

REFLECTION OF A DECADE OF PRE-MARRIAGE GUIDANCE ON FAMILY RESILIENCE IN INDONESIA

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ABSTRACT

The implementation of premarital guidance is based on the fact that so many divorces occur not only among families who have been married for a long time but also experienced by new couples. The state's attention to the integrity and resilience of the household is clearly stated in Law Number I of 1974 article I. This research uses a qualitative (descriptive) method with the type of library research, with a socio-historical and philosophical approach. The analytical method used is qualitative data analysis, while drawing conclusions using deductive thinking. The results of this study indicate that the substance of premarital guidance is to provide basic direction and knowledge for the realization of a *sakinah, mawaddah, warahmah* family so that integrity and resilience in the household are achieved. The principle of premarital marriage guidance is as an effort to prevent divorce by upholding the mandate of Law no. I of 1974 as a representative of the holy book al-Qur'an with the aim of marriage to achieve a happy and eternal family based on God Almighty. Premarital marriage guidance has had an effect on household resilience but still needs to be maximized due to the fact that the divorce rate from year to year has increased.

Keywords: *Marriage Guidance, Pre-Marriage, Family Resilience.*

A. INTRODUCTION

Marriage is worship (Ali, 2012; Al-Zuhaili, 1989), marriage is worship that is "*Al-Jaami'ah*" combining theological, psychological and sociological with the consequence of placing both partners equally in front of Allah SWT. The validity of a marriage united by *ijab qabul* as legal legality is not only limited to religion but also constitutionally, the priority of marriage is not only placing women as life partners but more than that the creation of a humanist family (*al-Ta'aayusy*) by the perspective of the Qur'an is called *Sakinah, Mawaddah* and *Warahmah*, this is based on the word of Allah in the Qur'an chapter Ar-Ruum verse 21:

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وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ ﴿٢١﴾

Meaning: *And among His Signs is this, that He created for you mates from among yourselves, that ye may dwell in tranquillity with them, and He has put love and mercy between your (hearts): verily in that are Signs for those who reflect.* (Qs. Ar-Ruum: 21).

Surah Ar-Ruum verse 21 above explains that accumulatively after marriage the faith and piety of both partners cannot be achieved by individuals because they are due to the inner and outer bond, but there must be synergy between the two. It is undeniable that the readiness and maturity between the two parties are the pulse points of resilience in marriage (Nasution, 2015; Nurcholis, 2020), the law clearly states that the purpose of marriage is to form a happy and eternal family (Hanifah, 2019; Rodliyah, 2014; Rohman, 2017), more concretely the Compilation of Islamic Law (KHI) mentions forming a *sakinah*, happy and prosperous family (Abdurrahman, 1992; KHI, 2012).

The frequency of Islamic law in Indonesia continues to develop, progressive steps continue to be taken but still prioritize the originality of *Maqashid al-Shari'ah* as the legal basis. The birth of the marriage law as evidence of the success of Indonesian Muslims in accommodating the thoughts of various intellectual circles (Sirin, 2018). Therefore Moh. Haitami Salim argues that Islam is very concerned about the integrity and happiness of the family, it can be seen from how to choose a partner, welcome births, educate, to be responsible for children and so on (Salim, 2013). In line with that, Kaharuddin (2015) judged that although the marriage law is called *state law* (product of state law) but if viewed substantively it is *Islamic law* (contains Islamic law). Because marriage regulated by law is a manifestation of Islamic law which stands legally and constitutionally with the principle of monogamy, so that there is no longer the term "Stately legal but not religiously legal or otherwise religiously legal but not stately legal".

The state's attention to the integrity and resilience of the household is quite large, this is clearly stated in Law Number I of 1974 article I: Marriage is an inner and outer bond between a man and a woman as husband and wife with the aim of forming a family (household) to be happy and eternal based on God Almighty (BIP, 2017; Ja'far et al., 2021; Munawar, 2015).

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In the article the author underlines the sentence "Happy and eternal based on the One Godhead", the word "happy" when referring to the Great Dictionary of the Indonesian Language means "a state or feeling of pleasure and serenity (free from all troublesome) while "eternal" means as long as -everlasting, enduring, intact and so on and the phrase "Based on the One Godhead" has the meaning of adhering to the principles or values of religious teachings that are believed to be (Depdikbud, 2007). Substantially, the article clearly describes the main purpose of marriage to form a happy and eternal family (forever) on the basis of religion, so that various existing problems can be overcome and the word divorce is never spoken in front of a partner. Marriage is not just an ordinary civil bond but a personal bond based on eternal principles (*mitsaqan ghaliza*) (Bustami et al., 2020; Faisal et al., 2021). For this reason, husband and wife need to complete, help and complement each other so that they can develop their personalities in order to achieve material and spiritual well-being (Syafi'i & Fikriawan, 2021; Warman, 2020; Zulfahmi, 2020). Since continuity between physical and spiritual needs will only be realized if it begins with basic knowledge obtained before marriage.

For the sake of realizing a *sakinah* (happy and eternal) family, pre-marital guidance is held (Nurfauziyah, 2017; Wardian, 2017). Through the Decree of the Minister of Religion (KMA) No. 477 of 2004 it is stated, before the marriage takes place, it is necessary to provide briefing on knowledge, understanding, skills, awareness in the household (Dianawati & Adnan, 2020; Faruq, 2019). The program at that time was called the Prospective Bride Course (Suscatin) as a response to the high divorce rate and the increasing cases of Domestic Violence (KDRT) in Indonesia which continued to occur from year to year. Then after a few years the name Suscatin (Bride and Groom Course) changed to Pre-marriage Marriage Guidance (Bimwin) (Jalil, 2019) with reference to the decision of the Directorate General of Islamic Community Guidance Number 373 of 2017 concerning Technical Guidelines for Marriage Guidance for Bride and Groom Candidates. The Director General's regulation is closely related to Law Number 1 of 1974 concerning Marriage, Law Number 23 of 2002 concerning Child Protection and Law Number 23 of 2004 concerning the Elimination of Domestic Violence. The main task of premarital marriage guidance is to provide knowledge, understanding, skills and awareness to couples who want to get married (Dirjen BMI No: DJ.II/542, 2013; Pradana & Wahab, 2019). Therefore, this article will attempt to discuss marital guidance on household resilience and measure the achievement of marital guidance in the last decade.

B. METHOD

This study uses a qualitative (descriptive) method to clearly describe the premarital marriage guidance that has been running so far, including obstacles as well as future challenges and their impact on family resilience. This type of research is library research, with a socio-historical and philosophical approach aimed at finding new formulations as a response to the Decree of the Minister of Religion (KMA) No. 477 of 2004 and the ideals of Law No. 1 of 1974 article I.

The data analysis method used in this research is qualitative data analysis. The analyzed data is then presented descriptively by describing the actual and real research results without adding and subtracting data. This was done to conclude from the results of the discussion. Conclusions are drawn using deductive thinking. According to Sutrisno Hadi, concluding by deductive thinking is a method of analyzing data using general properties, then the general nature of the data is brought to a more specific conclusion point (Hanif & Susanto, 2020; Sutrisno, 2012).

C. DISCUSSION

I. The Relevance of Pre-Marriage Guidance to Family Resilience

The idea of pre-marital guidance solely aims to provide direction and basic knowledge for the realization of a *sakinah, mawaddah, warahmah* family so that family integrity and resilience are achieved while maintaining the originality of the lineage. It is explained in the hadith that marriage is based on four factors. They are wealth, lineage, beauty, and religion. Of the four factors, religion is a measure of family resilience. The inner *dzohir* bond is interpreted as the principle of monogamy, namely forming a happy, eternal family based on the One Godhead.

In Islam, another main requirement for a marriage is "capability", the ability here is not only measured financially but rather to mental readiness, maturity of thought, maturity of action and so on, so that any problem is ready to be faced. The rise of divorce, infidelity, murder, neglect and other cases as clear evidence of mental (psychic) unpreparedness and limited knowledge in marriage if forced will have an impact on family integrity. Therefore, to support stabilization, understanding and maturity in family according to Islamic guidance, the government through the Ministry of Religion organizes premarital marriage guidance. Although the intensity of its application is still said to be not maximized, since the bride and groom have not received comprehensive guidance on Islamic laws considering its implementation in a short

time, it can at least have a positive effect on the bride and groom as they have gained basic knowledge in having a family (UU No. 23 Tahun 2004) so as to minimize problems in the household.

2. Interpretation of Happiness and Eternal Based on the One Supreme Godhead

The sentence of Article I of Law Number I of 1974 states that marriage is "an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family or household based on God Almighty". The word happy when associated with the word *sakinah* in the Qur'an shows the meaning of "calm" in the opinion of the scholar's interpretation of *sakinah* which is meant here is "a peaceful atmosphere that surrounds the household of a married couple, so that a sense of love and affection is born between them" (Mustari, 2013; Nurhayati, 2011). In addition there are also the words *mawaddah* and *rahmah*. *Mawaddah* comes from the word "*wadda-yawaddu waddan wa mawaddatan*" which means: "love and affection" which is more clearly "tolerance and the emptiness of the soul from bad qualities" (Dahwadin et al., 2019; Faisol, 2021; Munawwir, 1997).

So that *mawaddah* is not just a momentary "love" which one day just disappears, but true love based on a pure heart and spaciousness of the soul, finally closing the gap for the ugliness that might come from a partner to be caught. Meanwhile, *Rahmah* is a psychological condition that comes from the deepest heart due to witnessing the helplessness of a partner, thus encouraging the person concerned to do empowerment. When the nature of mercy has grown, it will produce patience, peace of mind, generosity, not arrogant, moreover takabbur, not seeking profit, and forgiving. With these three foundations, husband and wife cover each other's shortcomings with the advantages that exist in themselves.

Six principles of marriage based on the law (Rofiq, 2013): *First*, the purpose of marriage is to form a happy and eternal family. *Second*, marriages are legal according to their respective religions and beliefs and are registered as regulated by applicable laws. *Third*, marriage adheres to the principle of monogamy. If a husband will have more than one wife, he must get permission from the first wife. *Fourth*, the prospective partner must have physical maturity and not the slightest thought of divorce. *Fifth*, make it difficult for divorce to occur. *Sixth*, the position of husband and wife is the same in the eyes of the law, both in married life and in association in the community.

3. The Transformation of Family Law from the Age of Jahiliyah to Islamic Family Law as a Proof of Gender Equality

There are many kinds of marriages during the jahiliyah period with various forms and ways. From various kinds of existing literature, it is explained that the form of marriage at that time was more inclined to the satisfaction of lust, not looking at human norms, divine values that should be upheld so as to make it a sacred and dignified act. It is described in the book of *al-Hawi al-Kabir*, which was written by al-Imam Abu Hasan al-Mawardi there are four forms of marriage in the Arab era of jahiliyah (Al-Mawardi, tt.):

- a. *Al-wiladah* : A marriage in which a boy or a boy comes to a girl's parents to propose to her. Then he married her with her dowry.
- b. *Al-Istibdha* is a wife who is married to a respected man and after being positive is declared pregnant then the wife returns to her husband.
- c. *Al-Rahtum* (polyandry) is the marriage of a woman with several men after pregnancy and childbirth she invites men who have had sex with her and determines who the father of her baby is (al-Hamdani, 2002).
- d. *al-Rayah* It is named like that because the women whom men will have sex with are marked with a flag, after one of them is pregnant, the woman will choose who is the father for her child with guidance from qaif.

In the book *Nailul al-Authar* (Asy-Syaukani, tt.) it is also explained:

عَنْ عُرْوَةَ أَنَّ عَائِشَةَ أَخْبَرَتْهُ: أَنَّ النَّكَاحَ فِي الْجَاهِلِيَّةِ كَانَ عَلَى أَرْبَعَةِ أَنْحَاءٍ. فَنِكَاحٌ مِنْهَا نِكَاحُ النَّاسِ الْيَوْمِ. يَخْطُبُ الرَّجُلُ إِلَى الرَّجُلِ وَلَيْتَهُ أَوْ ابْنَتَهُ فَيُصَدِّقُهَا، ثُمَّ يَنْكِحُهَا.

Meaning: From 'Urwah: indeed 'Aisyah RA once told him that marriage in the era of jahiliyah consisted of four kinds: Marriages that occur today, a man proposes a woman or a daughter to his guardian then pays a dowry and then marries her.

وَ نِكَاحٌ آخَرُ كَانَ الرَّجُلُ يَقُولُ لِامْرَأَتِهِ: إِذَا ظَهَرَتْ مِنْ طَمَئِنُّهَا أَرْسَلَ إِلَى فُلَانٍ فَاسْتَبْضِعِي مِنْهُ وَ يَعْتَرِهَا زَوْجِهَا وَ لَا يَمَسُّهَا حَتَّى يَبَيِّنَ حَمْلَهَا مِنْ ذَلِكَ الرَّجُلِ الَّذِي تَسْتَبْضِعُ مِنْهُ، فَإِذَا تَبَيَّنَ حَمْلَهَا أَصَابَهَا زَوْجِهَا إِذَا أَحَبَّ. وَ إِنَّمَا يَفْعَلُ ذَلِكَ رَغْبَةً فِي نَجَابَةِ الْوَلَدِ. فَكَانَ هَذَا النَّكَاحُ يُسَمَّى نِكَاحَ الْإِسْتِبْضَاعِ.

Meaning: And another marriage, namely: a man says to his wife when she is pure from menstruation "go to fulan to be gathered" and her husband himself stays away from touching her until it is confirmed that she is pregnant. Then when it is clear that her pregnancy is then the husband has sex with her if he still loves her. This is done because they want smart children. This kind of marriage is called al-Istibdha'.

وَ نِكَاحٍ آخَرَ يَجْتَمِعُ الرَّهْطُ دُونَ الْعَشْرَةِ فَيَدْخُلُونَ عَلَى الْمَرْأَةِ كُلُّهُمْ. فَيُصِيبُونَهَا. فَإِذَا حَمَلَتْ وَ وَضَعَتْ وَ مَرَّ لَيْالٍ بَعْدَ أَنْ تَضَعَ حَمْلَهَا أَرْسَلَتْ إِلَيْهِمْ، فَلَمْ يَسْتَطِعْ رَجُلٌ مِنْهُمْ أَنْ يَمْتَنِعَ حَتَّى يَجْتَمِعُوا عِنْدَهَا، فَتَقُولُ هُمْ. قَدْ عَرَفْتُمْ الَّذِي كَانَ مِنْ أَمْرِكُمْ، وَ قَدْ وُلِدْتُ فَهُوَ ابْنُكَ يَا فُلَانٌ، فَتُسَمَّى مِنْ أَحَبَّتْ بِاسْمِهِ. فَيُلْحَقُ بِهِ وَوَلَدُهَا لَا يَسْتَطِيعُ أَنْ يَمْتَنِعَ مِنْهُ الرَّجُلُ.

Meaning: The next form is gathering a number of less than ten men and then having sex with one woman. When the woman was pregnant and gave birth to her child, after a few days the woman called them and none of them refused, so they gathered at the woman's place. Then the woman said to them indeed you already know your business, while I have now given birth and this child is your child fulan, and the man should not refuse it.

وَ نِكَاحٍ رَابِعٍ يَجْتَمِعُ النَّاسُ الْكَثِيرُ وَ يَدْخُلُونَ عَلَى الْمَرْأَةِ لَا تَمْتَنِعُ مِمَّنْ جَاءَهَا وَ هُنَّ الْبَغَايَا. يَنْصُبْنَ عَلَى أَبْوَابِ الرِّيَاسَاتِ وَ تَكُونُ عَلَمًا. فَمَنْ أَرَادَهُنَّ دَخَلَ عَلَيْهِنَّ، فَإِذَا حَمَلَتْ إِحْدَاهُنَّ وَ وَضَعَتْ جَمَعُوا لَهَا وَ دَعَوْهَا الْقَافَةَ، ثُمَّ الْحَقُّوا وَوَلَدُهَا بِالَّذِي يَرُونَ. فَالْتَّاطَ بِهِ وَ دُعِيَ ابْنُهُ لَا يَمْتَنِعُ مِنْ ذَلِكَ. فَلَمَّا بَعَثَ اللَّهُ مُحَمَّدًا ص بِالْحَقِّ هَدَمَ نِكَاحَ الْجَاهِلِيَّةِ كُلَّهُ إِلَّا نِكَاحَ النَّاسِ الْيَوْمِ. البخارى و ابو داود. فى نيل الاوطار.

Meaning: And the fourth marriage is the gathering of men to interfere with one woman (which is impossible to refuse because of prostitutes), by placing a flag at the door (anyone who wants it can enter). Then if the woman becomes pregnant and then gives birth, then the men who come to her must gather, they also bring a physiognomist and the child is connected to his father. After the father is known, the father cannot refuse him. Then after Allah sent the Prophet Muhammad as an apostle by way of truth, then he abolished the entire jahiliyah marriage model. Except for marriage as it is now.

After Islam came into existence, family law underwent a revolution in principle. The first is marriage based on monogamy (Carundeng, 2017), a marriage bond that only allows the husband to have only one wife at a certain time. This principle is not absolute, meaning that it is only directed at the formation of monogamous marriages by narrowing the use of polygamous institutions and not eliminating the polygamous system altogether (Fanani, 2021). This principle is based on the word of Allah SWT in the Qur'an surah al-Nisa verse 129, which means: *O ye who believe! Eat not up your property among yourselves in vanities: But let there be amongst you Traffic and trade by mutual good-will: Nor kill (or destroy) yourselves: for verily Allah hath been to you Most Merciful!*

The *second* principle is that marriage leads to perfect worship in front of Allah SWT. Islam encourages its people to get married since it wants its people to be more diligent and active in worship. Moreover, one of the functions of marriage is to strengthen worship (Aizid, 2018; al-Mashri, 2016), this is based on the word of Allah SWT in the Qur'an Surah Al-Dzariyat verse 49, which means: *And of every thing We have created pairs: That ye may receive instruction.*

The *third* principle is marriage to complete the Faith. Marriage in this case is one of the needs for all mankind to complete some faith (Nurmayasari et al., 2021), this is as contained in the Qur'an surah al-Hujurat verse 13, which means: *O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise (each other)). Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you. And Allah has full knowledge and is well acquainted (with all things)*

The *fourth* principle is marriage to continue offspring (Adnyani, 2016; Atabik & Mudhiiah, 2016). The human instinct is to tend to have legitimate offspring that are recognized by themselves, society, the state and the truth of Islamic religious beliefs gives way to that. Family life will feel happy determined by the presence of children (Zaini, 2015). This is based on the word of Allah SWT in the Qur'an Surah Al-Nisa verse 1, which means: *O mankind! reverence your Guardian-Lord, who created you from a single person, created, of like nature, His mate, and from them twain scattered (like seeds) countless men and women;- reverence Allah, through whom ye demand your mutual (rights), and (reverence) the wombs (That bore you): for Allah ever watches over you.*

The *fifth* principle is marriage to channel human nature (Mubarok & Arif, 2018). Among the many human needs, one of which is the fulfillment of the need for lust. This need is a human nature. Therefore, religion requires a meeting between men and women which then directs the implementation of marriage. For this reason, in an effort to fulfill these lustful needs, Islam has provided marriage as a means to justify humans from channeling their needs (Zakaria, 2021). This principle is as the word of Allah SWT in the Qur'an Surah al-Fathir verse 11, which means: *And Allah did create you from dust; then from a sperm-drop; then He made you in pairs. And no female conceives, or lays down (her load), but with His knowledge. Nor is a man long-lived granted length of days, nor is a part cut off from his life, but is in a Decree (ordained). All this is easy to Allah.*

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The *sixth* principle is marriage to create inner peace in life (Aizid, 2018), this is as the word of Allah SWT in the Qur'an Surah Al-Rum verse 21, which means: *And among His Signs is this, that He created for you mates from among yourselves, that ye may dwell in tranquillity with them, and He has put love and mercy between your (hearts): verily in that are Signs for those who reflect.*

Furthermore, the difference is in treating girls in pre- and post-Islamic. Before Islam came, the treatment of girls is by being buried and treated inhumane (Ismail, 2003; Mulia, 2011). After Islam came, the Qur'an changed and taught that children are a gift from Allah SWT not the choice of parents, this is as His word in the Qur'an Surah Al-Qashash verse 68, which means: *Thy Lord does create and choose as He pleases: no choice have they (in the matter): Glory to Allah! and far is He above the partners they ascribe (to Him)!.*

Children are also a mandate from Allah SWT that must be taken care of by both parents (Fahmi & Pinem, 2018), this is based on the word of Allah SWT in the Qur'an Surah Al-Anfal verse 27. Islam views children as a gift that is expensive and has a holy status. This expensive gift is a trust that must be guarded and protected by parents in particular as children are parents' assets and national assets (Zaki, 2014).

Finally, the degrees of daughters and sons are equally noble in the sight of Allah SWT without any differences from various sides, duties and functions as a servant. The equality of Allah SWT is explained in His word in the Qur'an Surah Ali-Imran verses 33-37. Although in general it seems that the Qur'an recognizes the difference (*distinction*) between men and women, but this difference is not a distinction (*discrimination*) that benefits one party and harms the other. These differences are intended to support the obsession of the Qur'an, the creation of harmonious relationships based on love (*mawaddah wa rahmah*) in the family environment (Suhra, 2013).

This development and change was recognized by the Prophet Muhammad from the start. A popular hadith when the Prophet asked Mu'adz bin Jabal if there was a problem that was difficult to understand in the Qur'an and hadith then he would have *ijtihad* even though the Prophet could have closed the door for *ijtihad* because he was still there. This situation proves that the Prophet had predicted that there would always be reformers to his religion. Therefore in Islamic law there are rules, legal changes occur because of changes in space and time (*taghayyurul ahkam bi al- taghayyuril azminah wa al-amkinah*) (Harisudin, 2016; Syarif, 2021). However, so that these changes are not wild and remain under control, the scholars have formulated a

number of principles, rules and objectives of Islamic law itself so that changes do not go out of their way.

Islamic family law in Indonesia undergoes a similar transformation from time to time solely to maintain the benefit and purpose of the law itself. The phenomenon of family law in Indonesia with the guidance of premarital marriage is a major breakthrough in the history of the civilization of the Indonesian nation, seen from *Maqashidu al-Syariah*, this step is a frame for maintaining household resilience. Not only that, the existence of marriage guidance is also an effort to create a happy and eternal family based on God Almighty.

It is realized that going to the level of marriage requires careful readiness not only with material capital, but also knowledge about marriage, the importance of dealing with economic problems later, good communication between large families in order to avoid problems that might one day occur so that each other finally understands and knowing all the limitations of each pair that may have been covered up. Therefore, understanding the theory is very necessary before getting married.

However, based on data in 2016, there were 403,070 divorce cases with a verdict of 365,654 cases, while in 2017, there were 415,848 cases and 374,516 cases were decided. Thus, the trend of divorce cases being decided in the last two years is in the range of 353,843 to 374,516 cases. From the data on the factors causing divorce in 2017 in the Religious Courts throughout Indonesia, it seems more dominated by reasons or factors of continuous disputes and quarrels which rank first. The second most common cause of divorce is a factor of economic problems. While the third most common cause of divorce is leaving one party. Looking at the data, the method or system for implementing premarital marriage guidance needs to be reviewed, because the objectives differ from the facts in the field.

D. CONCLUSION

The principle of premarital marriage guidance is as an effort to prevent divorce by upholding the mandate of Law Number 1 of 1974 as a representative of the holy book al-Qur'an with the aim of marriage to achieve a happy and eternal family based on the One Godhead. Furthermore, premarital marriage guidance has had an effect on household resilience but still needs to be maximized because of the facts on the ground that the divorce rate from year to year is still increasing.

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