

Conjoined Twin Marriages in the Perspective of Islamic Law

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Abstract

Conjoined twins have rights that must be fulfilled like other humans, namely the right to marry. However, Islamic Law scholars still debate the validity of conjoined twin marriages. This research discusses the debate about the marriage of conjoined twins in Islamic law. The research method uses normative juridical with an Islamic legal approach. The results show that conjoined twins are generally divided into two groups, conjoined twins who can be separated by surgery and conjoined twins who cannot be separated by surgery. Based on the organs or body parts that are connected or united, conjoined twins are divided into several types, such as *cephalopagus*, *thoracopagus*, *omphalopagus*, *ischiopagus*, *craniopagus*, *heteropagus*, *epigastric heteropagus*, *phygopagus*, *thoraco-omphalopagus*, *prosopo-thoracopagus*, *rachipagus*, *parapagus* and *dicephalic parapagus*. Islamic law does not specifically explain the type of marriage of conjoined twins. However, the law of conjoined twin marriage can be determined by classifying whether each conjoined twin has the consciousness of one person or two people. Besides that, it can also be



determined by organising it into one person from below the navel and two people united to form two bodies above. The legal determination of twins on different bases means that the validity of conjoined twin marriages is still debated in Islamic law.

KEYWORDS *Conjoined Twins; Debate; Islamic Law; Marriage.*

Abstrak

Manusia kembar siam memiliki hak yang harus dipenuhi seperti manusia lain, yaitu hak melangsungkan perkawinan. Namun, perkawinan kembar siam masih diperdebatkan keabsahannya oleh para ulama. Penelitian ini mendiskusikan tentang perdebatan keabsahan perkawinan kembar siam dalam hukum Islam. Metode penelitian menggunakan yuridis normatif dengan pendekatan hukum Islam. Hasil penelitian menunjukkan bahwa secara umum kembar siam terbagi menjadi dua kelompok, yaitu kembar siam yang dapat dipisahkan dengan pembedahan dan kembar siam yang tidak dapat dipisahkan dengan pembedahan. Berdasarkan organ atau bagian tubuh yang dihubungkan atau disatukan, kembar siam dibedakan menjadi beberapa jenis, seperti *cephalopagus*, *thoracopagus*, *omphalopagus*, *ischiopagus*, *craniopagus*, *heteropagus*, *heteropagus epigastrium*, *phygopagus*, *thoraco-omphalopagus*, *prosopothoracopagus*, *rachipagus*, *parapagus* dan *parapagus dichepalic*. Hukum Islam tidak secara spesifik menjelaskan tentang perkawinan kembar siam menurut jenisnya. Namun, hukum perkawinan kembar siam dapat ditetapkan dengan mengklasifikasikan apakah masing-masing dari si kembar siam tersebut memiliki kesadaran satu orang atau dua orang. Selain itu, dapat juga ditetapkan dengan mengklasifikasikannya menjadi satu orang dari bawah pusar dan dua orang bersatu membentuk dua badan di atas. Penentuan hukum kembar dengan basis yang berbeda tersebut menjadikan perkawinan kembar siam masih diperdebatkan keabsahannya dalam hukum Islam.

KATA KUNCI *Hukum Islam; Kembar Siam; Pernikahan; Perdebatan.*

Introduction

Conjoined twin is a rare phenomenon with an incidence of 1 in 50,000 to 1:100,000 births with a higher incidence in Africa and

Southwest Asia. ¹The estimated incidence of conjoined twins is one in 200,000 births, between 5% and 25% survive and the majority (75%) are female.² The first known and famous case of conjoined twins in modern history is that of conjoined twins from Thailand, namely Chang and Eng were born in 1811 and were joined from side to chest to navel. They married two sisters when they were 18 years old. ³ In Indonesia, there have been several cases of conjoined twins, such as the cases of Fahira and Sahira, where these conjoined twins were born with a conjoined stomach (*omphalopagus*). ⁴ The case of Adam and Aris, conjoined twins with their stomachs and chests attached. ⁵

The phenomenon of conjoined twins creates problems for Islamic law scholars regarding the right to marry. Previous researchers, including conjoined twin marriages, have carried out research on conjoined twins. For example, Maliki, Alwi and Ahmad studied the prohibition on the marriage of conjoined twins in the fatwa of Majma' al-Buḥūṭ al-Islāmiyyah bi al-Azhar. ⁶Then Ja'fari studied the background that forms the basis of the arguments from the Fatwa of Dar al-Ifṭā' al-Misriyyah and Majma' al-

¹ Mohammed Hamada Takrouney,, et al. "Conjoined twins: a report of four cases." *International Journal of Surgery Case Reports* 73 (2020): 289-293. <https://doi.org/10.1016/j.ijscr.2020.06.072>. See, Pradnya Changede et al., "Conjoined Twins: A Rare Entity," *The Journal of Obstetrics and Gynecology of India* 72, no. 6 (2022): 539-41

² Kurniawan Ari, "Asuhan Kebidanan Persalinan Dan Bayi Baru Lahir, Cetakan I," *Kementerian Kesehatan RI*, 2016. See, Brent A. Willobee, et al. "Predictors of in-hospital mortality in newborn conjoined twins." *Surgery* 166.5 (2019): 854-860. <https://doi.org/10.1016/j.surg.2019.06.028>

³ Faisal Saeed Al-Amish, "Al-Aḥkām Al-Multaṣṣaḥah Fī Al-Fiqhī Al-Islāmī," *Journal of King Abdul Aziz University* 2, no. 16 (2018): 197.

⁴ Yan Muḥardiansyah, "Pemisahan Bayi Kembar Siam Sahira-Fahira Di Medan Sukses," *Merdeka.Com*, October 27, 2017, <https://www.merdeka.com/peristiwa/pemisahan-bayi-kembar-siam-sahira-fahira-di-medan-sukses.html>.

⁵ Dewantoro, "Cerita Bayi Kembar Siam Adam Dan Aris, Setahun Dirawat Di RS, Sempat Jalani 10 Jam Operasi Pemisahan," *Kompas.Com*, March 3, 2021, <https://regional.kompas.com/read/2021/03/03/18080031/cerita-bayi-kembar-siam-adam-dan-aris-setahun-dirawat-di-rs-sempat-jalani-10?page=all>.

⁶ Muhammad Alwi al Maliki, Ahmad Adharul Ja'fari, and Asep Saepudin Jahar. "Kritik Fath al-Dhārī'ah Terhadap Fatwa Majma'al-Buḥūṭ al-Islāmiyyah bi al-Azhar Tentang Larangan Perkawinan Kembar Siam (Studi Kembar Siam Tipe Craniopagus)." *Asy-Syari'ah: Jurnal Hukum Islam* 9.1 (2023): 70-88. <https://doi.org/10.55210/assyariah.v9i1.1011>

Buhus al-Islamiyyah regarding the marriage of conjoined twins using the analysis of Maqasid al-Syari'ah al-Syatiby.⁷ Furthermore, Ja'fari and Darmawan also discussed Nasir Abdullah Al-Maiman's opinion regarding the marriage of conjoined twins using an analysis of the five principles in maqasid shari'ah.⁸ Mustikasari discusses the law on the marriage of conjoined twins according to the views of NU and Muhammadiyah figures in Malang City from the legal basis and method of istinbath perspective.⁹ The conclusions from previous research are very diverse and still do not provide legal certainty regarding conjoined twin marriages.

Marriage can not only be performed by people who have normal body parts, but people who have abnormal body parts can also get married, because marriage is everyone's human right,¹⁰ including conjoined twins. As confirmation, conjoined twins are twins whose bodies are joined together.¹¹ This occurs when the zygotes of identical twins fail to separate completely.¹² Physical conditions inherent in conjoined twins with two large brains each controlling one of the two faces and limbs on either side of the body, there are two separate centres of consciousness,

⁷ Adharul Ja'fari, "Pendapat Majma 'Al-Buhus Al-Islamy Al-Azhary dan Dar Al-Ifta'Al-Misriyyah tentang pernikahan kembar siam perspektif Maqasid Al-Syari 'Ah Al-Syatibi" *Dissertation*, Malang: Universitas Islam Negeri Maulana Malik Ibrahim, 2023.

⁸ Achmad Adharul Jafari, and Darmawan Darmawan. "Analisis Maqasid al-Shariah Terhadap Pendapat Nasir Abdullah al-Maiman tentang Pernikahan Craniopagus." *Al-Qanun: Jurnal Pemikiran dan Pembaharuan Hukum Islam* 25.2 (2022): 177-190. <https://doi.org/10.15642/alqanun.2022.25.2.177-190>

⁹ Yuyun Mustikasari, "Pernikahan kembar siam menurut pandangan tokoh Nahdlatul Ulama dan Muhammadiyah Kota Malang" *Dissertation*. Malang: Universitas Islam Negeri Maulana Malik Ibrahim, 2018.

¹⁰ Naveli Sharma, Virendra Pratap Yadav, and Aashima Sharma. "Attitudes and empathy of youth towards physically disabled persons." *Heliyon* Vol.7.Nomor. 8 (2021), 2-4. <https://doi.org/10.1016%2Fj.heliyon.2021.e07852>

¹¹ Julia Métneki and Peter Varjassy. "Conjoined twins." *Twin Research for Everyone*. Academic Press, (2022). 85-112. <https://doi.org/10.1016/B978-0-12-821514-2.00012-X>. See, Asma Mian, et al. "Conjoined twins: From conception to separation, a review." *Clinical Anatomy* 30.3 (2017): 385-396. <https://doi.org/10.1002/ca.22839>. See to, Lewis Spitz, Edward Kiely, and Agostino Pierro. "Conjoined twins." *Rickham's Neonatal Surgery* (2018): 457-474. https://doi.org/10.1007/978-1-4471-4721-3_19

¹² Juan A Tovar, "Conjoined twins." *Pediatric Surgery: General Principles and Newborn Surgery* (2020): 1197-1210. https://doi.org/10.1007/978-3-662-43588-5_86. See, Ray Mehollin, Amy R. "Prenatal and postnatal radiologic evaluation of conjoined twins." *Seminars in perinatology*.(2018), Vol.42, Issue 6, 369-380. <https://doi.org/10.1053/j.semperi.2018.07.015>

each with its own sensory pathways and each capable of independent thinking, emotions, expressions and movements,¹³ of course it becomes difficult to determine the laws of conjoined twin marriage. Moreover, in Islamic law, it is forbidden to gather two women who are siblings in one marriage bond at the same time. If two men marry a woman at the same time (*polyandry*) it is also forbidden in Islam. Therefore, Islamic law scholars are still arguing about the permissibility and un-permissibility of conjoined twin marriages.¹⁴ This research discusses the legality of conjoined twin marriages in Islamic law so that a clear answer is found from the debate among Islamic law scholars.

Methods

The method used is normative juridical research with an Islamic legal approach namely research to find legal doctrines and opinions of scholars about conjoined twins. Data collection uses document studies to explore primary and secondary legal materials, which include various fiqh books, contemporary ulama fatwas and other related literature. The analysis uses perspective with logic and deductive legal reasoning.

Discussion

Types of Conjoined twins

Conjoined twins in Arabic are called al-Tauam al-Multasiqoh. Conjoined twins in Arabic are called al-Tauam al-Multasiqoh.¹⁵ There are

¹³ Robert Francescotti, "Who Are 'We'?: Animalism and Conjoined Twins," *Analytic Philosophy*, 2022. Amos Wollen, "Libertarianism and Conjoined Twins," *Philosophia* 50, no. 4 (2022): 2183–92.

¹⁴ Muhammad Alwi al Maliki, Ahmad Adharul Ja'fari, and Asep Saepudin Jahar. "Kritik Fath al-Dhari'ah Terhadap Fatwa ...78-80. See, Achmad Adharul Jafari,, and Darmawan Darmawan. "Analisis Maqasid al-Shariah Terhadap Pendapat Nasir Abdullah al-Maiman tentang Pernikahan Craniopagus." *Al-Qanun: Jurnal Pemikiran dan Pembaharuan Hukum Islam* 25.2 (2022): 177-190. <https://doi.org/10.15642/alqanun.2022.25.2.177-190>

¹⁵ Adharul Ja'fari, " Pendapat Majma 'Al-Buhus Al-Islamy Al-Azhary dan Dar Al-Ifta'Al-Misriyyah tentang pernikahan kembar siam perspektif Maqasid Al-Syari 'Ah Al-

several types of conjoined twins, which are divided into two groups, i.e: 1) conjoined twins that cannot be surgically separated, surgery is not possible because the abnormality is rare and difficult to treat even for experienced surgeons; 2) conjoined twins that can be operated on for separation, to perform surgery it is necessary to collect and analyze data related to age and weight at the time of separation surgery, duration of surgery, duration of anesthesia during separation surgery, detailed description of the separation operation, postoperative complications, and mortality.¹⁶

Conjoined twins are divided into several types based on the organs or body parts that are connected or joined together. The types of conjoined twins are as follows:¹⁷

1. *Cephalopagus* (united at the head). *Cephalopagus* twins are characterized by an anterior (frontal) and upper body union, with the two faces each located on opposite sides of the heads of the conjoined twins.¹⁸
2. *Thoracopagus* (united at the chest). The *thoracopagus* type of conjoined twins joins anteriorly (front), chest and involves the heart. In thoracopagus twins the heart is very important because liaison is usually fatal. The greater the extent of fusion (fusion) of the thoracic cage (chest cavity), the greater the likelihood of associated severe anomalies.¹⁹

Syatibi". *Dissertation*, Malang: Universitas Islam Negeri Maulana Malik Ibrahim (2023), 39

¹⁶ Ana Cristina Aoun Tannuri et al., "Conjoined Twins—Twenty Years' Experience at a Reference Center in Brazil," *Clinics* 68, no. 3 (2013): 371–77. Chen, Yidong, et al. "Integrated multiomics reveal the molecular characteristics of conjoined twin fetuses." *Reproductive BioMedicine Online* (2023). <https://doi.org/10.1016/j.rbmo.2023.03.001>

¹⁷ Chen, Yidong, et al. "Integrated multiomics reveal the molecular characteristics of conjoined twin fetuses." *Reproductive BioMedicine Online* (2023). <https://doi.org/10.1016/j.rbmo.2023.03.001>

¹⁸ Neela Srinath, et al. "Prenatal diagnosis of non-janiceps type of cephalopagus conjoined twins: a case report." *Egyptian Journal of Radiology and Nuclear Medicine* 54.1 (2023): 63. <https://doi.org/10.1186/s43055-023-01008-x>

¹⁹ Zubović, S. Vegar-, et al. "Conjoined twins—a case report of prenatal diagnosis of cephalothoracoomphalopagus." *Radiography* 26.2 (2020): e126-e128. <https://doi.org/10.1016/j.radi.2019.09.007>

3. *Omphalopagus* (united at the stomach). In most of the *omphalopagus* twins the gastrointestinal tract, liver, bile duct and bladder are joined. Most are attached by skin bridges which often contain liver tissue. The consistent spectrum of anomalies encountered in *omphalopagus* twins allows planning of separation.²⁰
4. *Ischiopagus* (united at the hip). *Ischiopagus* twins are joined at the lower chest or abdomen to the hips. Complex urological problems (urinary tract disease) occur in conjoined twins although they are limited to those with hip fusion. In surgical separation requires secondary reconstructive and close urological monitoring.²¹
5. *Craniopagus* (united at the skull). *Craniopagus* twins are twins with fused skull bones and separate bodies. The incidence of *craniopagus* twins is approximately four to six per ten million births.²²
6. *Heteropagus* (parasite). *Heteropagus* are asymmetric conjoined twins in which the twin's tissues are severely damaged and rely solely on the other twin's largely intact cardiovascular (heart and blood vessels) system for survival. *Heteropagus* conjoined twins are characterized by an incomplete component (parasite) that is usually smaller and dependent on the host (autosite).²³
7. *Heteropagus Epigastrium*. In the case of epigastric *heteropagus* twins the insertion or attachment occurs in the *epigastrium* (upper part of the abdomen). This refers to conjoined twins that are unequal and asymmetric in which the parasitic portion is united at the epigastrium

²⁰ Syahriar Muhammad, Budi Laraswati, and Lenny Violetta. "Radiology assessment of omphalopagus conjoined twins: A case report." *Radiology Case Reports* 17.4 (2022): 1169-1174. <https://doi.org/10.1016/j.radcr.2022.01.042>

²¹ Truong Quang Dinh, et al. "A case report describing the successful separation of ischiopagus tetrapus conjoined twins in Vietnam." *Radiology Case Reports* 16.9 (2021): 2658-2662. <https://doi.org/10.1016/j.radcr.2021.06.048>

²² Pradeep Kumar Sahu, et al. "Pre-and postoperative rehabilitation of craniopagus conjoined twins: a case report." *Physical & Occupational Therapy In Pediatrics* 41.6 (2021): 637-654. Sahu, Pradeep Kumar, et al. "Pre-and postoperative rehabilitation of craniopagus conjoined twins: a case report." *Physical & Occupational Therapy In Pediatrics* 41.6 (2021): 637-654.

²³ Mahamat-nour Abakar Djibrine, et al. "Heteropagus conjoined twins: Five cases." *Journal of Pediatric Surgery Case Reports* 76 (2022): 102086. <https://doi.org/10.1016/j.epsc.2021.102086>

- of the dominant portion (autosite). In epigastric *heterophagus* twins, the dependent portion (parasite) is smaller than the host (autosite).²⁴
8. *Phygopagus* (united at the back). Conjoined twins that are united at the rear. *Phygopagus* conjoined twins are more often female while stillborn babies are generally male.²⁵
 9. *Thoraco-omphalopagus*. Conjoined *thoraco-omphalopagus* twins where the body is joined at the top of the chest and the bottom of the chest. *Thoraco-omphalopagus* is a step condition in which a severely deformed fetus is attached to the thorax and upper abdomen of the main fetus (autosite).²⁶
 10. *Prosopo-thoracopagus*. *Prosoto-thoracopagus* conjoined twins are intermediate between cephalopagus and thoracopagus conjoined twins although these twins have different variations. Where united from the face down the umbilicus (navel), none are united in the brain but all with visceral anomalies between the cephalopagus and thoracopagus. Classic cephalopagus twins are joined from the top of the head to the umbilicus, sharing one foregut as well as two relatively normal hearts. The typical thoracopagus is joined only from the thorax or to the umbilicus, each twin with a normal foregut but both share a complex multiventricular heart.²⁷
 11. *Rachipagus*. *Rachipagus* conjoined twins are conjoined twins where the spine is joined.²⁸

²⁴ R. Raman, and A. Raman. "Epigastric heteropagus twins recorded in Madras Presidency in 1789." *Indian Jour Hist Sci* 54 (2019): 317-23.

²⁵ Yukari Sato,, et al. "Successful anesthetic management of separation surgery for pygopagus conjoined twins: a case report." *JA Clinical Reports* 7.1 (2021): 1-4. <https://doi.org/10.1186/s40981-020-00406-8>

²⁶ Diptee Poudel,, et al. "Thoraco-omphalopagus conjoined twin: A rare case report." *International Journal of Surgery Case Reports* 99 (2022): 107683. <https://doi.org/10.1016/j.ijscr.2022.107683>

²⁷ Rowena Spencer,, and William H. Robichaux. "Prosopo-thoracopagus conjoined twins and other cephalopagus-thoracopagus intermediates: case report and review of the literature." *Pediatric and Developmental Pathology* 1 (1998): 164-171. <https://doi.org/10.1007/s100249900022>

²⁸ Z. Yang,, et al. "Craniopegus and rachipagus conjoined twins in triplet pregnancy: challenges in early prenatal diagnosis at 12 weeks." *Ultrasound in Obstetrics & Gynecology* 60.5 (2022): 700-702. <https://doi.org/10.1002/uog.26016>

12. *Parapagus*. *Parapagus* conjoined twins are conjoined twins that are joined on the underside of the body by a heart which is often divided.²⁹
13. *Parapagus Dichepalic*. *Dicephalic parapagus* conjoined twins are a type of conjoined twins with two bodies and two heads.³⁰

The discussion of the types of conjoined twins is intended to clarify the understanding of conjoined twins so that further discussion will be clearer regarding the debate among Islamic legal experts regarding conjoined twin marriages.

Marriage for Conjoined Twins According to Islamic Law

Islamic law does not specifically explain the law regarding the marriage of conjoined twins according to their types. However, in Islamic law it is explained according to the condition of conjoined twins, which are divided into two groups below:

1. Conjoined Twin marriage Laws If They Are One Person or Two Persons

If conjoined twins are known or judged by one person, then there is no problem in breaking up the marriage, whether male or female. There is no dispute about whether or not marriage is permissible because basically one person and the other are in the sense of additional members in its creation and formation. However, if it judged by two people, then there is a difference of opinion:

The first opinion is the marriage for conjoined twins are permitted, this opinion is held by Dr. 'Abdul Malik al-Sa'adī who is one of the Iraqi

²⁹ Grace Bundens,, et al. "Diagnosis and Management of a Mullerian Tract Anomaly in Parapagus Conjoined Twins." *Journal of Pediatric and Adolescent Gynecology* 33.2 (2020): 201. <https://doi.org/10.1016/j.jpjpag.2020.01.128>

³⁰ Harapan Parlindungan Ringoringo "Parapagus dicephalus conjoined twins with tribrachius and a single heart—A scarce variant of conjoined twins: A case report." *Human Pathology: Case Reports* 25 (2021): 200533. <https://doi.org/10.1016/j.ehpc.2021.200533>. See to, Srashti Shah, et al. "Tribrachius parapagus diencephalus conjoined twin." *Journal of Pediatric Surgery Case Reports* 85 (2022): 102369. <https://doi.org/10.1016/j.epsc.2022.102369>

scholars. In this case, if one twin wants to have sexual intercourse with his wife, the other twin must turn his head away from him and cover his eyes or lower his gaze and it is not permissible for him to see the private parts of his brother's wife and his brother's genitals.³¹ This opinion is in line with what is explained in *al-Bujairamī al-Khaṭīb* that it is permissible for each of them to marry, whether male, female or different and it is obligatory to cover their genitals and protect them as much as possible.³²

The opinion that allows is also held by the *Dār al-Iftāa fatwa* of Egypt on August 20, 2007 Number 4224. It is stated that marriage is a contract if the conditions and elements are met then the *akad* is valid, just like every twin has a spirit that is different from one another and their own personality. If the marriage contract meets the complete requirements and elements, the *akad* is valid too, and the condition of the conjoined twins does not affect the damage to the *akad* because it is outside of that.³³

The basis of opinion that allows the marriage for conjoined twins is as follows: *first*, Command to marry. As Allah swt. said in QS An-Nisa/4: 3

“...then marry those that please you of (other) women, two or three or four. But if you fear that you will not be just, then (marry only) one or those your right hand possesses...”³⁴

Based on the verse above, it is explained about the order to marry by choosing women who are liked by one, two, three or four with the consequence of being able to treat them fairly. *Second*, a Marriage, if its pillars and conditions are fulfilled then the *akad* is valid. The condition of being attached to each other as conjoined twins does not affect the

³¹ Abdul Nāṣir Mūsā Abu Al-Bashal, *Nawāzil Al-Tawāim Al-Multaṣṣaqah: Al-Aḥkām Al-Muta'alliqah Bi Faṣliha Wa Mīrāsīha Wa Zawājiha* (Mecca: al-Majma' al-Fiqhiy al-Islamiy, Rabithah al-Alam al-Islamiy, 2010).

³² Sulaiman al Bujairimiyy, “Tuhfah Al-Habib ‘ala Syarh Al-Khathib” (Beirut: Dar al-Kutub al-‘Ilmiyyah, 1996).

³³ Al-Bashal, *Nawāzil Al-Tawāim Al-Multaṣṣaqah: Al-Aḥkām Al-Muta'alliqah Bi Faṣliha Wa Mīrāsīha Wa Zawājiha*.

³⁴ M S Abdul-Rahman, *The Meaning and Explanation of the Glorious Qur'an*, The Meaning And Explanation Of The Glorious Qur'an (MSA Publication Limited, 2007), <https://books.google.co.id/books?id=VrR-CcESLrsC>.

cancellation of the contract because it is something other than that. *Third*, the prohibition to see genitals is one of *Haqqullah* (right of God) and marriage is a human right. The majority of scholars argue that human rights are in accordance to the rights of Allah swt. *Fourth*, refraining from *Zina* (adultery and fornication) is obligatory.³⁵

Based on this opinion which states that conjoined twins are permissible to marry with the condition that they are obliged to look away or close their eyes because they are not allowed to see the private parts of their sister's wife and her brother's genitals. This opinion is less strong because when having a husband and wife relationship is not only related to vision problems but also hearing and taste. If one conjoined twin has intercourse with his wife or husband, the other twins will automatically hear and feel what their twins are doing because their bodies are close together. It should be prioritized to conduct the separation operation first, after the separation operation is conducted, you may marry, because the issue of marriage is not yet included in the emergency (*dharuriyah*) category, while the separation operation is considered *dharuriyah*.

The second opinion, prohibiting and not accepting conjoined twin marriages, this opinion is held by the Islamic Research Academy at *al-Azhar al-Syarif* regarding the non-acceptance of conjoined twin marriages. In a hearing held on Thursday, the 26th of *Rabi' al-Awwal* 1429 H, that it is not permissible to marry one or two conjoined twins, because marriage has conditions that are prohibited from being seen by one of the conjoined twins. A man may not marry two conjoined twins because it is forbidden to gather two female twins in the same marriage bond at the same time. Likewise, two conjoined twins may not marry a woman at the same time.³⁶

³⁵ Ubaid Abdullah Abd Al-Thaaiy, "Hukmu Zawaj Al-Tawaaimin Al-Multashiqin," *Majalah Al-Mashdar Al-Iraqiyah* 48, no. 1 (2020): 263–80.

³⁶ Al-Bashal, *Nawāzil Al-Tawāim Al-Multashaqah: Al-Aḥkām Al-Muta'alliqah Bi Faṣliha Wa Mīrāsīha Wa Zawājiha*.

The basis of the opinion that prohibits the marriage of conjoined twins is as follows:

1. It is forbidden to combine two sisters in one marriage bond. As Allah swt. said in QS an-Nisa'/4: 23.

“...and that you take (in marriage) two sisters simultaneously, except for what has already occurred...”³⁷

If conjoined twins are two women, then a man who marries him combines two female siblings at the same time, and this is prohibited by the Shari'a.

2. Polyandry is Prohibited (Having Two or More Husbands). As Allah says in QS an-Nisa'/4: 24.

“And (also prohibited to you are all) married women except those your right hands possess. (This is) the decree of Allāh upon you...”³⁸

If conjoined twins are two men, then a woman whom she marries has two husbands at the same time, polyandry is prohibited in Islam.

3. It is forbidden to see private parts, each conjoined twin cannot have sex with its partner unless the other twins also see it, because their bodies are fused or attached to each other, whereas in Islam it is forbidden to see other people's private parts.
4. The inability to fulfill the rights and obligations of husband and wife such as obedience, decision making in the household, traveling together and so on because there are other twins who always accompany their siblings wherever they go.³⁹

Based on the above opinion, it is known that the second opinion differs from the first opinion that in the case of conjoined twins belonging to the daruriyah category is separation, while marriage is not yet included

³⁷ Abdul-Rahman, *The Meaning and Explanation of the Glorious Qur'an*.

³⁸ Abdul-Rahman.

³⁹ Al-Bashal, *Nawāzil Al-Tawāim Al-Multashaqah: Al-Ahkām Al-Muta'alliqah Bi Faṣliha Wa Mīrāsīha Wa Zawājiha*.

in daruriyah, so before marrying conjoined twins it is mandatory to try to carry out the separation operation first, if it has been separated then each Twins can marry both boys and girls. If they have not been separated, then it is not permissible or prohibited to marry.

2. Conjoined twin marriage law if two people up and one person down

Being one person from below the navel and two people joining to form the two bodies above, so they share genitals. Can conjoined twins with these conditions marry or not? In this case, there are two different opinions, namely as follows:

The first opinion is that conjoined twins are allowed. There are several scholars who allow conjoined twin marriage including: Imam al-Syāfi'ī, Ibn Qayyim al-Jauziyah, several Mālikī scholars, Imam Syī'ah and the views of several contemporary scholars.⁴⁰ Imam Al-Ghazali said that: Imam Al-Syāfi'ī r.a talked about a woman who had two heads, so he married her for one hundred dinars looked at her and divorced her.”⁴¹

Based on the statement above, it is known that there has been a case of conjoined twins with two heads and one body that are female, married for a price of one hundred dinars after the woman is divorced. In this case, the opinion that allows the marriage of conjoined twins assumes that conjoined twins with two faces are an improvement in character.

The reasons for the opinion of permissible conjoined twin marriage are as follows: 1) the validity of a marriage; 2) twins who share reproductive organs are one person, therefore nothing prevents them from getting married and other organs are considered complementary. Both men and women can enjoy it. The Second Opinion prohibits the marriage of conjoined twins. Hakim Ayyad held this opinion. Marriage conjoined twins if it becomes one person from below the navel and two people unite to form two bodies above is invalid.

⁴⁰ Al-Thaaiy, “Hukmu Zawaj Al-Tawaaimin Al-Multashiqin.”

⁴¹ Imam al Ghazali, “Al-Wasith Fi Al-Mazhab” (Kairo: Daar al-Salam, 1970).

The reasons for the opinion prohibiting marriage of conjoined twins with problems or sharing genitals are as follows: 1) it is forbidden to gather two sisters in one marriage bond at the same time; 2) polyandry (having two husbands or more at the same time) is forbidden; 3) an analogy with troubled intersex marriages, just as troubled intersex marriages are prohibited because of the harm they cause, so are marriages of conjoined twins and; 4) can lead to problems of mixing bloodlines, causing conflicts, fights, and disagreements over the genealogy of babies born. Anything that leads to something that is haram is haram.⁴²

The opinion that prohibits the marriage of conjoined twins was also expressed by Nāṣīr 'Abdullāh al-Maimān that it is not permissible for conjoined twins to marry if they have two heads, two hearts, two legs and one genitalia, because in the judgment of two people. Remembering that there is a separate head and heart, as proof that each has an independent mind, senses, and many limbs. Marriage is a legal right, and nothing can prevent that legal right. But in contrast to people who join, it is especially difficult to hide the sexual process between partners and there are third parties.⁴³

Based on this opinion, if there are two conjoined twins from above the navel to the head and one person from below the navel to the feet, then an operation must be made to separate them before marriage. It is not permissible to marry both of them because if you marry both of them it is forbidden in Islamic law. It is also not possible to marry one of them because they share genitals, what about when having husband and wife intercourse while there is a third party? In the process of separating conjoined twins, there are two possibilities that can occur, namely survival or death. So that before conducting the separation operation, there must be approval from both parents and the approval of the parties concerned.

⁴² Al-Thaaiy, "Hukmu Zawaj Al-Tawaaimin Al-Multashiqin."

⁴³ Al-Bashal, *Nawāzil Al-Tawāim Al-Multashaqah: Al-Aḥkām Al-Muta'alliqah Bi Faṣliha Wa Mīrāsīha Wa Zawājiha*.

Conclusion

Islamic law does not specifically explain the law on conjoined twin marriage according to type. The law of marriage between conjoined twins is divided into two groups according to the conditions for the occurrence of conjoined twins, namely if the conjoined twins are considered one person or two people and if they become one person from below the navel and the two people unite to form two bodies above. There are differences of opinion regarding the marriage of conjoined twins, where some are permissible and some are haram, so to resolve problems that do not yet have answers in the text, including the problem of conjoined twin marriage, it should be done carefully and paying attention to al-Ḍarūriyyāt al-Khams. Apart from that, when studying a problem, you must carefully consider the benefits and mafsadat (badness) contained therein. Future research should examine in detail and comprehensively all the opinions of classical and contemporary Islamic legal scholars regarding the marriage of conjoined twins.

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