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Islamic Legal Thought of a Modernist Islamic Organization: A Study of Family Law Fatwas According to Persatuan Islam

Article

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Abstract

This article aims to analyze the family law thought of Persatuan Islam (Persis) and examine its relevance within the framework of contemporary Islamic legal thought. The study employs a library research method with a qualitative-descriptive approach. The primary sources consist of fatwas issued by the Persis Hisbah Council, which are analyzed using theoretical hermeneutics and discourse analysis. The discussion focuses on four major issues of family law: the legality of marrying a pregnant woman, the legal status of children born out of wedlock, family planning, and in vitro fertilization (IVF). The findings indicate that Persis is characterized by a legal orientation toward the purification of Islamic teachings, placing the Qur'an and Sunnah as the principal sources of legal reasoning (istinbāṭ). Regarding the issue of marrying a pregnant woman, Persis emphasizes the protection of lineage (nasab) by prohibiting marriage until childbirth has occurred. In the case of children born out of wedlock, Persis demonstrates a more progressive tendency by recognizing a lineage relationship with the biological father under certain conditions as a means of safeguarding children's rights. Concerning family planning, Persis permits temporary birth regulation for the welfare of the family while rejecting permanent birth limitation without legitimate sharīʿah-based reasons. With respect to in vitro fertilization, Persis allows IVF procedures involving sperm and ova from a legally married couple, while prohibiting third-party involvement due to its potential to compromise the purity of lineage. The analysis from the perspective of contemporary Islamic legal thought reveals that Persis selectively integrates a textual approach with considerations of maqāṣid al-sharīʿah. The family law thought of Persis thus represents a reformist-puritan orientation that seeks to respond to contemporary social and technological developments without departing from the fundamental principles of Islamic law.

Introduction

Islamic family law constitutes a highly significant and strategic field within Muslim life, as it directly concerns both personal and social matters, including marriage, divorce, the rights and obligations of spouses, guardianship, maintenance, and inheritance.[1] In the Indonesian context, where the majority of the population is Muslim, family law practices are influenced not only by national legal frameworks, such as Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law (KHI), but also by religious fatwas issued by Islamic organizations.[2]

In this regard, Persatuan Islam (Persis) represents one of the Islamic organizations that possesses distinctive perspectives and fatwas concerning family law.[3] As a Salafi-reformist Islamic movement, Persis demonstrates a strong commitment to the Qur'an and Sunnah as the primary sources of legal authority, employing an approach of purification (taṣfiyah) aimed at eliminating innovations (bid'ah), superstitions (khurāfāt), and unfounded beliefs that lack authentic textual foundations.[4]

Unlike other Islamic organizations, such as Nahdlatul Ulama (NU), which tends to preserve the classical fiqh tradition, and Muhammadiyah, which adopts a more modernist approach, Persis is generally characterized by its strict adherence to the textual meaning of scriptural evidence and its reluctance to employ analogical reasoning (qiyās) when such methods are perceived as inconsistent with the spirit of the revealed texts[5]. Consequently, Persis's family law fatwas exhibit a more literal and conservative character compared to those issued by other Islamic organizations in Indonesia.

The fatwas promulgated by the Persis Hisbah Council have addressed a wide range of contemporary family law issues[6], including in vitro fertilization, surrogacy, family planning, marriage to pregnant women, conditional divorce (ta'līq al-ṭalāq), the acceleration of childbirth, human milk banking, and related matters.[7] These fatwas function not only as internal guidelines for Persis members but also as alternative Islamic legal solutions within Indonesia's pluralistic social context.

Nevertheless, academic attention to the family law fatwas issued by Persis remains relatively limited. In contrast to NU and Muhammadiyah, which have been extensively examined from both historical and contemporary perspectives, Persis has largely remained marginalized within academic discussions on fatwas and Islamic legal thought in Indonesia. Yet, a comprehensive

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1 Abdullah M. Nur, Analisis Penerapan Hukum Keluarga Islam dalam Meningkatkan Harmoni Sosial di Kabupaten Bireuen, *Jurnal Al-Mizan: Jurnal Hukum Islam dan Ekonomi Syariah*, Vol. 11, No. 2, Tahun 2024, 418.

2 Ahmad Munjin Nasih, Lembaga Fatwa Keagamaan Di Indonesia (Telaah Atas Lembaga Majlis Tarjih dan Lajnah Bathsul Masail), *de Jure, Jurnal Syariah dan Hukum*, Volume 5 Nomor 1, Juni 2013, 67.

3 Hasyim, Syafiq. "Fatwas and democracy: Majelis ulama Indonesia (MUI, Indonesian Ulema council) and rising conservatism in Indonesian Islam." TRaNS: Trans-Regional and-National Studies of Southeast Asia 8.1 (2020): 21-35.

4 Nihayatut Tasliyah, Dewan Hisbah Sebagai Lembaga Otoritas Keagamaan Persis, *Istidlal* Vol. 2, No. 1, April 2018, 48.

5 Umar Hadi, Pemikiran Hadis Persatuan Islam (Persis) (Kajian Ontologis dan Epistemologis), *Pappasang: Jurnal Studi Ilmu Alquran-Hadis dan Pemikiran Islam*, Vol. 5 No. 2, Tahun 2023, 256.

6 Jarir, A., Chairina, N., & Hakimi, A. R. (2025). FATWĀ IN CONTEMPORARY ISLAMIC JUDICIARY: THE ACCOMMODATION OF MUI FATWĀ AMONG JUDGES OF INDONESIAN RELIGIOUS COURT. al-Mawarid Jurnal Syariah dan Hukum (JSYH), 7(2).

7 Dewan Hisbah PP Persis, *Fiqih Muamalah* (Bandung: Persis Pers, 2018). Dewan Hisbah PP Persis, *Fiqih Muamalah 2* (Bandung: Persis Pers, 2024).

examination of Persis fatwas may reveal important dynamics concerning the formalization and practical implementation of Islamic law within local contexts.

This situation creates a pressing need to systematically investigate and document Persis's family law thought, both in terms of its substantive content and its social relevance. Such research is essential to ensure that Persis fatwas are not merely confined to internal organizational consumption but are also recognized as part of the broader intellectual heritage of Indonesian Islamic legal thought.

From a methodological perspective, Persis fatwas are generally formulated through deliberations within the Hisbah Council and are firmly grounded in textual evidence (dalīl naqlī).[8] This orientation contributes to the strict and literal character of many of its legal opinions, such as the prohibition of interfaith marriage and marriage to pregnant women. However, in certain issues, including in vitro fertilization, family planning, human milk banking, and the legal status of children born out of wedlock, Persis has also demonstrated efforts to adapt to contemporary realities while remaining within the framework of Islamic legal principles. Accordingly, this article examines Persis's legal thought on issues such as marriage to pregnant women, family planning, the legal status of children born out of wedlock, and in vitro fertilization, and analyzes the relevance of Persis family law thought within the broader context of contemporary Islamic law.

Method

This study employs a library research method within a qualitative framework, with the research setting encompassing various literary sources, including books, documents, archives, scholarly journals, and other relevant literature related to the research object.[9] The findings are formulated through content analysis of the collected data.[10] he primary sources of this study consist of fatwas issued by Persatuan Islam (Persis). This research adopts a descriptive-analytical approach, aiming to present data systematically and accurately regarding the object under investigation in order to examine and clarify existing hypotheses, thereby strengthening established theories and providing a foundation for the development of new theoretical perspectives.[11] The study further utilizes a theoretical hermeneutic approach to systematically examine and interpret the meanings embedded within the research object.[12]

In qualitative research, data are derived from various sources, including interviews in the form of verbal accounts, documents, and other materials relevant to the object of study,[13] encompassing both primary and secondary sources. Data collection in this research was conducted through

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8 Al Kadumi, F., Seff, N., & Hakim, A. (2024). The Reconstruction of Islamic Family Law in Indonesia: A Normative-Comparative Analysis of Gender Justice and Legal Modernity. ASEAN Journal of Islamic Studies and Civilization (AJISC), 1(1), 1-19.

9 Andi Prastowo, *Metode Penelitian Kualitatif dalam Perspektif Rancangan Penelitian* (Yogyakarta: Ar-Ruzz Media, 2011), 190.

10 Lexy J. Moleong, *Metodologi Penelitian Kualitatif* (Bandung: Remaja Rosdakarya, 2001), 163-165.

11 U. Maman Kh, "Metodologi Penelitian Agama" dalam M. Deden Ridwan (ed.), *Tradisi Baru Penelitian Agama Islam* (Bandung: Nuansa, 2001), 229-231.

12 F. Budi Hardiman, *Seni Memahami: Hermenutika dari Schleiermacher Sampai Derrida* (Yogyakarta: Kanisius, 2015), 42-45.

13 Lexy J. Moleong, *Metodologi Penelitian Kualitatif,* 112.

documentation methods, including notes, transcripts, books, and related materials.[14] he data were analyzed using discourse analysis to uncover both the textual structure and the linguistic and socio-cultural dimensions through which meaning and discourse are constructed.[15] By employing this analytical technique, the fatwas of Persatuan Islam are expected to be reconstructed into comprehensive and intelligible forms of information.[16]

Result and Discussion

Persatuan Islam's Family Law Thought

a. The Legal Ruling on Marrying a Pregnant Woman

Persis addresses the issue of marrying a pregnant woman by referring to explicit and authentic sharīʿah evidence. It maintains that Islamic legal rulings must be established on the basis of clear textual sources and the understanding of the Prophet's Companions. Accordingly, in determining the legal status of marriage to a pregnant woman, Persis relies on the Qur'an, Prophetic traditions (ḥadīth), and established principles of Islamic jurisprudence. In particular, it refers to Prophetic traditions that emphasize the preservation of lineage (nasab) and prohibit intercourse with a woman who is carrying the seed of another man.[17]

According to Persis, a legal distinction exists between a woman who is pregnant as a result of adultery (zinā) and a woman who is pregnant from a previous lawful marriage. If the pregnancy occurs within a valid marriage, the woman is required to observe the ʿiddah period until childbirth before she may marry another man. However, in cases where the pregnancy results from adultery, classical Muslim jurists have expressed differing opinions. According to Abū Ḥanīfah, Imām Mālik, Imām al-Shāfiʿī, and Aḥmad ibn Ḥanbal, such a marriage is valid if it is contracted with the man responsible for the pregnancy. Nevertheless, if the woman marries a man other than the biological father, juristic disagreement arises. Abū Yūsuf considers the marriage invalid, whereas Abū Ḥanīfah and Imām al-Shāfiʿī regard it as valid. Al-Shaybānī, on the other hand, maintains that the marriage is valid, although conjugal relations are prohibited until the woman has given birth.[18]

Persis adopts a firm and cautious position on this issue. It prohibits marriage to a woman who is pregnant as a result of zinā until she has given birth.[19] Persis argues that the preservation of lineage (ḥifẓ al-nasab) constitutes one of the primary objectives of Islamic law. Accordingly, a person should not marry a pregnant woman—whether her pregnancy results from adultery or from a previous marriage—before the pregnancy has ended. This position is intended to prevent the possibility of lineage confusion, which is prohibited in Islam.

According to Persis, if a woman becomes pregnant through zinā and subsequently intends to marry a man other than the biological father of the fetus, such a marriage is considered invalid

[14] Suharsimi Arikunto, *Prosedur Penelitian Suatu Pendekatan Praktek* (Jakarta: PT Rineka Cipta, 2010), 274. Sugiyono, *Metode Penelitian Kuantitatif Kualitatif dan R&D* (Bandung: Alfabeta, 2009), 240.
[15] Eriyanto, *Analisis Wacana: Pengantar Analisa Teks Media* (Yogyakarta: LKiS,2001), 2.
[16] Nyoman Kutha Ratna, *Teori, Metode dan Teknik Penelitian Sastra* (Yogyakarta: Pustaka Pelajar, 2004), 247.
[17] Dewan Hisbah Persis, *Fiqih Muamalah* (Bandung: Persis Pers, 2018), 277-279.
[18] Ajat Sudrajat, *Fikih Aktual* (Ponorogo: Ponorogo Press, 2008), 73.
[19] Basyir, Kunawi, and Basar Dikuraisyin. "Puritan Domination: How Can Persatuan Islam Dominate Local Religious Sects in Madura?." Journal of Islamic Thought and Philosophy 5.1 (2026): 148-172.

under Islamic law if conducted before childbirth. This view is also consistent with one of the dominant interpretations within the Shāfiʿī school, which has significantly influenced Indonesian Muslim scholarship, namely that a woman who is pregnant due to adultery should not marry until she gives birth.[20]

Nevertheless, Persis also acknowledges the possibility that marriage to a woman pregnant as a result of zinā may be permissible, provided that the man marrying her is the individual responsible for the pregnancy and that both parties sincerely repent. This position is based on the opinions of certain Companions and Successors (tābiʿūn), who permitted marriage between adulterers when there was no risk of lineage confusion, particularly when the pregnancy was already clearly established.[21]

Although such permissive opinions exist, Persis continues to adopt a cautious approach by emphasizing the importance of genuine repentance and remorse prior to marriage. This requirement is intended to ensure that marriage does not become a means of legitimizing adultery and that the rights of the child are protected as a human being, even though, according to the Persis position, the child cannot be legally affiliated (nasab) with the biological father.[22]

In practice, when a woman who is pregnant as a result of zinā wishes to marry, Persis recommends postponing the marriage until after childbirth. Only after the child is born should the marriage contract be concluded, provided that the couple sincerely intends to repent and establish a lawful family in accordance with Islamic principles. This approach is regarded as the most prudent means of preserving the objectives of Islamic law (maqāṣid al-sharīʿah), particularly the protection of honor, lineage, and human dignity.

Persis also rejects the views of certain modernist circles that adopt a more permissive stance toward the marriage of women pregnant as a result of adultery. It argues that liberal approaches, which focus solely on formal legal validity while neglecting moral and social consequences, may undermine the structure of Islamic family law. Consequently, Persis maintains that Islamic law seeks not only legal validity but also embodies wisdom (ḥikmah) and public welfare (maṣlaḥah).[23]

Furthermore, regarding marital guardianship (walī al-nikāḥ) for women pregnant through zinā, Persis rejects the involvement of the biological father as a guardian. A child born out of adultery does not possess a legal lineage relationship with the biological father and, therefore, cannot establish rights of guardianship or inheritance through him. Accordingly, the marriage guardian remains a member of the woman's family, such as her biological father, or a judicial guardian (walī ḥākim) in the absence of a qualified family guardian.

Taken together, these views demonstrate that Persatuan Islam places strong emphasis on prudence, the preservation of lineage, and the consistent application of Islamic legal principles in cases involving marriage to pregnant women. This approach aims to safeguard the sanctity of marriage, prevent social harm, and strengthen the institution of the family within Islam. Consequently, the legal status of marrying a pregnant woman is understood not merely in terms

[20] Wahbah az-Zuhaili, *al-Fiqh al-Islami wa Adillatuhu* (Damaskus: Dar al-Fikr, 1985), Vol. 7, 139.

[21] Tomi Agustian, Dinda Setiawati, Wulan Dwi Amelia, Padilah, Perbandingan Kemaslahatan Pernikahan Akibat Zina dalam Kitab Undang-Undang Hukum Perdata dengan Kompilasi Hukum Islam, *El-Izdiwaj: Indonesian Journal of Civil and Islamic Family Law*, Vol. 4, No.2, Juni 2023.

[22] Badri Khaeruman, *Pandangan Keagamaan Persatuan Islam* (Bandung: Granada, 2005), 92.

[23] Abdi Wijaya, Respon Lembaga Fatwa Terhadap Isu Fikih Kontemporer, *Mazahibuna Jurnal Perbandingan Mazhab,* Vol. 1 No. 2 tahun 2019, 189.

of formal validity or invalidity, but also in light of the moral, social, and spiritual values embedded within Islamic law.

b. The Legal Status of Children Born out of Wedlock (Zinā)

Persatuan Islam (Persis), one of Indonesia's Islamic organizations established in Bandung in 1923, is widely recognized for its puritan orientation in interpreting Islamic teachings. It consistently advocates the purification of Islamic creed, worship, and law by returning directly to the Qur'an and Sunnah as the primary sources of legal authority, while rejecting religious practices considered to be innovations (bidʿah) or lacking authentic textual foundations.[24]

One of the important issues in Islamic family jurisprudence that has also attracted the attention of Persis concerns the legal status of children born as a result of zinā. In classical Islamic jurisprudence, the majority of scholars maintain that a child born outside a lawful marriage has no legal lineage (nasab) to the biological father but is affiliated only with the mother. Similarly, the fatwa of the Indonesian Council of Ulama (MUI) states that children born from adultery have no legal relationship of lineage, marriage guardianship, inheritance, or maintenance with the man responsible for their birth. Such children are considered to possess legal ties of lineage, inheritance, and maintenance only with their mothers and their maternal families.[25]

In contrast to the majority view, Persis holds that the biological father of a child born through zinā may legally serve as the child's marriage guardian (walī), although doing so is considered inappropriate.[26] Persis scholars argue that the Qur'an indicates that every child is born from both a father and a mother, regardless of whether the birth occurs within a lawful marriage.[27] In cases where a woman becomes pregnant after engaging in illicit relations with multiple men, the father is identified as the man who firmly believes and acknowledges that the child is his. Such a child is therefore regarded as an heir to both parents.[28] Accordingly, Persis has issued legal opinions stating that biological parents may inherit from a child born out of wedlock when the child's biological relationship to them can be established with certainty.[29]

During the lifetime of the Prophet Muhammad, disputes occasionally arose regarding the determination of paternity for children born through illicit relationships. In resolving such cases, the Prophet established paternity on the basis of acknowledgment or evidence demonstrating a relationship with the child. When such proof was unavailable, the child's lineage was attributed to the mother, whose maternity was beyond dispute. Once lineage had been established, the child became entitled to legal consequences, including inheritance rights and guardianship. A comparable analogy can be found in cases of invalid (fāsid) marriages, such as those involving prohibited foster relationships that become known only after the marriage contract has been concluded. Although such marriages are annulled, children born from them remain legally affiliated with both parents and retain their civil rights, including inheritance. This demonstrates

[24] Yeyen Subandi, Gerakan Pembaharuan Keagamaan Reformis-Modernis: Studi Terhadap Muhammadiyah dan Nahdlatul Ulama*, Resolusi*, Vol. 1 No. 1 Juni 2018, 61.

[25] Dwi Arini Zubaidah, Status Anak Di Luar Nikah Dalam Perspektif Hukum Positif Dan Hukum Islam (Telaah Putusan Mahkamah Konstitusi Nomor 46/Puu-Viii/2010), *Amilia: Jurnal Hukum Keluarga*, Vol. 4 No. 2 Tahun 2023, 98.

[26] https://persis.or.id/news/read/fatwa-dewan-hisbah-1-siapa-wali-anak-hasil-zina

[27] Badri Khaeruman, *Persatuan Islam Sejarah Pembaruan Islam* (Bandung: FAPPI, 2010), 210.

[28] Badri Khaeruman, *Persatuan Islam Sejarah Pembaruan Islam* (Bandung: FAPPI, 2010), 211.

[29] https://persis.or.id/news/read/waris-bagi-orang-tua-biologis-anak-zina

that Islamic law continues to recognize a child's biological relationship with both parents as part of conformity with the natural order (sunnat Allāh).[30]

Accordingly, a child born through zinā is still regarded as the offspring of the man who impregnated the mother. Every child has both a mother and a father, and children born out of wedlock remain creations of God deserving of dignity and protection. Such children maintain a lineage relationship with their biological fathers, provided that the fathers acknowledge them with certainty and without doubt.[31]

Persis further emphasizes that social problems such as adultery and its consequences, including the status of children born through zinā, should be addressed not merely through a legalistic approach but also through educational efforts. Society must be made aware of the importance of preserving the honor and sanctity of marriage as an institution that is not only socially legitimate but also constitutes an act of worship. Consequently, Persis actively promotes education concerning the dangers of adultery and the significance of lawful marriage in accordance with Islamic teachings as the proper means of establishing legitimate descent.

Through its educational institutions, Persis also places considerable emphasis on teaching Islamic jurisprudence related to lawful marriage, lineage, and children's rights. These efforts aim to cultivate a community that is conscious of Islamic legal principles and committed to upholding the sanctity of family life.

Moreover, within internal Persis discussions, several younger scholars have addressed the issue of children born out of wedlock in relation to Indonesian legislation, particularly following the Constitutional Court's decision that opened the possibility for children born outside marriage to be legally recognized as the children of their biological fathers.

Taken together, Persis's perspective on the legal status of children born through zinā reflects its commitment to the principles of Islamic law derived from the Qur'an and Sunnah. Although Islamic law may appear stringent regarding matters of lineage, it simultaneously embodies justice, compassion, and protection for children as innocent human beings. By grounding its legal thought firmly in religious texts, Persis maintains a consistent commitment to preserving the purity of Islamic teachings, even while engaging with more liberal currents of contemporary legal thought.

c. Family Planning in Islamic Law

Persis, with its Salafi-reformist orientation, maintains a strong commitment to the purification of Islamic teachings based on the Qur'an and Sunnah. In responding to various contemporary social and legal issues, including family planning, Persis adheres to the fundamental principle that every legal decision must be supported by authentic sharīʿah evidence and must not contradict the objectives of Islamic law (maqāṣid al-sharīʿah).

In general, Persis does not reject the idea of birth control; however, it imposes strict limitations grounded in Islamic legal principles. Its perspective on family planning is shaped by the distinction between taḥdīd al-nasl (limiting the number of children) and tanzīm al-nasl (regulating childbirth). Persis permits birth regulation provided that it is temporary rather than

[30] Badri Khaeruman, *Persatuan Islam Sejarah Pembaruan Islam* (Bandung: FAPPI, 2010), 212.
[31] Badri Khaeruman, *Persatuan Islam Sejarah Pembaruan Islam* (Bandung: FAPPI, 2010), 213.

permanent and is undertaken for legitimate benefits (maṣlaḥah), such as protecting maternal health, ensuring family economic welfare, or supporting children's education. Permanent birth limitation is regarded as prohibited (ḥarām), and practicing family planning solely out of fear of poverty or hunger is likewise considered impermissible.[32]

In its legal opinions, the Persis Hisbah Council maintains that birth regulation is permissible as long as it does not violate the principles of Islamic law, including the prohibition of methods that endanger the body, the avoidance of permanent measures without legitimate sharīʿah-based reasons, and the requirement of mutual consent between husband and wife. Temporary contraceptive methods, such as oral contraceptive pills, injections, condoms, and the calendar method, are therefore considered permissible, provided that they do not cause harm.[33]

The permissibility of such methods is based on the practice of the Prophet's Companions, who employed ʿazl (coitus interruptus), intentionally withdrawing before ejaculation to prevent pregnancy. According to a narration recorded by Muslim, Jābir ibn ʿAbd Allāh stated that the Companions practiced ʿazl during the lifetime of the Prophet Muhammad, and he did not prohibit it. This tradition serves as an important legal foundation for permitting temporary methods of family planning, so long as they remain consistent with Islamic legal principles.

Nevertheless, Persis firmly opposes family-planning programs that seek to impose absolute or permanent limitations on the number of children, such as sterilization procedures including vasectomy and tubectomy, except in cases of necessity where the mother's life is endangered. This position reflects the Islamic principle that children are divine blessings and provisions bestowed by God and should not be rejected without legitimate sharīʿah-based reasons.

In internal discussions and scholarly forums, Persis scholars emphasize that the family in Islam is not merely an economic unit but also a sphere of worship and a vehicle for religious propagation (daʿwah). Consequently, decisions regarding the postponement or regulation of pregnancy must be motivated by the welfare of the family rather than by uncritical adherence to modernization or fear of economic burdens alone.[34]

Persis further argues that family planning is not a comprehensive solution to poverty or broader social problems. From its perspective, poverty primarily results from unequal wealth distribution, exploitative economic systems, and deficiencies in work ethics and education. Therefore, regulating family size without addressing these wider structural issues will not resolve the fundamental causes of social hardship.

From ethical and juristic perspectives, Persis proposes several criteria to ensure that family-planning practices remain within the framework of Islamic law: they must not permanently impair reproductive functions; they must not be motivated by a rejection of divine decree; they must not arise solely from fear of poverty without a spirit of trust in God (tawakkul); and they must be based on mutual consultation between husband and wife as equal partners within the household. These four principles constitute the normative framework through which Persis evaluates contemporary contraceptive methods. Such a position is consistent with Qur'anic teachings,

[32] Dewan Hisbah Persis, *Fiqh Muamalah* (Bandung: Persis Pers, 2018), 213.
[33] Dewan Hisbah Persis, *Fiqh Muamalah* (Bandung: Persis Pers, 2018), 228.
[34] Martua Nasution, Dedisyah Putra, Penggunaan Alat Kontrasepsi Dalam Pandangan Fikih Empat Mazhab," *Al-Syakhshiyyah: Jurnal Hukum Keluarga Islam dan Kemanusiaan*, Vol. 3, No. 2 tahun 2021, 182-183.

which indicate that preventing pregnancy may be permissible when intended to safeguard family welfare rather than motivated by fear of economic insufficiency.[35]

Within this context, Persis also provides a degree of legal flexibility in emergency situations. For example, if a wife has a medical history indicating serious risks associated with future pregnancies, sterilization may be permitted, provided that reliable medical recommendations support the procedure and that no viable alternatives are available. This approach demonstrates that Persis is not rigid in its legal reasoning but continues to regard Islamic law as an ethical boundary that cannot be transgressed.

Within Islamic boarding schools and daʿwah institutions, Persis promotes an educational approach through campaigns emphasizing responsible marriage. Through its educational programs, Persis preachers explain that marriage in Islam constitutes a profound responsibility encompassing both worldly and spiritual dimensions. Accordingly, married couples are encouraged to engage in careful family planning, including considerations of economic preparedness, children's education, and spiritual and psychological readiness.

In its digital daʿwah initiatives and publications, family planning frequently appears as a topic in jurisprudential question-and-ans wer columns and discussions of family issues. The responses issued by the Hisbah Council demonstrate Persis's consistency in maintaining classical fiqh perspectives while providing contextual interpretations that respond to contemporary challenges without compromising the fundamental principles of Islamic law.

Overall, Persis's position on family planning reflects a spirit of wasaṭiyyah (moderation) in the application of Islamic law. It does not categorically reject family planning but instead regulates and restricts its implementation according to sharīʿah guidelines. On the one hand, Persis seeks to preserve the objectives of Islamic law, particularly ḥifẓ al-nasl (the protection of lineage and progeny); on the other hand, it recognizes considerations of public welfare and humanitarian concerns within the limits permitted by Islamic legal principles.

d. The Legal Status of In Vitro Fertilization (IVF)

Persis firmly maintains that all contemporary issues must be referred to the Qur'an and Sunnah. This principle also applies to in vitro fertilization (IVF), a form of assisted reproduction conducted outside the woman's body. Persis argues that the legal status of IVF cannot be separated from the concepts of lineage (nasab), the sanctity of the marital relationship, and the objectives of Islamic law (maqāṣid al-sharīʿah), particularly the preservation of progeny (ḥifẓ al-nasl).[36]

Persis distinguishes between two principal forms of IVF. The first involves the use of the lawful husband's sperm and the wife's ovum, with the resulting embryo implanted into the wife's own uterus. The second involves third parties, such as sperm donors, egg donors, or surrogate mothers. According to Persis, the first form is permissible under Islamic law, provided that it takes place within a valid marriage and does not result in confusion regarding lineage.

The fatwas issued by the Persis Hisbah Council affirm that IVF procedures undertaken by legally married couples without third-party involvement are permissible under certain

[35] Umi Khusnul Khotimah, *Hukum Islam Dalam Kehidupan Modern: Kajian Tentang Perkawinan, Kesehatan, Transaksi, dan Budaya* (Lamongan: Nawa Litera Publishing, 2025), 42.
[36] Dewan Hisbah Persis, *Fiqh Muamalah* (Bandung: Persis Pers, 2018), 69.

circumstances, such as when medical conditions prevent natural conception. This permissibility is regarded as a rukhṣah (legal concession) and must remain consistent with the principles governing the sanctity of marital relations while avoiding practices that could undermine the structure of the Islamic family.[37]

The basis for permitting such procedures lies in the Islamic principle that efforts to obtain offspring are lawful as long as they do not violate the provisions of the sharīʿah. The Qur'an describes children as blessings bestowed by God; therefore, attempts to have children are permissible when pursued through lawful means and without involving sinful acts, such as adultery or practices resembling it. Consequently, IVF involving sperm or ovum donation is considered a form of external interference in the Islamic system of lineage and is therefore deemed unlawful.

In its legal opinions, Persis refers to both classical and contemporary scholars who emphasize the central importance of preserving lineage in Islam. The introduction of reproductive material from individuals outside the marital relationship is believed to create confusion regarding lineage and may indirectly resemble adultery, even in the absence of physical sexual relations. For this reason, all forms of third-party involvement—including sperm donation, ovum donation, and surrogacy—are categorically rejected within the framework of Islamic law.

Persis likewise opposes the use of surrogate mothers, arguing that such arrangements violate sharīʿah boundaries and generate disputes concerning lineage and maternal rights. In Islamic law, the mother is generally understood to be the woman who gives birth to the child. Accordingly, the existence of a surrogate mother creates legal ambiguities regarding the child's status and may potentially undermine the integrity of the family system.[38]

Furthermore, Persis emphasizes that IVF procedures must be subject to strict supervision in order to prevent abuse and ensure legal certainty concerning the status of children. Medical institutions and religious authorities are therefore expected to cooperate in preventing embryo mix-ups, administrative errors, or fraudulent practices. Should such mistakes result in confusion of lineage, the procedure would be considered invalid under Islamic law and constitute a grave violation because of its implications for family honor and progeny.

Persis also pays close attention to the ethical dimensions of IVF, including the treatment of unused embryos. From an Islamic perspective, a fertilized embryo possesses the potential status of human life. Consequently, surplus embryos should not be discarded carelessly, commercialized, or used for experimentation without legitimate sharīʿah authorization. This position reflects the broader Islamic principles of protecting life and respecting human potential.

In addition, Persis addresses the psychological and social dimensions affecting children born through IVF. The organization emphasizes that children conceived through Islamically lawful IVF procedures possess the full legal rights of legitimate offspring, including rights related to lineage, inheritance, and family protection. However, when IVF is conducted in a manner inconsistent with Islamic principles, the legal status of the child becomes problematic, and lineage cannot be established with individuals lacking a direct biological connection to the child.

Within the Indonesian context, Persis generally supports legal regulations governing assisted reproductive technologies, provided that such regulations do not conflict with Islamic values.

[37] Dewan Hisbah Persis, *Fiqh Muamalah* (Bandung: Persis Pers, 2018), 63.
[38] Dewan Hisbah Persis, *Fiqh Muamalah* (Bandung: Persis Pers, 2018), 72.

The organization also advises Muslims to exercise caution and not to adopt modern medical innovations uncritically without first understanding their legal and ethical implications under Islamic law. Consequently, education in the jurisprudence of reproductive medicine has become an important component of religious instruction within Persis boarding schools and study circles.

In contemporary fiqh textbooks employed within Persis educational institutions, IVF is examined within the broader frameworks of contemporary Islamic jurisprudence and bioethics. These discussions encompass principles such as the prohibition against mixing lineages, the preservation of marital honor, and the obligation to avoid all forms of shubhah (legal ambiguity) concerning descent. Thus, the Persis approach to IVF extends beyond formal legal considerations to include spiritual and moral dimensions.

Overall, Persis's legal thought on IVF reflects its consistent commitment to preserving the sanctity of the Islamic family. On the one hand, the organization recognizes the legitimacy of utilizing modern medical technologies to help married couples obtain offspring. On the other hand, it establishes clear ethical and legal boundaries to ensure that such practices remain consistent with Islamic principles, particularly with respect to preserving lineage, avoiding practices analogous to adultery, and protecting the dignity of Muslim families.

Thought from the Perspective of Contemporary Islamic Legal Thought

The family law thought of Persatuan Islam (Persis), as reflected in its positions on marriage to pregnant women, the legal status of children born out of wedlock, family planning, and in vitro fertilization, demonstrates the distinctive characteristics of a reformist-puritan movement that seeks to return Islamic law directly to the Qur'an and Sunnah.[39] Persis regards the revealed texts as the primary sources of law and endeavors to minimize the influence of madhhab traditions that it considers insufficiently grounded in authoritative evidence. This approach is consistent with the ideas of reformist thinkers such as Muhammad Rashid Rida and Muhammad Abduh, who emphasized a return to Islam's primary sources and the importance of ijtihād in addressing modern issues.[40] Nevertheless, when examined through the perspectives of contemporary Islamic legal scholars such as Yusuf al-Qaradawi, Wahbah al-Zuhayli, Abdullahi Ahmed An-Na'im, Jasser Auda, and M. Quraish Shihab, several aspects warrant critical analysis.

Persis maintains that a woman who becomes pregnant through zinā should not marry until she has given birth in order to preserve the purity of lineage. This position is grounded in the principle of ḥifẓ al-nasl (the protection of progeny), one of the fundamental objectives of Islamic law, and is broadly consistent with the views of Mālikī and Ḥanbalī jurists.[41] From the perspective of Wahbah al-Zuhayli, such reasoning possesses a strong legal foundation, since the protection of lineage occupies a central place in Islamic family law.[42]

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[39] Rabbani, Sunalar Sam, and Sudarnoto Abdul Hakim. "Religious Dialectics: The Debate Between Persis and The Ahmadiyya Qadiani During The Dutch Colonial Period, 1925–1939." Devotion: Journal of Research and Community Service 7.5 (2026): 631-639.

[40] Nurfitria Dewi, Ahmad Nizam, Aurman, Ummil Khairat, Pembaruan Peradaban Islam Di Mesir, *Borneo: Journal of Islamic Studies,* Vol. 5 No. 2 Januari-Juni 2025.

[41] M. Choirul Anwar dan Neng Eri Sofiana, Kawin Hamil Dalam Pernikahan Lotre, *Jurnal Muslim Heritage*, Vol. 5 No 1, Mei 2020, 202.

[42] Wahbah az-Zuhaili, *Fiqh al-Islam wa Adillatuh* (Damaskus: Dar al-Fikr, 1985), Vol. 7, 149-150.

However, Yusuf al-Qaradawi proposes a more contextual approach that takes social welfare into account. According to him, Islamic law is intended not only to preserve lineage but also to address the social problems arising from adultery. Consequently, if an immediate marriage could prevent greater harm and provide protection for both the mother and the child, considerations of maṣlaḥah should also be taken into account.[43]

M. Quraish Shihab argues that, as a matter of law, a marriage between a man and a woman who has committed adultery remains valid. With respect to the child's lineage, the child may be attributed to the husband if born at least six months after the marriage contract. If the child is born before the completion of six months but the husband acknowledges the child as his own without explicitly admitting that the child resulted from adultery, such acknowledgment possesses legal validity, allowing lineage to be established. This legal reasoning is based on the possibility that a valid marriage may have existed prior to the pregnancy without public knowledge and serves to preserve the dignity and honor of all parties involved.[44]

From the perspective of Jasser Auda's theory of maqāṣid al-sharīʿah, the Persis position appears to remain primarily oriented toward the textual protection of lineage. Auda advances a more systemic and multidimensional understanding of the objectives of Islamic law, arguing that the preservation of lineage must operate alongside the protection of human dignity (karāmah insāniyyah), children's rights, and social stability. Accordingly, postponing marriage until childbirth should be analyzed not only in terms of lineage but also in relation to its psychological effects on the mother and the social status of the child.[45]

The Persis position regarding children born out of wedlock is particularly noteworthy because it differs from the majority of classical jurists.[46] Persis maintains that such children may establish a lineage relationship with their biological fathers if the latter acknowledge them. This view is comparatively more progressive than the dominant classical position, which limits lineage exclusively to the mother. Within contemporary Islamic legal thought, the Persis approach bears similarities to Yusuf al-Qaradawi's emphasis on justice for children as innocent parties.[47]

Moreover, this position is consistent with contemporary legal developments that prioritize the best interests of the child as a fundamental principle. From the perspective of Abdullahi An-Na'im, Islamic law should be interpreted contextually to remain compatible with human rights principles. Children, therefore, should not bear the legal consequences of their parents' actions.[48]

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43 Nasrah Hasmiati Attas, Hamzah Hasan, Abdul Wahid Haddade, Pendekatan Maqāṣid Al-Syari'ah Terhadap Pernikahan Wanita Hamil Dalam Perspektif Islam Kontemporer, *El-Iqtishady: Jurnal Hukum Ekonomi Syariah*, Volume 7 Nomor 1 Juni 2025, 526.

44 Khoirul Abror, Pernikahan Wanita Hamil Akibat Zina (Studi Komparatif Menurut Hukum Islam Dan Uu No. 1 Tahun 1974), *Asas: Jurnal Hukum Ekonomi Syariah*, Vol. 10 No. 01, Juni 2018.

45 M. Nasihul Umam Al-Mabruri, Wahyu Fahrul Rizki, and Abdul Rahim Hakimi, Children Born out of Wedlock Inherit the Lineage of Their Biological Father: Jasser Auda's Maqāṣid asy-Syarī'aPerspective, *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum*, Vol. 55, No. 02, December2021,

46 Sa'adah, Ummi, et al. "Genealogy of Thought of Islamic Da'wah Organizations in Indonesia: A Historical Analysis of NU, Muhammadiyah, Persis, and Al-Washliyah." AL GHAZALI: Jurnal Pendidikan dan Pemikiran Islam 6.3 (2026): 1015-1038.

47 Mohammad Hendy Musthofa, Konstruksi Pemikiran Yusuf Al Qaradhawi Tentang Konsep Keadilan Pewarisan Lintas Agama, *Social Science Academic*, Volume 4 Number 1, 2026.

48 Cynthia Nur Rasyid dan Achmad Fageh, Hukum Islam Inklusif Di Masa Depan: Analisis Pemikiran Abdullah Ahmed An-Na'im Tentang Dekonstruksi Syariah, *Qolamuna : Jurnal Studi Islam*, Vol. 10 No. 02, 2025.

From Jasser Auda's maqāṣid perspective, the recognition of lineage for children born out of wedlock may serve as an instrument for realizing social justice, protecting children's rights, and ensuring the responsibility of biological fathers. In this regard, the Persis position reflects a willingness to engage in ijtihād that responds more closely to contemporary social realities than many classical opinions.

With respect to family planning, Persis permits tanzīm al-nasl (birth regulation) while rejecting taḥdīd al-nasl (permanent birth limitation). This position accords with the fatwas of Yusuf al-Qaradawi and the dominant views of contemporary Islamic legal institutions. Al-Qaradawi distinguishes between birth regulation intended to promote family welfare and restrictions motivated by fear of poverty. In his view, Islam does not prohibit family planning so long as it remains within the framework of Islamic principles.[49] Temporary contraceptive methods are likewise permissible by analogy with the practice of ʿazl during the Prophet's time. Consequently, the Persis position may be regarded as consistent with mainstream contemporary Islamic jurisprudence.[50]

Nevertheless, when analyzed through Jasser Auda's theory of maqāṣid, the Persis argument may be further expanded. Auda emphasizes that the objectives of Islamic law encompass not only the preservation of progeny but also the enhancement of family well-being. Family planning, therefore, should not be viewed merely as reproductive control but also as an effort to improve education, healthcare, and the overall welfare of the family.[51]

In this respect, the legal thought of Persis demonstrates a balance between textual adherence and considerations of public welfare. Such a position reflects a spirit of wasaṭiyyah (moderation) that accommodates scientific and social developments without abandoning the fundamental principles of Islamic law.

Regarding in vitro fertilization, Persis permits procedures involving the sperm and ova of legally married couples while prohibiting third-party involvement, including sperm donation, ovum donation, and surrogacy. This position corresponds to the rulings of international fatwa institutions and is likewise consistent with Yusuf al-Qaradawi's opinions. Such institutions generally maintain that reproductive technologies are permissible provided that they do not result in confusion of lineage.[52]

From Jasser Auda's maqāṣid perspective, the permissibility of IVF represents an example of employing modern technology to realize the objectives of Islamic law, particularly the protection of family and progeny. At the same time, Auda stresses the necessity of ethical oversight and comprehensive regulation to prevent misuse.[53]

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[49] Nida Rafiqa Izzati, Bagus Kusumo Hadi, Taufik Pajar Pebriansyah, M Fadhil Azzam Arfa, Arroyan Na'im, Konstruksi Pemikiran Yusuf Al-Qardhawi Dalam Pembaruan Hukum Keluarga Islam, *Jurnal Interpretasi Hukum*, Volume 5, Issue 3, 2024, 1203.

[50] Zamzam Mustofa, Nafiah, Dyna Prasetya Septianingrum, Hukum Penggunaan Alat Kontrasepsi Dalam Prespektif Agama Islam, *Ma'alim: Jurnal Pendidikan Islam*, Volume 1, Nomor 2, Desember 2020.

[51] Khoirurrizal dan Afnan Luthfi, Maqāṣid al-Syarī 'ah dan Ketahanan Keluarga Berbasis Komunitas: Peran Muhammadiyah dan NU di Perkotaan Indonesia, *Jurnal Syariah dan Hukum Islam*, Vol. IV, No. 1, 2025.

[52] Muhammad Jufri dan Kahirunnisa Kahirunnisa, Inseminasi Buatan Dalam Perspektif Yusuf Al-Qardlawi, *Al-Hukmi: Jurnal Hukum Ekonomi Syari'ah dan Keluarga Islam*, Vol. 4 No. 1 (2023).

[53] Fauzah Nur Aksa, Herinawati, Muhammad Tahmid, Siska Mona Widia, Kajian Normatif Hukum Islam terhadap Teknologi Bayi Tabung dan Surrogacy Berdasarkan Maqasid al-Syari'ah, *Palita: Journal of Social Religion Research*, Vol.10, No.1, April 2025.

The Persis approach to IVF thus demonstrates a selective openness to modernity.[54] Technology is accepted not merely because it represents progress, but because it can serve the objectives of Islamic law. This indicates that Persis cannot be characterized as entirely textualist; rather, it also takes into account considerations of public welfare and scientific development.

Conlusion

Persatuan Islam (Persis) is a puritan-oriented Islamic organization that adheres closely to the Qur'an and Sunnah. In the field of family law, it places particular emphasis on preserving lineage and maintaining the sanctity of marriage. Women who are pregnant, whether as a result of a lawful marriage or adultery, are not permitted to remarry until they have given birth. Children born out of wedlock are regarded as having a lineage relationship with their biological fathers, while their fundamental rights, including those related to guardianship and inheritance, continue to be respected. Persis permits family planning when motivated by legitimate considerations of public welfare, such as health and family well-being, but rejects permanent birth limitation in the absence of emergency circumstances. Concerning in vitro fertilization, Persis allows the use of sperm and ova from legally married couples while prohibiting third-party involvement because of the potential for confusion of lineage.

Overall, the family law thought of Persis reflects a synthesis of textual adherence, doctrinal purification, and considerations derived from maqāṣid al-sharīʿah. In issues such as marriage to pregnant women and IVF, Persis adopts a relatively conservative position due to its strong commitment to preserving lineage. Conversely, in matters concerning children born out of wedlock and family planning, it demonstrates a more adaptive form of ijtihād that responds to contemporary social needs. When analyzed through the perspectives of Yusuf al-Qaradawi, Wahbah al-Zuhayli, Abdullahi Ahmed An-Na'im, M. Quraish Shihab, and Jasser Auda, Persis may be understood as a reformist movement that seeks to preserve the authority of scriptural texts while simultaneously accommodating considerations of public welfare and social change. The principal strength of Persis's legal thought lies in its consistency in safeguarding the objectives of Islamic law, particularly ḥifẓ al-nasl (the protection of progeny), whereas its greatest challenge is integrating this textual orientation with contemporary demands concerning human rights, social justice, and the complexities of modern family life. Consequently, Persis's family law thought represents a model of contemporary Islamic law that strives to balance fidelity to revealed texts with responsiveness to evolving social realities.

References

Abdi Wijaya, Respon Lembaga Fatwa Terhadap Isu Fikih Kontemporer, *Mazahibuna Jurnal Perbandingan Mazhab,* Vol. 1 No. 2 tahun 2019, 189.

Abdullah M. Nur, Analisis Penerapan Hukum Keluarga Islam dalam Meningkatkan Harmoni Sosial di Kabupaten Bireuen, *Jurnal Al-Mizan: Jurnal Hukum Islam dan Ekonomi Syariah*, Vol. 11, No. 2, Tahun 2024, 418.

[54] Afidati, Nadya, Fristika Maulida Aminatuz Zuhria, and Fira Septiana. "Textual Purity to Social Relevance: Hadith Thought in the PERSIS Tradition through Ahmad Hasan and Abdul Qadir Hasan." AL QUDS: Jurnal Studi Alquran dan Hadis 10.1 (2026): 69-84.

Afidati, Nadya, Fristika Maulida Aminatuz Zuhria, and Fira Septiana. "Textual Purity to Social Relevance: Hadith Thought in the PERSIS Tradition through Ahmad Hasan and Abdul Qadir Hasan." AL QUDS: Jurnal Studi Alquran dan Hadis 10.1 (2026): 69-84.

Ahmad Munjin Nasih, Lembaga Fatwa Keagamaan Di Indonesia (Telaah Atas Lembaga Majlis Tarjih dan Lajnah Bathsul Masail), *de Jure, Jurnal Syariah dan Hukum*, Volume 5 Nomor 1, Juni 2013, 67.

Ajat Sudrajat, *Fikih Aktual*. Ponorogo: Ponorogo Press, 2008.

Al Kadumi, F., Seff, N., & Hakim, A. (2024). The Reconstruction of Islamic Family Law in Indonesia: A Normative-Comparative Analysis of Gender Justice and Legal Modernity. ASEAN Journal of Islamic Studies and Civilization (AJISC), 1(1), 1-19.

Andi Prastowo, *Metode Penelitian Kualitatif dalam Perspektif Rancangan Penelitian*. Yogyakarta: Ar-Ruzz Media, 2011.

Badri Khaeruman, *Pandangan Keagamaan Persatuan Islam*. Bandung: Granada, 2005.

Badri Khaeruman, *Persatuan Islam Sejarah Pembaruan Islam*. Bandung: FAPPI, 2010.

Basyir, Kunawi, and Basar Dikuraisyin. "Puritan Domination: How Can Persatuan Islam Dominate Local Religious Sects in Madura?." Journal of Islamic Thought and Philosophy 5.1 (2026): 148-172.

Cynthia Nur Rasyid dan Achmad Fageh, Hukum Islam Inklusif Di Masa Depan: Analisis Pemikiran Abdullah Ahmed An-Na'im Tentang Dekonstruksi Syariah, *Qolamuna: Jurnal Studi Islam*, Vol. 10 No. 02, 2025.

Dewan Hisbah PP Persis, *Fiqh Muamalah*. Bandung: Persis Pers, 2018.

Dewan Hisbah PP Persis, *Fiqih Muamalah 2*. Bandung: Persis Pers, 2024.

Dwi Arini Zubaidah, Status Anak Di Luar Nikah Dalam Perspektif Hukum Positif Dan Hukum Islam (Telaah Putusan Mahkamah Konstitusi Nomor 46/Puu-Viii/2010), *Amilia: Jurnal Hukum Keluarga*, Vol. 4 No. 2 Tahun 2023, 98.

Eriyanto, *Analisis Wacana: Pengantar Analisa Teks Media.* Yogyakarta*:* LKiS,2001.

F. Budi Hardiman, *Seni Memahami: Hermenutika dari Schleiermacher Sampai Derrida*. Yogyakarta: Kanisius, 2015.

Fauzah Nur Aksa, Herinawati, Muhammad Tahmid, Siska Mona Widia, Kajian Normatif Hukum Islam terhadap Teknologi Bayi Tabung dan Surrogacy Berdasarkan Maqasid al-Syari'ah, *Palita: Journal of Social Religion Research*, Vol.10, No.1, April 2025.

Hasyim, Syafiq. "Fatwas and democracy: Majelis ulama Indonesia (MUI, Indonesian Ulema council) and rising conservatism in Indonesian Islam." TRaNS: Trans-Regional and-National Studies of Southeast Asia 8.1 (2020): 21-35.

https://persis.or.id/news/read/fatwa-dewan-hisbah-1-siapa-wali-anak-hasil-zina

https://persis.or.id/news/read/waris-bagi-orang-tua-biologis-anak-zina

Jarir, A., Chairina, N., & Hakimi, A. R. (2025). FATWĀ IN CONTEMPORARY ISLAMIC JUDICIARY: THE ACCOMMODATION OF MUI FATWĀ AMONG JUDGES OF INDONESIAN RELIGIOUS COURT. al-Mawarid Jurnal Syariah dan Hukum (JSYH), 7(2).

Khoirul Abror, Pernikahan Wanita Hamil Akibat Zina (Studi Komparatif Menurut Hukum Islam dan UU No. 1 Tahun 1974), *Asas: Jurnal Hukum Ekonomi Syariah*, Vol. 10 No. 01, Juni 2018.

Khoirurrizal dan Afnan Luthfi, Maqāṣid al-Syarī 'ah dan Ketahanan Keluarga Berbasis Komunitas: Peran Muhammadiyah dan NU di Perkotaan Indonesia, *Jurnal Syariah dan Hukum Islam*, Vol. IV, No. 1, 2025.

Lexy J. Moleong, *Metodologi Penelitian Kualitatif.* Bandung: Remaja Rosdakarya, 2001.

M. Choirul Anwar dan Neng Eri Sofiana, Kawin Hamil Dalam Pernikahan Lotre, *Jurnal Muslim Heritage*, Vol. 5 No 1, Mei 2020, 202.

M. Nasihul Umam Al-Mabruri, Wahyu Fahrul Rizki, and Abdul Rahim Hakimi, Children Born out of Wedlock Inherit the Lineage of Their Biological Father: Jasser Auda's Maqāṣid asy-Syarī'a Perspective, *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum*, Vol. 55, No. 02, December 2021,

Martua Nasution, Dedisyah Putra, Penggunaan Alat Kontrasepsi Dalam Pandangan Fikih Empat Mazhab," *Al-Syakhshiyyah: Jurnal Hukum Keluarga Islam dan Kemanusiaan*, Vol. 3, No. 2 tahun 2021, 182-183.

Mohammad Hendy Musthofa, Konstruksi Pemikiran Yusuf Al Qaradhawi Tentang Konsep Keadilan Pewarisan Lintas Agama, *Social Science Academic*, Volume 4 Number 1, 2026.

Muhammad Jufri dan Kahirunnisa Kahirunnisa, Inseminasi Buatan Dalam Perspektif Yusuf Al-Qardlawi, *Al-Hukmi: Jurnal Hukum Ekonomi Syari'ah dan Keluarga Islam*, Vol. 4 No. 1 (2023).

Nasrah Hasmiati Attas, Hamzah Hasan, Abdul Wahid Haddade, Pendekatan Maqāṣid Al-Syari'ah Terhadap Pernikahan Wanita Hamil Dalam Perspektif Islam Kontemporer, *El-Iqtishady: Jurnal Hukum Ekonomi Syariah*, Volume 7 Nomor 1 Juni 2025, 526.

Nida Rafiqa Izzati, Bagus Kusumo Hadi, Taufik Pajar Pebriansyah, M Fadhil Azzam Arfa, Arroyan Na'im, Konstruksi Pemikiran Yusuf Al-Qardhawi Dalam Pembaruan Hukum Keluarga Islam, *Jurnal Interpretasi Hukum*, Volume 5, Issue 3, 2024, 1203.

Nihayatut Tasliyah, Dewan Hisbah Sebagai Lembaga Otoritas Keagamaan Persis, *Istidlal* Vol. 2, No. 1, April 2018, 48.

Nurfitria Dewi, Ahmad Nizam, Aurman, Ummil Khairat, Pembaruan Peradaban Islam Di Mesir, *Borneo: Journal of Islamic Studies,* Vol. 5 No. 2 Januari-Juni 2025.

Nyoman Kutha Ratna, *Teori, Metode dan Teknik Penelitian Sastra.* Yogyakarta: Pustaka Pelajar, 2004.

Rabbani, Sunalar Sam, and Sudarnoto Abdul Hakim. "Religious Dialectics: The Debate Between Persis and The Ahmadiyya Qadiani During The Dutch Colonial Period, 1925–1939." Devotion: Journal of Research and Community Service 7.5 (2026): 631-639.

Sa'adah, Ummi, et al. "Genealogy of Thought of Islamic Da'wah Organizations in Indonesia: A Historical Analysis of NU, Muhammadiyah, Persis, and Al-Washliyah." AL GHAZALI: Jurnal Pendidikan dan Pemikiran Islam 6.3 (2026): 1015-1038.

Sugiyono, *Metode Penelitian Kuantitatif Kualitatif dan R&D*. Bandung: Alfabeta, 2009.

Suharsimi Arikunto, *Prosedur Penelitian Suatu Pendekatan Praktek*. Jakarta: PT Rineka Cipta, 2010.

Tomi Agustian, Dinda Setiawati, Wulan Dwi Amelia, Padilah, Perbandingan Kemaslahatan Pernikahan Akibat Zina dalam Kitab Undang-Undang Hukum Perdata dengan Kompilasi

Hukum Islam, *El-Izdiwaj: Indonesian Journal of Civil and Islamic Family Law*, Vol. 4, No.2, Juni 2023.

U. Maman Kh, "Metodologi Penelitian Agama" dalam M. Deden Ridwan (ed.), *Tradisi Baru Penelitian Agama Islam*. Bandung: Nuansa, 2001.

Umar Hadi, Pemikiran Hadis Persatuan Islam (Persis) (Kajian Ontologis dan Epistemologis), *Pappasang: Jurnal Studi Ilmu Alquran-Hadis dan Pemikiran Islam*, Vol. 5 No. 2, Tahun 2023, 256.

Umi Khusnul Khotimah, *Hukum Islam Dalam Kehidupan Modern: Kajian Tentang Perkawinan, Kesehatan, Transaksi, dan Budaya*. Lamongan: Nawa Litera Publishing, 2025.

Wahbah az-Zuhaili, *al-Fiqh al-Islami wa Adillatuhu*. Damaskus: Dar al-Fikr, 1985.

Yeyen Subandi, Gerakan Pembaharuan Keagamaan Reformis-Modernis: Studi Terhadap Muhammadiyah dan Nahdlatul Ulama*, Resolusi*, Vol. 1 No. 1 Juni 2018, 61.

Zamzam Mustofa, Nafiah, Dyna Prasetya Septianingrum, Hukum Penggunaan Alat Kontrasepsi Dalam Prespektif Agama Islam, *Ma'alim: Jurnal Pendidikan Islam*, Volume 1, Nomor 2, Desember 2020.