



## Implications of the Pre-Wedding Photographer Profession Perspective of the Fatwa Commission of the Indonesia Ulema Council of North Sumatra Province Decree Number: 03/KF/MUI- SU/IV/2011 Regard: Pre-Wedding Photo

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**Abstract** - This study analyzes the implications of the Indonesian Ulema Council (MUI) decision regarding pre-wedding photos on the profession of photographers in North Sumatra Province Decision Number: 03/KF/MUI-SU/IV/2011 Regarding: Pre-Wedding Photos: This study aims to analyze the implications of the decision of the Fatwa Commission of the Indonesian Ulema Council (MUI) of North Sumatra Province regarding pre-wedding photos on the profession of photographers in the region. Decision Number: 03/KF/MUI-SU/IV/2011 establishes ethics and limitations for photographers in taking pre-wedding photos based on an Islamic perspective. The study employs a juridical-empirical approach with qualitative research methods to understand the impact of the decision on professional practices of photographers. Data is collected through in-depth interviews with photographers, religious scholars, and engaged couples, as well as analysis of documents related to the MUI decision. The research findings indicate that the MUI decision significantly impacts the photographer profession. Photographers must adjust their practices according to the principles set out in the MUI decision, such as avoiding poses and clothing that do not align with Islamic values. However, this decision also presents challenges for photographers in meeting diverse client demands. This study provides important insights into the relationship between religious norms and the photographer profession within a local cultural context, as well as recommendations for photographers to adapt to the MUI decision while remaining professional and respecting religious values.

**Keywords:** Pre-wedding, Photography, Indonesian Ulema Council Fatwa.

### I. INTRODUCTION

Prewedding, or pre-wedding photography, is a photoshoot session conducted by couples before their wedding day. The purpose of this session is to capture romantic moments and the togetherness of the couple before they officially get married. The photos from these sessions are often used for various purposes, such as wedding invitations, reception decorations, wedding souvenirs, and as keepsakes for the couple. In the context of the English language, the term "prewedding" is composed of the word "pre," meaning before, and "wedding," meaning marriage. (Mubarak, 2022). Pre-wedding photography refers to a photography session that takes place before the wedding day. It typically involves couples posing in various settings, capturing their love story, personalities, and relationship dynamics. These sessions often include candid shots, themed photoshoots, and even artistic interpretations that reflect the couple's unique style. The practice of pre-wedding photography can be traced back to the rise of professional photography in the late 19th and early 20th centuries. Initially, wedding photography focused primarily on the ceremony and posed group shots, capturing the formal

aspects of the event. However, as photography technology advanced and became more accessible, couples began to seek creative ways to document their relationships outside the constraints of traditional wedding photography.

The trend of prewedding photography in Indonesia has seen rapid growth in recent years, becoming an integral part of wedding preparations. Popular trends in prewedding photography include the selection of unique and exotic locations such as beaches, mountains, gardens, or even overseas destinations. Many couples opt for specific themes for their prewedding sessions, such as vintage, classic, or themes that reflect their hobbies or interests (Subekhi & Mubarok, 2021). The selection of elegant attire and accessories that match the chosen theme has become an essential aspect of prewedding photography, with couples often wearing formal, traditional, or specially designed costumes for these sessions. The style of prewedding photography varies from formal and elegant to relaxed and candid, with photographers often adjusting their approach to suit the couple's preferences. Additionally, the use of advanced technology in photography, such as drones to capture images from challenging angles, has become increasingly popular in prewedding sessions. (Husnul Khotimah & Iramasan Efendi, 2021)

The phenomenon of prewedding photography has attracted the attention of various parties, including the Indonesian Ulema Council (MUI) of North Sumatra Province. In its decision number 03/KF/MUI-SU/IV/2011, the MUI of North Sumatra provided its views and issued a fatwa regarding this practice. The decision was based on observations of prewedding photos, which often depict the engaged couple in poses that give the impression that they are already married, such as embracing or displaying affection. (Puspita Sari & Yunus, 2019) From an Islamic perspective, the primary concern is the ethics and boundaries in interactions between unmarried men and women. In Islam, close interactions between men and women who are not mahram are strictly regulated to prevent undesirable situations. In this context, intimate and romantic poses in pre-wedding photos are considered inappropriate according to Islamic teachings, as they can lead to fitnah and do not reflect the values of purity and honor that are highly regarded in marriage. The Fatwa Commission of MUI Sumatera Utara emphasizes that it is forbidden for unmarried couples to be alone together, engage in intimate behavior, or embrace one another. (Safriadi, 2018) This is because they do not yet have a legitimate religious bond that permits such physical interaction. Therefore, even though prewedding photography aims to capture happy moments before marriage, this practice must be aligned with Islamic values and norms. (Nuraeni, 2018)

Research on prewedding photography in Indonesia, particularly from an ethical and religious perspective, is crucial to be further developed. This is due to several reasons. First, the trend of prewedding photography has a significant influence on modern wedding culture in Indonesia. Understanding how this trend has evolved and been accepted by society can provide valuable insights into social and cultural changes. (Willy Ninda Azhari et al., 2022) Secondly, with the issuance of the fatwa by the MUI, it is important to explore how couples and photographers can align prewedding practices with Islamic religious values. This research can assist in creating clearer and more applicable ethical guidelines for the Muslim community. Thirdly, the prewedding photography industry is a significant part of the creative economy in Indonesia. This study can provide recommendations for photographers to produce work that adheres to ethical and religious norms without compromising on aesthetic value and creativity. Fourthly, the research findings can be used as a foundation for policies and regulations governing prewedding photography practices in Indonesia, thereby fostering a balance between freedom of expression and adherence to religious and ethical values. (Hendri & Andriyaldi, 2018)

The issues addressed in this journal encompass three main aspects. First, the legality and compliance with Islamic law are highlighted, particularly regarding whether the profession of pre-wedding photography aligns with Islamic principles, especially in the context of the fatwa issued by the MUI (Indonesian Ulema Council) of North Sumatra. This issue emphasizes how photographers can ensure that their activities do not violate the Sharia principles established

by local religious authorities. Second, the social and cultural impact of pre-wedding photography practices is a significant consideration. The focus here is on how society views this trend, the potential social or cultural impacts that may arise, and how the community responds to the MUI's decision—whether they are inclined to follow or reject it. Third, the professional and ethical challenges faced by pre-wedding photographers emerge as a significant issue. This research highlights how photographers confront these professional and ethical challenges resulting from the MUI's decision, including the impact on their business and the adjustments they need to make to remain relevant and in compliance with religious norms.

This research makes a significant contribution to understanding the relationship between the profession of pre-wedding photography and the Sharia regulations issued by religious authorities, particularly by the MUI of North Sumatra. The author is interested in exploring this topic because pre-wedding photography has become an increasingly popular trend in Indonesia, yet there is still a lack of in-depth studies examining the legal and ethical implications from an Islamic perspective. By addressing this topic, the author hopes to provide valuable guidance for photographers and the wider community on how pre-wedding practices can be conducted without violating religious norms. Furthermore, this research is expected to spark broader discussions on the role of fatwas in everyday life and their impact on modern professions, particularly those related to art and culture. Thus, pre-wedding photography, as part of wedding preparations, must be conducted with careful attention to existing values and norms, especially for couples who wish to adhere to their religious teachings faithfully. This presents both a challenge and an opportunity for photographers to continue innovating in creating works that are not only aesthetically pleasing but also in line with the principles upheld by their clients.

## **II. METHOD**

The research method used in this study is an empirical juridical approach combined with a qualitative research method. This term refers to a research approach that is grounded in observable and verifiable evidence, often focusing on the application of legal principles in real-world scenarios. It emphasizes the importance of data collected from practical experiences within the legal framework and qualitative research involves collecting and analyzing non-numerical data to understand underlying reasons, opinions, and motivations. It aims to provide insights into the complexities of human behavior and social phenomena, making it particularly useful in exploring legal contexts and frameworks.

The empirical juridical approach allows the researcher to analyze how the decision of the Fatwa Commission of the Indonesian Ulama Council (MUI) of North Sumatra Province is applied in the professional practice of photographers in the field. Data were collected through in-depth interviews with photographers, religious scholars, and engaged couples to gain a deep understanding of the impact of the MUI's decision on professional practices and the lives of photographers. Additionally, document analysis related to the MUI decision was conducted to explore the legal basis and interpretation of the relevant rules. The qualitative approach provides flexibility in data collection and analysis, enabling the researcher to gain a holistic insight into the experiences and perspectives of the research participants, as well as the challenges faced by photographers in applying Islamic principles in their work. (Irianto, 2017).

By employing these approaches, the study can effectively gather evidence on how legal principles are interpreted and applied in various contexts, ultimately contributing to a deeper understanding of the issues at hand. This synergy between the empirical juridical approach and qualitative methods ensures a comprehensive analysis that aligns with the study's aims, enhancing its relevance and applicability.

## **III. RESULT AND DISCUSSION**

In the world of prewedding photography, many photographers are faced with questions about the permissibility of the wages they receive. Determining the halal status of these

earnings is crucial to ensure that all income aligns with the principles of Islamic law. In ushul fiqh, the determination of whether these wages are halal or haram must go through several stages of thorough analysis. (Syafei Rachmat, 2001)

### Ushul Fiqh Analysis on the Permissibility of Prewedding Photographer Wages

In ushul fiqh, determining whether the wages received by prewedding photographers are halal or haram must go through several stages of analysis (Masrurroh, 2021). The first stage involves referring to evidence from the Quran and Hadith. For instance, in the Quran, it is mentioned that...

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ "البقرة"

"And do not consume one another's wealth unjustly" (QS. Al-Baqarah: 188). This verse emphasizes the importance of ensuring that wealth, including wages, is earned lawfully. From the Hadith, the Prophet Muhammad (peace be upon him) said...

(من استأجر أجيراً فليعطه أجره "رواه البخاري ومسلم"

which means, "Whoever performs a task should be compensated for it" (HR. Bukhari and Muslim). This Hadith indicates that receiving payment for work is permissible. Secondly, the principles of fiqh, such as...

"الأصل في المعاملات الإباحة"

"The basic principle in muamalah (transactions) is permissibility." Essentially, all forms of transactions and wages are considered halal unless there is evidence that explicitly prohibits them. Therefore, the wages earned from photography work are permissible as long as there is no clear evidence to the contrary. Another principle,

"درء المفاسد مقدم على جلب المصالح"

"Avoiding harm takes precedence over acquiring benefits," states that if prewedding photography involves clearly prohibited elements, such as ikhtilat (mixing between non-mahram individuals), khalwat (being alone with a non-mahram), or exposing aurat (parts of the body that should be covered), then the wages become haram because preventing harm is prioritized. (YUDA, 2021)

Third, an analysis of maslahah (benefit) and mafsadah (harm) is considered. In this context, the maslahah is that the photographer earns an income that can be used to support their livelihood. However, if the prewedding photoshoot involves actions that violate Islamic law, such as exposing aurat or engaging in inappropriate interactions, this constitutes mafsadah (harm) that should be avoided. (Muhamad Farid Solehudin et al., 2023)

Fourth, the implementation of the ijarah contract is crucial. The ijarah contract must meet certain conditions, such as mutual consent between both parties, a clearly defined job, and a specific wage. If all these conditions are fulfilled and there are no elements that violate Islamic law, then the ijarah contract is valid, and the wages received are considered halal.

Fifth, consultation with fatwas from scholars and recognized fiqh institutions is essential in determining the permissibility of these wages. If scholars or fiqh institutions declare that prewedding photography under certain conditions is permissible, then the wages earned from such work are considered halal. (Utomo, 2020)

According to the Fatwa Commission of the Indonesian Ulema Council (MUI) of North Sumatra Province, Decree No. 03/KF/MUI-SU/IV/2011 regarding Prewedding Photos, several

relevant legal stipulations are outlined. Specifically, prewedding photos that depict the couple holding hands, embracing, or engaging in similar poses before the marriage contract (nikah) has taken place are considered haram. If photos are needed or desired to identify the individuals getting married, it is recommended to display photos of the couple in a modest manner, ensuring that aurat is covered and Islamic law is not violated. (Rukmana Aji & Rosando, 2019) The basis for this ruling includes QS An-Nur: 31:

"...قُلْ لِلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ذَلِكَ أَزْكَى لَهُمْ إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ"

And QS Al-Ahzab: 59:

"...يَا أَيُّهَا النَّبِيُّ قُلْ لَأَزْوَاجِكَ وَبَنَاتِكَ وَنِسَاءِ الْمُؤْمِنِينَ يُدْنِينَ عَلَيْهِنَّ مِنْ جَلَابِيبِهِنَّ"

### Implications of the Pre-Wedding Photography Profession

Based on the analysis of ushul fiqh and MUI fatwa regulations, the implications are as follows:

For photographers, they must ensure that pre-wedding photo sessions are conducted in accordance with Islamic law, which means avoiding ikhtilat (unnecessary mingling), khalwat (seclusion), or kasyful aurat (exposure of the private parts). They should have a clear ijarah (contract) with the client and ensure that every aspect of their work complies with Islamic provisions. For clients (the prospective bride and groom), they need to understand and adhere to Islamic guidelines during the pre-wedding photo session, including maintaining modesty and avoiding actions that could be considered close to zina (fornication/adultery). For the photography industry, there is a need for awareness and education about the importance of conducting business practices that align with Islamic principles to ensure the legitimacy of earnings and blessings in their endeavors.. (Hafizh Izzulhaq, 2023)

The compensation received by pre-wedding photographers can be considered halal if all the conditions and requirements of Islamic law are met. Conversely, if there are violations of Sharia, the compensation becomes haram. While the payment from clients to photographers can be beneficial, pre-wedding photography is viewed as ambiguous (syubhat) due to elements that do not fully comply with Islamic legal standards in the execution of pre-wedding photos. Although this compensation meets the requirements of muamalah (transactions) in wage agreements, the nature of the pre-wedding photos—comprising both Sharia-compliant and non-Sharia-compliant elements—creates uncertainty regarding the halal or haram status of the compensation received by the photographer. (Franky Gantara & Arif Rijal Anshori, 2022)

As devout Muslims who adhere to the regulations set by Allah SWT and His Messenger, it is important to follow the guidelines outlined in the Qur'an and Sunnah. This adherence will contribute to creating a more peaceful coexistence among people in the future (Oktavia, 2020). According to MUI-SU Fatwa No. 3 of 2011 regarding pre-wedding photography, it is stipulated that pre-wedding photographers must comply with Sharia law by ensuring that the photos taken do not violate Islamic principles. This includes avoiding images of the prospective bride and groom holding hands, embracing, or showing other forms of physical closeness before the marriage contract is completed. Photographers should maintain modesty in their work by presenting the bride and groom in a respectful manner, ensuring that their attire covers their private parts and avoiding violations of the limits set by Islamic law. Additionally, photographers must ensure that the prospective bride and groom wear clothing in accordance with Islamic dress code, avoiding transparent or tight clothing that reveals body contours. Photographers should also avoid encouraging haram behavior by refraining from taking photos that depict intimate actions or closeness between the prospective couple before the marriage is officially sanctioned by religion.

### Legal Rulings

1. Pre-wedding photos that depict the bride and groom posing together, holding hands, or embracing before the marriage contract is completed are considered haram.
2. If photos are needed or desired for identifying the couple, they should be displayed modestly, covering the aurat, and in accordance with Islamic law. This approach allows the couple's wish to display their photos while adhering to Sharia principles.

In Islam, individuals who are not married should not be alone, close, or physically affectionate, especially while not fully covering their aurat. (Afrah Nur Athifah et al., 2023) Photos on wedding invitations often show the couple in intimate poses as if they are married. However, in Islam, even though there are provisions for khitbah (engagement), this does not permit the couple to act freely. Khitbah only signifies that the prospective bride is not available for marriage to others. Other legal provisions still apply, such as the prohibition of being alone together, as this is considered an act of Satan. Allah SWT says:

يَا أَيُّهَا النَّبِيُّ قُلْ لَأَزُوجِكُمْ وَبَنَاتِكُمْ وَنِسَاءَ الْمُؤْمِنِينَ يُدْنِينَ عَلَيْهِنَّ مِنْ جَلْبِيبِهِنَّ ذَلِكَ أَدْنَىٰ أَنْ يُعْرَفْنَ فَلَا يُؤْذَيْنَ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا

Meaning: "O Prophet, tell your wives and your daughters and the women of the believers to draw their cloaks over their bodies. That is more suitable that they may be known and not be annoyed. And Allah is Forgiving and Merciful." (Qur'an, Surah Al-Ahzab: 59)

3. Hadiths concerning the prohibition of wearing transparent clothing and the prohibition of being alone with or looking at a non-mahram member of the opposite sex include:

عن علقمة بن ابى علقمة عن امه اهدنا قالت دخلت حفصة بنت عبد الرحمن على عائشة زوج النبي و على حفصة مخار رقيق فشقتة عائشة و كستها مخارا كثيفا

Meaning: From Alqamah bin Abi Alqamah, from his mother, who reported: Hafsah bint Abdurrahman entered the house of Aisha, the Prophet's wife, while wearing a thin head covering. Aisha then tore it and replaced it with a thicker head covering. (Reported by Malik)

عن ابن عباس قال مسعت النبي صلى هلا عليه و سلم ال خيلون رجل ابمرأة

Meaning: Ibn Abbas reported that he heard the Prophet say, "A man should not be alone with a woman." (Reported by Bukhari)

And the Prophet's hadith::

عن ابن بريدة عن ابيه قال قال رسول الله صلى الله عليه وسلم لعلى رضى هلا عنه اي على ال تتبع النظرة النظرة فان لك الوبل وليست لك الخرة

Meaning: Ibn Barudah reported that the Prophet Muhammad (SAW) said: "O Ali, do not follow one glance with another. The first one is for you, but not the second."

4. Hadiths concerning the modesty of women.:

عن عائشة رضى الله عنه ان امساء بنت اب بكر دخلت على رسول هلا و علتها ثياب رفاق فأعرض عنها رسول هلا و قال اي امساء ان امرأة اذا بلغت احمليض مل تصلح ان يرى منها ال هذا و هذا و اشار ابل وجهه و كفيه

Meaning: From Aisha (RA), it is reported that Asma' bint Abi Bakr entered the house of the Prophet Muhammad (SAW) wearing thin clothing. The Prophet (SAW) turned away and

said, "O Asma', when a woman reaches puberty, nothing should be visible of her body except this and this," and he pointed to his face and both palms. (Reported by Abu Dawud)

In Islam, an unmarried person should not be alone, close, or physically affectionate, even with their aurat not fully covered. Photos on wedding invitations often show the couple in intimate poses as if they are married. However, in Islam, although there are rules for khitbah (engagement), this does not permit the couple to act freely. Khitbah merely signifies that the prospective bride is no longer available for marriage to others, but other legal provisions still apply, including the prohibition of being alone together, as this is considered an act of Satan.

نَحْنُ نَحْكُمُ بِالْفُؤَاهِرِ وَاللَّهِ يَتَوَلَّى بِالشَّرَائِرِ

The MUI Fatwa No. 287 of 2001 regarding pornography and pornographic actions states: Allowing the aurat to be exposed or wearing tight or transparent clothing with the intention of being photographed, whether for printing or visualization, is haram. Engaging in intimate behavior or being alone (khalwat) between a man and a woman who are not mahrams, and other similar actions that approach or encourage sexual relations outside of marriage, is haram. Revealing the aurat—defined as the area between the navel and the knees for men and any part of the body other than the face and palms for women—is haram, except in cases permitted by Sharia. Wearing transparent or tight clothing that reveals body contours is also haram.

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#### Implications for Photographers from the Perspective of Positive Law

Under positive law in Indonesia, pre-wedding photographers must carefully consider the Fatwa Commission's decisions from the Indonesian Ulema Council (MUI) in North Sumatra, as these have significant implications. Photographers need to adhere to Indonesian laws, including regulations on marriage, laws related to photography, and privacy rules, while also understanding the relevant principles of Sharia that apply to their profession. Additionally, they must protect the privacy and identity of their clients by ensuring that their photography practices are respectful and do not infringe upon the clients' rights. (Nur, 2015) In aligning their practices with Indonesian family law, photographers must also consider marriage regulations and the protection of the marrying couple. Violations of Sharia law or positive law can result in legal risks, including the potential for lawsuits from clients if photos infringe on privacy or cross permitted boundaries. Photographers should also uphold professional ethics in their interactions with clients, especially when there are differing views on what is deemed appropriate. Additionally, they must be mindful of social and cultural norms in Indonesia, which may be influenced by religious views and local customs, and adjust their practices accordingly. As part of their social responsibility, photographers should ensure that their work does not promote behavior that contradicts religious norms or positive law. (Rosita, 2020).

#### IV. CONCLUSION

This research underscores the complexities and implications of pre-wedding photography within the Indonesian context, particularly concerning Islamic ethical guidelines and the fatwa

issued by the Indonesian Ulema Council (MUI) of North Sumatra. The increasing popularity of pre-wedding photography reflects a significant cultural shift, highlighting the need for a nuanced understanding of how these practices align with Islamic values.

The findings suggest that while pre-wedding photography can serve as a creative outlet for couples, it raises ethical and legal concerns rooted in Islamic teachings. Specifically, the MUI fatwa indicates that certain poses and interactions between engaged couples may contravene Islamic principles, particularly regarding modesty and the appropriateness of physical contact before marriage. Photographers and clients must navigate these guidelines carefully to ensure that their practices do not inadvertently cross ethical boundaries.

Furthermore, this study reveals the importance of educating both photographers and clients about the religious implications of pre-wedding photography. By fostering awareness and adherence to Islamic norms, the industry can continue to flourish while respecting the cultural and religious values of the community. The recommendations for maintaining ethical practices in photography serve as a crucial resource for professionals, helping them align their artistic expressions with the spiritual and moral expectations of their clientele.

In conclusion, pre-wedding photography, when approached thoughtfully, can harmoniously coexist with Islamic teachings. The challenge lies in balancing creative freedom with adherence to ethical and religious standards, ensuring that this modern practice continues to be a source of joy for couples without compromising their values. As such, ongoing dialogue and research in this area remain essential for guiding future practices and fostering a deeper understanding of the intersections between culture, ethics, and religion in the realm of photography.

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