

HYMENOPLASTY (HYMEN OPERATION) IN THE PERSPECTIVE OF ISLAMIC LEGAL THOUGHT

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Abstract

Hymenoplasty or also known as hymen surgery, is a procedure that restores the hymen to its original state like a virgin. In Indonesia, many people consider tearing the hymen to be the same as losing virginity. This view is often the reason for some women to undergo hymen surgery. This study uses a type of library research, namely research by collecting data and information from books, journals, and other recorded documents. then conducting a descriptive analysis related to information and data related to the law of hymenoplasty by matching the results of the analysis with the data that has been obtained. The purpose of this study is to explore the law of hymenoplasty from the perspective of Islamic legal thought. The conclusion of this paper is that hymenoplasty is a surgical procedure that aims to restore the hymen so that wounds or tears in the hymen will return to their original state, as if the person were still a virgin. Whether this hymen surgery is haram or not depends on the views and attitudes of each individual. Because the issue of hymen surgery is included in the realm of ijtihadiyah, the determination of its law must go through in-depth study, especially in the context of the views of Imam Abu Hanifah, Imam Malik, Imam Syafi'i, and Imam Hambali. Therefore, in the context of hymen surgery, it is necessary to consider its benefits and harms as well as its impact on the individual and the surrounding community.

Keywords: *Hymenoplasty, Virginity, and Islamic Legal Thought*



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A. INTRODUCTION

Currently, the development of science and technology has reached its peak. The world of medicine and health is no exception. Therefore, it is not surprising that solving current health problems can be facilitated by increasingly sophisticated technology and will always experience rapid development. In the medical world, cosmetic surgery is no longer a foreign thing. This is inseparable from the many styles or trends that exist in the field of beauty, especially since beauty has a very broad meaning, including skin care, body care, and personal

facial care.¹ From simple to potentially dangerous methods, all means are used to achieve beauty, including surgery or cosmetic surgery.²

But what is currently being discussed is hymen surgery or also called hymenoplasty. Hymenoplasty is a plastic surgery procedure that aims to repair the integrity of the torn hymen. The hymen is a thin tissue that protects the vagina and functions as a sign of virginity. This surgery is performed to restore the integrity of the hymen and improve vaginal function. Hymen surgery has been performed since ancient times. Ancient Egyptian doctors have tried to improve the shape of the nose through surgery, and Indian doctors have reconstructed the nose and earlobes 700 years BC. In the 19th century, Indian doctors have become adept at reconstructing the nose using the flap method or covering living skin.³ This operation aims to restore a woman's virginity, so it is not surprising that especially in Indonesia there is a stigma that tearing the hymen is the same as losing virginity, so this is often the reason why some women choose to have hymen surgery or hymenoplasty.

The purpose of hymen surgery is to repair the integrity of the torn hymen. The hymen does not have any side effects or complications that are bad for the health of the body, but it can interfere with a person's sexual activity. This surgery also aims to repair vaginal function and restore the integrity of the hymen.⁴

The hymen is a fold of membrane that covers part of the outside of the vagina. It is located below the small lips of the vagina (labia minor). Its shape is circular at the entrance to the vagina and has a hole in the middle.¹¹ The vagina connects the external genitalia with the internal genitalia. The introitus vaginae (entrance to the vagina) is closed in the hymen, a local fold of membrane. In a Virgo, the hymen is still intact, and the hole in the hymen (hiatus hymenalis) is generally only passable by the little finger. In the first coitus, the hymen tears in several places and the rest is called the caruncle kirtiformes. The size of the hymenal hole does not determine whether the woman is still a Virgo or not.⁵

According to Ni Komang Yeni, hymenoplasty was only introduced in Indonesia in the last 10 years, the number of women undergoing hymenoplasty has increased in 2021, as reported by ZAP in its research that More than 6,000 women have undergone hymenoplasty at an average age of 15 to 65 years. And

¹Abdul Syukur Al-Azizi, Complete Book of Women's Fiqh; Manual of Worship and Muamalah (Yogyakarta: Diva Press, 2015), p. 7

²Djohansjah Marzoeki, "Analysis and Evaluation of Law on Plastic Surgery Regulations" (2015), p. 9

³Quro, Nuri Makkiyah Ummil. Hymen restoration surgery for prospective wives in the perspective of Islamic law. Diss. State Islamic University of Maulana Malik Ibrahim, 2009.

⁴Mohammad Naqib, Hamdan. Taghyir Khalqillah's legal analysis in the medical fatwa of the elected fatwa body/Mohammad Naqib Hamdan. Diss. University of Malaya, 2018.

⁵Sutriyono, et al., Hymen Restoration Surgery for Prospective Wives in the Perspective of Islamic Law Samawa: Journal of Islamic Family Law, Volume 4, No. 2. July 2024, pp. 001-013.

the results, more than 50% of young women consider hymenoplasty surgery very necessary.⁶

Moreover, in an era when social networks such as blogs, Twitter, YouTube, and Instagram are starting to be widely used by Indonesian people, including public figures who are serious about spending tens of millions of dollars on hymen surgery, such as Dewi Persik, Tessa Kaunang and several other artists.⁷

Hymenoplasty is a contemporary issue (Mas'alah al-Muā'shīrah) and there is no Qur'anic text (nash) regarding this in the text of Islamic law (nushus al-Syā'ri), but it is less focused on the fact that this has implications for the existence of "law", where Islamic law faces a reality that has never been specifically felt before. However, the versatile and universal nuances faced by individuals in the past, present, and future can certainly be found and solutions sought.⁸ Therefore, this is what prompted the author to look deeper into how Islamic law views the trend of cosmetic surgery which is very popular in society, but the author sees it from the perspective of Islamic legal thought.

A. RESEARCH METHODOLOGY

This research uses a type of library research, namely by using a descriptive analysis approach. The analysis uses the Miles and Huberman method, which is divided into three streams of activities that occur simultaneously. The three streams are (1) data reduction; (2) data display; and (3) drawing conclusions.⁹ The data source is from books, journals, and other record documents. then conduct a descriptive analysis related to information and data related to hymenoplasty law by matching the results of the analysis with the data that has been obtained.

B. Discussion

1. Understanding Hymenoplasty and Causes of Torn Hymen

The word hymen in Indonesian means the hymen. Hymen in medical terminology refers to the membranous fold¹⁰ which covers all or part of the

⁶Joan Aurelia, "Vaginal Rejuvenation: Between Health, Patriarchy & Body Freedom," Tirto.Id, last modified 2022, accessed October 13, 2023, <https://tirto.id/vaginal-rejuvenation-between-health-patriarchy-body-freedom-gpMw>.

⁷Risna Halidi, "8 Artists Who Have Undergone Surgery In The Miss V Area, To Be Like A Virgin Again?" *Suara.Com*, last modified 2023, accessed October 13, 2023, <https://www.warna.com/entertainment/2023/02/16/074500/8-artis-yang-pernah-buat-operation-di-miss-v-area-to-be-like-a-virgin-again>.

⁸Sudirman, *Contemporary Fiqh: Contemporary Studies of Fiqh* (Yogyakarta: Deepublish, 2018), p. 22.

⁹Hardani, *Qualitative & Quantitative Research Methods* (Yogyakarta: CV. Pustaka Ilmu Group, 2020), 163.

¹⁰Patricia D. Novak, *Pocket Medical Dictionary*, Translated by Dr. Poppy Kumala et al. (Jakarta: EGC, 1998), p. 524.

external opening of the vagina.¹¹ The hymen is a thin membrane in the female genitals which is often called virginity.¹² In this case, virginity can be damaged in whole or in part due to intentional or unintentional accidents, or due to human actions.¹³ Therefore, hymenoplasty is an operation that aims to restore the hymen. Wounds or tears in the hymen will return to normal and become a virgin again.¹⁴ There are some causes of a torn hymen include:¹⁵ Injury or Accident, Damage to the hymen can occur due to an accident or trauma that causes the hymen to tear and can affect vital organs. Initially, this makes the vulva or perineum unable to withstand the weight and impact of the accident or injury as well as rupture of the hymen can occur when you have an accident or fall.

Second, Certain sports; For example, sports such as horse riding, cycling, gymnastics, dancing or other sports that require a lot of leg movement. However, if exercising properly, the pressure on the groin is not enough to tear the hymen.

Third, Vaginal or pelvic examination; Sometimes it is also necessary to examine your entire body, including your private parts, to find out if you are suffering from certain women's health problems. In some cases, examining a woman's reproductive organs with an instrument inserted into the vagina can also cause the hymen to rupture. Medical instruments, regardless of their size, can cause the hymen to rupture when the doctor tries to insert them during the examination.

Fourth, Stretching too hard; When a woman stretches her muscles too much during training, the hymen will also tear. In fact, the hymen can stretch or tear if there is too much activity. Although basically everyone's hymen is not the same. Some are very thin and easy to tear, some are quite thick and difficult to tear.

Fifth, Inserting Tampons and Menstrual Cups; Anyone can use menstrual tools other than sanitary napkins such as menstrual cup or tampons, whether you have never had sex or have had sex before. On the Kids Health website, using tampons or menstrual cups can sometimes cause the hymen to stretch and

¹¹Nur Roikhana Zahro, "Vaginal Rejuvenation Surgery in Islamic Perspective," *Asy-Syari'ah* 1, no. 1 (2015), p. 92.

¹²Abdullah mabruk Najjar, *Al Hukmu Alsyar'i Li Islahi Ghisyai-l- Bikarah* (Dirasah fiqhiiyah Muqaranah, 2009). p. 4

⁹ Hifdhotul Munawaroh, "Sadd Al- Dzari'at and its Application to Contemporary Fiqh Problems," *Jurnal Ijtihad* 12, no. 1 (2018). p. 80

¹⁴Zahro, "Vaginal Rejuvenation Surgery in Islamic Perspective." p. 92

¹⁵Atifa Adlina, "5 Causes of Torn Hymen Other Than Sexual Intercourse," Hello Sehat, last modified 2021, accessed October 13, 2023, <https://hellosehat.com/wanita/penyakit-wanita/penyebab-robeknya-selaput-dara/>.

tear.¹⁶

Sixth, the consequences of sexual relations; extramarital sex and sex within marriage.wedding both are causes of rupture of the hymen in women.¹⁷

2. Arguments of Scholars Regarding Hymenoplasty

Regarding hymenoplasty is a contemporary problem (maslahah al-mua'sirah) because there is no text (nash) from the Qur'an about it in Islamic legal texts (nushus al-sya'ri) so that there is a difference of opinion of scholars regarding this hymenoplasty, some support and some prohibit the practice of this hymenoplasty. The following author classifies the statements/arguments of scholars with 2 classifications, namely statements that prohibit/forbid and statements that allow.

a. Prohibition/Haram Arguments

- 1) Sheikh -'Izz bin Abdussalam, He said that complete closure of the hymen is not permitted.¹⁸
- 2) Shaykh Salman bin Fahd Al-'Audah, he said: Women who lose their virginity due to indecent acts committed are not permitted to undergo hymen surgery. This action is considered fraud against the husband and violates the principle of exposing one's private parts without an emergency reason.¹⁹
- 3) Sheikh Muhammad Bin Muhammad Al-Muhtar Assyiqiti, he forbade hymenoplasty surgery for several reasons, including:²⁰ *Tadlis*(hiding aib in the context of marriage) is the practice of hiding deficiencies or defects in marriage. There is no sufficient reason to perform *jirohah* (surgery). There is no sufficient reason to uncover the aurat, even if the doctor is a woman. In order to increase happiness in the relationship between husband and wife, beautifying oneself is considered not permissible, because such operations require large costs, while there is no clear need, as explained earlier. Therefore, this type of operation is considered a waste of money or property, which is forbidden in the Shari'a.

Based on the statement above, Sheikh Muhammad Bin Muhammad Al-Muhtar Assyiqiti also stated that this kind of operation would open up opportunities for teenage girls to commit adultery because the hymen is easy to repair.

¹⁶Mary L. Gavin, "Can I Use a Tampon If I'm a Virgin?," Kidshealth.Org, last modified 2018, <https://kidshealth.org/en/teens/use-tampon.html>.

¹⁷Zahro, "Vaginal Rejuvenation Surgery in Islamic Perspective."

¹⁸Nur Aflaha Hasan and Rosmita, "Review of Islamic Law on Women's Hymen Surgery," AL-QIBLAH: Journal of Islamic and Arabic Studies 1, no. 1 (2022). p. 98

¹⁹Arif Rahman Hakim, "Hymen Surgery, Definition and Law in Islam," Pecihitam.Org, last modified 2019, accessed October 13, 2023, <https://www.pecihitam.org/operation-hymen-meaning-and-law-in-islam/>.

²⁰Judge, "Hymen Surgery, Its Meaning and Law in Islam."

- 4) Dr. Ahmad Zain An-Najah, He said in the Youtube channel "Alislam Channel" that virginity or hymen surgery is forbidden for adulterous women and women with widow status because this is a form of manipulation.²¹
- 5) Ahmad Mukri Ajie, He is the General Chairman of the Indonesian Ulema Council (MUI) of Bogor Regency. If you want to prostitute yourself (PSK) and lie to your prospective husband, that is forbidden.²²
- 6) Dr. Taufiq al-Wa'I, According to him Tightening the hymen that is torn due to adultery without coercion is forbidden.²³
- 7) Dr. H. Hasan Matsum, He is also one of the scholars in the city of Medan who also believes that hymen surgery can be considered haram if a woman does not tell her future husband about the cause of losing her virginity due to adultery. Not telling him is considered a form of deception.²⁴
- 8) Sheikh Muhammad Saleh Al-Munajjid, He is the Saudi Mufti who issued an opinion that he asserted that: "hymenoplasty is a path to deception because its main purpose is to deceive the prospective husband about his wife's premarital sexual activities. Thus it is a technique to hide sins and this operation makes it easier for young women to commit adultery".²⁵ The reason he said this is because one of the principles of sharia is that harm cannot be removed by another harm. Therefore, it is not permissible for a girl to remove harm from herself by repairing her hymen so that it causes harm to her future husband.

b. Arguments for Permission/Mubah

- 1) Muhammad Mukhtar As-Salami, He is of the opinion that It is permissible to close the hymen if it is torn at a young age for other reasons related to sexual intercourse or extramarital sex. It is also permissible if the husband is present and wants it.²⁶
- 2) Ahmad Mukri Ajie, he is of the opinion that if due to the husband's will, an accident occurs and the victim is raped, then it is permissible on the condition that the doctor must be a woman.²⁷

²¹Alislam Channel, "Hymen Surgery Law-DR. Ahmad Zain An Najah, MA" (Indonesia, 2016).

²²Andre Irawan, "Legal Views on Virginity Surgery as a Reason to Facilitate Marriage" (State Islamic University (UIN) Syarif Hidayatullah Jakarta, 2016). p. 58

²³Ahmad bin 'Ali bin Hajar, *Fath Al-Bari* (Beirut: Daar al-Ma'rifat, 1379). p. 377

²⁴Putri Ramadhona Rambe, "The Views of Medan City Ulama on the Law of Hymen Surgery (Case Study at Columbi Asia Hospital Medan)" (State Islamic University of North Sumatra Medan, 2017). p. 56

²⁵LL Wynn, "Hymenoplasty and the Relationship between Beetwen Doctors and Muftis in Egypt" (2013). p. 10.

²⁶Rosmita, "Review of Islamic Law on Women's Hymen Surgery."

²⁷Irawan, "Legal Views on Virginity Surgery as a Reason to Facilitate Marriage." p. 58

- 3) Dr. Taufiq al-Wa'l, According to him, "It is permissible to tighten the hymen in the following cases: if the hymen is torn due to a physical defect, either at a young age or at an old age or if it is torn due to force or because of a shameful defect, such as bleeding or tumor removal. Or because of something that causes the hymen to tear, such as due to jumping, sports or the like, if it is torn due to rape, and this has been proven."²⁸
- 4) Dr. H. Hasan Matsum, he is also one of the ulama in the city of Medan and believes that the law may depend on the need. The reason he allows it is:²⁹ "For example, if a woman before marriage confesses to her future husband that she is no longer a virgin and wants to have a hymen operation with the aim of dedicating the best to her future husband, then it is permissible for her to have the hymen operation."
- 5) Ali Gomaa, the former grand mufti of Egypt, stated: "hymenoplasty can be used as a tool for a woman to save her marriage."³⁰ The reason he said that was because a woman who marries without a hymen will be judged by her future husband and it is not the husband's right to judge his wife. Only God knows whether she has fully repented after violating Islamic law (adultery) and a husband does not have time to interfere in the personal relationship between a woman and God.
- 6) Sheikh Khalid Al-Gindy, a member of the Egyptian Council of Islamic Studies, said: "Hymenoplasty provides equal opportunities for men and women, women correct the inequality caused by nature, namely the fact that there is no equivalent hymen that society can use to judge their sexual weakness."³¹ The reason he said this was because Islam never differentiates between men and women, so it does not make sense if we assume that Allah has given a sign to indicate a woman's virginity without there being a similar sign to indicate a man's virginity. Any man who brings up the issue of his future wife's hymen must first provide proof that he himself is a virgin.

3. *Hymenoplasty(Hymen Surgery) In the Perspective of Islamic Legal Thought*

Many people think that having a virginity surgery is a very sensitive issue for the family in the future, but on the other hand there are many factors that

²⁸Hajar, Fath Al-Bari. p. 377

²⁹Rambe, "The Views of Medan City Ulama on the Law of Hymen Surgery (Case Study at Columbi Asia Hospital Medan)."

³⁰Wynn, "Hymenoplasty and the Relationship between Beetwen Doctors and Muftis in Egypt," p. 9

³¹Mohammad H. Bawany and Aasim I. Padela, "Hymenoplasty and Muslim Parents: Islamic Ethico-Legal Perspectives," Sexual Medicine (2017). p. 6

cause this hymen to break. Many women use surgery to restore their virginity because their hymen was damaged due to an accident. However, very few women also undergo this surgery because they have repented and want to fix what has been damaged so that it does not have too much impact on them.³²

As we know, hymenoplasty or commonly called hymenoplasty is a surgical procedure that aims to restore the hymen in the sense that wounds or tears in the hymen will return to their original state as if someone were still a virgin. With this kind of surgery, there are differences of opinion regarding the law of hymen surgery. There are scholars who state it is haram and there are also those who allow it (mubah).

The purpose of hymen surgery is to restore virginity, which is the process of tightening the hymen through surgery. Therefore, according to Shaykh Salman bin Fahd Al-'Audah, it is absolutely impossible. However, according to Shaykh Salman bin Fahd Al-'Audah, it is not permissible to perform the operation for women who commit adultery with the aim of deception, thus triggering an element of deception, let alone showing a woman's important genitals. While there are also scholars who forbid this operation because the woman has committed adultery or if the woman is involved in prostitution and there is an element of lying to her husband, such things also contain elements of deception. This is the opinion of Ahmad Mukri Ajie, Dr. Amar Adly, Lc., MA, Dr. Ahmad Zain An-Najah, MA, Dr. Taufiq al-Wa'i and Dr. H. Hasan Matsum.

However, according to Sheikh Muhammad Bin Muhammad Al-Muhtar Assyiqqiti, this operation is prohibited because there is a possibility that young women will commit adultery because of the freedom in performing the hymen operation so that it is easy to repair. Although the main purpose is to increase pleasure in marital relations (for married people), this is actually according to him part of the prohibited beauty practice.

Meanwhile, some scholars allow hymen surgery because they look at the cause, which according to Mukhtar As-Salami, occurs when the hymen is torn at a young age due to other reasons, due to sexual intercourse or having sex outside of marriage. This is also allowed if the husband is present and wants it. This opinion is in line with the views of Ahmad Mukrie Ajie and Dr. Amar Adly, Lc., MA who said that if due to the husband's will, an accident occurs and the victim is raped, the hymen surgery may be performed but on the condition that the doctor is a woman.

As for Dr. Taufiq al-Wa'i, he allows if the hymen is torn due to physical disability, either at a young age or at an old age, or due to coercion, or a shameful disability such as bleeding or tumor removal, or caused by activities

³²M. Nu'aim Yasin, Medical Jurisprudence (Jakarta: M. Nu'aim Yasin, 2008), pp. 304-305

such as jumping, exercising, or other reasons, including proven rape, then this condition can occur.

Not only that, the opinion of Sheikh Muhammad Khalid Mansur the reason for allowing hymen surgery is if in certain conditions such as rape victims but he said there is an element of obligation to perform the surgery if the cause of the rupture of the hymen is due to adultery which is not common in society then it is necessary to perform hymen surgery or if there is a strong suspicion that young women will experience cruelty and injustice based on customs and traditions, then performing hymen surgery is obligatory to do. As for the law of the sunnah, if it is not strongly suspected then repairing the hymen is also allowed or not at all.

In contrast to Dr. H. Hasan Matsum, the reason hymen surgery is allowed is because unmarried women must admit to their future husbands that they are no longer virgins and want to undergo hymen surgery before marriage even though the goal is indeed to present the best for their future husbands.

So indirectly here there is a context of the sentence that reveals one's own shame and this is also not allowed in Islam. This means that in Islam it is also not allowed to reveal our own shame or even the shame of others and this is in accordance with the verse in the Qur'an, Surah Al-Hujurat verse 12 which means:³³“O you who believe, stay away from many prejudices! In fact, some prejudices are sins. Do not find fault with others and do not let any of you gossip about others. Does any of you like to eat the flesh of his dead brother? Of course you feel disgusted. Fear Allah! Indeed, Allah is Most Accepting of Repentance, Most Merciful.”

The reason for the revelation This verse occurred when one of the companions of the Messenger of Allah sallallahu alayhi wa sallam, Salman al Farisi, after finishing eating, immediately fell asleep and snored. Salman's behavior was known to others and became a topic of conversation, until his shame was finally widely known. As a result of this incident, Allah Ta'ala revealed verse 12 of the letter al-Hujurat. This means that exposing one's own shame, let alone the shame of others, is an act that is forbidden in Islam.³⁴

Meanwhile, if we relate it to people who undergo hymen surgery, it is not only to restore virginity due to accidents or injuries due to sports and so on, but on the other hand, it is also because quite a few women undergo hymen surgery to cover up their dark past, such as having had sex outside of marriage or because they were destined not to have a hymen since childhood or because they have a disease (imperforate hymen), so they choose to undergo hymen

³³Ministry of Religion, “Translated Al-Qur'an,” 2023.

³⁴Nova Kansil, “The Prohibition of Revealing One's Own and Other People's Disgrace, by Prof. Dr. Novianty Djafri, M. Pd. I,” Fip.Ung.Ac.Id, last modified 2023, accessed October 13, 2023, <https://fip.ung.ac.id/larangan-mengumbar-aib-dirinya-dan-aib-lain-oleh-prof-dr-novianty-djafri-m-pd-i/#:~:text=Even%2C> the command not to reveal, Surah Al Hujurat verse 12.

surgery, so indirectly this is an effort to cover up their own shame.

Regarding women who are not virgins, whether because in the past they had sex outside of marriage or because of an accident, all of these things are disgraceful and should not be disclosed. Moreover, this was also emphasized by a cleric named Ustadz Koh Holim in his sermon Islam itu Indah, he said:³⁵

“We are not allowed to reveal our own shame because Allah SWT has covered our shame, especially our past shame, because shame like the one on this Instagram (Instagram question DM) does not affect the purpose of marriage. Because scholars agree that there are 3 main purposes of marriage: 1) pleasure, 2) service and 3) not being sterile. If the wife or husband who is married but before marriage does not tell that the wife or husband is sterile, then this is a shame that will affect the marriage and it is permissible to tell it. Or the husband has impotence and before marriage he must tell this shame, why? because this affects the purpose of marriage. when our partner is deaf or mute, it must also be told before marriage. But what does not affect the purpose of marriage, such as body odor, bad breath, does not need to be told because it can still be overcome and can even be solved later after marriage. Likewise regarding virginity, when she is not a virgin, she does not need to tell the shame, why because this does not affect what is called pleasure. Whether she is a virgin or not, she can still do the 3 main purposes of marriage.”

Apart from that, according to Sheikh Soleh Al-Munajib as explained by Ustadz Koh Kholim, he said:³⁶ "If a woman or her parents feel ashamed that the woman is not a virgin and do not tell her, this does not violate the Shari'a, because Allah SWT covers the shame of His servants and reveals our own shame."

Based on the statement above, not telling that we are not virgins does not violate the sharia, this is because Allah SWT has covered our own shame and we should not be the ones to reveal our shame, especially since it does not affect the 3 main goals of marriage conveyed by Ustadz Koh Kholim.

As previously explained, some scholars forbid it for adulterous women, widows, and also for reasons of exposing vital genitals and lying to their prospective husbands, including in the form of manipulation or fraudulent acts. Meanwhile, the reasons scholars also allow hymen surgery if supported by reasonshusband's desire, accident, raped, embarrassing defects, sports and so on. But here it should also be noted that to perform hymen surgery for these reasons, a female doctor must also be the one handling it.

Halal, Haram, permissible and so on are legal conclusions due to the perception or argument of scholars, whether by using the literal ijtihad method

³⁵Trans TV Official, “Afraid Her Future Husband Will Find Out She Is No Longer a Virgin” (Indonesia, 2023).

³⁶Official, “Afraid that her future husband will find out that she is no longer a virgin.”

or by using the contextual method because the results of these methods will show the characteristics of how the views or perceptions of the scholars are. While the evidence or texts contained in the Qur'an and hadith are facts. Therefore, we should need to see and consider whether in the context of modern or contemporary fiqh problems such as hymenoplasty, there are benefits or vice versa. Because this kind of problem is an Ijtihadiyah problem, which means that the law must be studied as deeply as possible because the law is not yet known either before or after the era of the imams of the fiqh school of thought, namely Imam Syafi'I, Imam Abu Hanifah, Imam Hambali and Imam Malik.³⁷

Thus, according to the author discussing the practice of hymenoplasty is a flexible legal consequence. This depends on the context of the existing reality by considering the benefits or maslahah side and also the harm or loss side which is an indication of the results of the hymenoplasty practice, whether it has an impact on the surrounding community or it has an impact on oneself.

D. CONCLUSION

Hymenoplasty is a surgical procedure that aims to restore the hymen in the sense that wounds or tears in the hymen will return to their original state as if the person were still a virgin. Whether or not hymen surgery is haram depends on the views and attitudes of each individual. Because the issue of hymen surgery is also a matter of ijtihadiyah, which means that this law must be studied in depth because it is not known before and after the time of the imams of the fiqh school of thought, especially the Imam.

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³⁷Nurul Mahfiroh, "Study of Breast Implant Plastic Surgery as Ijtihad in Islamic Law". p. 121.

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