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ANALYSIS OF MUT'AH MARRIAGE HADITH FROM SUNNI & SHIA PERSPECTIVE

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Abstract

In Islam, marriage is considered as a strong bond between a man and a woman which aims to form a stable and lasting family as well as *sakinah*, *mawaddah*, and *rahmah*. This marriage is considered as a valid contract between the two parties and has clear rules and obligations. However, opinions regarding mut'ah marriage differ among Islamic scholars and schools of thought. Some scholars hold that mut'a marriage is a permissible practice under certain circumstances, while others strictly prohibit it. This research is library research, this research is classified as qualitative research and to combine Sunni and Shia opinions, a comparative method is used. The results of this study are that the Sunnis agree that the law of mutah marriage is unlawful, while the Shiites argue that the law of mutah marriage is halal. This legal difference occurs because of differences in the interpretation of the hadiths they use in hujjah. Both Sunnis and Shiites have hadiths that strengthen their respective arguments.

Keywords: *Hadith*, *Mut'ah* Marriage, Sunni, Shia

Abstrak

Dalam Islam, pernikahan dianggap sebagai ikatan yang kuat antara seorang pria dan seorang wanita yang bertujuan untuk membentuk keluarga yang stabil dan langgeng. Pernikahan ini dianggap sebagai kontrak yang sah di antara kedua pihak dan memiliki aturan dan kewajiban yang jelas. Namun, pendapat tentang nikah mut'ah berbeda-beda di antara para ulama dan mazhab Islam. Beberapa ulama berpendapat bahwa nikah mut'ah adalah praktek yang diizinkan dalam situasi-situasi tertentu, sementara yang lain melarangnya dengan tegas. Penelitian ini merupakan Penelitian Pustaka, penelitian ini tergolong penelitian Kualitatif dan

untuk memadukan pendapat Sunni dan Syi'ah maka digunakan metode komparatif. Hasil dari penelitian ini bahwa kaum Sunni sepakat bahwa hukum Nikah Mut'ah adalah haram, sedangkan kaum Syi'ah berpendapat bahwa hukum Nikah Mut'ah adalah halal. Perbedaan hukum ini terjadi karena perbedaan interpretasi hadits yang mereka gunakan dalam berhujjah. Baik Sunni maupun Syi'ah sama-sama mempunyai pijakan hadits yang menguatkan argumentasi mereka masing-masing.

Kata Kunci: Hadits, Nikah Mut'ah, Sunni, Syi'ah

A. Introduction

Mut'ah marriage, also known as temporary marriage or mut'ah marriage, is a term in Islam that refers to temporary marriage or marriage with a certain time limit. The large number of hadith references used by scholars from the Ahlus Sunnah wa al-Jama'ah (Sunni) and Shi'a circles has the potential to lead to different legal products in interpreting mut'ah marriage.

Hadith as a Legal Istinbat¹ has a strong position after Al-Qur'an al-Karim is used by Sunnis and Shiites to understand the meaning of mut'ah marriage but both of them have different methodologies in selecting and sorting hadiths. So that the interpretation of hadith by Sunni and Shi'a scholars is also different. Shia and Sunni are known to be less harmonious from political aspects, there are two fundamental issues that always make the two different, namely the issue of the origins and furu of the Islamic religion. On the issue of proposals, Shia jurists often tend to worship Ali bin Abi Talib, while on furu issues they tend to practice mut'ah marriage.² Differences (ikhtilâf) that arise between Shiites and Sunnis often lead to disharmony of relations between the two. Even more extreme, the Shi'a consider the Sunnis to be infidels.³

The Al-Qur'an and Sunnah state explicitly that marriage has become Islamic law and is punished by sunnah with several stipulated regulations such as consent, dowry, 'iddah period, distribution of inheritance and so on. Furthermore, not only civil matters, especially matters of love, marriage also

¹ Istinbat means the method of establishing Islamic law

² Subhan, "Sunni and Shia Dialectics: Tracing the Argumentation of Mut'ah Marriage Law", At Turas, Vol. 5 No. 1 (January – June, 2018), 2.

³ Ahmad Ali MD, "Harmonizing Shia and Sunni Relations: The Ushul Fiqh Perspective", Harmony, 126.

includes other aspects such as economic, social and cultural.⁴ Marriage is considered valid if it fulfills the conditions and pillars that have been set. If one of the conditions and pillars is not met, then a marriage is considered void (invalid). In Positive Law in Indonesia it has been explained through the Compilation of Islamic Law article 14, it is formulated in that article that the pillars of marriage or marriage consist of five types namely 1) prospective husband, 2) prospective wife, 3) marriage guardian, 4) two witnesses, and 5) consent qabul.⁵

The discussion on mut'ah marriage between Sunni and Shi'a is quite complex, the Sunni and Shi'a fuqoha' decide on the legal differences that apply to mut'ah marriage, this difference also includes the time when it was banned from the legal status that was previously permitted. There are several opinions from several groups stating that mut'ah marriage has been absolutely forbidden without compromise, some are equating it with adultery, and some are absolutely permissible.

Several ethical and legal issues that are feared to arise as a result of mut'ah marriage include 1) Family stability: Mut'ah marriage is often seen as not creating a stable and lasting bond like a legal marriage. This can lead to uncertainty and negative consequences for children born in mut'a marriages. 2) Exploitation of women: Some critics consider that nikah mut'ah exploits women and treats them as objects that can be rented for temporary sexual pleasure. 3) Conflict with state law: In some countries, mut'ah marriage is not legally recognized and is considered as an illegal marriage. This can result in legal and social problems for couples involved in this practice of mut'ah marriage.

The concept of mut'ah marriage is controversial and has various interpretations among Muslims. Pros and cons exist simultaneously in addressing Mut'ah marriage, so we have to weigh the benefits and harms that

⁴ Quraish Shihab, *Al-Qur'an Insights on Maudhui's Interpretation of Various Problems of the Ummah* (Bandung: Mizan, 2000), 192.

⁵ Amir Syarifuddin, *Outlines of Fiqh*, (Bogor: Kencana, 2003), 81.

are born as a result of Mut'ah marriage. So that the discussion on the Hadith Analysis of Mut'ah Marriage from the Sunni and Shia Perspective becomes feasible and interesting to discuss.

B. Method

The research entitled "Analysis of Hadith on Mut'ah Nikah from a Sunni & Shi'ah Perspective" is a library research or what is often called library research on sources of Islamic law jurisprudence related to mutah marriage, but will focus more on discussing the hadiths. This research is classified as a qualitative research because it describes an object, phenomenon, or social setting that is translated into a written form of narrative. Also called the qualitative method because the data collected and the analysis is more qualitative in nature.⁶

To explore and understand Sunni and Shi'a opinions in the interpretation of the hadith of mut'ah marriage, the researcher uses the comparative method. The comparative or comparison method is educational research that uses techniques to compare an object with another object. Comparative is appropriate to use in this research because there are different views between Sunni and Shi'a jurists regarding mut'ah marriage. By comparing the views of the two, it will be found the arguments used by Sunni and Shi'a scholars regarding the law of mut'ah marriage. And the hadiths that became the basis.

C. Result and Discussion

1. Definition of Mut'ah Marriage

Mut'ah marriage in Indonesia is called also with contract marriage. Mutah marriage comes from two words, namely marriage and mut'ah. Marriage in language is a contract and watha'. In this term, marriage means contract. In the Big Indonesian Dictionary it is stated that the definition of marriage is the same as the meaning of marriage, because the word marriage comes from the word "kawin" which means "marriage." This word is the mashdar form of the

⁶ Afifuddin and Beni Ahmad Saebani, *Qualitative Research Methodology*, Bandung: Faithful Library, 2009), 57.

word نكاح - ينكح - نكح which means gathering or intercourse.⁷ Etymologically the word "mut'ah" comes from the Arabic word منع which means taking advantage or enjoyment. If seen from the form of the noun, it is المنعة, while the word المناع means benefit. As for terminologically, mut'ah marriage is marrying a woman within a certain period of time, or up to a certain period of time which is stated in the marriage contract.⁸ For example, with the words "I accept the marriage and the marriage of fulanah with a dowry of three hundred million for five days". With this it can be understood that mut'ah marriage is a marriage that is not eternal and only temporary.

Another definition of mut'ah marriage, namely: first, mut'ah is money, goods, and so on that my husband gave me the wife he divorced to survive his ex-wife as a comforter. Second, men's pleasure for achieve his desires, desires, of a woman by doing temporary marriage or "contract marriage" within the specified time period in the agreement. In the Qur'an the word mut'ah mentioned 71 times in the letter different, only the meaning various but basically return to taking benefits or profit⁹.

Thus, mut'ah marriage is a non-eternal marriage which is temporary in nature, which is different from marriage in general which aims to build a life together and produce offspring. Sunni and Shiite scholars debate to this day about the law. This issue will be explained in the next section.

2. Analysis of the Hadith of Mut'ah Marriage from a Sunni Perspective

A Sunni scholar named Sayid Sabiq said, Mutah marriage is also called temporary marriage or interrupted marriage, because in terminology the practice of mutah marriage is carried out by marrying for a certain period of time, such as a day, a week or a month. And it is called mut'ah marriage because

⁷ Muhammad Sabir Maidin, "Mut'ah Marriage Perspective of the Prophet's Hadith.", *Mazahibuna: Comparative Journal of Schools*, Vol. 1 No. 2 (December, 2019), 219.

⁸ Chamim Tohari, "Sunnah and Shia Arguments About the Law of Mut'ah Marriage (Methodological Critical Study)", *Islamic Law*, Vol. 20 No. 2 (December, 2020), 169.

⁹Cermi City Mulyanti, Tias Febtiana Sari, "Contextual Interpretation of Mut'ah Nikah Hadith: A Case Study of Contract Marriage in Indonesia", *Al-Tadabbur: Journal of Al-Qur'an Science and Interpretation* (2021). 377.

there is a desire to have fun for a while.¹⁰ A similar opinion was also expressed by Al-Jaziri who said that mu'qqot marriage or mut'ah marriage is a marriage bond with an agreement (contract) whose duration has been agreed upon,¹¹ such as the words "marry yourself fullanah with me for one month with a dowry of 5 tails". goat".

It is called a mut'ah marriage because in this marriage there is a pleasure (mut'ah) because those who do it get benefits from it and enjoy it until the specified time limit. Such marriages are considered unlawful by the majority of Sunni scholars.¹² There are also Sunni groups who forbid it absolutely, including Ibn Umar and Ibn Abi Umrah Al-Ansari, while those from the tabi'in group include Abu Hanifah, Malik, Shafi'i and others. This group is based on the jurisprudence of sura al-Mu'minin verses 5 and 6

وَالَّذِينَ هُمْ لِأُزْوَاجِهِمْ حَافِظُونَ

Meaning: and people who keep his genitals.

إِلَّا عَلَىٰ أَزْوَاجِهِمْ أَوْ مَا مَلَكَتْ أَيْمَانُهُمْ فَإِنَّهُمْ غَيْرُ مَلُومِينَ

Meaning: except for their wives or the slaves they have,¹³ then in fact they are not reprehensible.

It can be understood from the above argument that intercourse in Islam is permissible only with the wife or slave owned, so that the category of mut'ah marriage is not permissible. Mut'ah marriages are not permissible, including: (1) Not inheriting from each other, (2) Mut'ah marriages are different from regular/dawam marriages,¹⁴ (3) Mut'ah marriages deny the right of a man to

¹⁰ Sayyid Sabiq, Fiqh Sunnah, volume 6, translated by: Mohammad Talib, (Bandung: al-Ma'arif, 1980), 63.

¹¹ Abdurrahman Al-Jaziri, Kitab al-Fiqh 'Ala al-Madhahib al-Arba'ah. Juz.IV, (Beirut-Lebanon: Dar al-Kutub al-'Ilmiyah, 1410 H / 1990 AD), 84.

¹² Chamim, "Arguments of Sunnah and Shia", 170.

¹³ It means the slaves bought in war with infidels, not the slaves bought outside the war. In wars with infidels, the women who were captured were usually distributed among the Muslims who took part in the war and this custom was not obligatory.

¹⁴ In mut'ah marriage there are no rules regarding thalaq, because the marriage will end with the expiration of the allotted time. Iddah in mut'ah marriage is two menstrual cycles, for women who are still menstruating, forty days for women who are no longer menstruating (menopause), and there are no inheritance rights.

have four wives,¹⁵ (4) Women who do mut'ah marriages are considered not muhsin because they do not generally function as wives and do not have the status of slaves,¹⁶ (5) Mutah is only aimed at venting lust, (6) Worried about exploitation of women.

The Syafi'i school¹⁷ of thought, which incidentally has a Sunni orientation, classifies mut'ah marriages as ungodly (broken) marriages because of the time limiting the marriage and all the consequences arising from the marriage are considered illegitimate such as children, inheritance, child's lineage status.¹⁸ Syech Muhammad Yusuf Qardhawi in his work entitled "Halal and Haram in Islam" stated that Mut'ah marriage was permitted by the Prophet before the stability of Islamic law, namely when traveling and war, and then it was forbidden forever. 'Illat allowed mutah marriages because the Muslims at that time were still in the transition period from the ignorance tradition to the Islamic tradition,¹⁹ Syech Yusuf Qardhawi emphasized that at first Ibn Abbas was of the opinion that mutah marriage was permissible because of an emergency. However, after Ibn Abbas witnessed for himself that many people only took convenience in this mut'ah marriage, and did not limit it in forced situations, he withdrew his fatwa.²⁰

The following are some of the hadiths that became the basis for the Sunnis to convict mut'ah marriage as unlawful, including:

1. It was narrated from Saburah Al-Juhani that he was once with Rasulullah SAW in the conquest of Mecca, and he allowed members of the Muslim army to perform mut'ah. But when getting ready to leave the city, he forbade it.²¹

¹⁵ Mut'ah marriage gives a man the potential to marry more than four times.

¹⁶ Chamim, "Arguments of Sunnah and Shia", 170.

¹⁷ meaningful shafii mazhab.

¹⁸ Subhan, "Sunni and Shia Dialectics", 6-7.

¹⁹ Qardhawi, Sheikh Muhammad Yusuf, *Halal and Haram in Islam*, translation: H. Mu'ammal Hamidy, (Surabaya: PT. Bina Ilmu, 2003), 260.

²⁰ Subhan, "Sunni and Shia Dialectics", 10.

²¹ Sahih Muslim, the book of Marriage. Hadith no.2505 and 2507. See also Sunan Al-Darimi, the book of Marriage. Hadith no.2099. This hadith is ahad, because from the first to the third narrator there is only one narrator, and marfu' in terms of the genealogical chain of transmission.

2. Hadith narrated by Ahmad, Bukhari, and Muslim. From Ibn Mas'ud, he said: "We once fought with the Messenger of Allah who was not accompanied by women, then we asked, shouldn't we just castrate? Then Rasulullah SAW. forbade us from that, then he gave us legal relief after that, namely by marrying women for a certain period of time with (dowry), clothes, then Abdullah bin Mas'ud read (word of Allah): "O you who believe, do not forbid anything good that Allah has made lawful for you." (QS. 5:87). (Narrated by Ahmad, Bukhari and Muslim).
3. Hadith narrated by Ahmad and Muslim. "And from Salmah bin Akwa' he said: The Messenger of Allah gave us relief (law) for mut'ah marriage in the year of the Authas war for three days, then he forbade it." (HR Ahmad and Muslim).
4. In the history of Ibn Majah it is stated that the Messenger of Allah had forbidden mutah with his words, "O people, before this I have allowed you to do mutah. Now know that Allah has forbidden it until the Day of Judgment."²²
5. Umar had forbidden mut'ah when he was giving a speech during his caliphate, "By Allah, if I knew someone who was muhsan (had a wife) I would surely stone him." And not opposed by friends. If Umar's prohibition was deemed wrong, surely they would not allow him to act like that.²³
6. Hadith narrated by Tirmizi. And from Muhammad bin Ka'ab from Ibn Abbas, he said: "Actually, mut'ah marriage only happened at the beginning of Islam, that is, someone came to a country, where he had no knowledge of that country, then he married a woman for he lives (in that place) then the woman takes care of his goods and takes care of his affairs so that this verse was revealed ("except for their wives or the servants they have"-QS.

²² Sunan Ibn Majah, the book of Zuhud. hadith no.1952. The status of this hadith is ahad in terms of the quantity of narrators, and marfu in terms of the continuity of the chain

²³ Ibn Majah in his Sunan, the book of Marriage. Hadith no.1953.

23: 6). Ibn Abbas said: So every sexual intercourse other than those two ways (marriage and possession of a servant) is unlawful." (HR Tirmizi).

7. Hadith narrated by Ahmad and Muslim. And in one narration (it is said): "That actually Saburah was with Rasulullah SAW, then Rasulullah SAW said, "O people, in fact I have allowed you to marry mut'ah, and that Allah has really forbidden it until the Day of Judgment, so whoever still has a bond (which) is on those women let him let go and don't take back what you have given them in the slightest."²⁴

3. Analysis of the Hadith of Mut'ah Marriage from the Shia Perspective

In the previous chapter it was clear that the Sunnis forbid mut'ah marriage, which the Sunni view is different from the Shi'a who allow mut'ah marriage. The Shiites call mut'ah marriage with the term "az-zawāj al-munqaṭi'", while marriages that are usually performed without a time limit are called "azzawāj addāim".²⁵ According to the Shia, Mut'ah marriage is a marriage agreement (aqad) which is determined by the time and dowry. In this case, al-Thusi expressed his view, he said that there are 2 conditions for mut'ah marriage, namely that the time limit must be clear and the dowry must be stated when aqad. If these two conditions are not followed then the mut'ah marriage is invalid. And these two conditions are also the difference with a civil marriage.²⁶

Related to the permissibility of mut'ah marriage, the Shia scholars are based on Q.S. An-Nisa' verse 24

وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ ۚ كَتَبَ اللَّهُ عَلَيْكُمْ ۖ وَأَحِلَّ لَكُمْ مَا وَرَاءَ ذَلِكَ ۖ أَنْ تَبْتَغُوا بِأَمْوَالِكُمْ مُحْصِنِينَ غَيْرِ مُسْفِحِينَ ۖ فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَآتُوهُنَّ أُجُورَهُنَّ فَرِيضَةً ۖ وَلَا جُنَاحَ عَلَيْكُمْ فِيمَا تَرْضَيْتُمْ بِهِ مِنْ بَعْدِ الْفَرِيضَةِ ۖ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

²⁴ Muslim bin Hajjaj, ṣahīh Muslim, Syarah an-Nawawī, Juz IV, (Beirut: Dār Ihyā at-Turās al'Arabi. 1415/1995), 132.

²⁵ Ali bin al-Husain al-Kurki, Jami' al-Maqasid fi Syarh al-Qawa'id, (Beirut: Muassasah Ali Bait li Ihyā' at-Turāth, 1991), XIII/7-8.

²⁶ Busyro, "Methodology of Shia Imamiyah Legal Thought and Its Application in Fiqh (Study of Al-Mabsuth fi Fiqh Imamiyah Karya Al-Thusi", Al-Hurriyah, Vol. 13 No. 1 (January-June, 2012), 53.

Meaning: And (it is also forbidden for you to marry) married women, except for the slaves you own (God has set the law) as His decree on you. And it is lawful for you other than that (namely) to seek wives with your wealth to marry, not to commit adultery. So the wives that you have enjoyed (intervened) between them, give them their dowry (perfectly), as an obligation; and there is nothing wrong with you for something that you have mutually agreed to, after determining the dowry. Verily Allah is All-Knowing, All-Wise.

The Shia scholars agree that the sentence *فَمَا اسْتَمْتَعْتُمْ بِهِ* refers to the permissibility of mut'ah marriage. To strengthen this argument, the Shia scholars connected it with the situation in Medina at that time, where the meaning of the verse was understood in terms of its conventional use in the sense of the use of the word *istimta'* which was used for the relationship between men and women in Medina at that time with a limited time through exchange for some money.²⁷ He added that as is known in the science of interpretation and Islamic fiqh, the Koran always follows the conventional usage of society in all legal formulations.²⁸ Furthermore, the Shia scholars say that the absolute purpose of marriage is to protect oneself so that one can avoid adultery, and this will be realized both by carrying out regular and mut'ah marriages. As if there is no difference in level and dignity of the two types of marriage.

Then the halalness of Mut'ah marriage in the eyes of the Shiites is also because the Prophet Muhammad saw made it lawful. Meanwhile, the prohibition did not come from the Prophet, but from the caliph Umar bin Khattab in his speech:

"O people, in fact the Messenger of Allah is the Messenger of Allah, and the Qur'an is this Qur'an. And in fact there were two types of mut'ah that were in effect at the time of the Prophet Muhammad. But I forbade both of them and imposed sanctions on both of them, one of which was mut'ah marriage, and I did not find anyone who married a woman for a certain period of time unless I destroyed it with stones. And the second

²⁷ Sachiko Murata, *Clearer About the Mutah Debate between Sunni and Shia*, (Jakarta: Raja Grafindo, 2001), 90.

²⁸ Busyro, "Methodology of Shia Legal Thought", 55.

is hajj tamattu', so separate the pilgrimage from your umrah because in fact it is more perfect for your hajj and umrah."²⁹

According to the views of the Shiites, Umar bin Khattab's speech above was the result of Umar's ijthihad and this was the beginning of the prohibition of mut'ah marriage. In that speech, Caliph Umar consciously understood that the two mut'ahs were valid at the time of the Prophet.

As for some of the hadiths used by the Shiites to believe in the halalness of muta marriage, they include:

1. Muslim in his Sahih has narrated a hadith from Jabir bin Abdullah and Salamah bin Akwa, that they said, "A person assigned by the Messenger of Allah appeared before us and shouted: "Verily, the Messenger of Allah has allowed you to mut'ah".³⁰
2. From Atha 'said: "Jabir bin Abdullah arrived (in the city of Mecca) to perform the pilgrimage. So we went to him where he was staying. Some of us asked about various things until finally they asked him about mutah. He replied, "Yes, indeed we did it during the lifetime of the Prophet, and during the time of Abu Bakr and Umar".³¹
3. From Abu Nadhrah who said: "When I was at Jabir bin Abdullah's house, someone came to him and said that Ibn Abbas and Ibn Zubair had differed opinions regarding the two mut'ahs (namely mut'ah haji and mut'ah nikah). So Jabir said: "We did both when we were with the Messenger of Allah, then Umar bin Khattab forbade it (when he became caliph), so we didn't do it anymore."³²
4. From Ibn Zubair he said: "We did a mut'ah marriage with a handful of dates and wheat, during the lifetime of the Prophet Muhammad and Abu Bakr, until Umar forbade it in the event of Amr bin Huraith."³³

²⁹ Subhan, "Sunni and Shia Dialectics", 12.

³⁰ Sahih Muslim. Marriage Book. Hadith No. 2494.

³¹ Ibid. Hadis No. 2497

³² Ibid. Hadis No. 2498.

³³ Ibid. Hadis No. 2497

5. Imam Ahmad in his Musnad has narrated through Imran Al-Qashir, from Abu Raja' from Imran bin Husein, "The verse of mutah marriage was revealed in the book of Allah. We did it when we were with Rasulullah saw. there is no other verse that money comes down to menasakh him, and the Prophet never forbade it until he died ".³⁴
6. Al-Bukhari has narrated from Imran bin Husein, he said: "There have been verses of mut'ah in the book of Allah (the Koran), so we did it when we were with the Messenger of Allah and never came down other verses that forbid it. The situation continued like this, there was never a ban until he met his death. Then there are people who impose their own opinion."³⁵

Subhani requires a number of things that are the conditions for a mut'ah marriage, the main ones being a time limit and a dowry. So that the mut'ah marriage will be void if one of the two is not carried out. The two conditions for mut'ah marriage indirectly differentiate between mut'ah marriage and permanent marriage (dawam). Then there are three characteristics of mut'ah marriage that are different from civil marriage: 1) in terms of the scope of freedom, 2) regarding inheritance, and, 3) regarding the iddah period. In mut'ah marriages, mut'ah marriage partners have greater freedom in setting conditions according to their wishes, the conditions here are to determine how long the mut'ah marriage lasts and how much dowry the woman receives. Regarding the cycle of the 'iddah period, in an ordinary marriage, a woman's iddah is calculated in three menstrual cycles for those who are divorced, and four menstrual cycles for those whose husband has died. Whereas 'iddah in mut'ah marriage is only counted twice the menstrual cycle which is intended to ensure that women who have just completed mut'ah are not pregnant.³⁶

Thus it can be understood that in the case of mut'ah marriage, the Shi'a scholars base their opinion on zahir verses and at the same time do not accept texts from verses with ahad hadith or with qaul al-shahabi, because for syi'ah

³⁴ Musnad Ahmad. The Book of Awwalu musnad al-Bisyriyyin. Hadith No.19.060.

³⁵ Sahih Al-Bukhari. Book of Interpretation of the Qur'an. Hadith No.4156.

³⁶ Indonesian Ahlulbait Team, 2014, Shia according to Syi'ah, (Jakarta: Indonesian Ahlulbait Central Board, 2014), 174.

the qath'i argument cannot be contested with the argument Zhanni. The Shia fuqaha say emphatically that the permissibility of mut'ah marriage is accompanied by conditions that absolutely must be met, namely an agreement on a time limit and a dowry. If these two things are not fulfilled then the mut'ah marriage is invalid.

D. Conclusion

After analyzing several hadiths of Mutah marriage from the Sunni and Shia perspectives, it can be concluded that the majority of Sunni scholars forbid mutah marriage for the following reasons:

1. The wife in a mut'ah marriage does not function like a wife in general and tends to be the aggrieved party.
2. Cannot be an heir nor inherit.
3. The cycle of 'iddah nikah mut'ah is different from 'iddah nikah on a regular basis, iddah mut'ah is shorter than regular iddah.
4. Mut'ah marriage denies a man's right to have four wives. Mut'ah marriage opens the opportunity to marry many times (more than four).
5. Women who enter into mut'ah marriages are considered not muhsin because they do not generally function as wives and do not have the status of slaves.
6. Mut'ah marriage is only a tool or medium for expressing lust under the guise of halal.

Meanwhile, Shia scholars argue that mut'ah marriage is lawful based on the interpretation of the Koran and Hadith that they understand. Mut'ah marriage according to Shia must fulfill 2 conditions, namely the time limit must be determined and the dowry must also be determined.

The Shia scholars state that the purpose of marriage is in addition to building a household that is Sakinah, mawaddah, and rahmah, namely to keep oneself free from adultery, and according to the Shiites this will be realized either by carrying out a civil marriage or mut'ah so that they do not question the existence of mut'ah marriage. According to Shia, all forms of the prohibition of mutah marriage are based solely on hadiths ahad, while the Koran cannot be defeated by hadiths ahad.

References

- Shahih Muslim, Al-Imam Muslim dan al-Imam an-Nawawi. Shahih Muslim bi Syarhi an-Nawawi, Juz V, Beirut: Dar al-Kutub al-Ilmiyah.
- Shahih Muslim, Vol. 2. Beirut: Dar al-Kutub al-‘Ilmiyyah, 1991.
- Shahih Muslim, Syarah an-Nawawī, Juz IV, (Beirut: Dār Ihya at-Turaś al‘Arabi. 1415/1995).
- Shahih Bukhari, Al-Bukhari, Abi Abdillah Muhammad bin Ismail. (t.th.). *ṣahīh al-Bukhārī*. Beirut: Dār al-Kutub al'Ilmiyah
- Sunan Abu Dawud, Vol. 2. Beirut: Dar Ibn Hazm, 1997.
- Sunan Ibn Majah, Vol. 1. Kairo: Dar Ihya‘ al-Kutub al-‘Arabiyah.
- Al-Muwaththa’, Al-Ashbahy, Malik Ibnu Anas Ibnu Malik Ibnu Abi Amir, Mesir: Dar Al-Ma’rifah.
- Musnad Ahmad. Kitab Awwalu musnad al-Bisyriyyin.
- Musnad Ahmad, Ahmad ibn Hanbal. Vol. 7. Beirut: Muassasah al-Risalah, 2001.
- Bukhari, Muhammad bin Isma‘il al-. *Al-Jami‘ al-Shahih al-Musnad min Hadits Rasulillah saw. wa Sunanih wa Ayyamih*. Vol. 3. Kairo: al-Maktabah al-Salafiyah, 1980.
- Ali, Ahmad MD. "Harmonizing Shia and Sunni Relations: The Ushul Fiqh Perspective", Harmony.
- Al-Jaziri, Abdurrahman. Kitab al-Fiqh 'Ala al-Madhahib al-Arba'ah. Juz.IV, (Beirut-Lebanon: Dar al-Kutub al-'Ilmiyah, 1410 H / 1990 M).
- Andrean, Seka, "Review of Hadith in Sunni and Shia Perspectives", Tahdis, Vol. 12 No. 1 (2021).
- Andriani, Windy. "Use of the Systematic Literature Review Method in Sociological Science Research", Journal of PTK and Education, Vol. 7 No. 2 (July-December, 2021).
- Afifuddin and Beni Ahmad Saebani, Qualitative Research Methodology, Bandung: Faithful Readers, 2009).
- Aprilianto, Dwi., Ahmad Suyuthi. "The Concept of Ijtihad in the Shia School: Dissecting the Debate between the Ushuliyah and Akhbariyah Schools". Academics 15, no. 1. (June 2021).
- Ayu, Dian Putri. "Mahmud Syaltut's Criticism of the Practice of Mut'ah Syi'ah Marriage", Al-Manhaj: Journal of Islamic Law and Social Institutions, Vol 1

No. 1 (January, 2019).

Busyro, "Methodology of Shia Imamiyah Legal Thought and Its Application in Fiqh (Study of Al-Mabsuth fi Fiqh Imamiyah Karya Al-Thusi", Al-Hurriyah, Vol. 13 No. 1 (January-June, 2012).

RI Ministry of Religion. Al-Qur'an Al-Karim and its Translation. Jakarta: Maghfiroh Pustaka, 2006.

Fadhilah, Sinta Rahmatil., Umu Nisa Ristiana, Siti Aminah, "Interpretation of Hadiths About Mut'ah Marriage (Thematic Studies)", Tajdid, Vol. 19 No. 2 (July - December, 2020).

Ilyas, Mursalin, & Abdul Ghany, "Shia Imamiyah. Study of similarities and differences with Ahlu Sunnah wa al-Jamaah", Journal of Scientific Islamic Resources, Vol. 18 No. 1 (2021).

Jayana, Thoriq Aziz, "Shia Studies: in Historical, Theological, and Analysis of Shia Material in Islamic Universities", Academics, Vol. 16 No. 1 (2022).

Kadir, Abdul, "Tracking Problems in Sunni and Shi'a Relations", Sipatokkong Journal. Vol. 3 No. 4 (October-December, 2022).

Khon, Abdul Majid. Takhrij and Methods of Understanding Hadith. Jakarta: Amzah, 2014.

Kurki, Ali bin al-Husain. Jami' al-Maqasid fi Syarh al-Qawa'id, (Beirut: Muassasah Ali Bait li Ihya' at-Turath, 1991)

Maidin, Muhammad Sabir. "Mut'ah marriage from the perspective of the Prophet's Hadith.", Mazaibuna: Comparative Journal of Schools, Vol. 1 No. 2 (December, 2019).

Mulyanti, Cermi City., Tias Febtiana Sari, "Contextual Interpretation of Mut'ah Nikah Hadith: A Case Study of Contract Marriage in Indonesia", Al-Tadabbur: Journal of Al-Qur'an Science and Interpretation (2021).

Murata, Sachiko. Clearer About Mutah Debate Sunni and Shia, (Jakarta: Raja Grafindo, 2001).

Qardhawi, Sheikh Muhammad Yusuf, Halal and Haram in Islam, translation: H. Mu'ammal Hamidy, (Surabaya: PT. Bina Ilmu, 2003).

Rushd, Abu al-Walid Muhammad bin Ahmunnah. Bidāyah al-Mujtahid wa Nihāyah al-Muqtaṣid, translators: Imam Ghazali Said and Achmad Zaidun, (Jakarta: Pustaka Amani, 2007).

Sabiq, Sayyid. Fiqh Sunnah, volume 6, translated by: Mohammad Talib, (Bandung: al-Ma'arif, 1980).

- Salam, Athif, Meeting Point of Fiqh & Shia-Sunni Theology. trans. M Arif Hidayat. Yogyakarta: Sakkhasuma. 2013.
- Shihab, Quraish, Sunnah-Shia Hand in Hand, Is It Possible?: A Study of Concepts and Thoughts. Revised Edition. (Tangerang: Lantern Heart, 2014).
- Shihab, Quraysh. Al-Qur'an Insights on Maudhui's Interpretation of Various Problems of the Ummah (Bandung: Mizan, 2000).
- Subhan, "Sunni and Shia Dialectics: Tracing the Argumentation of Mut'ah Marriage Law", At Turas, Vol. 5 No. 1 (January – June, 2018).
- Subhani, Ja'far. 15 Warm and Controversial Fiqh Issues, (Jakarta: Nur Al-Huda, 2013).
- Sumbulah, Umi. Hadith Science Critical Studies. UIN-Maliki Press, Malang. (2010).
- Sumbulah, Umi. Hadith Criticism: A Methodological Historical Approach. UIN-Maliki Press, Malang. (2008).
- Shafi'i, Abu Abdillah Muhammad ibn Idris. al-Umm, Juz VI, Tahqiq; Dr. Rif'at Fauzi Abdul Muthalib, (Cairo-Egypt: Dar al-Wafa', 1422 / 2001).
- Sharifuddin, Amir. Outlines of Fiqh, (Bogor: Kencana, 2003).
- KBBI Language Center Dictionary Compilation Team. Indonesia Dictionary. Jakarta: Balai Pustaka, 2005.
- Tohari, Chamim. "Sunnah and Shi'a Arguments About Mut'ah Marriage Law (Methodological Critical Study)", Islamic Law, Vol. 20 No. 2 (December, 2020).