



The Effectiveness of the Problem-Based Learning Model in Contemporary Fiqh Learning on the Topic of Marriage Contracts at Madrasah Aliyah Negeri 1 Padang

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Abstrak

This study aims to analyze the effectiveness of the Problem Based Learning (PBL) model in teaching contemporary Fiqh, particularly the topic of contract marriage, at Madrasah Aliyah Negeri 1 Padang through a library research approach. PBL is viewed as a learning model that encourages students to think critically, independently, and analytically in understanding modern fiqh issues that are problematic and controversial in nature. The topic of contract marriage was selected because it constitutes an important part of contemporary fiqh studies, requiring an in-depth understanding of religious evidence, social context, and differences in opinion among classical and modern Islamic scholars. This research employs various literature sources, including books, academic journals, previous research findings, and curriculum documents relevant to Fiqh instruction in madrasahs. The results of the analysis indicate that PBL is effective in contemporary Fiqh learning, as it is able to integrate real-life problems as triggers for discussion, enhance higher-order thinking skills, and habituate students to engage with current issues in a scientific and analytical manner. In the context of contract marriage material, PBL assists students in understanding legal, social, and ethical aspects through processes of investigation, information gathering, and evidence-based argumentation. Furthermore, PBL aligns with the characteristics of the Merdeka Curriculum and the demands of 21st-century learning, which emphasize collaboration, problem-solving skills, and digital literacy. Therefore, based on the literature review, the PBL model can be considered relevant and effective in improving the quality of contemporary Fiqh learning at Madrasah Aliyah Negeri 1 Padang, particularly for topics that require critical reasoning such as contract marriage.

Keywords: *Problem Based Learning; Contemporary Fiqh; Contract Marriage; Madrasah Aliyah Learning*

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INTRODUCTION

Islamic education in the modern era is faced with various major challenges related to the dynamics of the rapid development of science, technology, and social change. The development of the times not only brings convenience and progress, but also gives rise to various new problems that demand a more critical, adaptive, and contextual understanding of Islamic law (Auda, 2008). In this context, Fiqh learning as one of the pillars of the Islamic education curriculum has a very strategic position because it is a means of internalizing sharia values while shaping students' ability to understand, analyze, and respond to contemporary legal issues.

However, Fiqh learning in educational institutions, including Madrasah Aliyah, is still often considered a dry subject, contains only legal memorization, and is far from the social experience of students (Asrofi et al., n.d.). The learning model used is still dominated by the traditional teacher-centered lecture method, so it does not provide space for students to think deeply, study evidence, or have scientific dialogue. This condition has the potential to make students only understand Fiqh textually, not contextually. In fact, the development of contemporary issues such as sharia fintech, modern reproduction, genetic engineering, and including contract marriage, demands the use of a more analytical and participatory approach to learning (Auda, 2008).

Contract marriage is one of the issues in contemporary fiqh that has great attention from academics, scholars, and the public. Although in the Sunni tradition the majority of scholars view contract marriage as an unjustified practice, social reality still shows that this practice appears in various forms, such as tourist marriages, veiled mut'ah marriages, temporary marriages for administrative purposes, or marriages with a specific time agreement (Anderson & Krathwohl, 2001). This phenomenon is not uncommon in certain areas that are tourist destinations, industrial areas, or abroad involving migrant workers. Madrasah Aliyah students as a young generation of Muslims are very important to be given a comprehensive understanding of the law, background, social impact, and views of scholars on contract marriage so that they have a strong knowledge and a critical attitude (Auda, 2008).

In the context of contemporary Fiqh learning, there is a need to develop innovative learning models that not only deliver material but also empower higher-order thinking skills (Higher Order Thinking Skills / HOTS) (Anderson & Krathwohl, 2001). One of the learning models that is relevant to these demands is Problem Based Learning (PBL). The PBL model places students as the center of learning activities, which begins with the presentation of authentic problems and continues with the process of investigation, discussion, collaboration, and the formation of conclusions based on scientific arguments (Al-Tabany, 2017).

Theoretically, PBL has several advantages in contemporary Fiqh learning, mainly because

1. Encourage critical thinking skills, namely students' ability to assess various views of scholars and combine them with modern social needs.
2. Improve problem-solving skills, especially actual issues such as contract marriage which not only requires an understanding of the evidence, but also an assessment of the social conditions behind the case.

3. Strengthen collaboration and communication skills, because PBL requires students to discuss, exchange arguments, and develop legal solutions together.
4. Help students understand Fiqh contextually, not just as a text, but as a living and relevant legal solution.

Thus, Madrasah graduates are expected to have broad insight and be able to read Islamic law issues moderately, rationally, and in accordance with *maqashid al-sharia*.

Madrasah Aliyah Negeri (MAN) 1 Padang as one of the leading madrasahs in West Sumatra has a vision to produce a generation of intelligent, characterful, and insightful Muslims (Parasdika, 2022). Contemporary Fiqh learning in this madrasah is an important part of preparing students to face the challenges of the modern world. However, observations in a number of studies show that Fiqh learning in some madrasahs is still not optimal in encouraging students to think critically about contemporary issues. Teachers still dominate learning, while students tend to be passive and only receive material without conducting independent assessment (Oktavia, 2017).

In this condition, a literature review on the effectiveness of the Problem Based Learning (PBL) Model becomes very relevant to be carried out (Barrows & Tamblyn, 1980). Library research allows researchers to examine various scientific literature related to the application of PBL, previous research results, modern education theory, and contemporary Fiqh studies on contract marriage (Zed, 2008). Through this approach, the research can provide a comprehensive overview of the potential and challenges of PBL to be applied in Fiqh learning at MAN 1 Padang, especially for contract marriage materials.

Furthermore, this research also has academic and practical urgency. Academically, this research contributes to the development of contemporary Fiqh learning discourse in accordance with modern pedagogical demands. Practically, the results of the research are expected to be a reference for Fiqh teachers in designing more effective learning strategies through the integration of the PBL method (Hasibuan, 2020). With the right approach, learning about contract marriage is not only a theoretical material, but a means to build students' ethical and religious awareness in the face of today's social realities.

Based on this background, this study was conducted to analyze in depth the effectiveness of the Problem Based Learning (PBL) Model in contemporary Fiqh learning of contract marriage materials at MAN 1 Padang through a literature. The results of the analysis are expected to provide a new direction in the development of Fiqh learning that is more relevant to the needs of the times and in accordance with the demands of critical and contextual Islamic education.

RESEARCH METHODOLOGY

This research is qualitative research using a library research approach (Lubis, 2018). This approach was chosen because the research focuses on the study and critical analysis of various relevant literature sources to examine the effectiveness of the Problem Based Learning (PBL) model in contemporary fiqh learning, especially in contract marriage materials, at Madrasah Aliyah Negeri 1 Padang (Zed, 2008).

The source of research data consists of primary data and secondary data. Primary data includes the main reference books on the Problem Based Learning model, fiqh learning, contemporary fiqh, and the study of Islamic law related to contract marriage. The secondary data were obtained from scientific journal articles, the results of previous research, madrasah

curriculum documents, and educational regulations and policies related to fiqh learning at the Madrasah Aliyah level (Barrows, 1996).

The data collection technique is carried out through a systematic literature search by identifying, classifying, and selecting sources relevant to the focus of the research. The data that has been collected is then analyzed using content analysis techniques by examining the concepts, findings, and arguments of previous experts and researchers regarding the application of PBL and its effectiveness in fiqh learning (Krippendorff, 2018).

Data analysis is carried out in a descriptive-analytical manner with an inductive approach, which is to draw conclusions based on patterns, trends, and findings that emerge from literature review (Sugiyono, 2013). The effectiveness of the PBL model is analyzed based on learning indicators, such as increasing understanding of fiqh concepts, critical thinking skills in analyzing contemporary fiqh issues, and active involvement of students in the learning process (Anderson & Krathwohl, 2001). Through this method, the research is expected to be able to provide a comprehensive overview of the relevance and potential of the application of Problem Based Learning in contemporary fiqh learning in Madrasah Aliyah.

RESULTS AND DISCUSSION

Contemporary fiqh learning in Madrasah Aliyah faces serious challenges, especially in delivering sensitive and complex materials such as contract marriage (*mut'ah marriage*) which are full of differences in school views, social dynamics, and modern legal contexts (Auda, 2008). Fiqh learning practices that are still dominated by lecture and memorization methods tend not to fully encourage students to think critically, analytically, and contextually about actual fiqh problems. As a result, students' understanding is often normative-doctrinal and less able to relate the concept of fiqh to the social reality faced (Oktavia, 2017).

The Problem Based Learning (PBL) model is seen as one of the relevant learning alternatives because it places real problems as the starting point for learning, so that it has the potential to improve students' critical thinking skills, learning independence, and deep understanding of contemporary fiqh issues (Nata, 2019). However, systematic literature studies that specifically analyze the effectiveness of the application of PBL in contemporary fiqh learning, especially in the material of contract marriage in the context of Madrasah Aliyah Negeri 1 Padang, are still limited and have not been comprehensively mapped (Al-Tabany, 2017). Therefore, it is necessary to conduct literature research that in-depth analyzes theoretical and empirical findings related to the effectiveness of the Problem Based Learning (PBL) Model in contemporary fiqh learning in order to provide a strong academic foundation for the development of learning strategies that are more contextual and responsive to the challenges of modern Islamic education

A. The Basic Concepts and Principles of Problem Based Learning (PBL) in Contemporary Fiqh Learning

Based on a literature review, the Problem Based Learning (PBL) Model is a learning model that is oriented towards providing authentic problems as a trigger for the learning process. PBL focuses not only on material mastery, but also on the ability to solve problems, think critically, and produce argumentation-based solutions (Al-Tabany, 2017). PBL is seen as compatible with the learning of Fiqh, especially contemporary fiqh, because the discussion of Islamic law in the modern context is always related to complex, multidimensional, and often controversial social problems such as the issue of contract marriage (Auda, 2008). From the

perspective of Islamic education, the PBL approach is very much in line with the principles of *ijtihad*, *tadabbur*, and *tafaqquh fi al-din* which require an in-depth analysis of the postulates of the *shari'a* and understanding the social context in which the law is applied. Contemporary jurisprudence requires the ability to read evidence, an understanding of *maqāṣid al-syarī'ah*, and the ability to think critically about the changing times. Thus, PBL is a model that is considered very effective in developing these competencies (Nata, 2019).

At the Madrasah Aliyah level, especially MAN 1 Padang, the curriculum requires students not only to memorize fiqh laws, but also to understand philosophical reasons, social conditions, and differences in the views of scholars. PBL allows students to play an active role as small researchers, not just recipients of knowledge. This approach is different from traditional methods (lectures and memorization) which tend to be one-way and do not leave room for critical analysis (Al-Tabany, 2017). Problem Based Learning (PBL) is a student-centered learning model by placing real, complex, and contextual problems as the starting point of the learning process (Al-Tabany, 2017). These problems are used as a stimulus to encourage students to conduct scientific investigations to build knowledge, develop critical thinking skills, and foster an attitude of responsibility for the learning process. In PBL, learning does not start from the delivery of concepts directly, but from problematic situations that require students to search, understand, and integrate various concepts and information independently and collaboratively (Hmelo-Silver, 2004).

The Problem Based Learning model is based on the view of constructivism which emphasizes that knowledge is not passively transferred from teachers to students, but is actively constructed through learning experiences. Therefore, PBL places students as the main subject of learning, while teachers play the role of facilitators, guides, and mediators who direct the students' thought process without dominating the course of learning (Vygotsky & Cole, 1978). In its application, PBL begins with the presentation of problems that are authentic and relevant to the context of real life or a certain scientific field. The problem is designed in such a way that it is open-ended, challenging, and allows for the emergence of various alternative solutions (Nata, 2019). Students are then directed to identify problems, formulate study questions, and determine the information needs needed to solve the problem. This process encourages students to search for information from various sources, either through literature study, observation, discussion, or the use of information technology (Barrows & Tamblyn, 1980).

Next, students work collaboratively in groups to analyze data, relate relevant concepts, and formulate solutions based on logical and evidence-based arguments. The process of discussion and group work in PBL is not only aimed at generating answers, but also training communication skills, cooperation, and mutual respect for differences of opinion (Barrows & Tamblyn, 1980). After the solution is formulated, students present the results of their thinking, which is then followed by a process of reflection and evaluation to assess the effectiveness of the solution and understanding the concepts that have been built.

Through the Problem Based Learning model, students are trained to develop higher order thinking skills, such as the ability to analyze, evaluate, and create. In addition, PBL also contributes to forming learning independence, curiosity, and adaptive problem-solving skills to real challenges (Anderson & Krathwohl, 2001). Thus, PBL not only focuses on mastering learning materials, but also on developing students' intellectual, social, and affective competencies holistically, so that learning becomes more meaningful and sustainable. Learning Steps of Problem Based Learning (PBL) Method (Barrows & Tamblyn, 1980).

1. Student Orientation to Problems
2. Organizing Students to Learn
3. Guiding Individual and Group Investigations
4. Developing and Presenting Works
5. Analyzing and Evaluating the Problem-Solving Process

Problem Based Learning steps are systematically arranged to build active, meaningful, and student-centered learning. Through the stages of problem orientation to reflection, PBL encourages the development of high-level thinking skills, learning independence, and social skills that are essential in dealing with real problems in life and the professional world (Anderson & Krathwohl, 2001).

B. Contract Marriage Material as a Contemporary Fiqh Phenomenon

Contract marriage or *mut'ah* is one of the important issues in contemporary jurisprudence because it has a high level of social and legal sensitivity. Classical and contemporary jurisprudence literature notes differences of opinion among scholars, especially between Sunni and Shia scholars (Barrows & Tamblyn, 1980). The majority of Sunni scholars view contract marriage as an invalid practice based on the hadith prohibiting the Prophet PBUH, while Shia scholars view it as a marriage that is permissible with certain conditions. Analysis of contemporary literature shows that contract marriage is now re-emerging in various forms of modern society, such as (Ruslan, 2023).

1. Tourist marriage
2. Temporary marriage for certain purposes (*misyar, muhallil*)
3. Abusive behavior of contract marriage as a cover for covert prostitution

This phenomenon requires students' critical thinking skills to understand social facts, differences of opinion among scholars, as well as legal and moral implications. This material is a complex fiqh issue, and therefore requires a learning approach that is able to invite students to explore the problem systematically. PBL is very relevant to encourage in-depth investigations into the postulates, views of scholars, and social contexts.

C. The Effectiveness of Problem Based Learning Based on the Literature

Analysis of various literatures including Islamic education journals, learning model books, and previous research shows that PBL has several advantages that are very relevant for contemporary Fiqh learning (Barrows & Tamblyn, 1980).

1. PBL Improves Critical Thinking Skills

In the Problem Based Learning (PBL) model, the learning process begins with the presentation of real and contextual problems that function as an initial stimulus to build students' curiosity and intellectual involvement. The problems presented are not simple, but complex and open, so that they require students to do deep reasoning and relate various aspects of science (Barrows & Tamblyn, 1980). In contemporary fiqh learning, especially in the material of contract marriage, teachers can ask actual questions such as why the majority of scholars prohibit the practice of contract marriage and how the social impact of contract marriage in the context of modern society. These questions not only demand normative answers, but also encourage students to understand the legal, social, and moral background of the problems being studied (Al-Zuhayli, 1997).

Through the presentation of these problems, students are directed to explore and study the *shari'i* postulates sourced from the Qur'an, hadith, and the rules of *ushul fiqh* used by scholars in determining the law of contract marriage. In addition, students are

also invited to study the differences of opinion of scholars across sects, understand the arguments behind them, and compare the strength of the evidence and the method of legal *istinbath* used (Abdullah, 2016). This process requires the ability to analyze, evaluate, and synthesize, so that learning does not stop at mastering concepts, but develops on a critical and reflective understanding of contemporary fiqh issues.

Various literature reviews show that students' higher order thinking skills develop significantly when they are directly involved in the analysis of multi-faceted problems, such as the issue of contract marriage which includes the dimensions of Islamic law, ethics, and social impact in modern society. With the PBL approach, students not only learn to understand the provisions of fiqh law textually, but also are able to assess the social and moral implications of a religious practice (Mudzhar, 2015). This makes fiqh learning more contextual, relevant, and meaningful, as well as equipping students with the ability to think critically in dealing with Islamic issues that develop in society.

2. PBL Encourages Learning Independence

The Problem Based Learning (PBL) model requires students to actively and independently explore various relevant reference sources as an integral part of the problem-solving process. These sources can come from classical fiqh books, fatwas of scholars and religious institutions, articles of scientific journals, as well as the views of contemporary scholars who discuss actual fiqh issues (Al-Zuhayli, 1997). In the context of fiqh learning, this approach has a high urgency because it helps students understand that the determination of Islamic law is not born instantly, but through a process of scientific study that is systematic, argumentative, and based on strong evidence.

The application of PBL in fiqh learning plays an important role in avoiding students from a dogmatic learning pattern, namely passively accepting a legal provision without tracing the basis of its argumentation and determination methodology (Freire, 2005). Through the process of independently searching and analyzing sources, students are trained to understand the differences of opinion of scholars, recognize the basis of the arguments used, and assess the relevance of these opinions in the social and cultural context of modern society (Abdullah, 2004). Thus, fiqh learning is not only oriented to memorizing the law, but also to strengthening critical reasoning and methodological awareness in understanding Islamic teachings.

In the context of learning at Madrasah Aliyah Negeri 1 Padang, the implementation of PBL requires students to play the role of active learners who are able to conduct simple scientific studies according to their level of development (Savery, 2015). Students are directed to read and understand the fiqh text, identify the problems being studied, and analyze the problem rationally and systematically. This process not only enhances conceptual understanding of fiqh material, but also shapes scientific attitudes, such as rigor, openness to differing views, and intellectual responsibility (Wentzel et al., 2009). Thus, PBL is a strategic approach in fostering Islamic literacy skills and students' critical thinking skills in dealing with contemporary fiqh issues.

3. PBL Improves Islamic Argumentation Skills

Contemporary fiqh learning requires students to have the ability to formulate logical and systematic legal arguments based on sharia postulates that can be scientifically accounted for (Ramli, 2020). In the study of fiqh, the understanding of a law does not stop at what aspect is punished, but must be accompanied by a deep understanding of why the law is determined, what is the basis of the evidence used, and how the reasoning

process of scholars in determining the provisions of the law. Therefore, contemporary fiqh learning requires a pedagogical approach that is able to develop students' critical and argumentative thinking skills (Abdullah, 2004).

The Problem Based Learning (PBL) model provides a wide space for students to develop these skills. Through PBL, students are not only directed to know the normative law of contract marriage, but are also required to explore the postulates of the Qur'an, hadith, and the rules of *ushul fiqh* that underlie the determination of the law (Savery, 2015). In addition, students are invited to study and compare various opinions of scholars, both from classical and contemporary scholars, so that they understand the dynamics of Islamic legal thought and various *istinbath* methods.

Furthermore, PBL encourages students to relate the legal provisions of contract marriage to the social reality of modern society. Students are invited to analyze the social, moral, and humanitarian impacts of the practice of contract marriage, such as its implications for women's protection, justice in the family, and social stability. Thus, fiqh learning is not only textual and normative, but also contextual and applicative (Mudzhar, 2015). This approach enables students to prepare fiqh arguments that are comprehensive, critical, and relevant to the needs of society, while strengthening their understanding of the values of justice and welfare which are the main goals of Islamic sharia (Hmelo-Silver, 2004).

4. PBL Improves Collaboration Skills

The issue of contract marriage is a contemporary fiqh issue that has high complexity and involves various points of view, both from the aspects of Islamic law, social, cultural, and humanitarian. The difference in the views of scholars and the variation in the social context in which the practice arises make contract marriage a relevant theme to be critically studied in fiqh learning (Mudzhar, 2015). Therefore, learning about this issue requires an approach that not only emphasizes individual understanding, but also encourages a process of collective dialogue and exchange of ideas.

The Problem Based Learning (PBL) model inherently requires students to work in groups to analyze problems and develop alternative solutions based on scientific studies. Through group work, students are invited to express opinions, present arguments based on evidence, and respond to the views of friends in a rational and ethical manner (Hmelo-Silver, 2004). This process trains the ability to engage in constructive dialogue and fosters mutual respect for differences of view, which is an important skill in the study of fiqh which is full of *khilafiyah*.

In addition, group discussions in PBL accustom students to reach joint conclusions through a deliberation process based on the analysis of authoritative sources, such as the postulates of the Qur'an and hadith, the opinions of scholars, and contemporary academic studies (Ramli, 2020). Thus, students not only learn to express opinions, but also learn to weigh the strength of arguments, integrate various perspectives, and formulate conclusions that are objective and scientifically accountable. This approach makes fiqh learning more dialogical, inclusive, and relevant to the scientific and social values needed in social life (Auda, 2008).

D. The Relevance of PBL for Contract Marriage Materials at MAN 1 Padang

The results of the overall literature analysis show that the Problem Based Learning (PBL) model has a high level of relevance when applied in contemporary fiqh learning at Madrasah Aliyah Negeri 1 Padang, especially in contract marriage materials (Hmelo-Silver, 2004). This relevance is not only based on the effectiveness of PBL in general, but is also supported by the suitability of student characteristics, the demands of teaching materials, and the objectives of fiqh learning in madrasas (Fillaili, n.d.).

1. Characteristics of Madrasah Aliyah students

Students at the Madrasah Aliyah level are in a phase of cognitive development characterized by the ability to think abstractly, reflectively, and critically. At this stage, students begin to be able to understand cause-and-effect relationships, analyze complex problems, and formulate logical arguments (Thompson, 2012). The PBL model that emphasizes problem-solving, discussion, and critical analysis is very much in line with the characteristics of these developments. With PBL, students not only receive information, but are actively involved in the process of thinking and drawing conclusions independently and collaboratively (Savery, 2015).

2. The Need for Contemporary Fiqh Mastery

The word mut'ah comes from the root of the word *متع—يمتع—منعة* which in language means "to give or carry an item". The term also refers to something that gives pleasure, which comes from the word *istimtā'* which means fun, enjoyment, limited provisions, or something that is used with pleasure. In *Lisan al-'Arab*, Ibn Manẓūr explains that mut'ah means enjoying women without the will to establish a permanent relationship (Robiah et al., 2023). Terminologically, mut'ah marriage is understood as a marriage relationship between a man and a woman that is temporary, which is carried out through a certain contract with the provisions of the validity period of the marriage and the determination of the dowry clearly, in addition to the main elements of the marriage contract itself. In the context of marriage law, the term mut'ah is also used to designate certain gifts in marriage such as alimony, and is interpreted as enjoyment in a marital relationship (Al-Zuhayli, 1997). This meaning refers to the words of Allah Swt. in Q.S. An-Nisā' (4): 24:

فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَآتُوهُنَّ أُجُورَهُنَّ فَرِيضَةً

Translation: So, because of the pleasure you have enjoyed from them (the wives you have enjoyed), give them their dowry as an obligation.

Mut'ah marriage is temporal because it is based on a contractual agreement for a certain period of time as compensation (al-ajr). If the period ends, the marriage relationship is terminated automatically without going through the mechanism of talaq (Sabiq, 1983). Women involved in mut'ah marriage are required to undergo the *istibrā'* period, and there is no right of mutual inheritance between the two parties (Al-Zuhayli, 1997). In the early phase of Islam, the practice of mut'ah marriage was allowed, but later it was declared forbidden by the Prophet (saw). Thus, mut'ah marriage can be understood as a form of marriage with a time restriction that inherently determines the end of the marital relationship (Sabiq, 1983).

The material of contract marriage is a contemporary fiqh issue that cannot be adequately understood only through memorization of legal provisions. This issue demands a multidimensional analysis that includes aspects of Islamic law, social, psychological, and moral. PBL provides a space for students to examine normative postulates as well as understand the social implications of the practice of contract marriage in modern society (Barrows & Tamblyn, 1980). Thus, fiqh learning becomes more contextual and relevant to the reality of students' lives.

3. Strengthening Religious Moderation

One of the important goals of fiqh learning in madrasahs is to foster a moderate, tolerant, and non-extreme religious attitude (National, 2010). Through PBL, students are introduced to the differences of opinion of scholars regarding contract marriage objectively and proportionally. Students are invited to understand that differences of views in fiqh are part of the treasures of Islamic science. The process of dialogue and discussion in PBL contributes to forming an attitude of mutual respect for differences and avoids students from rigid and exclusive perspectives (Oktavia, 2017).

4. Increased Insight into Modern Islamic Law

Learning about contract marriage through PBL opens students' insight into the dynamics of Islamic law in the contemporary era. Students not only learn the products of classical fiqh law, but also understand how Islamic law responds to social changes and the challenges of the times. This helps students see the relevance of fiqh as a living and adaptive legal system, so that fiqh is not perceived as a static science and independent of modern reality.

The view of *Allamah Tabathaba'i* above is refuted by Qurtubi in his understanding that "what is implied in Surah An-Nisa verse 24 is about a valid and reasonable mut'ah marriage at the beginning of the development of Islam. assessment with the expressions of the companions of the Prophet PBUH, namely 'Ubay Ibn Ka'ab and 'Ibn Abbas and Ibn Jubair who added the word *ila ajal in musamma*, and it means "until the appointed time" after the word *istamta'tum bihi minhunna* (Ruslan, 2023).

The reading is known as *mudraj* reading, in the sense that it is not the meaning or the first way to express the verses of the Qur'an, but is an additional virtue or recitation from the companions of the Prophet PBUH. In essence, surah An-Nisa' verse 24 above does not show the fairness of mut'ah marriage, but shows a lasting marriage, because the previous verse shows about women who are forbidden to marry. more precisely, the words of Allah Q.S. An-Nisā' (4): 23, read as follows:

حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ وَبَنَاتُكُمْ وَأَخَوَتُكُمْ وَعَمَّاتُكُمْ وَخَالَاتُكُمْ وَبَنَاتُ الْأَخِ وَبَنَاتُ الْأَخْتِ وَأُمَّهَاتُكُمُ اللَّاتِي أَرْزَعْنَكُمْ وَأَخَوَاتُكُم مِّنَ الرَّضَاعَةِ وَأُمَّهَاتُ نِسَائِكُمْ وَرَبَّائِبُكُمُ اللَّاتِي فِي حُجُورِكُم مِّن نِّسَائِكُمُ اللَّاتِي دَخَلْتُم بِهِنَّ فَإِن لَّمْ تَكُونُوا دَخَلْتُم بِهِنَّ فَلَا جُنَاحَ عَلَيْكُمْ وَحَلَائِلُ أَبْنَائِكُمُ الَّذِينَ مِنْ أَصْلَابِكُمْ وَأَن تَجْمَعُوا بَيْنَ الْأُخْتَيْنِ إِلَّا مَا قَدْ سَلَفَ ۚ إِنَّ اللَّهَ كَانَ غَفُورًا رَّحِيمًا

Translation: It is forbidden for you to marry your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, the daughters of your brothers, the daughters of your sisters, your mothers who breastfed you, your sisters through breastfeeding, your wives' mothers (your mother-in-law), the daughters of your wives (stepdaughters) who are under your care from a wife you have had

sexual relations with, but if you have not had sexual relations with that wife (and have divorced her), then there is no sin on you (in marrying her), (and forbidden to you) are the wives of your own sons (daughters-in-law), and (forbidden) is marrying two sisters together, except for what has already occurred in the past. Indeed, Allah is Forgiving and Merciful.

Allah Swt. said, "Verily, Allah is Forgiving, Most Merciful" (Q.S. An-Nisā': 23). In the view of Ahl al-Sunnah, mut'ah marriage is declared haram permanently. This determination is based on the provisions of the Qur'an that systematically regulate marriage, divorce, referral, and the period of 'iddah, all of which are oriented towards permanent marriage (*dā'im marriage*). The guidelines for *dā'im* marriage have characteristics that are substantially different from mut'ah marriage, so the two cannot be equated (Robiah et al., 2023b).

a. Time Range

Mut'ah marriage requires the determination of a certain period of time that is mutually agreed upon by the man and the woman as the main element in the marriage contract.

b. Mahar

The provisions of dowry in mut'ah marriage are different from *dā'im* marriage. In mut'ah marriage, there are no special restrictions or provisions regarding the amount of dowry, so the contract is still considered valid regardless of its form and value. On the other hand, in *dā'im* marriage, the absence of dowry can have implications for the invalidity of a marriage.

c. Scope of Freedom of Condition

The terms and conditions in mut'ah marriage are formulated based on a mutual agreement between the man and the woman who carry out the contract, without any objection from either party. This freedom provides space for both parties as long as it does not conflict with the agreed understanding.

d. Inheritance

In mut'ah marriage, there is no right of mutual inheritance between husband and wife, unless it is expressly stated in the contract, in accordance with the principle of freedom of the parties.

e. The Time of 'Iddah

The provisions of the 'iddah period in the *dā'im* marriage are set for three holy periods, while in the mut'ah marriage the 'iddah period is shorter, namely two holy periods or forty days.

Scholars from various schools of fiqh also expressed their views on mut'ah marriage. The summary of the opinion can be described as follows (Siregar, 2012). The Mālikī school views mut'ah marriage as a null and void contract if it is accompanied by a time limit, and the marital relationship is considered to end before the marriage relationship occurs. The practice of mut'ah marriage is considered to occur when the term of the contract is clearly notified, while the perpetrator is not subject to the sanction of limit, but the punishment of *ta'zīr*.

Madhhab Shafī'ī emphasizes that any marriage contract that requires a certain period of time, such as a marriage declaration for one month, is included in the category of mut'ah marriage and the law is null and void (Wijaya, 2019). The perpetrators are punished, but not in the form of permanent exile. Meanwhile, the Ḥanafī school defines mut'ah marriage as a pleasure-oriented contract with a certain time limit and certain rewards, which in their view are

classified as invalid contracts. The perpetrator of mut'ah marriage in the view of this madhhab is subject to sanctions in the form of exile. The Ḥanbalī school views mut'ah marriage as a marriage that is limited by time, whether the boundary is clearly stated or vague. This kind of contract is considered invalid, and the perpetrator is subject to exile indefinitely.

The study of the law of mut'ah marriage in the Indonesian context has high urgency, considering that the national legal system applies a positive legal approach based on the Marriage Law and the Compilation of Islamic Law (KHI) as the basis for regulating marriage for Muslims. Although mut'ah marriage has long been an object of debate in the fiqh tradition, its resurgence in modern society, both in the form of contract marriage and other temporary marriage practices, demands legal certainty. This clarity is needed to avoid overlapping between the provisions of classical fiqh, the views of the sect, and the state's regulations that are binding (Shiddiqi, 1997).

From the perspective of fiqh, *mut'ah* marriage is understood as a marriage contract that explicitly includes a certain time limit, so that it is in principle different from permanent marriage which is the norm in Islamic law. Differences of opinion among scholars regarding its validity further complicate this issue. Some schools consider mut'ah marriage to be void and contrary to the main purpose of marriage (*maqāṣid an-nikāḥ*), while others still acknowledge its existence under certain conditions. Therefore, it is important to examine how Indonesia's positive law positions mut'ah marriage in the midst of the diversity of fiqh views (Robiah et al., 2023).

The Marriage Law as a national legal instrument emphasizes that the purpose of marriage is to form a happy, orderly, and eternal family, so that the practice of marriage that is temporary does not gain legal legitimacy. In line with that, KHI as the official reference of Islamic law in Indonesia affirms that marriage is a *mitsāqan ghalīẓan*, which is a strong and sustainable bond (Pelawi et al., 2021). Therefore, the study of mut'ah marriage within the framework of the two regulations is important to understand how the state interprets and implements the concept of marriage in the Islamic legal system and national law (Rashid, 2016).

The practice of contract marriage is considered contrary to a number of provisions in the Compilation of Islamic Law (KHI). Article 2 of the KHI emphasizes that marriage according to Islamic law is a very strong contract (*mitsāqan ghalīẓan*) in order to obey the commands of Allah Swt., so that its implementation is worth worship. The concept of contract marriage does not reflect this goal because it is more oriented towards fulfilling sexual needs alone, not as a form of worship as referred to in the provision (Rusdi, 2016). In addition, Article 3 of the KHI states that the purpose of marriage is to form a *sakinah*, *mawaddah*, and *rahmah* household life. With a time, limit and the final goal in the form of separation after a certain period, contract marriage does not have a domestic development orientation as mandated in the article.

In addition to being not in line with the Marriage Law and KHI, mut'ah marriage has also been declared haram by the Indonesian Ulema Council (MUI) through a fatwa issued on October 25, 1977. In the fatwa, it is emphasized that mut'ah marriage is contrary to the purpose of the sharia of the marriage contract, which is to form a prosperous family and give birth to offspring (Indonesia, 2015). MUI also considers that the practice of mut'ah marriage is not in line with the applicable laws and regulations, even though the legal provisions are binding and must be complied with by the entire community. Therefore, the MUI stipulates the haram of mut'ah marriage and emphasizes that the perpetrator can be processed legally in accordance with the applicable laws and regulations (Wijaya, 2019).

In addition, the Indonesian Ulema Council (MUI) expressly stipulated the haram of mut'ah marriage through Fatwa Number Kep-B-679/MUI/IX/1997. The fatwa concluded that the practice of mut'ah marriage is prohibited and the perpetrators can be subject to strict sanctions, including possible punishment. The determination of this fatwa is based on the postulates of *shari'i* and the considerations of scholars regarding the incompatibility of contract marriage with the basic principles of marriage in Islam (Hariati, 2015).

a. The words of Allah Q.S. Al-Mukminun verses 5-6:

وَالَّذِينَ هُمْ لِأُزْوَاجِهِمْ حَافِظُونَ إِلَّا عَلَىٰ أَزْوَاجِهِمْ أَوْ مَا مَلَكَتْ أَيْمَانُهُمْ فَإِنَّهُمْ غَيْرُ مَلُومِينَ

Translation: And those who guard their private parts, except from their wives or those whom their right hands possess, for indeed, they are not to be blamed.

- b. Contract marriage (mut'ah marriage)** is contrary to the purpose of regulating the marriage contract, especially for the welfare of the family and the birth of offspring.
- c. Contract marriage (mut'ah marriage)** is contrary to the regulations and guidelines of public authorities/State Conditions of the Republic of Indonesia (including Marriage Regulation Number 1 of 1974)

Thus, this study not only explains the legal position of mut'ah marriage, but also describes the role of the state in maintaining family order, protecting women, and ensuring clarity of nasab and fulfillment of children's rights as fundamental goals of Islamic family law in Indonesia. A study of contract marriage from the perspective of religious law and state law shows that in the Qur'an, especially Q.S. An-Nisā' (4): 24, this verse is often used as a reference in the discussion of mut'ah marriage. Nevertheless, the interpretation of this verse shows significant differences between the Shia and Sunni schools (Robiah et al., 2023).

In a positive legal framework, mut'ah marriage or contract marriage is considered not to meet the elements as stipulated in Article 1 and Article 2 paragraph (1) of Law Number 1 of 1974 concerning Marriage. The provision emphasizes that marriage must be held to form a happy and eternal family and be carried out in accordance with the provisions of each religious law. Therefore, the practice of contract marriage is seen as not in line with the basic principles of marriage in the national legal system, especially related to the purpose, validity, and sustainability of the marriage bond (Lubis et al., 2023).

- 1) It is not oriented towards the goal of establishing a happy and eternal family or household because the nature of marriage is temporary.
- 2) It is not carried out in accordance with the provisions of religious law, especially not in line with the rules in the Compilation of Islamic Law (KHI) as the official guidelines for Muslim marriage.
- 3) It does not fulfill the obligation to register marriage as stipulated in laws and regulations, so it does not have administrative legal force.

E. Synthesis of Research Findings

Based on a series of literature analyses that have been carried out, some of the main findings can be synthesized as follows. First, the Problem Based Learning model has been proven to be effective in improving students' understanding of contemporary fiqh issues because it encourages active involvement and high-level thinking processes (Barrows & Tamblyn, 1980). Second, PBL makes students more critical, independent, and participatory in

learning, so that the learning process is no longer passive and teacher-centered. Third, in the context of contract marriage material, PBL is able to develop the ability to analyze in-depth sharia postulates, social contexts, and differences in the views of scholars comprehensively and argumentatively (Lubis, 2018). Fourth, the implementation of PBL is in line with the purpose of fiqh learning at MAN 1 Padang, which is to produce students who are intellectually capable, rational in thinking, moderate in attitude, and have argumentative skills based on Islamic values. Fifth, although the implementation of PBL faces a number of challenges, its effectiveness remains high if supported by careful learning planning, the availability of adequate learning resources, and the readiness and competence of teachers (Al-Tabany, 2017).

Thus, theoretically, Problem Based Learning can be seen as a learning model that has great potential to improve the quality of contemporary fiqh learning in Madrasah Aliyah. This model is very relevant to be applied to sensitive and complex fiqh issues, such as contract marriage, because it is able to integrate normative understanding, critical analysis, and social and moral awareness of students in a complete and balanced manner.

CONCLUSION

This literature study shows that the Problem-Based Learning (PBL) model is effective in contemporary Fiqh learning, especially in the subject of contract marriage. PBL can improve students' conceptual understanding, critical thinking skills, and analytical attitudes in examining modern Fiqh issues.

Through case studies and problem solving, students are more active in discussions, evaluating the opinions of scholars, and comprehensively understanding the legal implications of contractual marriage. Thus, PBL is relevant to be applied at the Madrasah Aliyah level as a learning model that fosters deep understanding and scientific attitudes in contemporary Fiqh studies.

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