ABSTRACT

Slamet W., Aminudin, 2011. Theory of Maslahah Mursalah Wahbah Zuhaili relevance to Sirri marriage in Indonesia, thesis, al Ahwal al Syakhsiyah Department, Syariah Faculty, State Islamic University of Maulana Malik Ibrahim Malang, R. Cecep Lukman Yasin, MA

Key words: Maslahah Mursalah, Wahbah Zuhaili, Sirri marriage

This research stems from a view that the theory of Maslahah Mursalah Wahbah Zuhaili has its own characteristics with its predecessor such as Imam Malik, Imam Ghazali, Syatibi and Najamudin al Thufi. Initial hypothesis is that the theory of Maslahah Mursalah Wahbah Zuhaili that this kind has relevance when associated with marital problems that occurred Sirri marriage in Indonesia.

Anxieties arise as a result of academic researchers to raise the question how the theory of Maslahah Mursalah Wahbah Zuhaili and its relevance to the Sirri marriage in Indonesia. By answering this question, this study hoped to find relevance theory of Maslahah Mursalah Wahbah Zuhaili version with the problem of Sirri marriage in Indonesia. To answer this question, researcher conducted a literature study of research using logical philosophical approach to the consideration that the thought of Wahbah Zuhaili quite distinctive and responsive.

After studying, it found an answer to the first formulation of the problem that according to Maslahah Mursalah Wahbah Zuhaili is an independent legal argument as the Qur'an and al Sunnah, operate only in areas Muamalah and have three requirements: a. Maslahah should be intrinsic rather than a strong suspicion or conjecture, b. Maslahah should not conflict with either the Qur'an, Sunnah, and Ijma ‘of comrade, c. Maslahah should be general rather than specific. From the three conditions are mentioned by the maslahah Wahbah Zuhaili none of the three that meet these requirements. It means that the theory of Maslahah Mursalah Wahbah Zuhaili version is irrelevant when associated with marital problems Sirri marriage in Indonesia.

The above results suggest that researcher should be Maslahah Mursalah in which usually is one method that uses the approach of law Istinbath maqosid al Shariah, should be accepted by Muslims as a basis in Islamic law, including setting determines whether or not marriage is prohibited Sirri in Indonesia as well as to determine whether Sirri marriage in Indonesia is good or not.