

# A Maqasid al-Shariah Analysis of Mandatory Pre-Marital Screening for STDs and Fertility Among Malaysian Couples

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## ABSTRACT

This study examines the necessity of implementing comprehensive pre-marital health screenings, including the detection of sexually transmitted diseases (STDs) beyond HIV and the assessment of fertility issues among prospective brides and grooms in Malaysia, through the lens of Maqasid al-Shariah. The background highlights that undiagnosed STDs and fertility disorders not only jeopardise individual health but also threaten the stability and sustainability of family institutions. Adopting a qualitative approach, this research conducts an in-depth literature analysis of classical Islamic jurisprudence, contemporary fiqh, and modern medical findings, with the Maqasid al-Shariah framework serving as the core analytical tool. The findings reveal that conditions such as syphilis, chlamydia, human papillomavirus (HPV), polycystic ovary syndrome (PCOS), and azoospermia can have significant implications for marital harmony, fertility outcomes, and even potential grounds for divorce. From a Shariah perspective, pre-marital screening is consistent with the objectives of preventing harm (*darar*) and safeguarding the public good, particularly in preserving life (*hifz al-nafs*) and lineage (*hifz al-nasl*). The study concludes that such screenings should be institutionalised through robust policy frameworks and strengthened public health education, ensuring that prevention strategies address medical necessities and Shariah imperatives. This research contributes to scholarly discourse on marital health governance and Islamic health policy in Malaysia, offering evidence-based justification for more inclusive and holistic pre-marital health screening practices.

**Keywords:** Maqasid al-Shariah, Pre-Marital Screening, Sexually Transmitted Diseases (STDs), Preservation of Lineage (Hifz al-Nasl)

## INTRODUCTION

Health screening is a preventive measure to identify an individual's health status and detect potential medical conditions early, allowing timely intervention and treatment (Sokolova, 2024). In Malaysia, routine health screenings for prospective brides and grooms generally remain voluntary, covering basic assessments such as blood pressure, cholesterol levels, urine tests, and Body Mass Index (BMI) calculations. However, screening for the Human Immunodeficiency Virus (HIV) is an exception, being mandatory under Malaysian public health regulations (Al-Bakri, 2022).

The primary objective of pre-marital health screening is to foster the foundation of a healthy and harmonious family by assessing medical conditions that may affect the well-being of future offspring. This includes screening for hereditary diseases, chronic conditions, and communicable infections that could compromise spouses' and children's health. Such preventive measures align closely with one of the fundamental objectives of Shariah—the preservation of lineage (*hifz al-nasl*), an integral element of the Maqasid al-Shariah framework.

Beyond protecting future generations, comprehensive pre-marital health screening plays a crucial role in curbing the transmission of infectious diseases through marital relations, particularly sexually transmitted diseases (STDs). While mandatory HIV testing is widely accepted, other significant STDs such as syphilis, chlamydia, and human papillomavirus (HPV) often go undetected due to the absence of compulsory screening protocols. These infections, if left unidentified, can lead to severe health complications, infertility, and in some cases,

marital discord and dissolution.

In Malaysia, pre-marital examinations are typically conducted at certified hospitals and clinics with appropriate facilities. The results empower couples and their families to make informed marital decisions, guided by medical advice and religious principles. Such practices embody the Islamic legal maxim that “harm must be eliminated” (*al-darar yuzal*), reinforcing the preventive ethos embedded in the Maqasid al-Shariah (Rosidi, 2024).

Given these considerations, this study investigates the necessity of extending mandatory pre-marital health screenings to encompass STDs other than HIV and to include fertility assessments. It critically analyses this necessity through the lens of Maqasid al-Shariah, highlighting how the preservation of life (*hifz al-nafs*), lineage (*hifz al-nasl*), and societal welfare (*maslahah ‘ammah*) support more comprehensive and enforceable screening policies. This research contributes to scholarly discourse on Islamic health governance and public health policy in Malaysia by bridging medical imperatives with Islamic legal objectives.

## LITERATURE REVIEWS

Sexually transmitted diseases (STDs) other than HIV pose significant risks to marital health and fertility outcomes. Common infections such as gonorrhoea, chlamydia, syphilis, human papillomavirus (HPV), and herpes simplex virus (HSV) can result in severe reproductive complications if left undetected and untreated. For instance, gonorrhoea and chlamydia are major contributors to infertility in both men and women; in males, chronic infections may cause urethral strictures and epididymo-orchitis, while specific pathogens like *Ureaplasma urealyticum* have been shown to reduce sperm motility and quality (Armani et al., 2023; Ochsendorf, 2008). In women, untreated chlamydia or gonorrhoea can lead to pelvic inflammatory disease (PID), which damages the fallopian tubes and increases the risk of ectopic pregnancy. Persistent HPV infections can progress to cervical cancer, a leading cause of fertility loss worldwide. Similarly, HSV outbreaks may hinder conception efforts, and syphilis has been linked to epididymitis and erectile dysfunction in men (Mathias et al., 2024). These findings highlight the critical importance of early detection and treatment to safeguard fertility and sustain healthy marital relationships.

From an Islamic perspective, premarital health screenings for STDs and fertility are generally deemed permissible (*mubah*) and are consistent with the objectives of *Maqasid al-Shariah*. Specifically, they uphold the preservation of life (*hifz al-nafs*) and the safeguarding of lineage (*hifz al-nasl*), two of the primary higher intents of Islamic law (Tamrin, 2021; Aprilia, 2018). These screenings protect families and communities from the social and medical consequences of undiagnosed diseases and hereditary conditions (Adamu, 2021). Furthermore, Islamic teachings advocate for the facilitation of marriage and the protection of mutual rights between spouses. Ensuring the health of prospective partners through screening supports this principle by fostering trust and reducing the risk of future harm (Adamu, 2021).

Nevertheless, the implementation and community acceptance of premarital health screenings vary significantly across Muslim societies. For example, in Sokoto, Nigeria, uptake remains low due to limited awareness and prevailing negative perceptions, despite religious endorsement of such measures (Barmo & Yahaya, 2024). This indicates that awareness campaigns and community education are vital to increasing the acceptance and effectiveness of screening initiatives.

Importantly, premarital health screenings align with *Maqasid al-Shariah* principles at the level of essential objectives (*daruriyyat*), such as preserving life and lineage, and within complementary needs (*hajiyyat*). By identifying health risks early, couples can take precautionary measures by the principle of *sadd al-dhara’i*, blocking the means to harm (Tamrin, 2021). Additionally, these screenings protect the health rights of future children, reinforcing the collective welfare dimension embedded in Islamic law (Abolaji, 2018). Therefore, the integration of comprehensive premarital health screening programmes is consistent with the broader aims of Islamic jurisprudence and contributes to the long-term well-being of families and society.

## METHODOLOGY

This study adopts a qualitative research design grounded in an extensive literature review to evaluate the appropriateness and necessity of implementing mandatory screenings for sexually transmitted diseases (STDs)

other than HIV and fertility issues among prospective brides and grooms in Malaysia. The *Maqasid al-Shariah* framework underpins the analytical process, providing a robust theoretical lens through which Islamic legal principles and contemporary scientific perspectives are examined.

The literature-based approach was selected to explore sensitive issues such as infectious diseases, fertility, and intimate marital matters without the ethical complexities and resource demands typically associated with empirical fieldwork. By synthesising insights from existing sources, this method enables a rigorous and cost-effective exploration of the research questions while upholding high ethical standards.

Data for this study were derived from a wide range of primary and secondary sources. Primary references include the Qur'an, Hadith, and classical *fiqh* principles such as *ijma'* (scholarly consensus) and *qiyas* (analogical reasoning), especially as they relate to the preservation of life (*hifz al-nafs*) and lineage (*hifz al-nasl*). In addition, the study draws upon official guidelines and policy documents from the Ministry of Health Malaysia, relevant *fatwas*, and reports published by the Department of Islamic Development Malaysia (JAKIM). To complement the religious and legal materials, peer-reviewed journal articles, academic theses, and previous empirical studies were consulted to provide a scientific and socio-cultural context.

Analytically, the study integrates multiple qualitative techniques. Content analysis was employed to extract and interpret key principles and rulings from Islamic legal texts and contemporary regulatory documents. Thematic analysis facilitated the identification of recurring patterns, challenges, and ethical considerations discussed in existing academic literature, particularly relating to public health and marital well-being. Furthermore, a medical-philosophical perspective was used to contextualise the implications of disease prevention and fertility management on the physical, psychological, and spiritual welfare of individuals and the broader Muslim community.

The *Maqasid al-Shariah* framework is the principal evaluative tool, focusing specifically on its five core objectives: preserving religion, life, intellect, lineage, and wealth. However, this study prioritises *hifz al-nafs* and *hifz al-nasl*, given that effective premarital screening directly contributes to preventing harm from communicable diseases such as syphilis, hepatitis B, and HPV, and ensures optimal reproductive health for future generations. Supporting *fiqh* principles, such as the maxim to prevent harm and secure benefit (*dar' al-mafasid wa jalb al-masalih*), further substantiates the normative basis for recommending such screenings.

## Research Outcomes

The findings of this study indicate that sexually transmitted diseases (STDs) such as syphilis, gonorrhoea, chlamydia, genital herpes, hepatitis B, and human papillomavirus (HPV) pose significant health risks beyond the well-recognised threat of HIV. These infections directly compromise sexual and reproductive health, leading to complications including infertility, miscarriage, and, in the case of persistent HPV infection, cervical cancer. Recent national statistics reveal an alarming upward trend in syphilis cases among Malaysians, underscoring the urgent need for more comprehensive and systematic public health interventions.

In addition to the threat posed by STDs, fertility-related conditions such as azoospermia, oligospermia, endometriosis, and polycystic ovary syndrome (PCOS) have profound implications for marital stability and family well-being. Infertility often results in significant emotional distress, marital discord, and, in some cases, the breakdown of marriages. Within Muslim communities, the ability to have offspring is widely regarded as fulfilling a fundamental objective of marriage, as emphasised in the Qur'an. Consequently, health conditions that impede this purpose must be addressed proactively to safeguard the integrity of the family institution.

From the perspective of Shariah and through the lens of Maqasid al-Shariah, the implementation of mandatory pre-marital health screenings to detect STDs and assess fertility is both necessary and highly encouraged. Such screenings are firmly aligned with the principle of *dar' al-mafasid* (the prevention of harm) and support two of the primary objectives of Islamic law: *Hifz al-Nafs* (the protection of life) and *Hifz al-Nasl* (the preservation of lineage). Therefore, comprehensive premarital health screening is consistent with contemporary public health imperatives and embodies core Shariah values aimed at ensuring the long-term welfare and resilience of the marital institution.

## DISCUSSION

### Types of Sexually Transmitted Diseases Other Than HIV and Fertility Issues That May Affect the Marriage Institution

Sexually transmitted diseases (STDs) are a category of infectious diseases that are quite prevalent worldwide. In brief, STDs can be defined as diseases caused by bacterial, viral, or fungal infections transmitted to humans through sexual contact (N.A., 2024). In Malaysia, the main STD that is commonly focused on and combated is the Human Immunodeficiency Virus (HIV). This is evidenced by the decision of the National Fatwa Council (MKI), which mandates that Muslim couples intending to marry must undergo HIV screening (Zulkifliabakri, 2022). However, various other STDs are no less dangerous. Among them are diseases such as syphilis, gonorrhea, chlamydia, genital herpes, hepatitis B, and human papillomavirus (HPV), which directly affect the sexual and reproductive health of couples. Studies have shown that men are at a higher risk of contracting these STDs.

For example, untreated syphilis can lead to congenital disabilities, miscarriages, and in chronic cases, it can affect the central nervous system. According to statistics released in 2022 by the Ministry of Health Malaysia, syphilis infections showed an increase to 2,078 cases compared to 2,591 cases in 2017. In addition, gonorrhea, which is caused by the *Neisseria gonorrhoeae* bacteria, and chlamydia often lead to pelvic inflammatory disease (PID) among women, which can ultimately cause infertility (Dombrowski, 2021). Genital herpes, although not directly life-threatening, causes physical discomfort and emotional distress within marital relationships (Newton & McCabe, 2008). Improper treatment may result in genital herpes being transmitted even in the absence of visible sores (Newton & McCabe, 2008; Myers, 2020).

Hepatitis B, on the other hand, can be transmitted through sexual contact and may develop into a chronic disease that attacks the liver, causing emotional and financial burdens for couples. In the context of HPV, this virus can lead to cervical cancer, which is one of the most common cancers among women (Kasting et al., 2021).

In addition to sexually transmitted diseases, fertility issues also have a significant impact on the institution of marriage. Problems such as azoospermia, oligospermia, endometriosis, and polycystic ovary syndrome (PCOS) can make it difficult for couples to conceive (Tang et al., 2024). In Muslim communities, children are not only seen as a symbol of love between husband and wife but also as a fulfilment of the purpose of marriage, as stated in the words of Allah SWT:

(وَاللّٰهُ جَعَلَ لَكُم مِّنْ اَنْفُسِكُمْ اَزْوَاجًا وَجَعَلَ لَكُم مِّنْ اَزْوَاجِكُمْ بَنِيْنَ وَحَفَدَةً وَرَزَقَكُم مِّنَ الطَّيِّبَاتِ ؕ اَفَيَاْبٰطِلٍ يُؤْمِنُوْنَ وَيَنْعَمَتِ اللّٰهُ هُمْ يَكْفُرُوْنَ)

The meaning is: "And Allah has made for you from your spouses and made for you from your spouses: children and grandchildren, and provided for you from good and lawful things. So will they believe in falsehood (idol worship) and deny the favour of Allah?" (Surah An-Nahl, 16:72).

The inability to have children often leads to emotional distress, social stigma, and, in some cases, results in divorce.

### Shariah's View on the Necessity of Implementing Health Examinations for Prospective Brides and Grooms for STDs Other Than HIV and Fertility

From the Shariah perspective, the basic principle guiding this issue is to remove harm (dar' al-mafasid) and protect the public good (maslahah) (Rosidi, 2024). Premarital health examinations for STDs and fertility can be categorised as a preventive measure (ihtiyatiyyah), in line with the Fiqh rule:

الضَّرَرُ يُزَالُ

"Harm should be removed." (Al-Burno, 1996; Suhaili, 2020)

Such examinations do not conflict with Islamic law as long as they are conducted with medical ethics that protect

privacy, modesty (aurah), and confidentiality (Adamu, 2016; ROsidi et al., 2022). If we look at examples from Indonesia, some regions, such as Jakarta, have made these screenings mandatory for marriage (Jayusman et al., 2022). This aligns with the Muslim individual's responsibility not to harm their spouse by hiding diseases that may adversely affect the marital life.

Furthermore, the marriage contract is based on clarity and mutual consent, meaning that deception or withholding serious illnesses can be seen as a form of fraud (gharar), which affects the validity of the marriage contract according to some opinions (Jiang, 2024).

Therefore, from the Shariah perspective, the implementation of premarital health screenings is necessary and can be legalised within the context of safeguarding the rights of both partners and ensuring that the marriage institution is founded on healthy and transparent grounds (Mustafa, 2024). Such measures are beneficial and in line with the teachings of Islam, which encourage the prevention of diseases and the reduction of harm (Rosidi et al., 2025).

### **The Support of Maqasid Shariah for Premarital Health Screening for STDs Other Than HIV and Fertility**

Although initially considered a secondary need (hajiyat), premarital health screenings can become a primary necessity (dharuriyat) if there is a risk of serious health issues that could harm the partners or offspring (Basrin Ombo et al., 2024). In the Maqasid Shariah framework, the implementation of premarital health screenings supports two primary objectives:

#### **1. Hifz al-Nafs (Protection of Life)**

Diseases such as syphilis, hepatitis B, and HPV can cause serious complications, even death, in the long term. Early detection and treatment can save the lives of the partners. This step is in line with Shariah's emphasis on protecting life.

#### **2. Hifz al-Nasl (Protection Lineage)**

STDs and fertility problems directly affect the ability to have healthy offspring. Without early treatment, these diseases can lead to congenital disabilities, infertility, and weakened lineage. Early screenings provide an opportunity for treatment and better planning in building a family.

By considering these three aspects, it is clear that the implementation of premarital health screenings not only aligns with Shariah law literally but also comprehensively from the Maqasid perspective, which is to preserve human welfare and prevent harm in marital life. Premarital health screenings are highly recommended from a Maqasid Shariah perspective because of their significant benefits in safeguarding the well-being of the community, including detecting STDs other than HIV and fertility issues (Tamrin, 2021).

## **CONCLUSION**

In conclusion, premarital health screenings are an important preventive measure to ensure the well-being of couples before marriage, particularly in terms of fertility and preventing sexually transmitted diseases (STDs). This study emphasises that these screenings are not only health-related but are also closely tied to the objectives of Maqasid al-Shariah, which are to preserve life (hifz al-nafs) and lineage (hifz al-nasl). Diseases such as syphilis, gonorrhea, chlamydia, HPV, and hepatitis B not only threaten individual health but can also disrupt marital relationships and lead to severe psychological and social consequences such as emotional stress, conflict, and divorce.

While HIV screening has been made mandatory for Muslim couples in Malaysia, other tests such as fertility, cholesterol, blood pressure, and BMI are not yet required. This indicates the need for a more comprehensive approach to premarital screenings. From an Islamic law perspective, these screenings are permissible and encouraged as they fulfil the principle of preventing harm (dar' al-mafasid) and promoting good (jalb al-masalih). However, society's acceptance level depends on awareness, education, and cultural perspectives.

Therefore, premarital health screenings should be strengthened and supported by strong policies to ensure they are implemented widely. This will help build healthy, stable, and harmonious family institutions and contribute to the public health goals and the preservation of welfare by Islamic Shariah.

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