

Sex Recession Phenomenon from the Perspective *Maqashid Sharia* Based on Objectives Marriage Law in Indonesia

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Abstract

The sex recession is an implementation of worries about household responsibilities. Marriage, which is supposed to be a requirement for the legality of sexual relations, has experienced a shift. Marriage is no longer considered an appropriate institution with a modern lifestyle in several not Muslim-majority countries. The objective of this research is to offer solutions to the problem of a sexual recession that some of the world's most developed countries are currently facing. This type of research is empirical-normative research. The data is sourced from official news reports and reputable journals that reveal the sex recession in developed countries, such as the United States, England, Australia, and Asian countries such as Japan, South Korea, Singapore, and China. Research is being conducted using a phenomenological approach, a conceptual approach, and a philosophical approach. The result of this research are the epistemology of marriage in Islamic law is a solution to overcome the sex recession during the Covid-19 pandemic. In an ideal world, the phenomena of sex recession may be handled by adopting Islamic law's epistemology in terms of marriage. Even Indonesian marriage law can dispel sex recession by building awareness and understanding of the nature of marriage (*maqasid* marriage), which is systemically capable of maintaining and maintaining offspring, self-respect, and religion.

Keywords: Sex recession; marriage in Indonesia; legal purposes

Abstrak

Resesi seks adalah implementasi dari kekhawatiran tentang tanggung jawab rumah tangga. Perkawinan yang seharusnya menjadi syarat legalitas hubungan seksual, mengalami pergeseran. Perkawinan tidak lagi dianggap sebagai institusi yang sesuai dengan gaya hidup modern di beberapa negara yang bukan mayoritas Muslim. Tujuan dari penelitian ini adalah mengatasi persoalan resesi sex yang sebagian besar melanda negara maju, dengan mengadopsi epistemologi hukum Islam dalam Perkawinan. Jenis penelitian ini adalah penelitian normatif empiris. Data tersebut bersumber dari berita resmi dan jurnal bereputasi yang mengungkap resesi seks di negara-negara maju, seperti United States, Inggris, Australia, dan negara-negara Asia seperti Jepang, Korea Selatan, Singapura, dan China. Dalam rangka mengatasi persoalan ini, maka dilakukan penelitian dengan Pendekatan yang digunakan adalah ini pendekatan fenomenologis, pendekatan konseptual, dan pendekatan filosofis. Hasil penelitian ini menunjukkan bahwa Epistemologi perkawinan dalam hukum Islam menjadi solusi mengatasi resesi seks di masa pandemi Covid-19. Bahkan hukum perkawinan Indonesia dapat menghilangkan resesi seks dengan membangun kesadaran dan pemahaman tentang hakikat perkawinan (maqashid perkawinan), yang secara sistemik mampu memelihara keturunan, harga diri, dan agama.

Kata Kunci: Resesi sex; tujuan hukum; pernikahan di Indonesia

Introduction

In several countries, the sex recession is now emerging due to several lifestyle problems. The recession was further exacerbated during the Covid-19 pandemic, limiting large gatherings and delaying couples' weddings. The physical distancing policy is one of the causes of the increasing sex recession. Another consequence of this policy is the decline in the birth rate in a country over a certain period.¹ Generally, this condition occurs in developed countries both in the West, such as America, England, and Australia, and in Asian countries such as Japan, South Korea, Singapore, and China². The Sex Recession is defined as an area's citizens' unwillingness to marry and have children. In other words, a sex recession is a condition in which a partner's desire to have sex, marry, and have children decreases.

¹ Pamela Aronson, Thomas Callahan, and Timothy Davis, "The Transition from College to Work during the Great Recession: Employment, Financial, and Identity Challenges," *Journal of Youth Studies* 18, no. 9, (March 2015): 1-22

² Lani Prideaux et al., "Inflammatory Bowel Disease in Asia: A Systematic Review," *Journal of Gastroenterology and Hepatology Australia*, no. 8 (April: 2012): 1266

The sex Recession developed into a complex threat that had an impact on all of the world's real estate markets. One of these considerations is the financial aspect. If someone is reluctant to marry or have sexual relations, it can affect their ability to do other activities that are associated with maturity, such as buying a house or going to work, among other things.

The term sex recession was first coined by Kate Julian, a researcher in the United States. It is affirming that there is no single factor that causes a sex recession. However, it happens because of social, cultural, and technological factors that reduce sex drive, especially in young people. Caroline Kitchener has another point of view about the onset of the sex recession that occurred in the United States³.

First, the younger generation gets their pleasure in other ways. Second, teens are less likely to be in long-term relationships. Third, the sexual treatment of women is done painfully. The National Survey of Sexual Health and Behaviour found evidence of declines in all types of partnered sexual activity in the U.S. throughout for study from 2009 to 2018, those surveyed reported declines in penile-vaginal intercourse, anal sex, and partnered masturbation. The Research research finds that all of us, regardless of age, are having less sex, with the most dramatic decline among teenagers. At the start of the study in 2009, 79% of those ages 14 to 17, revealed they were not having sex. By 2018, that number rose to 89%.

The emergence of this behavior cannot be separated from access to the influence of cyber pornography as the mainstream. The sex recession in the United States cannot be separated from the data revealed over a while⁴. The issue of sex recession has become a serious topic and has made many survey agencies conduct a study. The survey, conducted by the American Family Survey in collaboration with Deseret News and the Brigham Young University Center for the Study of Elections and Democracy involving 3,000 respondents, provides an overview of the decline in sex in 2020 compared to previous years. Another fact about the increasing number of *celibacy* among American adults. *Celibacy* is defined as a person's attitude not to bind himself to a social sexual relationship.⁵ This is justified by the results of survey activities that have been carried out previously. DePaulo (2008) explained that the United States Census Bureau noted that in 2009, 40% of the country's adult population was

³ Sameer Arora et al., "Twenty-Year Trends and Sex Differences in Young Adults Hospitalized with Acute Myocardial Infarction: The ARIC Community Surveillance Study," *Circulation* 139, no. 8 (March 2019): 1047-1056

⁴ Richard F. Gillum and Kristen D. Dodd, "Soul Mates: Religion, Sex, Love, and Marriage among African Americans and Latinos," *Journal of the National Medical Association* 108, no. 4 (September 2016): 244-245

⁵ David E. Broockman and Daniel M. Butler, "The Causal Effects of Elite Position-Taking on Voter Attitudes: Field Experiments with Elite Communication," *American Journal of Political Science*, no. 1 (January 2017): 2-33

unmarried. Previously, the 2007 census showed that 12.3% of women in their 40s in America were single.

In addition to the United States, the sex recession also occurred in Australia. The facts are illustrated in the results of the 2019 survey conducted by the National Australia Talks which involved over 55,000 Australians from all walks of life to answer 500 individual questions. They were obtaining an overview of the decline in marriage and birth rate in 2019 compared to the previous year, even being the lowest point. The development of the sex recession phenomenon occurs in other countries, as evidenced by data on the number of unmarried adult women in several other countries, which are also quite significant, among others: 5.1% in Morocco, 6.0% in Kuwait, 6.4% in Israel and 8,2% in Palestine.⁶

Studies on sex recession in Indonesia are still rare, but related studies can be used as references further to examine the focus of studies on sex recession. During the Covid-19 pandemic, this term first appeared on the surface of western countries, and only then did it become widely known. Ariana revealed several facts that were found, one of which was that there had been an essential change in marital matters in Indonesia over the last twenty years. Namely, marriage is no longer considered a lifestyle that suits everyone; it is often postponed. More couples are living together without a legal marriage bond. More and more women work and have children working outside the home and participating in earning a living. By looking at the phenomena above, it can be seen that currently, several people are classified as old enough but not yet married, which we usually call single.⁷

The related analysis is focused on the phenomenon of sexual behavior occurring at a young age, which results in an unwillingness to continue sex drive as a result of early childhood trauma. Thus, the reluctance to have children is not met by carrying out the dignity of marriage. As Rianiru Elfina and colleagues discovered in their research, adolescent sexual behavior⁸. Many European studies that report a reduction in sex study results are signs that the beginning of an era of sex recession has begun. According to one of the studies carried out by Jean and colleagues in 2016. Examining age, period time, and cohort/generational changes in sexual experience is key to better understanding sociocultural influences on sexuality and relationships. Americans born in the 1980s and 1990s (commonly known as Millennials and iGen) were more likely

⁶ Yang Liu and Charles C. Self, "Laowai as a Discourse of Othering: Unnoticed Stereotyping of American Expatriates in Mainland China," *Identities* no. 4 (March 2020): 170

⁷ Talia Morag, "Persons and Their Private Personas: Living with Yourself," *M/C Journal* no. 2 (July: 2014): 224

⁸ Rian Elvina and Jumrotul Khoiriyah, "Hubungan Interaksi Teman Sebaya dengan Perilaku Seks Pra Nikah Pada Remaja di SMK Negeri 1 Bawen Kabupaten Semarang," *Jurnal Keperawatan Masyarakat Cendekia Utama* Vol 7 no.2 (October 2018): 170

to report having no sexual partners as adults compared to GenX'ers born in the 1960s and 1970s in the General Social Survey, a nationally representative sample of American adults (N = 26,707). Among those aged 20–24, more than twice as many Millennials born in the 1990s (15 %) had no sexual partners since age 18 compared to GenX'ers born in the 1960s (6 %). Higher rates of sexual inactivity among Millennials and iGen also appeared in analyses using a generalized hierarchical linear modeling technique known as age–period–cohort analysis to control for age and period time effects among adults of all ages. Americans born early in the 20th century also showed elevated rates of adult sexual inactivity. The shift toward higher rates of sexual inactivity among Millennials and iGen'ers was more pronounced among women and absent among Black Americans and those with a college education.

The distinction between this research and others is that the analytical knife in this study is based on the Maqashid Sharia concept, which is the fundamental concept of belief in Islam to bring prosperity to the Indonesian people. When examined in detail, this goal is opposed to the impact of sex recession, which includes the desire to have offspring, maintain the benefits of religion, to maintain religion, to preserve the soul, maintain reasonable, and maintain respect for oneself.

Based on the above description of the phenomenon of sex recession which is a global concern, it has developed in several countries. This is assumed to be a behavior that deviates from normality when viewed from various perspectives.⁹ The causes that cause a sex recession are many factors such as social, cultural, and technological. This has significant implications for the law of marriage and the philosophy of purpose of marriage which is assumed to have the truth from the perspective of *al mashlahab*. So researchers are interested in studying the development of the phenomenon of sex recession and the implications for the development of modern family law with consideration of *maslahab*. This study uses the empirical-normative method. The data is obtained from reports and official documents and the results of studies published in reputable journals. The official reports, and news contain the phenomenon of sex recession in developed countries, such as America, England, Australia, and Asian countries such as Japan, South Korea, Singapore, and China¹⁰. The approach used in this research is phenomenological, a

⁹ Yvonne McNulty and Kate Hutchings, “Looking for Global Talent in All the Right Places: A Critical Literature Review of Non-Traditional Expatriates,” *International Journal of Human Resource Management*, no. 7 (April 2016): 699-728.

¹⁰ A. S. Albahri et al., “Role of Biological Data Mining and Machine Learning Techniques in Detecting and Diagnosing the Novel Coronavirus (Covid-19): A Systematic Review,” *Journal of Medical Systems*, no. 7 (May 2020): 444

conceptual approach, and a philosophical approach. The data analysis technique used descriptive qualitative analysis techniques.¹¹

Discussion

Relations of Sex in the Pandemic Era

The Covid-19 pandemic that has lasted for the last two years has dramatically affected sexual relations.¹² One of the disturbing relationships is recessive sex behavior, with symptoms of decreased sex among the productive age. Corona Virus Outbreak The disease is better known as covid-19, first detected, appeared in China, precisely in Wuhan, China 2019. This virus then became a terrible terror for the world community, especially after taking millions of human lives in a relatively short time. Nearly 200 countries in the world have been infected with the coronavirus, including Indonesia.¹³ Various efforts to prevent the spread of the coronavirus have been carried out.¹⁴ It includes the locking of regions and countries and the implementation of social distancing and physical distancing to break the chain of the spread of the coronavirus.

Behavior-driven by sexual desire, both with the opposite sex and the same sex, is defined as sexual behavior. The forms of this behavior can vary, ranging from reading pornographic books, watching pornographic films, and feelings of attraction to the behavior of dating, making out, and having sex.¹⁵ Whether we realize it or not, the impact of the Covid-19 pandemic has required significant events to be abolished. This indirectly affects the delay in marriage. Because marriage is not only considered a religious activity, it is also assumed as a place to show one's or family's social achievements.¹⁶

The latest fact that can help explain the occurrence of a sex recession in adult life is the development of a mindset of financial uncertainty during the Covid-19 pandemic and in the future. Although financial stability is not the main factor in choosing a sexual partner, financial well-being has an attraction to a meeting. So that financial stability becomes important in casual sex to continue

¹¹ Paul O'Connell, "Law, Marxism and Method," *TripleC* no. 12 (May 2018): 322.

¹² Meraiah Foley and Rae Cooper, "Workplace Gender Equality in the Post-Pandemic Era: Where to Next?," *Journal of Industrial Relations* no.13 (August 2021): 154

¹³ Yukiko Matsumoto et al., "Factors Affecting Mental Illness and Social Stress in Hospital Workers Treating Covid-19: Paradoxical Distress during Pandemic Era," *Journal of Psychiatric Research*, no. 9 (March 2021): 173

¹⁴ Alessandra Violi et al., "Rethinking of Osteoporosis through a Sex- and Gender-Informed Approach in the Covid-19 Era," *Minerva Obstetrics and Gynecology* no. 6 (December 2021): 754

¹⁵ Kathryn Harker Tillman, Karin L. Brewster, and Giuseppina Valle Holway, "Sexual and Romantic Relationships in Young Adulthood," *Annual Review of Sociology*, no. 3 (July 2019): 45.

¹⁶ Richard A. Settersten et al., "Understanding the Effects of Covid-19 through a Life Course Lens," *Advances in Life Course Research* no.4 (July: 2020): 232.

the relationship to a different level.¹⁷ Other factors are believed to be affected by excessive use of electronic media, as is the case during the current COVID-19 pandemic. Based on a study conducted by young men, they prefer to play video games rather than have personal relationships with the opposite sex. Still, in the development of electronic media and information technology, it is said that video streaming underlies the decline in sexual activity.¹⁸

The average frequency of sexual interactions decreased from 2.0 times per week in the pre-pandemic period (before March 2020) to 1.5 times per week during the Covid-19 pandemic, according to the results By Following Per Under with these characteristics, the average frequency of sexual interactions decreased; however, except for married women who did not attend school, the average frequency of sexual interactions remained the same before and during the pandemic. Among married women who live in non-Java-Bali areas, are between the ages of 15 and 34 years, have no children, are employed or have employed husbands, and use contraception, the average frequency of sexual encounters has only slightly decreased (relatively the same).¹⁹

Another factor that is quite influential during the Covid-19 pandemic is the world of the work sector. So, it is believed that the principle of building a career first is for everyone, whether male or female. Likewise, working women have been known in the past, but it is only limited to working women in the house.²⁰ Over time, working women have begun to penetrate various sectors, thus providing broad opportunities for women to work outside the home. This is called a career woman, who is very influential in getting to a marriage bond, especially during the current covid-19 pandemics.²¹

1. Sex Recession in Family Law in Indonesia

Family law in Indonesia adheres to the paradigm of legal positivism, which is embodied in positive law. Family law, especially marriage law, is regulated in Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law (KHI) as an elaboration of marriage law in Islam. Regarding the age of marriage, Law Number 1 of 1974 concerning Marriage was changed to

¹⁷ Wendy D. Manning, Peggy C. Giordano, and Monica A. Longmore, "Hooking up: The Relationship Contexts of 'Nonrelationship' Sex," *Journal of Adolescent Research* no.1 (September 2006): 433.

¹⁸ Tillman, Brewster, and Holway, "Sexual and Romantic Relationships in Young Adulthood." *Journal Annual Review of Sociology*, no. 1 (July 2019): 435

¹⁹ Aretha, Cindy, Irena, "A literature Review of Sexual Deviation." *Journal Muara Medika dan Psikologi Klinis*, no. 1 (July 2021): 10-16.

²⁰ Adriana Lüdke Nardi et al., "Impact of Institutional Aspects on Breastfeeding for Working Women: A Systematic Review," *Ciencia e Saude Coletiva*, no.4 (April 2020): 1444.

²¹ Wen-Jun et al., "Working Women and per Capita Household Consumption Expenditures; an Untouched Reality," *Zbornik Radova Ekonomskog Fakultet au Rijeci* no.1 (Jun 2020): 35.

Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage.²²

The modern family law accommodates the desire to marry a man and a woman by setting a minimum age for marriage. Marriage Law Number 1 of 1974 Article 7 paragraph (1) reads:²³ "Marriage is only permitted if the man has reached the age of 19 (nineteen) years and the woman has reached the age of 16 (sixteen) years". Whereas in the Compilation of Islamic Law (KHI) Article 15 paragraph (1) reads:²⁴ "For the benefit of the family and household, marriage may only be carried out by the prospective bride and groom who have reached the age stipulated in Article 7 of Law Number 1 of 1974, namely the prospective husband. At least 19 years old, and the prospective wife is at least 16 years old.

Indonesia is a country where the legal age limit for marriage is neither too high nor too low. However, this minimum age limit for marriage does not become a reference (guideline) that leads to recognizing the legality of a sacred marriage bond. Relief to accommodate marriages regulated in Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage. Allows deviations from the minimum age for marriage in the form of a marriage dispensation if both or one prospective bride is underage and is allowed to hold a marriage with the specified conditions.²⁵ The age limit for marriage and minimum age deviation, as regulated in the modern family law legislation in Indonesia. This is in stark contrast to the sex recession phenomenon that has occurred in several countries. Twenge said the percentage of young adults who had sex alone had declined in recent years. Adults aged 20 to 24 who had not had sex in the past year increased from 11.67% in 2000–2009 to 15.17% in 2010–2014. This indicates a shift in consideration for marriage, not focusing on the age limit as regulated in the legislation but highly dependent on extra-legal factors.²⁶

2. Maqashid Nikah and Recession of Aqad Nikah Perspective of Sex Recession

²² Nina Dining, Yaswirman Yaswirman, and Yoserwan Yoserwan, "Authority of State Lawyers in Application for Cancellation of a Marriage, Reviewed From Law Number 16 of 2004 Concerning the Attorney General's Office," *International Journal of Multicultural and Multireligious Understanding* no. 6 (July 2020): 613.

²³L W Aarssen & Crimi, L. Legacy, leisure and the 'work hard-play hard' hypothesis. *The Open Psychology Journal*, no. 1 (May 2016): 7-12

²⁴ Ibid.

²⁵ Vishal Vora, "The Continuing Muslim Marriage Conundrum: The Law of England and Wales on Religious Marriage and Non-Marriage in the United Kingdom," *Journal of Muslim Minority Affairs* no. 1 (April 2020): 148-162.

²⁶ Jean M. Twenge, Ryne A. Sherman, and Brooke E. Wells, "Sexual Inactivity During Young Adulthood are More Common Among U.S. Millennials and iGen: Age, Period, and Cohort Effects on Having No Sexual Partners After Age 18," *Archives of Sexual Behavior*, no. 2 (February 2017): 557.

The rise of the phenomenon of sex recession in the form of reluctance to marry and have children in various countries, including in Asia such as Japan, South Korea, Singapore, and China, is very contradictory to Islamic teachings, both the Koran and hadiths that appreciate the institution of marriage. As described above, the rise of the phenomenon of sex recession is also not in line with the primary objective of Islamic law (*maqashid al-syariah*) regarding marriage. In detail, the purpose of *syara'* has five main things or *al-maqashidu al-khamsah*, namely: maintaining the benefit of religion; nourishing the soul; keeping the mind; maintaining offspring; protecting property and self-respect. This is related to the universal nature of Islamic law (its scope of application); for the benefit of humanity; build morality or *akhlak karimah*.²⁷ Abu Dawood narrated that Ma'qil ibn Yasar said:

A man came to the Prophet (peace and blessings of Allah be upon him) and said, "I have found a woman who is of good lineage and is beautiful, but she does not bear children. Should I marry her?" He said, "No." Then he came again with the same question and he told him not to marry her. Then he came a third time with the same question and he said: "Marry those who are loving and fertile, for I will be proud of your great numbers before the other nations." Classed as saheeh by al-Albaani in Irwa' al-Ghaleel, 1784.

This hadeeth indicates that it is encouraged to marry fertile woman, so that the numbers of the ummah will increase, and so the Prophet (peace and blessings of Allah be upon him) will feel proud of his ummah before all other nations. This shows that it is encouraged to have a lot of children.

The primary source of Islamic law, namely the Alquran, explicitly, firmly, and repeatedly mentions the institution of marriage as a means of realizing the function of "couple law", which is the source of marriage and reproduction. in QS. Al-Nisa [4] verse 1 reads: *O people, fear your Lord who has created you from oneself (Adam) and He created from him a partner (Eve). From them, Allah multiplied many males and females. Fear Allah in whose name you ask one another and (maintain) family relations. Verily Allah is always watching over you and watching over you.*

Classical and contemporary commentators such as Ibn Kathir, Wahbah al-Zuhaili in *Tafsir al-Munir fi al-'aqidah wa al-Syariah wa al-Manhaj*.²⁸ Muhammad Quraish Shihab in *Tafsir al-Misbab* explains that the verse above in addition to describing the origin of human creation from Adam which was then created by his partner from himself also contains a clear sign that the function of the

²⁷ Shahbaz Akhtar, "Nature of Islamic Law," *SSRN Electronic Journal*, no. 1 (July 2021): 144

²⁸ Ali Dashti, Mehdi Akbarnejad, and Mohammad Reza Hosseinia, "The Role of Religious Presuppositions and Precomprehensions in Selecting Narratives Related to the Cause of Revelation (Asbab Al-Nuzul)," *Jurnal Online Studi Al-Qur'an*, no. 6 (November 2019): 372.

existence of men and women in reproduction in the context of human reproduction. on earth through marriage.²⁹

The message is more than just an aspect of reproductive sexuality; marriage and pairing between men and women through marriage contains a spiritual, and psychological dimension, namely creating a partner and family filled with a sense of peace, love, and affection (*sakinah mawadah wa rahmah*). In addition to denouncing the practice of celibacy which is anti-marriage and having children, Islam also condemns the practice of sexual relations that are not in line with the nature of creation, namely homosexuality and sodomy (*limat*).³⁰

In addition to the arguments based on the two authoritative sources above, from the perspective of Islamic law known as *maqashid sharia* (the purpose of sharia or Islamic teachings) the phenomenon of sexual recession is very irrelevant to the six (6) *maqashid sharia* which has been formulated by both classical, modern and contemporary scholars. The early initiators of the *maqashid sharia* theory such as al-Syatibi, al-Ghazali, al-Qarafi, and others as well as contemporary *maqashid sharia* figures such as Thahir ibn 'Asyur and Jasser Auda agree that there are five main objectives of *maqashid sharia*, namely: First, *Hifz al-Din* (maintaining religion). Second, *Hifz al-Aql* (maintaining reason/intellect). Third, *Hifz an-Nasl* (maintaining offspring). Fourth, *Hifz al-Mal* (maintaining property/economy). Fifth, *Hifz al-Nafs* (maintaining the soul). Sixth, *Hifz al-Irdh* (maintaining honor).³¹ Marriage is one form of Islamic worship in which individuals choose one another as lifelong partners. Marriage law is part of the teachings of Islam that must be obeyed and carried out according to the provisions of Quran and Sunnah Rasul. In the Islamic tradition, marriage is a blessing for those involved, especially in terms of worship and child-rearing.

The researcher views marriage as an institution that maintains religion because it is related to God's command to live in pairs, marry, and carry out reproductive functions. Systemically, this function is also related to other goals, namely maintaining the existence of offspring and honor. Through marriage, legal sex will be carried out both in terms of religion and law and maintain the goal of human regeneration through reproduction. Thus, the phenomenon of sex recession which has become a phenomenon in recent times is irrelevant and even contradicts the spirit of Islamic teachings related to marriage and family and the reproductive function carried out by humans as *Khalifah fi al-ardh*.

²⁹ Iswanto Iswanto et al., "Local Marriage System of Boti Community Depicted Through Its Speech Ritual," *e-Journal of Linguistics* no. 2 (September 2019): 197.

³⁰ Oliver Leaman, *Controversies in Contemporary Islam, Controversies in Contemporary Islam*, no.2 (October 2013): 422.

³¹ Absori et al., "TRANSFORMATION OF MAQÂSHID AL-SYARÎ'AH (An Overview of the Development of Islamic Law in Indonesia)," *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, no. 1 (June 2016): 3.

3. Epistemology of Islamic Marriage as a Solution to Overcome the Sex Recession in the Pandemic Period

Muslims will not carry out the phenomenon of sex recession in various countries if they understand the *maqashid* aspect of marriage. Marriage for Muslims is a *Sunnah* according to the theory of acceptance of the authority of Islamic law.³² Taking into account the theory of acceptance of the authority of Islamic law, Abdul Qadir Audah asserted that:

“In Islamic law, the spiritual element is the most potent aspect compared to other laws and regulations in this world. Islamic law makes this spiritual element a separate portion in each of its regulatory texts and its implementation rules (formulas), both general and branches.³³”

That is why Islam obliges every Muslim to adapt himself, his association and relationships with other people, and everything that comes from himself in the form of words and actions, solely to Islam, based on the provisions desired by the religion of Islam itself.”

Based on the description above, the researcher presents a logical construction of the epistemology of marriage in Islam based on the main principle of *maqashid* marriage as part of *maqashid* sharia and the logical arguments of the exegetes. They prioritize the will of God in regulating procedures for obtaining benefit. This is because *sex* is an act that is recommended, allowed and protected, and adequacy is guaranteed if it is carried out on the principle of lawful sex. The phenomenon of sex recession, celibacy that occurs due to concerns about financial stability to hold marriages during the Covid-19 pandemic and the economic burden of maintaining the existence of offspring (*hifz an-nas*) are contrary to the primary goal of *maqashid* sharia.

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³² Prawitra Thalib, Hilda Yunita Sabrie, and Faizal Kurniawan, “Islamic Law Principles in Islamic Business Activity,” *International Journal of Innovation, Creativity and Change*, no. 5 (February 2020): 378-387.

³³ Sami Al-Daghistani, “Semiotics of Islamic Law, Maṣlaḥa, and Islamic Economic Thought,” *International Journal for the Semiotics of Law* (2016).

³⁴ Rafeah Saidon et al., “Preventing Illegal Marriages in the Light of Maqasid Al-Shariah,” *Pertanika Journal of Social Sciences and Humanities* no. 1 (January 2017): 10-16.

Covid-19 pandemic and the economic burden of maintaining the existence of offspring (*hifẓ an-nasl*) are contrary to the primary goal of *maqashid* sharia.

Muslims should obey and submit to religious rules, which are references in daily activities. It should be understood that the epistemology of marriage in Islam is defined as a law that comes from Allah SWT. Because in essence, the one who gives the law is Allah (*inil hukmu illa lillah*).³⁵ Thus, epistemologically studying Islamic legal scholarship can be known through thinking about the arguments of both the Qur'an and the hadith of the Prophet, which is carried out through *ijtihad* as well as against verses or the law, with a specific distinct method.³⁶ This is what underlies the principle of *maqashid* sharia so that it fortifies Muslims from the problem of sex recession in Europe and East Asia. The statement is reinforced in line with the high number of marriages in countries with a Muslim majority. For example, Saudi Arabia. This is reinforced by the permissibility of *Masyar* Marriage or marriage without ties. In the concept of *Masyar* Marriage, marriage can take place between the two parties without presenting the obligations of living in the same house and economic responsibilities.

Another fact also explains the increasing number of interracial marriages among Muslims so that the growth in the number of Muslims is so large in several regions of the country. The increase in the number of Muslim marriages is inseparable from the wisdom in actualizing the teachings of *maqashid* sharia, one of which aims to give birth to Muslim descendants who believe, do good deeds, and prevent evil, as the essence of a Muslim. Referring to the number of marriages in Japan, Muslims are a significant contributor and even increase yearly. Nearly 112 thousand to 230 thousand people have embraced Islam as a result of their marriages. Half of the Muslims in Japan are married.

Scientifically, the increasing Muslim population in the world is broadly influenced by marriage, which is an obligation for a Muslim. In connection with this, the Washington research institute stated that it is estimated that Islam will develop faster than any other religion in the world in the next four decades. In 2010-2050, it is estimated that the increase in Muslims is the highest, which is 73%, far from Christianity which is only 35%, ranked second. This indicates that there is a relationship between Islamic laws as self-fortification of the occurrence of sex recession in an area.

Conclusion

³⁵ Ahmad Masruh, "Obeying To Kyai For Marriage: A Tradition In Maqāsid Shari'ah Perspective," *Shakhsiyah Burhanayah: Jurnal Penelitian Hukum Islam* no. 2 (March 2020): 163-188.

³⁶ Asep Suraya Maulana, "Critical Discourse The Epistemology of Muhammad Syahrur's Ijtihad," *Jurnal Hukum Islam*, no. 5 (October 2020): 378.

The term "sex recession" was created relatively recently, although the characteristics of this phenomenon have been known for a long period time. Sex recession is a problem that affects adults and adolescents in certain regions of Europe and America. It is defined as a decrease in sexual relations experienced by adults and adolescents of productive age. This decline in sexuality is characterized by a reluctance to enter into marriage, which prevents other maturing factors from occurring as a result of the consequences of marriage. The Sex Recession phenomenon is recoverable if one has a thorough understanding of the *maqashid* aspects of marriage under Islamic law. Because the purpose of this concept is to undermine the reason for sex recession by executing Islamic law. Most Indonesian people understand that the purpose of marriage is to be peaceful in life by creating a peaceful couple and family, both peaceful reproduction, peaceful honor, fertile love, and affection (*sakinah mawadah wa rahmah*). A marriage contract recession is the cumulative impact of the sex recession that is symptomatic in several countries. The epistemology of marriage law in Islamic law is a solution to overcome sex recession. Even during the COVID-19 pandemic, awareness and understanding of the nature of marriage (*maqashid* marriage) is systemically able to maintain and maintain offspring, self-respect, and religion. Whether we realize it or not, the issue of sex recession has begun to be addressed through the application of Islamic epistemology, as evidenced by the fact that the majority of marriages in East Asian countries are performed by Muslims under the obligation to obey *maqashid* marriages.

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