



**The Indonesian Council of Ulama's Fatwa  
on Population, Reproductive Health and  
Family Planning**

**Published by**  
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**National Family Planning Coordinating Board**

**2010**



**The Indonesian Council of Ulama’s Fatwa on Population, Reproductive Health and Family Planning**

This book translation is taken from two books in Indonesian language, (1) Himpunan Fatwa Majelis Ulama Indonesia - 2003 (*The Indonesian Council of Ulama’s Fatwa - 2003*) and (2) Keputusan Ijtima’ Ulama Komisi Fatwa Se Indonesia III Tahun 2009 (*the Ijtima’ Ulama’s Decision – The Indonesian Fatwa Commission III Year 2009*) published by the Indonesian Council of Ulama (MUI). The translation activity has been done by the consent of the publisher.

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## Foreword


Assalamualaikum, wr.wb.

First, let us Praise the Lord for all blessing and His guidance which have been passed to all of us so the translation book of “the Indonesian Council of Ulama’s Fatwa on Population, Reproductive Health and Family Planning” is finished according to the plan.

This translation book is taken from two books in Indonesian language, (1) Himpunan Fatwa Majelis Ulama Indonesia - 2003 (*The Indonesian Council of Ulama's Fatwa - 2003*) and (2) Keputusan Ijtima’ Ulama Komisi Fatwa Se Indonesia III Tahun 2009 (*the Ijtima’ Ulama’s Decision – The Indonesian Fatwa Commission III Year 2009*) published by the Indonesian Council of Ulama (MUI).

Several topics of fatwa related to Population, Reproductive Health and Family Planning that included to be discussed in this book are anti menstruation pill; abortion; gender bias; human rights; marriage in early age; marital procedure; population, health & development; prevention of HIV/AIDS Infection.


Finally, I extend the appreciation and unbounded thanks to all parties for their assistance in preparing the book. Hopefully, this book could become the reference which provides more in-depth information and knowledge about



the fatwa used by the Moslem Leaders to support and promote the Population, Reproductive Health and Family Planning Program within the frame of the Islamic perspective in Indonesia. Thank you.

Jakarta, September 2010

The Chairperson of  
National Family Planning  
Coordinating Board

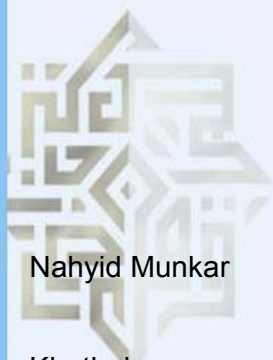


DR.dr. Sugiri Syarief, MPA



## GLOSSARY

- Majelis Ulama Indonesia (MUI) : Indonesia Council of Ulama
- Ulama/Islamic Shoolar : Religious leaders, whose task was nurturing, mentoring and guiding Muslims both in matters of religion as well as problems in everyday situations that required both in terms of religious and social.
- Sunnah/ Tradition : Refers to attitude/ction/speech in Commendable way
- Mubaligh : Religious Missionary
- Da'i : Islamic Preacher
- Hadist/ : All the words/Action and ordinances, and the Approval of the prophet Muhammad who made provision in the law at the Islamic religion
- Amar ma'ruf : Inviting to perform a good



Nahyid Munkar

manner  
(action)/practice

: Avoiding a bad manner  
(action) /practice

Khutbah

: Sermon

Mazakarah

: Islamic Learning and  
Reaching Practice

Tabligh

: Discourse

Tadzikrah

: Conference

Ijab –Kabul

: Agreement and Grant

Mahar (dowry)

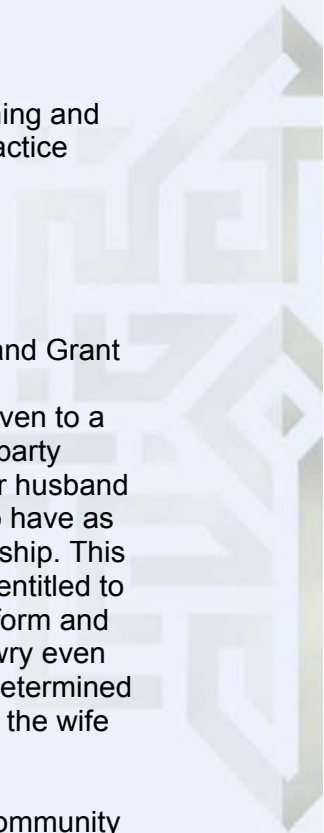
: a treasure given to a  
prospective party  
candidate for husband  
to his wife-to have as  
their relationship. This  
Mahar fully entitled to  
wife, so the form and  
value of dowry even  
this largely determined  
by the will of the wife

Ummat

: Religious  
Followers/Community

Haram (Forbidden)

: a matter which should  
not be completely done





Makruh

by the Muslims wherever they are because if carried out will get the sin and punishment in hell someday

: an issue which is not recommended to be done but if done no sin, and if left will get reward from Allah SWT

Mubah (Neutral)

: Permissible is an issue that if a Muslim worked mukallaf will not inherit the sin and not get a reward

Ummara

: Government

Mukkadimah

: Introduction

Mudharat

: Disadvantage

Majelis Ta'lim

: non-formal institutions in society that potential means to convey Islam and foster community

Khutbah

: delivery of speeches made at the time before



Mazakarah

Tabligh/Discourse

Da'wah (Religious Speech)

Friday prayers delivered  
by Imam Mosque

: exchange of thoughts  
about some issue

: Tabligh is to deliver the  
message of Allah to  
others

: Da'wah is a call or a call  
for humankind to God's  
way





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## ANTI-MENSTRUATION PILL

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

The Fatwa Commission Assembly of Indonesian Council of Ulama (MUI) held on January 12<sup>th</sup>, 1979 had taken a decision:

1. Anti Menstruation Pill's consumption purposed for Pilgrim Religious Service is Mubah (neutral)
2. Anti Menstruation Pill's consumption purposed to be able to suffice Ramadhan Fasting before being completed is Makruh (the avoidance of which yields merit, but the performance of which is not sinful). However, for the woman who hardly substitutes her fasting into the other days is Mubah (neutral).
3. Anti Menstruation Pill's consumption purposed for the other reasons, except for the two reasons mentioned above, depends on its doer's intention. If the action directed for the religious transgression, it will be Haram (forbidden).

Jakarta, January 12<sup>th</sup>, 1979



**THE FATWA COMMISSION**

**THE INDONESIAN COUNCIL OF ULAMA (MUI)**

**Chairperson,**

**Secretary,**

**Signed by,**

**Signed by,**

**K.H.M. Syukri Ghozali**

**H.MusyatariYusuf LA.**



**FATWA DECISION  
NATIONAL DELIBERATION VI  
INDONESIAN COUNCIL OF ULAMA  
NUMBER: I/MUNAS VI/MUI/2000**

**About**

**ABORTION**

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

After working through about Abortion, the National Deliberation VI of Indonesian Council of Ulama held on Rabi'ul Akhir 23<sup>rd</sup> - 27<sup>th</sup> H/July 2000 stated the following points:

**Considering:**

- a. That recently, there is controversy about law for abortion among the society, that is: to abort fetus without any medical reason before *nafkhor ruh*, which lead to several question related to this problem;
- a. Therefore, Indonesian Council of Ulama views it is necessary to establish a rule related to the Abortion Law for guidance.

Referring to:

1. In Al-Qur'an, al-Mu'minun [23]: 12-14, Allah SWT says about human creating process as follows:

وَلَقَدْ خَلَقْنَا الْإِنْسَانَ مِنْ سُلَّةٍ مِّنْ طِينٍ  
(١٢) ثُمَّ جَعَلْنَاهُ نُطْقَةً فِي قَرَارٍ مَّكِينٍ  
(١٣) ثُمَّ خَلَقْنَا النَّطْقَةَ عَلَقَةً فَخَلَقْنَا  
الْعَلَقَةَ مُضْغَةً فَخَلَقْنَا الْمُضْغَةَ عِظْمًا  
فَكَسَوْنَا الْعِظْمَ لَحْمًا ثُمَّ أَنْشَأْنَاهُ خَلْقًا  
ءَاخَرَ فَتَبَارَكَ اللَّهُ أَحْسَنُ الْخَالِقِينَ )  
(١٤) (المؤمنون - - ١٤١٢)

*"Verily We created man from a product of wet earth;  
(12) Then placed him as a drop (of seed) in a safe  
lodging; (13) Then fashioned We the drop a clot, then  
fashioned We the clot a little lump, then fashioned We  
the little lump bones, then clothed the bones with flesh,  
and then produced it as another creation. So blessed be  
Allah, the Best of creators! "(Al-Mu'minun, 14)"*

يَا أَيُّهَا النَّاسُ إِن كُنْتُمْ فِي رَيْبٍ مِّنَ الْبَعْثِ  
فَإِنَّا خَلَقْنَاكُمْ مِنْ تُرَابٍ ثُمَّ مِنْ نُطْقَةٍ ثُمَّ  
مِنْ عَلَقَةٍ ثُمَّ مِنْ مُضْغَةٍ مُّخَلَّقَةٍ وَغَيْرِ  
مُخَلَّقَةٍ لَّنُبَيِّنَ لَكُمْ وَنُقَرُّ فِي الْأَرْحَامِ مَا

نَشَاءُ إِلَىٰ أَجَلٍ مُّسَمًّى ثُمَّ نُخْرِجُكُمْ طِفْلًا  
ثُمَّ لِنَبْلُغُوهُنَّ أَشَدَّهُنَّ... (الحجّ - ٥)

“O mankind! if you are in doubt concerning the Resurrection, then lo! We have created you from dust, then from a drop of seed, then from a clot, then from a little lump of flesh shapely and shapeless, that We may make (it) clear for you. And We cause what We will to remain in the wombs for an appointed time, and afterward We bring you forth as infants, then (give you growth) that ye attain your full strength...” (Al-Hajj, 5)”

2. Rasulullah SAW’s hadiths about human creating process and the time to blow spirit to them (nafkh al-ruh), for example:

a. قَالَ عَبْدُ اللَّهِ: حَدَّثَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ قَالَ: «يُخْرِجُكُمْ مِنْ بَطْنِ أُمَّةٍ أَرْبَعِينَ يَوْمًا ثُمَّ يَكُونُ عِلْقَةً مِثْلُ ذَلِكَ ثُمَّ يَكُونُ مُضْغَةً مِثْلُ ذَلِكَ ثُمَّ يَبْعَثُ اللَّهُ مَلَكًا فَيُؤَمِّرُ بَارِعَ كَلِمَاتٍ وَيَقَالُ لَهُ: أَكْتُبْ عَمَلَهُ وَرِزْقَهُ وَأَجَلَهُ وَشَقِيًّا أَوْ سَعِيدًا ثُمَّ يُنْفَخُ فِيهِ الرُّوحُ فَإِنِ

الرَّجُلَ مِنْكُمْ لِيَعْمَلَ حَتَّىٰ مَا يَكُونَ بَيْنَهُ  
وَبَيْنَ الْجَنَّةِ إِلَّا ذِرَاعٌ فَيَسْبِقُ عَلَيْهِ  
كِتَابُهُ فَيَعْمَلُ بِعَمَلِ أَهْلِ النَّارِ وَيَعْمَلُ  
حَتَّىٰ مَا يَكُونَ بَيْنَهُ وَبَيْنَ النَّارِ إِلَّا  
ذِرَاعٌ فَيَسْبِقُ عَلَيْهِ الْكِتَابُ فَيَعْمَلُ  
بِعَمَلِ أَهْلِ الْجَنَّةِ. (رواه البخارى، بدء  
الخلق، ذكر الملائكة- أحاديث الأنبياء خلق آدم  
وذريته)

b. قَالَ عَبْدُ اللَّهِ: حَدَّثَنَا رَسُولُ اللَّهِ ص.م.  
وَهُوَ الصَّادِقُ الْمَصْدُوقُ، قَالَ إِنَّ  
أَحَدَكُمْ يُجْمَعُ خَلْقُهُ فِي بَطْنِ أُمِّهِ  
أَرْبَعِينَ يَوْمًا ثُمَّ يَكُونُ عَلَقَةً مِثْلَ ذَلِكَ  
ثُمَّ يَكُونُ مُضْعَةً مِثْلَ ذَلِكَ ثُمَّ يَبْعَثُ  
اللَّهُ مَلَكًا فَيُؤَمِّرُ بِأَرْبَعِ بَرزِقِهِ وَأَجَلِهِ  
وَشَقِيٍّ أَوْ سَعِيدٍ فَوَ اللَّهُ إِنَّ أَحَدَكُمْ أَوْ  
الرَّجُلَ لِيَعْمَلَ بِعَمَلِ أَهْلِ النَّارِ حَتَّىٰ مَا  
يَكُونُ بَيْنَهُ وَبَيْنَهَا غَيْرَ بَاعٍ أَوْ ذِرَاعٍ  
فَيَسْبِقُ عَلَيْهِ الْكِتَابُ فَيَعْمَلُ بِعَمَلِ أَهْلِ  
الْجَنَّةِ فَيَدْخُلُهَا، وَإِنَّ الرَّجُلَ لِيَعْمَلَ  
بِعَمَلِ أَهْلِ الْجَنَّةِ حَتَّىٰ مَا يَكُونُ بَيْنَهُ

وَبَيَّنَهَا غَيْرَ ذِرَاعٍ أَوْ ذِرَاعَيْنِ فَيَسْبِقُ  
عَلَيْهِ الْكِتَابُ فَيَعْمَلُ بِعَمَلِ أَهْلِ النَّارِ  
فَيَدْخُلُهَا. (رواه البخارى، القدر فى القدر)

and there are many other similar hadiths to these two.

3. Embryo is a living creature which must be respected (*hayah muhtaramah*): to abort the embryo means to terminate (to abolish) the existed life; and it is haram (forbidden). It is based on the following theorems:

In Al-Qur'an, Al-Israa'[17]: 33, Allah SWT says:

وَلَا تَقْتُلُوا أَنْفُسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ  
وَمَنْ قُتِلَ مَظْلُومًا فَقَدْ جَعَلْنَا لَوْلِيهِ سُلْطَانًا  
فَلَا يُسْرِفُ فِي الْقَتْلِ إِنَّهُ كَانَ مَنْصُورًا  
(الإسراء- ٣٣)

“And slay not the life which Allah hath forbidden save with right. Whoso is slain wrongfully, We have given power unto his heir, but let him not commit excess in slaying. Lo! he will be helped. (Al-Isra', 33)”

4. Fuqaha's opinion about Abortion Law before *nafkhi ar-ruh* as follows (see, e.g. *Bayan Li-an-nas min al-Azhar asySyarif* , juz II, page 256). First, according to Zaidiyah Ulama (Islamic Scholars), a group of Hanafi Ulama (Islamic Scholars), a part of Syafi'i Ulama (Islamic Scholars) and a number of Maliki and Hambali Ulama (Islamic Scholars), it is absolutely allowed (*Mubah or neutral* - without any medical reason's availability). Second, according to Hanafi Ulama (Islamic Scholars) and a group of Syafi'i Ulama (Islamic Scholars), it is allowed (*Mubah or neutral*), but it must be based on medical reason ('*uzur*') and it will be *makhruh* if it is without '*uzur*'. Third, according to a part of Maliki Ulama (Islamic Scholars), it is absolutely *Makruh* (*the avoidance of which yields merit, but the performance of which is not sinful*). Fourth, according to the mu'tamad of Maliki Ulama (Islamic Scholars), it is prohibited or Haram.
5. According to Ulama (Islamic Scholars), if there is somebody following *ihram* breaks a hunted animal's egg (*bidh ash shayad*), he/she must provide a replacement for the broken egg
6. According to Imam al-Ghazali from Madzhab of Syafi'I, if nutfah (sperm) has mixed (*ikhtilth*) with ovum and ready to be alive (*استعداد لقبول الحياة*) therefore, to terminate it will be considered as breaking the law (*Jinayah*); which means we are prohibited to perform it

7. **Allowing abortion for medical reason, before nafkh al-ruh can evoke further negative impacts compared to positive impacts. Fiqhiyah principle says:**

**دَرْءُ الْمَقَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ (قواعد الفقهية)**

*“Averting failure (negative things) must be put in priority instead of the wreaking of benefit (Maslahat - beneficial)”.*

8. **Fiqhiyah Principle:**

**الضَّرُورَةُ تُبِيحُ الْمَحْضُورَاتِ (قواعد الفقهية)**

*“The state of emergency allows performing several things that are prohibited (Haram – forbidden thing)”.*

### **DECIDED**

**To establish: NATIONAL DELIBERATION OF FATWA VI INDONESIAN COUNCIL OF ULAMA ABOUT ABORTION**

1. **Strengthening the Decision of the National Deliberation of Indonesian Ulama dated October 28<sup>th</sup>, 1983 about Population, Health and Development.**

2. The law for performing abortion after naskh al-ruh is prohibited, except if there is a medical reason, such as: to save the mother's life.
3. The law for performing abortion since the conception, although it is before naskh al-ruh, is prohibited or Haram, except if there is a medical reason justified by Islamic Law.
4. Prohibiting all parties to perform, help or allow abortion.
5. This Fatwa Decision is prevailed effectively on the stated date.

We urge all parties to disseminate the Fatwa in order to increase everyone awareness related to the mentioned Fatwa.

Established in : Jakarta

On : Rabi'ul Akhir 27<sup>th</sup>, 1421 H  
July 27<sup>th</sup>, 2000 M



**NATIONAL DELIBERATION VI YEAR 2000  
INDONESIAN COUNCIL OF ULAMA**

**The Chairman of Plenary Meeting**

**Chairman**

**Secretary**

**(Prof. Umar Shibab)**

**(Dr. H.M. Din Syamsuddin)**



**FATWA DECISION  
NATIONAL DELIBERATION VI  
INDONESIAN COUNCIL OF ULAMA  
NUMBER: 8/MUNAS VI/MUI/2000**

**About**

**GENDER BIAS**

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

After working through about Gender's Bias, the National Deliberation VI of Indonesian Council of Ulama held on Rabi'ul Akhir 23<sup>rd</sup> – 27<sup>th</sup>, 1421 H/July 25<sup>th</sup>-29<sup>th</sup>, 2000 stated the following points:

**Considering:**

- a. That varied view are still developed among the society asking about gender's gap whereas Al-Qur'an and Rasulullah SAW's Hadiths have rule in this case.
- b. Therefore, Indonesian Council of Ulama considers the necessary to establish fatwa related with gender as guidance for the society.

**Concerning:**

**The opinion and suggestion from the participants of the National Deliberation,**

**Referring to:**

**Al-Qur'an's Verses explaining about gender's equality and its limits.**

- 1. The Hadiths of Rasulullah SAW explaining the problems above**
- 2. Ulama (Islamic Scholars)'s opinion about the problems above**

**DECIDED**

**To establish : NATIONAL DELIBERATION  
FATWA VI OF INDONESIAN  
COUNCIL OF ULAMA (ABOUT  
GENDER BIAS)**

- 1. Obligating Moslems to understand gender's problem related to Islamic teachings.**
- 2. Mandating the Board Directors of Indonesian Council of Ulama to develop Islamic teachings related with gender's problem so that gender bias will not arise in this case.**

3. **Obligating the Ulama to do studies about gender's problem based on honest interpretation.**
4. **This Fatwa Decision is prevailed effectively on the stated date.**

**We urge all parties to disseminate the Fatwa in order to increase everyone awareness related to the mentioned Fatwa.**

**Established in : Jakarta**  
**On : Rabi'ul Akhir 27<sup>th</sup>, 1421 H**  
**July 29<sup>th</sup>, 2000 M**

**NATIONAL DELIBERATION VI YEAR 2000  
INDONESIAN COUNCIL OF ULAMA**

**The Chairman of Plenary Meeting**

**Chairman**

**Secretary**

**(Prof.Dr.H. Umar Shihab) (Dr. H.M. Din Syamsuddin)**

**RULING DECISION  
NATIONAL DELIBERATION VI  
INDONESIAN COUNCIL OF ULAMA  
NUMBER: 6/MUNAS VI/ MUI/2000**

**About**


**HUMAN RIGHTS**

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

After working through about Human Rights, National Deliberation VI of Indonesian Council of Ulama held on Rabi'ul 23<sup>rd</sup> – 27<sup>th</sup>, 1421 H/ July 25<sup>th</sup> – 29<sup>th</sup>, 2000 stated the following points:

**Considering:**

- a. That generally and substantially, International Convention about Universal Declaration of Human Rights are in harmony with the aims and the values of Islamic teachings, namely: to protect and to maintain the rights inherent in every human being to be able to live with dignity;
- b. That Human Rights are not applicable in a vacuum space and so far, there has not been any consensus in understanding the interpretation and the application



**of Human Rights so that each country is enabled to give its interpretation and comprehension corresponding to its prevailing culture and ethical values and legislation.**

- c. That the clauses of Universal Declaration of Human Rights are impressed to really put rights and individual freedom in priority and ignore the balance between right and obligation, the balance between individual and public interest, as well as the balance between freedom and responsibility;**
- d. That there are several clauses in Universal Declaration of Human Rights, which are in opposition to Islam, namely:**
  - a) Article 16 Clauses 1 and 2 about freedom in looking for couple, marriage and divorce,**
  - b) Section 18 about freedom to change religion;**
  - c) Section 23 about job**
- e. Therefore, Indonesian Council Ulama considers it is necessary to establish Fatwa about the limits to perform Human Rights.**
- f. That Republic of Indonesia has participated in signing the Declaration of Cairo's Declaration Year 1996 about Human Rights.**

**Referring to:**

- 1. Islamic teaching related to the obligation to keep five primary necessities namely religion; soul; wealth; mind and honor.**
- 2. The opinion and advice stated by the participants of the National Deliberation.**

**Considering:**

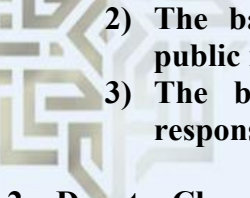
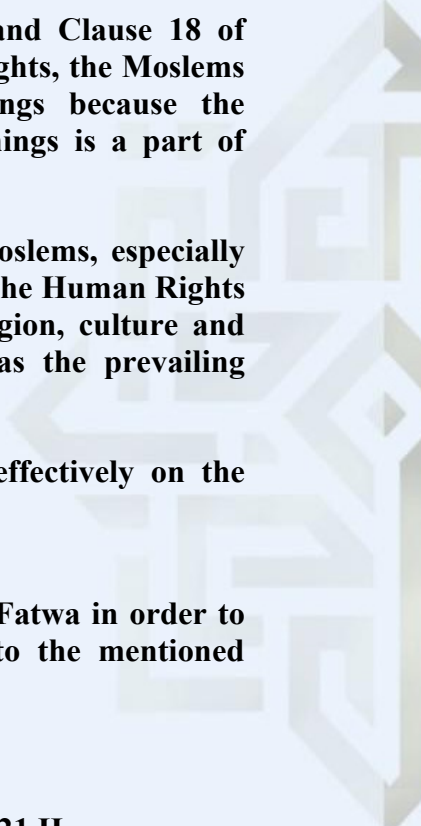
- 1. In Al-Qur'an, al-Isra'[17]: 70, Allah SWT says about Human as a noble creature;**
- 2. In Al-Qur'an, al-Anbiya' [21]: 107, Allah SWT says about Islamic Mission as rahmatan lil-'alamin;**
- 3. In Al-Qur'an, Yunus [10]: 99, Allah SWT says about the prohibition to force somebody to accept Islam;**
- 4. In Al-Qur'an, al-Ma'idah [5]:32 about universalism principalities of Islamic Teaching;**
- 5. In Al-Qur'an, ar-Rahman [55]: 7-9 about balance and honesty in Islam;**
- 6. In Al-Qur'an, an-Nisa'[4]: 37, Allah SWT says about prohibition to change religion from Islam;**

7. In Al-Qur'an, al-Baqarah [2]: 221 and an-Nisa' [4]: 22, Allah SWT says about the people that may not be married and the groups who may not be married;
8. In Al-Qur'an, al-Baqarah [2]: 228, Allah SWT says about the balance of rights and obligation between husband and wife;
9. Dar'ul mafasid Method and Jalbul mashalih.

### **DECIDED**

**To establish : NATIONAL DELIBERATION FATWA  
VI INDONESIAN COUNCIL OF  
ULAMA ABOUT HUMAN RIGHTS**

1. Obligating to accept, respect and highly uphold Human Rights by condition of:
  - a. Appreciating and respecting difference in comprehension and interpretation as well as its implementation based on culture, morality, and legislation prevailed in each country;
  - b. The comprehension and the implementation of Human Rights must notice the following points:
    - 1) The balance between individual rights and individual obligations;

- 
- 
- 2) **The balance between individual rights and public rights;**
  - 3) **The balance between freedom rights and responsibilities.**
2. **Due to Clause 16 Article 1 & 2 and Clause 18 of Universal Declaration of Human Rights, the Moslems must tightly keep Islamic teachings because the freedom to practice religious teachings is a part of Human Rights.**
  3. **Obligating Government and the Moslems, especially their prominent figures to socialize the Human Rights corresponding to the values of religion, culture and ethics among the society as well as the prevailing legislation in Indonesia.**
  4. **This Fatwa Decision is prevailed effectively on the stated date.**

**We urge all parties to disseminate the Fatwa in order to increase everyone awareness related to the mentioned Fatwa.**

**Established in : Jakarta**  
**On : Rabi'ul Akhir 27<sup>th</sup>, 1421 H**  
**July 29<sup>th</sup>, 2000**



**NATIONAL DELIBERATION VI YEAR 2000  
INDONESIAN COUNCIL OF ULAMA**

**The Chairman of Plenary Meeting**

**Chairman,**

**Secretary,**

**(Prof. Umar Shihab)**

**(Dr. HM. Din Syamsuddin)**



## **MARRIAGE IN EARLY AGE**

### **PROBLEM DESCRIPTION**

When there was news about an entrepreneur in Central Java who married a 12 years old girl, public discussion about marriage in early age arose. The society asked about Islamic Law's perspective on early marriage.

In the meantime, Article 7 Clause (1) Marital Law stated that "Marriage is allowed only when the man is 19 (nineteen) years old and the woman is 16 (sixteen) years old".

In Islamic Fiqh Literature, there is no explicit rule about minimal and maximum age limitation. However, it is noted that hikmah tasyri' in marriage is to create sakinah family and to get descendants (hifzh al-nasl) and it can be fulfilled on age when the future bride and bridegroom are mature and ready to perform the reproductive process.

### **JURISDICTIONAL RULE**

1. Basically, Islam does not definitively give minimal age limitation for marriage. Feasible age for marriage is

feasible age to do and to accept rights (*ahliyatul ada' wa-al wujub*), as “*sinn al-rusyd*” rule.

2. a. Marriage in early age is legal as long as it has accomplished its marital requisites and principles, but it is proscribed or *haram* if only it resulted *mudharat*.
- b. Age maturity is one of the indicators to achieve the purpose of marriage, which is the advantage (*maslahat*) in establishing a family and living among the society as well as getting security's assurance for pregnancy.
3. To realize the advantage (*maslahat*), marital rule is returned to age's standardization specified in Law Number 1 Year 1974 about marriage as guidance.

## RECOMMENDATION

1. To prevent marriage in early age that results to the impacts against the purpose and the philosophy of a marriage, the Government is requested to intense the socialization about Law Number 1 Year 1974 about marriage.

2. The Government, Ulama and society are requested to socialize the philosophy of marriage and to counsel either bride or bridegroom.
3. The Legislation Rules, which are against Islamic Fiqh about Marriage and Law Number 1 Year 1974 about marriage, must be synchronized.

## BASIC ESTABLISHMENT

1. In Al-Qur'an, An-Nisa ' [4]: 6, Allah SWT says:

وَابْتَلُوا الْيَتَامَىٰ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ وَلَا تَأْكُلُوهَا إِسْرَافًا وَبِدَارًا أَنْ يَكْبَرُوا وَمَنْ كَانَ غَنِيًّا فَلْيَسْعِفْهُ وَمَنْ كَانَ فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ فَإِذَا دَفَعْتُمْ إِلَيْهِمْ أَمْوَالَهُمْ فَأَشْهِدُوا عَلَيْهِمْ وَكَفَىٰ بِاللَّهِ حَسِيبًا (النساء- ٦)

*"Prove orphans till they reach the marriageable age; then, if ye find them of sound judgment, deliver over unto them their fortune; and devour it not by squandering and in haste lest they should grow up Whoso (of the guardians) is rich, let him abstain generously (from taking of the property of orphans); and whoso is poor let him take thereof in reason (for his guardianship). And*

*when ye deliver up their fortune unto orphans, have (the transaction) witnessed in their presence. Allah sufficeth as a Reckoner. (An-Nisaa, 6) "*

**2. In Al-Qur'an, At-Thalaq [65]: 4, Allah SWT says:**

وَأَلَىٰ يَيسَنَ مِنَ الْمَحِيضِ مِن نِّسَائِكُمْ إِن أَرْتَبْتُمْ  
فَعِدَّتُهُنَّ ثَلَاثَةَ أَشْهُرٍ وَأَلَىٰ لَمْ يَحْضَنْ وَأُولَتْ  
الْأَحْمَالَ أَجَلُهُنَّ أَن يَضَعْنَ حَمْلَهُنَّ وَمَن يَتَّقِ اللَّهَ  
يَجْعَلْ لَهُ مِنْ أَمْرِهِ يُسْرًا (الطلاق- ٤)

*“And for such of your women as despair of menstruation, if ye doubt, their period (of waiting), shall be three months, along with those who have it not. And for those with child, their period shall be till they bring forth their burden. And whosoever keepeth his duty to Allah, He maketh his course easy for him. (4) ”*

**3. In Al-Qur'an, An-Nur [24]: 32, Allah SWT says:**

وَأَنْكِحُوا الْأَيْمَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ  
وَإِمَائِكُمْ إِن يَكُونُوا فُقَرَاءَ يُعْطِهِمُ اللَّهُ مِنْ فَضْلِهِ  
وَاللَّهُ وَاسِعٌ عَلِيمٌ (النور- ٣٢)

*“And marry such of you as are solitary and the pious of your slaves and maid servants. If they be poor, Allah will enrich them of his bounty. Allah is of ample means, Aware”.*

**Its *Wajh al-dilalah*, the meaning of “*ayaamaa*” in this verse is the woman who has no husband. Using general *sighat*, including adults and children.**

#### **4. Hadith of Rasulallah SAW says:**

عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ : تَزَوَّجَنِي  
النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَنَا ابْنَةُ سِتِّ سِنِينَ  
وَبَنِي بِيْ وَأَنَا ابْنَةُ تِسْعٍ (متفق عليه)

*Aisyah ra said: “I was taken in marriage by Rasulallah SAW in the age of six, and He did sexual contact with me in the age of nine” [Muttafaq Alaih].*

#### **5. Hadith of Rasulallah SAW says:**

عَنْ عَقْلِمَةَ قَالَتْ: بَيْنَمَا أَنَا أُمْتِي مَعَ عَبْدِ اللَّهِ رَضِيَ  
اللَّهُ عَنْهُ فَقَالَ كُنَّا مَعَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ  
فَقَالَ مَنْ اسْتَطَاعَ الْبَاءَةَ فَلْيَتَزَوَّجْ فَإِنَّهُ أَعْضٌ

لِلْبَصَرِ وَأَحْصَنُ لِلْفَرْجِ وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ  
بِالصَّوْمِ فَإِنَّهُ لَهُ وَجَاءٌ (رواه البخاري ومسلم)

*Al Qamah ra said: while I was walking with Abdillah ra, he said: "I was once with Rasulullah SAW, he afterwards stated: "Whomever has had wealth therefore he should get married soon because getting married can lower his gaze and protect his privates. Whomever unable to get married, he should fast because fasting for him is a shield" [Imam Bukhari and Muslim]*

**6. Fiqh's method in *Qawaid Al-Ahkam Fi Mashalih Al-Anam* witten by Izzudin Abd Al-Salaam Volume 1 page 51:**

لِلْوَسَائِلِ أَحْكَامُ الْمَقَاصِدِ فَالْوَسِيلَةُ أَلَى أَفْضَلِ  
الْمَقَاصِدِ هِيَ أَفْضَلُ الْوَسَائِلِ .... فَمَنْ وَقَفَهُ اللهُ  
لِلْوَقُوفِ عَلَى التَّرْتِيبِ الْمَصَالِحِ عَرَفَ فَاضِلَهُ  
مِنْ مَفْضُولِهَا.

*"Medium Law as the purposed Law of Intention. The most principle medium to direct to maksuh is the most principle medium..... Whomever get blessing from Allah*

*to determine the ranks of advantages (maslahat), undoubtedly, he knows the most principle things”.*

- 7. Jumhur Fuqaha's view which allows marriage in early age early age.**
- 8. Ibn Syubrumah and Bakr Al Asham's Ash's opinion, as it is stated in Fath al-Bari Juz 9, page 237. It declares that the law for marriage in early age is prohibited or Haram, and it also declares that the practice of Rasulullah SAW married Aisyah is the Prophet's specialty character.**
- 9. Ibn Hazm's opinion differentiates between the marriage of a little boy and that of a little girl. A little girl's marriage done by her father is allowed whereas a little boy's marriage is prohibited or Haram.**

## MARITAL PROCEDURE

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

A number of the marital/nuptial practices considered as improper ones have been done by Indonesian Moslems and a part of them have been published on the mass media so that the practices result to questions, prejudice, and restlessness among the society. Recently, Indonesian Council of Ulama (MUI) has also accepted complaints, questions and requisitions for guidance proposed by the society directly, both in written and by phone.

Therefore, in the Board Directors Conference of Indonesian Council of Ulama held on April 16<sup>th</sup>, 1996, they discussed the case completely, accurately and apprehensively for days with considering tabbayun (serious explanation) results, jurisdictional rules, and public interests.

Therefore, with requesting Allah SWT's guidance or His *Taufiq* and *Hidayah* (Allah SWT's assistance and guidance), Indonesian Council of Ulama issued a statement and an appeal as follows:

1. **Marriage in Islamic view is something glorious and sacred with a meaning as to obey religious teaching and worship to Allah SWT, to follow *Rasulullah SAW's sunnah (traditions)*, and to be performed on a basic of sincerity, responsibility and obedience to the Jurisdictional Rules which must be heeded.**
2. **The General Rule of the requisites of marital legality based on Islamic Teachings is the availability of future bride and bridegroom, two witnesses, guardian, *ijab-kabul (agreement and grant)*, and mahar (dowry).**
3. **Marital Rule for Indonesian Citizens (including the Moslems in Indonesia) must refer to Marital Law (Law No. 1 Year 1974) as the State Law which is generally accepted and it becomes an obligatory as well as negates different opinion based on Islamic Law Method;**

**حُكْمُ الْحَاكِمِ إِزَامٌ وَيَرْفَعُ الْخِلَافُ (قاعدة الفقه)**

*“The Rule issued by the Government is an obligatory to be performed and it negates different opinion”.*

4. Indonesian Moslems follow *Ahlu Sunnah Wal Jama'ah's* concept and the majority of them follow Syafi'i's Mahzab so that nobody is allowed to search the advantageous theorem for them self.
5. Advising Indonesian Moslems, especially the young generation to perform marriage based on the Jurisdictional Rules above.
6. Ulama (Islamic Scholars), muballigh (Islamic Missionary), da'i (Islamic Preachers) and marital/nuptial Officers must give clear explanation to the society in order to avoid the confusion due to many kinds of opinions existed and they are empowered by the exact rule and law in performing marriage based on the above mentioned Rules and Law.

Jakarta, Zulqaidah 30<sup>th</sup>, 1416 H

April19<sup>th</sup>, 1988



**BOARD DIRECTORS OF  
INDONESIAN COUNCIL OF ULAMA (MUI)**

**General Chairman,**

**K.H. Hasan Basri**

**General Secretary,**

**Drs. H.A. Nazri Adlani**



## **POPULATION, HEALTH AND DEVELOPMENT**

**بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ**

The National Deliberation of Ulama related to Population, Health and Development held in Jakarta on Muharram 10<sup>th</sup> –13<sup>th</sup>, 1404 H in conjunction with October 17<sup>th</sup>–30<sup>th</sup>, 1983 M had considered the following points:

- 1. That the program of Population, Health and Environment are part of National Development as an effort to utilize the independent country to create fair and prosperous society based on Pancasila and the 1945 Constitution as well as hoping the blessed of Allah SWT.**
- 2. That the Islamic Teachings based on Al-Qur'an and Hadiths give guidance and direction in all of life's aspects, including in the problems of Population, Health, and Environment.**
- 3. That it is necessary to improve the management and guidance for sustaining the Indonesian development, especially in the field of Population, Health, and Environment to Indonesian Moslems.**

**Based on:**

- 1. The briefing of the Coordinating Minister of People's Welfare of the Republic of Indonesia, Alamsjah Ratu Perwiranegara.**
- 2. The briefing of the State Minister of Population and Environment of the Republic of Indonesia, Prof. Dr. H. Emil Salim**
- 3. The speech of the Minister of Religious Affairs of the Republic of Indonesia, H. Munawir Syadzali, MA**
- 4. The Speech of the General Chairman of Indonesian Council of Ulama, KHM Syukri Ghozali.**
- 5. The Speech of the Chairperson of National Family Planning Coordinating Board, Dr. Haryono Suyono**
- 6. The Speech of Dr. Bambang Sumakno/Dr H. Bachrun Dipo, about Human Reproduction**
- 7. The Working Paper of Dr. H. Roeslan Abdulgani about the Role of Ulama (Islamic Scholar) in socializing Pancasila**
- 8. The Working Paper of dr. H. Kusnadi, about the Role of Islam in Health and Development**

**9. Opinions, advises and suggestions stated by the participants of the deliberation.**

**Referring to:**

**The Pancasila, the 1945 Constitution, and the State Policy Outlines.**

**With requesting Allah SWT's assistance and guidance (*Taufiq and Hidayah*) as well as trusting Him,**

**DECIDED**

**The establishment of the things as follows:**

**A. Mukaddimah/Introduction**

**That Islam is essentially a development religion which arranges human's life manner and life in their relationship with Allah, with the other people and with the universe directed to happiness and life's welfare materially and spiritually either in the world or in the hereafter as it is stated by Allah, for example:**

**In Al-Qur'an, al-Asr [103]: 1-3, Allah SWT says:**

وَالْعَصْرَ (١) إِنَّ الْإِنْسَانَ لَفِي خُسْرٍ (٢) إِلَّا الَّذِينَ  
ءَامَنُوا وَعَمِلُوا الصَّالِحَاتِ وَتَوَّصَوْا بِالْحَقِّ  
وَتَوَّصَوْا بِالصَّبْرِ (٣) (العصر- ١ - ٣)

*"By the declining day, (1) Lo! man is a state of loss, (2) Save those who believe and do good works, and exhort one another to truth and exhort one another to endurance." (Al-Ashr, 1-3)*

**In other verse of Al Qur 'an, ar-Ra'du [13]: 11, Allah**

**SWT says:**

إِنَّ اللَّهَ لَا يُعَيِّرُ مَا يَقَوْمُ حَتَّىٰ يُعَيِّرُوا مَا بِأَنفُسِهِمْ  
(الرعد ١١)

*"Lo! Allah changed not the condition of a folk until they (first) change that which is in their hearts...." (Ar-Ra'ad, 11)*

**In the other verse of Al Qur'an, al-Anfal [8]: 53, Allah**

**SWT says:**

ذَٰلِكَ بِأَنَّ اللَّهَ لَمْ يَكُ مُعَيِّرًا نِّعْمَةً أَنْعَمَهَا عَلَىٰ قَوْمٍ  
حَتَّىٰ يُعَيِّرُوا مَا بِأَنفُسِهِمْ وَأَنَّ اللَّهَ سَمِيعٌ عَلِيمٌ  
(الأنفال - ٥٣)

*That is because Allah never changed the grace He hath bestowed on any people until they first change that which is in their hearts, and (that is) because Allah is Hearer, Knower. " (Al-Anfaal, 53)*

**Hadith of Rasulullah SAW says:**

**مَنْ لَمْ يَهْتَمَّ بِأَمْرِ الْمُؤْمِنِينَ فَلَيْسَ مِنْهُمْ (الحديث)**

*"Whoever doesn't want to handle faithful people's matters, he/she doesn't come from our community"*

**إِنَّمَا بُعِثْتُ لِأَتَمِّمَ مَكَارِمَ الْأَخْلَاقِ (الحديث)**

*"In fact, I was sent to the World to perfect human's morals"*

**The essence of Indonesian National Development is the development of the integrated Indonesian society which ranges all of human life's aspects, for example: Population, Health and Environment, as the responsibility of Umara (the Government officials), Ulama (Islamic scholars), and Ummat (religious followers/community).**

**The Moslems have direct responsibility to Allah SWT in all kinds of activities in this life and they are under the obligation to sustain the development, especially in the field of Population, Health and Environment.**

Ulama, Islamic Religious Leaders and Experts are under the obligation to run amar ma'ruf and nahi munkar (to invite people to obey Allah SWT's commands and to avoid bad actions and behaviors) as well as to manage and to guide ummat to improve their faith and piety in all aspects of life and development.

## B. Population Problems

a. In Al-Qur'an, al-A'raf [7]: 96, Allah SWT says:

وَلَوْ أَنَّ أَهْلَ الْقُرَىٰ ءَامَنُوا وَاتَّقَوْا لَفَتَحْنَا عَلَيْهِم بَرَكَاتٍ مِّنَ السَّمَاءِ وَالتَّرْضِ ... (الأعراف-٩٦)

*“And if the people of the townships had believed and kept from evil, surely We should have opened for them blessings from the Sky and from the Earth..” ( Al-A'raf, 96).*

b. In Al-Qur'an, al-Imran [3]: 14, Allah SWT says:

زُيِّنَ لِلنَّاسِ حُبُّ الشَّهَوَاتِ مِنَ النِّسَاءِ وَالتَّبَنِينَ... (ال عمران-١٤)


*“Beautified for mankind is love of the joys (that come) from women and offspring....” (Ali Imran, 14);*

c. In Al-Qur'an, al-Nuh [71]: 12, Allah SWT says:

وَيُؤَدِّعُكُمْ بِأَمْوَالٍ وَبَنِينَ وَيَجْعَلْ لَكُمْ جَنَّاتٍ وَيَجْعَلْ لَكُمْ  
أَنْهَارًا (النوح-١٢)

*“And will help you with wealth and sons, and will assign unto you Gardens and will assign unto you rivers.” (An-Nouh, 12)“*

- 1. Population is anything related with human and environment's society, which cover birth rate (fertility), mortality, morbidity, and migration.**
- 2. Population is a part of life and human life in the whole, which recently becomes a serious problem in a number of developing countries, including in Indonesia. In developing integrated Indonesian human resources and society, all of the parties should concern to the policy of development in Population .**
- 3. Uncontrolled population growth evokes a number of problems, for example: social and economic conflicts. To overcome this problem, it is necessary to take several solutions, such as: implementing family planning and transmigration program.**

- 
- 4. High Mortality Rate, especially among below five years old children and High Birth Rate, requires the improvement of health services and the maintenance of environmental sanitary care.**
  - 5. Transmigration is one of the efforts to distribute population and to improve the social welfare of Indonesia. The Moslems should welcome and support the program, either as new settlers or as new settlers' recipients in performing Islamic teachings.**

**To succeed the program, there is a need to increase the number of participants of transmigration program and to intensify the coordination in the implementation of transmigration program, yet creating social-culture and economic harmony between the muhajirin/new settlers and the Anshars/local residents. Yet, it is necessary to provide a persistent religious guidance for the new settlers in accordance to their own religions.**

- 6. Population program is a national program which related to all of the life's aspects and the national and countries' sustainability in the future, thus there is a need to disseminate knowledge related to population aspects through formal and non-**

formal education line and to intensify related information and counseling.

7. To overcome all of population problems, the Government must gradually develop human resources with working-ability, skill and knowledge as well as physical and social infrastructure, especially among the young generation.

### C. Health Problem

In Al Qur'an, al Baqarah [2]: 172, Allah SWT says:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا كُلُوا مِن طَيِّبَاتِ مَا رَزَقْنَاكُمْ...  
(البقرة- ١٧٢)

*"O ye who believe! Eat of the good things we have provided you..." (Al-Baqarah, 172).*

In Al Qur'an, al Baqarah [2]: 168, Allah SWT says:

يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا...  
(البقرة- ١٦٨)

*“O mankind! Eat of that which is lawful and whole some in the Earth..”.(Al-Baqarah, 168).*

- 1. Health is physical, spiritual and social endurance belonging to human as Allah SWT’s blessing that must be grateful by applying, caring and developing it.**
- 2. Health problem in Indonesia covers many aspects, for example infectious diseases, malnutrition, insufficient clean water, poor environmental sanitary, narcotics, drugs and alcoholic addiction, improper drugs’ consumption, in sufficient health care and lack of knowledge for healthy life.**

**Therefore, it is necessary to get a solution for health problems through formal and non-formal, public and religious education through religious speech, majelis ta’lim, schools of Qur’anic studies, sermon, speech and etc as well as through intensifying sport activities among the society.**

- 3. As a part of Indonesian Society, Indonesian Moslems are considered as a group which most linked with the realization of healthy and prosperous life as the embodiment of obedience to Allah SWT. Therefore, in health program’s implementation, the Moslems must actively take part, for example through improving nutrition**

and looking after health as well as environmental sanitary, and the most important thing is through taking care of the children's health as early as possible since they have a birth plan.

4. In order to create a healthy and prosperous society into reality, besides the provision of health care and services, it is necessary to intensify the prevention efforts that have already been done by the Government on the various problems resulted to physical and spiritual damages such as gambling, alcoholic addiction, narcotic distribution, adultery and other immoral conducts.

#### D. Environmental Problem

In Al Qur'an, al Luqman [31]: 14, Allah SWT says,

وَوَصَّيْنَا الْإِنْسَانَ بِوَالِدَيْهِ حَمَلَتْهُ أُمُّهُ ۖ وَهَهَا  
عَلَىٰ وَهْنٍ وَفِصْلَةٌ ۖ فِي عَامَيْنِ أَنِ اشْكُرْ لِي  
وَلِوَالِدَيْكَ إِلَىٰ التَّمْصِيرِ (لقمان- ١٤)

*“And We have enjoined upon man concerning his parents - His mother beareth him in weakness upon*

*weakness, and his weaning is in two years - Give thanks unto Me and unto thy parents. Unto Me is the journeying.” (Luqman, 14)*

- a. **The state policy in environmental sector and the establishment of regulation related to developmental implementation which influencing environment. In this case, it is necessary to implement a directed and coherent inter-ministry program as well as accurate supervisory to environment, either through national, regional or sector program.**
- b. **Specific Policy; it becomes the obligation of the society as the human within development to promote human values orienting to the future and the salvation of the mankind which is blessed by Allah SWT. In this case, it is necessary to promote the awareness of balanced and abiding environment.**

### **E. Family Planning Problem**

1. **In Al-Qur'an, an-Nisa [4]:1, Allah SWT says:**

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ  
نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا  
رِجَالًا كَثِيرًا وَنِسَاءً... (النساء- ١)

*“O Mankind! Be careful of your duty to your Lord who created you from a single soul and from it created its mate and from them twain hath spread abroad a multitude of men and women...” (An-Nisaa, 1)*

2. In Al-Qur’an, al-Hujurat [49]: 13, Allah SWT says:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ  
وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ  
عِنْدَ اللَّهِ أَتَقْوَاهُ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ (الحجرات-  
١٣)

*“O mankind! Lo! We have created you male and female, and have made you nations and tribes that ye may know one and another....” (Al-Hujuraat, 13)*

3. In Al-Qur'an, ar-Rum [30]: 21, Allah SWT says:

وَمِنْ ءَايَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ  
أَزْوَاجًا لَتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً  
وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ  
(الروم- ٢١)

*“And of his sign is this: He created for you help meets from yourselves that ye find rest in them, and he ordained between you love and mercy. Lo! Herein indeed are portent for folk who reflect...” (Ar-Ruum, 21)*

4. In Al-Qur'an, al-AhQaaf [46]: 15, Allah SWT says:

وَوَصَّيْنَا الْإِنْسَانَ بِوَالِدَيْهِ إِحْسَانًا حَمَلَتْهُ  
أُمُّهُ كُرْهًا وَوَضَعَتْهُ كُرْهًا وَحَمَلُهُ  
وَفِصْلُهُ ثَلَاثُونَ شَهْرًا ... (الأحقاف - ١٥)

*“And We have commended unto man kindness toward parents. His mother beareth him with reluctance, and bringeth him forth with reluctance, and the bearing of him and the weaning of him is thirty month...” (Al-Ahqaaf, 15)*

5. In Al Qur'an, al-Baqarah [2]: 233, Allah SWT says:

وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنَ كَامِلَيْنَ  
لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَةَ... (البقرة - ٢٣٣)

*“Mothers shall suckle their children for two whole years; (that is) for those who wish to complete the suckling..” (Al-Baqarah, 233)*

6. In Al Qur'an, al-Furqan: (25)74, Allah SWT says:

وَالَّذِينَ يَقُولُونَ رَبَّنَا هَبْ لَنَا مِنْ أَزْوَاجِنَا  
وَدُرِّيَّتِنَا قُرَّةَ أَعْيُنٍ وَاجْعَلْنَا لِلْمُتَّقِينَ  
إِمَامًا... (الفرقان-٧٤)

*“And who say: our Lord, vouch safe us comfort of our wives and of our offspring, and make (us) pattern of call those who ward off (evil)...” (Al-Furqan, 74)*

7. In Al Qur'an, al-Imran [31]:38, Allah SWT says:

هُنَالِكَ دَعَا زَكَرِيَّا رَبَّهُ ۖ قَالَ رَبِّ هَبْ لِي مِنْ  
لَدُنْكَ ذُرِّيَّةً طَيِّبَةً ۗ إِنَّكَ سَمِيعُ الدُّعَاءِ ( عمران ال  
-٣٨)

*"Then Zachariah prayed unto his Lord and said: My Lord! Bestow upon me of Thy bounty goodly offspring. Lo! Thou art the Hearer of Prayer." (Ali Imran, 38).*

8. In Al-Qur'an, al-Hadid [57]: 20, Allah SWT says:

أَعْلَمُوا أَنَّمَا الْحَيَاةُ الدُّنْيَا لَعِبٌ وَلَهُمْ زِينَةٌ  
وَتَفَاخُرٌ بَيْنَكُمْ وَتَكَاثُرٌ فِي الْأَمْوَالِ وَالْأَوْلَادِ  
(الحديد-٢٠)

*"Know that the life of the World is only play, and idle talk, and pageantry, and boasting among you, and rivalry in respect of wealth and children..." (Al-Hadid, 20).*

9. In Al Qur'an, al-Mujadalah [58]: 17, Allah SWT says:

لَنْ نُعْطِيَ عَنْهُمْ أَمْوَالَهُمْ وَلَا أَوْلَادَهُمْ مِّنَ اللَّهِ  
شَيْئاً أُولَئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ  
(المجادلة-١٧)

*Their wealth and their children will avail them naught against Allah. Such are rightful owners of the Fire; they will abide therein.” (Al-Mujadalaah, 17).*

**10. In Al Qur’an, Syu’ara [26]: 88 - 89, Allah SWT says:**

يَوْمَ لَا يَنْفَعُ مَالٌ وَلَا بَنُونَ (٨٨) إِلَّا مَنْ أَتَى  
اللَّهَ بِقَلْبٍ سَلِيمٍ (٨٩) (الشعراء ٨٨-٨٩)

*“The day when wealth and sons avail not (any man).(88) Save him who bringeth unto Allah a whole heart.” (Asy-Syu’ara,88-89).*

**11. In Al-Qur’an, at-Taghabun [64]: 14, Allah SWT says:**

يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِنَّ مِنْ أَزْوَاجِكُمْ  
وَأَوْلَادِكُمْ وَعَدُوِّكُمْ لَكَفْرٌ فَأَحْذَرُوهُمْ وَإِنْ تَعَفَّوْا  
وَتَصَفَّحُوا وَتَغْفِرُوا فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ  
(التَّغَابُنِ- ١٤).

*"O ye who believe! Lo! among your wives and your children there are enemies for you, therefor beware of them. And if ye efface and overlook and forgive,*

*then lo! Allah is Forgiving, Merciful.” (At-Taghabuun, 14)*

**12. In Al-Qur’an, at-Taqaabun [64]: 15, Allah SWT says**

إِنَّمَا أَمْوَالُكُمْ وَأَوْلَادُكُمْ فِتْنَةٌ وَاللَّهُ عِنْدَهُ أَجْرٌ عَظِيمٌ  
(التَّعَابِينِ- ١٥).

*“Your wealth and your children are only a temptation. Whereas Allah! With Him is an immense reward.” (At-Taghabuun, 15).*

**13. In Al Qur’an, al-Munafiqun [63]: 9, Allah SWT says:**

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تُلْهِكُمْ أَمْوَالُكُمْ وَلَا  
أَوْلَادُكُمْ عَنِ ذِكْرِ اللَّهِ وَمَنْ يَفْعَلْ ذَلِكَ  
فَأُولَئِكَ هُمُ الْخَاسِرُونَ (الْمُنَافِقُونَ - ٩)

*“O ye who believe! Let not your wealth nor your children distract you from remembrance of Allah. Those who do so, they are the losers.” (Al-Munafiqun, 9)*

14. Hadith of Rasulallah SAW says:

يَا مَعْشَرَ الشَّبَابِ مَنْ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ  
فَالْيَتَزَوَّجْ فَإِنَّهُ أَعْزُّ لِلْبَصْرِ وَأَحْصَنُ  
لِلْفَرْجِ، وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ  
فَإِنَّهُ لَهُ وَجَاءٌ (الحدِيث)

*“O young man, whomever has been able to support wife and house hold, he should get married because he will be able to subdue his sight and will preserves you from promiscuity, (but whomever has not been able to do it , he must perform fasting, most verily fast, it will become a fortress which look after him (of someone’s conduct)”*

15. Hadith of Rasulallah SAW says:

إِنَّكَ إِنْ تَذَرَ وَرَثَتَكَ أَغْنِيَاءَ خَيْرٌ مِنْ أَنْ  
تَذَرَهُمْ عَالَةً يَتَّكِفُونَ النَّاسَ (رواه  
البخارى ومسلم عن سعيد بن ابى وقاص)

*“It is better for you to leave your heir rich than leaving them dependent upon person charity”  
(Hadith: Bukhari and Muslim from Said bin Abi Waqas)*

16. Hadith of Rasulullah SAW says:

المؤمنُ القويُّ خيرٌ وأحبُّ إلى الله من  
المؤمنِ الضَّعيفِ (رواه مسلم عن أبي  
هريرة)

“Strong believer is better and loved by Allah more than weak one” (Hadith: Muslim from Abi Hurairah)

17. Hadith of Rasulullah SAW says:

عَنْ جَابِرٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: كُنَّا نَعْزِلُ عَلَى  
عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَالْقُرْآنُ يَنْزِلُ (رواه  
البخارى ومسلم)  
كُنَّا نَعْزِلُ عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَبَلَغَهُ ذَلِكَ فَلَمْ  
يَنْهَنَا.

“From Jabir ra, he said: We used to practice al-azl in Rasulullah SAW’s era while Al Qur’an was still being revealed”. (Hadith: Bukhari and Muslim). (According to Imam Muslim’s history): We used to practice al-azl in Rasulullah SAW’s era and he came to know it, and did not prohibit us”

18. Hadith of Rasulullah SAW says:

مَنْ عَالَ بَنَاتٍ أَوْ ثَلَاثَ أَخَوَاتٍ أَوْ أُخْتَيْنِ أَوْ  
بِئْتَيْنِ فَأَدَبَهُنَّ وَأَحْسَنَ إِلَيْهِنَّ وَزَوَّجَهُنَّ فَلَهُ  
الْجَنَّةُ (رواه الترميذى وأبو داود)

*“Whomever has many girls or three sisters or two sisters, or two daughters then they are taught and looked after properly and he makes them get married, therefore he will get heaven as a reward with.” (Hadith: Turmuzi and Abu Daud)*

19. Hadith of Rasulullah SAW says:

حَقُّ الْوَالِدِ عَلَى وَالِدِهِ أَنْ يُحَسِّنَ إِسْمَهُ  
وَأَدَبَهُ، وَأَنْ يُعَلِّمَهُ الْكِتَابَةَ وَالسَّبَّاحَةَ  
وَالرَّمَايَةَ وَأَنْ لَا يَرْزُقَهُ إِلَّا طَيِّبًا وَأَنْ يُزَوِّجَهُ  
إِذَا أُدْرِكَ (رواه مسلم)

*“Parents’ obligation on their children is to give them good names, educate and teach him reading and writing (Al Qur’an), swimming, and shooting; and provide them with nothing but what is wholesome,*

*and make them get married if they have gotten couple.” (Hadith: Al-Hakim).*

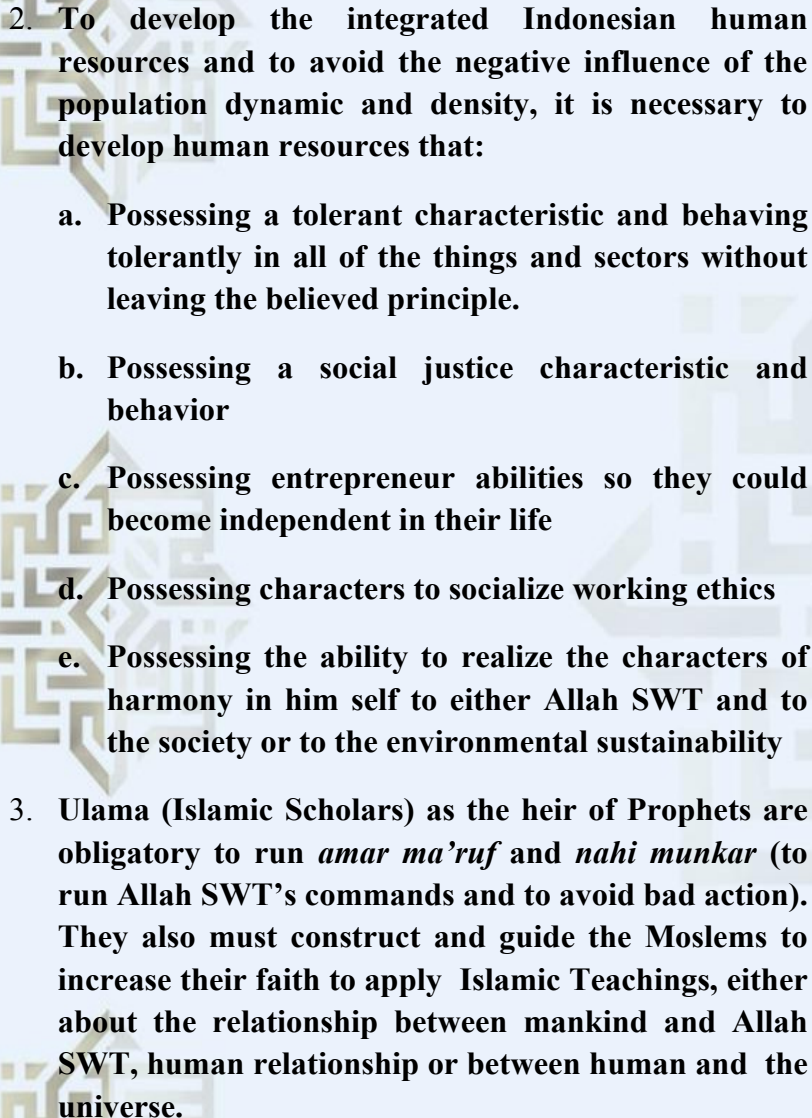
- 1. Family Planning is a human’s initiative or effort to arrange pregnancy in family without violating religious rules, national policies and moral of Pancasila, to get family’s welfare in particular and national welfare in a general way.**
- 2. Islamic teachings approve the implementation of Family Planning to improve maternal and child’s health, children education in order to become healthy, smart and religious children.**
- 3. The implementation of Family Planning, including the implementation of the Information, Education and Communication (IEC) should be voluntary conducted base on the awareness and religious as well as traditional factors’ consideration persuading in a way that human natured**
- 4. The implementation of Family Planning Program should use the contraceptives without any compulsion, appropriate with Islamic Teachings based on the approval of both husband and wife**

- 5. The contraceptive implanted in womb (IUD) in the implementation of Family Planning can be accepted if its implantation is done by a female medical/or paramedical experts, or if it is in emergency, it can be done by a male medical experts accompanied by the patient's husband or the other woman.**
- 6. Conducting Vasectomy (the effort to tie-up/cut off a man's vas deferens to avoid fertilization) and Tubectomy (the effort to tie-up or cut off both of a woman's ovaries to avoid pregnancy) are contrary to Islamic Law (Haram), excepts in the emergency situation such as to avoid the transmission any disease infection from mother/father to her/his future children or mother will be in danger if she gives birth again.**
- 7. Abortion, including MR (Menstrual Regulation), by any means, is prohibited by the soul and spirit of Islamic Teachings (Haram/Forbidden). It is prohibited to do abortion either after the embryo has been alive (4 months old in the womb) or before the embryo is alive (below four months old in the womb) because it is considered as an under cover murder which is prohibited by Islamic Law, except it is purposed to save the mother's life.**

8. **To strengthen Family Planning Program, especially the program using contraceptives, the medical experts who understand Islamic Teachings should be existed in each Family Planning Clinic.**
9. **Appealing the Moslems to improve the development of prosperous and happy family which is full of *sakinah*, *mawadah* and *rahman* in order to achieve the success in creating healthy, brilliant, skillful and religious child.**

#### **F. Appeal**

1. **The Population, Health, and Environmental Preservation Program are essentially to maintain the environmental sustainability in order to achieve the harmony in the relationship between mankind and Allah, human relationship as well as between human and universe. Therefore, the Population, Health, and Environmental Preservation Program must emphasize the factors of human status and function as the development's subject and object of the integrated Indonesian human resources blessed by Allah SWT.**

- 
2. **To develop the integrated Indonesian human resources and to avoid the negative influence of the population dynamic and density, it is necessary to develop human resources that:**
    - a. **Possessing a tolerant characteristic and behaving tolerantly in all of the things and sectors without leaving the believed principle.**
    - b. **Possessing a social justice characteristic and behavior**
    - c. **Possessing entrepreneur abilities so they could become independent in their life**
    - d. **Possessing characters to socialize working ethics**
    - e. **Possessing the ability to realize the characters of harmony in him self to either Allah SWT and to the society or to the environmental sustainability**
  3. **Ulama (Islamic Scholars) as the heir of Prophets are obligatory to run *amar ma'ruf* and *nahi munkar* (to run Allah SWT's commands and to avoid bad action). They also must construct and guide the Moslems to increase their faith to apply Islamic Teachings, either about the relationship between mankind and Allah SWT, human relationship or between human and the universe.**

4. **Ulama (Islamic Scholars)'s role in the programs of Population, Health and Environment is to give proper explanation about Islamic Teachings related with Population, Health and environment preservation to the society.**
5. **As community leader, Ulama (Islamic Scholars) should translate Islamic Teachings into developmental language vice versa so that all segments of the society, especially the Moslems, can understand and comprehend all of the teachings.**
6. **To achieve the purposes above, Ulama (Islamic Scholars) should increase mutually collaborative relationship with the *Umara (the Government)* and the other publicly social institution that they have already implemented all this time, not only in the form of advice and fatwa, but also in the aspects of planning, implementation and observation.**
7. **Transforming information about development with religious language, the Islamic teachings related the development, particularly in the field of Population, Health and Environment through religious activities, such as: *khutbah (sermon), mazakarah, tabligh/discourse, da'wah (religious speech), sermon, majelis taklim*, the commemoration of Islamic great**

days, School of *Qur'anic* Studies, and other Islamic activities.

8. Expecting National or Regional Islamic Organizations to intensify their participation in sustaining the development, especially in the field of Population, Health and Environment in order to bring Moslem's happiness and welfare into reality.
9. Indonesian Council of Ulama (Islamic Scholars) must publish manual book about "the Development Management and Guidance for Moslems, especially in Population, Health and Environment" as the guidance for *Muballigh* (Religious Leader) and society.
10. Expecting either Central or Regional Government to urge Ulama (Islamic Scholars) to participate in all of developmental activities as the realization of cooperation among Ulama (Islamic Scholars).

#### G. Expectation

As the follow-up of National Ulama (Islamic Scholars) Deliberation, it is expected to:

- 1. Relate the problems of Population, Health and Environment with the development sectors, such as UDKP project.**
- 2. Implement pilot project that specifically manages the problems of Population, Health and Environment.**

**Jakarta, Muharram 13<sup>th</sup>, 1404 H  
October 20<sup>th</sup>, 1983**

**NATIONAL DELIBERATION OF ULAMA (ISLAMIC  
SHOOLARS) ABOUT  
POPULATION, HEALTH AND DEVELOPMENT**

**The Chairman of Conference**

**Chairman,**

**Secretary,**

**Signed by,**

**Signed by,**

**K.H. HASAN BASRI**

**DRS. H. HUSEIN SEGAF MA**

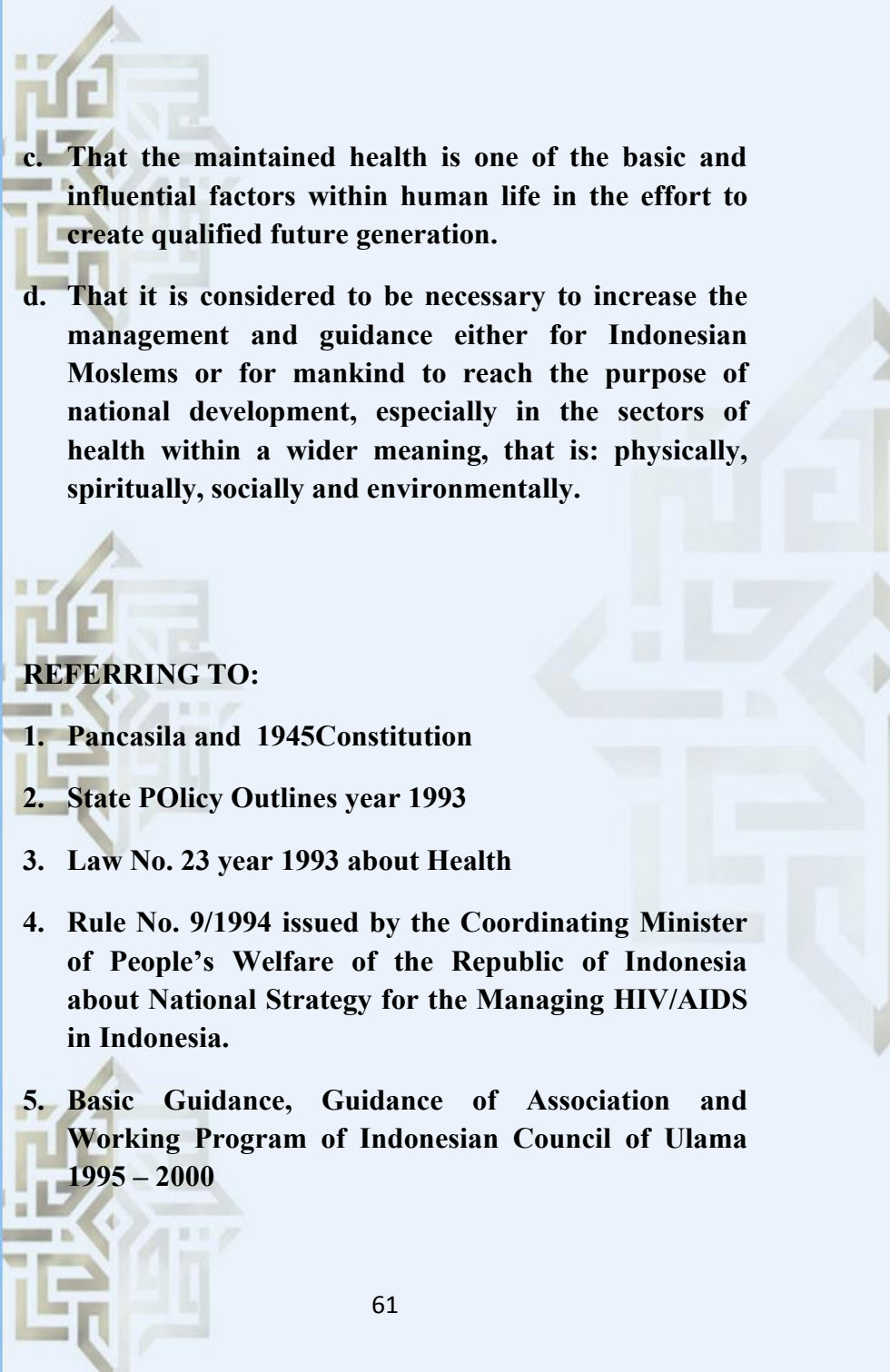
## THE PREVENTION OF HIV/AIDS INFECTION

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

National Muzakarah (Conference) of Indonesian Ulama related to the prevention of HIV/AIDS Infection held by the collaboration of the Ministry of Religious Affairs of the Republic of Indonesia and UNICEF on Rajab 3<sup>rd</sup>-7<sup>th</sup>, 1416 H in conjunction with November 26<sup>th</sup>-30<sup>th</sup>, 1995M in Bandung (West java) stated the following points:

### CONSIDERING:

- a. That Islam is the religion which brings the bless for the universe, namely the Islamic teachings whose sources are taken from Al-Qur'an and Al-Hadith that give guidance to all of the living creatures and life's aspects, including health problem.
- b. That creates the Indonesian qualified Islamic follower (*khaira ummah*) is the purpose of national development in order to bring fair and prosperous society into reality based on the Pancasila and the 1945 Constitution.

- 
- c. That the maintained health is one of the basic and influential factors within human life in the effort to create qualified future generation.**
  - d. That it is considered to be necessary to increase the management and guidance either for Indonesian Moslems or for mankind to reach the purpose of national development, especially in the sectors of health within a wider meaning, that is: physically, spiritually, socially and environmentally.**

**REFERRING TO:**

- 1. Pancasila and 1945 Constitution**
- 2. State Policy Outlines year 1993**
- 3. Law No. 23 year 1993 about Health**
- 4. Rule No. 9/1994 issued by the Coordinating Minister of People's Welfare of the Republic of Indonesia about National Strategy for the Managing HIV/AIDS in Indonesia.**
- 5. Basic Guidance, Guidance of Association and Working Program of Indonesian Council of Ulama 1995 – 2000**

### **CONCERNING:**

- 1. The observation results done either in Indonesia or in other countries about the epidemic impact of HIV/AIDS virus which affected the life of mankind is very worrying.**
- 2. The advices and opinion of the muzakarah/Conference's participants, either in plenary or and in group meeting.**

### **LISTENING TO:**

- 1. The briefing and discourse of the Coordinating Minister of People's Welfare of the Republic of Indonesia, Lieutenant General of Indonesian Army (retired) Ir. H. Azwar Anas in the opening ceremony of Ulama (Islamic Scholars) National Muzakarah related to the prevention of HIV /AIDS Infection**
- 2. The briefing of the Minister of Religious Affairs of the Republic of Indonesia, Drs. Sa'adilah Mursyid, MPA**
- 3. The briefing of the Minister of Public Health, Prof. Dr. Sujudi**


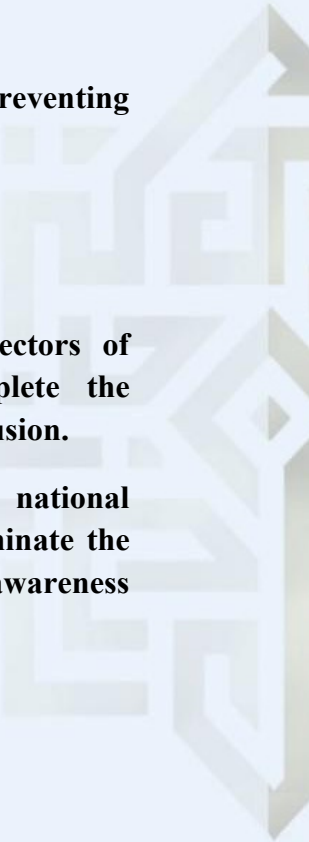

4. **The speech of the General Chairman of Indonesian Council of Ulama, KH. Hasan Basri.**
5. **The Speech of the Director Representatives of UNICEF in Indonesia, Stephen J. Woodhouse.**
6. **The Working Papers issued by:**

**The WHO representatives for Indonesia, Robert J. Kim Farley; Indonesian AIDS Foundation, Dr. Sarsanto W. Sarwono; the General Director of P2M & PLP of the Ministry of Public Health passed on by Dr. Broto Wasisto MPH; the General Director of Public Guidance of Islam and Hajj Pilgrimage Affairs, Drs. H. Amidhan; The Chairperson of “Husada Indonesia” Foundation, Dr. Tuti Purwati; Indonesian Council of Ulama , Prof. KH. M. Ali Yafie and Prof. Dr. dr. H. Dadang Hawari.**

**With being fear to Allah SWT and Wishing His *Taufiq* and *Hidayah* (Allah SWT”s guidance,**

#### **THE CONFERENCE FORMULATED AND CONCLUDED THE FOLLOWING STEPS:**

1. **National Deliberation/Muzakarah of Ulama Indonesia related to the prevention of HIV /AIDS Infection, consists of:**

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- 
- 
- a. **Mukadimah/Introduction**
  - b. **Tadzkirah/Conference in Bandung**
  - c. **The Information Distribution System of HIV/AIDS for the society**
  - d. **Ulama (Islamic Scholars)'s role in preventing HIV/AIDS**
  - e. **Plan of Action**
  - f. **Closure**
2. **Muzakarah mandates to the Board Directors of Indonesian Council of Ulama to complete the editor's statement from this formula /conclusion.**
  3. **This is the conclusion gained from the national deliberation. We urge all parties to disseminate the Fatwa in order to increase everyone awareness related to the mentioned Fatwa.**

*Wabillahi taufiq wal hidayah*

**Formulated/ratified in: Bandung**

**On : Rajab 7<sup>th</sup>, 1416 H/November 30, 1995 M**

**Plenary Meeting V**

**NATIONAL MUZAKARAH/CONFERENCE OF  
ULAMA**

**RELATED TO PREVENTION OF HIV/AIDS  
INFECTION**

**Chairman ,**

**Secretary ,**

**K.H. HASAN BASRI**

**Drs. H.A. NAZRI ADLANI**

TADZIKRAH/CONFERENCE IN BANDUNG  
ABOUT MANAGING HIV/AIDS

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In Al-Qur'an, al-Anfal [8] :25, Allah SWT Says:

وَاتَّقُوا فِتْنَةً لَّا تُصِيبَنَّ الَّذِينَ ظَلَمُوا مِنْكُمْ خَاصَّةً  
وَأَعْلَمُوا أَنَّ اللَّهَ شَدِيدُ الْعِقَابِ (الأنفال - ٢٥)

*“And guard yourselves against a chastisement which cannot fall exclusively on those of you who are wrong-doers, and know that Allah is severe in punishment.” (Al-Anfaal, 25)*

That in fact, Islam is the teachings that full of blessings (*rahmatan lil'alamin*) needed as guidance in various social life, especially in a series of efforts to increase the quality of human resource in Indonesia to achieve *khaira ummah* which is characterized by the establishment of integrated human resources.

Ulama, especially the Ulama in Indonesia become the heir and the router of Rasulullah SAW's struggle (*warasatul anbiya*), obviously have a wish to participate in the noble initiative to increase the human resource in Indonesia. Consciously, the Ulama

**(Islamic Scholars) are obligatory to anticipate the possibility for the obstacle in implementing the initiative, especially with the existence of the threat in the public health through the tendency of the strong HIV/AIDS infection. It is in line with the essence of Islamic teachings, which tremendously help each other put togetherness principle in righteousness and fear (*ta'awun alal birri wattaqwa*).**

**Recently, Indonesia faced AIDS's threat and the country must make explicit option to prevent the deadly virus in order to avoid the other consequences in the sectors of culture, social, economy and politics because the consequences will possibly destroy a nation.**

**HIV/AIDS virus has entered the group of highly risky behavior in rapidly increasing level and it has started to spread to public. There is a prediction that Indonesia has left linear growth phase of the epidemic and now, Indonesia is in epidemic spreading phase characterized by very rapid growth to be explosive. We are unable to prevent it anymore, but it is possible for us to narrow its impacts, without any special attention with placing the priorities of strategic interventions, which involve all of the parties. In a few years forwards, Indonesia will have rapid spreading.**

Accurately considering the situation and the *Mudharat (disadvantage)* things which potentially can be evoked as well as on the behalf of the benefit and the managing of HIV/AIDS, Ulama (Islamic Scholars) National Muzakarah held in five days on November 26<sup>th</sup>-30<sup>th</sup> , 1995 in Bandung agreed to behave the following things by *tadzkirah*:

1. The society, especially Indonesian Moslems with the faith that they believe, must seriously be able to avoid any bad conducts which enable themselves, their family and the society to get HIV/AIDS virus because to detect its spreading is still very difficult.
2. The society, especially Indonesian Moslems with the faith that they believe, must obviously treat themselves properly as the human with high dignity.
3. The society, especially Indonesian Moslems with the faith that they believe, must accurately understand HIV /AIDS threats and dangers, especially with strengthening *sakinah* family.
4. As the caretaker of the people's mandate in performing National Development, the Government must uphold morally ethical principle and religion with avoiding the influence

of negative values which generally happens in recent globalization era.

5. All of the society's potencies, especially Ulama (Islamic Scholars) and *zu'ama* in tackling HIV/AIDS, must be able to cooperate to implement the prevention activity as the religious service and responsibility to Allah SWT.

In Al-Qur'an, al-Muthanhinah [60]: 4-5, Allah SWT says:

... رَبَّنَا عَلَيْكَ تَوَكَّلْنَا وَإِلَيْكَ أَنَبْنَا وَإِلَيْكَ  
الْمَصِيرُ (٤) رَبَّنَا لَا تَجْعَلْنَا فِتْنَةً لِلَّذِينَ كَفَرُوا  
وَأَغْفِرْ لَنَا رَبَّنَا إِنَّكَ أَنْتَ الْعَزِيزُ الْحَكِيمُ (٥)  
(المُمْتَحِنَةُ-٤-٥)

“...Our Lord! In Thee we put our trust, and unto Thee we turn repentant, and unto Thee is the journeying. (4) Our Lord! Make us not a prey for those who disbelieve, and forgive us, our Lord! Lo! Thou, only Thou, are the Mighty, the Wise.” (Al-Mumtahinah, 4-5)

## **B. THE INFORMATION DISTRIBUTION SYSTEM OF HIV / AIDS**

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

### **1. MEANING**

The meaning of the information distribution system of HIV/AIDS is the way to distribute/inform about HIV/AIDS based on the aspects of medical, legislation and social culture appropriate with Indonesian Society.

### **2. BASIC**

- 1. Religion**
- 2. Presidential Decree No. 36/1994 about National AIDS Commission (Komisi Penanggulangan AIDS/KPA)**
- 3. Rule No. 8/1994 about the task formation and the function of National AIDS Commission membership issued by The Coordinating Minister of People's Welfare**


- 4. Rule No. 9/1994 about the National Strategy of Managing AIDS in Indonesia issued by The Coordinating Minister of People's Welfare.**

### **3. PURPOSE**

**To create responsible behavior in accordance with Islam so that it can prevent the spreading of HIV/AIDS virus and decrease its negative impacts.**

### **4. STRATEGY**

- 1. Implementing advocacy through law enforcement as the approach to the policy maker, either formally or informally aimed to get support in all forms of efforts that had been done**
- 2. Developing social support through intensifying approaches and disseminating information to the society so it results to the public increased awareness on the dangers and impacts of HIV/AIDS**
- 3. Implementing empowerment effort, that is: the effort to develop the ability of individual, group or**



**society in conducting the preventive action of HIV/AIDS**

- 4. Establishing an official unit in Indonesian Council of Ulama to implement the provided programs**

## **5. METHOD**

**The distribution of knowledge/information about HIV/ AIDS were conducted through the implementation of Information, Education, Communication and Motivation (CIEM)**

## C. THE ROLE OF ULAMA (ISLAMIC SHOOULARS) IN PREVENTING THE SPREADING OF HIV/AIDS

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

### I. THEOREMS

وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ (الأنبياء -١٠٧)

1. “And We don't send you (Muhammad), but to become blessing for human”.

وَأَنْفِقُوا فِي سَبِيلِ اللَّهِ وَلَا تُلْقُوا بِأَيْدِيكُمْ  
إِلَى التَّهْلُكَةِ وَأَحْسِنُوا إِنَّ اللَّهَ يُحِبُّ  
الْمُحْسِنِينَ (البقرة-١٩٥)

2. “Spend your wealth for the cause of Allah, and be not cast by your own hands to ruin; and do good things. Lo! Allah loves the beneficent. (Al-Baqarah, 195)”

لَا ضَرَرَ وَلَا ضِرَارَ (الحديث)

3. “You may not jeopardize yourself and also the others”. (hadits).

## الضَّرَرُ يُزَالُ (قاعدة الفقه)

4. *“Each of dangers has to be avoided ” (Qa’idah Fiqh).*

## إِرْتِكَابُ أَخْفَ الضَّرَرَيْنِ (قاعدة الفقه)

5. *“Choose two matters with the lightest danger”. (Qa’idah Fiqh)*

6. *Maqashid al-Syari’ah al Khams, especially the ones related to Hifz Al-Nafz (protecting live safety) and Hifz Al-Nasl (protecting descendants).*

## II. THE ROLE OF ULAMA

**As the heir of Rasullulah SAW’s duty to bring blesses for the universe, Ulama must become the caretaker of the task and its main role, for example:**

1. **Giving guidance, counseling, and good examples to the society based on Islamic teachings and values for the power of Moslems in facing the challenge of civilization and global culture.**

2. Implementing *amar ma'ruf nahi munkar* to guide and protect *sakinah* family which is full of *mawaddah* and *rahmah*. (happy prosperous family)
3. Become role model for all ummat in all daily life

### III. THE VIEW OF ULAMA ABOUT HIV/AIDS

That HIV/AIDS spreading has become a common danger (*al-Dharar al'Am*) which can threaten anybody without depending on gender, age and profession.

### IV. THE OPINION OF ULAMA

Considering the danger of HIV/AIDS, all of the parties must take an initiative for implementing any kinds of preventions which may be performed individually/in group based on religion, culture, social and health.

### V. GUIDANCE TO PREVENT THE SPREADING OF HIV/AIDS

## **A. For those who positively get HIV/AIDS**

- 1. For single ones, they must do fasting from sex, violating this rule considered as very sinful not only because of adultery, but also because it endangers the other people's life.**
- 2. For married ones, they must wisely tell their spouses (husband/wife) about their disease and its negative impacts.**
- 3. For married ones, they must protect their spouses (husband/wife) from their disease's infection. In emergency, for example, they must put on condom when they do sexual intercourse.**
- 4. For both single and married ones, they are prohibited to do anything which can spread their disease to the others, for example donating their blood.**
- 5. For all of HIV/AIDS' sufferers and AIDS' patients, they must inform about their health to the parties relating with their health safety.**

## **B. For those who are potential to suffer from HIV/AIDS**

- 1. They must get their health checked up to know whether they are in positive or in negative state.**
- 2. For a couple of husband and wife, in emergency, they must put on condom (and the other protective devices)**
- 3. For a couple who will get married, they must get their health checked up to know whether they are in positive or negative state.**

#### **C. For the Society**

**For the society themselves, it is necessary for them to increase their fear to Allah SWT with following His instructions and avoiding His prohibition, especially the prohibition for adultery and the things which can encourage them to do it.**

**For the Ulama it is necessary for them to increase effectiveness (with updated methods and approaches) of the religious speeches to the Society to progressively increase their fear to Allah SWT and their obedience to their religious rules.**

**Either Ulama or the Government and the other parties must increase their Communication, Information, Education, and Motivation(CIEM)'s steps to all segments of the Society about the danger, cause and result as well as the tackling of HIV/AIDS through the collaboration among all of the parties.**

## **VI. RECOMMENDATION**

**1. For Indonesian Council of Ulama, must establish a working group that responsible, specially, to handle the initiatives effort to prevent HIV/AIDS' infection and their service to its sufferers and patients. Its ruling commission is expected to be able to issue the rules about the steps to prevent HIV/AIDS' infection, especially about:**

- a. Euthanasia for the AIDS' patients because of the different opinions within:**
  - The party supporting it based on the priority for comprehensive public goodness or safety.**
  - The party refusing it based the religious prohibition to kill somebody by any means**



5. For HIV/AIDS' sufferers/patients, they must be given some spiritual guidance (get atonement) in order that they feel sure that their atonement is accepted.

## 26. ISLAMIC LAW GUIDANCE IN HAVING A CERTAIN OPINION, ASSOCIATING AND NURSING AIDS' PATIENTS

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ - الْحَمْدُ لِلَّهِ الْقَائِلِ فِي مُحْكَمِ كِتَابِهِ الْكَرِيمِ: (وَأَتَّقُوا فِتْنَةً لَّا تُصِيبَنَّ الَّذِينَ ظَلَمُوا مِنْكُمْ خَاصَّةً وَاعْلَمُوا أَنَّ اللَّهَ شَدِيدُ الْعِقَابِ) وَالصَّلَاةُ وَالسَّلَامُ عَلَى أَشْرَفِ الْأَنْبِيَاءِ وَالْمُرْسَلِينَ الْقَائِلُ فِي حَدِيثِهِ الشَّرِيفِ: (إِذَا ظَهَرَ الزَّنَا وَالرَّبَّا فِي قَرْيَةٍ

فَقَدْ أَحَلَّوْا بِنَفْسِهِمْ عَذَابَ اللَّهِ) وَعَلَى آلِهِ وَصَحْبِهِ وَمَنْ تَبِعَهُ بِإِحْسَانٍ إِلَى يَوْمِ الدِّينِ- أَمَّا بَعْدُ.

As the Religion whose teachings are full of blessings for the human living in this World (rahmatan lil al'amin),

Islam has given guidance for Its followers. Islamic teachings are full of the guidance to nurse and to treat the sick people as well as possible. *‘Iyadah al maridh* which has really been encouraged by Islam does not only mean to visit the sick people, as it has been comprehended all this time, but also to nurse and to cure them.

The sick people, whatever its causes are, must still get special place among Moslems. In one of Qudsi Hadith, Allah SWT said: “Hi my slaves, I am sick, but you do not want to visit and nurse me”. The slave answered: “How can I visit and nurse You whereas You are *Rabbul Al’amin*”. Allah SWT answered:”One of My slaves is sick, if you visit and nurse him, you obviously will meet Me over there.”

In this Hadith, Allah SWT has placed the sick person as if he were Allah SWT Himself. It means human being must always pays attention to the sick people with giving some helps either morally or materially so that they are not the most secluded ones from the Society, especially morally. In the meantime, Islamic teachings are also full of the guidance to avoid dangerous things, moreover, the disease, which can potentially spread to the others. Muhammad SAW stated:

لَا ضَرَرَ وَلَا ضِرَارَ (الحديث)

“You may not jeopardize yourself, and may not jeopardize the others”.

From this hadith, there is a *fiqh's* method:

الضَّرَرُ يُزَالُ (قاعدة الفقه)

“Each of dangers has to be avoided ” (Qa'idah Fiqh).

إِرْتِكَابُ أَحْفَ الضَّرْرَيْنِ (قاعدة الفقه)

“Choose two matters with the lightest danger”. (Qa'idah Fiqh).

Even, presumably, there are two opposite factors, that is: between danger (disadvantages) and self-interest (advantage), therefore, removing danger is put in the priority. A *fiqh's* method announces:

دَرءُ الْمَقَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ

*“Avoiding damages must be done more prior than looking for advantages”.*

**Therefore, without having to reduce good deeds to the sick people, Islam teaches that we must be beware of and avoid the possibility to get infection from the sick people.**

**Approximately 80%-90% of HIV/AIDS disease is caused by adultery. It is a very dangerous disease, especially for the people with very bad morality. This disease is a disaster for anybody, including those who have very good morality. The disease suffered by them is uncertainly caused by their own sin, but it may be caused by other people’s action.**

**If adultery causes approximately 80%-90% of HIV/AIDS, the most effective effort for the tackling of HIV/AIDS is to remove its own cause, that is: adultery. As we have mentioned above, Muhammad SAW said: “If adultery and excessive interest become common things in one country, it will mean that the People in the Country have allowed (invited) Allah SWT’s punishment”. Therefore, the principle that “Prevention is better than cure” also has a meaning that to remove a cause is better than to cure the disease, which is resulted by the cause.**

Islam appeals to pay attention to and to treat the sick people, including those suffering from HIV/AIDS virus, properly. However, surely, the good treatment done on them may not victimize the others, for example: to make healthy people become the ones suffering from HIV/AIDS. Islam considers it as a wrong way. A *fiqh's* method says:

الضَّرَرُ لَا يُزَالُ بِالضَّرَرِ (قاعدة الفقه)

*“Danger may not be removed with wreaking the other danger.”*

Therefore, it is necessary for us to do some wise efforts in order that HIV/AIDS' sufferers can be nursed, cured, and treated humanly but without victimizing any other people to be new HIV/AIDS' sufferers. This wisdom will be more required because as human, HIV/AIDS' sufferers will always get in touch with the other people, for example: when they grow up, they need to get married. While they pass away, they need to get their corpses cared and so on.

## THE PROBLEMS RELATED WITH HIV/AIDS' PATIENTS:

### I. Islamic Opinion to HIV/AIDS

HIV/AIDS is a very dangerous contagion because it has threatened the human's existence in the World and it can happen on anybody without depending on gender, age and profession. Therefore, Islam considers that HIV/AIDS is as *al dharar al-'amm* (global danger).

## II. Euthanasia

In Islam, Euthanasia, either the passive or the active one, done on AIDS' patients is prohibited. Here are the theorems about Euthanasia:

### 1. Our life and death are in Allah's hands.

In Al-Qur'an, al-Mulk [67]: 2, Allah SWT says:

الَّذِي خَلَقَ الْمَوْتَ وَالْحَيَاةَ لِيَبْلُوَكُمْ أَيُّكُمْ أَحْسَنُ عَمَلًا  
وَهُوَ الْعَزِيزُ الرَّحِيمُ (الملك-٢)

*“Who hath created life and death that he may try you which of you is best in conduct” . (Al-Mulk, 2)*

### 2. Islam prohibits us to commit suicide and to kill the others, except with rights.

In Al Qur'an, al-An-Nisaa[4]: 29, Allah SWT says:

... وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا (النساء)  
( ٢٩ )

“... and kill not one another. Lo! Allah is ever Merciful unto you”. (An-Nisaa, 29)

In Al Qur’an, al-An’aam [6]: 151, Allah SWT says:

... وَلَا تَقْتُلُوا أَوْلَادَكُمْ مِمَّنْ إِمْلَقَ طَحْنُ نُرْرُقُمْ وَإِيَاهُمْ (الأنعام-١٥١)

“... and that ye slay not your children because of penury - We provide for you and for them...” (Al-An’am, 151)

تَدَاوُوا عِبَادَ اللَّهِ فَإِنَّ اللَّهَ سُبْحَانَهُ وَتَعَالَى لَمْ يَضَعْ دَاءً إِلَّا وَضَعَ مَعَهُ شِفَاءً إِلَّا الْهَرَمَ (رواه ابن ماجة)

“Hi Allah’s slaves! Get doctor! Most verily Allah SWT does not create diseases, but He also creates its medicine, except because of old age”.

3. Islam commands us to be patient and tawakkal in facing accident.

In Al Qur'an, Luqman [31]: 17, Allah SWT says:

...وَلَا تَيْسُؤُوا مِنْ رُوحِ اللَّهِ إِنَّهُ لَا يَأْسُؤُ  
مِنْ رُوحِ اللَّهِ إِلَّا الْقَوْمَ الْكَافِرُونَ (يُوسُفَ - ٨٧)

“... and despair not of the Spirit of Allah. Lo! none despaired of the Spirit of Allah save disbelieving folk.” (Luqman, 87)

4. Islam commands to be patient, a lot of begging forgiveness unto Allah, and praying.

In Al Qur'an, al-Imran [3]: 135, Allah SWT says:

يَبْنِيَّ أَقِمِ الصَّلَاةَ وَأْمُرْ بِالْمَعْرُوفِ وَانْتَهَ عَنِ  
الْمُنْكَرِ وَأَصْبِرْ عَلَىٰ مَا أَصَابَكَ إِنَّ ذَٰلِكَ مِنْ  
عَزْمِ الْأُمُورِ (لُقْمَانَ - ١٧)

“O my dear son! Establish worship and enjoin kindness and forbid iniquity, and persevere whatever may befall thee. Lo! that is of the steadfast heart of things.” (Luqman, 17)

In Al Qur'an, al-Imran [3]: 135, Allah SWT says:

وَالَّذِينَ إِذَا فَعَلُوا فَحِشَةً أَوْ ظَلَمُوا أَنْفُسَهُمْ  
ذَكَرُوا اللَّهَ فَاسْتَغْفَرُوا لِذُنُوبِهِمْ وَمَنْ يَغْفِرِ  
اللَّهُ لِمَنْ يَشَاءُ إِنَّ اللَّهَ عَلِيمٌ ذَكِيمٌ  
يَعْلَمُونَ (آل عمران-١٣٥)

*“And those who, when they do an evil thing or wrong themselves, remember Allah and implore forgiveness for their sins—who forgives sins save only? – and will not knowingly repeat (the wrong) they did”.(Ali-Imran, 135)*

5. Using *Maslahat (beneficial)* theorem to approve euthanasia is not accurate because one of the usages of *the Maslahat (beneficial)* as a *syar'i* theorem may not be opposite with *nash*.
6. *Qiyas'* usage, namely: to use *qiyas* for HIV/AIDS patient with pregnant woman whose baby can endanger her life because of its emergency, is inaccurate, because the HIV

**/AIDS' patient has not accomplished emergency for euthanasia action.**

### **III. Infecting HIV/AIDS**

**The Law for infecting HIV/AIDS is Haram or forbidden. It is based on Rasulullah SAW's hadith:**

**لَا ضَرَرَ وَلَا ضِرَارَ**

*“You may not jeopardize yourself, and may not jeopardize the others”.*

### **IV. The marriage of HIV/AIDS' patients**

**1. Marriage among an HIV/AIDS' patient with a person who doesn't suffer from HIV/AIDS**

**a. When HIV/AIDS is considered as incurable disease (maradh daim), its Law is in Kifayah al-Akhyar III, page 38, as follows:**

الْحَالَةُ الثَّانِيَّةُ: أَنْ يَجِيْدَ مُؤَنَ النِّكَاحِ وَلَكِنَّهُ  
عَيْرُ مُحْتَاجٍ إِلَيْهِ، إِمَّا لِعَجْزِهِ بِجُبِّ أَوْ تَعْيِينِ  
أَوْ كَانَ بِهِ مَرَضٌ دَائِمٌ وَنَحْوِهِ، وَهَذَا أَيْضًا  
يُكْرَهُ النِّكَاحُ -

*“The second situation, that is: when a man has wealth for marriage’s expenses, but it not necessary for him to get married, both because of his inability to do sexual intercourse caused by his privates is cut off or impotent and because of chronic illness and so on. This kind of man is also Makruh (the avoidance of which yields merit, but the performance of which is not sinful) to get married”.*

**In *Al-Fiqh al Islamy wa Adillatuhu*. VII, page 32, it is stated:**

وَيُكْرَهُ عِنْدَ الشَّافِعِيَّةِ لِمَنْ بِهِ عِلَّةٌ كَهَرَمٍ أَوْ  
تَعْيِينٍ أَوْ مَرَضٍ دَائِمٍ أَوْ كَانَ مَمْسُوحًا  
وَيَحْرُمُ النِّكَاحُ إِذَا تَيَقَّنَ الشَّخْصُ ظَلَمَ  
الْمَرْأَةِ وَالْبَاطِرَارَ بِهَا إِذَا تَزَوَّجَ

*“According to Madzhab/Sect of/Sect of Syafi’i, the sick people, such as: being too old or chronic illness or permanent impotent or without penis and its testicles so that he does not have any passion, he is Makruh (the avoidance of which yields merit, but the performance of which is not sinful) to get married”.*

- b. When HIV/AIDS is not only considered as diseased as an incurable disease (maradh da’im) but also believed to jeopardize the others (tayaqqun al idhrrar), its Law is prohibited or Haram.**

**In *Al-Fiqh al-Islamy wa Adillatuhu*, VII, page 83:**

**وَيَحْرُمُ النِّكَاحُ إِذَا تَيَقَّنَ الشَّخْصُ ظَلَمَ الْمَرْأَةَ  
وَالْبَاطِرَارُ بِهَا إِذَا تَزَوَّجَ.**

*“If the man who will get married feels sure that his marriage will be a dzhalim and result Mudharat (disadvantage) on the woman whom he will marry, its Marital Law is prohibited or Haram”.*

**Rasulullah SAW said:**

وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ فَإِنَّهُ لَهُ وَجَاءٌ

*“The man who has no ability on the wealth for marriage’s expenses and for the other obligations, he should do fasting, because fasting can stop his wish to get married”.*

2. The marriage between two people (man and woman) whom both of them suffer from HIV/AIDS, its Law is allowed

#### V. Fasakh marriage Because of HIV/AIDS

HIV/AIDS disease can become reason to claim a divorce if one of the couple of husband and wife suffers from the disease.

It is based on the following ones:

1. In al-Majmu’ XVI, pages 265 – 266, it is stated:

إذا وجد الرجل امرأته مجنونة أو مجنومة  
أو برصاء أو رتقاء وهي التي انسد  
فرجها أو قرناء أو هي التي فى فروجها  
لحم يمنع الجماع ثبت له الخيار وإن وجد

## المرأة زوجها مجذوما أو أبرص أو محبوبا أو عنيئا ثبت لها الخيار

*“If a husband finds his wife to suffer from madness or leprosy or barosh or rutqa (her privates is closed) or qarna’ (there is flesh on her privates) so that it prevents sexual intercourse, he (her husband) will have rights of choice to divorce to choose”.*

*“If a wife finds her husband to suffer from madness or leprosy or barosh or majbub (its privates is cut off) or ‘anin (impotent), she (his wife) will have rights of choice to fasakh”.*

2. **Law No.1 Year 1974, clause 39, explanation’s part.**
3. **State Stipulation No. 9 Year 1975, clause 19**
4. **Islamic Law Compilation.**

### **VI. Keeping on Marriage For A Couple of Husband and Wife Suffering From HIV/AIDS**

If a couple of husband and wife or one of them suffers from HIV/AIDS, they may agree to keep on

their marriage. The theorem is based on Rasulallah SAW's hadith as follows:

الْمُسْلِمُونَ عَلَى شُرُوطِهِمْ إِلَّا شَرْطًا أَحَلَّ حَرَامًا  
أَوْ حَرَّمَ حَلَالًا.

*“Moslems are bound by their agreement, except the agreement which allows the prohibited one or prohibit the allowed (halal) one”.*

#### **VII. Using Devices to prevent HIV/AIDS' Infection in sexual intercourse.**

In doing sexual intercourse, the husband/wife suffering from HIV/AIDS must use some special devices, medicine or the methods which can prevent HIV/AIDS' infection.

Rasulullah SAW said:

لَا ضَرَرَ وَلَا ضِرَارَ

*“You may not jeopardize yourself, and you may not jeopardize the others”.*

**Despitefully, the husband or wife suffering from HIV/AIDS should try not to get descendants.**

## VIII. Embryonic Abortion For The Mother Suffering from HIV/ AIDS

If a mother suffers from HIV/AIDS is pregnant, she may not abort her pregnancy.

In Al-Qur'an, al-Israa' [17]: 31, Allah SWT says:

وَلَا تَقْتُلُوا أَوْلَادَكُمْ خَشْيَةَ إِمْلَاقٍ نَحْنُ نَرْزُقُهُمْ وَإِيَّاكُمْ  
إِنْ قَتَلْتُمْ كَانَ خَطِيئَةً كَبِيرًا (الإسراء-٣١)


*"Slay not your children, fearing a fall to poverty, We shall provide for them and for you. Lo! the slaying of them is great sin." (Al-Isra',31)*

## IX. The Pregnant Female HIV/AIDS' Patient caused by adultery

The Pregnant Female HIV/AIDS' Patient caused by adultery should be taken care well in order to make her revive herself to get atonement.

In Al-Qur'an, Al-Israa' [17]: 70, Allah SWT says:

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْوُجُوهِ وَالْأَنْبِيَاءِ  
وَرَزَقْنَاهُمْ مِّنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَى كَثِيرٍ  
مِّمَّنْ خَلَقْنَا تَفْضِيلًا (الإسراء - ٧٠)



*“Verily we have honoured the children of Adam. We carry them on the land and the sea, and have made provision of good things for them, and have preferred them above many of those whom We created with a marked preferment.” (Al-Isra’, 70)*

**In Hadith about an Al-Ghamdiyah woman who was pregnant because of adultery, Rasulullah SAW commanded her guardian to treat her well. “A female from Juhainah met Rasulullah SAW and admitted that she had done adultery. She said:”I am pregnant”. Rasulullah SAW called her guardian and said to him:“Treat this woman as well as possible. After giving birth later, bring her back to me”. (Muslim).**

**X. The Pregnant Woman Suffering from HIV/AIDS because of prohibited drugs’ injection**

**The Pregnant Woman suffering from HIV/AIDS because of prohibited drugs’ injection and infected by HIV/AIDS must be treated humanly, but she must be revived for her sin and guided to**

get atonement. Its theorem existing in the point number IX.

#### **XI. The HIV/AIDS Patients Living with Their Family**

It is advised to family whose member suffering from HIV/ AIDS to nurse him/her in the family, and there must be a medical counseling for them to be able to nurse him/her and to avoid infection. Its theorem is Rasulullah SAW's statement as follows:

إِرْحَمُوا مَنْ فِي الْأَرْضِ يَرْحَمَكُم مَّنْ فِي السَّمَاءِ

*“Love all of the people living on the Earth, therefore, The One in the sky will love you”.*

#### **XII. The treatment on a Pregnant HIV/AIDS' Patient**

It is advised that her childbirth process handled by well-trained medical/paramedical team to avoid the possibility of infection. Its theorem is the following hadith:

وَاللَّهُ فِي عَوْنِ الْعَبْدِ مَا دَامَ الْعَبْدُ فِي عَوْنِ أَخِيهِ

*“Allah helps His slave as long as His slave helps his/her relatives”.*

## **XII. Circumcision For HIV/ AIDS’ children Patient**


**The children suffering from HIV/AIDS must still get circumcised as long as it is not threatening for them, and the circumcision’s process must be done by well-trained medical /paramedical team to avoid infection.**

## **XIV. Helping HIV/AIDS' Patients**

**The HIV/AIDS’ patients getting an accident, such as: being hit by a car on highway, must be helped and there must be a strict supervision done to avoid the possibility for the infection with using preventive devices.**

## **XV. Handling HIV/AIDS’ patients’ corpses**

**We must treat somebody passed away because of HIV/AIDS similarly with the other corpses (bathed, wrapped in a shroud, prayed, and buried). The way to bath them should follow the**



**guidance of the Ministry of Health about handling corpses. If the corpses can't be bathed in accordance with the Ministry of Health's guidance, they are still bathed as much as we can with spraying some water to them.**

### **RECOMMENDATION NOTE**

- 1. The Commission gives a mandate to Indonesian Ulama (Religious Expert) Assembly in order to struggle for the issuance of the Law about law anti adultery and homosexuality in accordance with the Law awareness of Indonesian Society.**
- 2. The Commission gives a mandate to Indonesia Ulama (Religious Expert) Assembly in order to publish a guidance book about the Islamic Law's directives for HIV/AIDS' patients and the directives must be complete and understandable with referring to this Mudzakah (Conference)'s results.**

**Jakarta, 24<sup>th</sup> June 2007**



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