

A SADD ADZ-DZARI'AH ANALYSIS OF LEGAL DIFFERENCES IN THE MARRIAGE OF OUT-OF-WEDLOCK PREGNANT WOMEN: A COMPARATIVE STUDY OF THE SHAFI'I AND HANBALI SCHOOLS

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Abstract

Out-of-wedlock pregnancy in Indonesia has become a structural social problem, as reflected in the significant rise in marriage dispensation cases granted by Religious Courts, peaking at 64,211 cases in 2020, the majority of which are linked to prenuptial pregnancy. While Article 53 of the Compilation of Islamic Law permits such marriages following the Shafi'i school, the Hanbali school prohibits them until childbirth and repentance requirements are fulfilled. Previous studies have compared the positions of both schools descriptively without examining the epistemological roots of their divergence. This study analyzes how both schools construct their legal positions on the marriage of out-of-wedlock pregnant women and explains their differences through the framework of Sadd adz-Dzari'ah. A juridical-normative library research method was employed with comparative and conceptual approaches, drawing on primary classical fiqh and usul al-fiqh texts. This study constructs analytically that the Shafi'i school positions such marriage as dzari'ah qalilah because the harm of zina is considered legally concluded and the nasab relationship severed, while the Hanbali school positions it as dzari'ah ghalibah because such marriage is normatively viewed as dominantly diminishing the deterrence function of Islamic law. These divergent positions reflect fundamentally different normative priorities: individual protection versus collective deterrence, each carrying its own trade-offs for women and children. This study is limited to two schools, and the proposed categorizations represent the author's analytical constructions rather than terminologies explicitly employed by classical scholars.

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1. INTRODUCTION

Marriage in Islam is not merely an ordinary civil contract; rather, it constitutes a normative institution that integrally safeguards the five essential human interests (al-ḍarūriyyāt al-khams): religion, life, intellect, lineage, and honor. Islamic law establishes marriage as the legitimate gateway to sexual relations and family formation, while simultaneously functioning as a normative boundary that distinguishes what is lawful from what is prohibited. Ideally, marriage should precede cohabitation rather than emerge as a response to a prior violation of religious and social norms. Social reality, however, presents circumstances that are far more complex than this normative construction, particularly when marriage is proposed as a solution to a pregnancy resulting from extramarital sexual relations.

Based on data from the Religious Courts Agency (Badan Peradilan Agama—Badilag), the National Commission on Violence Against Women (Komnas Perempuan) recorded a significant increase in marriage-dispensation applications granted by the Religious Courts: from 8,488 cases in 2016 to 11,819 cases in 2017, reaching a peak of 64,211 cases in 2020. Although the number gradually declined to 59,709 cases in 2021 and 52,338 cases in 2022, Komnas Perempuan emphasized that child marriage remains an urgent concern. Particular attention was drawn to unintended pregnancies among girls who were subsequently married, an issue that requires serious consideration from all relevant stakeholders. These figures are not merely demographic statistics; rather, they constitute structural indicators suggesting that premarital pregnancy has shifted from an individual anomaly into a broader social pattern requiring a more comprehensive regulatory response (Komnas Perempuan, 2023).

In response to this reality, Article 53 of the Compilation of Islamic Law explicitly provides that a woman who becomes pregnant outside marriage may enter into a marriage contract without waiting until the child is born (Compilation of Islamic Law, 1991). This formulation essentially follows the Shafi'i school, which views marriage as an instrument for protecting the woman's honor while simultaneously providing legal certainty regarding the status of the unborn child. By contrast, the Hanbali school prohibits such a marriage until the woman has given birth and completed the process of *istibrā'*, while also requiring repentance before the marriage contract may be concluded.

The legal status of marriage involving a woman who becomes pregnant outside wedlock has attracted the attention of several scholars. Qomaruddin and Rachmatullah (2018) compared the positions of the four Sunni schools of law concerning the marriage of pregnant women by employing the framework of *maṣlahah*, primarily to contextualize and reinforce the relevant provisions of the Compilation of Islamic Law. Asman (2020) focused specifically on a comparison between the Shafi'i and Hanbali schools, drawing on a range of relevant secondary sources to support the analysis of their respective positions. Bahri (2021) adopted a broader scope by integrating the perspectives of both the Compilation of Islamic Law and the Indonesian Marriage Law. This approach produced a comprehensive descriptive mapping of the legal status of the debate within Indonesia's positive-law framework. These three studies demonstrate a similar tendency: they successfully explain what the legal position of each school is, but they do not adequately address why these positions differ so fundamentally.

This scholarly gap directs the present study toward the application of *Sadd al-Dharī'ah*, a principle of Islamic legal theory used to determine whether an act that is originally permissible should nevertheless be prohibited because of the potential harm or *mafsadah* to which it may lead. The use of this framework is well founded, as recent scholarship has demonstrated that *Sadd al-Dharī'ah* can be productively operationalized to examine contemporary issues in Islamic family law, including the phenomena of *waithood* and sexual recession (Hafis, 2024). The novelty of this study lies not merely in its object of inquiry, but in positioning *Sadd al-Dharī'ah* as an analytical framework capable of penetrating the underlying legal reasoning of each school and explaining why the Shafi'i and Hanbali schools arrive at opposing legal conclusions.

On the basis of this gap, the study seeks to answer two exploratory questions. First, how do the Shafi'i and Hanbali schools interpret and construct the legal validity of marriage involving a woman who is pregnant as a result of extramarital sexual relations? Second, how can these divergent interpretations be explained through the framework of *Sadd al-Dharī'ah*? The scholarly urgency of this research is further reinforced by the fact that premarital pregnancy in Indonesia has developed into a structural social pattern that requires a profound normative evaluation of the existing regulatory framework, rather than merely a partial administrative response.

2. RESEARCH METHOD

This study is designed as normative legal research based on library research because both research questions are oriented toward examining legal norms and doctrines through textual inquiry. The material objects of the study comprise works of *uṣūl al-fiqh* and substantive Islamic jurisprudence from the Shafi'i and Hanbali schools, while its formal object concerns the *uṣūlī* foundations underlying their differing legal positions on the marriage of a woman who becomes pregnant outside wedlock. These positions are analyzed through the theory of *Sadd al-Dharī'ah*. Two approaches are employed complementarily: a comparative approach to examine the legal positions of the two schools in a systematic and structured manner, and a conceptual approach to operationalize *Sadd al-Dharī'ah* as an

analytical framework that not only describes their differences but also explains their epistemological foundations.

Primary sources are selected according to three criteria: recognized scholarly authority within the respective legal traditions, direct relevance to the issue of marriage involving a pregnant woman, and representation of different generations of scholars within each school. Secondary sources are limited to reputable scholarly journal articles published within the last ten years and retrieved from nationally and internationally indexed academic databases. Data are collected through documentary analysis of all selected primary and secondary materials.

The analysis proceeds in three stages. First, the legal position of each school is systematically identified and classified on the basis of primary sources. Second, the scriptural evidence and *uṣūlī* arguments underlying each position are interpreted. Third, the typology of *Sadd al-Dhari'ah* is applied as a comparative analytical instrument to examine the epistemological differences between the two schools. The validity of this normative inquiry is ensured through three mutually reinforcing mechanisms: reliance on authoritative primary sources recognized within each school, interpretive consistency verified through cross-textual examination within the same legal tradition, and comparative analysis of primary legal texts from both schools to identify their principal points of epistemological divergence.

3. RESULT AND ANALYSIS

The concept of *Sadd adz-Dzari'ah*

Sadd adz-Dzari'ah is linguistically a combination of "sadda" which means to close or hinder, and "al-dzari'ah" which means a path, means, or *wasilah* that connects an action with its consequences (Sarumpaet, 2022). Terminologically, Al-Syatibi in *Al-Muwafaqat* defines it as the act of prohibiting an act that is essentially permissible because with a certain degree of probability it has the potential to lead to *mafsadah*, where this prohibition works preemptively before the damage actually occurs (Al-Shatibi, 1997). Ibn Mas'ud et al. (2025) position *Sadd adz-Dzari'ah* as one of the key methodological instruments in *ushul fiqh* whose relevance has been recognized for addressing issues not always explicitly covered by the texts. This conceptual construction epistemologically distinguishes the preventive *ushul fiqh* approach from the purely remedial legal paradigm, namely, which only works after the damage has occurred. The normative foundation of *Sadd adz-Dzari'ah* rests on anticipatory logic found in several passages of the Qur'an and Sunnah. For example, the words of Allah Almighty:

وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ كَذَلِكَ زَيَّنَّا لِكُلِّ أُمَّةٍ عَمَلَهُمْ ثُمَّ إِلَىٰ رَبِّهِمْ مَرْجِعُهُمْ
فَيُنَبِّئُهُمْ بِمَا كَانُوا يَعْمَلُونَ

Meaning: "Do not curse (the deities) they worship besides Allah because they will then curse Allah by going beyond the limits without (the basis of) knowledge. Thus, We make every people consider their work good. Then to their Lord they will return, then He will inform them of what they have done." (QS. Al-An'am [6]: 108)

This verse contains a prohibition against insulting the idols of the polytheists not because the act itself is intrinsically *haram*, but because it has the potential to lead them to retaliate by insulting Allah, so that Ibn Qayyim al-Jauziyyah made this verse the primary argument for the legitimacy of *Sadd adz-Dzari'ah* (Ibn al-Qayyim al-Jawziyyah, 2019). Maulidizen (2019) categorizes *Sadd adz-Dzari'ah* among the disputed evidence (*al-adillah al-mukhtalaf fiha*) in *ushul fiqh*, a categorization that confirms its status as a genuine methodological category within the Islamic legal tradition, despite the debate over its scope of application. Afthon Yazid et al. (2023) assert that the differences in how scholars of different schools of thought interpret and apply *Sadd adz-Dzari'ah* are not merely technical procedural differences, but rather reflect a more fundamental epistemological orientation in viewing the relationship between human actions and their long-term social consequences.

The most crucial point of controversy in the discourse on *Sadd adz-Dzari'ah* is the question of its status as an independent evidence (*hujjah mustaqillah*). Does it have sufficient independent legal force to prohibit something solely based on its potential impact, or does it merely serve as a complementary consideration dependent on other evidence? Kawakib et al. (2021) shows that Ibn Qayyim al-Jauziyyah widely accepted *Sadd adz-Dzari'ah* as a valid proposition in the determination of Islamic law even without the support of a specific text, whereas Ibn Hazm rejected it categorically on the

grounds that it introduced an element of speculation into legal reasoning which should only be based on qath'i texts.

Al-Syatibi in Al-Muwafaqat classifies dzari'ah into four levels based on the probability of mafsadah occurring: dzari'ah qath'iyyah (damage occurs with absolute certainty, its blocking is mandatory), dzari'ah ghalibah (socially statistically dominant damage, also mandatory blocking), dzari'ah mutawassitah (medium probability), and dzari'ah qalilah or nadirah (damage only occurs rarely, blocking is optional) (Al-Shatibi, 1997). This typology significantly shifts legal judgment from the binary domain of halal-haram to a probabilistic domain that requires mujtahids to consider social dynamics in determining law. Ibn Qayyim al-Jawziyyah in I'lam al-Muwaqqi'in developed this typology by documenting dozens of concrete cases of the application of Sadd adz-Dzari'ah, which consistently shows that the assessment of the dominance of mafsadah is the core of the entire mechanism of determining law through this theory, so that differences in assessing dominance are what result in differences in legal conclusions among mujtahids (Ibn al-Qayyim al-Jawziyyah, 2019).

The Marriage of Pregnant Women in the Shafi'i School and Its Assessment of Dzari'ah

The Shafi'i school of thought permits the marriage of a woman pregnant as a result of adultery without any additional conditions, and the validity of the marriage contract does not depend on whether the baby has been born or not (Al-Mawardi, 1999). This position is consistently confirmed in contemporary studies, which found that Imam Shafi'i did not place any conditions on the pregnant woman other than the validity of the marriage contract itself (Hanapi, 2024). Nasruddin and Sulaemang (2021) emphasized that among all the schools of thought that permit marriage, the Shafi'i school is the most absolute and unqualified, as it does not differentiate between marriage with the adulterer or with another person, and does not require any time interval before the marriage contract. The Shafi'i school of thought argues that the principle of *"la hurmata li ma' al-zina"* (the absence of the right to commit adultery) is based on the principle that conception resulting from adultery has no legal standing and therefore does not create any lineage relationship between the fetus and the male perpetrator of adultery (Ministry of Endowments and Islamic Affairs of Kuwait, 1995). A direct consequence of this principle is that a woman who becomes pregnant as a result of adultery does not have a mandatory iddah period before marriage, because the purpose of iddah is to protect the sperm or fetus from legitimate intercourse, whereas zina is an illegitimate relationship, and therefore the resulting fetus is not entitled to similar respect (Lubis, 2020).

This consistency of Shafi'i reasoning has very specific implications for the lineage status of the unborn child. Because the principle of *la hurmata li ma' al-zina* severing the legal relationship between the fetus and the adulterer, the child automatically has lineage only through the mother, not through the biological father, even if the biological father later marries the child (Azis, 2023). Attas (2024), comparing the Shafi'i and Hambali positions on the status of children of adultery, found that the Shafi'i school consistently and rigidly applies this principle without exception. Jamil et al. (2023) added a practical dimension to this finding by confirming that the adoption of KHI Article 53 over the Shafi'i opinion has real positive legal consequences for children, namely state recognition of the child's identity through a birth certificate, even though the lineage to the biological father remains unrecognized according to fiqh.

The Shafi'i school's position can be identified as the assessment that the marriage of a pregnant woman is a dzari'ah (obligatory act) of a qalilah (inheritance) or nadirah (inheritance), a means that only rarely and not predominantly leads to greater mafsadah (benefit). This assessment is based on the logic that the marriage performed does not open a new path to harm, because the harm in the form of adultery has already occurred and the lineage relationship has been legally severed from the outset, so there is no normative interest that needs to be protected by a prohibition on marriage (Alyana, 2022). Fatarib et al. (2024) captured this logic in their analysis of KHI Article 53 and described it as oriented toward the individual and immediate benefits of hajj, namely the protection of women's honor and the certainty of the child's status, which cannot be postponed without causing significant social harm.

Overall, the Shafi'i school's position is built on a strong internal coherence between the principle of lineage, the absence of obligatory iddah, and a low assessment of the probability of the benefits of marriage itself. Its micro- and remedial legal orientation has concrete protective implications: Fatarib et al. (2024) show that postponing or refusing marriage in the event of premarital pregnancy places women in prolonged vulnerability without adequate legal protection, which directly contradicts the principle of *hifzh al-'irdh* at the individual level. Regarding the child, Khairuddin et al. (2023) found that children born outside of legal marriage face serious social stigma and limited recognition of civil rights,

making timely legalization of marriage a real mechanism for protecting the best interests of the child (Attas, 2024). Thus, the remedial orientation of the Shafi'i school is not merely a reactive response to a violation of norms that has occurred, but also includes a dimension of active protection for the most vulnerable parties in the situation.

The Marriage of Pregnant Women in the Hambali School and Its Assessment of Dzari'ah

In the Hanbali school of thought, a marriage contract with a pregnant woman out of wedlock is declared invalid and cannot be performed until the woman first gives birth (Ibn Qudamah, 1997). This prohibition is absolute, making no distinction between marriages between the man who impregnated the woman and other men. It extends beyond simply prohibiting marital relations to the validity of the contract itself (Dastur, 2024). Tanjung (2022), in his study of the normative marriage of pregnant women, confirms that the strict Hanbali position is based on the rejection of any potential harm to the purity of lineage.

The argumentative foundation of the Hanbali school is built on two synergistic arguments. The first argument is a hadith narrated by Abu Daud in his Sunnah, which reads:

لَا تُوَطَّأُ حَامِلٌ حَتَّى تَضَعَ

Meaning: "A pregnant woman should not have intercourse with anyone until she gives birth." (Narrated by Abu Dawud: 2157)

According to the Hanbali school of thought, this hadith does not limit the prohibition to merely biological relations but rather extends its scope to the validity of the marriage contract through the mechanism of Sadd adz-Dzari'ah (Ministry of Endowments and Islamic Affairs, Kuwait, 1995).

The second proof is the statement of Allah Almighty:

الرَّانِي لَا يَنْكِحُ إِلَّا زَانِيَةً أَوْ مُشْرِكَةً وَالزَّانِيَةُ لَا يَنْكِحُهَا إِلَّا زَانٍ أَوْ مُشْرِكٌ. وَحُرِّمَ ذَلِكَ عَلَى الْمُؤْمِنِينَ

Meaning: "It is not fitting for a male adulteress to marry except with an adulteress or a polytheist woman, and it is not fitting for a female adulteress to marry except with an adulteress or a polytheist man. That is forbidden to the believers." (QS. An-Nur [24]: 3)

This verse textually states that an adulteress may not marry except with another adulteress or a polytheist, a verse interpreted by the Hanbalis as prohibiting believers from marrying an unrepentant adulteress (Fadil, 2024). Rahman et al. (2023) add that the Hambalis' concern about the potential for mixing of bloodlines (ikhtilat al-ansab) between the fetus resulting from adultery and the child of a new marriage strengthens the internal coherence of their argument, as this mixing is seen as a real, permanent and irreversible evil once it occurs.

Based on the evidence of QS. In verse 3 of An-Nur, the Hambali school of thought adds the requirement of repentance as a mandatory requirement before a marriage contract can be carried out, even after the requirement of istibra' has been fulfilled (Al-Bahuti, 1957). Armi et al. (2024) in their sociological analysis of verse 3 of Surah An-Nur explain that the prohibition on marrying adulterers in the verse is interpreted by the Hambalis not as a permanent provision, but as a prohibition that applies as long as the status of adulterer remains attached, and that status is only removed through valid repentance. Izzuddin (2018) in his research confirmed that the requirement of repentance in the Hambali school is not merely a spiritual formality, but rather a legal condition that substantively determines the validity of the contract and must be fulfilled before the marriage can take place. Within the framework of the Al-Syatibi typology, the Hanbali school of thought builds its normative premise on the assessment that the marriage of a pregnant woman out of wedlock falls into the category of dzari'ah ghalibah, a means that has the dominant potential to lead to greater social harm. This premise rests on the argument that the ease of marriage during pregnancy is seen as potentially weakening the deterrent function (zajr) of sharia against adultery, because the social consequences of adultery are lessened when marriage can immediately remove the shame without any delay (Rachmadhani, 2024). Hassan et al. (2022) explain that this preventive logic theoretically rests on the premise that the effectiveness of a prohibition depends on its ability to maintain real consequences for the violation. Therefore, in the Hambali view, easy access to marriage without a delay is seen as a factor that normatively mitigates the burden of consequences.

This normative Hambali argument regarding the preventive function finds relevance in a number of contemporary studies that operationalize Sadd adz-Dzari'ah at the level of ghalibah in similar family law issues. Kholidah et al. (2025) demonstrated that in the context of child marriage prevention, the application of the Sadd adz-Dzari'ah approach based on the assessment of ghalibah is theoretically designed to interrupt recurring behavioral patterns, rather than simply responding to a single, incidental

incident. Sunarto et al. (2024), analyzing household protection law from the perspective of Sadd adz-Dzari'ah, found that a preventive approach based on the assessment of ghalibah consistently produces legal norms that are more effective in breaking the chain of destructive behavior than norms that are solely remedial.

The Hanbali school of thought's position is built on the coherence between the naqli argument, the istibra' mechanism and the requirement of repentance, and the assessment of the marriage of pregnant women as a dzari'ah ghalibah that must be blocked. Its legal orientation is macro and preventative, prioritizing structural prevention of the normalization of premarital pregnancy over direct individual protection.

4. CONCLUSION

The differences between the Shafi'i and Hanbali schools of thought regarding the law of marrying a pregnant woman out of wedlock are epistemological, not merely textual. Through the Sadd adz-Dzari'ah framework, the Shafi'i school categorizes it as dzari'ah qalilah; because the harm of zina has already occurred, marriage serves as concrete protection to minimize the legal vulnerability of the mother and the social and civil stigma for the child. Conversely, the Hanbali school considers it dzari'ah ghalibah; because the ease of marriage during pregnancy is considered to weaken the function of preventing zina in society, making the requirements of tawbah and istibra' mandatory. These findings shed light on the philosophical roots of the two schools of thought, which have been overlooked in previous studies.

This research offers an analytical model based on the Sadd adz-Dzari'ah typology as a replicable comparative instrument to examine epistemological differences between schools of thought on other fiqh issues, particularly those involving considerations of long-term social impacts and short-term individual protection. Practically, these findings broaden the horizon of normative discussions on KHI Article 53 by presenting a previously unexplored analytical dimension. Further empirical research is needed to test whether the differences in legal orientation between these two schools of thought correlate with real differences in social behavior patterns, before valid policy implications can be drawn.

This study has several limitations that need to be transparently acknowledged. First, as a juridical-normative study, it is unable to verify claims of empirical effectiveness from any perspective: the assertion that the Hambali preventive approach has the potential to reduce premarital pregnancy remains a normative proposition. Second, the comparison is limited to the Shafi'i and Hambali schools of thought, thus not representing the full spectrum of Islamic jurisprudence. The perspectives of the Hanafi and Maliki schools of thought, which are also relevant to this issue, are not covered.

References

- Afthon Yazid, A. (2023). The Complexity and Diversity Methods of Legal Discovery in Islam: In the Perspective Ulama of Mazhab al-Arbap'ah. *Kawanua International Journal of Multicultural Studies*.
- Al-Bahuti, M. Y. (1957). *Kashshaf al-Qina' "an Matn al-Iqna."* Maktabah al-Nasr al-Haditsah.
- Al-Mawardi, A. H. (1999). *Al-Hawi al-Kabir*. Dar al-Kutub al-Ilmiyyah.
- Al-Shatibi, A. I. (1997). *Al-Muwafaqat*. Dar Ibn 'Affan.
- Alyana, A. P. (2022). Pandangan Tokoh Agama terkait Tajdidun Nikah bagi Wanita Hamil di Luar Nikah. *Jurnal Riset Hukum Keluarga Islam*.
- Armi, M. I. (2024). Sociological Analysis of Pre-marital Intercourse Activities (Zina): Criticism of Legal Interpretation Surah An-Nur Verse 3 Tafsir Al-Misbah. *Transformatif: Jurnal Studi Agama Islam*.
- Asman. (2020). Hamil di Luar Nikah dan Status Nasab Anaknya: Studi Komperatif antara Pendapat Imam Syafi'i dan Imam Ahmad bin Hambal. *Shar-E: Jurnal Kajian Ekonomi Hukum Syariah*, 6(1).
- Attas, N. H. (2024). Status Anak Zina menurut Mazhab Syafi'i dan Hambali. *Jurnal Ar-Risalah*.
- Azis, M. A. R. (2023). Nalar Fikih Mazhab Syafi'i dalam Kasus Pernikahan Wanita Hamil dan Status Anak yang Dilahirkan. *Shakhsyah Burhaniyah: Jurnal Penelitian Hukum Islam*.
- Bahri, S. (2021). Status Pernikahan Wanita Hamil di Luar Nikah dalam Perspektif Imam Mazhab, KHI dan UU No. 1 Tahun 1974. *Jurnal Ar-Risalah: Jurnal Hukum Keluarga Islam*, 1(2).
- Dastur, M. (2024). Marriage of a Pregnant Woman Out of Wedlock According to the Board of the Permusyawaratan Ulama of North Aceh District. *Al-Fikru: Jurnal Ilmiah*.

- Fadil, F. (2024). Law of Marrying Daughter Out of Wedlock by Biological Father in Shafi'i and Hambali Madhabs. *Tawasut: International Journal of Islamic Studies*.
- Fatarib, H. (2024). Between Legalization and Moral Hazard: A Maslahah-Mafsadah Analysis of Prenuptial Pregnancy Marriage (Kawin Hamil) in Indonesian Islamic Law. *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan*.
- Hafis, M. (2024). Contemporary Issues of Islamic Family Law: The Waithood Phenomenon and the Impact of the Sex Recession in Indonesia in Review of Sadd al-Dzari'ah. *Legitima: Jurnal Hukum Keluarga Islam*.
- Hanapi, A. (2024). The Legitimacy of Marrying a Pregnant Woman from the Perspectives of Islamic Scholars and Legislation in Indonesia. *Al-Qadha: Jurnal Hukum Islam dan Perundang-Undangan*.
- Hassan, W. (2022). Theory and Application of Sadd al-Dhara'i' (Blocking the Means) in Curbing Crime in Malaysia. *International Journal of Academic Research in Business and Social Sciences*.
- Ibn al-Qayyim al-Jawziyyah, M. A. (2019). *I'lam al-Muwaqqi'in 'an Rabb al-'Alamin*. Dar Ibn Hazm & Dar 'Atha'at al-Ilm.
- Ibn Qudamah, A. A. (1997). *Al-Mughni Sharh Mukhtasar al-Khiraqi*. Dar "Alam al-Kutub li al-Thiba'ah wa al-Nasyr wa al-Tawzi."
- Ibnu Mas'ud, A. D. (2025). Dynamics of Islamic Legal Theory (Ushul al-Fiqh) toward Addressing Challenges of Halal Products in the 21st Century. *International Journal of Islamic Thought and Humanities*.
- Izzuddin, M. (2018). Pernikahan dengan Pekerja Seks Komersial di Lokalisasi Moroseneng Perspektif Hukum Islam. *Jurnal Hukum Keluarga Islam*.
- Jamil, J. (2023). Marriage of Pregnant Women Out of Wedlock According to the Shafi'i School and Compilation of Islamic Law. *Formosa Journal of Applied Sciences*.
- Kawakib, J. (2021). Implementation of the Concept of Sadd Al-Dzari'ah in Islamic Law (Perspective of Ibn Al-Qayyim Al-Jauziyah and Ibn Hazm). *International Journal of Philosophy*.
- Kementerian Wakaf dan Urusan Islam Kuwait. (1995). *Al-Mausu'ah al-Fiqhiyyah al-Kuwaitiyyah* (Jilid 16). Dar al-Salasil.
- Khairuddin, K. (2023). Protection and Status of Children Born Outside of Marriage. *Tasyri': Journal of Islamic Law*.
- Kholidah, K. (2025). Implementation of Sadd adz-Dzari'ah in the Efforts of Ninik Mamak to Prevent Child Marriage in Nagari Sungai Nanam from the Perspective of Islamic Family Law. *Jurnal El-Thawalib*.
- Komnas Perempuan. (2023). Catatan Tahunan Kekerasan terhadap Perempuan Tahun 2022. Komisi Nasional Anti Kekerasan terhadap Perempuan.
- Kompilasi Hukum Islam. (1991). Instruksi Presiden Nomor 1 Tahun 1991 tentang Kompilasi Hukum Islam. Departemen Agama RI.
- Lubis, S. (2020). Hukum Menikahi Wanita Hamil Karena Zina menurut Pandangan Imam Syafi'i dan Diimplementasikan di Kantor Urusan Agama Tanjung Pura. *As-Syar'i: Jurnal Bimbingan dan Konseling Keluarga*.
- Maulidizen, A. (2019). The Urgency of Islamic Law Sources Knowledge: Masadir al-Ahkam al-Mukhtalaf Fiha, Istishab, Sadd al-Dzari'a, and Qaul al-Sahabi. *Hukum Islam*.
- Nasruddin, S., & Sulaemang, L. (2021). Pregnancy Married in the Perspective of Islamic Law and Five Mazhab. *Al-'Adl*, 14(1).
- Qomaruddin & Rachamtullah. (2018). Studi Komparasi Hukum Perkawinan Wanita Hamil di Luar Nikah antara Fiqh Empat Madzhab dan Kompilasi Hukum Islam Perspektif Mashlahah. *Jurnal Bimas Islam*, 11(3).
- Rachmadhani, F. (2024). The Use of Sadd al-Dhari'ah on Contemporary Islamic Family Law in Indonesia: Concept and Practice. *Malaysian Journal of Syariah and Law*.
- Rahman, M. A. (2023). Keabsahan Pernikahan Perempuan Hamil di Luar Nikah menurut Hukum Islam dan Legislasi di Indonesia. *Jurnal Tahqiq: Jurnal Ilmiah Pemikiran Hukum Islam*.
- Sarumpaet, M. I. (2022). Al-Adillah Al-Mukhtalaf Fiha: Sadd Al-Zari'ah. *Jurnal Hukum, Politik dan Ilmu Sosial*.
- Sunarto, M. (2024). Analysis of Law No. 23/2004 and the Ideals of Elimination of Domestic Violence in Indonesia from the Perspective of Sadd adz-Dzari'ah. *Legitima: Jurnal Hukum Keluarga Islam*.
- Tanjung, D. (2022). Menikahi Wanita Hamil di Luar Nikah. *Jurisprudensi: Jurnal Ilmu Syariah, Perundang-Undangan dan Ekonomi Islam*.