**REVIEW OF AL-MASLAHAH AL-MURSALAH THE GOVERNOR OF DKI JAKARTA REGULATION NO. 185 OF 2017 CONCERNING COUNSELING AND HEALTH EXAMINATION FOR PROSPECTIVE BRIDGES**

**Abstract**

The  government of DKI Jakarta has made a policy regarding the obligations of every citizen who wants to get married to carry out a medical examination. This is a condition of marriage. This health check is not only about TT immunization, but also includes tests of HIV / AIDS, STIs, and Hepatysis issued by the local Puskesmas or hospital. This certificate is called a marriage-worthy certificate, used to obtain a blank N1. The purpose of this paper is to analyze how is the maslahah review of the Regulation of the Governor of DKI Jakarta No. 185 of 2017 concerning Counseling and Health Examination for Bride in the context of developing Islamic family law in Indonesia. This DKI Jakarta Governor Regulation is a preventive effort, in order to close the loopholes for unwanted things, including: preventing infectious diseases between the prospective bride and groom, inhibiting the rate of divorce in DKI Jakarta, preventing domestic violence, preventing maternal and infant deaths caused by due to health factors, and prevent diseases that are passed from parent to child. This policy is in line with the objectives of Islamic law itself or what is called maqāsid syarī'ah, namely for the sake of hifz al-nafs (protecting the souls) of the prospective bride and groom from infectious diseases, protecting the soul of pregnant women as well as the babies. This provides mutual benefit, especially for the prospective bride and their descendants as the nation's next generation.

Keywords: Pergub DKI Jakarta No. 185 Years. 2017, maslahah, counseling and medical examinations

1. **A. Introduction**

Marriage is a physical and mental bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family based on the One Godhead. Everyone who gets married must have certain goals. Both material, social, and spiritual. However, not everyone is able to describe what these goals are, then take care of them as a guide for married life.

If the purpose of this marriage is not clear, it will be difficult to be cared for throughout married life. Moreover, if this goal is actually annihilated, fades and disappears, then it is only a matter of waiting for the marriage bond to be destroyed halfway through. Even if a bond has to be passed with no purpose and meaning, then the whole household life will be empty, even tormented, stressed, and depressed. In this condition, the ideal household as a place of refuge and benefit, on the contrary, becomes a place of violence and all evil. For this reason, it is necessary to have clarity on the objectives that are shared by the husband and wife as their guide in navigating the household ship. These goals need to be cared for, maintained, and preserved together.

Refer to the QS. al-Rum [30]: 21 which reads:

وَمِنْ اٰيٰتِهٖٓ اَنْ خَلَقَ لَكُمْ مِّنْ اَنْفُسِكُمْ اَزْوَاجًا لِّتَسْكُنُوْٓا اِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَّوَدَّةً وَّرَحْمَةً ۗاِنَّ فِيْ ذٰلِكَ لَاٰيٰتٍ لِّقَوْمٍ يَّتَفَكَّرُوْنَ - ٢١

And among His signs (greatness) is He created partners for you wives of your own kind, so that you are inclined and at ease with them, and He makes between you a sense of love and affection. Indeed, in that there are really signs (the greatness of Allah) for people who think ". (Surah al-Rum: 21)

So humans in general tend to look for and find partners in order to gain peace (sakinah). A man who marry a woman hopes that he will feel at ease with her, comfortable to combine love (mawaddah wa rahmah), and easily achieve happiness in navigating life in the world. The same thing happens to women who marry men, to find calm, tranquility, and happiness with their husbands in living such a complex life.

 The DKI Jakarta Government has made a policy that obliges every DKI Jakarta citizen who wants to get married to carry out a medical examination, which is one of the conditions for conducting a marriage.

The reason behind the making of this policy is the government's attention on the reproductive health of the prospective bride. Reproductive health is a condition that indicates a person's physical, mental and social health conditions related to the function system and reproductive processes, including the absence and abnormalities that affect a person's health.

Previous studies include: Khusni Tamrin with the title "Premarital Check-Up, Maqasid Al-Syarî'ah Perspective", Khoirul Bariyyah with the title "The Significance of Premarital Health Examination in Islamic Law Perspective (Study at KUA in Central Lampung Regency) ", Jemi'an with the title" Health as a Condition for Marriage (Study of Ulama's Views of Gayo Lues-Aceh  Regency) ", Hana Ayu Aprilia with the title" Pre-Marital Health Test for Prospective Bridegroom at the Office of Religious Affairs (Kua) Jatirejo Mojokerto " , Armia Yusuf with the title "Requirements for Health Examination in Islamic Marriage as an Effort to Ensure the Quality of Offspring", and Erdanela Setiawati, Vitri Yuli Afni Amran and Nirmala Sari with the title "Knowledge of Bride and Groom about Prenuptial Health Examination in Padang City, West Sumatra". Based on the findings of previous studies, there is a difference with this research, namely that there is no one that discusses counseling and medical examinations for prospective brides as regulated in the Regulation of the Governor of DKI Jakarta No. 185 of 2017. The focus of this study is How is the maslahah review of the Regulation of the Governor of DKI Jakarta No. 185 of 2017 concerning Health Counseling and Examination for Bride-to-Be in the context of developing Islamic family law in Indonesia?

1. **B. Theory Al-Maslahah Al-Mursalah**

Al-Maslahah al-mursalah according to language consists of two words, namely al-maslahah and al-mursalah. The word maslahah comes from the Arabic verb (صَلَحَ- يَصْلُحُ) becomes صُلْحًا)) or (مَصْلَحَةً) which means something that brings goodness. The word maslahah is sometimes referred to as (اَلاِسْتِصْلَاحْ) which means looking for the good (طَلَبُ الاِصْلَاحْ). While the word al-mursalah is the maf'ul isim of fi'il mad} i in the form of s | ulasi, namely (رَسَلَ), with the addition the alif letter is cut off, so that it becomes (اَرْسَلَ) etymologically means detached, or in the sense of (free). The word detached and free here when connected with the word maslahah means regardless or freedom from information indicating whether or not it is permissible to do it."

The combination of two words becomes maslahah al-mursalah which means the principle of benefit which is used to establish an Islamic law. It can also mean, an action that has good or beneficial values. al-Ghazali formulated the meaning of maslahah mursalah as follows:

مَا لَمْ يَشْهَدْ لَهُ مِنْ الشَّر عِ بِالْبُطْلَانِ وَلَا بِالِاعْتِبَارِنَصٌّ مُعَيَّنٌ

"Anything (maslahah) that is not an explanation or description of syara" about its existence "

According to Abdul Wahab Khallaf, al-maslahah al-mursalah is that there is no argument that shows his recognition or cancellation.

Based on the above definition, al-maslahah al-mursalah is stipulating laws in matters that are not mentioned at all in the al-Qur'an or Hadith, with considerations for the benefit or interests of human life which are based on the principle of benefit and avoiding damage. As the following rules of ushul fiqh:

ذَرْءُ الْمَفَا سِدِ مُقَدَّمٌ عَلَئ جَلْبِ الْمَصَا لِحِ

"Refusing damage takes precedence over attracting benefit"

Al-Maslahah al-mursalah is considered a consideration for humanity in law, to maintain five main things; religion, soul, mind, descent and property. Or it is also called a trait inherent in the legal structure in the form of an effort to take positive things and leave negative things for humans, real or hidden in human eyes.

The essence of al-maslahah al-mursalah is something that is good according to reason with the consideration that it can manifest goodness (jalbul masālih au manfa'ah) or avoid badness (dar'ul mafāsid) for humans. All things that are good according to reason are ideally in line with the objectives of the sharia (maqāsid syarī'ah) in establishing law, although there is no specific shara 'guide that rejects it, nor is there any shara guidance' that explains it. This is in line with the opinions of Asyraf Wajdi Dusuki and Nurdianawati Irwani Abdullah who reveal that maslahah is a legal instrument used in Islamic legal theory to promote good for society and prevent social crimes such as corruption. There are two kinds of maslahah, namely:

that is:

1. Al-Maslahah al-mu'tabarah is a maslahat or goodness that has been recognized by Islam. The things that have been arranged in the Koran and Hadith and the laws are certain so that people just need to carry them out.

2. Al-Maslahah al-mursalah, namely recognizing a benefit because of new events that occurred after the death of the Prophet Muhammad.

Scholars are very careful in using maslahah al-mursalah as evidence, so as not to result in the formation of syari'at, based on hidden passions and interests. Based on this, the scholars formulated the conditions for the maslahah mursalah which were used as the basis for the formation of the law. that is:

1. Maslahah is a maslahah which is actually not just a conjecture. The point is that the formation of laws on issues that can benefit and reject damage can be realized. If the maslahat is based on mere conjecture then the formation of the law will not bring about maslahat. For example, in the problem of prohibiting a husband from bullying his wife, and giving the right to divorce only to the judge in all circumstances. In fact, the formation of this kind of law does not contain maslahah, in fact it can lead to damage to households and society. Husband and wife relations are enforced on the basis of a compulsion by law, not on the basis of sincerity, affection and mutual love.

2. Maslahah is general in nature, not individual in nature. The point is that in connection with the formation of the law an event can bring benefits to many people, not only benefit one person or several people. Imam al-Ghazali gave an example of the infidels who have fortified themselves with a number of people from the Muslims. If the Muslims are prohibited from killing them, then the infidels will win, and they will destroy the Muslims entirely. And when the Muslims fight against the Muslims who are fortifying the kafirs, then the danger of all Muslims who are fortifying them will be rejected. In order to maintain the benefit of the Muslims entirely by fighting or destroying their enemies.

3. Maslahah must not contradict the existing arguments of syara ', both in the form of the texts of the al-Qur'an and sunnah, as well as Ijma' and Qiyas.

4. Al-Maslahah al-mursalah is practiced in conditions that require, if the problem is not resolved in this way, then the people will be in a tight spot, meaning that they must be taken to prevent the people from difficulties.

Imam al-Ghazali also gave several conditions for benefit that could be used as legal evidence, namely:

1. Maslahah is in line with the act of syara '

2. Maslahah does not contradict nash syara '

3. Maslahah is included in the maslahah darūrīyāt category, both concerning the personal benefit and the benefit of the general public and is universal, which applies equally to everyone.

So that it can be formulated that al-maslahah al-mursalah can be used as a legal basis and can be applied in daily actions if it meets the requirements as mentioned above, and added that the maslahah is a real benefit, not limited to benefit whose nature is still unclear or only prejudice, which has benefits and rejects evil. As long as the maslahah contains general benefits and does not deviate from the objectives contained in the Alqur'an and Hadith and has the objectives of sharia, namely as referred to in the maqashid sharia theory, namely protecting religion (hifz al-dīn), protecting the soul (hifz al- nafs); protect the mind (hifz al-aql); protect human sustainability (hifz al-nasl); and protect property (hifz al-māl).

1. **C. Legal Basis for Pre-Marital Health Examination in Indonesia**

Health and fertility tests recommended by medical circles and marriage consultants are actually a form of prenuptial preparation that is explicitly or implicitly recommended in Islam. Even if there is no history and indication of disease or hereditary disorders in the family, based on sharia principles it is still advisable to carry out standard examinations including blood and urine tests. Anything that is against the principles of shari'ah is automatically prohibited, but otherwise anything that can embody these principles in an integral manner is definitely recommended.

The type of pre-marital health check can be adjusted to the specific symptoms experienced by the prospective bride and groom in an honest, courageous and objective manner. For example, the examination should be carried out more specifically if the family has a poor medical history. However, if everything goes well, then only standard checks are carried out, namely blood and urine checks.

The legal basis in Indonesia related to pre-marital health checks for brides-to-be is regulated in the Joint Instruction of the Director General of Islamic Community Guidance and Hajj Affairs of the Ministry of Religion and the Director General of Communicable Disease Eradication and Environmental Health in the Ministry of Health No: 02 of 1989 concerning Tetanus Toxoid Immunization for Candidates The bride and groom and as the basis for the implementation of Law no. 1 of 1974 concerning Marriage and Government Regulation No. 9 of 1975 concerning the Implementation of Law no. 1 of 1974 concerning Marriage, as well as Presidential Instruction No. 1 of 1991 concerning Compilation of Islamic Law. The content of the regulation is that this regulation instructs all heads of Regional Offices of the Ministry of Religion and Heads of Ministry of Health Offices throughout Indonesia to:

1. Instruct all levels under him to carry out guidance and services for TT Immunization of the Bride-to-be in accordance with the attached implementation guidelines;

2. Monitor the implementation of guidance and TT immunization services for the bride and groom in their respective regions;

3. Periodically report the results of the implementation of Hajj Instructions and the Director General of PPM & PLP in accordance with their respective duties. This Joint Instruction takes effect from the date it is determined to be carried out as well as possible with full responsibility.

1. **D. Basic Philosophy of Regulation of the Governor of DKI Jakarta No. 185 of 2017 concerning Counseling and Health Examination for Prospective Brides.**

The philosophical basis is a consideration or reason that illustrates that the established regulations take into account the view of life, consciousness, and ideals of law. Related to the Regulation of the Governor of DKI Jakarta No. 185 of 2017 concerning Counseling and Health Checkups for Bride-to-be is motivated by phenomena that occur in society, including the association of adolescents in the capital city of DKI Jakarta who tend to be free, the number of cases of disease transmission to partners and to children born.

The occurrence of early marriages or marriages performed by the prospective bride who is still under the age specified by law, as regulated in Law Number 16 of 2019 concerning Marriage, namely 19 years for the prospective groom and 19 years for the prospective bride. woman. Which of course has a huge impact on household life, both in terms of psychology, economics and health. From a health perspective, it can be seen that the mortality rate for mothers and babies is so high.

Prior to the existence of policies on counseling and medical examinations for prospective brides as stipulated in the Regulation of the Governor of DKI Jakarta No. 185 In 2017, there is a regulation that obliges every Indonesian who wants to get married to get a TT immunization injection, this is motivated by the high rate of maternal mortality which makes the Indonesian government implement policies as a preventive measure, one of which is by giving TT immunization for prospective brides.

The expected result is to be able to make prevention and treatment efforts as early as possible. Carrying out a health check before marriage does not mean that the bride and groom are suspected of having a disease. This is a preventive measure, especially if in the future the couple wants to have offspring. Because, health factors will greatly affect the reproduction of both parties, both from the side of women and men.

Thus, the aim of the government to make policies that oblige prospective brides to conduct counseling and medical examinations is to realize the goal of a marriage, namely to form a happy and eternal family based on Almighty God and to carry out community health development in general and to form offspring future generations of quality, in particular it is deemed necessary to provide counseling and health checks, for the prospective bride and groom in the framework of fostering family resilience and welfare.

Governor of DKI Jakarta Regulation No. 185 of 2017 concerning Counseling and Health Examination for Prospective Brides

There are several emphases that can be seen in the meaning of counseling and health checks in the Regulation of the Governor of the Capital City of Jakarta Number 185 of 2017 above, namely that the subjects who must do this are prospective brides in DKI Jakarta Province, regarding their health problems. So, it is only directed at counseling for reproductive health problems for the bride and groom. Adolescent reproductive health counseling itself in the previous Governor Regulation, namely Article 1 point 39, CHAPTER I General Provisions, Governor Regulation of the Special Capital Region of Jakarta Number 31 of 2013 concerning the Implementation of Adolescent Reproduction has been explained, namely "A consultation process in which a peer counselor assists adolescents their peers to solve adolescent reproductive health problems.”

Therefore, it can be said that the provision of reproductive health consultations for brides-to-be in the Province of the Special Capital Region of Jakarta is very important until the provincial government of the Special Capital Region of Jakarta makes this regulation. The obligation of counseling and medical examinations for the prospective bride and groom in this Governor Regulation is also mentioned in Article 7 paragraph (2), namely

"Every member of the community who is getting married in the DKI Jakarta Province, including the poor in the most recent BDT data, has the same rights and obligations to obtain quality counseling and health checks for prospective brides, including information services by taking into account the principles of justice and equality. gender ”.

The governor's regulation explains that every Jakarta citizen who wants to get married is required to carry out counseling and medical examinations. The health check referred to is not only about TT immunization, but also includes testing for HIV/ AIDS, STIs, and Hepatysis. This can be seen from the certificate of medical examination of the prospective bride and groom issued by related parties, namely the local health center and / hospital. This certificate is also known as a marriage-worthy certificate. This is one of the conditions for a marriage, because to get a blank N1, the bride and groom must have this certificate.

In addition, it is further related to efforts to provide counseling and medical examinations for the bride and groom, as described in Article 8 of the Regulation of the Governor of DKI Jakarta No. 185 of 2017, which are as follows:

1. 1. Efforts to provide counseling and medical examinations for brides-to-be in the Province of Jakarta must provide the greatest possible benefit to support the improvement of the bride's health status and the creation of a healthy and quality generation.
2. 2. This effort must be carried out in a coordinated and sustainable manner through the principle of related sector partnerships and must be able to generate and encourage community involvement and independence.

Prior to marriage, the prospective bride and groom need to get a medical check-up to determine her health status in order to plan and prepare for a healthy and safe pregnancy. These health checks include:

1. Anamnesis is a communication activity carried out between a doctor as an examiner and a patient with the aim of obtaining information about the illness that is being suffered and other related information so that it can direct the diagnosis of the patient's disease, both previous medical history and family medical history. In the case of anamnesis related to the bride and groom, it includes:

a. General and additional history for the bride and groom

b. Completing the examination requirements by making an informed concern, which is an agreement/ consent of the patient for the medical efforts that the doctor will make on him, after the patient has received information from the doctor regarding medical efforts that can help him, accompanied by information about all possible risks.

c. If necessary, early detection of mental health problems can be done. One way to detect mental health problems that is relatively cheap, easy and effective is to use a questionnaire developed by WHO, namely the Self Reporting Questionnaire (SRQ). In the SRQ there are 29 questions related to mental disorders that the client must answer with a yes or no answer.

2. Physical examination by health personnel to determine and identify health status through measurement or examination of: pulse, respiratory rate, blood pressure, body temperature, and the whole body. Meanwhile, examination of nutritional status is carried out to determine and identify nutritional status and early detection of anemia, by measuring or examining: body weight, height, upper arm circumference, and signs of anemia.

3. Vital sign examinations are carried out to determine body temperature, blood pressure, pulse abnormalities and heart and lung abnormalities, namely by measuring armpit body temperature, blood pressure (systolic and diastolic), pulse per minute, frequency of breaths per minute and auscultation. heart and lungs. Bride-to-be who have problems with vital signs can indicate problems with infection, hypertension, heart disease, lung disease (asthma, tuberculosis), which, if not treated immediately, are at risk of disrupting their health, due to malaise (weakness), headaches, shortness of breath, and decreased appetite.

4. Laboratory supporting examinations include:

a. Blood tests, including: Hemoglobin (Hb) and Blood type and Rhesus.

b. Under certain conditions, on the doctor's advice, the following laboratory tests can be carried out: Blood sugar, HIV, STIs (Sexually Transmitted Infections), Hepatitis, TORCH, Malaria (endemic areas), Thalassemia, and other tests as indicated.

5. Tetanus Toxoid Immunization Status / TT (T status)

Prospective brides can have their health checked at:

1. Puskesmas: Health checks, supporting examinations (laboratory), status and giving TT immunization.

2. Hospital: Laboratory examination with certain conditions upon referral from the Puskesmas.

1. **E. Related Parties In Regulation of the Governor of DKI Jakarta No. 185 of 2017**

The Government of the Governor of DKI Jakarta made a cooperation agreement between the Puskesmas and KUA / other religious institutions for the implementation of health service activities for brides-to-be in the working area of ​​the Puskesmas. The formation of a health service implementation team for the bride and groom, which consists of:

1. Doctor, on duty during the initial examination

2. Nurse / midwife, in charge of conducting IEC

3. Analyst, in charge of supporting examination

4. Counselor, if there are health problems in the future bride and groom

5. Program managers for FIIV, STI, Hepatitis and others deemed necessary.

6. Laboratory facilities for medical support examinations. The laboratory can be implemented inside or outside the Puskesmas as long as it meets the standards.

The following is the flow of services and administrative processes for providing counseling and medical examinations for candidates as shown below:

Image 1.

The flow of services and administrative processes for the provision of counseling and medical examinations for the prospective bride and groom information: At the Puskesmas, health services are provided

1. Counseling, KIE Kespro

2. Health examination

3. TT immunization

4. Giving a letter / health certificate

The following is an explanation of the service flow scheme for providing counseling and medical examinations for the above candidates:

1. The prospective bride and groom come to the local sub-district office in order to fulfill the required marriage registration requirements from the sub-district where the bridal registry is located. The sub-district office asks the bride and groom to complete a medical check-up at an accredited health center or health facility.

2. The prospective bride and groom register at the Puskesmas or other health facilities, while showing the identity card / identity card.

3. Health services provided: physical examination, laboratory examination, other medical support examinations and making a resume of medical examination results including the status of TT immunization.

4. If the results of the examination and counseling process find medical indications that require further management and referral, the prospective bride and groom will receive a referral letter to the designated Puskesmas Referral Hospital.

5. Next, the prospective bride and groom will receive evidence in the form of a certificate or certificate of medical examination of the bride-to-be signed by the Puskesmas doctor.

6. The prospective bride and groom then show a certificate of medical examination. The prospective bride and groom have been given counseling and medical examination. sub-district officers complete Forms N1, N2 or N4 to be submitted to the KUA, or other religious institutions submitted to the Civil Registry office, for the process of marriage and marriage registration.

While the stages of health examination services at the Puskesmas are as follows:

1. The prospective bride and groom come to carry out a medical examination of her own accord and bring proof of self-identity. We recommend that candidates come with their partners.

2. Register at the registration counter

3. Anamnesa, physical examination, including LiLA measurements at a general polyclinic will be carried out for each prospective bride, if necessary, early detection of mental health problems is necessary.

4. Subsequently, a supporting examination is carried out in the laboratory and other supporting medical examinations as needed. The examination can be adjusted according to the risk factors obtained from the anamnesa result.

5. If necessary, the bride and groom are referred to a nutrition polyclinic, VCT Clinic (other related clinics) for further problem management according to the results of physical examination and supporting examinations.

6. For the prospective bride and groom who based on the results of the examination and supporting examinations declared normal and healthy, continued with the provision of reproductive health counseling or IEC and TT immunization.

7. For prospective brides who have problems with health and supporting examinations, an internal referral can be made to the polyclinic related to the problem so that further therapy or action can be given.

8. If the results of the examination require further action and management that cannot be carried out by the Puskesmas, the examining doctor will then provide an external referral letter to the designated Referral Hospital.

9. Prospective brides who have problems with the results of the examination are still given a certificate or certificate of having conducted a medical examination and are given a separate referral letter related to the problem which can then be continued to provide therapy or medical action.

10. A health certificate or a certificate that has undergone a medical examination, which is then brought by the bride and groom to return to the village office as completeness in taking Forms Nl, N2 and N4 which are then submitted to KUA for Muslims. For those of other religions, this must be submitted to the Civil Registry Office as administrative completeness in the process and registration of marriages.

1. **F. Maslahah Review of the DKI Jakarta Governor Regulation No. 185 of 2017 in the Context of the Development of Islamic Family Law in Indonesia**

The health condition of the prospective bride and groom before marriage, cannot be taken lightly, because if one of the prospective brides has a serious or infectious disease, such as HIV / AID, STIs, hepatitis and so on. So this can have a bad impact, both for their partners and for their future offspring.

Based on this, the DKI Jakarta government made a policy on counseling and medical examinations for the bride and groom, as stipulated in the Regulation of the Governor of DKI Jakarta No. 185 of 2017 as a condition for the marriage. The implementation of this policy is in the context of fostering family resilience and welfare and remembering that the purpose of marriage is to form a happy and eternal family based on the Supreme Lordship and to continue the offspring as a young generation of national fighters.

Rasulullah SAW. encourage his people to choose a wife from a fertile family and have many offspring. As he has narrated.

وعنه قال: كان رسول الله صلى الله عليه وسلم يامرنا بلباءة وينهى عن التبتل نهيا شديدا, ويقول: تزوجواالولود الودود فإنى مكاثر بكم أنبياء يوم القيامة. رَوَاهُ أحْمَدُ وَصَحَّحَهُ ابْنَ حِبَّانَ

"From (Anas bin Malik r.a) said Rasulullah s.a.w. ordered us to be married / married and forbade us to be single / unmarried. "He said," Marry a woman who has many children and has great affection, because I am proud in front of the previous Prophets on the Day of Judgment. " Narrated by Ahmad and confirmed by Ibn Hibban.

Caring for and caring for offspring is one of the five basic objectives of establishing the syari'at and one of the cases repeatedly mentioned in the Qur'an. As is known, regarding this good descent, the Prophet Zakaria once prayed as described in QS. Ali Imron (3): 38 which reads:

 "That's where Zakariya prayed to his Lord, saying:" O my Lord, give me from Your side a good child. Truly You are the Listener of prayers. "

In fact, one of the prayers that the Qur'an teaches to Muslims in Q.S Al-Furqan (25): 74 reads:

"And those who say," O Our Lord, give Us Our wives and Our descendants as pleasing to (Us), and make Us priests for those who fear. "

On the basis of the above arguments, there is no prohibition or obstacle for someone to try and try to get good offspring and have no defects.

Regarding health checks as a condition for a marriage, it is not explained in the Qur'an. Likewise, at the time of the Prophet, there were no even friends. Islamic law does not require a person who is getting married to undergo a medical examination as a condition for marriage. However, the more the times, the more problems that occur. The implementation of this policy by the DKI Jakarta government is due to the social phenomenon of the free Jakarta people, rampant early marriages, high rates of maternal and infant mortality and the increasing rate of divorce.

When viewed from Islamic law, namely by using the theory of al-maslahah al-mursalah, this policy brings mutual benefit, both for the bride and groom and for her offspring.

If it is related to the DKI Jakarta government policy which makes rules to oblige prospective brides to conduct counseling and medical examinations as a condition for conducting a marriage, it is not contrary to syara 'because there are no things that are prohibited in Islam.

In line with the type of syara 'action, which is to realize the goals of Islamic law itself or what is called maqāsīd al-syarī'ah, namely to protect the soul (hifz al-nafs) (to protect the souls between prospective brides from infectious diseases, to protect the soul for the mother. pregnant also in the baby it is carrying), thus creating healthy offspring), as well as providing general benefits in the community.

Related to the government regulation, which adds one of the conditions for marriage, namely having to carry out a medical examination in order to obtain an N1 file from the sub-district, as it is known that this requirement does not exist in Islamic law. Especially in Indonesia, the conditions for marriage that are regulated in addition to those in Islamic law are that the marriage is obliged to be registered at the Office of Religious Affairs.

In addition, prior to the existence of the Governor of DKI Jakarta Regulation No. 185 of 2017, there are already regulations related to health examinations made by the central government, namely those listed in the Joint Instruction of the Director General of Islamic Community Guidance and Hajj Affairs of the Ministry of Religion and the Director General of Communicable Disease Eradication and Environmental Health in the Ministry of Health No: 02 of 1989 concerning Tetanus Toxoid Immunization for Candidates for Brides, however, this regulation only requires every married Indonesian to have a TT immunization injection. For other health checks, it depends on the community itself whether to carry out other health checks or not.

Governor of DKI Jakarta Regulation No. 185 In 2017, the DKI Jakarta government requires its people to immunize TT, as well as to carry out other health checks in the form of complete blood tests, GDS (temporary blood sugar), HIV, and STIs. Completing the Joint Instruction of the Director General of Islamic Community Guidance and Hajj Affairs of the Ministry of Religion and the Director General of Communicable Disease Eradication and Environmental Health in the Ministry of Health No: 02 of 1989 concerning Tetanus Toxoid Immunization as the basis for the implementation of Law No. 1 of 1974 concerning Marriage and Government Regulation No. 9 of 1975 concerning the Implementation of Law no. 1 of 1974 concerning Marriage, as well as Presidential Instruction No. 1 of 1991 concerning the Compilation of Islamic Law in order to realize the goals of marriage that are sakinah, mawaddah and rahmah.

Therefore, the issuance of the Governor of DKI Jakarta Regulation No. 185 of 2017 concerning Counseling and Health Checkups for Bride-to-be is to provide mutual benefit, especially for prospective brides and their offspring as the nation's future generations who are physically and mentally healthy. With the existence of this Governor's regulation, it will bring benefits to the people of DKI Jakarta, which are heavily influenced by the negative impact of globalization. Among other things, someone who is going to get married must pay attention to and maintain his health. Although currently the government's anticipation of this regulation is still few and far from the goal or desire in accordance with this historical study, nevertheless it is sufficient to provide benefits. So that the community knows whether a person, especially the bride and groom, knows who has a disease who doesn't.

This is a moral message for the next generation who want to get married, at least they have the idea that people do not engage in promiscuity and understand religious teachings.

This Regulation of the Governor of DKI Jakarta can be an example for other local governments in Indonesia, especially in big cities in Indonesia, of course those affected by the bad effects of globalization. As well as for the community, it should comply with government regulations that have been made, so that the government's goal of realizing family resilience and welfare and creating a healthy Indonesian family wrapped in sakinah mawaddah warahmah can be achieved.

Thus, this DKI Jakarta Governor Regulation should be a contribution for the central government to issue regulations related to medical examinations for brides as an effort to develop Islamic family law in Indonesia.

1. **G. Conclusion**

The conclusions of this study are as follows: Pergub DKI Jakarta No. 185 of 2017 concerning counseling and medical examinations for brides-to-be is a preventive effort, in order to close the loophole for unwanted things, including: preventing infectious diseases between pairs of prospective brides, inhibiting the rate of divorce rates in DKI Jakarta, preventing the occurrence of domestic violence, prevent maternal and infant deaths caused by health factors, and prevent diseases that are passed from parent to child. This policy is in line with the objectives of Islamic law itself or what is known as maqāsīd syarī'ah, which is to protect the soul (to protect the souls of the prospective bride and groom from infectious diseases, to protect the soul for pregnant women as well as the babies they are carrying). This provides mutual benefit, especially for the prospective bride and her descendants as the nation's next generation.

**Daftar Pustaka**

Adinugraha, Hendri Hermawan dan Mashudi, *al-Maslahah al-Mursalah dalam Penentuan Hukum Islam, Jurnal Ilmiah Ekonomi Islam,* Vol. 4 (01), 2018 tersedia di: [https://jurnal.stie-aas.ac.id/index.php/jei/article/view/140 (12](https://jurnal.stie-aas.ac.id/index.php/jei/article/view/140%20%2812) Mei 2019)

Aprilia, Hana Ayu, “Tes Kesehatan Pra Nikah Bagi Calon Mempelai Laki- Laki Di Kantor Urusan Agama (Kua) Jatirejo Mojokerto”, *Jurnal al-Hukma The Indonesian Jurnal of Islamic Family Law*, Vol. 07, No. 02 Desember 2017, Mojokerto: Lembaga Pendidikan Aisyiyah, 2017, dengan Tersedia di: [https://id.scribd.com/document/420078894/475-Article-Text-1332-2-10-20190111-pdf](https://id.scribd.com/document/420078894/475-Article-Text-1), dapat dipertanggungjawabkan secara ilmiah.

Asqalani, al-, Ibnu Hajar, *Terjemah Bulu>gh al-Mara>m,* Cetakan Kedua, Jakarta: Pustaka Amani, 1996

Bariyyah, Khoirul, *Siginifikansi Pemeriksaan Kesehatan Pranikah Dalam Perspektif Hukum Islam (Studi pada KUA di Wilayah Kabupaten Lampung Tengah)*, Metro: Institut Agama Islam Negeri (IAIN) Metro, 2019, tersedia di: [http://repository.metrouniv.ac.id/id/eprint/2638](http://repository.metrouniv) (akses internet 8 Juli 2020)

BP 4, Perkawinan dan Keluarga, Jakarta: PT Raja Grafindo Persada, 2005

Instruksi Bersama Direktur Jenderal Bimbingan Masyarakat Islam dan Urusan Haji Departemen Agama dan Direktur Jenderal Pemberantasan Penyakit Menular dan Penyehatan Lingkungan Pemukiman Departemen Kesehatan No: 02 Tahun 1989 Tentang Imunisasi Tetanus Toksoid Calon Pengantin.

Jemi’an, *Kesehatan Sebagai Syarat Pernikahan (Studi Pandangan Ulama Kabupaten Gayo Lues-Aceh),*(Malang: Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2011), tersedia di: <http://etheses.uin-malang.ac.id/id/eprint/7813>

Kementerian Agama RI, *Al-Qur’an dan Terjemahannya,* Jakarta: Pustaka al-Mubin, 2013

Kementerian Kesehatan dan Kementerian Agama,  *(Buku Saku Bagi Penyuluh Pernikahan) Kesehatan Reproduksi Calon Pengantin,* Jakarta: 2016

Khallaf, Abdul Wahab, *Masdar al-Tasyrī’ al-Islāmī Fīmā Lā Nassa Fīh,* Cet. III, Kuwait: Dār al-Qalam, 1972

Khallaf, Abdullah Wahab, *Ilmu Usul al-Fiqh*, terj. Noer Iskandar al-Bansani, *Kaidah-Kaidah Hukum Islam*, Cet-8, Jakarta: PT. Raja Grafindo Persada, 2002

Kodir, Faqihuddin Abdul, *Qira’ah Mubādalah,* Cetakan Pertama,Yogyakarta: IRCiSoD, 2019

Konsideran Peraturan Gubernur DKI Jakarta No. 185 Tahun 2017 tentang Konseling dan Pemeriksaan Kesehatan Bagi Calon Pengantin

Mohammad Rusfi, *Validitas Maslahah al-Mursalah Sebagai Sumber Hukum,* Al-‘Adalah Vol. XII, No. 1 Juni 2014 dapat di akses di : <http://ejournal.radenintan.ac.id/index.php/adalah/article/view/175>, (07 April 2019, 11.44 WIB )

Peraturan Gubernur DKI Jakarta No. 185 Tahun 2017 tentang Konseling dan Pemeriksaan Kesehatan Bagi Calon Pengantin.

Peraturan Menteri Agama No. 20 Tahun 2019 Tentang Pencatatan Pernikahan.

Petunjuk Teknis Pemberian Konseling dan Pemeriksaan Kesehatan Bagi Calon Pengantin Dalam Rangka Pembinaan Ketahanan dan Kesejahteraan Keluarga dalam Peraturan Gubernur DKI Jakarta Nomor 185 Tahun 2017 tentang Konseling dan Pemeriksaan Kesehatan Bagi Calon Pengantin

Rusfi, Muhammad, *Ushul al-Fiqih-1,* Bandar Lampung: Seksi Penerbitan Fakultas Syari’ah IAIN Raden Intan, 2017

Setiawati, Erdanela, Vitri Yuli Afni Amran dan Nirmala Sari, “Pengetahuan Calon Pengantin tentang Pemeriksaan Kesehatan Pranikah di Kota Padang, Sumatera Barat”, (Fakultas Kedokteran, Universitas Baiturrahmah, Padang, Program Studi Kebidanan, Fakultas Vokasi Universitas Baiturrahmah Padang, 2019), *Jurnal. Kes Cehadum,* Vol. 1, No. 4, Desember 2019, tersedia di: <http://jkc.puskadokesa.com/jkc/article/view/25>, dapat dipertanggungjawabkan secara ilmiah.

Susiadi AS, *Buku Daras, Usul al-Fiqh I* Bandar Laampung: Fakultas Syari’ah IAIN Raden Intan Lampung, 2010

Syafi’i, Rahmat, Ilmu Ushul Fiqih, Cet. III, Bandung: Pustaka Setia, 2007

Syarifuddin, Amir, *Ushul al-Fiqh,* Jakarta: Kencana, 2009

Tamrin, Khusni, *Tes Kesehatan Pranikah (Premarital Check Up) Perspektif Maqâshid Al-Syarî’ah*, (Bandar Lampung: Universitas Islam Negeri Raden Intan Lampung , 2020), tersedia di: http://repository.radenintan.ac.id/12335/2/TESIS%202.pdf , (akses internet 27 November 2020)

Umam, Chaerul, *Usul al-Fiqih I* , Bandung: Pustaka Setia, 2000

Undang-Undang No. 1 Tahun 1974 tentang Perkawinan

Undang-Undang Nomor 16 Tahun 2019 tentang Perubahan Atas Undang-Undang No. 1 Tahun 1974 tentang Perkawinan.

Washil, Nashr Farid Muhammad dan Abdul Aziz Muhammad Azzam, *Qawaid Fiqhiyyah,* terjemahWahyu Setiawan, Cet.ke-2, Jakarta: Amzah, 2009

Yusuf, Armia, “Syarat Pemeriksaan Kesehatan Dalam Perkawinan Islam Sebagai Upaya Menjamin Kualitas Keturunan”, (Sumatera Utara: Universitas Islam Negeri Sumatera Utara), tersedia di: <http://jurnal.uinsu.ac.id/index.php/alusrah/article/view/1345/1092>, dapat dipertanggungjawabkan secara ilmiah.