



## **Mut'ah Marriage: Perspectives Across Religious Groups**

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### **Abstract**

Mut'ah Marriage, also known as temporary marriage, is a practice of marriage conducted with the intention of seeking momentary pleasure without long-term commitment. This phenomenon remains controversial among the Shi'a Imamiyah and the majority of Ahlussunnah (Sunni) scholars. The research method employed in this article is library research, combining relevant documents for analysis. Although mut'ah marriage was once permitted during the time of the Prophet Muhammad, especially during times of war when concerns arose about the occurrence of adultery, this practice was later prohibited. Nonetheless, some Shi'a Imamiyah individuals maintain the belief that mut'ah marriage is still permissible. They refer to sources such as the Qur'an, Sunnah, Ijma', and Qiyas as the basis for their argument. This perspective reflects significant differences among various sects within Islam regarding the legitimacy and relevance of mut'ah marriage within the context of Islamic law and teachings. From the Shi'a Imamiyah perspective, interpretations of these sources lead to the understanding that mut'ah marriage is lawful in Islam. However, the majority of Sunni scholars reject this view, considering the practice inconsistent with broader Islamic teachings. These differing perspectives generate ongoing discussions within the Muslim community and highlight the complexities of interpreting religious teachings.

**Keyword:** Mut'ah Marriage, Sunni, Syi'ah Imamiyah.

### **INTRODUCTION**

Mut'ah Marriage, known as temporary marriage, is a practice of temporary marriage or marriage conducted with the sole purpose of seeking pleasure. In the Arabic context, marriage is an agreement between a man and a woman who mutually make each other permissible and live as husband and wife. However, temporary marriage has its own distinctive characteristic, namely, it occurs within a predetermined period of time (Abu-Lubad *et al.*, 2020). After this period ends, the couple automatically separates without the need for divorce or talak processes as in permanent marriage. This practice is considered as a form of marriage that fulfills temporary needs without creating long-lasting bonds like in permanent marriage (Alsarayreh and Aljaafreh, 2023). Although controversial and prohibited in the view of the majority of scholars, the practice of temporary marriage is still maintained by some groups or schools of thought in Islam, such as practiced by the Shia Imamiyyah. Thus, temporary marriage becomes one of the aspects that differentiate legal views of marriage among various sects within Islam (Gourji, 2022).

Etymologically, temporary marriage refers to marriage with the sole purpose of making women objects of pleasure and entertainment. In Islamic fiqh literature, temporary marriage is also known as *nikah al-mu'qqat* (temporary marriage) or *nikah al-muqathi'* (interrupted marriage). Terminologically, temporary marriage is a marriage that is temporary and has a specified time limit. The duration of this time can vary, ranging from several days to several years, depending on the agreement made between the man and the woman involved. Although prohibited or not recognized in practice by some Islamic schools of thought, this practice is still maintained by some groups or sects, especially by Shia Imamiyyah (Khresheh, Barclay and Shoqirat, 2019). Controversy over temporary marriage arises because it is considered to violate the principles of loyalty and the main purpose of marriage in Islam, as well as raising doubts about its legal status and morality in society. Thus, the concept of temporary marriage becomes one of the important debates in the study of Islamic law and marriage ethics (Madani, 2016).

The most striking difference between Shia Imamiyyah and the majority of scholars, including Shia Zaidiyyah and Isma'iliyyah, lies in the doctrine of *mut'ah* marriage. Among the majority of scholars, sexual relations are deemed permissible and only allowed through permanent marriage. Conversely, Shia Imamiyyah allows sexual relations through temporary or *mut'ah* marriage. They believe that temporary marriage has a valid legal basis in the Quran and Sunnah, thus considered as a legitimate part of Islamic teachings (Halimatusa'diyah and Triana, 2024). In practice, temporary marriage provides an opportunity for individuals to enter into temporary marital relationships, which are considered to fulfill temporary social and sexual needs as well as providing freedom of choice for women. Although this view is controversial and criticized by some, especially by the majority of scholars, Shia Imamiyyah still maintains this practice as an integral part of their beliefs. Thus, this difference reflects the diversity of views within Islam regarding marriage practices and its laws.

Imamiyah doctrine, especially regarding the practice of *Mut'ah* Marriage, remains a controversial topic in the view of the majority of scholars until today. This controversy covers aspects of its legal basis and the implications of idealism for a family. For the Imamiyah, temporary marriage is seen as part of the law established in the Quran. They argue that in the context of family idealism, temporary marriage provides a more guaranteed freedom of choice for women than permanent marriage. This view is conveyed by (Halim, 2022). However, this view is not a consensus among scholars and the general public, with some considering the practice of temporary marriage as controversial and not in line with the broader principles of Islamic teachings. Therefore, the debate continues regarding the legitimacy and relevance of this Imamiyah doctrine in the context of Islamic social and legal aspects (Halim, 2022).

In the context of marriage, there are differences in views between Shia Imamiyyah and the majority of scholars, including Sunni scholars, regarding temporary marriage (Karamouzian *et al.*, 2019). For Shia Imamiyyah, temporary marriage is considered as a legitimate part of Islam, based on legal grounds found in the Quran. They view temporary marriage as a form of temporary marriage allowed in Islam, providing freedom of choice for women and fulfilling temporary social and sexual needs (Afandi and Sayyi, 2023). On the other hand, the majority of Sunni scholars view temporary marriage as something that is inconsistent with the principles of Islam they adhere to. They consider temporary marriage as something that contradicts moral values and religious teachings because it is seen to violate the principles of loyalty in marriage and overlook the main purpose of marriage in Islam, which is to form a lasting and meaningful bond between husband and wife. This difference in views creates ongoing discussions and debates among the two sects, considering legal, moral, and religious aspects involved in this marriage practice.

## **RESEARCH METHODS**

This research employs the method of literature study or library research concerning the phenomenon of temporary marriage practice (mut'ah marriage). By utilizing this approach, the author conducts searches and analyses of various relevant sources such as scholarly articles, books, and other documents related to the topic. The aim of this research is to deeply understand the phenomenon of temporary marriage practice, both from the perspective of Islamic law and the potential social, cultural, and moral impacts it may entail. By collecting and analyzing data from various sources, it is hoped that this research can provide a comprehensive understanding of temporary marriage practice and its associated phenomena (Santiara and Azzulfa, 2024). This is expected to serve as a solid foundation for further discussions and enhance understanding of this issue in a broader context. Thus, this research not only aims to delve into deeper information regarding temporary marriage practice but also to provide broader insights into the social, cultural, and moral implications that may arise from this practice. It is hoped that the findings of this research will contribute positively to the understanding and discussion of this controversial issue.

## **RESULT AND DISCUSSION**

### **Definition of Mut'ah Marriage**

Mut'ah Marriage originates from the word "mata'a," "yamta'u," and "mut'atan," which mean pleasure or enjoyment. Meanwhile, the words "mata'un" and "muta'un" signify something that brings pleasure. In the terminology of Islamic jurisprudence (fiqh), it has three different implications. First, mut'ah can be interpreted as a husband's gift to his divorced wife. Second and third, mut'ah in the Hadith terminology has two meanings, namely mut'atu al-hajj, which means the hajj of tamattu', and mut'atu al-nisa, which means temporary

marriage or Mut'ah Marriage (Hasannia and Masoudian, 2021). Mut'ah here is in the realm of pleasure-seeking and reluctance to exert effort. Mut'ah in the general definition by scholars is temporary or interrupted marriage because a man marries a woman for a day, a week, or a month. Because mut'ah marriage is thought of by men only for temporary pleasure, not for life until the end of life. Therefore, mut'ah marriage can be said to be a contract marriage, namely a bond between a man and a woman for a certain period agreed upon together with a certain fee. This type of marriage was actually permitted by the Prophet Muhammad before this law was established. It turns out that it was only allowed during travel and war, then it was prohibited and declared haram forever (Qohar *et al.*, 2022).

The Tabi'in commonly referred to mut'ah marriage as open and flagrant adultery. Sa'id ibn Mansur mentioned in his Sunnah book, III/I:211, that Umar ibn Zubair had prohibited Mut'ah Marriage, saying, " Mut'ah Marriage is open and flagrant adultery." It is also mentioned in al-Musannaf, VII:502-503, from Ma'mar, from Zuhri, and Qasim ibn Muhammad, he said, "indeed I truly saw the prohibition of nikah Mut'ah in the Qur'an, namely in Surah al-Mu'minun verses 5-6:

وَالَّذِينَ هُمْ لِأُزُوجِهِمْ حَافِظُونَ إِلَّا عَلَىٰ أَزْوَاجِهِمْ أَوْ مَا مَلَكَتْ أَيْمَانُهُمْ فَإِنَّهُمْ غَيْرُ مَلُومِينَ

And those who guard their private parts (5), except from their wives or those their right hands possess; for indeed, they are not to be blamed in this.

For example, if a guardian says, "I marry my daughter for a month or a year, or until the end of this season," with a specified or unspecified time limit. Or a man says in a mut'ah marriage contract, "I marry her (the woman) for ten dirhams for a certain period," and the woman responds, "I accept your marriage for ten dirhams." Thus, mut'ah marriage is a temporary marriage that is not eternal, unlike conventional marriage, which aims to build a life together and produce offspring. Sunni and Shia scholars have been debating its legality until now (Tohari, 2020).

The contract (ijab and qabul) in mut'ah marriage differs from permanent marriage. In mut'ah marriage, the man's proposal is made by stating, "I marry you... with the dowry... for... days, months, or years." The duration of the marriage must be clearly stated. Then the woman responds with "I accept" without any additional statements. A guardian is not required for an adult woman in mut'ah marriage, allowing adult women to marry themselves. The criteria for both prospective spouses are the same as those for permanent marriage. Regarding the time period (muddah), it must be clearly defined until when the marriage duration will last, with no addition or subtraction of time after the contract is executed. The dowry itself in mut'ah marriage is a

fundamental requirement for the validity of the marriage, which differs from permanent marriage. According to Scahiko Murata, as quoted from Imam Ja'far, conveying a hadith, "There is no mut'ah marriage except with two conditions: a specified time period and a specific dowry." In the mut'ah marriage contract, it is required to mention the dowry from property that can be seen directly, but for a dowry that cannot be presented, it is sufficient to describe it in such a way that the woman clearly understands it. Regarding the amount of the dowry, it is based on the agreement between the two parties (Muhajir and Kamil, 2021). According to the Shia, mut'ah marriage remains permissible or allowed until now. There are several reasons underlying this permission: Surah An-Nisa (4): 24 according to the reading of Ibn Mas'ud with slight additions:

وَأَجَلَ لَكُمْ مَا وَرَاءَ ذَلِكَ أَنْ تَبْتَغُوا بِأَمْوَالِكُمْ مُحْصِنِينَ غَيْرَ مُسَافِحِينَ ۖ فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَآتُوهُنَّ أُجُورَهُنَّ  
فَرِيضَةً ۚ وَلَا جُنَاحَ عَلَيْكُمْ فِيمَا تَرْضَيْنَهُنَّ مِنْ بَعْدِ الْفَرِيضَةِ ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

Ibn Mas'ud reads the verse with a slight addition, inserting "ila ajal al-musamma." So his reading is: "famas tam ti'hum minhunna ila ajalimmusamma." Shia scholars also reject the opinion that this verse has been abrogated. In Sunni commentaries such as those of al-Thabari (d. 310 AH), it is considered irregular (saz), and likewise according to al-Alusi (d. 1127 AH), such a reading is deemed invalid. Qurthubi's opinion can be summarized as follows: it is prohibited or forbidden. "Fankihunna bi idzni ahlihin" permits legitimate marriage with a guardian and two witnesses, whereas mut'ah marriage does not (Ruslan, 2023).

### Temporary Marriage According to Shia Imamiyah

According to Shia Imamiyah, temporary marriage (mut'ah marriage) remains permissible forever. They base their argument on verses from the Quran and a number of authentic hadiths whose authenticity has also been agreed upon among Sunnis, narrated by Imam Bukhari and Imam Muslim. As for the Quranic verse related to temporary marriage according to them, it is QS. al-Nisa (4): 24:

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

And [also prohibited to you are] married women, except those your right hands possess [as captives of war], this is the decree of Allah upon you. And lawful to you are [all others] beyond these, [provided] that you seek them [in marriage] with [gifts from] your property, desiring chastity, not unlawful sexual intercourse. So for whatever you enjoy [of marriage] from them, give them their due compensation as an obligation. But if you mutually agree to separate after the obligation [has been fulfilled], there is no blame upon you. Indeed, Allah is Knowing and Wise.



They interpret the term "istimta'" to mean tamattu', which implies enjoying sexual relations not through regular marriage. Similarly, the term "ajr/ujur" is understood to mean "compensation for sexual service," not "dowry." Concerning the above verse, Ubai ibn Ka'ab, Ibn 'Abbas, Sa'id ibn Jubair, and As-Suday read it with the addition of "ila ajal musamma" (until a specified time). Figures of hadith narration from the Sunni community, such as Imam al-Bukhari and Imam Muslim, have allegedly narrated hadiths about the permissibility of mut'ah marriage according to Shia Imamiyah claims (Jihad Rufaya, 2022).

1. Abdullah reported based on what he heard: We once fought alongside the Prophet Muhammad without any women accompanying us. So, we asked, "Should we undergo castration?" The Prophet forbade us from doing so and permitted us to marry women for a specified period. Then Abdullah recited Surah Al-Maidah (5): 87.
2. Jabir ibn 'Abdullah arrived in Mecca to perform Umrah according to 'Ata': So, we approached him at his place of stay. Some of us asked him about various matters until finally, they inquired about mut'ah marriage. He replied, "Yes, indeed, we used to practice it during the lifetime of the Prophet Muhammad, as well as during the time of Abu Bakr and Umar."
3. Imam Muslim in the same chapter also narrated: Abu Nadrah said, "When I was at Jabir ibn 'Abdullah's house, someone came to him and mentioned that Ibn 'Abbas and Ibn al-Zubair had disagreed on both types of mut'ah (hajj mut'ah and nikah mut'ah). So Jabir said, 'We used to practice both during the time of the Prophet Muhammad, but Umar bin Khattab (during his caliphate) prohibited it. So, we stopped doing it.'"
4. Several sources of narration, as summarized by Ibn Rusyd, indicate that among the companions, some permitted mut'ah marriage, including Ibn 'Abbas and Ibn Mas'ud. Also, among the Tabi'in, figures like Tawus and Ibn Juraij supported it.

Based on the above hadiths, a contemporary Shia scholar, Syarafuddin Al-Musawi, stated that the prohibition of mut'ah did not clearly come from Allah and His Messenger but from Umar, due to an incident involving Amr bin Huraitis. He argued that mut'ah marriage is halal forever based on the opinions of the twelve Imams from the Ahlul-Bait, as well as the consensus of the Muslim community, stating that the companions of the Prophet used to practice mut'ah during the time of the Prophet Muhammad and Abu Bakr, and partly during Umar's era. He also argued that it is unlikely for verses 5-6 of Surah Al-Mu'minun to abrogate verse 24 of Surah An-Nisa, as Surah Al-Mu'minun was revealed during the Meccan period, before the Hijrah to Medina. Therefore, it is unlikely for it to abrogate the law regarding the permissibility of mut'ah, which took place in Medina or after the Hijrah, in accordance with the consensus as well (Tohari, 2020).

**Mut'ah Marriage According to the Consensus of Sunni Scholars**

Those who consider temporary marriage (mut'ah) prohibited base their argument on evidence from the Quran, Sunnah, scholarly consensus (ijma'), and rational reasoning. This includes companions such as Ibn 'Umar and Ibn Abi 'Umrah al-Ansary, as well as the four Imams of jurisprudence and other scholars. Their arguments against temporary marriage include:

1. Mut'ah marriage does not align with the ideal marriage described in the Quran (Surah Al-Mu'minun 23:6). It also undermines the fundamentals of marriage such as the absence of divorce, maintenance rights, and inheritance rights. Therefore, such marriages are considered void, similar to other forms of marriage annulled by Islam.
2. Many authentic hadiths explicitly state the prohibition of temporary marriage. For example, Imam Muslim narrates that the Prophet Muhammad prohibited temporary marriage with the following words: "O people, I had permitted you to engage in temporary marriage with women, but Allah has now forbidden it until the Day of Resurrection. So, whoever has any temporary wife should let her go and do not take anything of what you have given them (as dowry)."
3. When Umar served as the Caliph, he delivered a sermon on the pulpit declaring the prohibition of temporary marriage, and the companions agreed. They would not have approved if it were wrong to prohibit it.
4. Al-Khattaby stated that the prohibition of temporary marriage is a matter of scholarly consensus (ijma'), except for a few small groups within Shia Islam like the Imamiyah. The majority of Shia, including the Zaidiyyah, also agree to prohibit it.
5. Mut'ah marriage is solely for fulfilling sexual desires, not for bearing and raising children, which are the core purposes of marriage. Additionally, it poses risks to women, treating them as commodities transferred from one hand to another. Moreover, their children do not receive proper housing, affection, or education.

Mut'ah Marriage, once permitted by the Prophet Muhammad, occurred during the early days of Islam when Islamic law was not yet fully established, especially during travel and warfare. He allowed companions participating in jihad to engage in temporary marriage for a specified period, fearing they might fall into adultery due to prolonged separation from their families. This allowance is based on the principle of choosing the lesser of two evils (irtakab akhaf al-dararain). However, the practice of mut'ah marriage was later prohibited based on hadiths stating that the prohibition applies until the Day of Resurrection. These hadiths serve as the foundation for the majority of scholars to determine that this practice is no longer valid in Islam. The prohibition is seen as part of efforts to strengthen the stability and sanctity of the institution of marriage in Islam, as well as to avoid potential abuses and violations of its fundamental moral principles. Thus, the prohibition of mut'ah marriage is

considered an integral part of the development of Islamic religious teachings and reflects the evolution of Islamic law over time.

## **CONCLUSION**

In this study, it can be concluded that the practice of mut'ah marriage, known as temporary marriage, is considered forbidden (haram) due to its temporary and non-permanent nature. Its impermanence is one of the main reasons why the practice of mut'ah marriage is prohibited, as there is no divorce system in place if the relationship ends within a certain period of time. Although Prophet Muhammad once permitted the practice of nikah mut'ah during times of war, as a preventive measure against the possibility of adultery due to the prolonged separation between husband and wife as a result of military duties, the majority of scholars consider that permission to be situational and not universally applicable. Nevertheless, the Shia Imamiyah group maintains their belief that mut'ah marriage is still permissible, despite this being controversial in the view of the majority of Islamic scholars who forbid it.

The practice of nikah mut'ah remains a subject of ongoing debate in the Islamic world, reflecting the diversity of views within Muslim communities on this issue. Although generally deemed invalid in most Islamic schools of thought, including Sunni Islam, the practice is still upheld by some, particularly by the Shia Imamiyah. These differing views are reflected in the ongoing discussions and debates among scholars and Muslim communities. Some maintain the view that nikah mut'ah is a legitimate part of Islamic teachings and relevant for certain situations, while others reject it as a practice that contradicts moral principles and religious teachings. Therefore, the debate on nikah mut'ah reflects the dynamics and complexity in the interpretation of Islamic teachings and efforts to reconcile religious values with changing social and cultural contexts.

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