

## Limitations of Viewing in Khitbah: A Comparative Study of the Thoughts of Ibn Hazm and Wahbah Az-Zuhaili and Their Relevance to Indonesian Muslim Culture

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**Abstract :** Khitbah is a pre-marital phase recognised in Islamic jurisprudence as a means of ta'aruf before the marriage contract is concluded. One important issue in khitbah is the limits of what is permissible in terms of seeing one's prospective spouse, which in practice is often misunderstood and exceeds the limits of Sharia ethics, especially in the context of modern Muslim society. This study aims to analyse the concept of limits on seeing in khitbah according to fiqh, conduct a comparative study of the thoughts of Ibn Ḥazm and Wahbah az-Zuhaili, and examine its relevance to Indonesian Muslim culture. This study is a normative Islamic legal study with a comparative approach, using a literature study of classical and contemporary fiqh books as the main source. The results show that Ibn Ḥazm permits viewing all parts of the prospective spouse's body based on the textual approach of the Zāhiriyyah school of thought, while Wahbah az-Zuhaili limits it to only the face and both palms out of caution and to prevent mafsadat. In the context of Indonesian Muslim culture, where the meaning of khitbah has shifted to resemble dating, the views of the majority of scholars as explained by Wahbah az-Zuhaili are considered more relevant for maintaining pre-marital social ethics. This study emphasises that restrictions on viewing during khitbah have practical implications for the moral and social development of Muslim communities.

**Keywords:** *Khitbah; Limitations on Seeing; Ibn Ḥazm; Wahbah az-Zuhaili; Fiqh Munākabāt.*

### INTRODUCTION

Khitbah is a pre-marital phase in Islamic law that aims to provide an opportunity for prospective couples to get to know each other before proceeding with the marriage contract. However, khitbah does not have the same legal consequences as a husband and wife relationship, so interactions between engaged men and women remain within the limits of Sharia law. One of the important issues in this phase is the limits on seeing one's prospective spouse, which in practice often causes debate both in fiqh studies and in the social reality of contemporary Muslim communities.<sup>1</sup>

In modern life, the phenomenon of excessive interaction between engaged couples is increasingly common. Khitbah is often understood to be similar to dating, so that the boundaries of interaction established in Islamic law tend to be ignored. The process of getting to know one's

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<sup>1</sup> Nur Azizah, "Prinsip dan Batasan Melihat Calon Pinangan Perspektif Hizbut Tahrir (Kajian atas Kitab Nizham al-Ijtima' fi al-Islam karya Taqi al-Din al-Nabhani)" (UIN Maulana Malik Ibrahim, Malang, 2016).

prospective spouse, which should be conducted within the bounds of Islamic etiquette, is often carried out without supervision, and even has the potential to lead to *khalwat* and behaviour that is not in accordance with Islamic values.<sup>2</sup>

This situation indicates a gap between the *fiqh* norms governing *khitbah* etiquette and the social practices that have developed in Muslim communities, including in Indonesia. In many cases, the *Ta'Aruf* process, which is permitted by Sharia law, has instead become a space for free interaction that is difficult to distinguish from non-Sharia pre-marital relationships. This phenomenon calls for a reaffirmation of the limits of Sharia law in the marriage proposal process based on strong *fiqh* references.<sup>3</sup>

In classical *fiqh* literature, *Fuqaha* differ in their opinions regarding the limits of body parts that may be seen during the *khitbah* process. The majority of scholars limit what may be seen to the face and both palms, on the grounds that these parts sufficiently represent the physical condition of the prospective spouse and are relatively safe from potential slander. This opinion is widely referenced in the literature of the four schools of thought and reinforced by the thinking of contemporary scholars such as Wahbah az-Zuhaili.<sup>4</sup>

On the other hand, Ibn Hazm from the *Zahiriyyah* school of thought had a significantly different view. He permitted viewing all parts of the prospective spouse's body in the context of *khitbah*, based on a literal understanding of the text and a rejection of *Qiyas*.<sup>5</sup> This difference is not only practical in nature, but also reflects methodological differences in *Instinbath* law between the *Zahiriyyah* school of thought and the approach of the majority of scholars.

Many studies on *khitbah* have been conducted from a normative *fiqh* perspective and in the context of modern Muslim society. However, most studies still focus on the prohibition of *khalwat*, restrictions on physical contact, and the limits of the *aurat* that may be seen, without elaborating in depth on the methodological differences behind the views of these scholars.

Ibn Hazm's opinion in many studies is often only mentioned as a view that differs from the majority without a comprehensive analysis of the basis of his legal argument. On the other hand, social studies on the practice of *khitbah* in society have not been explicitly linked to differences in *fiqh* views on the limits of seeing in *khitbah*.

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<sup>2</sup> Ahmad Mustakim dan Nurul Kholipah, "Konsep *Khitbah* Dalam Islam," *Jas Merah* 1, no. 2 (2022): 27–47, <https://ejournal.staidapondokkrempyang.ac.id/index.php/jmjh/article/view/141/138>.

<sup>3</sup> Azizah, "Prinsip dan Batasan Melihat Calon Pinangan Perspektif Hizbut Tahrir (Kajian atas Kitab *Nizham al-Ijtima'* fi al-Islam karya Taqiy al-Din al-Nabhani)."

<sup>4</sup> Wahbah Al-Zuhaili, *al-Fiqh al-Islami wa Adillatuhu*, *Juz 5* (Damaskus: Dar al Fikr, 1985).

<sup>5</sup> A Ibn-Hazm, *Al-muballa* (Beirut, Lebanon.: Dar al-afaq al-jadidah, 1970).

In addition, some previous studies tend to place the discussion of limitations on seeing during betrothal only as a small part of the study of pre-marital social etiquette, without making it the main focus of fiqh analysis. This gap indicates that the study of the limits of seeing in khitbah still requires more specific, systematic, and contextual analysis in order to provide normative references that are relevant to the social practices of contemporary Muslim societies.

Based on this gap, this study focuses on a comparative study of the thoughts of Ibn Hazm and Wahbah az-Zuhaili regarding the limitations of seeing during khitbah, by tracing the basis of their arguments, methods of *Istinbath* law, and the orientation of *maslahah* that underlies the views of each figure, and relating them to the cultural context of Indonesian Muslims. This research is expected to contribute academically to the development of fiqh munakahat studies and serve as a normative reference in the development of pre-marital ethics in Indonesia.

## METHOD

This study uses a qualitative approach with library research focusing on a normative study of Ibn Hazm and Wahbah az-Zuhaili's fiqh thinking regarding the limitations of seeing in the khitbah process. This approach was chosen because the study aims to deeply understand the construction of the legal thinking of the two figures through an exploration of their authoritative works. Library research allows researchers to explore the ideas, arguments, and methods of *Istinbath* law used by each figure more comprehensively, without being limited by quantitative measurements.<sup>6</sup>

The data sources in this study are divided into primary and secondary sources. Primary sources refer to the main works of Ibn Hazm in *al-Muḥallā bi al-Ātsār* and Wahbah az-Zuhaili in *al-Fiqh al-Islāmī wa Adillatuhu*. These two books are the main references because they contain direct explanations regarding the restrictions on seeing during the khitbah, along with the legal arguments and reasoning. Meanwhile, secondary sources in the form of classical fiqh books, contemporary fiqh books, and journal articles discussing the methodology of the Zahiriyah school of thought and contemporary fiqh approaches are used to enrich the analysis and clarify the context of the two figures' thinking.<sup>7</sup>

Data collection was conducted through documentation studies, namely by searching, reading carefully, and identifying parts of the text relevant to the research theme. The data found was then classified based on the focus of discussion, such as the limitations of body parts that may

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<sup>6</sup> Lexy J. Moleong, *Metodologi Penelitian Kualitatif* (Bandung: PT. Remaja Rosda Karya, 2018).

<sup>7</sup> Sugiyono, *Metode Penelitian Kuantitatif Kualitatif dan R & D* (Bandung: Alfabeta, 2011).

be seen during khitbah, the methods used to determine the law, and the orientation of *maslahah* that formed the basis of each scholar's thinking.<sup>8</sup>

Data analysis in this study utilised descriptive-comparative methods. Descriptive analysis was employed to present the thoughts of both figures in their entirety according to their original sources, while comparative analysis was used to examine the similarities, differences, and methodological backgrounds that influenced these differences of opinion. In this way, the study not only presented a comparison of opinions, but also revealed the legal reasoning behind them.<sup>9</sup>

To maintain data validity, this study applied source triangulation techniques by comparing the opinions of both figures with other relevant *fiqh* literature. In addition, a re-examination of other parts of the same work was conducted to ensure the consistency of the quoted thoughts. This step was important so that the resulting interpretations remained in line with the original context of each scholar's thinking and were academically accountable.<sup>10</sup>

## RESULTS AND DISCUSSION

### The Concept of Limitations on Seeing in Marriage Proposals According to *Fiqh*

The discussion regarding the limitations of viewing during the khitbah must begin with an understanding of the position of the khitbah itself in Islamic law. The khitbah is not merely a social tradition prior to marriage, but has clear normative legitimacy in the text of the Qur'an. Allah SWT says :

وَلَا جُنَاحَ عَلَيْكُمْ فِيمَا عَرَّضْتُمْ بِهِ مِنْ خِطْبَةِ النِّسَاءِ أَوْ أَكْنَنْتُمْ فِي أَنْفُسِكُمْ ۖ عَلِمَ اللَّهُ أَنَّكُمْ سَتَذْكُرُونَهُنَّ وَلَكِنْ لَا تُؤَاوِدُوهُنَّ سِرًّا إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا ۚ وَلَا تَعْزِمُوا عُقْدَةَ النِّكَاحِ حَتَّى يَبْلُغَ الْكِتَابُ أَجَلَهُ ۚ وَاعْلَمُوا أَنَّ اللَّهَ يَعْلَمُ مَا فِي أَنْفُسِكُمْ فَاحْذَرُوهُ ۚ وَاعْلَمُوا أَنَّ اللَّهَ غَفُورٌ حَلِيمٌ

Meaning: *There is no sin upon you for the words of jest you utter in proposing to women or for the desire to marry that you conceal in your heart. Allah knows that you will mention them. However, do not make secret promises to marry them, except for the mere utterance of appropriate words (of jest). Nor should you finalise the marriage contract before the end of the waiting period. Know that Allah knows what is in your hearts. Therefore, fear Him. Know that Allah is Most Forgiving and Most Merciful.* (Q.S. al-Baqarah [2]: 235).

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<sup>8</sup> Mestika Zed, *Metode Penelitian Kepustakaan* (Jakarta: Yayasan Obor Indonesia, 2014).

<sup>9</sup> Soerjono Soekanto, *Metode Penelitian Hukum* (Jakarta: Rineka Cipta, 2017).

<sup>10</sup> Moleong, *Metodologi Penelitian Kualitatif*.

This verse indicates that khitbah is recognised as part of the process leading to a marriage that is permitted by Islamic law.<sup>11</sup> The exegetes explain that this verse was revealed in relation to the permissibility of expressing one's desire to marry a woman who is still in her 'iddah period in a subtle manner, which indirectly indicates that Islamic law allows for initial communication before the marriage contract takes place.<sup>12</sup> Thus, khitbah is a transitional phase that has a legal basis, but remains outside the legal consequences of marriage.

Terminologically, scholars define khitbah as a man's request to a woman to marry him. However, this request does not change the legal status of either party. Wahbah az-Zuhaili emphasises that khitbah is only a promise to marry (wa'd bi az-zawāj), not a contract, so it does not give rise to the rights and obligations of husband and wife.<sup>13</sup> Their status remains that of male and female strangers who are fully bound by the rules of sharia social interaction, such as the prohibition of khalwat, the prohibition of physical contact, and the obligation to maintain modesty.

This clarification is very important because in social practice, especially in modern Muslim societies, khitbah is often misunderstood as a relationship that allows for a certain degree of interaction. In fact, from a fiqh perspective, relationships during the khitbah period must remain strictly within the boundaries of non-mahram interaction. This is where fiqh plays its role in maintaining social morality from the early stages leading up to marriage.

However, Islamic law does not preclude the need for people to get to know their prospective spouses. This is reflected in a hadith of the Prophet (peace be upon him) when al-Mughirah bin Shu'bah wanted to propose to a woman, and the Prophet said :

*"Lihatlah ia, karena yang demikian itu lebih dapat mengekalkan keharmonisan di antara kalian berdua."*<sup>14</sup>

This hadith forms the main basis for the permissibility of seeing one's prospective spouse during the khitbah. Scholars understand that this recommendation aims to create psychological peace of mind and minimise regret after marriage. By seeing their prospective spouse, the husband can ensure physical compatibility so that the household they build has a strong foundation of acceptance.

Based on this hadith, the fuqaha then formulated restrictions on which parts of the body may be seen. The majority of scholars from the Hanafi, Maliki, Shafi'i, and Hanbali schools of

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<sup>11</sup> Ibn Kathīr, *Tafsīr al-Qur'ān al-'Azīm* (Riyadh: Dār Ṭayyibah, 1999).

<sup>12</sup> Abu Al-Fida' Ismail bin Umar Ibnu Katsir, *Tafsīr Al-Qur'an Al-Azīm* (Maktabah Al-Ma'arif, n.d.).

<sup>13</sup> Syekh Wahbah Az-Zuhaili, *Al-Islami wa Adillatuhu*, Juz 2 (Beirut, Lebanon.: Dar al-Kutub al-Ilmiyah, 1985).

<sup>14</sup> Abu Daud, *Sunan Abu Daud* (Tunis: Darl Sahnū, 1992).

thought agree that the only parts that may be seen are the face and the palms of the hands. Ibn Qudāmah explained that the face represents beauty and physical character, while the palms of the hands represent the general condition of the body.<sup>15</sup> These restrictions are not without reason, but rather a form of protection to ensure that viewing needs are met without opening up opportunities for slander.

Imam an-Nawawī in al-Majmū‘ emphasises that the permissibility of looking is a concession that is limited by etiquette. It must not be accompanied by lust, it must not be done in seclusion, and it must not be repeated without necessity.<sup>16</sup> In fact, once the purpose of seeing has been achieved, there is no reason to prolong the interaction. This shows that fiqh is very detailed in maintaining the line between shar‘i requirements and potential moral deviations.

Furthermore, Wahbah az-Zuhailī associates this restriction with the principle of sadd ad-dzari‘ah and the principle of ihtiyāṭ. According to him, expanding the permissibility of seeing could open doors that are difficult to control, especially since the relationship between the two is not yet legally valid. Therefore, restrictions on the face and palms are seen as a safe limit that still fulfils the objectives of Sharia without causing harm.<sup>17</sup>

This concept shows that Islamic jurisprudence does not only consider formal legal aspects, but also the moral and social implications of legal leniency. The permissibility of seeing during the khitbah is not a form of freedom, but rather a measured mechanism designed to preserve honour while fulfilling human needs in choosing a life partner.

Thus, the restrictions on viewing during the khitbah according to fiqh arise from a balance between two interests: the need to get to know the prospective spouse and the obligation to maintain honour and prevent moral corruption. It is at this point that we see that Islamic law regulates the process leading up to marriage very carefully, so that the household is built on a foundation that is free from violations of sharia values from the outset.

### **Comparative Analysis of the Thoughts of Ibn Ḥazm and Wahbah az-Zuhailī**

The differences in opinion among scholars regarding the limits of viewing during the khitbah essentially do not stop at the question of "which parts of the body may be viewed," but touch upon the legal reasoning behind these conclusions. This is very clear when comparing the thinking of Ibn Ḥazm from the Zāhiriyyah school of thought with Wahbah az-Zuhailī, who represents the approach of the majority of contemporary scholars. Both start from the same hadith

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<sup>15</sup> Ibn Qudamah, *al-Mughni* (Beirut: Dar al-Kutub al-Ilmiyyah, 2020).

<sup>16</sup> Abu Zakaria Muhyiddin Ibn Syarf al-Nawawī, *Majmu‘ Syarh al-Mubazzab* (Jeddah: al-Irsyad, n.d.).

<sup>17</sup> Syekh Wahbah Az-Zuhailī, *Al-Islami wa Adillatuhu*, Juz 2.

about the recommendation to see a prospective spouse, but understand the message of the hadith through different methodological frameworks.

Ibn Hazm in al-Muḥallā argues that a man who wishes to propose marriage is permitted to see all parts of the body of the woman he wishes to marry. According to him, the Prophet (peace be upon him) commanded to look without giving any specific restrictions. In his view, as long as the text does not impose restrictions, then humans have no right to restrict what has been permitted by the Sharia. He rejects all forms of restrictions that arise from qiyās, considerations of maslahat, or concerns about fitnah, because these do not have a clear textual basis.<sup>18</sup>

This view is very consistent with the character of the Zāhiriyyah school of thought, which places the literal meaning of the text as the sole basis for law. Ibn Ḥazm viewed that incorporating rational considerations such as the prevention of slander was tantamount to adding new laws that were not mentioned in the text. For Ibn Hazm, the task of a mujtahid is not to predict the social impact of a law, but to adhere to the text as it is.<sup>19</sup>

On the contrary, Wahbah az-Zuhailī sees that the hadith cannot be understood literally. In *al-Fiqh al-Islamī wa Adillatuhu*, he follows the view of the majority, which limits what can be seen to only the face and both palms. For him, the purpose of seeing is not to know the entire body, but merely to ensure general physical compatibility. This restriction is considered sufficient to fulfil the intention of the hadith without opening up the possibility of pre-marital misconduct.<sup>20</sup>

Az-Zuhailī's approach demonstrates a way of thinking about fiqh that is not only based on the text, but also considers the maqāṣid asy-syarī'ah and the social impact of applying the law. He emphasises that the relationship between men and women in khitbah is still in the position of ajnabi, so that opening up the space to see widely has the potential to cause lust and moral transgressions. Therefore, the principles of *sadd adz-dzari'ah* and *iḥtiyāt* become important foundations in limiting such permissibility.<sup>21</sup>

Upon closer examination, the difference between the two does not lie in the argument, but in how the argument is interpreted. Ibn Ḥazm asked, "What does the text prohibit?" while az-Zuhailī asked, "What is the purpose of the text?" This difference in perspective led to different legal conclusions, even though both started from the same hadith.

<sup>18</sup> I Hazm and A Muhammad Ali, *al-Muhalla bi'l-athar* (Beirut, Lebanon.: Dar al-Kutub al-'Ilmiyya, 1988).

<sup>19</sup> I Ḥazm and A Muḥammad'Alī, *al-Iḥkām fī Uṣūl al-Aḥkām, taḥqīq*", Maḥmūd Hamid 'Uṭhman, (Kairo: Dār al-Ḥadīth, 2005).

<sup>20</sup> Wahbah Al-Zuhaili, *Al Fiqh al-Islamy wa Adillatuhu*, ed. oleh juz IV (Beirut: Darl al- Fikr, 1989).

<sup>21</sup> Wahbah az-Zuhaili, *Al-Fiqh al-Islami wa Adillatuhu*, vol. 4 (Beirut: Dar al-Fikr, 2011).

Ibn Hazm appears to place greater emphasis on textual certainty so that the prospective husband truly understands the physical condition of his prospective wife, thereby preventing regret in the future. Meanwhile, az-Zuhaili places greater emphasis on moral protection during the engagement period to prevent interactions resembling a husband-wife relationship before the marriage contract is concluded.

Thus, it can be understood that Ibn Hazm's thinking represents a highly textual and consistent approach to *zahir nash*, while Wahbah az-Zuhaili's thinking represents a contextual approach to *fiqh* that takes social interests into consideration. Both demonstrate the richness of the Islamic *fiqh* tradition in responding to the same issues with different methodological approaches.

This comparison shows that differences of opinion in *fiqh* are not a form of conflict, but rather a reflection of the breadth of Islamic legal thinking. It is precisely from these differences that argumentative choices arise, the relevance of which can be examined in relation to the current social conditions of Muslim communities.

### **The Relevance of Viewing Restrictions in Marriage Proposals within Indonesian Muslim Culture**

The *fiqh* discussion regarding the limits of seeing during the *khitbah* will lose its practical meaning if it is not linked to the social reality of contemporary Muslim society. In the Indonesian context, *khitbah* is no longer understood solely as the initial process leading to a marriage contract that is full of manners, but often undergoes a shift in meaning to become a relationship that resembles dating that is "legalised" by the status of engagement. This phenomenon is evident in the increasingly relaxed interactions between engaged couples, such as travelling together without chaperones, intense communication without time limits, and even *khalwat*, which clearly contradicts the principles of *fiqh munākahāt*.<sup>22</sup>

Culturally, Indonesian Muslims view *khitbah* as a sign of seriousness in a relationship and commitment to marriage. However, this understanding is often not accompanied by the awareness that, according to Islamic law, the status of both parties remains that of *Ajnabi*.<sup>23</sup> This is where the misunderstanding arises: *khitbah* is considered a phase that allows for greater freedom of

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<sup>22</sup> Khoiruddin Nasution, *Hukum Perkawinan I* (Yogyakarta: Academia, 2005), [https://books.google.com/books?hl=en&lr=&id=aR0OEAAAQBAJ&oi=fnd&pg=PR5&dq=organisasi+kemasyar+akatan&ots=AI-LnFUxiS&sig=5oYeCBMTawNdd3KV0f2\\_6p2KUMw](https://books.google.com/books?hl=en&lr=&id=aR0OEAAAQBAJ&oi=fnd&pg=PR5&dq=organisasi+kemasyar+akatan&ots=AI-LnFUxiS&sig=5oYeCBMTawNdd3KV0f2_6p2KUMw).

<sup>23</sup> Abdul Wahid, *Fiqh Munakahat Kontemporer* (Jakarta: Kencana, 2023).



interaction, whereas from a fiqh perspective, this phase requires even greater adherence to etiquette because it is on the threshold of a valid contract.<sup>24</sup>

This reality shows that the limits of seeing in khitbah are not merely a matter of classical law discussed in fiqh books, but have a very strong relevance to the problem of premarital ethics in Indonesia today. When the boundaries of interaction between men and women become increasingly blurred, fiqh serves as a signpost that reaffirms the dividing line between the need to get to know a prospective partner and the obligation to maintain honour.<sup>25</sup>

In this social situation, the view of the majority of scholars who restrict what can be seen to the face and palms seems more in line with the need to maintain pre-marital social etiquette. This restriction is not a difficult one, but rather a preventive mechanism to ensure that the engagement does not turn into a space for uncontrolled interaction.<sup>26</sup>

Conversely, if Ibn Ḥazm's view, which permits viewing the entire body, is applied literally in the context of Indonesian society today, it is highly likely that there will be abuses that exceed the objectives of Sharia law. This is not because Ibn Ḥazm's opinion is weak in terms of evidence, but because the social context is different from that of his time.<sup>27</sup> Here we see the importance of a fiqh approach that takes into account the maqāṣid asy-syarī'ah and the social conditions of society. Wahbah az-Zuhaili's approach emphasises the principles of *Sadd Adz-Dzari'ah* and *Ihtiyati*.<sup>28</sup> becoming more relevant in the context of Indonesian Muslim culture.

The phenomenon of increasing moral violations during the engagement period in various regions shows that this issue is not merely theoretical. There are many cases of pregnancy outside of marriage and cancelled marriages that stem from excessive interaction during the engagement period. In many cases, the status of "being engaged" is used as a justification for doing things that are actually prohibited by Islamic law.<sup>29</sup>

Thus, the discussion of the limits of seeing in khitbah has a real contribution to the development of pre-marital ethics in Indonesia. This study can be a normative reference for religious leaders, families, and educational institutions in providing a correct understanding of khitbah etiquette. The comparative study between Ibn Ḥazm and Wahbah az-Zuhaili ultimately

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<sup>24</sup> Al-Zuhaili, *al-Fiqh al-Islāmī wa Adillatuhu*, Juz 5.

<sup>25</sup> Abu Zakaria Muhyiddin bin Syaraf al-Nawawi, *Al-Majmu' Syarah Al-Mubazzab liysyirasy* (Jeddah: Maktabah Al-Irsyad, n.d.).

<sup>26</sup> Ibn Qudamah, *al-Mughni*.

<sup>27</sup> I Hazm and A Muhammad Ali, *al-Muhalla bi'l-atbar*.

<sup>28</sup> Al-Zuhaili, *al-Fiqh al-Islāmī wa Adillatuhu*, Juz 5.

<sup>29</sup> Kementerian Pemberdayaan Perempuan dan, *Perlindungan Anak RI, Profil Anak Indonesia* (Jakarta: KPPPA, 2022).

provides room for reflection that differences of opinion in fiqh must be viewed contextually. Choosing the opinion that is more beneficial to society is part of wisdom in fiqh.<sup>30</sup> This relevance confirms that the restrictions on seeing during khitbah are not merely a theoretical fiqh issue, but have direct implications for the formation of a healthy pre-marital culture within Indonesian Muslim society.

## CONCLUSION

Engagement in the perspective of fiqh is not merely a social tradition leading to marriage, but a pre-contract phase that has strict ethical rules and limits on interaction between men and women. One important limitation discussed by the fuqaha is the permissibility of seeing a prospective spouse as part of the ta'aruf process that is permitted by sharia. The hadith text indicates the legitimacy of seeing the prospective spouse, but scholars differ in their opinions regarding the limits of the body parts that may be seen. The most striking difference is between the views of Ibn Ḥazm and Wahbah az-Zuhailī. Ibn Ḥazm, using the textual method of istinbāṭ of the Zāhiriyyah school, understands the permissibility of seeing during the khitbah literally, without restrictions on specific body parts. Meanwhile, Wahbah az-Zuhailī, who represents the views of the majority of scholars, limits this permissibility to only the face and both palms, based on considerations of caution, prevention of slander, and the orientation of public interest.

This comparative study shows that the differences between the two are not solely based on legal outcomes, but are rooted in differences in istinbāṭ methodology and ways of viewing the potential for mafsadat in pre-marital relationships. Ibn Hazm starts from the purity of the text, while Wahbah az-Zuhailī considers the social context and the maqāṣid asy-syarī'ah approach. In the context of Indonesian Muslim culture, where khitbah often shifts in meaning to resemble dating, the views of the majority of scholars as explained by Wahbah az-Zuhailī become more relevant to apply. Restrictions on seeing the face and palms serve as a preventive mechanism to ensure that the khitbah period remains within the bounds of Islamic etiquette and does not turn into a space for free interaction that opens up opportunities for moral transgressions.

Thus, the restrictions on seeing during the khitbah are not merely a theoretical classical fiqh issue, but have significant practical implications for the development of pre-marital ethics in Indonesian Muslim society. This study emphasises the importance of understanding the differences in opinion among scholars in context and choosing the view that is most beneficial for the social reality at hand.

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<sup>30</sup> Yusuf Al-Qaradawi, *Fiqh al-Muwazānat: Dirasah fi Daw' al-Maqashid al-Syari'ah* (Kairo: Dar al-Syuruq, 2006).

## LITERATURE

- A Ibn-Hazm. *Al-muhalla*. Beirut, Lebanon.: Dar al-afaq al-jadidah, 1970.
- Abu Daud. *Sunan Abu Daud*. Tunis: Darl Sahnū, 1992.
- Abu Zakaria Muhyiddin bin Syaraf al-Nawawi. *Al-Majmu' Syarah Al-Mubazzab lisyisyirazy*. Jeddah: Maktabah Al-Irsyad, n.d.
- Abu Zakaria Muhyiddin Ibn Syarf al-Nawawi. *Majmu' Syarb al-Mubazzab*. Jeddah: al-Irsyad, n.d.
- Al-Zuhaili, Wahbah. *al-Fiqh al-Islāmi wa Adillatuhu*, Juz 5. Damaskus: Dar al Fikr, 1985.
- az-Zuhaili, Wahbah. *Al-Fiqh al-Islami wa Adillatuhu*. Vol. 4. Beirut: Dar al-Fikr, 2011.
- Azizah, Nur. "Prinsip dan Batasan Melihat Calon Pinangan Perspektif Hizbut Tahrir (Kajian atas Kitab Nizham al-Ijtima' fi al-Islam karya Taqiy al-Din al-Nabhani)." UIN Maulana Malik Ibrahim, Malang, 2016.
- I Ḥazm and A Muḥammad'Alī. *al-Iḥkām fi Uṣūl al-Aḥkām, taḥqīq*", Maḥmūd Hamid 'Uthmān,. Kairo: Dār al-Ḥadīth, 2005.
- I Hazm and A Muhammad Ali. *al-Muhalla bi'l-atḥar*. Beirut, Lebanon.: Dar al-Kutub al-'Ilmiyya, 1988.
- Ibn Kathīr. *Tafsir al-Qur'an al-'Azīm*. Riyadh: Dār Ṭayyibah, 1999.
- Ibn Qudamah. *al-Mughni*. Beirut: Dar al-Kutub al-Ilmiyyah, 2020.
- Ibnu Katsir, Abu Al-Fida' Ismail bin Umar. *Tafsir Al-Qur'an Al-Azīm*. Maktabah Al-Ma'arif, n.d.
- Kementerian Pemberdayaan Perempuan dan. *Perlindungan Anak RI, Profil Anak Indonesia*. Jakarta: KPPPA, 2022.
- Khoiruddin Nasution. *Hukum Perkawinan I*. Yogyakarta: Academia, 2005.  
<https://books.google.com/books?hl>
- Moleong, Lexy J. *Metodologi Penelitian Kualitatif*. Bandung: PT. Remaja Rosda Karya, 2018.
- Mustakim, Ahmad, dan Nurul Kholipah. "Konsep Khitbah Dalam Islam." *Jas Merah* 1, no. 2 (2022): 27–47 <https://ejournal.staidapondokkrempyang.ac.id/>
- Sayyid Sabiq. *Fiqh Al-Sunnah*. Jilid III. Beirut: Darl al-Fikr, n.d.
- Soekanto, Soerjono. *Metode Penelitian Hukum*. Jakarta: Rineka Cipta, 2017.
- Sugiyono. *Metode Penelitian Kuantitatif Kualitatif dan R & D*. Bandung: Alfabeta, 2011.
- Syekh Wahbah Az-Zuhaili. *Al-Islami wa Adillatuhu*, Juz 2. Beirut, Lebanon.: Dar al-Kutub al-Ilmiyah, 1985.
- Wahbah Al-Zuhaili. *Al Fiqh al-Islamy wa Adillatuhu*. Diedit oleh juz IV. Beirut: Darl al- Fikr, 1989.
- Wahid, Abdul. *Fiqh Munakahat Kontemporer*. Jakarta: Kencana, 2023.
- Yusuf Al-Qaradawi. *Fiqh al-Muwazanat: Dirasah fi Daw' al-Maqashid al-Syari'ah*. Kairo: Dar al-Syuruq, 2006.
- Zed, Mestika. *Metode Penelitian Kepustakaan*. Jakarta: Yayasan Obor Indonesia, 2014.