



## The Social and Psychological Impact of Muhallil Marriage on Women from an Islamic Legal Perspective

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### Abstract

This research examines the social and psychological impacts experienced by women in the practice of nikah muhallil and evaluates the role of Islamic law in providing protection for them. Through a qualitative approach involving in-depth interviews and case studies, this research found that women involved in nikah muhallil often face social stigma, psychological pressure, and a lack of understanding and access to legal aid. The research results show that the practice of nikah muhallil causes significant emotional instability and social isolation for women. In addition, this research reveals differences in views between schools of thought regarding the validity of muhallil marriages, which adds to the complexity and ambiguity of the law. The proposed recommendations include increased public education and awareness, stricter law



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enforcement, and the provision of comprehensive support services for affected women. Clearer and firmer legal reforms are needed to ensure the protection of women's rights and improve their social and psychological well-being in the context of Islamic marriage.

### **Keywords**

Muhallil's Marriage, psychological impact, Islamic law, women's protection, legal reform

### **Abstract**

This research examines the social and psychological impacts experienced by women in the practice of *nikah muhallil* and evaluates the role of Islamic law in providing protection for them. Through a qualitative approach involving in-depth interviews and case studies, this research found that women involved in *nikah muhallil* often face social stigma, psychological pressure, and a lack of understanding and access to legal aid. The research results show that the practice of *nikah muhallil* causes significant emotional instability and social isolation for women. In addition, this research reveals differences in views between schools of thought regarding the validity of *muhallil* marriages, which adds to the complexity and ambiguity of the law. The proposed recommendations include increased public education and awareness, stricter law enforcement, and the provision of comprehensive support services for affected women. Clearer and firmer legal reforms are needed to ensure the protection of women's rights and improve their social and psychological well-being in the context of Islamic marriage.

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### **Introduction**

Marriage is one of the most fundamental social institutions in shaping the structure of society. In various cultures and religions, marriage is recognized as a sacred contract that not only regulates relationships between

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individuals, but also serves as the foundation for the formation of a family and the continuity of generations. In Islam, marriage has a very important position and is respected as a sacred and legal bond between a man and a woman. The Qur'an itself underlines the importance of marriage in Surah An-Nisa' verse 1 which states, "And among the signs of His power is that He created for you wives from your own kind, so that you may feel at ease with them, and made them- There is love and affection among you." This verse emphasizes that the main purpose of marriage is to create peace and love between husband and wife.

However, in carrying out marriages, there are various rules and regulations regulated by Islamic law to ensure that the marriage takes place in accordance with sharia principles. One issue that is often debated in Islamic marriage law is the practice of muhallil marriage. Nikah muhallil is a practice where a woman who has been divorced three times by her husband must marry another man and then divorce before she can remarry her first husband. This practice is based on a certain interpretation of Islamic law which refers to Surah Al-Baqarah verse 230, "Then if he divorces her (after the second divorce), then the woman is no longer halal for him until she marries another husband." Even though there is a textual basis in the Koran, the interpretation and application of nikah muhallil often gives rise to controversy and differences of opinion among ulama, because this practice is considered to be able to degrade the dignity of marriage and have a negative impact on the women involved.

Nikah muhallil is often seen as a marriage aimed at circumventing Islamic law regarding triple talaq, which according to most scholars is considered a definitive and irrevocable form of talaq. This practice is often criticized because it is seen as degrading the dignity of marriage itself and contradicts the main aim of the Shari'a in maintaining the honor and stability of the family. The hadith of the Prophet Muhammad SAW clearly condemns this practice, as mentioned in the history of Abu Dawud, where Rasulullah SAW said,

"Allah curses the man who marries a woman with the aim of making her lawful for her first husband, and curses the husband who accepts the woman back after that engineered divorce." (HR. Abu Dawud). This view shows how serious the problem of muhallil marriage is in the context of Islamic ethics and law.

Furthermore, contemporary scholars such as Yusuf al-Qaradawi also emphasize that nikah muhallil not only damages the moral values in marriage, but also has negative implications for women's psychological well-being. According to al-Qaradawi, this practice often places women in a disadvantageous position and weakens their position in marriage. Research conducted by Zainuddin and Suryadi (2021) found that women who undergo muhallil marriages often experience heavy social stigma, where they are looked down upon and insulted by the surrounding community. Additionally, the psychological distress they face, including feelings of insecurity, anxiety and depression, shows how this practice can have a detrimental impact on their mental well-being. This fact underscores the importance of not only considering the legal aspects of marriage, but also the social and psychological impact it has, especially on women.

However, from a legal perspective, there are differences of opinion between various schools of thought regarding the validity of muhallil marriages. The Hanafi madzhab, for example, considers this practice to be valid under certain conditions, in contrast to the views of other madzhabs which generally reject it. According to the Hanafi Madzhab, muhallil marriage is permissible as long as it is carried out without any premeditation or initial intention to return to the first husband after marriage to the second man. This view is different from the Shafi'i, Maliki and Hanbali schools of thought which strictly prohibit this practice because it is considered a manipulation of the triple talaq law which aims to prevent impulsive divorce and prioritize the protection of women's dignity in marriage. This

argument from the Hanafi Madzhab is based on a more flexible interpretation of Islamic legal texts, emphasizing that the main aim of law is to achieve justice and the benefit of the people.

The opinion of the Hanafi Madzhab is supported by several ulama who argue that as long as there is no explicit intention to make the marriage a means of returning to the first husband, the marriage remains valid. This is based on the principle of Islamic law that everything is judged based on its intentions (HR. Bukhari and Muslim), and that the law should provide solutions that make things easier for the people, not complicate their affairs. However, this practice still causes controversy because it is considered to undermine the noble goals of marriage in Islam. In addition, the hadith of the Prophet Muhammad SAW which mentions Allah's curse on perpetrators of muhallil marriages emphasizes that there are serious consequences for those who abuse this law for purposes that are not in accordance with the Shari'a. Therefore, it is important to further examine the social and psychological impacts of this practice, as well as how Islamic law can play a role in protecting the rights of women involved in nikah muhallil. This research will attempt a holistic approach to understanding and addressing the issues associated with this controversial practice.

Empirical data shows that women involved in nikah muhallil often experience significant social stigma and psychological pressure. According to research conducted by Zainuddin and Suryadi (2021), women who undergo nikah muhallil often feel humiliated and looked down upon by the surrounding community. This stigma not only affects their social status, but also impacts their mental health. Another study by Fatima (2020) revealed that women who engage in this practice experience increased levels of anxiety and depression due to discriminatory treatment from the surrounding environment. Fatima also emphasized that social stigma against women in nikah muhallil is often exacerbated by a lack of social and

emotional support from family and community, which in turn worsens their psychological condition.

In addition, the psychological pressure experienced by women in muhallil marriages is often related to feelings of insecurity and instability in their marital relationships. A study conducted by Ayesha (2019) shows that women undergoing nikah muhallil often experience internal conflict and uncertainty about their future, especially regarding the possibility of reconciliation with their first husband. The hadith of the Prophet Muhammad SAW which states, "Allah curses the man who marries a woman with the aim that she will be made lawful for her first husband, and also curses the husband who takes the woman back after the engineered divorce" (HR. Abu Dawud), strengthens the view that this practice not only is it detrimental from a legal perspective but also demeans women's dignity and causes psychological trauma. Thus, the psychological impact of nikah muhallil reflects the need for stronger interventions to protect women's rights and ensure their well-being in the context of Islamic marriage.

This research aims to examine the social and psychological impacts experienced by women in muhallil marriages, as well as evaluate the role of Islamic law in providing protection for them. Using a qualitative approach, this research will collect data through in-depth interviews and case studies to understand the experiences of women involved in this practice. The in-depth interview method allows researchers to explore more comprehensive information regarding women's feelings, experiences and perceptions of nikah muhallil. For example, a study by Ahmed and El-Shirazy (2018) shows that in-depth interviews can reveal the hidden impacts of controversial practices in Islamic family law, including the shame and stigma felt by women undergoing nikah muhallil.

Apart from interviews, this research will also adopt a case study method to provide a more specific picture of the social and

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psychological dynamics experienced by women in muhallil marriages. Case studies enable in-depth analysis of the social and legal context surrounding each case, providing more detailed insight into how Islamic law is applied and how it impacts individuals. For example, research by Al-Suwaidi (2020) found that case studies can identify specific factors that influence women's psychological well-being in the context of contentious marriages. In this context, this study will consider various sources of Islamic law, including the Qur'an and hadith, as well as the views of classical and contemporary ulama to evaluate the extent to which legal protection can be provided to women involved in nikah muhallil. As an illustration, the Al-Qur'an Surah Al-Baqarah verse 230 mentions the provisions regarding triple talaq and the conditions for returning to the first husband, which is the legal basis for muhallil marriage and is the main reference in this legal analysis.

## **Methods**

This research uses a qualitative approach with in-depth interview methods and case studies to examine the social and psychological impacts experienced by women in the practice of muhallil marriage. In-depth interviews were conducted with a number of women who had undergone nikah muhallil to understand their personal experiences, feelings and perceptions regarding this practice. These interviews were conducted in a semi-structured manner to enable respondents to express their views and experiences more freely and in depth. Apart from that, interviews also involved religious figures and Islamic law experts to gain a more comprehensive perspective on the legality and legal implications of muhallil marriage.

Case studies are used to analyze the social and legal context of each individual involved in this research. Data obtained from interviews were analyzed using a thematic analysis approach, where key themes related to social and psychological impacts were identified and explored in depth.

This research also uses data triangulation by comparing interview results with Islamic legal literature, including the Al-Qur'an, hadith, and the views of ulama from various schools of thought. With this approach, it is hoped that research can provide a more holistic picture of the impact of nikah muhallil on women and how Islamic legal protections can be applied to protect them.

## **Results and Discussion**

### ***The Social Impact of Muhallil Marriage on Women***

Marriage in Islam is a strictly regulated institution, with the aim of building a *sakinah, mawaddah* and *rahmah* family. However, the practice of muhallil marriage is often viewed negatively by Muslim communities because it is considered a way to circumvent the established triple talaq law. Women who undergo muhallil marriage often face significant social stigma. In this research, the results of in-depth interviews showed that the majority of respondents felt they were treated like objects and experienced discriminatory treatment from their community. Data analysis shows that 70% of respondents felt socially isolated after undergoing nikah muhallil. They are often the subject of gossip and condescending glances from neighbors and friends. One respondent stated, "I feel very embarrassed and depressed every time I meet people in my environment. They look at me as if I am an immoral woman." (Respondent A, 2024). This stigma not only impacts individuals but also affects their families, creating discomfort in everyday social interactions. The social isolation experienced by these women is exacerbated by the lack of social support they receive from their surrounding environment. As many as 60% of respondents said that they felt isolated and did not have support from family or close friends. A study by Zainuddin and Suryadi (2021) supports this finding, where they found that women who undergo nikah muhallil are



often abandoned by their community because they are considered to violate applicable social norms.

Additionally, this social stigma contributes to increasing gender inequality. Women are often blamed and considered the wrong party in muhallil marriage situations, while the role and responsibilities of husbands are often ignored. This creates an unequal power dynamic in society, where women have to bear a greater social burden. "Society tends to blame women in cases like this, without looking at the actual background or situation," said Respondent B (2024). To overcome this social stigma, a comprehensive educational approach is needed that involves religious leaders, the community and policy makers. Raising awareness about the negative impacts of nikah muhallil and strengthening social support for women who engage in this practice can help reduce stigma and provide better protection for them. Thus, preventive and rehabilitative measures must be implemented to ensure that women no longer become victims of social discrimination in the context of Islamic marriage.

#### ***The Psychological Impact of Muhallil Marriage on Women***

Nikah muhallil often causes high levels of anxiety and depression in women who undergo this practice. Based on the results of in-depth interviews with several respondents, many women reported ongoing feelings of depression and anxiety. One respondent stated, "I feel like I live in uncertainty and always worry about my future." This shows that an unstable and unwanted marital situation can create an unhealthy psychological environment for women. Data from Ahmed and El-Shirazy (2018) supports this finding, where women involved in nikah muhallil show higher levels of depression compared to women in conventional marriages. Apart from anxiety and depression, women involved in nikah muhallil often experience feelings of insecurity and low self-esteem. They feel that their dignity and self-esteem are degraded because they are considered a means to achieve certain goals in marriage. Analysis of the interviews revealed that these feelings of

insecurity were often exacerbated by a lack of emotional support from family and community. One respondent stated, "I feel worthless and often doubt myself because of the treatment I received." This condition reflects how the practice of muhallil marriage can have a negative impact on women's self-concept and self-confidence.

The psychological impact of nikah muhallil also includes deep emotional trauma. Some women reported very painful experiences, including feelings of betrayal and abandonment by their husbands and families. This trauma not only impacts their current mental health, but can also have detrimental long-term effects. According to research by Zainuddin and Suryadi (2021), this emotional trauma often causes sleep disorders, nightmares and other symptoms of post-traumatic stress. This shows that the psychological impact of muhallil marriage can be very deep and requires serious attention from the parties concerned. The psychological impact of nikah muhallil is not only limited to the individual women involved, but can also affect their overall psychological well-being. Women who feel insecure and experience depression tend to have a lower quality of life. They may have difficulty maintaining social relationships, carrying out daily activities, and achieving emotional balance. Analysis of data from interviews shows that women who experience the negative impact of nikah muhallil often show symptoms of poor mental health, such as loss of interest in previously enjoyable activities and difficulty concentrating. The results of this study emphasize the importance of legal protection and better psychological support for women involved in nikah muhallil. Strong legal protections can help prevent abuse of this practice and provide guarantees for women's rights. In addition, psychological support, such as counseling and therapy, is very necessary to help women overcome the trauma and psychological impact of nikah muhallil. The study recommends the establishment of comprehensive support programs to help

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women restore their psychological well-being and restore the self-confidence and self-esteem that may have been lost as a result of this practice.

### ***The Role of Islamic Law in the Protection of Women***

Nikah muhallil, as a practice aimed at circumventing the triple talaq rule in Islamic law, presents significant challenges in its implementation in Muslim societies. Based on a literature study, Surah Al-Baqarah verse 230 states that a woman who has been divorced three times by her husband cannot return to her husband unless she legally marries another man and then divorces him. However, the views of ulama regarding the validity and impact of nikah muhallil vary. The Hanafi madzhab, for example, considers this practice to be valid as long as certain conditions are met, in contrast to the views of other madzhab such as the Syafi'iyah, Malikiyah, and Hanabilah which generally reject this practice. In the perspective of the Hanafi Madzhab, the conditions that support the validity of a muhallil marriage include the sincere intention of the second husband to enter into a valid marriage, not just a means to justify the wife returning to the first husband. The results of interviews with ulama from the Hanafi Madzhab show that they believe this practice is legally acceptable as long as there is no hidden intention to circumvent the talak law. However, the strong warning in the Prophet's hadith regarding Allah's curse on perpetrators of muhallil marriages reflects a deep concern about integrity and honesty in marriage.

Even though there is a view that legalizes muhallil marriage in the Hanafi Madzhab, legal protection for women involved in this practice still requires special attention. Empirical data from interviews with women undergoing muhallil marriages shows that many of them feel they do not receive adequate protection in the Islamic legal system. They often feel exploited and unappreciated in this marriage process. One respondent stated, "I feel like an item being transferred, without taking into account my feelings and rights as a human being." In

addition, jurisprudential analysis shows that strict and consistent application of the law regarding nikah muhallil is very important to protect women's rights. In some cases, sharia courts have taken steps to avoid abuse of nikah muhallil by rejecting marriages that clearly aim to circumvent the triple talaq rule. However, there are still weaknesses in law enforcement that allow this practice to continue without adequate sanctions for perpetrators. The social implications of nikah muhallil are very complex and have a negative impact on women. Studies show that women involved in nikah muhallil experience significant social pressure, including stigma from society and negative judgments about their morality. This is exacerbated by the lack of adequate legal support to protect them from exploitation. A study by Zainuddin and Suryadi (2021) found that this social stigma often causes isolation and a decrease in the quality of life of the women involved. From a legal perspective, it is important to adopt a more protective and inclusive approach in interpreting and applying Islamic law regarding nikah muhallil. This can be done by developing clearer and more consistent guidelines that not only consider legal aspects but also the social and psychological impacts on women. Ulama and policy makers are expected to work together to create a legal system that is more responsive to women's needs and rights. To overcome these challenges, comprehensive legal reform is needed. Key recommendations include increasing public education and awareness regarding the negative impacts of nikah muhallil and the importance of respecting women's rights in marriage. This educational program must be supported by ulama and religious institutions to ensure that the message is widely accepted by the public. In addition, legal reform must focus on stricter law enforcement against practices that harm and exploit women in nikah muhallil. This research shows that although there are different views regarding the validity of muhallil marriage, the social and psychological impact on women is very significant

*The Social and Psychological Impact of Muhallil Marriage on Women from an Islamic Legal Perspective* and requires special attention. By strengthening legal protection and increasing social awareness, it is hoped that women involved in nikah muhallil can obtain better protection and a higher quality of life.

### ***Legal Reform and Policy for the Protection of Women in Marriage Muhallil***

This research shows the need for legal reform that is clearer and firmer in protecting women involved in the practice of nikah muhallil. Legal protection is a crucial aspect to ensure that women's rights are recognized and protected from abuse that can occur in the context of this marriage. Based on the results of in-depth interviews and case studies conducted, it was found that many women do not fully understand the legal and social implications of nikah muhallil, so they often become victims of this practice. The results of data analysis show that the majority of respondents feel that the current law does not provide adequate protection for women in muhallil marriages. Most of the women interviewed stated that they did not have adequate access to legal information and assistance. This results in their inability to make the right decisions regarding their marriage. For example, one respondent stated, "I had no idea that this marriage was only temporary and would end in a quick divorce. I felt so cheated and helpless."

Apart from that, there is also an urgent need to clarify the interpretation of Islamic law regarding nikah muhallil. Differences in views between madhhabs often cause confusion and legal uncertainty for the general public. As an illustration, although the Hanafi Madzhab considers this practice to be valid under certain conditions, other madzhabs generally reject its validity. This contradiction adds to the legal complexity and ambiguity felt by the women involved. This research proposes that establishing more uniform and firm guidelines across madhhabs could help reduce this uncertainty. To improve legal protection, this research also recommends stricter law enforcement against practices that harm women. Governments

and Islamic legal authorities need to work together to ensure that existing rules and regulations are enforced consistently. For example, implementation of the law prohibiting muhallil marriages for manipulative purposes must be improved, and heavier sanctions must be imposed on violators. This will provide a deterrent effect and protect women from exploitation.

In addition to law enforcement, providing support services for women affected by nikah muhallil is also very important. These services can include counseling, legal assistance, and educational programs to help women understand their rights and get the support they need. Data from research shows that women who receive this support are better able to overcome the psychological and social pressures they face. Therefore, implementation of a comprehensive support program must be part of broader policy reforms. Thus, the results of this research confirm that legal and policy reform for the protection of women in nikah muhallil is very urgent. Through increased education, stricter law enforcement, and the provision of comprehensive support services, it is hoped that a safer and fairer environment can be created for women in the context of Islamic marriage. This approach will not only strengthen legal protection for women but also improve their overall social and psychological well-being.

### **Conclusion**

This research examines the social and psychological impacts experienced by women in muhallil marriages and evaluates the role of Islamic law in providing protection for them. Through a qualitative approach involving in-depth interviews and case studies, this research found that women involved in the practice of nikah muhallil often face social stigma, psychological pressure, and a lack of understanding and access to legal aid. These findings underscore the need for clearer and firmer legal reforms as well as increasing education

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and awareness among the public regarding the negative impacts of nikah muhallil.

In addition, the research results show that differences in views between schools of thought regarding the validity of muhallil marriages add to the complexity and ambiguity of the law felt by women. Therefore, this study recommends establishing more uniform and strict guidelines across madhhabs, stricter law enforcement, and the provision of comprehensive support services for affected women. The implementation of this policy is expected to create a safer and fairer environment, as well as improve the social and psychological well-being of women in the context of Islamic marriage.

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