

## Extended Family in Islamic Family Law

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### ABSTRACT

The existence of humans being made into nations and tribes is intended so that these positive things can be realized which depend on the process of knowing each other and integrating lineages (*nasab*). The family according to the Islamic concept is a unified relationship between a man and a woman through a marriage contract (*akad*) according to Islamic teachings. Or those who are of the same lineage, descendants, they gather in one place of residence and family with kinship relationship both including heirs and those who are not included, those who do not inherit, but are part of the family. Social units consisting of several families related by blood or marriage. Kinship members consist of father, mother, children, in-laws, grandchildren, brothers, sisters, uncles, aunts, grandfathers, grandmothers and so on. The kinship system is a very important part of the social structure.

This research aims to know the kinship relations that exist in Indonesia. This research is a literature research with descriptive method. The results of the research obtained by the Matrilineal Kinship System" is "Kinship System based on Maternal Lineage". Patrilineal is a community custom that regulates the line of descent from the father's side. Meanwhile, Parental/Bilateral is a system that draws a line of kinship from the father's and mother's sides.

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## 1. Introduction

Human life cannot be separated from the so-called family. Family is central of human life; it is from the family that humans foster and build generations; it from the family that each has a sense of responsibility to perform their duties as family members; it is from the family that a sense of religion and religiosity can be fostered and built. Family in the Islamic view has no small meaning. Even Islam pays great attention to family life by laying down wise principles to protect family life from disharmony and destruction. The family is the first brick to build a palace for the Muslim community and is a *madrassa* of faith which is expected to produce generations of Muslims who are able to exalt the word of Allah.

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Islam not only regulates the relationship between humans and their gods, but also regulates the relationship between humans and each other. In fact, there are examples of concern for relatives instilled in Islamic teachings. Islam aims to build strong relationships among people who are all created by Allah. In the Qur'an it is mentioned in QS Al-Hujurat: 13:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۗ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتَقْوَىٰ ۗ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

"O humanity! Indeed, We created you from a male and a female, and made you into peoples and tribes so that you may get to know one another."

In Tafsir as-Sa'di / Shaykh Abdurrahman bin Nashir as-Sa'di, a 14th-century an expert of *tafsir*, Allah tells that He created Adam's posterity from one origin and self, all of Adam's descendants come from men and women whose genealogy all refer to Adam and Eve. God bred from both men and women a great number, they were then dispersed and made "nations and tribes," that are large and small tribes. This is intended to get to know each other, because if each person is alone, the goal of getting to know each other will certainly not be achieved which can lead to mutual help, shoulder to shoulder, inherit from one another and fulfill the rights of relatives.

The existence of humans being made into nations and tribes is intended so that these positive things can be realized which depend on the process of knowing each other and integrating lineages (*nasab*). But the measure of glory among them is piety. The noblest among others is the one who fears Allah the most, obeys the most and is best able to prevent himself from disobedience, not the one with the most relatives and kindred, not the one with the most distinguished descendants (because of social level). And regarding all that Allah is "All-Knowing, All-Aware." Allah knows who among them fears Allah both outwardly and inwardly, and who among them does not fulfill it, both outwardly and inwardly. Each will be rewarded accordingly.

In this verse there is an argument which shows that knowing lineage is required according to the Shari'a, because Allah made humans into nations and tribes for this purpose.

In relation to Islamic law, the family has a very strategic position. Legal arrangements for individuals and families are closely related to the awareness and religious observance of every Muslim. With the formation of a family, it will automatically give birth to a law in it where this law contains rules that are imposed on all family members.

Islamic law is one of the most important pillars in Islam. It is undeniable that almost in all aspects of life; both in the sphere of worship and *muamalah* are regulated and conditioned in such a way by Islamic law. Islamic law will be able to play its role properly and remain in accordance with its nature and characteristics if it is able to follow the development of human law which is always changing and developing.

## **2. Literature Review**

### **2.1 Definition of Family**

The concept in KBBI (The Great Indonesian Dictionary) means design. So, it can be interpreted that in a concept there is a way to design from an idea or a theory. Meanwhile, the family according to the Islamic concept is a unified relationship between a man and a woman through a marriage contract (*akad*) according to Islamic teachings. In the Qur'an the word "family" is mentioned by Allah SWT with *lafadz ahlun - qurbaa - 'asyirah*. The explanation is as follows: Ahlun. Al-Raghib mentioned that *ahlun* is a family who is related, descendant, they gather in one place to live. Qurbaa. Shawi stated that *qurbaa* is a family that has a kinship relationship, whether it includes heirs or those who are not included, those who do not inherit, but are included in a kinship family but have a kinship relationship with the mother and father. Ashira. Al-Raghib mentions that *ashira* is a family of many descendants.

Family in Arabic is called *ahlun*, apart from the word *ahlun* the words that have the meaning of family are *aali*, *asyirah*, and *qurbaa*. The word *ahlun* comes from the word *ahila* which means happy, like, or friendly. According to another opinion, the word *ahlun* comes from *ahala* which means married (Ahmad 2008: 135)

According to the Islamic concept, the family is a unified relationship between a man and a woman through a marriage contract (akad) according to Islamic teachings. With the marriage contract bond, it is intended that the children and offspring produced will be legal according to religious law. Abu Hamid said that in life one cannot be separated from family, because this is where one's social life begins. The family is the smallest unit. As a small group in society, the family consists of two, namely: (mufidah 2018) (a) (nuclear family): the nuclear family is a family unit consisting of husband, wife and their children, who are sometimes referred to as the conjugal family. (b) (extended family): extended family is based on the blood relationship of a large number of people, which includes parents, children, grandparents, uncles, aunts, nieces, and so on. This family unit is often referred to as a conguine family (based on consanguinity).

## 2.2 Extended Family

Kinship relationship is a relationship between each entity that have the same genealogical origin, both through biological and social descent. Kinship is one of the fundamental principles for classifying people into social groups, roles, categories and genealogy. Family relationships can be presented in real or abstract terms according to the level of kinship (Robin 1974) (1) Extended families can live together for various reasons, such as to help raise children, care for sick relatives and help with financial problems. Sometimes children are raised by their grandparents when their biological parents have died or are no longer able to care for them. Many grandparents take on the primary responsibility of caring for children, especially when both parents are working. According to Robert R. Bell there are three types of relationships in the family. Close relatives (conventional kin) consisting of individuals who are related in the family through blood relations, adoption and or marriage, such as husband and wife, parents, children and between siblings. (2) Distant relatives (discretionary kin), which consist of individuals who are bound in the family through blood relations, adoption or marriage, but family ties are weaker than close relatives. Members of distant relatives are sometimes unaware of the existence of this family relationship. The relationships that occur between them are usually due to personal interests and not because of obligations as family members. Usually they consist of uncles and aunts (3) People who are considered family (fictive kin), someone who is considered relatives because of a special relationship, such as a relationship between someone who is close.

## 3. Methodology

This study uses literature research, which is a method of collecting data by understanding and studying theories from various literature related to this research. There are four stages of literature study in this study, namely preparing the necessary tools, preparing a work bibliography, organizing time and reading or taking notes. The data collection uses ways to find sources and construct from various sources, for example books, journals and research that has been done. The literature materials obtained from various references are analyzed critically and must be in-depth in order to support ideas.

## 4. Results and Discussion

Broadly speaking, kinship relations are divided into three, namely:

(1) Parental/Bilateral Kinship System. This system draws bloodlines from both the paternal and maternal sides. Children connect themselves with both parents and also the relatives of the father and mother bilaterally. Examples of tribes that use this kinship system are: Javanese, Sundanese, Madurese and Bugis. The Bugis ethnic group is an ethnic group that inhabits the largest part of the southern part of the island of Sulawesi, the Bugis people are also called the *to Ogi* people. Kinship relationships that follows the social environment of the father and mother. Kinship relations are calculated through two pathways, namely blood relatives (Consanguinity) which in Bugis is called "*seajing*" and from relatives by marriage (affinal)

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which is called in Bugis language (*siteppa-teppa*). *Seajing* relatives play a very large role in everyday life because in addition to being obliged to take care of marital or kinship issues, these close family members become to *masiri'* or people who are ashamed if family members are female (*silariang*) or are taken away by other people because they are obliged to defend and defend *Siri* (shame) or relatives or the pride of the extended family. Meanwhile (*siteppa-teppa*), the new family plays a big role when the extended family holds ceremonies around the circle of life such as marriage, birth, death, moving to a new house and so on.

(2) Patrilineal Kinship System. This system draws a line of kinship from the father's side. This system connects children with paternal relatives based on unitary male lineage. In patrilineal society, descendants from the father's side are considered to have a higher and more honorable position. Examples of tribes that use this system are: Batak, Bali, Ambon, and Asmat. The Ambonese people adhere to a patrilineal kinship system. In this system, children born from marriage will follow the father's lineage, the Ambonese determine their kinship based on the father's lineage and settle in the father's environment after marriage. The smallest kinship unit is the ancestor which consists of people who have one ancestor, then the family (relatives) which contains the nuclear family and their relatives, from both the father's and mother's side. Family units have mutual responsibility to help when there are problems and ceremonies regarding important matters in life: births, marriages, and deaths. In addition, it is also known that the *matarumah* consists of the nuclear family and limited extended family from the male lineage. Each *matarumah* has *dati* (family land) which is cultivated and harvested by the *dati's* children, namely the men in the *matarumah* and unmarried women. When married, women lose their rights because they are considered to have obtained land rights from their husbands. Loss of land rights can also occur when someone moves to a place other than their country, but rights can be obtained when the person decides to settle back in the country. There is also a *soa* (clan) which is a large family headed by a parent (elder). Each *soa* is marked with one or several families (surnames) so that the two terms *soa* and family (surname) are often used interchangeably.

(3) Matrilineal Kinship System. This system draws a line of kinship from the mother's side. This system connects children with maternal relatives based on unitary female lineage. In a matrilineal society, descent on the mother's line is very important, giving rise to closer and more pervasive kinship ties among citizens who are descended from the mother's line. Causing greater consequences than the father's lineage, for example in terms of inheritance distribution. An example of a tribe that uses this system is the Minangkabau tribe. Minangkabau people are one of the ethnic groups that adhere to a matrilineal kinship system where lineage is determined based on mother's lineage. Their customs and culture place the female side as heirs to inheritance and kinship. The lineage is referred to the mother known as *Samande* (same mother). Meanwhile, their father is known by the community as *Sumando* (in law) and is treated as a guest in the family. A son or daughter is a clan from the mother's clan. Fathers cannot include their children into their tribe as is the case in the patrilineal system. In other words, a child in Minangkabau will follow his mother's tribe. In a Minang family, a child will follow the mother's tribe, so it will be connected to the mother's relatives based on female lineage. Women in the field have a privileged position. The customs and culture place the woman as the inheritor of inheritance and kinship. In this matrilineal lineage system, the father is not a member of the his children's lineage. He was seen as a guest and treated as a guest in the family. Traditionally, at least, his responsibility is as guardian of his lineage and protector of the lineage's property even if he has to refrain from enjoying the fruits of his wife's land and inheritance of his people.

One implementation of this matrilineal system is the use of tribal names behind the original names. This is usually done by students of official colleges as a pattern of cultural introduction and also as a sense of respect and pride in their own regional culture. So don't be surprised when there are official college students, especially those whose name tags or boards are added to names that are a bit foreign to the community, such as Tanjung, Mandailiang, Koto, Chaniago, Sikumbang, Guci, Piliang, Kampay and so on, because it is form of respect and pride in their own regional culture.

Islam not only regulates human relations with their gods, but also regulates human relations with each other, Islam aims to build strong relationships between people who were all created by Allah with care for relatives. In QS An-nisa Verse 36:

وَأَعْبُدُوا اللَّهَ وَلَا تُشْرِكُوا بِهِ شَيْئًا ۚ وَبِالْوَالِدَيْنِ إِحْسَانًا وَبِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَالْجَارِ ذِي الْقُرْبَىٰ وَالْجَارِ الْجُنُبِ وَالصَّاحِبِ بِالْجَنبِ وَابْنِ السَّبِيلِ وَمَا مَلَكَتْ أَيْمَانُكُمْ ۗ إِنَّ اللَّهَ لَا يُحِبُّ مَن كَانَ مُخْتَالًا فَخُورًا

“Worship Allah ‘alone’ and associate none with Him. And be kind to parents, relatives, orphans, the poor, near and distant neighbours, close friends, ‘needy’ travellers, and those ‘bondspeople’ in your possession. Surely Allah does not like whoever is arrogant, boastful—“

In Tafsir Al-Mukhtashar / Markaz Tafsir Riyadh, under the supervision of Shaykh Dr. Shalih bin Abdullah bin Humaid (Imam of the Grand Mosque) mentions Worship Allah alone by submitting to Him, and do not worship other than Him. Do good to both parents by glorifying and serving them both. Do good to close relatives, orphans and the poor. Do good to neighbors who are related and neighbors who are not. Do good to friends who accompany you. Do good to travelers who run out of supplies on the way. And do good to your slaves (*hamba sahaya*). Indeed, Allah does not like those who like to boast of themselves, those who are arrogant towards others, fond of flattering themselves arrogantly before men.

Having blood relations with other people (relatives), makes knowing and caring for them even more important. If they are in a vulnerable state or if they are a minor, their right to your attention and care becomes stronger. Concern for relatives instilled in Islamic teachings is:

1. Do good to relatives
2. Give alms to relatives
3. Respect relatives
4. Grant Rights
5. Give the share of the Grant, which is not entitled to inheritance
6. Help injured relatives

## 5.Conclusion

Kinship is social units consisting of several families who are related by blood or marital relations. Kinship members consist of father, mother, children, in-laws, grandchildren, brothers, sisters, uncles, aunts, grandfathers, grandmothers and so on. The kinship system is a very important part of the social structure. “Matrilineal Kinship System” namely “Kinship System based on Maternal Lineage”. Patrilineal is a community custom that regulates the line of descent from the father's side. And Parental/Bilateral is a system that draws a line of kinship from the father's and mother's side.

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