

Prevention of Divorce through the Marriage Certification Program in Cilacap Regency, Central Java: The Lens of al-Ghazālī's *Maṣlaḥah*

Selamet Santoso,^{1*}
Tajul Arifin,¹ I. Nurol 'Ain,¹
Nurrohman Nurrohman¹

¹Department of Islamic Law,
Postgraduate Program, Universitas
Islam Negeri Sunan Gunung Djati
Bandung, Bandung – Indonesia

***Corresponding Author:**
email: stoso590@gmail.com -
Jl. A. H. Nasution No. 105, Kota Bandung,
Jawa Barat 40614, Indonesia

Abstract: Cilacap Regency, Central Java, has experienced a significant increase in divorce cases and is ranked the highest in the region. In response to this trend, the Ministry of Religious Affairs in Cilacap, launched a marriage certification program to counteract the spike in divorce rates. Using a qualitative research design, this study used primary data from interviews and secondary data from information review, involving KUA officers and certification counselors in Cilacap Regency. Data validation used the triangulation method, and analysis interpreted the information thematically through al-Ghazālī *maṣlaḥah* theory. This study aims to examine the application of al-Ghazālī *maṣlaḥah* theory in the implementation of the marriage certification program in Cilacap Regency. The findings of this study highlight the program's alignment with al-Ghazālī *maṣlaḥah* theory, categorizing it as *maṣlaḥah ḍarūriyyah* (primary), which requires immediate implementation to uphold the objectives of Sharia: safeguarding religion, mind, soul, property and offspring.

Keywords: divorce; al-Ghazālī; marriage certification;
maṣlaḥah

Abstrak: Kabupaten Cilacap, Jawa Tengah, mengalami peningkatan kasus perceraian yang signifikan dan menduduki peringkat tertinggi di wilayah tersebut. Menanggapi tren ini, Kementerian Agama di Cilacap, meluncurkan program sertifikasi pernikahan untuk menangkai lonjakan angka perceraian. Dengan menggunakan desain penelitian kualitatif, penelitian ini menggunakan data primer dari wawancara dan data sekunder dari telaah informasi, yang melibatkan petugas Kantor Urusan Agama (KUA) dan pembimbing sertifikasi nikah di Kabupaten Cilacap. Validasi data menggunakan metode triangulasi, dan analisis menafsirkan informasi secara tematik melalui teori *maṣlaḥah* al-Ghazālī. Penelitian ini bertujuan mengkaji penerapan teori *maṣlaḥah* al-Ghazālī dalam pelaksanaan program sertifikasi nikah di Kabupaten Cilacap. Temuan penelitian ini menyoroti keselarasan program tersebut dengan teori *maṣlaḥah* al-Ghazālī, yang mengkategorikannya sebagai *maṣlaḥah ḍarūriyyah* (primer), yang mengharuskan implementasi segera untuk menegakkan tujuan syari'ah: menjaga agama, akal, jiwa, harta benda, dan keturunan.

Kata Kunci: perceraian; al-Ghazālī; sertifikasi pernikahan;
maṣlaḥah

A. Introduction

The prophets convey revelations and divine messages is a sacred promise to Allah. This promise contains a willingness to guide humans to become servants of Allah (*'abdullāh*), and *khalīfatullāh*, who can bring about goodness on earth. The sacred covenant of the prophets is similar to a sacred covenant in marriage. For broadcast marriage is one of teaches divine and sunnah *nubuwwah* with guidance from the al-Qur'an and Sunnah so that every period and all event that occurred in wedding worth worship for realize benefit from the unity of soul between husband and wife (*min anfusikum*), tranquillity soul (*litaskunū ilaiḥā*), deep love (*mawaddah*), and loves universal affection and no limited (*rahmah*). However, the benefits of an objective wedding must continuous progressive thought and effort (*yatafakkarūn*) because various problems always present when undergoing big dipper house stairs.¹

Problematic life home ladder can cause disputes in the family due to different characters and selfishness as well as jealousy and affairs between husband and wife, which end in divorce.² Factor economy is one of reason main happen divorce.³ All partners should consider economic management in the household's unstable financial position, which causes problems that will arise in partial households and a big end in divorce.⁴

Regency Cilacap is the region with the highest divorce rate in Central Java for the last few years. Based on information sourced from the Regional Office of the Ministry of Religion, Central Java Province, the five districts/cities with the highest divorce rates are Cilacap, Banyumas, Brebes, Pemalang, and Grobogan. In the range of 2018-2020, the divorce rate in Cilacap Regency was at a worrying level, namely around 1/3 (one-third) of the number of marriages

¹ Rihlatul Khoiriyah, "Aspek Hukum Perlindungan Perempuan dan Anak dalam Nikah Siri," *Sawwa: Jurnal Studi Gender* 12, no. 3 (2018): 397–408, <https://doi.org/10.21580/sa.v12i3.2094>.

² Imam Syarbini, "Perkawinan Beda Agama (dalam Perspektif Konsep Masalah al-Ghazali)," *al-Adillah: Jurnal Hukum Islam* 3, no. 2 (2023): 79–94, <https://doi.org/10.61595/aladillah.v3i2.745>.

³ Mariska Klein Velderman et al., "Prevention of Divorce-Related Problems in Dutch 4- to 8-Year-Olds: Cultural Adaptation and Pilot Study of the Children of Divorce Intervention Program," *Research on Social Work Practice* 28, no. 4 (2018): 415–27, <https://doi.org/10.1177/1049731516644504>.

⁴ Nono Carsono, "Efektivitas Manajemen Bimbingan Pra Nikah BP4 dalam Mewujudkan Keluarga Sakinah, Mawaddah, Warahmah di KUA Kecamatan Wanareja Kabupaten Cilacap," *Perwira Journal of Economics & Business* 1, no. 2 (2021): 78–86, <https://doi.org/10.54199/pjeb.v1i2.57>.

experiencing divorce and getting out of control in the 2020 period, where the divorce rate was almost close to 50% of the number of marriages.

Divorce is high throughout Indonesia, for example, in Cilacap Regency, because the Ministry of Religion via the Director General of BIMAS issued a decision on April 20, 2018, number 379 years 2018 concerning Technical Guidance Instructions Marriage for Prospective Brides. In 2020, the Government, through the National Population and Family Planning Agency (BKKBN), in its press release with Release Number/132/B4/BKKBN/XI/2019, announced that the Government launching the program the Planning Generation (*GenRe/Generasi Berencana*), namely the superior generation as the foundation for a sustainable family life in Indonesia.⁵

Through the “GenRe Program”, the Government replaced the term prospective bride and groom course (*Kursus Calon Pengantin/Sustain*) with marriage guidance (*Bimbingan Perkawinan/Bimwin*), which is the infrastructure of the marriage certification program that must be taken by prospective bride and groom couples as one of the marriage administration requirements at KUA.⁶ The spirit of the *Bimwin* program is to create family resilience that gives birth to generations that grow well and healthily with a harmonious household atmosphere full of love and affection, with the primary aim being to reduce the divorce rate.⁷

In more detail, the marriage certification program launched by the Government has four technical plans:⁸ First, couples who want to get married must take a pre-marital guidance class. Second, pre-marital guidance procedures and their requirements are listed on the Government’s official

⁵ Ali Qosim, “Perjanjian Perkawinan dalam Upaya Mencegah Perceraian Perspektif Hukum Islam (Analisis Pasal 29 Undang-Undang Nomor 1 Tahun 1974),” *Tabsyir: Jurnal Dakwah dan Sosial Humaniora* 2, no. 4 (2021): 9–19, <https://doi.org/10.59059/tabsyir.v2i4.664>.

⁶ KUA or Kantor Urusan Agama is religious affair office at sub-district level. A Naraspati, “Peran Penghulu KUA Kecamatan Muara Enim Kabupaten Muara Enim dalam Meminimalisasi Perkawinan Anak di Masa Pandemi Covid-19 Perspektif Masalah Imam al-Ghazali,” *Sakina: Journal of Family Studies* 6, no. 2 (2022), <https://doi.org/10.18860/jfs.v6i2.1431>.

⁷ Lutfi Amalia, “Penilaian Ketahanan Keluarga terhadap Keluarga Generasi Millennial di Era Globalisasi sebagai Salah Satu Pondasi Ketahanan Nasional,” *JKKP (Jurnal Kesejahteraan Keluarga dan Pendidikan)* 5, no. 2 (2018): 159–72, <https://doi.org/10.21009/JKKP.052.08>.

⁸ Louisa S. Arnold and Andreas Beelmann, “The Effects of Relationship Education in Low-Income Couples: A Meta-Analysis of Randomized-Controlled Evaluation Studies,” *Family Relations* 68, no. 1 (2019): 22–38, <https://doi.org/10.1111/fare.12325>.

website.⁹ Third, the pre-marital guidance class lasts for three months. Fourth, certification is given after the participant is declared to have passed the marriage guidance.¹⁰ The Government, through the marriage certification program, is trying to educate about reproductive health, reduce stunting rates, and provide psychological assistance for married couples who want to get married.¹¹ Apart from that, this program also encourages the creation of a new generation with capability, dedication, and competitiveness at national and global levels with high integrity built on a foundation of confidence and honesty to produce quality individuals.¹² The marriage certification program designed by the Government has sparked discordant voices from the parliament building. Deputy Commission VII, House of Representatives of Indonesia Republic (DPR RI) Marwan Dasopang was one of the legislative members who criticized the marriage certification program because he considered it a form of government interference that went too far into the private areas of the community.¹³ In his view, this program could be good because it can reduce the divorce rate. Still, on the other hand, there are concerns that it will also increase pre-marital promiscuity by prospective brides and grooms who do not pass the marriage certification program.¹⁴

For all Muslims, efforts to reach a social meeting point between men and women must be bound by marriage ties according to Islamic law because Islamic law is the path to a happy married life (*sakīnah*).¹⁵ Islamic law is also a guiding map when the building of married life begins to crack and fade and requires

⁹ Ninil Elfira, "Terapi Keluarga Virginia Satir dalam Mencegah Perceraian," *Indonesian Journal of Counseling and Development* 5, no. 1 (2023): 32–39, <https://doi.org/10.32939/ijcd.v5i1.2564>.

¹⁰ Ari Azhari, "Formulasi Penerapan Kursus Pra-Nikah di Kantor Urusan Agama (KUA) Kecamatan Kemuning Kota Palembang," *Jurnal Perspektif* 15, no. 1 (2022): 12–22, <https://doi.org/10.53746/perspektif.v15i1.75>.

¹¹ G.A. Pucca et al, "Ten Years of a National Oral Health Policy in Brazil," *Journal of Dental Research* 94, no. 10 (2015): 1333–37, <https://doi.org/10.1177/0022034515599979>.

¹² John Eddy Dharmasoeka, *From Nobody to Somebody: 33 Kredo untuk Meraih Kecemerlangan Hidup* (Jakarta: Elex Media Komputindo, 2017), 7.

¹³ Efik Yusdiansyah, "The State Administrative Decision-Making in the Adoption of Masalah Mursallah Principle in Indonesia," *Sriwijaya Law Review* 7, no. 2 (2023): 287, <https://doi.org/10.28946/slrev.Vol7.Iss2.2557.pp287-299>.

¹⁴ Imam Faishol and Nafisatun Thohiroh, "Persepsi Pegawai Kantor Urusan Agama (KUA) Kecamatan Balikpapan Timur tentang Bimbingan Pra Nikah," *At Tawazun: Jurnal Ekonomi Syariah* 10, no. 1 (2022): 1–9, <https://jurnal.staiskutim.ac.id/index.php/at-tawazun/article/view/146>.

¹⁵ Ruba Abu-Ras and Yael Itzhaki-Braun, "The Complex Role of the Community in the Determination of Well-being and Hope among Divorced Muslim Women," *Journal of Community Psychology* 51, no. 7 (2023): 2927–42, <https://doi.org/10.1002/jcop.23037>.

maintenance.¹⁶ For the Indonesian Government, the strength and resilience of marriage are considered the basis for welcoming a golden Indonesia in 2045.

Based on five-year data summarized by the Registrar of the Class 1 A Religious Court of Cilacap Regency for the 2018-2022 period regarding the divorce rate and marriage dispensation rate, it is as follows: In 2018, there were 1784 divorce divorces and 4323 divorce lawsuits, in 2019 there were 1746 divorce divorces and divorce of 4591, in 2020 divorce of 1749 divorce of 4405, in 2021 divorce of 1810 divorce as many as 4380, in 2022 divorce as many as 1426 and divorce of 3835. Meanwhile, the marriage dispensation in 2018 is as many as 294; in 2020, as many as 776; in 2021, as many as 767; and in 2022, as many as 664 cases.¹⁷

In accordance with the regional development priorities of Cilacap Regency, which are aimed at conditions of stability both physical and non-physical, implementing the Decree of the Director General of Islamic Community Guidance Number 379 of 2018 concerning marriage counseling for the millennial generation in Cilacap Regency is an urgent matter to be able to boost development goals in various sector independently in accordance with the vision and mission of Cilacap Regency to become more prosperous.

Marriage guidance in Cilacap Regency is urgent, necessary, or something that must exist because of the younger generation, the millennial generation.¹⁸ The generations entering marriage without marriage guidance is like entering a forest without knowing the map; for everyone to succeed, they need planning to carry out an activity. They must have a *road map* and understand the map. The marriage guidance participants are expected to be able to move according to the map so that they can face conflicts in the family, how and what strategies to overcome problems, all of this is expected to be prepared further, then his mentality can also be better prepared to face the tumultuous waves of married life.¹⁹

¹⁶ Sri Turatmiyah, Annalisa Yahanan, and Arfianna Novera, "Sertifikat Pra Nikah sebagai Upaya Menekan Tingginya Perceraian di Indonesia," *Simbur Cahaya* 29, no. 1 (2022): 141-54, <https://doi.org/10.28946/sc.v29i1.858>.

¹⁷ Archives of the Registrar of the Religious Court Class 1A Cilacap Regency for the 2018-2022 period.

¹⁸ Nono Carsono, "Kursus Calon Pengantin (Pendampingan Pranikah) sebagai Upaya Mencegah Terjadinya Perceraian di Wilayah Kecamatan Wanareja Kabupaten Cilacap," *Perwira Journal of Community Development* 1, no. 1 (2021): 42-52, <https://doi.org/10.54199/pjcd.v1i1.56>.

¹⁹ Retno Agus Winanti, "Revitalisasi Bimbingan Keluarga Sakinah Berbasis Majelis Taklim dalam Mencegah Perceraian (Studi Di KUA Kecamatan Balongpanggang Kabupaten Gresik)," *Jurnal Interpretasi Hukum* 4, no. 3 (2023): 619-25, <https://doi.org/10.55637/juinhum.4.3.8153.619-625>;

To prepare a quality generation to welcome a Golden Indonesia in 2045 in general and carry out the vision and mission of Cilacap Regency, there are three types of marriage guidance in Cilacap. The first is marriage guidance for school-aged teenagers, which is termed pre-marital guidance for school-aged teenagers. Then, the second is pre-marital guidance for teenagers of marriageable age; the third is pre-marital guidance for prospective brides and grooms, so there are three in all. We have been carrying out all of this since 2018 through the Islamic guidance section of the Ministry of Religion, Cilacap Regency, and it is a form of our efforts to create a resilient family.²⁰ This effort is necessary if people say it is true to say, "*Pangan temumpang gawe ora temumpang lambe* (food or financial depend on effort, not on mere words of lip)." It means the foundation of a household is love, while maintaining it is with economic resilience.

Family resilience can be realized with pre-marital guidance and certification. Pre-marital group guidance can increase knowledge about marriage, help their readiness to live in a household, and effectively reduce divorce by better understanding the couple and the surrounding circumstances.²¹ Pre-marital assistance makes the prospective bride and groom's insight broader and more open regarding married life, which can be used as a guide to avoid divorce.²² Pre-marital guidance helps prospective brides and grooms to prepare themselves before living a domestic life, both physically and psychologically, so that in the future, they can overcome problems in the household without prioritizing emotions, which can lead to divorce.²³

Pre-marital guidance, which ends with the provision of a pre-marital certificate, should be a program that all prospective brides and grooms must

Nura Oktavia, "Dimensi Pembangunan Berkelanjutan dalam Mencegah Dampak Perceraian terhadap Psikologi Anak: Studi Kasus di Kecamatan Lenek," *Journal of Sustainable Development Issues* 1, no. 1 (2022): 19–28, <https://doi.org/10.56282/jsdi.v1i1.105>.

²⁰ Yuanita Erry Wijati et al., "Hubungan Beberapa Faktor Wanita PUS dengan Pernikahan Usia Dini di Kecamatan Cilacap Utara Tahun 2016," *Jurnal Kesehatan Masyarakat (e-Journal)* 6, no. 1 (2018): 157–66, <https://doi.org/10.14710/jkm.v6i1.19853>.

²¹ Jumail Jumail, "Bimbingan Agama bagi Narapidana di LAPAS Kelas IIA Ambon," *al-Ittizaan: Jurnal Bimbingan Konseling Islam* 4, no. 2 (2021): 52, <https://doi.org/10.24014/ittizaan.v4i2.14672>.

²² Carsono, "Efektivitas Manajemen Bimbingan Pra Nikah BP4 dalam Mewujudkan Keluarga Sakinah, Mawaddah, Warahmah di KUA Kecamatan Wanareja Kabupaten Cilacap."

²³ Bashori Alwi and Nimatus Sholihah, "Bimbingan Perkawinan sebagai Upaya Mencegah Perceraian; Studi Kasus Kantor Urusan Agama (KUA) Kraksaan," *al-Adalah: Jurnal Syariah dan Hukum Islam* 8, no. 1 (2023): 129–40, <https://doi.org/10.31538/adlh.v8i1.3459>.

undertake because it can reduce the occurrence of domestic violence and reduce the divorce rate.²⁴ A marriage certificate will strengthen family resilience, namely the family's ability to control the problems it faces with the resources it has to meet household needs to avoid divorce.²⁵ The only research on marriage certificates that was studied from the perspective of sharia objectives (*maqāṣid sharī'ah*) and the *maṣlahah mursalah* theory was conducted by Abdur Ro'uf Hasbullah,²⁶ who stated that marriage certificates based on the *maṣlahah mursalah* theory contain benefits for prospective brides and grooms to receive pre-marital guidance so that able to live an excellent domestic life and have a more significant beneficial impact on the Indonesian people.²⁷

Research on marriage certificates based on the *maṣlahah mursalah* theory is limited to theoretical studies exploring the benefits and benefits of marriage certificates based on the objectives of shari'a (*maqāṣid sharī'ah*) and the *maṣlahah mursalah* theory.²⁸ Until now, there has been no research on al-Ghazālī's problem, whether studied theoretically or implemented, regarding the marriage certification program. Therefore, this research aims to analyze implementing the marriage certification program in Cilacap Regency to build a *sakinah* family or reduce the number of divorces with al-Ghazālī's *maṣlahah* theory.

B. Method

The research was conducted by applying a qualitative research design. Data was obtained from primary data in the form of interviews and secondary data in the form of a review of the information needed to strengthen the informant's answers. Informants include KUA officers and the Head of Islamic Guidance at the Ministry of Religion, Cilacap Regency, and Religious Counselors and Marriage

²⁴ Turatmiyah, Yahanan, and Novera, "Sertifikat Pra Nikah sebagai Upaya Menekan Tingginya Perceraian di Indonesia."

²⁵ Ahmad Bahauddin AM Bahau, "Efektivitas Sertifikat Perkawinan dalam Pernikahan," *Jurnal Perspektif* 15, no. 2 (2023): 106–20, <https://doi.org/10.53746/perspektif.v15i2.86>.

²⁶ Abdur Ro'uf Hasbullah, "Sertifikat Perkawinan: Analisis Maqāṣid al-Syarīah dan Maṣlahah Mursalah terhadap Peraturan Dirjen Bimas Islam No 379 Tahun 2018," *Mahakim: Journal of Islamic Family Law* 4, no. 1 (2020): 25–47, <https://doi.org/10.30762/mh.v4i1.1698>.

²⁷ Mufrod Teguh Mulyo et al., "The Power of Husband-Wife Communication in Building Family Resilience and Preventing Divorce: A Study of Maṣlahah Mursalah," *al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 2 (2023): 125–36, <https://doi.org/10.24090/mnh.v17i2.7651>.

²⁸ Tarmizi Tahir, "The Concept of Maslahah according to Imam al-Ghazali," *Jurnal al-Dustur: Journal of Politic and Islamic Law* 3, no. 1 (2020): 22–29, <https://doi.org/10.30863/jad.v3i1.642>.

Counseling and Preservation Agency (*Badan Penasihatán Pembinaan dan Pelestarian Perkawinan/BP4*) Facilitators Cilacap Regency.

Data were validated using the triangulation method. Analysis of information data from informants is then interpreted thematically to answer the research problem formulation. The data was analyzed using al-Ghazālī's *maṣlaḥah* theory to implement the marriage certification program in Cilacap Regency.

C. Result

Marriage Counseling Activities in Cilacap Regency

The Islamic Guidance of the Ministry of Religion of the Cilacap District oversees all marriage counseling activities by collaborating with several institutions, such as BP4. This activity takes place on average twice a year, March and July, divided into 13 forces or regions: a) Force 1 for the Nusawungu and Binangun regions; b) Force 2 for the Kroya region; c) Force 3 for the Adipala, Maos and Sampang areas; d) Force 4 for the Kesugihan area; e) Force 5 for Sidareja, Kedungreja and Patimuan areas; f) Force 6 for the Central Cilacap and South Cilacap regions; g) Force 7 for the Jeruklegi and North Cilacap areas; h) Force 8 for the Wanareja area; i) Force 9 for the Kawunganten area; j) Force 10 for the Gandrungmangu and Bantarsari areas; k) Force 11 for the Majenang area; l) Force 12 for the Cipari area; m) Force 13 for the Karangpucung area.

Of the thirteen forces or regions, almost all KUAs carry out marriage counseling activities except for three KUAs, i.e., KUA Dayeuhluhur, KUA Cimanggu and KUA Kampunglaut. The three KUAs are classified as remote and peripheral areas, especially the Kampunglaut KUA, whose territory is divided into small islands, making it difficult to carry out marriage counseling activities. However, the central point is in Kedungreja subdistrict because it is a combination of several sub-districts in the surrounding area.

Supporting and Inhibiting Factors for the Marriage Certification Program in Cilacap Regency

Supporting Factors

Counselor/facilitator Resources

Marriage counselors or what are called facilitators who are given the task of being resource persons in marriage counseling or marriage guidance activities in Cilacap Regency consist of people who are credible and qualified

because almost every KUA takes representatives (usually from counselors who are civil servants) to take part in facilitator training from Ministry of Religion, Central Java Province.

Mr. T. (54 years), as Head of the Islamic Guidance Section, Ministry of Religion, Cilacap District, is related to human resources (HR) who meet the qualifications to become marriage counselors for the millennial generation in Cilacap Regency said:

“Before the COVID-19 pandemic, the Cilacap Regency Ministry of Religious Affairs alternately appointed several people who would be sent to attend a facilitator course held at the Central Java Provincial Ministry of Religious Affairs. The course can be termed a kind of training to strengthen the knowledge and skills of prospective facilitators to gain eligibility as facilitators. Some of the people who were sent consisted of ASN (State Civil Apparatus) elements of Islamic religious instructors from each KUA in the sub-districts in the Cilacap Regency area, in addition to ASN religious instructors; there were also health workers from the designated health centers. It is done to improve the output of marriage counseling participants so that they are more resilient and have reliable conflict management skills when facing the hustle and bustle of marriage, which is considered increasingly complex. However, after the revocation of the COVID-19 pandemic status to endemic, it can be said that the recruitment of facilitators for marriage counseling cannot be carried out as before due to budget policies that have not been focused on these activities. In the future, after financial conditions allow, we are committed to immediately recruiting prospective facilitators who will be sent to take part in training at the Ministry of Religion of Central Java Province.”²⁹

Mrs. R. (50 years), as Religious Instructor and BP4 Facilitator Cilacap Regency said:

“As one of the facilitators who has been certified and passed the training at the Ministry of Religion of Central Java Province, there are challenges that I have previously thought about, namely related to current technological developments that cannot be denied. To overcome this, I studied independently to create breakthroughs in delivering material to pre-marital counseling participants in Cilacap Regency. I realize that the facilitator’s skills must be sharpened so that the delivery of material is not monotonous using the lecture method because what I see in the field is that the current lecture method is less accommodating, especially when dealing with the millennial generation who are very familiar with gadgets every day”.³⁰

²⁹ Interview with Mr. T. (54 years), Head of Islamic Guidance Section, Ministry of Religion Cilacap District.

³⁰ Interview with Mrs. R. (50 years), Religious Instructor and BP4 Facilitator Cilacap Regency.

The Enthusiasm of the Participants

Related to the high enthusiasm of marriage participants who take part in pre-wedding marriage guidance in the Cilacap District, Mr. T. (54 years) as Head of the Islamic Guidance Section, Ministry of Religion, Cilacap District said:

“Compared to other regencies in Central Java, I think Cilacap Regency has a special feature regarding the number of divorces, which continues to increase on the one hand, but the number of people attending pre-marital counseling is also increasing on the other hand. This illustrates a strong attitude of optimism that SusCatin enthusiastically participating in the pre-marital counseling program can stem the rate of divorce in Cilacap Regency. In this year's class L pre-marital counseling program, the number of participants who participated was very encouraging. It showed rapid progress compared to previous years with the number of ratios or comparisons of those who took part in Bimwin and those who did not at 40:60. Meaning is 40% of the number of marriages in the Cilacap District has participated in Bimwin. In comparison, 60% have yet to participate in the program. It is because there are still many obstacles and limitations. However, compared to other districts in Central Java, Cilacap Regency is one of the areas that has serious attention to the success of *Bimwin*.”³¹

Program Evaluation

In carrying out a program or activity, evaluation is very important to determine what needs attention and improvement. Regarding what kind of evaluation needs to be carried out by parties related to marriage counseling and marriage guidance activities for the millennial generation in the Cilacap Regency, Mr. T (54 years) as Head of Islamic Guidance Section, Ministry of Religion, Cilacap District, said:

“In our view, after the marriage counseling or marriage guidance activities that have been carried out both in quantity and quality, we have noticed that the elements that support the success of these activities need to be considered, such as facilities and infrastructure, then the ability of the facilitator also needs to be considered, right now the ability of facilitators is different. It's different, it is hoped that the quality of the facilitators who still need to improve their competency will then make efforts to upgrade, and maybe we also need to collaborate with all parties as a source of funding. For participation to be more enthusiastic, participants must serve the community as well as possible.

So far, the three marriage counseling or marriage guidance activities that I mentioned earlier are only appeals that rely on the awareness of each prospective

³¹ Interview with Mr. T. (54 years), Head of Islamic Guidance Section, Ministry of Religion Cilacap District.

participant. Still, if we are of school age, we are taking the ball, for example, which school we are targeting there, for example, marriage-age teenagers. Where there are many participants, such as on campuses, yes, we will pick up the ball and collaborate with campuses in the Cilacap District, we bring in facilitators or counselors to provide marriage guidance, or we invite children who want to get married to take part in these activities at the designated KUA.”³²

Obstacle Factor

Capital Resources

Regarding the ideal source of funds for marriage counseling for the millennial generation in Cilacap Regency, Mr. T (54 years), as Head of the Islamic Guidance Section, Ministry of Religion Cilacap District, said:

“So far, the source of funds for implementing marriage counseling or marriage guidance activities in Cilacap Regency has come from the APBN, but in our opinion, the source of funds for these activities can be collaborative; for example, we can use *Corporate Social Responsibility* (CSR) funds. From local companies that care about social issues ... we can expand this kind of thing. Because APBN (National Income and Expenditure Budget) funding sources are limited, we need to collaborate in terms of using funds to accommodate more participants. In conclusion, the funds are new and not yet ideal. Therefore, because funding factors still need to be better, marriage guidance activities have yet to fully achieve the maximum target, namely reducing the number of divorce cases in the Cilacap District area.”³³

Related to capital resources for millennial generation marriage counseling activities in the Cilacap District, Mr. AK. (50 years), as the Chairperson of Deputy of Religious Court Class 1A Cilacap District, said:

“Number of divorces in Cilacap Regency It must be admitted that Cilacap has been high in recent years, but the high divorce rate in Cilacap is also directly proportional to demographic factors, where Cilacap is a large area compared to other districts in Central Java. Consisting of 23 sub-districts, for example, Magelang Regency only has 4 or 5 sub-districts. However, if the marriage guidance program in Cilacap wants to be effective and efficient, it cannot be bargained for again; large funds must support the activity. This matter is not an easy problem –considering the commanded *Bimwin* program by Kasi Ministry of Religion Islamic Guidance Regency Cilacap no in a way explicitly enters on supported priority programs– with the APBD (Regional Revenue and Expenditure Budget), but the program only interpretation derivative in

³² Interview with Mr. T. (54 years age), Head of Islamic Guidance Section, Ministry of Religion Cilacap District.

³³ Interview with Mr. T. (54 years age), Head of Islamic Guidance Section, Ministry of Religion Cilacap District.

interpreting vision and mission Regency Cilacap so that running the *Bimwin* program appear –stumbled.”³⁴

Facilities and Infrastructure

Facilities and infrastructure (*Sarpras/Sarana-Prasarana*) are vital in supporting the success of activities. Several factors, including facilities and infrastructure, greatly influence a program, no matter how good or mature a program. Regarding the condition of facilities and infrastructure for marriage counseling for the millennial generation in the Cilacap District, Mr. H. Toha (54 years), as Head of the Islamic Guidance Section, Ministry of Religion, the Cilacap District, said:

“We must admit that from the facilities and infrastructure factor, we need something completely contemporary. For example, people who want to participate in marriage guidance need something comfortable regarding the building. So far, we don't have a comfortable building, so the media and other supporting equipment, such as projectors and so on, still need to be improved; in the future, we hope to be able to fix it and fulfill it. We will propose to the Regent of Cilacap to intervene with the relevant agencies so that a budget is provided to equip these facilities and markets, especially the focus, which is deemed very urgent. That no can deny that means good infrastructure –will support the achievement of good results, too.”³⁵

Mr. SH. (48 years), as Head of District KUA Majenang Regency Cilacap, said:

“Not all KUAs have adequate facilities and infrastructure to organize *Bimwin* activities, for example, in the District Majenang, which is actually the second largest city in Cilacap, does not have comfortable facilities for holding *Bimwin* activities. That matter is aggravated with operational guidelines from the implementation of *Bimwin*, which is still being determined because it depends on orders from superiors, in this case, the District Ministry of Religion Cilacap. With these conditions and situations before the KUA building moved here, we held *Bimwin* activities independently or face-to-face with the prospective bride and groom; sometimes, we also borrowed the school building for *Bimwin* activities when there were a lot of participants. So once again, until now, the facilities and infrastructure have yet to fully support us for holding *Bimwin* this year.”³⁶

³⁴ Interview with Mr. AK. (50 years), Chairperson of Deputy of Religious Court Class 1A Cilacap District.

³⁵ Interview with Mr. H. Toha (54 years), Head of Islamic Guidance Section, Ministry of Religion, the Cilacap District

³⁶ Interview with Mr. SH. (48 years), Head of District KUA Majenang Regency Cilacap

Coordination

Chaos in the millennial generation marriage counseling program in Cilacap Regency often occurs after BP4 is no longer attached to each KUA. The head of KUA Kedungreja, also felt this as a participant in this year's class L marriage counseling activities. Coordination between all existing stakeholders greatly influences the effectiveness of the program.

Mr. P. (53 years), as Chairman of KUA Kedungreja District, said:

"The marriage guidance that we can now witness together has reached class L. In the past, this activity was called the bride and groom course (*Suscatin*) during the new order era. I think the program was more advanced for political reasons, perhaps yes, the aim of which was to improve the welfare of those preparing the community or the prospective bride and groom before the wedding. Besides that, the KUA will organize it first so that we can collaborate with BP4, Puskesmas, P3A, and even PKK, so it will feel easier to coordinate between related agencies. For the recent *Bimwin* activity yesterday, the Ministry of Religion at the Regency level was the organizer; the KUA was only on-site to accept the delegation of this task. Because the marriage guidance program is a Regency Ministry of Religion program handled by the Head of the Islamic Community Guidance Section, the problem here is that it is difficult to coordinate between agencies that can be resource persons or facilitators."³⁷

D. Discussion

Implementation of Marriage Certification Program in Cilacap Regency

Before the COVID-19 pandemic, the Ministry of Religion of Cilacap Regency took turns appointing several people who would be sent to take part in a facilitator course at the Ministry of Religion of Central Java Province. This course can be termed a training to strengthen the knowledge and skills of prospective facilitators to gain eligibility as facilitators. Some of the people sent consisted of elements of ASN Islamic religious instructors from each KUA in the sub-districts in the Cilacap Regency area; apart from ASN religious instructors, there were also health workers from designated community health centres. It was done to increase the output of marriage counseling participants so that they become more resilient and have reliable conflict management in dealing with the hustle and bustle of marriage, which is increasingly complex. However, after the status of the COVID-19 pandemic was lifted from being endemic,

³⁷ Interview with Mr. P. (53 years), Chairman of KUA Kedungreja District.

recruiting facilitators for marriage counseling could not be carried out again as before because the budget policy was not yet focused on this activity.³⁸ In the future, once financial conditions allow, we are committed to recruiting potential facilitators immediately who will be sent to participate in training at the Ministry of Religion, Central Java Province.

Regarding the resource persons assigned as facilitators for GenRe activities in Cilacap Regency, they consisted of people who could be qualified in their respective fields. For example, resource persons who are guerrillas targeting each village in PIK-R³⁹ activities are those who have received training and are certified. The point is that we prepare the resource persons as best as possible according to the community's needs.⁴⁰

So, if we look closely, the number of achievements that must be included in *Bimwin* in the District. In one year, Cilacap reached 3600 people; yes, this is still around that, so it still needs to be increased, and we will make it reach fifty or fifty-five generations, which we will then divide into which KUA is feasible and sufficient to carry out these activities, which technically we will hand over to each appointed KUA.⁴¹ Based on the mentioned above, yes concluded that there is attention from the person responsible for implementing *Bimwin* in the Cilacap District, in this case, is the Head of Islamic Guidance at the Ministry of Religion, Cilacap Regency. It means that the activity runs normally according to planning and receives evaluation even though there is no structured evaluation.

The marriage guidance and certification program in Cilacap Regency is still not running effectively and efficiently due to several factors, including funding and human resources that are not yet commensurate with the size of the Cilacap Regency area, infrastructure such as special buildings for marriage guidance and certification as well as other supporting facilities and infra-

³⁸ Dyah Ayu Vijaya Laksmi, "Efektifitas Pelaksanaan Suscatin di Wilayah Hukum KUA Sekampung dalam Upaya Mencegah Terjadinya Perceraian," *al-Qadhi: Jurnal Hukum Keluarga Islam* 4, no. 1 (2022): 1–10, <https://doi.org/10.47902/alqadhi.v4i1.214>.

³⁹ Pusat Informasi dan Konseling Remaja (PIK-R) or Information and Counseling Center for Teens.

⁴⁰ Masruri and Rahman Suhari, "Tinjauan Hukum Islam terhadap Tradisi 'Petangan' dalam Proses Pernikahan Masyarakat Jawa Muslim (Studi di Desa Adirejawetan Kecamatan Adipala Kabupaten Cilacap)," *Jurnal Al Wasith: Jurnal Studi Hukum Islam* 1, no. 2 (2021): 81–106, <https://doi.org/10.52802/wstv6i2.117>.

⁴¹ Aldi Andryan, Khairina Khairina, and Roni Efendi, "Penerapan Pendekatan Keadilan Restorasi untuk Mencegah Perceraian di Nagari Saruaso," *Al Ushuliy: Jurnal Mahasiswa Syariah dan Hukum* 2, no. 1 (2023): 27–40, <https://doi.org/10.31958/alushuliy.v2i1.9841>.

structure. Not yet representative and adequate to support running the marriage guidance and certification program smoothly and successfully, the marriage guidance and certification instructors and facilitators have met the qualifications and are certified.⁴² However, delivering marriage guidance material, such as lectures and modules, is still conventional and monotonous, so it is less effective for conveying and internalizing prospective brides and grooms, especially the millennial generation. Apart from that, coordination between institutions involved in the marriage guidance and certification program, such as KUA, BP4, Community Health Center, P3A, PKK, and so on, still needs to be improved. Hence, the success of the marriage guidance and certification program in the Regency still needs to improve.⁴³

The marriage guidance and certification program in Cilacap Regency regarding al-Ghazālī's *maṣlaḥah* theory is very good. This is because the marriage guidance and certification program in Cilacap Regency provides benefits (*jalb al-maṣāliḥ*) by increasing the readiness of the prospective bride and groom physically, mentally, and spiritually to carry out worship through marriage to form household resilience and harmony between family members through various guidance materials for building a family. Conflict management in the household as taught by Allah in Surah al-Nisā', Surah al-Ḥujurāt, Surah al-Nūr, Surah Luqmān, and so on to create a *sakīnah, mawaddah, wa raḥmah* family as a sturdy pillar for the upholding of social life and patriotic.⁴⁴ On the other hand, the marriage guidance and certification program in Cilacap Regency also rejects various damages (*dar' al-mafāsīd*), such as divorce, which is legally permissible but is hated by Allah, so, it is not by the aim of maintaining religion (*ḥifẓ al-dīn*), can foster hostility and even murder between ex-husband and wife and their extended family, one of which is caused by the struggle for mutual property and child custody so that it is not by the aim of nurturing the human mind and spirit (*ḥifẓ al-māl, 'aql, wa nafs*), children who grow up without the touch of love parental love and guidance can cause various juvenile delinquencies such as brawls, promiscuity accompanied by consuming khamr,

⁴² Misbachuddin Misbachuddin, "Studi Komparasi Implementasi Bimbingan Perkawinan sebagai Upaya untuk Mencegah Perceraian (Studi Kasus di KUA Kecamatan Jepara dan KUA Donorojo)," *Isti'dal: Jurnal Studi Hukum Islam* 8, no. 1 (2021): 24–43, <https://doi.org/10.34001/istidal.v8i1.2571>.

⁴³ Turatmiyah, Yahanan, and Novera, "Sertifikat Pra Nikah sebagai Upaya Menekan Tingginya Perceraian di Indonesia."

⁴⁴ Bahau, "Efektivitas Sertifikat Perkawinan dalam Pernikahan."

using drugs, and having sex outside of marriage, and various other criminal acts that cause unrest for society and problems for state and government officials so that no by the aim of maintaining the quality of offspring (*hifẓ al-nasl*).⁴⁵

Based on the analysis of al-Ghazālī's *maṣlaḥah* perspective on the marriage guidance and certification program, which brings benefits and eliminates mafsadat in domestic life, the Government, especially the Minister of Religion and related Ministers, needs to allocate an adequate budget for the successful running of the guidance and certification program.⁴⁶ The budget that has been allocated must be used transparently and provide infrastructure such as building a special building for marriage guidance and certification, providing various supporting facilities and infrastructure, as well as training facilitators and instructors for marriage guidance and certification, both in terms of materials and methods of delivering the material, which will be more impressive for candidates.⁴⁷ Brides, especially from the millennial generation, create a marriage guidance application with content presented with animation, games, and so on so that marriage guidance materials can be conveyed and internalized within the prospective bride and groom. Apart from that, this marriage guidance and certification program is a noble project that is a joint responsibility between KUA, BP4, Community Health Center (*Puskesmas*), Dinsos P3AP2KB,⁴⁸ PKK,⁴⁹ and others so that there are no sectoral egos that cause the marriage guidance and certification program to fail to be implemented properly.

Analysis *Maṣlaḥah al-Ghazālī* Regarding the Marriage Certification Program in Cilacap Regency

According to al-Ghazālī, *maṣlaḥah* –is edited as follows: *Maṣlaḥah*, according to its origin, is to attract benefits and reject bad, but what is really

⁴⁵ Alwi and Sholihah, "Bimbingan Perkawinan sebagai Upaya Mencegah Perceraian: Studi Kasus Kantor Urusan Agama (KUA) Kraksaan."

⁴⁶ Jumail, "Bimbingan Agama bagi Narapidana di LAPAS Kelas IIA Ambon."

⁴⁷ Uswatun Hasanah, "Metode Stifin sebagai Alternatif dalam Mencegah Terjadinya Perceraian di Kota Medan," *al-Maqasid: Jurnal Ilmu Kesyarahan dan Keperdataan* 7, no. 1 (2021): 108–22, <https://doi.org/10.24952/almaqasid.v7i1.3814>.

⁴⁸ Dinsos P3AP2KB: Dinas Sosial, Pemberdayaan Perempuan, Perlindungan Anak, Pengendalian Penduduk dan Keluarga Berencana (Department of Social Affairs, Women's Empowerment, Child Protection, Population Control and Family Planning).

⁴⁹ PKK: Pemberdayaan Kesejahteraan Keluarga (Family Welfare Empowerment).

meant is as a cause to attract benefits and avoid mafsadat, and this is the goal of humans, where it is considered a benefit for humans if their goals are achieved, and these goals do not conflict with the goals of sharia.⁵⁰

From the understanding above, the common thread is that *maṣlahah* is the core of the purpose of the Shari'a, which Allah desires as a guide for humans whose movements are dynamic in accordance with space and time; therefore, the law must accommodate these human movements. For Muslims, the law must comprehensively protect five matters, namely, religion, soul, mind, lineage and property. By maintaining these five things, the circulation of human life will continue to be beneficial.

Al-Ghazālī divided *maṣlahah* into three levels: primary (*ḍarūriyyāt*), secondary (*ḥājjiyyāt*), and (*taḥsīniyyāt*). In connection with *maṣlahah ḍarūriyyāt* al-Ghazālī said the following: There are five aims of enforcing Islamic law for humans: preserving the soul, preserving religion, preserving the mind, preserving offspring and preserving property.⁵¹ Every law that achieves these five things is called benefit, and eliminating it is called *mafsadat*.

Maṣlahah at this level is very fundamental and influences the circulation system of life. Therefore, these five things are protecting religion (*ḥifẓ al-dīn*), protecting the soul (*ḥifẓ al-naḥs*), protecting the mind (*ḥifẓ al-'aql*), protecting offspring (*ḥifẓ al-nasl*), and protecting treasure (*ḥifẓ al-māl*) must be fulfilled and run in balance so that there is continuity of life both in this world and in the hereafter. However, if wrong, the only one is lost so that destruction will override on life of man.

According to al-Ghazālī's *maṣlahah* theory, the marriage guidance and certification program in Cilacap Regency is included in the *maṣlahah ḍarūriyyāt* (primary) category to be carried out immediately because it provides benefits (*jalb al-maṣāliḥ*) by increasing the readiness of the prospective bride and groom both physically, mentally and spiritually to carry out worship through marriage to realize the *sakīnah, mawaddah, wa raḥmah* family as a strong pillar for the upholding of social and state life.⁵² This program also rejects various damages

⁵⁰ al-Ghazālī, *al-Mustafā Min 'Ilmi al-Uṣūl* (Beirut: Dār al-Kutub al-'Ilmiyyah, 1971), 275.

⁵¹ al-Ghazālī.

⁵² Muhammad Aulia Rahman, Roibin, and Nasrulloh, "Dayak Ngaju Customary Fines in Pre-Marriage Agreement to Minimize Divorce in the Perspective of Maslahah Mursalah Ramadhan al-Buthi," *El-Mashlahah* 13, no. 1 (2023): 57–75, <https://doi.org/10.23971/el-mashlahah.v13i1.5623>.

(*dar' al-mafāsīd*) such as divorce, which is permissible in law but is hated by Allah so that it is not by the aim of maintaining religion (*hifẓ al-dīn*), can foster hostility and even murder between ex-husbands and wives and their extended families. One of which is caused by the struggle for property and child custody so that it is not by the aim of nurturing the human mind and soul (*hifẓ māl, 'aql, wa nafs*), children who grow up without the touch of love and guidance from parents so that it can cause various delinquencies. Teenagers such brawls, promiscuity accompanied by consuming *khamr* (liquor), using drugs, and having sex outside of marriage, and various other criminal acts that cause unrest for society and problems for state and government officials so that they are not by the aim of maintaining the quality of offspring (*hifẓ al-nasl*).

Associated with *maṣlaḥah hājjīyyāt*, al-Ghazālī give notes as follows:⁵³ *Maṣlaḥah* at this level is only a need that is influenced by situations and conditions, such as a guardian who has the right to marry a child who is still underage, so this is not an emergency but is only needed to bring benefit.

Relating to *maṣlaḥah taḥsīniyyāt*, al-Ghazālī give notes as following: "*Maṣlaḥah* on levels this is not is at on position urgent, nor need situational but only as tool polisher for beautify and make it easier walking activity muamalah between man. Example: thank you on the level. This is ethics or good morals _ as an adhesive connection between man in accordance with custom and *mu'āmalat*.

In accordance with the concept of Islamic law, in general, *maṣlaḥah* can be categorized into three things, namely: *maṣlaḥah mu'tabarah*, *maṣlaḥah mulghah* and *maṣlaḥah mursalah*. The categorization of issues is important because it determines which ones can be used as legal support for contemporary issues. Categorization acc, according to al-Ghazālī:⁵⁴

1. *Maṣlaḥah mu'tabarah*, is *maṣlaḥah* using *qiyas*/analogizing the law from naṣṣ that have received concessions (*ijmā'*) as a legal breakthrough on contemporary issues. There is no conflict in using this *maṣlaḥah* because its legal basis is clearly stated in the text (al-Qur'an and al-Hadith). An example of this is analogizing all types of intoxicating drinks and food into the form of *khamr*.

⁵³ al-Ghazālī, *al-Mustasfā Min 'Ilmi al-Uṣūl*, 417.

⁵⁴ al-Ghazālī, 276.

2. *Maṣlahah mulgah*, is *maṣlahah*, whose concept is not in line with the provisions of the nass, for example, *kifarat* for Muslims who have husband and wife relations during the day during the fast of Ramadan by only fasting for two consecutive months, that is a falsehood because the correct thing is to sort the types *kifarat*, namely freeing enslaved people, if they are not able to fast for two months in a row if they are not able to feed 60 poor people then.
3. *Maṣlahah mursalah*, is *maṣlahah*, for which there is no explicit argument in the *naṣ* but which also does not conflict with the nass because its substance is in line with universal legal rules.⁵⁵

Regarding al-Ghazālī's *maṣlahah* theory, the marriage guidance and certification program is based on the Regulation of the Director General of Islamic Community Guidance Number 379 of 2018 Included in the category of *maṣlahah mursalah* because it is not mentioned explicitly in the al-Qur'an and Hadith but is very by the objectives of the Shari'a, namely protecting religion, mind, soul, property, and descendants through concerning technical guidelines for marriage guidance as a government step to reduce the divorce rate among the millennial generation in accordance with the rules of *taṣarruf al-imām' alā al-ra'iyah manūṭun bi al- maṣlahah*.

According to al-Ghazālī, there are several reasons for using *maṣlahah* for contemporary issues. *Maṣlahah* must avoid damage and bring benefits to human life both in this world and hereafter. 1) *Maṣlahah* can implement the objectives of the Shari'ah (*maqāsid al-shari'ah*), namely protecting religion (*ḥifẓ al-dīn*), protecting the soul (*ḥifẓ al-naḥs*), protecting the mind (*ḥifẓ al-'aql*), protecting Offspring (*ḥifẓ al-nasl*), and protecting treasure (*ḥifẓ al-māl*) 2) *Maṣlahah* must be in accordance with Allah's intentions, in other words, *maṣlahah* must not be wild only to fulfill human desires so that it is contrary to Islamic law.⁵⁶

The application of *maṣlahah* al-Ghazālī to contemporary issues, according to al-Ghazālī's opinion, must be in accordance with the requirements of the legal

⁵⁵ Amir Mu'alli, *Konfigurasi Pemikiran Hukum Islam*, ed. Yusdani Yusdani (Yogyakarta: UII Press, 2001), 68–69.

⁵⁶ Muksana Pasaribu, "Maslahat dan Perkembangannya sebagai Dasar Penetapan Hukum Islam," *Jurnal Justisia: Jurnal Ilmu Hukum dan Humaniora* 4, no. 1 (2014): 350–60, <http://jurnal.um-tapsel.ac.id/index.php/Justitia/article/view/23>.

event, namely as follows: First, it is *darūriyyah* (tendentious and primary); Second, it is *qaṭ'iyyah/ṣariḥ* or clear; Third, it is *kuliyyah* (covers the public interest); Fourth, it is *mu'tabar* (based on universal postulates).⁵⁷

In general, *maṣlaḥah* al-Ghazālī can be used as a legal basis for contemporary issues based on four considerations: 1) Attracting *maṣlaḥah* (*jalb al-maṣālih*) is closely related to the dynamic needs of society and requires visionary legal references. 2) Rejecting damage (*dar' al-mafāsīd*) is closely related to protecting human existence against damage, whether in the form of moral decadence or material loss. 3) Closing roads (*shadh al-dharī'ah*) is closely related to efforts to block roads, which can open up opportunities for humans, consciously or unconsciously, to carry out the prohibitions set by *Shara'*. 4) Responding to changes in times and places (*taghayyur al-zamān wa al-makān*), this is related to efforts to build a humanitarian vision and mission so that it continues to operate on Islamic laws even in different eras and times and continues to run.⁵⁸

H. A. Djazuli and I Nurol Aen, in their book, explain that al-Ghazālī's *maṣlaḥah* is a way to create a law for new cases that are not clearly written in the text but is only based on the benefit alone if it is carried out then will bring benefits to human interests in general, and if abandoned it will bring damage (*mafsadat*) to human interests in general as well.⁵⁹

Previous research on marriage certificates, which was studied from the perspective of shari'a objectives (*maqāṣid al-sharī'ah*) and the marriage certificates based on the *maṣlaḥah mursalah* theory contain benefits for prospective brides and grooms to receive pre-marital guidance so that they can undergo household life well. There is a more significant beneficial impact on the Indonesian people.⁶⁰ Furthermore, he stated that the implementation of marriage guidance and certification can prevent more significant dangers,

⁵⁷ Hamka Haq, *al-Syathibi (Aspek Teologis Konsep Maslahah dalam Kitab al-Muwafaqat)* (Jakarta: Erlangga, 2007), 251.

⁵⁸ Mustafa Ahmad al-Zarqa, *Hukum Islam dan Perubahan Sosial: Studi Komperatif Delapan Mazhab Fiqh* (Jakarta: Rineka Cipta, 2000), 42.

⁵⁹ H. A. Djazuli and I Nurol Aen, *Ushul Fiqh: Metodologi Hukum Islam* (Jakarta: Raja Grafindo Persada, 2000), 172.

⁶⁰ Tiana Apriani Yustika Efendi and Ramdan Fawzi, "Analisis Maslahah al Ghazali menurut Imam al Ghazali terhadap Penggunaan Rekening Bersama di Marketplace," *Jurnal Riset Ekonomi Syariah* 2, no. 1 (2022): 1–6, <https://doi.org/10.29313/jres.v2i1.633>.

which is in accordance with one of the rules of Fiqh, “Danger must be rejected as much as possible.”

We explain that there are various dangers caused by divorce, such as children who lack family love (broken home), which often causes various juvenile delinquencies, disputes between the extended families of ex-husband and wife, which often lead to murder,⁶¹ the family as a pillar of the state is damaged and collapsed, so, that it can contribute to the fragility of society and the state, and so on.⁶² Therefore, the research concluded that the marriage certification program in Cilacap Regency is a breakthrough practice in contemporary law, which is not clearly stated in the *naṣṣ* (al-Qur’an or Hadith statements), but following the *naṣṣ*, this was carried out by the Cilacap Regency Government as a form of effort to create more general benefits and avoid general damage also. Thus, the marriage certification program in Cilacap Regency based on the al-Ghazālī’s *maṣlahah* concept can be implemented because it is in accordance with the proposed requirements:

First, the marriage certification program in Cilacap Regency is *ḍarūriyah* (tendentious and primary) for the reason that the divorce rate continues to increase. It is in accordance with *maqāṣid al-sharī’ah*: 1) maintaining religion (*ḥifẓ al-dīn*), 2) guarding the soul (*ḥifẓ al-naḥs*), 3) guarding the offspring (*ḥifẓ al-nasl*), 4) guarding property (*ḥifẓ al-māl*), 5) keeping mind (*ḥifẓ al-‘aql*).

Second, the marriage certification program in Cilacap Regency is: *qaṭ’iyyah/ṣarīḥ* or clear, namely to support the creation of a planned generation that is *caguer bagueer* physically and mentally and is competitive at the national and global levels. Third, the marriage certification program in Cilacap Regency is a *kuliyyah* program aimed at millennials. Fourth, the marriage certification program in Cilacap Regency is *mu’tabar* because it is based on clear regulation, i.e., Regulation of the Director General of Islamic Community Guidance Number 379 of 2018 concerning technical guidelines for marriage guidance.

⁶¹ Qosim, “Perjanjian Perkawinan dalam Upaya Mencegah Perceraian Perspektif Hukum Islam (Analisis Pasal 29 Undang-Undang Nomor 1 Tahun 1974).”

⁶² Fatma Baynal, “Evlence ve Boşanma Deneyimleri Arasındaki İlişkide Dindarlık Faktörünün İncelenmesi (The Role of the Religiosity Factor in Relation to Marriage Experiences and Divorce Process),” *Darulfunun İlahiyat* 30, no. 1 (2019): 111–40, <https://doi.org/10.26650/di.2019.30.1.0015>.

E. Conclusion

According to al-Ghazālī's *maṣlaḥah* theory, the marriage guidance and certification program in Cilacap Regency is included in the *maṣlaḥah ḍarūriyyah* (primary) category to be implemented due to urgency because it provides benefits (*jalb al-maṣāliḥ*) and prevents various damages (*dar' al-mafāsīd*) as a preventive measure to avoid divorce to uphold the objectives of the sharia namely maintaining religion (*ḥifẓ al-dīn*), maintaining mind (*ḥifẓ al-'aql*), maintaining soul (*ḥifẓ al-nafs*), maintaining property (*ḥifẓ al-māl*), and maintaining offspring (*ḥifẓ al-nasl*). The marriage guidance and certification program, which is based on the Regulation of the Director General of Islamic Community Guidance Number 379 of 2018, is also included in the *maṣlaḥah mursalah* category because it is not mentioned explicitly in the al-Qur'an and Hadith but is very by the objectives of the Shari'a, namely protecting religion, mind, soul, wealth and descendants. Final, the marriage certification program in Cilacap Regency is *dharūriyah* (tendentious and primary) accordance with *maqāṣid al-syarī'ah*, maintaining religion (*ḥifẓ al-dīn*), guarding the soul (*ḥifẓ al-nafs*), guarding the Offspring (*ḥifẓ al-nasl*), guarding property (*ḥifẓ al-māl*), and keeping mind (*ḥifẓ al-aql*); *qaṭ'iyyah/ṣarīḥ* or clear, namely to support the creation of a planned generation that is *caguer baguer* physically and mentally and is competitive at the national and global levels; *kuliyah* program aimed at the millennial generation; and *mu'tabar* because it is based on clear regulations, namely Regulation of the Director General of Islamic Community Guidance Number 379 of 2018 concerning technical guidelines for marriage guidance.[s]

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