

Marriage According to Islamic law

Rosan Gusmawan^{1*}, Gasim Yamani² & Fatimawali Fatimawali³

¹ Islamic Family Law Study Program State Islamic University Datokarama Palu, Indonesia

² State Islamic University Datokarama Palu, Indonesia

³ State Islamic University Datokarama Palu, Indonesia

*Corresponding Author: Rosan Gusmawan E-mail: rosangusmawan@gmail.com

ARTICLE INFO	ABSTRACT
Volume: 2	Islam is a religion of rahmatan lil'alamin, which is easily adaptable to grow in all places and times, such as in marriage. For ethnic groups that have customs and culture, marriage is a very important thing for humans in life which is carried out in an honorable ceremony. Therefore, this study aims to determine the process of marriage from the perspective of Islamic law. This type of research is prospective, because this research studies the purpose of law, the values of justice, the validity of the rule of law, legal concepts and legal norms that apply in society. . Data collection techniques through library research. Data analysis used qualitative data analysis.
KEYWORD	
Marriage, Law, Islam	

1. Introduction

Marriage is a sunnatullah, which has become a natural law in the world. Marriage is carried out by humans, animals and even by plants. Scholars of Natural Sciences say that everything consists mostly of two pairs. For example, the water that humans drink consists of oxygen and hydrogen, there are positive and negative electricity. (Alhamdani, 1980: 15).

Humans are creatures that are more glorified and prioritized by Allah compared to other creatures. Allah has established rules regarding marriage for humans with rules that cannot be violated, humans are not allowed to do what they want, like animals, marry with the opposite sex at will or like plants, marry through the mediation of the wind.

reserved for humans. For example, the word marriage comes from the Arabic word "nikaahun" which is masdar or the origin of the verb nakaha, which is synonymous with tazawwaja. So the word marriage means "adh-dhammu wattadaakhul" means overlapping and entering, (Rahmat Hakim, 2000: 11) whereas in other books it is said that marriage is "adh-dhmmu wal-jam'u" meaning overlapping and gathering.

So marriage (marriage) is one of the important events in human life, is an official institution that binds legally between a man and a woman to live together as husband and wife. Because marriage aims to form a family, continue offspring, prevent reprehensible (moral) acts and maintain peace of mind and soul. For the importance of marriage, it does not only concern sexual relations between men and women, but more broadly concerns the life and interests of society, nation and state.

2. Literature Review

2.1 marriage wisdom

¹ Rosan Gusmawan is a Student Candidate of Islamic Family Law Study Program at Postgraduate School, State Islamic University Datokarama Palu, Indonesia. This paper was presented at the 2nd International Conference on Islamic and Interdisciplinary Studies (ICIIS) 2023, as a presenter, held by the Postgraduate School State Islamic University Datokarama Palu, Indonesia.

Paper Title

The word marriage comes from the Arabic nikaahun which is masdar or the origin of the verb nakaha. its synonym tazawwaja is then translated into Indonesian as marriage. According to the language, the word marriage means adh-dhammu wattadaakhul (overlapping and entering). In other books the word marriage is defined as adh-dhammu wal jam'u (overlapping and gathering). According to fiqh terms, marriage means a contract or (agreement) that contains the permissibility of having sexual relations by using the words (lafazh) of marriage or taswij. So marriage is a contract that causes the permissibility of associating between a man and a woman and helping each other between the two and determining the limits of rights and obligations between the two. In terms of marriage, Islamic law regulates it in such a way because marriage is a natural necessity for humans as physical beings, as part of living beings. Humans need physical and spiritual fulfillment. Among other things, they need to fulfill their biological needs so that they can develop their offspring. Therefore, Islam provides conditions to meet these needs, namely the rules regarding marriage.

2.2 Pra Marriage

During the pre-marital period, the Prophet gave limits to avoid two things, namely;

1. Not proposing to a woman who has already been proposed by another man until her status is clear. that is, abandoned by the applicant or permitted by the applicant, which means the applicant did release it.
2. Prospective spouses may not live alone in a lonely place (khalwa) because it is possible to commit adultery.

3. Methodology

in this study aims to determine the process of marriage from the perspective of Islamic law. This type of research is prospective, because this research studies the purpose of law, the values of justice, the validity of the rule of law, legal concepts and legal norms that apply in society. The types in this research are primary, secondary, and tertiary data. Data collection techniques through library research. Data analysis used qualitative data analysis. Based on this research, the conclusion is obtained, namely that there are three things that are in accordance with the teachings of Islam, namely: 1) Khithbah (proposal). After someone gets stability in determining the woman of his choice, then he should immediately ask for her hand. The man must face the parents or guardian of the woman of his choice to convey his heart's desire, namely to ask that he be allowed to marry his child. 2) Marriage contract, in the marriage contract there are several conditions and obligations that must be fulfilled: a) There is a consent qabul, a guardian or representative of the bride proposes to the prospective husband of her daughter or woman under her guardianship, to marry her to the man who takes the woman it as his wife. b) Mahar is a wife's right given by her husband with a sincere heart without expecting anything in return as an expression of the husband's affection and responsibility for the welfare of the household. c) Guardianship, the role of guardian in marriage from the woman who is still a girl. 3) Walimah aims to provide information to the environment about the marriage carried out by the bride and groom.

4. Results and Discussion

The power or ability to marry can be seen from several things, among others :

1. biological readiness
People who want to get married should prepare for physical and biological readiness. Because one of the functions of marriage is to give birth to offspring. To be able to give birth to offspring, one must have physical readiness, especially for the functioning and health of the reproductive organs so that the children they give birth to are healthy.
2. Psychological readiness
Psychological readiness for marriage will also have an influence on the psychological condition of the person experiencing it. Changing the status of being someone's husband or wife brings people to new roles which are accompanied by new experiences.
3. economic readiness
Marriage is not only stocked with mutual love, but also economic provision, because family life means an increase in the necessities of life. This economic readiness does not imply having to be rich or extravagant, but what is most important is the economic independence of the husband and wife.
4. Social readiness
Getting married also means changing one's social status, because it requires readiness to enter real community life.
5. religious readiness

Readiness in terms of religion is a very important part, because religion can be a reference and at the same time a guide in achieving family goals.

5. Conclusion

The wisdom of marriage is the continuation of friendship between mankind, turning away wild views and freeing mankind from immoral acts or adultery "where marriage is a contract that causes the permissibility of associating between a man and a woman and helping each other between the two as well as determining the limits of rights and obligation between the two".

References

Abdullah Wahab Hamudah, *Romantika dan Dinamika, Kehidupan Rumah Tangga Rasulullah SAW*, CV. Akademika Presindo, Cet.I, Jakarta. 1993.

Assiddiqie Jimly, *Kedudukan Hukum Islam Dalam Sistem Hukum di Indonesia*, Jakarta.1982.

M.Idris Ramulyo, *Tinjauan beberapa Pasal Undang-undang Nomor 1 Tahun 1974, Dari Segi Hukum Perkawinan Islam*, Jakarta.1980