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THE IJTIHAD OF SURABAYA ULAMA IN RESPONDING TO LAVENDER MARRIAGE: A MAQASID AL-SHARI'AH STUDY OF MITIGATING FAMILY MAFSADAH THROUGH MASLAHAH MURSALAH

Indah Dwita Putri Lestari[1], Thoat Setiawan[2], Salman Alfarisi[3]
[1, 2, 3] Islamic Family Law Study Program, Universitas Muhammadiyah Surabaya, Indonesia
[1] indahdwitap@gmail.com, [2] thoatsetiawan@um-surabaya.ac.id, [3] salmanfrs@fai.um-surabaya.ac.id

Abstract

This study aims to analyze the ijtihad of Islamic jurisprudence scholars in Surabaya in responding to the lavender marriage phenomenon using the maqāṣid al-syarī'ah approach and mitigating family mafsadah through maṣlaḥah mursalah. The phenomenon of lavender marriage, as a form of marriage carried out to conceal a particular sexual orientation, has become an increasingly complex social reality and has given rise to various problems in family life. This study uses a qualitative approach and is supported by empirical data through interviews with lavender marriage victims and scholars from various Islamic organizations. The results show that scholars from Nahdlatul Ulama, Muhammadiyah, and the Indonesian Ulema Council have diverse views, but generally agree that lavender marriage is not in accordance with the main purpose of marriage in Islam. In certain conditions, there are views that provide limited tolerance as a temporary solution to avoid social pressure, but this practice is still considered less than ideal. Furthermore, this phenomenon is also seen as a condition that requires guidance and healing, so that marriage is not considered the main solution. From the perspective of maqāṣid al-syarī'ah, lavender marriage creates more mafsadah than maṣlaḥah, especially in the aspects of ḥifẓ al-dīn, ḥifẓ al-nafs, and ḥifẓ al-nasl. Therefore, mitigation efforts are needed through the maṣlaḥah mursalah approach, such as strengthening premarital education, counseling services, and the need to formulate fatwas as a response to contemporary social phenomena. Thus, the ijtihad of Islamic jurisprudence scholars in Surabaya City shows an effort to align sharia principles with social reality in order to minimize mafsadah and realize the welfare of families and society.
Keywords: *Lavender Marriage, Maqāṣid Al-Syarī'ah, Maslahah Mursalah, Family Mitigation, Ijtihad Ulama's of Surabaya City.*

Abstrak

Penelitian ini bertujuan untuk menganalisis ijtihad fikih ulama di Kota Surabaya dalam merespons fenomena lavender marriage dengan pendekatan maqāṣid al-syarī'ah serta mitigasi mafsadah keluarga melalui maṣlaḥah mursalah. Fenomena lavender marriage sebagai bentuk pernikahan yang dilakukan untuk menutupi orientasi seksual tertentu menjadi realitas sosial yang semakin kompleks dan menimbulkan berbagai persoalan dalam kehidupan keluarga. Penelitian ini menggunakan pendekatan kualitatif serta didukung oleh data empiris melalui wawancara dengan korban lavender marriage dan ulama dari berbagai organisasi Islam. Hasil penelitian menunjukkan bahwa para ulama dari Nahdlatul Ulama, Muhammadiyah, dan Majelis Ulama Indonesia memiliki pandangan yang beragam, namun secara umum sepakat bahwa lavender marriage tidak sesuai dengan tujuan utama pernikahan dalam Islam. Dalam kondisi tertentu, terdapat pandangan yang memberikan toleransi secara terbatas sebagai solusi sementara untuk menghindari tekanan sosial, namun praktik ini tetap dinilai tidak ideal. Selain itu, fenomena ini juga dipandang sebagai kondisi

yang memerlukan pembinaan dan penyembuhan, sehingga pernikahan tidak dijadikan sebagai solusi utama. Dalam perspektif maqāṣid al-syarī'ah, lavender marriage lebih banyak menimbulkan mafsadah dibandingkan maṣlaḥah, terutama terhadap aspek ḥifẓ al-dīn, ḥifẓ al-nafs, dan ḥifẓ al-nasl. Oleh karena itu, diperlukan upaya mitigasi melalui pendekatan maṣlaḥah mursalah, seperti penguatan edukasi pranikah, layanan konseling, serta perlunya perumusan fatwa sebagai respon terhadap fenomena sosial kontemporer. Dengan demikian, ijtihad fikih ulama di Kota Surabaya menunjukkan upaya untuk menyesuaikan antara prinsip syariat dengan realitas sosial guna meminimalisir mafsadah dan mewujudkan kemaslahatan keluarga dan masyarakat.
Kata Kunci: *Lavender Marriage, Maqāṣid Al-Syarī'ah, Maslahah Mursalah, Mitigasi Keluarga, Ijtihad Ulama Kota Surabaya.*

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INTRODUCTION

Marriage in Islam is essentially a sacred institution that aims to preserve human dignity, build a *sakinah* family, and realize social welfare. The Qur'an affirms that marriage is not merely a worldly contract but a spiritual bond that brings tranquillity, affection, and protection to both parties. Among the aims of marriage is for the bride and groom to find peace in life (*litaskunu ilaiha*),[1] and marriage is recommended as a means of preserving one's honour (*hifzh al-'irdh*) so as not to fall into forbidden acts.[2]

In a highly complex modern social context, changing patterns of interaction, the penetration of global culture, and social pressure regarding sexual orientation or certain social statuses have given rise to phenomena that deviate from the ideal aims of marriage.

Amid continuously evolving social dynamics, the concepts of relationships and marriage have undergone a transformation of meaning. Various phenomena have now emerged, such as *open marriage* and *living together*, and one of the phenomena that has come to the fore is *lavender marriage*, a marriage between a man and a woman, one or both of whom have a non-heterosexual orientation, who marry officially in order to conceal their sexual identity and reduce social stigma.[3] Historically, the term lavender marriage emerged in the United States in the 1920s, especially among celebrities, and it now occurs in countries with strict family norms, including

[1] Ahmad Atabik and Khoridatul Mudhiiah, "Pernikahan Dan Hikmahnya Perspektif Hukum Islam," *YUDISIA : Jurnal Pemikiran Hukum Dan Hukum Islam* 5, no. 2 (2016), https://doi.org/10.21043/yudisia.v5i2.703.

[2] Nurhadi Nurhadi, "Undang-Undang No. 1 Tahun 1974 Tentang Pernikahan (Perkawinan) Di Tinjau Dari Maqashid Syariah," *UIR Law Review* 2, no. 2 (2018): 414–414, https://doi.org/10.25299/uirlrev.2018.vol2(02).1841.

[3] "Lavender Marriage in the Perspective of Islamic Law: A Case Analysis in Nangka Village, Binjai Utara District | Al-'Adl," accessed November 20, 2025, https://ejournal.iainkendari.ac.id/index.php/al-adl/article/view/12418.

Indonesia. The phenomenon has drawn attention because, although administratively valid, its essence contradicts the *maqāṣid* of marriage in Islamic law and the values of justice and honesty in national family law.[4]

This condition calls for *ijtihad* in *fiqh* that is responsive to contemporary social reality, especially in understanding marriages that are outwardly valid but inwardly and functionally deviate from the aims of the *shari'ah*. Such *ijtihad* is important so that Islamic law does not stop at judgements of *halal* and *haram* but is also able to read the social and family impacts that arise. The phenomenon of lavender marriage is not found only in one particular region but may appear in various large cities with complex social dynamics. Surabaya, as one of Indonesia's urban, religious, and intellectual centres, has a diverse community of scholars and academics of Islamic law, making it worth examining how the *ijtihad* of Surabaya's *fiqh* scholars responds to lavender marriage, particularly within the framework of *maqāṣid al-sharī'ah* and the mitigation of family *mafsadah* (harm).

The practice of lavender marriage takes several forms. The first is lavender marriage by mutual agreement, in which both partners know of the non-heterosexual initial intention of the marriage or marry on the basis of shared interests. The second is one-sided lavender marriage, or marriage without self-awareness of one's sexual orientation, in which only one partner (either husband or wife) has a non-heterosexual orientation that is only realized after marriage. This social reality raises serious questions about how Islam and the law can understand the phenomenon fairly and proportionately, not to justify deviation, but to analyse its impacts and possible solutions so that it does not cause greater harm.

Unfortunately, discussions of lavender marriage have so far tended to be dominated by a normative opposing viewpoint that stops at the conclusion that it is forbidden and deviant, leaving no room for a mitigative analysis of the possibly greater harm if the situation is ignored. Within the framework of *fiqh*, Islam does not merely prohibit but also regulates how to prevent harm, preserve human dignity, and save as much as possible from damage that has already occurred. In this context, analysis based on the views of Surabaya's *fiqh* scholars and academics of Islamic law, together with the *maṣlaḥah mursalah* approach, is highly relevant, because this principle serves to weigh factual benefits that are not explicitly explained in the Qur'an or hadith but remain consistent with the general aims of the *shari'ah* in securing benefit and preventing harm.

This study therefore examines the *ijtihad* of Surabaya's *fiqh* scholars in responding to lavender marriage from the perspective of *maqāṣid al-sharī'ah* and the *maṣlaḥah mursalah* approach. In the tradition of *uṣūl al-fiqh*, the concept of *maṣlaḥah* holds an important position as a

[4]Tika Dewi et al., *Analysis Of The Lavender Marriage Phenomenon And Its Challenges To Family Law In Indonesia*, n.d.

normative basis for establishing Islamic law, especially when the texts provide no explicit ruling.[5] This study is expected to offer a pattern of mitigating family *mafsadah* that remains within the limits of Islamic law, so that Islamic law is present not only as a normative instrument but also as an ethical and social solution to the reality of contemporary marriage.

This study adopts a positive viewpoint, in the sense that it does not justify the existence of lavender marriage but examines how Islamic law, through the *maṣlaḥah mursalah* approach, can offer a way of salvaging the situation, especially by minimizing the psychological, social, and legal impacts on those already involved, such as spouses who do not know the true situation, children born of such relationships, and the more damaging forms of household breakdown.

Literature Review

Lavender marriage has attracted attention in various studies from legal, social, and religious perspectives. Research by Tika Dewi et al. (2025) shows that lavender marriage is a form of marriage that is administratively valid but contradicts the aims of marriage in Islam and Law Number 1 of 1974, because it is not based on honesty or the intention to build a family. This study also identifies forms of lavender marriage, such as consensual, one-sided, and transactional, and highlights the psychological, social, and legal impacts they cause.[6]

Similarly, Nur Suci Alawiyah et al. (2025) affirm that although the practice fulfils the conditions and pillars of marriage under positive law, in substance it contradicts *maqāṣid al-syarī'ah*, especially in terms of *ḥifẓ al-nasl* (preservation of progeny) and the value of honesty (*ṣidq*). Their study also reveals an element of *tadlīs* (deception) in the practice, which could become grounds for *fasakh* (annulment). This shows that lavender marriage contains more *mafsadah* than *maṣlaḥah*.[7]

From a social perspective, Jacklin Stefany Manafe et al. (2024) explain that the practice of lavender marriage cannot be separated from social pressure, heteronormative norms, and cultural and religious stigma. In this context, such marriages are seen as an individual adaptation to environmental pressure, even though they result in identity conflict and psychological stress.

[5] Dwi Dasa Suryantoro, "Maslahah Dharuriyyah Pemikiran Imam Al-Ghazali Dan Kedudukannya Dalam Hukum Keluarga Islam," *Imanu: Jurnal Hukum Dan Peradaban Islam* 2, no. 01 (2026): 88–104.

[6] Tika Dewi et al., "Analysis Of The Lavender Marriage Phenomenon And Its Challenges To Family Law In Indonesia," *International Journal of Cultural and Social Science* 6, no. 1 (2025): 155–65, https://doi.org/10.53806/ijcss.v6i1.1012.

[7] Nur Suci Alawiyah et al., "Lavender Marriage in the Perspective of Islamic Law: A Case Analysis in Nangka Village, Binjai Utara District," *Al-'Adl* 18, no. 2 (2025), https://ejournal.iainkendari.ac.id/index.php/al-adl/article/view/12418. 68–69

This finding emphasizes the importance of an inclusive social environment so that individuals are not driven into sham marriages.[8]

Meanwhile, research by Siti Aliah Nurhasanah and Hidayatullah Harahap (2025), which focuses on the views of scholars in Medan, shows a rejection of lavender marriage. The scholars consider the practice invalid under the *shari'ah* because it contradicts *maqāṣid al-syarī'ah* and does not fulfil the aim of marriage to form a *sakinah, mawaddah,* and *rahmah* family. The practice is also considered to have negative implications for Islamic family law.[9]

Studies on sexual deviance in the context of divorce are also found in the research of Desi Widya Fitri et al., which shows that although bisexuality is not explicitly regulated as grounds for divorce, in judicial practice it can trigger *syiqāq* (continuous discord). From the perspective of *maqāṣid al-syarī'ah*, such behaviour is considered contrary to the aims of preserving religion, life, and progeny. Rizka Afifa Zulkifli and Zainal Azwar similarly emphasize that the law needs to adapt to new social phenomena, including sexual deviance, in order to provide substantive justice.[10]

Based on these studies, it can be concluded that lavender marriage is generally seen as contrary to the aims of marriage in Islam and as causing various negative impacts, morally, socially, and legally. However, most studies still focus on normative, sociological, or case-specific analyses and have not examined the phenomenon in depth through the approach of *ijtihad* in *fiqh*, particularly from the perspective of scholars at the regional level, such as in Surabaya, using *maqāṣid al-syarī'ah* and the concept of *maṣlaḥah mursalah*.

This study therefore seeks to fill this gap by examining the *ijtihad* of Surabaya's *fiqh* scholars in responding to lavender marriage, so that it can make a conceptual and practical contribution to the development of a more contextual Islamic family law.

RESEARCH METHODS

This study uses a qualitative method, with data collected in two main ways, namely in-depth interviews and library research. First, in-depth interviews were conducted as the main technique for obtaining qualitative and exploratory primary data. The interviews were conducted directly with two categories of informants, namely victims of lavender marriage and scholars in

[8] Jacklin Stefany Manafe et al., "Examining Lavender Marriage: Social Influence and Identity Construction in a Heteronormative Context," *Jurnal Pluralis* 3, no. 1 (2024): 414–25.

[9] Azrai Agnil Habibie and Ibnu Radwan Siddik Turnip, "Lavender Marriage Perspektif Ulama Kota Medan Dan Implikasinya Dalam Hukum Keluarga Islam Di Indonesia," *Jurnal Darussalam: Jurnal Pendidikan, Komunikasi Dan Pemikiran Hukum Islam* 17, no. 1 (2025): 186–206, https://doi.org/10.30739/darussalam.v17i1.4280.

[10] Desi Widya Fitri et al., "Biseksual Sebagai Alasan Perceraian Perspektif Maqashid Syari'ah (Studi Putusan Pengadilan Agama Balikpapan Nomor: 162/Pdt.G/2023/PA.Bpp)," *TAHKIM* 20, no. 2 (2024): 264–77, https://doi.org/10.33477/thk.v20i2.6527.

Surabaya. The scholar informants comprised (1) the Deputy Chair of the Lembaga Bahtsul Masail of Nahdlatul Ulama, Surabaya City; (2) the Deputy Chair of the Majelis Tarjih dan Tajdid of the Muhammadiyah Regional Leadership, Surabaya City; and (3) the Chair of the Fatwa Commission of the Indonesian Ulema Council (MUI), East Java Province.

The interviews were semi-structured and used a previously prepared interview guide. In practice, however, the researchers allowed flexibility to explore in greater depth the victims' experiences, the background of the lavender marriage, and the views, *fiqh* arguments, and methods of *ijtihad* used by the scholars in responding to the phenomenon. Through this technique, comprehensive data were expected to be obtained from both empirical and normative perspectives. Second, library research was carried out by reviewing relevant literature, such as scholarly journals, books, laws and regulations, and other scholarly works related to lavender marriage, Islamic family law, *maqāṣid al-syarī'ah*, and the concept of *maṣlaḥah mursalah*. This library research aimed to strengthen the theoretical foundation and provide a conceptual framework for analysing the field data.

The next stage was drawing conclusions from the interview results, namely interpreting the data to find meaning and the relationships between the scholars' views and the concepts of *maqāṣid al-syarī'ah* and *maṣlaḥah mursalah* in responding to lavender marriage.

RESULTS AND DISCUSSION

The Phenomenon of Lavender Marriage

In this study, lavender marriage is understood as a form of marriage between a man and a woman that is not based on love, emotional closeness, or sexual attraction. Such marriages are generally entered into to conceal the true sexual orientation of one or both partners, which in many cases is non-heterosexual. The marriage thus functions more as a means of maintaining a social image so as to be regarded as "normal" according to the standards of a heteronormative society, especially in environments that still stigmatize non-heterosexual orientations.

The term *lavender marriage* first became popular in the United States in the early twentieth century, especially in the *Hollywood* industry. Many actors and actresses at that time were secretly in homosexual relationships but were forced to build a public image as heterosexuals in order to remain accepted by society and the industry. The colour *lavender* itself has historically been associated with homosexual expression in Western culture.[11]

[11] Habibie and Turnip, "Lavender Marriage Perspektif Ulama Kota Medan Dan Implikasinya Dalam Hukum Keluarga Islam Di Indonesia."

In Indonesia, the issue of same-sex marriage is still taboo and considered contrary to prevailing social norms. Besides cultural and religious factors, this view is also influenced by a legal system that stipulates that marriage is valid only between a man and a woman.[12]

Indonesia, as a state based on the rule of law with a plural legal system, has room to regulate family life through the Marriage Law (Law No. 1 of 1974 in conjunction with Law No. 16 of 2019). However, to date there is no regulation that explicitly prohibits or regulates the practice of *lavender marriage*.[13]

Lavender Marriage from a Sociological Perspective

From a sociological perspective, lavender marriage can be understood as a social phenomenon born of the pressure of norms, values, and cultural constructions in society. Such a marriage is not merely a personal decision but an individual response to social demands that require people to conform to prevailing standards, especially heteronormative norms. In many social contexts, heterosexual marriage is seen as a symbol of social success, maturity, and compliance with religious and cultural values. This creates strong social pressure on individuals with non-heterosexual orientations to appear in line with society's expectations. As a result, lavender marriage becomes an adaptive strategy chosen to avoid stigma, discrimination, or social rejection.

Furthermore, the phenomenon also reflects a gap between personal identity and social identity. Individuals in lavender marriages often experience identity conflict because they must perform social roles that do not match their true condition. This leads to psychological stress, dissatisfaction in the relationship, and household relations that are not as they should be. In addition, from the standpoint of social interaction, lavender marriage can also be seen as a form of *impression management*, in which individuals try to build a self-image acceptable to society. In this case, marriage is used as a tool of social legitimacy to conceal the actual reality.

Lavender Marriage from the Perspective of Islamic Law

From the perspective of Islamic law, lavender marriage is seen as problematic because it is not in line with the aims and basic principles of marriage (*maqāṣid al-nikāḥ*). Normatively, marriage in Islam is not merely a contract that fulfils formal pillars and conditions but also a sacred institution that aims to realize a *sakinah, mawaddah, wa rahmah* household. Although in some cases lavender marriage may be considered administratively valid because the pillars and

[12] Rani Nuraeni et al., "Pernikahan Sesama Jenis: Tinjauan Hak Dan Kewajiban Berdasarkan Undang-Undang Perkawinan," *Jurnal Syntax Admiration* 5, no. 10 (2024): 4207–18, https://doi.org/10.46799/jsa.v5i10.1640.

[13] Rizka 'Afifa Zulkifli and Zainal Azwar, "Lavender Marriage: Pendekatan Kaidah Nahyu Dalam Istinbath Hukum," *Al Maqashidi : Jurnal Hukum Islam Nusantara* 8, no. 1 (2025): 104–16, https://doi.org/10.32665/almaqashidi.v8i1.4831.

conditions of marriage are fulfilled, such as the presence of a guardian, offer and acceptance (*ijab kabul*), and witnesses, in substance the practice contains serious problems. One aspect that stands out is the element of dishonesty (*tadlīs*), namely concealing one's condition or identity that should be known to the spouse. In Islamic law, such an act can undermine the moral validity of a contract and may become grounds for annulment (*fasakh*).

Fiqh never stops developing and keeps moving with the rhythm of changing times. As long as changes continue to occur in human life, new jurisprudential issues (*masā'il fiqhiyyah*) requiring legal answers will continue to arise. This is also proof that Islamic law is highly flexible, since it can accommodate the dynamics of human life from the classical to the modern era without losing the spirit of *maqāṣid al-syarī'ah*, which is its main foundation.

From the perspective of *maqāṣid al-syarī'ah*, lavender marriage tends to contradict the main aims of the *shari'ah*. In terms of *ḥifẓ al-nasl* (preservation of progeny), the practice does not support the healthy continuation of generations because marital relations do not function normally. In terms of *ḥifẓ al-nafs* (preservation of life), the psychological impacts indicate potential harm to the individuals involved, especially those who become victims. In terms of *ḥifẓ al-dīn* (preservation of religion), a practice built on dishonesty contradicts Islamic ethical values.

When marriage is carried out with the motive of concealing sexual identity, as in lavender marriage, these aims may be disrupted and may even contradict the principles of *maqashid al-syari'ah*.[14]

Lavender marriage, or sham marriage, has no value as worship, contains no blessing (*barakah*), and contradicts *maqāṣid al-nikāḥ*. Such a contract is valid only under positive law but void in terms of *maqāṣid* and religious morality, because Islam regards intention as the spirit of every contract and act of worship.

From the standpoint of benefit, lavender marriage contains more *mafsadah* (harm) than *maṣlaḥah* (benefit). The benefits that arise are generally temporary, such as maintaining a social image, while the negative impacts are long-term, morally, socially, and in terms of family law.

Thus, within the framework of Islamic law, lavender marriage is not only seen as a practice that deviates from the aims of marriage but also as a phenomenon that needs to be addressed through an *ijtihad* approach that takes into account the principles of *maqāṣid al-syarī'ah* and *maṣlaḥah mursalah*. This is important so that Islamic law remains relevant and able to provide solutions to contemporary social phenomena without neglecting the basic values of the *shari'ah*.

[14] Ririn Muktamiroh and Isroqunnajah, "Lavender Marriage Dalam Diskursus Fiqh Kontemporer Melalui Pendekatan Maqāṣid Al-Syarī'ah," *Al-Zayn : Jurnal Ilmu Sosial & Hukum* 4, no. 1 (2026): 5164–76, https://doi.org/10.61104/alz.v4i1.3348.

The Views of Surabaya's Ulama on the Phenomenon of Lavender Marriage

Fiqh scholars in Surabaya, as holders of religious authority in society, play an important role in providing views on and responses to social phenomena such as lavender marriage. In this study, the authors interviewed several scholars from various Islamic organizations to obtain a more comprehensive picture of the phenomenon.

In the authors' interview with Ustadz Moch. Djufri, a Nahdlatul Ulama scholar who serves as Deputy Chair of the Lembaga Bahtsul Masail of Surabaya City, he conveyed his *fiqh* view on lavender marriage as follows.

> "In our view, it is permissible for the purpose of avoiding social judgement, even though it is not ideal; but in the short term it can be done as a form of treatment, prevention, or mitigation. It requires a process, of course, through an approach based on creed (*akidah*) and building awareness that it is not right; there is even the story of the people of the Prophet Lut (a people who were attracted to the same sex)," he said (Moch. Djufri, 2026).[15]

This statement shows that the *fiqh* view expressed by Ustadz Moch. Djufri has a contextual nuance that takes into account the social reality faced by individuals. Ustadz Moch. Djufri also drew a parallel with the time of the Prophet Lut (peace be upon him). When the Prophet Lut preached, he gave a firm and stern warning against his people's behaviour, which had never been found in earlier times, namely same-sex attraction.[16]

Lavender marriage is thus not rejected absolutely but seen as an option that can still be tolerated under certain conditions, especially as a temporary effort to avoid social pressure. Nevertheless, this permissibility is not ideal. Furthermore, the use of the term "treatment" shows that the approach used is part of an *ijtihad* process that is gradual and solution-oriented. In this case, *ijtihad* does not only serve to establish law normatively but also to understand the social conditions in society in order to produce more relevant decisions; the practice of lavender marriage is therefore seen as a phenomenon that needs to be addressed gradually through a process of guidance.

In the authors' interview with Mr Imam Syaukani, Deputy Chair of the Majelis Tarjih dan Tajdid of the Muhammadiyah Regional Leadership of Surabaya City, he conveyed his views on lavender marriage.

> "In Islam it is clear: in an agreement, it is not permitted for one party to gain and the other to lose. An agreement is considered valid if both parties gain or neither is harmed (referring to the marriage contract)."

[15] Interview with Ustadz Moch. Djufri, Deputy Chair of the Lembaga Bahtsul Masail of Nahdlatul Ulama, Surabaya City, 2026.

[16] Farikhatul Aini Aprilia et al., "Analisis Fenomena LGBT dalam MOM (Mixed Orientation Marriage) dan Dampaknya Menurut Perspektif Ilmu Fikih," *Al-Usariyah: Jurnal Hukum Keluarga Islam* 1, no. 3 (2023): 82–101, https://doi.org/10.37397/al-usariyah.v1i3.416.

> "This kind of marriage is likened to an illness, and the marriage may be carried out provided that the person with the disorder is first treated or healed, citing the psychologist Dadang Hawari, who said that it is an illness," he said (Imam Syaukani, 2026).[17]

From the authors' interview with a figure from the Majelis Tarjih dan Tajdid of the Muhammadiyah Regional Leadership of Surabaya City, the view was obtained that lavender marriage is not in line with the basic principles of contracts in Islam. From the perspective of *fiqh*, a contract, including marriage, must be based on the principles of justice and mutual benefit, in which no party may be harmed. A marriage that from the outset has the potential to create inequality, such as one party being harmed emotionally or in their rights, therefore does not fulfil the value of justice that is the spirit of Islamic law. Furthermore, in this view lavender marriage is likened to an "illness" that requires a healing process before a person enters the institution of marriage. A fatwa on islamweb.net likewise views homosexuality as a deviation that needs to be cured through spiritual and medical approaches, with heterosexual marriage as a "*shar'ī* therapy".[18]

Marriage should not be used as a means to cover up or avoid fundamental problems but as a bond built on outward and inward readiness. This view shows that the solution or *ijtihad* offered emphasizes prevention and treatment, namely by seeking to improve the individual's condition before marriage, so that the aims of marriage can be optimally achieved.

> "At the MTT PDM of Surabaya City there has been no discussion of it, because it is clear that it is not permitted. If this phenomenon were already widely discussed in Surabaya, the discussion would involve not only religious figures but also state officials, and a fatwa on the phenomenon might emerge," he said (Imam Syaukani, 2026).

He further stated that to date the phenomenon has not been specifically discussed in the forum of the Majelis Tarjih dan Tajdid of the Muhammadiyah Regional Leadership of Surabaya City, because in principle it is clearly considered inconsistent with Islamic teachings. However, if the phenomenon becomes more widespread in society, it is possible that a more in-depth study involving various disciplines will be conducted, which could ultimately produce a fatwa as a religious response to a contemporary social phenomenon.

In addition, within the framework of *maṣlaḥah mursalah*, this view shows that mitigation of lavender marriage needs to be carried out through a broader and more comprehensive

[17] Interview with Mr Imam Syaukani, Deputy Chair of the Majelis Tarjih dan Tajdid of the Muhammadiyah Regional Leadership, Surabaya City, 2026.

[18] Nabilah Rohadatul Aisyah et al., "Fatwa on the Marriage of a Person Who Has a Deviation of Sexual Orientation in Islamweb.Net from the Perspective of Maqāṣid al-Sharī'ah," *Komparatif: Jurnal Perbandingan Hukum Dan Pemikiran Islam* 5, no. 1 (2025): 1–19, https://doi.org/10.15642/komparatif.v5i1.2657.

approach. It involves not only religious aspects but also the roles of various parties, including state officials and experts in related fields. This is important given that the phenomenon affects not only individuals but also the social order and family resilience in general.

This view thus shows that the *ijtihad* developed is oriented not only towards normative rejection but also towards mitigating *mafsadah* through the *maṣlaḥah mursalah* approach, namely by encouraging individual improvement, strengthening religious awareness, and cross-sector collaboration to maintain the integrity and welfare of families in society.

The authors then interviewed Mr Sholihin Hasan, Chair of the Fatwa Commission of MUI East Java, based in Surabaya, who conveyed his views and *ijtihad* on lavender marriage.

> "Lavender marriage is a social phenomenon expressing various factors, such as concealing sexual orientation, wrapped up to maintain a public image and avoid family pressure," he said (Sholihin Hasan, 2026).[19]

From the authors' interview with a figure from the Indonesian Ulema Council of East Java Province in Surabaya, the view was obtained that lavender marriage is a social phenomenon that emerges as an expression of various factors, such as efforts to conceal sexual orientation, maintain a public image, and avoid pressure from family and the social environment. This shows that the practice cannot be separated from a social construction that still strongly places heterosexual marriage as the main standard in society.

> "Specifically, there has been no discussion of lavender marriage at either the central MUI or the East Java MUI; this is a new phenomenon, because MUI's contemporary *ijtihad* is collective (*jama'i*), with certain standards and mechanisms, before it produces a legal ruling."
>
> "In my opinion, a fatwa on lavender marriage is needed as a form of prevention, solution, and education, because there is none so far, and services and counselling from various institutions are needed; for example, MUI has a service called *Hallo MUI* that could be used to address this phenomenon," he said (Sholihin Hasan, 2026).

Institutionally, lavender marriage has not yet been specifically discussed at either the central or regional level. This is because *ijtihad* within the Indonesian Ulema Council is *jama'i* (collective), so it requires a process, mechanism, and comprehensive study before producing a legal ruling or fatwa. Nevertheless, the existence of this phenomenon shows the need for a more systematic and structured religious response.

> "From the perspective of *maqasid syariah*, the aspect most affected is *ḥifẓ al-dīn*, because one of the aims of marriage is to protect one's religion from sinful acts," he said (Sholihin Hasan, 2026).

[19] Interview with Mr Sholihin Hasan, Chair of the Fatwa Commission of the Indonesian Ulema Council (MUI), East Java, 2026.

From the perspective of *maqāṣid al-syarī'ah*, lavender marriage is seen as having significant implications, especially for *ḥifẓ al-dīn* (preservation of religion). In this regard, marriage as an institution in Islam aims to protect individuals from acts contrary to religious values. From a certain (pro-contextual) viewpoint, lavender marriage can be understood as a temporary effort to avoid social pressure that could push individuals towards more deviant behaviour. The practice can thus be seen as an endeavour to maintain personal and environmental stability under conditions that are not yet ideal.

> "As for its *maslahah* and *mafsadah*, a marriage that begins with pretence will cause *mafsadah*. Deviant sexual orientation is not truly part of human nature (*fitrah*) but an illness that must be treated, because the original nature of human beings is for men to be attracted to women and vice versa," he said (Sholihin Hasan, 2026).

However, this view also affirms that a marriage built on pretence has the potential to cause greater *mafsadah*, in terms of psychology, family relations, and honesty in marriage. Marriage truly promises peace of life, in which every person can build a paradise on earth. All this will happen if the marriage is truly lived in accordance with the path laid down by Islam.[20] In addition, the term lavender marriage functions as a social metaphor describing a *facade* marriage used to obtain social protection, maintain a career, or meet cultural and family demands.[21]

Therefore, within the framework of *maṣlaḥah mursalah*, mitigation efforts are needed that focus not only on establishing the law but also on preventive and solution-oriented measures.

Such mitigation can be carried out through the formulation of a fatwa as a form of prevention and public education, and through strengthening more inclusive religious counselling services. In this regard, services such as *Hallo MUI* can be used to provide assistance, consultation, and guidance to individuals facing similar problems. This approach shows that the *ijtihad* undertaken is oriented not only towards prohibition but also towards creating benefit through practical solutions responsive to social reality.

This view thus reflects a form of contemporary *ijtihad* that seeks to balance the normative principles of the *shari'ah* with the real conditions of society. The *maqāṣid al-syarī'ah* approach is used to understand the basic aims of marriage, while *maṣlaḥah mursalah* serves as the basis for formulating strategies to mitigate family *mafsadah* more comprehensively and sustainably.

[20] Muhammad Yunus Samad, "Jurnal Hukum Pernikahan Dalam Islam," *Istiqra`: Jurnal Pendidikan Dan Pemikiran Islam* 5, no. 1 (2017), https://jurnal.umpar.ac.id/istiqra/article/view/487.

[21] Olivia Sabrina Azlan et al., "Di Balik Metafora Lavender Marriage: Penyamaran Identitas dan Luka Tersembunyi Pasangan Heteroseksual," *Prosiding Seminar Nasional Pemberdayaan Masyarakat (SENDAMAS)* 5, no. 1 (2026): 16–23, https://doi.org/10.36722/psn.v5i1.4895.

CONCLUSION

Based on this study of the *ijtihad* of Surabaya's *fiqh* scholars in responding to lavender marriage, from the perspective of *maqāṣid al-sharī'ah* and the mitigation of family *mafsadah* through *maṣlaḥah mursalah*, it can be concluded that lavender marriage is a complex social reality, influenced by social pressure, family demands, and individuals' efforts to maintain their self-image amid a heteronormative social construction.

From the perspective of *ijtihad* in *fiqh*, the scholars from Nahdlatul Ulama, Muhammadiyah, and the Indonesian Ulema Council show diverse approaches but generally share the view that lavender marriage is not in line with the main aims of marriage in Islam. Although some views allow limited tolerance under certain conditions as a short-term solution, the practice is still not considered ideal because it contains dishonesty and may create inequality in family relations.

The results also show a shared view among some scholars that lavender marriage relates to a condition regarded as an "illness" or deviation that can still be overcome through guidance and healing. From the perspective of *maqāṣid al-syarī'ah*, this approach reflects efforts to preserve *ḥifẓ al-nafs* (preservation of life) through individual improvement, and *ḥifẓ al-dīn* (preservation of religion) by guiding individuals back to values consistent with Islamic teachings.

Within the framework of *maṣlaḥah mursalah*, this study affirms the importance of mitigating *mafsadah* through a more comprehensive approach. These efforts include strengthening premarital education, raising religious awareness, providing counselling services, and conducting further studies that could lead to the formulation of a fatwa as an adaptive religious response. This approach shows that *ijtihad* functions not only to establish the law but also to provide contextual and benefit-oriented solutions.

Thus, the *ijtihad* of *fiqh* scholars in Surabaya in responding to lavender marriage shows an effort to combine the teachings of the *shari'ah* with the social conditions in society. Its aim is to reduce harm (*mafsadah*) while continuing to move towards the creation of welfare in family and social life in a sustainable way.

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