration. He supports this interpretation by citing classical scholars like al-Nawawī and al-Ghazālī, who affirm that the *hadīth* endorses a limited and proportionate approach to physical observation (*ta'ammul*). This approach is seen as a means of ensuring clarity and honesty in the marital process. In his analysis of *fiqh al-hadīth*, Lāshīn aligns himself with the majority of jurists from the Shāfi'ī, Mālikī, Hanafī, and Hanbalī schools. He permits a man to view the face and hands of the woman he intends to marry without requiring prior permission, provided there is no sexual intent. Lāshīn firmly rejects the extremes of the Zāhirī school, as well as the views of certain literalist scholars such as al-Muzanī and Ibn Hazm, who either completely prohibit viewing or allow unrestricted observation—even of intimate parts. He argues that such perspectives violate the Islamic principles of modesty (*hayā'*), ethical decorum (*adab*), and respect for female dignity.⁴⁵

He further argues that *nazar* (the act of observation) should occur before a formal engagement to ensure that rational judgment is not clouded by emotional attachment. He also emphasizes that women are equally allowed to view prospective husbands under the same principles. If direct observation is not possible, a man may delegate a trustworthy woman to assess the candidate on his behalf. This viewpoint reflects Lāshīn's commitment to integrating text and context while recognizing the agency of women as subjects—rather than objects—within Islamic legal discourse.

Recent scholarship reinforces Mūsā Shāhīn Lāshīn's view that *nazar ilā al-makhtūbah* safeguards honesty and marital harmony. Studies on the urgency of *nadzar* emphasize its role in preventing deception and regret, aligning with Lāshīn's stress on transparency in social transactions.⁴⁶ Research on partner selection through *maqāṣid al-sharī'ah* further echoes his concern that excessive criteria hinder marriage and social welfare.⁴⁷ Likewise, analyses of Islamic marriage law underline the need to integrate textual precedent with ethical benefit, supporting Lāshīn's argument that *nazar* serves both legal and moral purposes in fostering stable families.

By integrating *maqāṣid al-sharī'ah*, *fiqh al-nas* (textual jurisprudence), and social realism, Lāshīn develops a legal framework that addresses both the normative and ethical aspects of engagement practices. For him, *hadīth* is not just a legal precedent; it also serves as a source of ethical guidance and psychological well-being in the creation of a just and blessed Islamic family.

The Hadīth on Dowry (*Mahr*)

عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، أَنَّهُ قَالَ: سَأَلْتُ عَائِشَةَ زَوْجَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: كَمْ كَانَ صَدَاقُ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ؟ قَالَتْ: «كَانَ صَدَاقُهُ لِأَزْوَاجِهِ ثِنْتِي عَشْرَةَ أُوقِيَّةً وَنَشًّا»، قَالَتْ: «أَتَدْرِي مَا النَّشُّ؟»

⁴⁴ Lāshīn.

⁴⁵ Lāshīn.

⁴⁶ Dodi Yarli R, "Urgensi Fiqih Nadzar Dalam Proses Pernikahan," *YUDISIA: Jurnal Pemikiran Hukum Dan Hukum Islam* 8, no. 1 (2018): 107, <https://doi.org/10.21043/yudisia.v8i1.3220>.

⁴⁷ Arif Husnul Khuluq, Adi Aprianto, and Musyafi Usman, "Pemilihan Pasangan Hidup Berdasarkan Kriteria Tinggi Perspektif Maqashid Syariah," *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam* 11, no. 1 (2024): 1–20, <https://doi.org/10.24252/al-qadau.v11i1.44980>.

قَالَ: قُلْتُ: لَا، قَالَتْ: «نِصْفُ أُوقِيَّةٍ، فَتِلْكَ خَمْسِمِائَةِ دِرْهَمٍ، فَهَذَا صَدَاقُ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لِأَزْوَاجِهِ»⁴⁸

Abū Salamah ibn ‘Abd al-Rahmān reported: "I asked ‘Ā’ishah, the wife of the Prophet (peace be upon him), about the dowry of the Messenger of Allah. She replied, 'His dowry for each of his wives was twelve uqiyah and one nashsh.' She then asked, 'Do you know what a nashsh is?' I replied, 'No.' She explained, 'It is half an uqiyah, which totals five hundred dirhams. This was the dowry of the Messenger of Allah (peace be upon him) to each of his wives.'"

Mūsā Shāhīn Lāshīn establishes a legal framework for understanding *mahr* that is based on principles of justice, simplicity, and social welfare. He presents *mahr* not just as a financial requirement in the marriage contract, but also as a symbolic expression of honor and protection for women. However, Lāshīn critiques the rising inflation of *mahr* in contemporary society, arguing that it undermines the spirit of *shari’ah*, which emphasizes *taysir* (facilitation) and *ta’awun* (social cooperation) in fostering a healthy Islamic family.⁴⁹

Lāshīn critiques the rising inflation of *mahr* in contemporary society, arguing that it undermines the spirit of *shari’ah*, which emphasizes *taysir* (facilitation) and *ta’awun* (social cooperation) in fostering a healthy Islamic family. He points out that excessive demands for *mahr* often delay or even prevent marriages, particularly among the youth, leading to social problems such as increased cases of cohabitation outside wedlock or marital instability. For Lāshīn, such practices contradict the *maqāsid al-shari’ah*, which seek to protect lineage (*hifz al-nasl*) and promote social harmony. Therefore, he advocates for moderation and the revival of the Prophetic example, where *mahr* was symbolic and affordable, ensuring that marriage remains accessible for all.

Reflecting on reports from ‘Ā’ishah and Anas ibn Mālik, it is noted that the Prophet's *mahr* ranged from 500 dirhams to the weight of a single golden date seed. Lāshīn draws a central conclusion from this: the true essence of marriage lies not in the extravagance of the *mahr* but in the depth of moral commitment. He views the practices of the Prophet and his Companions as a corrective to the social trend of imposing high dowries, often driven by a desire for prestige or unequal notions of female protection. According to Lāshīn, these trends lead to delayed marriages, increased numbers of unmarried individuals, and moral vulnerabilities due to the absence of legitimate emotional and physical outlets.⁵⁰

Within the framework of *maqāsid al-shari’ah*, Lāshīn interprets the permissibility of low *mahr* as a way to ensure the protection of life (*hifz al-nafs*) and the protection of lineage (*hifz al-nasl*). He supports the validity of minimal *mahr*, including symbolic offerings such as an iron ring or the teaching of Qur’anic verses. This is illustrated by the case of a Companion who, lacking financial means, was married off by the Prophet (peace be upon him) in exchange for his instruction of Qur’an to his wife. This example shows that utility (*manfa’ah*) can be considered a valid *mahr*, provided it is mutually agreed upon and carries legal significance.

Lāshīn further explores the debate among scholars regarding the minimum amount for *mahr*. He aligns with the majority opinion that asserts there is no fixed minimum, emphasizing the importance of mutual consent. In contrast, he challenges the Mālikī and Hanafī perspectives that establish specific thresholds, such as a quarter *dīnār* or ten dirhams. Lāshīn argues that these views are based on *qiyās* (analogy) that contradicts the authentic *nash*, which allows for symbolic *mahr*. He points

⁴⁸ Al-Naysaburi, *Ṣaḥīḥ Muslim*.

⁴⁹ Lāshīn, *Fath al-Mun’im bi-Sharh Sabih Muslim*.

⁵⁰ Lāshīn.

out that drawing a comparison between *mahr* and the *nisab* for theft is legally incoherent in the context of transactional law, which is fundamentally based on consent rather than criminal thresholds.⁵¹

Lāshīn's approach is both inclusive and contextual when addressing the permissibility of a woman offering herself in marriage to a righteous man. This is illustrated by the *hadith* in which a woman expresses her intention to the Prophet by saying, "I offer myself to you." For Lāshīn, this demonstrates gender parity in initiating marriage and legitimizes the *hibah* (gift) marriage, which was uniquely granted to the Prophet. Additionally, it affirms women's agency and spiritual validity in making marital choices.

Lāshīn provides a thorough linguistic and hermeneutical analysis of terms such as *uqiyyah*, *nashsh*, and the rhetorical hyperbole in the Prophet's disapproval of excessive dowries, exemplified by the phrase "as if you are chiseling silver from a mountain." This analysis highlights his *ta'lihi* methodology, which connects legal rulings to their underlying rationale '*illah*, rather than relying exclusively on normative textual authority (*taklifi*).

Ultimately, Lāshīn argues that *mahr* (dowry) should be understood as a symbolic expression of respect rather than a financial burden. He broadens the legal perspective to include *manfa'ah* (utility or service) as an accepted form of *mahr*, aligning with the Shāfi'ī school and the consensus of many contemporary scholars. His vision of Islamic law is principled and pragmatic, centered on dignity, fairness, and social suitability. In today's context, his insights are particularly relevant for addressing the challenges that younger generations face when navigating marriage amid material pressures and rigid social norms.

A recent study examines non-conventional dowry practices in Yogyakarta, which at times depart from classical legal standards but still carry social and symbolic meaning. This shows the need for Islamic law to respond to cultural dynamics while remaining aligned with the objectives of *maqāṣid al-sharī'ah*, especially in supporting welfare and making marriage accessible.⁵² Another study highlights the transformation of dowry from a traditional obligation into a *maqāṣid*-based understanding focused on honor, justice in relationships, and family harmony.⁵³ Both perspectives underline the importance of reinterpreting dowry in modern contexts, supporting Mūsā Shāhīn Lāshīn's view that the true value of *mahr* lies not in material excess, but in its role as a symbol of respect and a means to foster marital stability.

Mūsā Shāhīn Lāshīn's Contribution to Contemporary Issues in Islamic Family Law

Mūsā Shāhīn Lāshīn's perspective on contemporary Islamic family law offers an integrative, contextual, and ethical approach to *ijtihad* in *hadith*-based jurisprudence. His multifaceted methodology, as outlined in his major work, *Fath al-Mun'im Sharh Sahih Muslim*, positions the *hadiths* related to *munakahāt* (marital jurisprudence) not merely as rigid normative texts, but as dynamic ethical and legal sources that adapt to the evolving social realities of Muslim societies.

One of Lāshīn's key contributions is his deconstruction of literal interpretations of marriage law. In examining the well-known *hadith* "*yā ma'shar al-shabāb...*" ("O young men..."), he does not define marriage as an absolute obligation, as the Zāhīrī school does. Instead, Lāshīn categorizes marriage into five legal judgments (*ahkām taklifiyyah*): obligatory (*wājib*), prohibited (*harām*), recommended (*mandūb*),

⁵¹ Lāshīn.

⁵² Miftakhul Anwar, "Mahar Dalam Hukum Islam Dan Maqasid Syariah: Studi Fenomena Mahar Unik Di Yogyakarta," *Jurnal Mediasas: Media Ilmu Syari'ah Dan Abwal Al-Syakhsyiyah* 7, no. 2 (2024): 781–97, <https://doi.org/10.58824/mediasas.v7i2.262>.

⁵³ Mokhammad Samson Fajar and Abdul Qodir Zaelani, "Transformation of Dowry from Traditional Practices to Maqashid Sharia: A Causal Analysis of Women's Dignity and Family Harmony," *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 8, no. 2 (2025): 198, <https://doi.org/10.30659/jua.v8i2.41634>.

disliked (*makruh*), and permissible (*mubah*). These classifications depend on the physical and psychological readiness of the prospective spouses, as well as the potential benefits or harms that may arise from the marriage.⁵⁴ In this context, marriage is not viewed as a dogmatic requirement but rather as a moral and social safeguard that aligns with the objectives of Islamic law (*maqāsid al-sharī'ah*). These objectives include the protection of the self (*hifẓ al-nafs*) and the preservation of chastity (*hifẓ al-farj*).

Lāshīn's interpretation of the *hadīth*, which prohibits a man from proposing to a woman who is already engaged (known as *khitbah 'alā khitbah*), extends beyond mere legal technicalities. He views this prohibition as an expression of the Islamic value of social cohesion (*ukhūmmah Islāmiyyah*), aimed at protecting interpersonal harmony and preventing conflicts within families. According to him, the social wisdom (*hikmah*) behind this ruling is to uphold communal stability and strengthen solidarity within the Muslim ummah.⁵⁵

In discussing the topic of dowry (*mahr*), Lāshīn takes both a rational and spiritual approach. He critiques the materialistic tendencies associated with setting excessively high dowries, arguing that such practices contradict the principle of *taysīr* (facilitation) in Islamic law. By referencing *hadīths* in which the Prophet Muhammad (peace be upon him) offered *mahr* as low as 500 dirhams, or even non-monetary contributions such as teaching the Qur'an, Lāshīn emphasizes that *mahr* is fundamentally a symbolic gesture of honor rather than a transactional asset. Therefore, any mutually agreed-upon legally valid benefit (*manfa'ah*) between both parties can be considered a legitimate *mahr*.⁵⁶

Lāshīn's legal perspective champions a progressive approach to women's consent in marriage. He rejects patriarchal interpretations that undermine female agency and asserts that women are legal subjects entitled to participate fully and knowingly in decisions about their marital futures. Lāshīn supports the idea that a woman's silence can be interpreted as consent only if it is not accompanied by any signs of reluctance. He strongly opposes the rigid Zāhirī viewpoint, which accepts silence as the sole valid form of consent, arguing that this stance undermines the ethical foundations of Islamic teachings on personal dignity and autonomy.

In his discussion of *naẓar ilā al-makhtūbah*—the permissibility of seeing a prospective spouse—Lāshīn presents a balanced approach that integrates *fiqh al-nash* (textual jurisprudence), *maqāsid* (higher objectives of Islamic law), and social realities. He permits both men and women to see each other before the marriage contract and even encourages the use of a trusted intermediary when direct observation is not possible. Lāshīn firmly opposes the extreme views of some literalist scholars who advocate for unrestricted viewing of a prospective spouse's entire body. Instead, he emphasizes the importance of *hayā'* (modesty) and Islamic ethics (*adab*) in all premarital interactions.⁵⁷

Lāshīn emphasizes that women have the right to initiate marriage proposals, referencing the *hadīth* in which a woman offered herself to the Prophet Muhammad (peace be upon him). According to Lāshīn, this narration demonstrates the legitimacy of women initiating proposals and affirms their social and spiritual agency in marital matters. This perspective challenges traditional notions that portray women as confined to passive roles. One of the most distinctive features of Lāshīn's thought is his critical stance toward the Hanafī position, which allows adult women and widows to marry without the presence of a guardian (*wali*). He emphasizes the importance of the *wali* as a protector of women's rights and dignity, serving as a structural safeguard against potential abuse of the marriage contract. His arguments are not only based on *hadīth* but are also supported by an analysis of *maqāsid al-sharī'ah* and current social norms.

⁵⁴ Lāshīn, *Fath al-Mun'im bi-Sharh Sahib Muslim*.

⁵⁵ Lāshīn.

⁵⁶ Lāshīn.

⁵⁷ Lāshīn.

Lāshīn was actively involved in public legal discourse beyond just theoretical discussions. He openly criticized Egypt's 1979 Family Law Reform, arguing that it was incompatible with Islamic principles. His opposition resulted in his removal from important academic positions at al-Azhar University. However, the Constitutional Court of Egypt later overturned the law, acknowledging the religious and scholarly arguments that Lāshīn had presented. His opposition to the reform led to his removal from key academic positions at al-Azhar University.⁵⁸ Despite this, Sheikh Mūsā's contributions are characterized by a combination of classical methodologies—such as *muqāranah* (comparative jurisprudence)—and a reform-oriented interpretation of *hadīth* that addresses modern realities. His scholarship reflects a moderate yet critical perspective rooted in the Islamic scholarly tradition while also responding to contemporary social transformations.

Lāshīn emerges as a scholar who bridges the authority of *nash* (text) with the demands of modernity, crafting a synthesis of legal norms, social ethics, and spiritual values within the institution of the family. His construction of Islamic family law represents a significant contribution to the reform of Islamic legal thought. His approach provides a solid foundation for shaping family law policies that are just, sensitive to context, and aligned with the principles of equity, dignity, and communal welfare in the contemporary Muslim world. Eventually, the Constitutional Court of Egypt overturned the law, citing the religious and scholarly arguments that Lāshīn had presented.

The analysis of marriage-related hadiths in *Fath al-Mun'im Sharh Sahih Muslim* highlights Mūsā Shāhīn Lāshīn's unique contribution to hadith studies. His commentary demonstrates that the purpose of hadith interpretation is not limited to textual clarification but also to deriving broader legal and ethical implications. By employing a comparative method across *madhāhib*, he situates hadiths within the wider discourse of marriage jurisprudence (*munākahāt*), thereby enriching the understanding of matrimonial rulings in Islamic law.

A central feature of Lāshīn's approach is his integration of *maqāsid al-shari'ah* into hadith interpretation. For example, in discussing dowry (*mahr*), he emphasizes simplicity and affordability as means to preserve family stability, aligning with the *maqāsid* principle of *hifẓ al-nasl* (protection of lineage). Similarly, in addressing women's consent in marriage, Lāshīn affirms female agency as an essential component of justice, echoing the *maqāsid* value of *hifẓ al-'ird* (protection of dignity). These insights show that Lāshīn's readings are not rigidly literalist but grounded in ethical objectives that safeguard individual and social welfare.

From the perspective of Islamic family law reform, the findings demonstrate that *Fath al-Mun'im* provides a framework for bridging the gap between normative hadith discourse and contemporary socio-legal realities. Lāshīn critiques practices such as dowry inflation and coerced marriages, while also contextualizing prophetic traditions on family planning and gender justice. His methodology results in a balanced model of *ijtihād* that avoids both strict traditionalism and unanchored liberalism. Consequently, this study shows that hadiths, when interpreted through a *maqāsid*-oriented and sociological lens, remain highly relevant for addressing modern challenges in Muslim family life.

Conclusion

This study concludes that Mūsā Shāhīn Lāshīn, through *Fath al-Mun'im*, constructs an integrative framework of hadith studies that connects textual authority with ethical objectives and socio-legal realities. Addressing the research problems, his commentary on marriage-related hadiths demonstrates three major contributions. First, in the domain of marriage jurisprudence (*munākahāt*),

⁵⁸ "Https://Www.Vetogate.Com/4498325 ."

he categorizes the legal rulings of marriage according to individual and social contexts, thereby rejecting a one-dimensional application of hadith texts. Second, by applying the principles of *maqāṣid al-sharī‘ah*, Lāshīn affirms women’s consent, critiques dowry inflation, and emphasizes simplicity as a way to secure justice and family stability. Third, in terms of Islamic family law reform, his interpretation contextualizes prophetic traditions—such as those on dowry, women’s rights, and family planning—making them relevant for addressing contemporary issues like child marriage, gender justice, and socio-economic burdens. Ultimately, Lāshīn's contribution serves as a significant intellectual bridge between tradition and modernity, offering a model of Islamic legal reform that is moderate, practical, and relevant to contemporary challenges. His methodology exemplifies a balanced synthesis of textual fidelity, ethical reasoning, and legal adaptability, thereby reinforcing the contemporary significance of *hadith*-based jurisprudence.

This study recommends a deeper thematic exploration of Mūsā Shāhīn Lāshīn's thought, particularly as articulated in *Fath al-Mun’im*. It should focus on issues such as family law, gender roles, and contemporary socio-religious dynamics. Lāshīn's integrative approach—rooted in *hadith* interpretation, *maqāṣid*-driven reasoning, and sensitivity to lived realities—provides a compelling model for creating a more contextual and relevant formulation of Islamic law. Scholars and policymakers in Muslim-majority countries, including Indonesia, are encouraged to engage with Lāshīn's framework when drafting family law policies that aim to be more equitable and adaptable. Furthermore, future research should assess the broader influence of Lāshīn's legal thought on global Islamic legal development and explore its potential to inform a moderate, justice-oriented, and solutions-focused model of Islamic education and family jurisprudence in contemporary society.

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