

## CONTEXTUALIZATION OF MAQASHID SHARIA TOWARDS THE USE OF SEX TOYS FOR MARRIED COUPLES



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### Abstract

Sex toys are sex aids used to satisfy one's lust. Generally sex toys are used by single people. Then sex toys are also used by some married couples. This paper aims to examine the maqashid syariah review of the use of sex toys for married couples by focusing on two questions. First, the law uses sex toys for husband and wife. Second, how is the maqashid sharia review regarding the use of sex toys for married couples. The type of research in this paper is library research with a qualitative approach. Data collection is done by reading books, journals, articles related to the research being carried out. Then analyzed by deductive method. Based on the study of Islamic law, the use of sex toys for married couples is unlawful, this follows the *istimnā'* (masturbation/onanism). In the perspective of maqashid sharia, the use of sex toys has a negative impact on health and psychological (mental). Even these sex toys, if used for a long time, make the wearer addicted to the tool. So that the impact on household disharmony. However, in an emergency such as LDR (long distance relationship), one partner suffers from a disease and a condition of sexual libido that cannot be controlled, so that the use of sex toys for married couples can be tolerated. The goal is to avoid adultery and maintain the integrity of the marriage.

*Seks toys merupakan alat bantu seks yang dipakai untuk memuaskan birahi seseorang. Umumnya seks toys ini digunakan oleh orang yang melajang. Kemudian seks toys ini digunakan juga oleh sebahagian pasangan suami istri. Tulisan ini bertujuan untuk mengkaji konteksasi maqashid syariah terhadap penggunaan seks toys bagi pasangan suami istri dengan memfokuskan pada dua pertanyaan. Pertama, hukum menggunakan seks toys bagi suami isteri. Kedua, bagaimana konteksasi maqashid syariah atas penggunaan seks toys bagi pasangan suami isteri tersebut. Jenis penelitian ini adalah library research dengan pendekatan deskriptif kualitatif. Pengumpulan data dilakukan dengan membaca buku, jurnal, artikel yang berhubungan dengan kajian yang dilakukan. Selanjutnya dianalisis dengan metode deduktif. Berdasarkan kajian hukum Islam, penggunaan seks toys bagi pasangan suami istri hukumnya haram. Hal ini mengikuti hukum *istimnā'* (masturbasi/onani). Dalam perspektif maqashid syariah penggunaan seks toys berakibat negatif terhadap kesehatan dan psikologis (mental). Bahkan seks toys ini jika digunakan dalam jangka panjang, membuat pemakainya ketergantungan dengan alat tersebut. Sehingga berdampak pada ketidakharmonisan rumah tangga. Akan tetapi dalam kondisi darurat seperti LDR (long distance relationship), salah satu pasangan menderita penyakit serta kondisi libido seks yang tidak bisa dikendalikan, maka penggunaan seks toys bagi pasangan suami isteri tersebut dapat ditoleransi. Tujuannya agar terhindar dari zina dan perkawinannya tetap utuh.*

## INTRODUCTION

Marriage is arranged by Islam as a halal sex channel, and the goal is that human sex libido is channeled in the right way and has the value of worship to Allah SWT.<sup>1</sup> Islam describes beautifully the sexual life of marriage, as found in Surah Al-Baqarah verse 223. Along with the times, there are changes and technological advances in the

<sup>1</sup> Titik Tri Wulan dan Trianto, *Poligami Perspektif Perikatan Nikah* (Jakarta: Prestasi Pustaka Publisher, 2007), 5



aspect of meeting the needs of human sexual libido. In fact, in the field, there are various tools or objects that are used to satisfy human lust called sex toys.

These sex toys are widely used, both by unmarried people and married people. According to the Sharii principle, married couples can channel their sexual desires to their legal partners. Of course, they do not use sex toys to satisfy their lust. Using sex toys for married couples is considered unusual and deviant.

However, there are several reasons married couples use sex toys. Such as LDR (long distance relationship) or suffering from diseases that can be transmitted, and the person concerned cannot withstand the turmoil of his orgasm, so the use of sex toys is forced to do.

Further, about sex toys, there are several studies that have been carried out, including by Putri Purbasari Raharningtyas Marditi<sup>2</sup> namely about the Marketplace's Legal Responsibility for the Marketing of Underage Sexual Aids. Then research by who wrote about Buying and Selling Sex Toys from a criminal law perspective in Online Media. There is also M. Taufan Bahril Sahara's article entitled Buying and Selling Sex Dolls: An Online Review of Government Regulation No. 82 of 2012 and Sadd al-Dzariah. In general, these studies link sex toys with aspects of business, criminal law, and state legislation.

Another sex toys study written by Hetti Hidayati is about the Law of Using Sex Toys for the Life of Single People. According to Banjarmasin City Ulama, this paper focuses on the use of sex toys for singles, according to regional scholars in Banjarmasin City. In line with the above article, there is also the writing of Eka Permana, who wrote about the Use of Sexual Aids in Islamic Law Review: A Study of the Fatwas of West Java. Ulema Eka Permana's study on sex toys is also associated with the fatwas of regional ulama in West Java.

The sex toys studies above have not mentioned their use for married couples. In fact, married people do not use sex toys. Marriage is a medium for channeling these sexual instincts. However, under certain conditions, married couples use these sex toys as sexual channels. Then, due to increasingly rapid technological advances, where access to sex toys is getting easier, it is very likely that Muslims will be affected, so they ignore the halal and haram laws. This is where the importance of this study lies. The point is how the law uses sex toys for married couples and how to contextualize the maqasid shari'ah on the use of sex toys for married couples.

## METHODS

This research is qualitative and descriptive library research. Data sources are collected through various books, journals, and other articles that support the main topic of discussion. Data collection is carried out by reading and sorting data according to research interests. Then the data is analysed using a descriptive method that explains the data obtained more broadly. This study also uses a deductive method, namely data analysis based on general provisions that are then used to assess special events, in this case, the behaviour of husband and wife who use sex toys, seen from the perspective of the context of sharia maqasid.

## RESULTS AND DISCUSSION

### A Glimpse of Maqashid Sharia

Maqashid sharia consists of two words, namely the word *maqāshid* (مقاصد) and the word sharia. The word *maqāshid* (مقاصد) is the plural form; The singular word is maqshad. Maqshad is a *masdar mimi* (مصدر ميمي), whose fi'il madhi form is qashada (قصد). The maqshads are *al-i'timād* (الاعتماد), *al-um* (الام), *ityān al-shay'i* (إتيان الشيء), *al-tawajjuh*

<sup>2</sup> Putri Purbasari Raharningtyas Marditi, 'Tanggungjawab Hukum Marketplace Terhadap Pemasaran Alat Bantu Seksual Di Bawah Umur', *Meta-Yuridis*, Vol.5, No.2, (2022), 138 – 139.

(التوجه), and also *istiqāmatu al-tharīq* (استقامة الطريق). Which means the place to go or intended, the destination or direction, the search for a straight path, and the necessity to stick to that path. While the word sharia linguistically is *al-dīn* (الدين), *al-millah* (الملة), *al-minhāj* (المنهاج), *al-tharīqah* (الطريقة), and *al-sunnah* (السنة), which means religion, path, place of growth, and source of water.<sup>3</sup>

The two words maqasid and sharia are then juxtaposed, so the terminology is "the rules that Allah has decreed relating to human practice and the laws contained in Islam through the Qur'an and Sunnah". Thus, Maqasid Sharia is the goal, target, or final result in the form of the ultimate benefit of the establishment of law for humans. In another sense, mawashi shari'ah is the ultimate goal and the secret even of the values, norms, and meanings of establishing law. According to Efendi, sharia maqasid has a regular interpretation as well as a special interpretation. Ordinary interpretation refers to what is meant by legal passages or legal hadiths, whether indicated by their linguistic understanding or the purpose stated there in. The common civilized understanding is similar to the meaning of the title maqasid al-shari'ah (Allah's intention in reducing a part of the law or the Prophet's intention in creating the legal hadith). On the contrary, a special sense of character is the root or goal that will be achieved by a legal conclusion.

Wahbah al-Zuhaili defines maqashid shari'ah by the meanings and purposes maintained by shari'ah in all its statutes or most of its statutes, or the ultimate goal of shari'a and the secrets laid by sharak in each of its decrees.

Thus, it can be said that maqashid sharia is the goal that will be achieved in walking the path desired by Allah SWT. Maqasid sharia is the goal of sharia law. To achieve the goals to be achieved from the determination of a law.

The purpose of establishing law, often known as maqashid al-sharia, is one of the important concepts in the study of Islamic law. Because of the importance of maqashid sharia, legal theorists make maqashid sharia something that must be understood by mujtahids who perform ijtihad. According to al-Shatibi, in establishing the law, one must first know the purpose of the sharia itself, namely: *first*, the main purpose of sharia is the benefit of man in this world and the hereafter. *Second*, Sharia as something to be understood. *Third*, Sharia as a *taklifi* law that must be implemented. *Fourth*, The purpose of the Shari'a is to bring people always under the auspices of the law.

These four aspects are interrelated, and Allah Almighty cannot possibly establish the Shari'a except for the benefit of his servants in this world and the Hereafter. Therefore, all goals will be achieved if a man behaves in accordance with the law and not according to his own desires. The creation of benefits, which is the goal of maqashid sharia, can be divided into three parts according to the level of need.<sup>4</sup> *First*, dharuriyat is something that is very much needed and people depend on it, so it is something that cannot be abandoned in human life. If this is not fulfilled, then life in the world will fall apart, causing life in the afterlife to be damaged. *Second*, hajiyyat is a necessity that must exist in man, and his existence will make human life easier and avoid difficulties. If this need is not realised, it does not threaten safety; it just causes difficulties and narrowness in living life. Therefore, the sharak gives a dispensation (rukhsah) to eliminate the difficulty. *Third*, Tahsiniyat is goodness, which is a moral requirement and aims for the good of man in behaviour. However, if this is not fulfilled, it will not damage or complicate man himself.<sup>5</sup>

<sup>3</sup> Nur al-Din ibn Mukhtar al-Khadimi, *Ilm al-Maqashid al-Syari'ah*, (Riyadh: Maktabah al-Abikan, 2001), cet. Ke-1, 14, Ahmad Sarwat, *Maqashid Syariah* (Jakarta: Fiqih Publishing, 2019), 10.

<sup>4</sup> Abu Ishaq Al-Syathibi, *Al-Muwafaqat Fi Ushul Al-Syari'ah*, Juz II, (Mesir: Maktabah al-Tijariah al-Kubra, tth), 8.

<sup>5</sup> Ghofar Shiddiq, 'Teori Maqashid Al-Syariah Dalam Hukum Islam', *Jurnal asy-Syariah*, Vol. XLIV, No.118 (Juni-Agustus 2009).

Based on the purpose of the maqashid sharia in establishing the law, it can be described that to realize human benefit in the world and the hereafter will not be possible without the realization of a law that is clear and useful for the benefit of man himself, especially the dharuriyat.

### Seks Toys

Sex toys are two words combined into one, namely sex and toys. Sexuality is a human need from birth to death. There are two meanings to the word sex. First, to refer to biological human intercourse between different sexes, namely genital sexual activity, Second, the word sex is used to refer to gender symbols. Sex, in the sense of intercourse, has several purposes. *First*, the regeneration to carry out human survival on earth or the desire to get children *Second*, just to have fun. *Third*, as an expression of unifying feelings such as affection and love. This healthy body–mind relationship, medically, has a good effect on the person. Such as improving cardiovascular fitness, the heart, and blood vessels, thus affecting the body's health. In addition, the psychological impact of orgasm is that it can reduce irritability (emotional), so it can be an alternative therapy for people who are stressed, and cause a healthy and relaxed feeling. Presumably this is the reason that positions the human sex instinct in the order of hajjiyat. Human sex instincts that are not channeled disturb human psychology itself. So that caused difficulties for him.

Then the word "sex" is matched with the word "toys". The word "toys" is taken from English, which means toys. Thus, what is meant by sex toys are toys, items, or features used to get sexual pleasure, or aids used to satisfy sexual appetite. In the Cambridge *Advanced Learner's Dictionary and Thesaurus*, the definition of a sex toy is an object that people use to increase their sexual pleasure, such as a dildo or a vibrator. This sexual appetite – satisfying aid's shape and price are very varied.<sup>6</sup>

Advances in technology have succeeded in creating fashionable and modern forms and look for sex toys. So that it can be adjusted to the needs of users, whether men or women. The following is a detailed explanation of the form of sex toys used by people, which is as follows:

**Table 1.** Function Sex Toys

Sex Toys	Function
Lubricant	This type is a kind of lubricant based on water, oil, silicone. Which is useful as a lubricant. This type of sex toys is mostly used by women.
Blindfold	Serves to close your eyes during sexual intercourse.
Babeland massage Candle	This tool is used by rubbing the wax all over the genitals, both men and women, which serves to smooth.
Dildo	This equipment is a replica of male pubic equipment. Sex toys in the form of dildos are equipped with vibrators. The function of the dildo itself, which is not much different from the male genitals, is to carry out emphasis on the female pubic equipment, even to the anus. By wearing this dildo, a woman is attached to her sexual ambitions. This dildo has many variations; some are in the form of dildos with moving equipment, some are vibration dildos, and even rotary dildos. The user can choose the variety of dildos he wants.
Fleshlight	This tool has the form of having a hole in the middle, this equipment is used on male pubic equipment. This type of sex toys is quite popular. Because it can simulate situations of pressure and coli in dozens of types that can

<sup>6</sup> R. Gilang Warih Prakoso, *Analisis Yuridis Pasal 533 Ayat (3) KUHP Jo.Pasal 27 Ayat (1) UU No. 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik Terkait Penjualan Seks Toys (Alat Bantu Seksual) Melalui Media Online Di Indonesia* (Malang, Fakultas Hukum Universitas brawijaya, 2016), 18.

		be matched with male desire.
Liberator Wedge	Heart	This object is in the form of a pillow that is usually accompanied by a soft fur cloth, used to use a variety of sexual positions.
Icicles		This tool has several variations, some have holes and some do not, serves to inhibit. This tool is used by women.
Vibrator		Vibrators are sex equipment worn by most women. This vibrator is in the form of a replica of a man's genitals. Vibrators generally wear silicone material with people's skin tones. Then because of technological advances, this vibrator is designed continuously so that it becomes up-to-date as well
Sex doll		Sex doll is a sex doll that is a doll created as a sex partner.
Vaginator		These sex toys are worn by men. The form of this equipment is similar to female intimate tools. This vaginator sex toys are made of silicon material and designed in such a way. <sup>7</sup>

From the description above, it is illustrated that sex toys on the market are very varied that can be adjusted to the sexual needs of users as men or women.

There are benefits and harms for sex toys users. Here are the benefits of sex toys for its users. *First*, it helps to get sex satisfaction. Because sex toys are used as a tool or support to achieve the satisfaction of the sex libido concerned. *Secondly*, it helps stabilize emotions. Sex libido that peaks and is not channeled, causing emotional instability. For example, irritability, anxiety, and even depression. To overcome the condition, the person concerned then uses sex toys. The effect on the person concerned is that the stress hormone decreases and the happiness hormone increases. Third, avoid committing adultery. When the partner is absent, while his sexual desire arises, while the factors that lead him to adultery are quite numerous, then he then uses sex toys. In this condition sex toys are used to avoid committing adultery.

Those are some aspects of the good benefits of using sex toys. In addition to the benefits, using sex toys can also have a bad impact. The negative impacts caused by using sex toys can be seen from psychological, health, material / economic and religious aspects.

*First*, it adversely affects the physical and psychological health of its users. The use of sex toys for a long time (long term) can make the wearer dependent and feel no need for his partner anymore. For married couples, the feeling of not needing a partner must have an impact on disharmony in their marital relationship. *Second*, the long-term use of sex toys negatively affects the wearer. Because excessive use of sex toys by married couples can result in infection of the genitals or STDs (Sexually Transmitted Diseases), this is because sex toys are less hygienic and sterile. It can also be caused by the ingredients used in making sex toys themselves, which contain harmful ingredients or substances.

*Third*, the aspect of moral values. Using sex toys is considered ethically and morally unfavorable.

*Fourth*, people who use sex toys as a gratification of lust, tend to cause inferiority, feel guilty about themselves. Because religious norms consider the use of sex toys to be sexual deviations, where the perpetrators are punished with sin.

*Fifth*, using sex toys has an impact on waste. Futility in using treasures whereas in Islam, redundancy is strictly prohibited.

<sup>7</sup> Zainul Abidin, *Analisis Hukum Islam Terhadap Penggunaan Alat Perangsang Seks Bagi Pasangan Suami Istri* (Surabaya : fakultas syariah IAIN Sunan Ampel, 2010), 37.

*Sixth*, using sex toys too often causes sex addiction that can damage the PFC (prefrontal cortex) brain. Even addiction to sexual perversion is more damaging than drugs. Because it causes the prefrontal cortex (PFC) brain to become dull and damages the human mind.

Those are the advantage and diadvantage of using sex toys. Although sex toys have benefits, the minuses are greater. Even for married couples, the long-term use of sex toys can disrupt marital harmony. Due to sexual intercourse, they become unnatural and abnormal. In the end, of course, the marriage of the married couple can end in divorce.

### Legal Use of Sex Toys for Married Couples

Knowing the law against the use of sex toys by husband and wife, it can be equated with the law of *istimnā'*. The principle of breaking the law is forbidden. *Istimnā'* means to release semen. The definition of *istimnā'* in terms of semen is to release semen intentionally with his own hands or other than his wife's hands.<sup>8</sup> *Istimnā'* is also known by the terms "masturbation" or "onanism". Both terms are addressed to the culprit. If men do it, then the term used is masturbation. If it's a woman, then the term is masturbation.

In general, the prohibition against *istimnā'* (masturbation/onanism) is found in the Qur'an, Surah al-Mu'minun verses 5-7. In the verse, it is explained that Allah Almighty commands humans to always maintain the honor of the genitals so that they are not distributed in unclean ways, except for wives and slaves owned.

In addition to the above verse, there is also a hadith that forbids *istimnā'*. Hadith narrated by al-Baihaqi in his book entitled *Shu'ab al-Iman*<sup>9</sup> :

آنس بن مالك قَالَ : قَالَ رَسُولُ اللَّهِ -صلى الله عليه وسلم : يجيء النكاح يده يوم القيامة يده حبلية)  
رواه البيهقي

*From Anas bin Malik, he said: The Prophet (peace be upon him) said: The one who marries with his hand will come on the Day of Judgment in a state where his hand is pregnant. (H.R al-Baihaqqi)*

The hadith of Anas ibn Malik above describes the condition of the person who performs *istimnā'*, the one who releases his semen with his own hands, on the Day of Judgement: his hands are pregnant. This shows that doing *istimnā'* is basically not a good thing. *Istimnā'* is a sexual perversion. Abnormal delivery of sexual libido. Therefore, doing *istimnā'* law is haram. Even Shafiyya and Malikiyah forbid *istimnā'* absolutely. Wahbah Zuhaili also thinks the same. Even people who perform *istimnā'* can be sentenced to *takzir*.<sup>10</sup>

The scholars who tolerate the law of doing *istimnā'* are scholars of the Hanafi School and some Hanbali. They allow a person to do *istimnā'* if he does not have a wife or slave, while his martyrdom is so burning. Even *istimnā'* becomes obligatory if you are afraid of falling into adultery. *Istimnā'* can also be done while on the way (*safar*), where the wife is at home, not accompanying her husband's departure). *Istimnā'* was tolerated, to avoid temptation/adultery during the journey. This opinion is in line with the opinion of some *fuqaha'* Bashrah who allow doing *istimnā'* while traveling, and not allowing when at home (not traveling).<sup>11</sup> This condition is considered an emergency because it causes the law of *istimnā'* to shift from haram to *mubah*. In emergencies, Islam allows an

<sup>8</sup> Muhammad Syata Dimiyati, *I'nanatut A t-Thalibin*, Jilid IV, (Beirut: Dar al-Fikr, t.th), 134.

<sup>9</sup> Al-Baihaqi, *Syu'ab Al-Iman*, Jilid 7, (Riyadh: Maktabah al-Rasyid, 2003) Cet. ke-1, 330.

<sup>10</sup> Wahbah Al-Zuhaili, *Fiqh Islam Wa Adillatuhu*, Jilid 7, Terj. Abdul hayyie al-Kattani, (Depok: Gema Insani Press, 2011), 302.

<sup>11</sup> Ali Trigiyono, *Hukum Onani Perspektif Perbandingan Madzhab*, Jurnal *Hukum Islam*, vol.1, No.11 (2013), 36.

act that is haram to become halal. Because if you don't do it, it will threaten his life. Thus carrying out things that are forbidden only to protect oneself from destruction. This is hinted at by Allah Almighty in the Quran, Surah al-Baqarah, verse 173.

The text of verse 173 of Surat al-Baqarah actually describes an emergency that allows eating food that is haram. Then this verse is enacted with the law of using sex toys for husband and wife in emergencies. Therefore, if a person is caught in an emergency, married couples can use sex toys. Provided that the emergency condition is not determined at will or deliberately mentioned in an emergency.<sup>12</sup>

Yusuf Qardhawi, a contemporary cleric, also allows one to perform *istimnā'* in an emergency. In his book entitled *Halal Haram In Islam*, he explains: in this condition we can hold on to the opinion of Imam Ahmad, that in a state of lust the *shahwat* is very intense, and he is worried about falling into something haram. For example, someone who travels to study far from home, while the factors that arouse his sexual desire are numerous. He was very worried about committing sin (adultery).<sup>13</sup> Under these conditions, the legal *istimnā'* is permissible.

Related to the law on the use of sex toys for husband and wife, the law can be *qiyaskan* with the law of doing *istimnā'*. For married couples, sexual libido can be channelled through halal sex. However, in certain conditions, for example, when one partner is in a distant place and there are so many things that invite martyrdom that it is feared that he will fall into adultery, using sex toys for the married couple is allowed. Or if one partner is in a sick condition and his partner's libido cannot be controlled, he is also allowed to use sex toys as a solution.

Thus using sex toys for husband and wife can be tolerated, if there are reasons or factors that force him to use sex toys. However, if on the contrary, there is no emergency reason that forces him to use sex toys, then it is haram to use these sex toys.

## Contextualization of Maqashid Sharia on the Use of Sex Toys for Husband and Wife

For the realisation of the spiritual purpose of marriage as the foundation of domestic life, namely the peace of heart and love that exist between husband and wife, Islam pays attention to the biological relationship (sexual relations) of husband and wife. The biological relationship between husband and wife is a sensitive issue that has its own impact on married life. The absence of attention in this matter can muddy domestic life, disturb harmony, and even destroy the household ark.<sup>14</sup> So important is this biological connection, the great imam of Sufism Sheikh al-Junaid al-Baghdadi once said: "I need sex, as I need food."<sup>15</sup>

In Islam, the fulfilment of sexual instincts in husband-and-wife relationships is considered worship and self-approach to Allah SWT. It is narrated from Abu Zar that the companions of the Holy Prophet (peace be upon him) said, O Messenger of Allah, the rich have had an excess of merit that we do not have. They pray as we do. They fast like we fast. They gave alms from the surplus of their property. The Prophet replied: "Has not Allah made other things alms? Each prayer bead is alms. Every takbir is alms. Every tahmid is almsgiving. Every tahlil is alms. Amar ma'ruf is almsgiving. Preventing the act of munkar is almsgiving, and on the genitals of every one among you there are alms. The Companions asked, "O Messenger of Allah, does anyone among us get any reward when he distributes his martyrdom?" The Holy Prophet replied: "True, isn't it

<sup>12</sup> Yusuf Qardhawi, *Halal Haram Dalam Islam* (Surakarta: Akbar Media Eka Sarana, 2004), 48 – 49.

<sup>13</sup> Yusuf Qardhawi, *Halal Haram Dalam Islam* Ter, Wahid Ahmadi, (Surakarta: Era Intermedia, 2000), 245.

<sup>14</sup> Yusuf Qardhawi, *Fatwa-Fatwa Kontemporer*, Judul Asli *Hady Al-Islam Fatawi Mu'sirah*, Terjemah As'ad Yasin, Jilid I, (Jakarta: Gema Insani Pers, 1995), 608 – 609

<sup>15</sup> Ali Ahmad Jurjawi, *Hikmah Al-Tasyrik Wa Falsafatuhi*, Jilid II, (Beirut: Dar al-fikr, tth), 9

true that when he distributes it to the haram, he sins? Similarly, if he distributes it to the lawful, then he gets a reward."<sup>16</sup>

The dialogue of the Companions described in the above hadith hints that man's uncontrolled sexual instincts will bring sin. On the contrary, sexual instincts that are controlled have an impact on him and even get rewards.

Thus, it is understood that sex is human nature and a need that must be met. In this case, it is positioned as a *hājjiyat* for every human being. The needs of *hājjiyat* are not met, causing difficulties for the human beings concerned.

Sex becomes something alive and undergoes various dynamics in line with the dynamics of human life. The distribution is halal through marriage. Although married and with a partner, it is possible that, in certain situations, biological relationships cannot be realized. For example, because of LDR, one of the partners suffers from a disease. Then, to channel the sexual orgasm that peaked, it was forced to be done using sex toys.

It is understandable that sex toys are a means of satisfying lust. It is basically forbidden to use this tool. In the context of maqashid sharia, using sex toys for married couples is unnatural sexual behaviour. Since, it includes sexually deviant behavior. Two married people should be able to channel their sexual desires in the right and halal way. However, there are some cases where husband and wife cannot channel their sexual desires naturally, for example, because one of their partners is in a distant place (a long – distance Relationship) and suffering from infectious diseases such as HIV or other venereal diseases. While the other partner's sexual desire is in full swing. The things that lead to adultery are quite numerous. So in this situation, the use of sex toys is resorted to. In order to preserve himself committing adultery and also to maintain the integrity of the household.

Married couples who are healthy in body and spirit need sex to establish an inner relationship between the two. This inner fulfilment breeds affection. Thus, marital harmony is well maintained. That is why the legal channelling of sexual desire in Islam is incorporated into the rights and duties of husband and wife. Each of them is obliged to fulfil this responsibility well. Even doing it well is considered worship by Allah SWT.

But it often happens that this inner fulfilment is not carried out properly because one partner cannot fulfil his inner responsibility to his partner. This may be because married couples are far apart or because husbands or wives have diseases that can be transmitted, such as HIV/AIDS and other diseases that prevent them from having sex. While the sexual desire of the partner cannot be controlled. If sexual desire that is not channelled causes difficulties for the person concerned, then the use of sex toys is forced to be an option. This is done in order to maintain the integrity of the marriage and avoid divorce..

In the context of maqashid sharia, the use of sex toys for husband and wife can be attributed to *daruriyat al-khams*. Especially the aspect of guarding religion (*hifzu al-din*), the aspect of guarding soul (*hifzu al-nafs*), and the aspect of guarding property (*hifz al-māl*).

*First*, is the aspect of maintaining religion (*hifz al-dīn*) In Islam, it is forbidden for a person to use sex toys to fulfil his sexual libido. Especially, if he is married. However, when a partner is not around, sex libido is not controlled, so to keep him from committing adultery or infidelity, he is allowed to use these sex toys. This is to keep him from engaging in non – halal relationships (*Zinā*). Actually, adultery and masturbation, whether with tools or not, are both haram. But the impact is different. Therefore, in order to avoid great repercussions and to maintain his religion, instead of committing adultery, he is permitted to use sex toys.

<sup>16</sup> Ahmad ibn Hanbal, *Musnad Ahmad ibn Hanbal*, Juz 5, (Beirut : Dar al – Fikr, tth), 145 Muslim, *Shahih Muslim*, Juz I, (Beirut: Dar al – Fikr, 1992), 445

*Second*, where the aspect of preserving the soul (*hifzu al-nafs*), one of the spouses is unable to carry out his inner obligations to his spouse. For example, they are sentenced to suffer from infectious diseases such as HIV or other infectious diseases while they still love each other and do not want to divorce. So in order to maintain the integrity of the household, it is tolerated to use sex toys in moderation. In this case, using sex toys is seen as better than divorce. In other words, maintaining a marriage relationship takes precedence.

*Third*, aspect of guarding property (*hifz al-māl*). Using sex toys in the long term, resulting in waste on property. Because the price of sex toys is quite expensive,

From the description above, it is illustrated that the use of sex toys for married couples has minimal benefits. Because it can disturb household harmony, damage health, portray waste on property, and violate Islamic law. If viewed from the perspective of maqashid sharia, using sex toys is not beneficial, especially for married couples. Because married couples channel their sexual desires correctly,

The possibility of using sex toys only in emergency conditions namely, long – distance relationships (LDR) between husband and wife separated by distance due to study, work ties, or other factors. In addition to the distance factor, one of the partners was medically diagnosed with a sexually transmitted disease. Though the condition of his partner cannot control his sexual libido, Therefore, in order to maintain the integrity of the household so that divorce does not occur, maintaining the integrity of marriage is preferred. Emergency conditions like this allow for channelling sexual desire by using sex toys in a non – excessive and unsustainable manner.

## CONCLUSION

Sex is human nature, and Sharak justifies its distribution through marriage. In marriage, the issue of sex becomes the subject of the rights and obligations of husband and wife. But there are some married couples who cannot do it. For example, due to distance, one partner suffers from an infectious disease while the other partner's sexual libido is out of control. And his neighbourhood supported him in committing adultery. Because of these conditions, she then used sex toys as a solution to meet her sexual needs. In this case, the law of using sex toys for husband and wife is equated with the law of *istimnā'* (masturbation). Under normal conditions, it is unlawful for a husband and wife to have sex, and it is even more unlawful to use sex toys. The use of sex toys by husband and wife can be tolerated in emergency conditions to maintain the religion, norms, and integrity of the married household. This is in line with the concept of maqasid sharia.

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