

# FORMING THE SAKINAH HOUSEHOLD IN THE PERSPECTIVES OF KH. M. HASYIM ASY'ARI

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## Abstract:

This research to explain the ideas of KH. M. Hasyim Asy'ari regarding marriage in Islam, to explain the thoughts of KH. M. Hasyim Asy'ari regarding the sakinah household, explained the relevance of KH. M. Hasyim Asy'ari concerning marriage and sakinah families with Law Number 1 of 1974 concerning marriage and the Compilation of Islamic Law (KHI). The Author uses a type of library research, which is descriptive-analytical in nature. While this research approach is a qualitative approach using deductive analysis.

The results of his research, that the concept of household according to KH. M. Hasyim Asy'ari relevant to the Act. No. 1 of 1974 concerning Marriage and the Compilation of Islamic Law. The point of relevance lies in the principles and rules of marriage law, the validity of marriage, the rights and obligations of husband and wife, as well as the pillars and conditions of a valid marriage. The four are indicators of a sakinah household

**Keywords:** KH. M. Hasyim Asy'ari, sakinah household, marriage law, compilation of Islamic law.

## Introduction

In accordance with nature, humans cannot live alone. In a sense he has the nature of dependence and mutual need, as well as between men and women. In order for the relationship between men and women to live in harmony, Islam regulates through legal provisions the procedure for living in a family or household through a marriage ceremony which legitimate. Marriage according to Law Number 1 of 1974 concerning Marriage defines marriage as 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 (household) based on the One Godhead.<sup>1</sup>

The principles of marriage law originating from the Qur'an and al-Hadith, which are then outlined in legal lines through Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law of 1991 contain 7 (seven) principles or rules law. *First*, is the principle of forming a happy and eternal family. Husband and wife need to complement each other so that each can develop their personality to achieve spiritual and material well-being. *Second*, the principle of the validity of marriage which is based on religious law and belief for the party carrying out the marriage, and must be recorded by the authorized officer. *Third*, the principle of open monogamy, that is, if the husband is unable to treat his wives fairly, then only one wife is sufficient.

*Fourth* is the principle that the prospective husband and future wife have matured their bodies and souls carry on marriage in order to realize the purpose of marriage well and get good and healthy off spring, so as not to think about divorce. *The fifth* principle is making it difficult for divorce to occur. *Sixth*, the principle of the balance of rights and obligations between husband and wife, both in domestic life and in community association. *Seventh*, the principle of recording marriages with the aim of making it easier to find out humans who are married or engaged in marriage.<sup>2</sup>

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<sup>1</sup> Cholil Nafis, *Fikih Keluarga, Menuju Keluarga Sakinah, Mawaddah wa Rahmah, Keluarga Sehat, Sejahtera, dan Berkualitas* (Jakarta Selatan: Mitra Abadi Press, 2009), 4–5.

<sup>2</sup> Zainuddin Ali *Hukum Perdata Islam di Indonesia* (Jakarta: Sinar Grafika, 2009), 7–8.

*Hadratussyaikh* KH. M. Hasyim Asy'ari is a well-known cleric in the archipelago, because of his role in establishing the largest Islamic social organization (Ormas) in this country, NU, establishing the Pesantren Tebuireng, and being a freedom fighter and a fighter in defending independence. However, not many people know, it could be because they are crushed by thoughts. His genius in other scientific fields, especially hadith, fiqh, and all its roles towards Islam, NU and the Indonesian nation, that Kiai Hasyim has thoughts about marriage, family management, and the formation of a sakinah household in his book entitled, *Dhau' al-Mishbah fi Bayani Abkam an-Nikah*.

This book by *Hadratussyaikh* was then further complemented by a collection of hadiths about marriage compiled by his grandson, KH. Ishomuddin Hadziq with the name "Miftah al-Falah fi Ahadith an-Nikah". In the book, Gus Ishom, his nickname, explains about 58 (fifty-eight) hadiths of the Prophet Muhammad SAW, which relate to issues of marriage, child care, household problems, breastfeeding, child adoption, and others, including the words of the Apostle in providing authentic and applicable advice about building a sakinah household. This book was inserted after the book by the grandfather, with the aim of completing the explanation in the book *Dhau'u al-Mishbah fi Bayani Abkami an-Nikah* with the hadith arguments related to marriage and family (Hadzik, tt: 24).<sup>3</sup>

According to *Hadratussyaikh* KH. Hasyim Asy'ari, forming a loving relationship with the sakinah family, began long before the marriage took place, that is, since the two of them chose the right partner to build their household. One of the concepts of election is in the hadith of the Prophet SAW, from the friend of Abu Hurairah ra. regarding the selection of partners through four qualifications, namely *al-Maal* (financial), *al-Hasab* (position), *al-Jamal* (beauty of physical appearance), and *ad-Diin* (religion) (in other editorials using the term *an-Nasab* (family tree to replace *al-Hasab*)).<sup>4</sup> The Apostle focuses on *ad-*

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<sup>3</sup> Muhammad Ishomuddin Hadzik, *Miftahul Falah fi Ahaditsin Nikah*, (dalam kitab *Dhau'ul Mishbah fi Bayani Abkamin Nikah*) (Jombang: Maktabah at-Turats al-Islami bi Ma'had Tebuireng, t.t.), 24.

<sup>4</sup> Ahmad Raisuni, *Madkhal ila Maqashid asy-Syari'ah* (Kairo: Dar as-Salam, 2010), 69.

*Diin* (religion as the number one qualification for choosing a partner. According to *Hadratussyaikh* this is because choosing a partner with a strong religious foundation qualification is *Mathmahu Nadhrin* (being the center of attention) and *Tathawulu Shubbatin* (faithful to accompany).

Meanwhile, the Compilation of Islamic Law (KHI) states that in the teachings of Islam marriage is worship. This is stated in Article 2 of the KHI which emphasizes that marriage is a very strong contract (*mitsaqan ghalidhan*) to obey Allah's commands and carrying it out is worship.<sup>5</sup> This goal is implied in the word of Allah:

*"And among His signs is that Allah created for all of you wives of your own kind, so that you may tend and find peace in them, and Allah has created between you love and compassion. Verily in that there are indeed signs for a people who think."*(Surah Ar-Ruum: 21).

As for in *Tafsir al-Qur'an al-Karim* by Imam Jalaluddin as-Suyuthi and Imam Jalaluddin al-Mahally or called *Tafsir al-Jalalain*, it is stated that in the verse above the meaning of "litaskunu ilaiha" is given additional information with the editorial "wa ta'allafuuha" which means "and so that you melt her (wife)", what is meant is to make the wife obey her husband. This shows that the indication of a sakinah household is when the husband can play a role properly, so that the wife can obey him.<sup>6</sup>

Different with Ibn Kathir in his commentary explaining that what is meant by "litaskunu" is an indicator that achieving sakinah is the existence of *mawaddah wa rahmah*. Ibn Kathir synchronizes *mawaddah* with *al-mahabbah* (love), while *rahmah* is *ar-ra'fah* (compassion).<sup>7</sup> Thus, Ibn Kathir tends to use an ethical approach in the form of love and compassion as an indicator of achieving peace and tranquility (*sakinah*) in the household.

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<sup>5</sup> Muhammad Hasyim Asy'ari, *Dhau'ul Mishbah fi Bayani Ahkamin Nikah* (Jombang: Dhau'ul Mishbah fi Bayani Ahkamin Nikah, t.t.), 5.

<sup>6</sup> Jalaluddin Abdurahman asy-Suyuthi dan Jalaluddin al-Mahalli, *Tafsir al-Qur'an al-Karim* (Damaskus: Dar Ibn Katherr, 2008), 406.

<sup>7</sup> Abu Fida' Ismail Ibn Umar Ibn Katsir al-Qurasyi ad-Dimasqi, *Tafsiru al-Qur'an al-Adzim* (Beirut: Dar Ibn Hazm, 2000), 1449.

The word *taskunu* in the verse above is associated with the word *mawaddah wa rahmah*. This shows that the realization of family tranquility is supported by the *mawaddah wa rahmah* factor. According to Wahbah al-Zuhaili, *mawaddah* means love, while *rahmah* means affection. Love and affection are the main elements that encourage husband and wife to help each other, uphold the family on a strong foundation and order and give birth to perfect peace. With regard to *mawaddah* in the sense of affection, according to Quraish Shihab, the word *mawaddah* is composed of the letters *mwd* which means spaciousness and emptiness of the soul from bad will. A person whose heart has blossomed *mawaddah*, then he will not break the relationship, even though his heart is upset. This is because his heart is so spacious both physically and mentally. In other words.<sup>8</sup>

This is different from Shaykh Abu Fadhl Shihab ad-Diin Sayyid Mahmud al-Alusi who is more using a causal approach (cause and effect) that gives rise to evidence. Sayyid Mahmud al-Alusi cites the analogy of Sayyidina Hasan, Friends of Mujahid, and Ikrimah bin Abi Jahal who make *kinayah* (metafora) for *mawaddah* with *an-nikah* (marriage), while *rahmah* is *kinayah* with *al-walad* (child). The proof of a *sakinah* household according to al-Alusi is love, which can be proven by marriage from which it can produce offspring. The offspring can certainly be obtained by the occurrence of pluralism which is impossible without love. From the interpretations of the two commentators above, it can be said that *sakinah* is the goal, while *mawaddah* and *rahmah* are two tools that can be used to achieve *sakinah*.<sup>9</sup> According to Prof. Dr. H. Ahmad Mubarak, MA, *mawaddah* is a kind of burning love.<sup>10</sup>

Islam regulates household development at a very detailed and global level in various texts of the proposition, and can be in accordance with the times. The discussions contained in the Qur'an

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<sup>8</sup> Siti Chadijah, "Karakteristik Keluarga Sakinah Dalam Islam," *Rausyan Fikir: Jurnal Pemikiran Dan Pencerahan* 14, no. 1 (5 Maret 2018): 115–16, <https://doi.org/10.31000/rf.v14i1.676>.

<sup>9</sup> Abu Fadhl Syihab ad-Diin Sayyid Mahmud al-Alusi, *Ruuh al-Ma'ani, Tafsir al-Qur'an al-Adzim wa Sab'i al-Matsani* (Beirut: Daru Ihyai at-Turats al-Arabi, t.t.), 31.

<sup>10</sup> Achmad Mubarak, *Psikologi Keluarga* (Malang: Madani, 2016), 55.

and Hadith are permanent, have legal consequences, cannot be changed. So, from here it can be seen to what extent Islam pays attention to the basic rules about fostering a household. Marriage in accordance with religious guidance will lead to the main goal, which is to get grace and peace of mind (*sakinah*)<sup>11</sup> According to Dr. Mahmud al-Mishri Abu Ammar in the book *aḥ-Zawaj al-Islami as-Sa'id* explains that the function of the household is as an educational incubator for children based on two jernir springs, namely the Al-Quran and as-Sunnah.<sup>12</sup>

Shaykh Muhammad Ibn Umar Ibn Ali al-Nawawi al-Bantani or briefly commonly called Shaykh Nawawi al-Bantani explains in the book *Uqudu al-Lujjain fi Bayani Huquq aḥ-Zaujain*, that the verse *ma 'asyirubunna bi al-ma'ruf* or the concept of *mu 'asarab bi al-ma'ruf* in fostering the household, is closely related to the rights and obligations of husband and wife. Shaykh Nawawi interprets *ma'ruf* with *al-adlu fi al-mabit* (being fair at home), giving a living, and other things that make household relations better and justified by sharia.<sup>13</sup> Households must have a relationship between humans and God, so that it makes them calm.<sup>14</sup>

The attention of Islam is also proven by the portion of the discussion on marriage in Islamic law (*fiqh*) reaching a quarter which is known as *rub'u al-munakahat*. So it is undeniable, that the main purpose of marriage is for the survival of Muslims to maintain dignity with genealogical purity.<sup>15</sup> In the theory of *Maqashid ash-Shari'ah* there is the concept of *ad-dharuriyat al-khamsah*, namely *hifdh ad-diin* (maintaining religion), *hifdh an-nafs* (keeping the soul), *hifdh an-nasl* (keeping offspring), *hifdh al-aql* (guarding the mind) and *hifdh al-maal* (guarding wealth). Marriage is part of *hifdh an-nasl*, which is to protect

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<sup>11</sup> Muhammad bin Alawi al-Maliki al-Hasani al-Makki, *Adabul Islam fi Nidham al-Ushrah* (Surabaya: -Hasani. Adabul Islam fi Nidham al-Ushrah. Surabaya: Hai'ah, t.t.), 5–6.

<sup>12</sup> Mahmud al-Mishri Abu Ammar, *aḥ-Zawaj al-Islami as-Sa'id* (Kairo: Maktabah ash-Shofa., 2006), 9.

<sup>13</sup> Muhammad ibn Umar ibn Ali an-Nawawi al-Bantani, *Uqudu al-Lujjain fi Bayani Huquq aḥ-Zaujain* (Kediri: Pesantren Petuk, t.t.), 3.

<sup>14</sup> Ahmad Faiz, *Dusturu al-Ushrah fi Dhilali Al-Quran* (Beirut: Muassasah al-Risalah, 1996), 129.

<sup>15</sup> Cholil Nafis, *Fikih Keluarga, Menuju Keluarga Sakinah, Mawaddah wa Rahmah, Keluarga Sehat, Sejahtera, dan Berkualitas*, 6–7.

offspring from things that can damage the order, such as preventing adultery which can disrupt the order of guardianship and so on. While building harmonious relationships within the family.

There are characterizes of the sakinah family, namely 1) Straightness of *Niyat (Islâh al-Niyyah)* and strong relationship with Allah (*Qumwatu shilah billâh*), 2) affection; 3) Open to each other (*Mushârohab*), Polite and Wise (*Mu'asyarah bil Ma'rûf*); 4) communication and deliberation, 5) *Tasâmub* (tolerance) and forgiveness; 6) fairness and equality; 7) Patience and gratitude. In general, it can be said that the sakinah family is built on love that prioritizes aspects of communication and deliberation as a form of democratic relationship pattern which is a means for the realization of dialogical communication. So that with this communication there is peace, peace, and tranquility in the household. While the deliberation used is deliberation decorated with a gentle attitude, forgiving, and prioritizing aspects of justice and equality. Some of the basic concepts above will be explained in detail below.<sup>16</sup>

In addition to religious guidance that clearly regulates family life, the state also positions the formation of a sakinah family as the main goal of implementing marriage law. The legal basis derived from the Qur'an and Hadith is then set forth in the Compilation of Islamic Law (KHI) and Law Number 1 of 1974 concerning Marriage. Article 3 of the 1991 Compilation of Islamic Law (KHI) states, "Marriage aims to realize a *sakinah, mawaddah, and rahmah* household life." In the previous article (article 2 KHI), it was stated that marriage according to Islamic law is a very strong marriage or contract or *mitsaqan ghalidhan* to obey Allah's commands and carry it out is worship. In Law Number 1 of 1974 contains seven principles or legal rules, namely the principle of forming a happy and eternal family.

If Law No.1 of 1974 uses general terms, the Compilation of Islamic Law uses specific terms listed in the Qur'an such as *mitsaqan ghalidhan, sakinah, mawaddah, and rahmah*. In this case, KHI clarifies and details the marriage legislation. The state wants the formation of sakinah families with legal products taken from the sources of the

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<sup>16</sup> Chadijah, "Karakteristik Keluarga Sakinah Dalam Islam," 126.

Qur'an and Hadith, of course in accordance with their respective religions and beliefs (article 2 paragraph (1) UUP).

Forming a *sakinah* family is certainly the dream of every married couple. However, it is easy to say, but difficult to apply. This could be because knowledge about the *sakinah* family is still very minimal in the community. So far, nothing in formal education is discussed about the *sakinah* family. Most people acquire the knowledge of how to form/build a *sakinah* family from trial and error (Nafis, 2009: 9).<sup>17</sup>

## **Method**

To support the research process above, the researcher uses a type of library research, which is descriptive analytical. While this research approach is a qualitative approach using deductive analysis. In writing research, various types of data are needed, while the type of data that the author presents in writing this research is qualitative data in the form of literature, including data about KH. M. Hasyim Asy'ari's thoughts on the concept of a *sakinah* household. The data is absorbed through reference books, Islamic Classic Literatures (Kitab Kuning) and other scientific works that are related to this research.

The source of data in this thesis research is library research. The author obtained data from many related books and books, research reports, as well as several scientific research libraries from universities. The data that was obtained was collected and presented in this article by citing it, either directly or indirectly.

Because this research is based on the analysis study of KH. M. Hasyim Asy'ari about the concept of a *sakinah* household, the analysis method that the author uses is a qualitative normative method. The existing data were analyzed using descriptive analytical methods and deductive methods. As for how to approach the problems discussed using a normative juridical approach that focuses on researching the provisions of Islamic law or applicable regulations, including the arguments in the Qur'an and Hadith.

## **Discussion**

*Hadratussyaikh* (scientific degree) KH. M. Hasyim Asy'ari is a scholar who is highly recognized for his knowledge and morals. Better known as *Mbah* Hasyim, is a respected and charismatic scholar. He is

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<sup>17</sup> Cholil Nafis, 9.



the fighter of Islam and Indonesian independence. Talking about the thoughts and struggles of the Great Teacher, cannot be separated from the history of his life. Born with the name Muhammad Hasyim on 24 Dzulqa'dah 1287 H. or coincided with February 14, 1871 C. Little Hasyim was born in Gedang, a small hamlet in the north of Jombang (now east of the Bahrul Ulum Islamic Boarding School Tambakberas), the third son of eleven brothers of the couple KH. Asy'ari and Nyai Hj. Halimah. Kiai Asy'ari is the son-in-law of Kiai Uthman, founder of Pesantren Gedang.<sup>18</sup>

Then on 26 Rabiul Awal 1317 H/3 August 1899 C, Kiai Hasyim built a small building made of woven bamboo measuring 6 x 8 meters. The construction of *Tratak* or buildings made of woven bamboo is recorded as the beginning of the founding of the Pesantren Tebuireng.<sup>19</sup> In Surabaya on January 31, 1926 or 16 Rajab 1344 H, the ulama held a meeting to discuss the development of Muslims in the world, especially what was happening in Saudi Arabia. On that day the organization was officially founded, under the name Nahdhatul Ulama', which means the revival of the ulama. Kiai Hasyim is believed to be the first Rais Akbar. Later, this jam'iyah became an organization with the largest members in Indonesia, even in Asia.<sup>20</sup>

Kiai Hasyim wrote several books. Among them there is one book that discusses the life of husband and wife (household), namely the book *Dhau'u al-Misbbah fi Bayani Ahkam an-Nikah*. In the book, *Hadratussyaikh* KH. M. Hasyim Asy'ari started the discussion by explaining the laws of marriage. At the beginning of the book, he quotes Imam Haramain's opinion that marriage is a matter of lust, not at the level of *ubudiyah*. Imam ash-Shafi'i in the book *al-Umm* explains that descent is a matter of *dhanni* or prejudice, it cannot be known with certainty, whether descent is pious or not. He also explained that

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<sup>18</sup> Mukani, *Biografi dan Nasihat Hadratussyaikh KH. M. Hasyim Asy'ari* (Jombang: Pustaka Tebuireng, 2015), 4.

<sup>19</sup> A. Mubarok Yasin dan Fathurrahman Karyadi, *Profil Pesantren Tebuireng* (Jombang: Pustaka Tebuireng, 2011), 5–6.

<sup>20</sup> Heru Sukadri, *Kiyai Haji Hasyim Asy'ari* (Jakarta: Pusat Penelitian Sejarah dan Budaya Departemen Pendidikan dan Kebudayaan, 1980), 44.

the purpose of marriage is to obey the Sunnah of the Messenger of Allah, to produce offspring, and to protect his private parts or eyes.

*Dhan'u al-Mishbah fi Bayani Ahkam an-Nikah* written when Kiai Hasyim returned to study from Mecca. Thus, the stages of Kiai Hasyim's intellectual journey can be divided into two phases; First of all, when he was in Indonesia, he was very popular in criticizing traditional pesantren, including his own life growing up in a foster family. He is in many Islamic boarding schools with shades of the Shafii school of thought. In various reviews, Kiai Hasyim often includes some opinions of classical scholars such as Ibn Hajar, Shihab al-Ayyūbi, Imam Zarkashi, Mohamed Ramli and others. Among these opinions, for example, he describes Muhammad Ramli's comments which he quoted from the *Shahada*; According to Ramli, marriage is invalid if the married woman is a masked woman with unknown descendants. The two witnesses did not know what the woman's face looked like.

The second phase, his scientific journey in Mecca. Apart from studying with the Haramain clerics, he also studied with Indonesian clerics there, such as Mahfuḏ al-Tarmasi. Things that need to be emphasized, when Kiai Hasyim was in Mecca, were his encounters with reformers. Even his own teacher Shaykh Khatib al-Minangkabawi provided free space to study the thoughts of the reformers. For example, one of the Islamic reformers, Muhammad Abduh, launched the idea and movement of a massive Islamic Reformation in Egypt. This had an impact on Indonesian students who were not in Mecca except for Kiai Hasyim. One form of Abduh's Islamic Awakening Movement adopted by Kiai Hasyim is to purify the teachings of Islam. In this case, Kiai Hasyim believes that if you purify the teachings of Islam, then you must return everything to the Qur'an and As-Sunnah.<sup>21</sup>

Although in fact in many cases, Kiai Hasyim did not agree with the thoughts of the reformers, including Abduh, such as the importance of madzhab, the meaning of returning to the Qur'an and Hadith which must also be accompanied by the opinions of *mutabar* scholars, the importance of *sanad*, and other problems. For this reason,

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<sup>21</sup> Ahmad Baso, Agus Sunyoto, dan Rijal Mumazziq, *KH. Hasyim Asy'ari Pengabdian Seorang Kyai untuk Negeri*. (Jakarta: Museum Kebangkitan Nasional, 2017), 37.

in his books, Kiai Hasyim always provides room for discussion by not only providing the arguments of the Qur'an and Hadith, but also the views of the scholars by quoting them from their master books. Kiai Hasyim's opinions on this matter can be found in several of his books, such as *Risalah Ablussunnah wa al-Jama'ah*, *Mukaddimah Qanun Asasi li Jam'iyati Nahdlati al-Ulama*, *Nur al-Mubin fi Mahabbati Sayyid al-Mursalin*, *Risalah fi Jawa'zi at-Taqlid*, *Risalah fi Ta'akudi al-Akhdz bi Madzhab al-Arba'ah*, and other books.

Then, this book was also written when in a condition where colonialism had shaped the culture of women who were still considered members of the second class of society. When Kiai Hasyim wrote this work, he tried to answer the situation of the locals who knew little about Islamic law at the time, especially about marriage, including the obligations of a husband towards his wife, obligations of a wife to her husband, etc. Kiai Hasyim has made a new contribution to the local community. He has tried to map out that in family life, both men and women have rights and obligations, meaning that women also have a special position like their husbands as leaders who must be obeyed. Although women are in charge of taking care of their husbands, children, households and must fully obey and respect their husbands, but Kiai Hasyim emphasized that women should be treated well. He should not receive harsh treatment especially if he was hit.<sup>22</sup>

### **Sakinah Household Indicator**

In the Book of *Dhau'u al-Mishbah fi Bayani Ahkam an-Nikah*, *Hadratussyaikh* KH. M. Hasyim Asy'ari, once again the author said, did not explain explicitly about the *sakinah* household. However, from the author's research in the book, there are indicators for building *sakinah* family. Among the indicators contained in the book are:

**First**, laws, terms, and pillars of marriage that must be obeyed. In the book *Dhau'u al-Mishbah fi Bayani al-Ahkam an-Nikah*, *Hadratussyaikh*

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<sup>22</sup> Nurul Afifah, "Hak Suami-Istri Perspektif Hadis (Pemahaman Hasyim Asy'ari dalam Dha'u Al-Misbah Fi Bayan Ahkam Al-Nikah)," *Jurnal Living Hadis* 2, no. 1 (16 Mei 2017): 34, <https://doi.org/10.14421/livinghadis.2017.1321>.

KH. M. Hasyim Asy'ari started the main discussion by explaining the laws of marriage. The law of marriage depends on the purpose and conditions. At least *Hadratusyaikh* mentions there are five laws of marriage. First, the law of marriage is sometimes sunnah. Kiai Hasyim quoted the words of Shaykh al-Nawawi ad-Dimasqi who said that if the intention of marriage is to follow the sunnah, or to obtain offspring, and guard the genitals or eyes, then marriage is considered as an afterlife charity that has consequences for getting a reward.

KH Hasyim Asy'ari also explained that whoever has achieved the desire for lust and is able to provide a dowry and a living, it is sunnah for him to marry. On the other hand, those who are still unable to do so, say that it is sunnah not to get married first, because he is faced with realities that he must face and that can cause him to be busy, thus interfering with his worship. If not getting married first can make him able to worship in peace, then leaving marriage first is much safer for him for the sake of religion.

Kiai Hasyim also quoted the words of Shaykh Abu Ishak ash-Syairazi in the book *al-Muhadzab* that marriage is permissible (jaiz), because marriage can make the lust become patient from doing things that smell *ladzdzab* or pleasure.<sup>23</sup> Imam ash-Syairazi based it on the verse:

*"Somarry (other) women you like: two, three or four"* (Surat an-Nisa': 3).<sup>24</sup>

Ash-Syairazi also based it on the hadith of the Prophet Muhammad from the companion of 'Alqamah from Abdullah Ibn Mas'ud ra. which reads:

*"Opara young man, whoever is able to bear the burden of marriage, let him marry, because marriage is lowering the gaze and guarding the privates, and whoever is unable, then let him*

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<sup>23</sup> Asy'ari, *Dhan'ul Mishbah fi Bayani Abkamin Nikah*, 4.

<sup>24</sup> Abu Ishak Ibrahim ibn Ali ibn Yusuf al-Fairuzabadi asy-Syairazi, *al-Muhadzab fi Fiqh Imam asy-Syafi'i* (Kediri: Pesantren Hidayatut Thullab, t.t.), 33.

*fast, because fasting is indeed a shield for him.*"(HR. Jama'ah. narrated by 7 imams of hadith).<sup>25</sup>

Kiai Hasyim quotes the words of Shaykh as-Syarqawi in *Hasyiyah at-Tabrir*, in fact marriage will become mandatory if it is positioned as a way or solution to prevent adultery and divorce for wives who have the right to be rotated (polygamous husbands). The law can sometimes be *kbilaful aula* or violate something more important, such as people who already want to get married and are ready, but still hold it by fasting or in other ways that can restrain lust. For those who have no desire for marriage and are actually ready, but have a disease that can prevent marriage, then the law is makruh. Even Kiai Hasyim said that sometimes under certain conditions marriage can become haram, like marrying someone who is forbidden for him to marry or from himself is prevented from marrying like a madman and is still a child or not yet mature. Kiai Hasyim explained the conditions under which a person is recommended to marry or not. For example, it is sunnah for men not to marry, except with women who have good religious observance. As the hadith narrated by Abu Hurairah ra.

“Women are married for four reasons, because of their money, position, beauty, and religion. So choose the one who has a religion (who has strong religious observance), who can caress (pats) both your hands ”.

In the second chapter of the book, Kiai Hasyim explains about the pillars of marriage. As explained earlier, that fostering a good household begins with things that are pre-marital, such as looking for women who are in accordance with religious guidance and the way of marriage is also in accordance with the Shari'a and the guidance of the Prophet Muhammad. For this reason, in the second chapter, Kiai Hasyim explains about the pillars of marriage as an absolute thing for prospective couples to know who can build a sakinah household. Actually, information about these pillars, as generally stated by other

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<sup>25</sup> Ahmad al-Hasyimi Bek, *Mukhtar al-Ahadits an-Nabawiyah wa al-Hikam al-Muhammadiyah* (Surabaya: Nurul Huda, t.t.), 188.

scholars, that there are five pillars of marriage, shighat, prospective husband, prospective wife, guardian, contract, and two witnesses.<sup>26</sup>

For reading shighat or *ijab kabul*, Kiai Hasyim quotes from *Syarh al-Ihya'* that it is not required that there be compatibility of *lafadh* from both parties, namely husband and guardian, for example one uses *lafadh zammajtuksa*, while the prospective husband uses *qabiltu nikabaha*. However, the conditions that must be fulfilled are the continuation of the consent and acceptance, there is no long time lag between the shighat of the guardian and the prospective husband. For prospective wives, Kiai Hasyim requires the fulfillment of four things, namely *halal*, clearly chosen in the sense that the person who will marry has been chosen, not someone else's wife or is still in the *iddah* period, and is a real woman, not imitation or hunting (hemaphroditic). As for the husband's requirements, there are five, namely *halal*, self-choice (not coercion without any valid reason), clearly chosen,

Kiai Hasyim requires guardians with nine things, namely *ikhtiyar* (choice) themselves (not becoming guardians because they are forced), mature, intelligent, independent, male, fair, Muslim, not hindered by ignorance. For the condition of two witnesses, Kiai Hasyim explained that *they* must be Muslim, mature, intelligent, independent, male, fair, not deaf or deaf, not blind or blind, and not mute or speech impaired.

**Second**, suggestions for choosing a partner. Kiai Hasyim considers that forming a loving relationship between a *sakinah* household begins long before the marriage takes place, that is, since the two of them choose the right partner to build a household. One of the concepts of election is in the hadith of the Prophet SAW, from the friend, Abu Hurairah ra. *above* regarding the selection of partners through four qualifications, namely *al-maal* (financial), *al-basab* (position), *al-jamal* (beauty of physical appearance), and *ad-diin* (religion) or in other editorials, *al-basab* is replaced with term *an-nasab* (family tree). The Apostle focuses on *ad-Deen* (religion) as the number one qualification for choosing a partner.

Apart from looking for a partner, Kiai Hasyim explained that the wife chosen is a virgin, except for reasons such as the weakness of the genitals in revealing virginity. The woman must also have a good

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<sup>26</sup> Asy'ari, *Dhan'ul Mishbah fi Bayani Abkamin Nikah*, 11.

lineage, not a child of adultery, not a child of a wicked person, or the like, nor a woman whose father is not clear, and in *kufu'* situation. It is also sunnah not to marry except for those who can do good to women (his wives). Kiai Hasyim also explained about the sunnah of seeing the face and palms of the prospective wife to be married and it is forbidden to see other than the two parts of the body.

Kiai Hasyim also advised not to choose 6 (six) kinds of women as wives, namely *al-annanah* (women who like to complain and complain), *al-mannanah* (women who like to bring up their goodness or services), *al-hannanah* (women who likes to tell and boast about people in the past), *al-haddaqah* (women who are wasteful and consumptive), *al-barraqah* (women who like to dress up), and *as-syaddaqah* (women who talk a lot). The six are women who should not be chosen to be wives.

**Third**, the benefits of marriage. Kiai Hasyim revealed the five benefits of marriage, namely getting children, solving problems of sexual desire, managing household affairs, expanding the family, fighting lust with tasks in the family and being patient in doing these tasks. On the other hand, Kiai Hasyim wrote that there are three dangers of marriage, namely powerlessness in seeking halal, failure and recklessness in supporting the family, and family and children who can become obstacles to obedience to Allah and attract excessive effort in seeking the world by accumulating wealth. The sunnah for married people is intended to follow the sunnah of the Prophet Muhammad, to maintain their religion, to seek offspring, and to obtain the benefits described by Kiai Hasyim above.<sup>27</sup>

**Fourth**, rights and obligations of husband and wife. Although in this book, it is not clearly explained how the *sakinah* family is, but the indicators in the form of an implied message from Kiai Hasyim are the formation of the best people with good families. In this case, the goods must be able to build a *sakinah* household. To complete the discussion about marriage, Kiai Hasyim in his *khatimah* or closing section of the book *Dhau'u al-Misbbah fi Bayani Ahkam an-Nikah*, explains the rights and obligations of husband and wife as part of establishing a *sakinah* household.

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<sup>27</sup> Asy'ari, 4–8.

The partnership relationship between husband and wife is described in the Qur'an, surah al-Baqarah verse 187 and an-Nisa' verse 19, that husband and wife are like clothes that cover and warm each other so there must be 'asyarah bi al-ma'ruf, according to him, is an important foundation in a sakinah household. So, it is a necessity for a man to have good intercourse with his wife, namely by understanding the rights of the wife including dowry, maintenance, living expenses, a kind heart, soft speech, being patient with the wife's bad behavior, inviting her in the way of goodness and worship, and teach religion. KH Hasyim Asy'ari in particular also made a will to the husband to treat his wife well. Quoting from a hadith, KH Hasyim Asy'ari ordered every husband to provide a living in the form of daily food and clothing. KH Hasyim Asy'ari also forbade the husband to hit his wife's face and hurt her.<sup>28</sup>

Quoting from another hadith, KH Hasyim Asy'ari advised that every husband should have good character and be gentle in dealing with his family. The hadith reads:

"Indeed, the most perfect of faith is the believer who is the best in character and the most gentle to his family."

It is also mentioned in another hadith that the man (husband) is obliged to lead the household.

"The husband is the leader for his family and will be held accountable for the family he leads. The wife is the caretaker of the husband's house and will be held accountable for his leadership. And each of you will be held accountable for his leadership."<sup>29</sup>

A husband is also required to be able to educate his family to pray. In fact, KH Hasyim asserted that a husband who does not command his family and does not teach him religious knowledge, is the same as betraying the commands of Allah and His Messenger. Likewise for a wife, according to KH Hasyim Asy'ari, the wife must fulfill her obligations to always obey her husband, not fasting and not leaving

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<sup>28</sup> Asy'ari, 16.

<sup>29</sup> Asy'ari, 17.



her house except with the permission and pleasure of her husband. Still according to KH Hasyim Asy'ari, a wife is also required not to brag about her beauty, obey her husband's orders, be quiet when her husband speaks, stand up when her husband comes and go, leave a treacherous attitude when her husband leaves, especially regarding his room and property, wearing perfume, keep the mouth so that it smells good.

Besides that, according to KH Hasyim Asy'ari, firstly, a household must be built with togetherness and a good relationship between husband and wife. The consequences of each. The rights and obligations of husband and wife become the main foundation that determines success in the household. Scholars who are known experts in this hadith, in the book *Dhau'u al-Misbah fi Bayani Ahkam an-Nikah*, especially the discussion of the husband's obligations, it is stated that there are several things that must be fulfilled. First, having sex with his wife in a good way. The basis that is used as a reference in this case comes from the Qur'an letter an-Nisa' verse 19. Second, giving a dowry. Dowry must be given to the wife in marriage. Third, provide a living. Fourth, provide proper clothing. Fifth, gentle and patient speech in guiding the wife, especially if the wife has a bad temper. Sixth, invites his wife to walk in goodness and obey worship. Seventh, teach him religious laws, including those relating to purification (*tabarah*), menstruation and prayer.<sup>30</sup>

As a logical consequence that in order to achieve the goal of establishing a *sakinah* household, families who are blessed by Allah and His Messenger are those who can apply their respective rights and obligations. The husband must fulfill his wife's rights and carry it out. So, the wife also does the same thing. If the explanation above has been mentioned by Kiai Hasyim in terms of the husband's obligations and the wife's rights, it also explains the husband's rights and wife's obligations.

While the wife's obligations are the husband's rights according to KH. Hasyim Asy'ari, that the wife must obey her husband except in matters that are prohibited by religion, not fasting and going out of

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<sup>30</sup> Asy'ari, 16.

the house except with the permission and pleasure of her husband, not forbidding to have fun which is permissible, preparing and managing the household to keep it clean, not bragging about the beauty of her face, not badmouthing her husband, maintaining shame, lowering her eyes in front of her husband, muffled when her husband speaks, standing up when her husband comes and going, offering herself to her husband when she wants to sleep, leaving a treacherous attitude when her husband leaves, especially in room and property, using perfume for her husband, maintaining an appearance in front of her husband and leaving it when her husband is away, honoring his family and relatives,

In addition, in the book *at-Tibyan fi Nabhi an Muqhabtha'ati al-Arham wa al-Aqarib wa al-Ikhwān*, Kiai Hasyim also explains the importance of maintaining relationships with fellow family, relatives, and relatives. Breaking it up is the worst of sins and the worst of ugliness (Asy'ari, tta: 5. For this reason, in relation to marital relations, in the book, Kiai Hasyim quoted a hadith narrated by Ibn Majah and Ibn Hibban from the Companions of Ibn Abbas ra. . which reads:

*From the Companions of Ibn Abbas ra, the Messenger of Allah said: Three groups whose prayers will not be lifted even if onespanfrom his head; a person who leads a people when they don't like it, a woman who spends the night while her husband is angry with her, & two brothers who are hostile to each other"* (Narrated by Ibn Majah and Ibn Hibban).<sup>31</sup>

The grandson of Hadratussyaikh KH. M. Hasyim Asy'ari, KH. Agus M. Zaki Hadzik (Gus Zaki) admits that the book does not explicitly state a sakinah household, but Kiai Hasyim provides a set of rules and indicators that to get to a sakinah family, one must follow the terms, pillars, provisions, laws, recommendations outlined by religion, including also a guide to choosing a good wife and knowing the rights and obligations of each listed in the book *Dhau'u al-Mishbah fi Bayani Ahkam an-Nikah*. Gus Zaki thinks that if you want to study the book, you must also study the daily life of Kiai Hasyim, especially his relationship with his family. Gus Zaki revealed that there is one hadith that guides Hadratussyaikh in living life, namely:

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<sup>31</sup> Asy'ari, 13–14.

"There are four pillars for a person's happiness, namely a pious wife, good children, association with pious people, and (*get*) *sustenance in their own country*," (HR. Dailami).

In the hadith, it is stated that the first is a husband who has a pious wife, followed by good children. If you look at Kiai Hasyim, Kiai Hasyim has already practiced it, because he chose good wives and had good children. He also mingled with pious people, namely the scholars, kiai, and his councils as well as knowledge and struggle councils. Their sons and daughters were also educated with a good education and placed around the Pesantren Tebuireng, so that they were not far from pious people. He also never travels far in a long time, because the source of his livelihood is around Tebuireng only. According to Gus Zaki, the four points above are the pillars of a *sakinah* household life that is full of *mawaddah* and *rahmah*. The pattern of his life is not far from how to form a *sakinah* family, because his life is within the boundaries of religion, especially through the hadith of the Prophet Muhammad. Kiai Hasyim also adheres to the concepts of *ta'abud* and *ta'allum*, worship and study. Gus Zaki revealed that the prayer he often reads is:

اللَّهُمَّ اجْعَلْنَا وَ أَوْلَادَنَا مِنْ أَهْلِ الْعِلْمِ وَ أَهْلِ  
الْخَيْرِ وَ لَا تَجْعَلْنَا وَ إِيَّاهُمْ مِنْ أَهْلِ الشَّرِّ الضَّيِّرِ

"O Allah, make us, our children and our families experts of knowledge and experts of good, and do not make us and them experts of evil and harm."

From there, the author concludes that in fostering a *sakinah* household, one must be able to form a family climate that likes to worship and seek knowledge, so that it can form children who become generations of knowledgeable, diligent worshipers, and experts in goodness (noble character). According to Gus Zaki, it has all been applied by Kiai Hasyim in his life.<sup>32</sup>

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<sup>32</sup> M. Zaki Hadzik, *Kehidupan Keluarga Hadratussyaikh KH. M. Hasyim Asy'ari*, 2009.

### **Relevance of the Marriage Law and KHI with *Hadratussyaikh* KH M. Hasyim Asy'ari's Thoughts about Sakinah Household**

Because the household cannot be separated in marriage or marriage, the discussion intersects with the applicable marriage law in Indonesia. In Law No. 1 of 1974 concerning Marriage, marriage is understood as 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 (household) based on the One Godhead. In article 4 of the KHI it is stated that the purpose of marriage is to realize a *sakinah*, *mawaddah*, and *rahmah* household life.

From the results of the analysis, the authors found several points of relevance between the Thoughts of *Hadratussyaikh* KH. M. Hasyim Asy'ari with the Law. No. 1 of 1974 and KHI. Here is the relevance:

**First**, seven principles or rules of marriage law. The principles of Marriage Law that apply in Indonesia are sourced from the Al-Quran and Hadith which are then outlined in legal lines through Law No. 1 of 1974 concerning Marriage and the Compilation of Islamic Law (KHI) of 1991 containing 7 (seven) principles or rules. the law, namely: the principle of forming a happy and eternal family, the principle of the validity of marriage, the principle of monogamy, the principle of a prospective husband and wife who have matured their bodies and souls to be able to marry, the principle of making divorce difficult, the principle of a balance of rights and obligations between husband and wife, both in home life. ladder as well as in community association, and the principle of recording marriages.<sup>33</sup>

None of the 7 (seven) principles above contradict the view of *Hadratussyaikh* Kiai Hasyim clearly did not want an unhappy and impermanent family. In his book, he explains about the law, pillars, conditions, and rights and obligations of marriage. This shows that marriage is a sacred thing and not a joke, so religion provides strict rules related to it. In his life, he also does not adhere to polygamy. As for he had four wives, it was not at the same time. In a sense, he remarried after the death of his previous wife. This shows that he

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<sup>33</sup> Ali, *Hukum Perdata Islam di Indonesia*, 7–8.

adheres to the principle of monogamy.<sup>34</sup> The principle of the validity of marriage is also clearly stated in the book, that if a Muslim wants to have a valid marriage, he must follow the pillars, conditions, laws, and regulations. other rules in religion regarding marriage. Kiai Hasyim also stated that the rights and obligations of husband and wife must be balanced, they must fulfill each other. Of course it is in accordance with the principle of balance between the rights and obligations of husband and wife.

Another principle, namely the principle that the prospective husband and prospective wife have matured in body and soul, so that they can get married. Hadratussyaikh explained that in the first page of his book about the conditions under which a person is advised to marry or refrain from marrying first. For example, the sunnah of a person's marriage if he is physically and mentally ready, and has been able to provide a living and a dowry. So those who are not ready from these aspects are advised to refrain from marriage first. It is feared that it will make him busy making a living, thus interfering with his worship of Allah.<sup>35</sup> From this it can be understood that marriage must also be based on the principle of readiness of the soul and body of the two prospective brides. With the principles above, it can be said that if it is fulfilled, divorce will not be easily carried out by married couples.

Of the seven principles above, it is very relevant to Kiai Hasyim's opinion, only the seventh principle, namely the principle of marriage registration, is not discussed in his book. Of course, this is because the registration of marriages is a government policy, not from the qath'i arguments, namely the Al-Quran and Hadith directly. While the approach taken by Kiai Hasyim is the approach of Islamic law in the perspective of Hadith. Because there is no information or statement from Kiai Hasyim regarding marriage registration, it cannot be said that he refused.

**Second**, the validity of marriage. Article 4 paragraph (1) of the KHI states that marriage is legal if it is carried out according to Islamic law in accordance with Article 2 paragraph (1) of Law No.1 of

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<sup>34</sup> Mukani, *Biografi dan Nasihat Hadratussyaikh KH. M. Hasyim Asy'ari*, 6.

<sup>35</sup> Asy'ari, *Dhan'ul Mishbah fi Bayani Ahkamin Nikah*, 4.

1974 concerning Marriage. Article 2 paragraph (1) of the Marriage Law states that marriage is legal if it is carried out according to the law of each religion and belief. However, it can be emphasized that for Muslims the Islamic marriage law applies, while for religions other than Islam the marriage law regulated in their religion applies. In *Hadratusyaikh*'s view it is the same, Muslims who want to get married must obey Islamic law regarding marriage. For this reason, in the book *Dhan'u al-Mishbah fi Bayani Ahkam an-Nikah*, he explains the pillars, terms, and other provisions in Islamic law regarding marriage.

**Third**, rights and obligations of husband and wife. According to KH Hasyim Asy'ari, a household must be built with togetherness and a good relationship between husband and wife. The rights and obligations of husband and wife become the main foundation that determines success in the household. Especially in the discussion of the husband's obligations, it is stated that there are several things that must be fulfilled. *First*, having sex with his wife in a good way. The basis that is used as a reference in this case comes from the Qur'an surah al-Nisa' verse 19. *Second*, give a dowry. Dowry must be given to the wife in marriage. *Third*, provide a living. *Fourth*, provide proper clothing. *Sixth*, gentle and patient speech in guiding the wife, especially if the wife has a bad temper. *Seventh*, invites his wife to walk in goodness and obey worship. *Eighth*, teach him the laws of religion,

The opinion of KH. Hasyim Asy'ari regarding these rights and obligations is not much different from the Complications of Islamic Law (KHI) article 80 paragraph (1), that the husband is the guide of the wife and household, but for important matters, they are decided together. This is complemented by paragraph (2), that the husband is obliged to protect his wife and provide all the necessities of household life according to his ability. In paragraph (3) it is explained that the husband is also obliged to provide religious education to his wife and provide opportunities to learn useful and beneficial knowledge. for religion, homeland and nation. In accordance with his income, in article 80 paragraph (4), the husband is also obliged to bear, maintenance, *kiswah* and residence for his wife, household expenses, maintenance costs and medical expenses for his wife and children,

Meanwhile, in the Marriage Law, precisely in Article 30, it is explained that husband and wife bear a noble obligation to uphold the

household which is the foundation of the structure of society. This is detailed in article 31. It is explained in paragraph (1) that the rights and position of the wife are in balance with the rights and position of the husband in domestic life and social life together in society, paragraph (2) each party has the right to take legal actions , while paragraph (3) the husband is the head of the family and the wife is a housewife. Article 34 states that the husband is obliged to protect his wife and provide all the necessities of household life according to his ability. In paragraph (2), the wife is obliged to manage household affairs as well as possible. Paragraph (3), if the husband or wife neglects their respective obligations, they can file a lawsuit with the Court. In this case, UUUP is shorter in explaining the rights and obligations of husband and wife compared to KHI.

Meanwhile, according to KH Hasyim Asy'ari, the wife's obligations are the rights of the husband, that the wife must obey her husband except in matters prohibited by religion, not fasting and going out of the house except with the permission and pleasure of her husband, not forbidding to have fun which is allowed, preparing and manage the household to keep it clean, not boasting about the beauty of her face, not badmouthing her husband, maintaining shame, lowering her eyes in front of her husband, muffled when her husband speaks, standing up when her husband comes and going, offering herself to her husband when he wants to sleep , abandoning treason when the husband leaves, especially in his room and property, using perfume for his husband, maintaining appearance in front of his husband and leaving it when the husband leaves, honoring his family and relatives, and accept what is by seeing something (gift) a little as something much.

Meanwhile in the KHI, especially in Article 83 paragraphs (1) and (2), it is explained about the obligations of the wife. The wife is obliged to be physically and mentally devoted to her husband within the limits justified in Islamic law. The wife is also obliged to organize and manage daily household needs as well as possible.<sup>36</sup>

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<sup>36</sup> Tim Permata Press, *Kompilasi Hukum Islam: Hukum Perkawinan, Kewarisan, dan Permakafan* (Jakarta: Permata Press, 2015), 27.

*Fourth*, get along and terms of marriage. The issue of Kiai Hasyim's Pillars of Marriage and KHI is very appropriate. KH. Hasyim mentions that there are five pillars of marriage, namely marriage shighat, prospective husband, prospective wife, guardian, and two witnesses.<sup>37</sup> While in the KHI language, the word shighat marriage is translated with consent and kabul. Furthermore, in article 16 paragraph (1) it is explained that marriage is based on the approval of the prospective bride and groom.<sup>38</sup> While in his book, Kiai Hasyim includes it in the conditions for the prospective husband, kauhuhu mukhtaran or he is his own choice, not by coercion without being based on a valid reason. Even the guardian, according to Kiai Hasyim, also has no right to force. For the conditions of his own wife, Kiai Hasyim explained there are four, namely halal not women who are forbidden to marry, is clearly chosen for its charm, she is not someone else's wife or in iddah, and she is really a woman, not a hermaphrodite. For prospective husbands, the conditions are the same, only the condition for mukhtar is added, which is to be chosen on their own free will, not because of coercion without a valid reason.<sup>39</sup> The Marriage Law explains that what is meant by women who cannot be married is to have blood relations in a straight line of descent or descent; related by blood in a sideways lineage, namely between siblings, between one and a parent's brother and between one and his grandmother's brother, sexual relations, namely in-laws, stepson, son-in-law and mother/stepfather, breastfeeding, suckling children, siblings and aunts/ nursing uncle, related relatives with the wife or as aunt or niece of the wife, in the event that a husband has more than one wife,

Likewise with guardians, KHI explains in article 20 paragraph (1), the conditions for guardians are male, Muslim, aqil, and baligh.<sup>40</sup> Kiai Hasyim increased these conditions to nine, namely the four above, plus not being forced, independent, able to act fairly, not disabled such

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<sup>37</sup> Asy'ari, *Dhan'ul Mishbah fi Bayani Ahkamin Nikah*, 11.

<sup>38</sup> Tim Permata Press, *Kompilasi Hukum Islam: Hukum Perkawinan, Kewarisan, dan Perwakafan*, 13.

<sup>39</sup> Asy'ari, *Dhan'ul Mishbah fi Bayani Ahkamin Nikah*, 13.

<sup>40</sup> Tim Permata Press, *Kompilasi Hukum Islam: Hukum Perkawinan, Kewarisan, dan Perwakafan*, 7.



as senile and mentally disabled, and not stupid. In the consent of kabul, Kiai Hasyim also requires the existence of ittishalu al-qabul bi al-ijab or continued consent of acceptance.<sup>41</sup> This is exactly the same as what is explained by KHI in Article 27 that the consent and acceptance between the guardian and the prospective husband must be clear in succession and there is no time lapse. For two witnesses, KHI requires them to be Muslim, male, *aqil, baligh*, not impaired in memory and not deaf.<sup>42</sup> Kiai Kiai Hasyim added that they are independent, can act fairly, are not blind or blind, and are not mute or mute.

Thus, there is no conflict between the concept of a sakinah household promoted by the UUP and KHI and the indicators described by KH. Hasyim Asy'ari. It's just that *Hadratusyaikh* tends to be textual, because his scientific background is the science of hadith which is unquestionable. Kiai Hasyim in determining laws and fatwas tends to use thematic studies and adapt to the conditions of society at that time, by referring to the texts of the Qur'an and hadith. It is different from KHI which tends to be more contextual because it is presented through an in-depth study of the four existing schools of thought, and is adapted to the conditions of Muslims in Indonesia, and is valid for a long period of time.

## Conclusion

Referring to the formulation of the problem from the results of data collection, as well as efforts to make it easy to understand and understand from the interpretation and discussion above, the authors can conclude some of these topics. First, according to Hadratusyaikh, marriage in Islam is in accordance with the provisions and recommendations in Islamic law itself, such as the law of marriage, its pillars, its conditions, as well as other matters of an ethical or ethical nature, such as fulfilling the rights and obligations of the husband and wife. wife.

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<sup>41</sup> Asy'ari, *Dhan'ul Mishbah fi Bayani Ahkamin Nikah*, 12–14.

<sup>42</sup> Tim Permata Press, *Kompilasi Hukum Islam: Hukum Perkawinan, Kewarisan, dan Permakafan*, 7–8.

*Second*, explicitly Kiai Hasyim did not explain sakinah, but he has provided indicators on how to build a sakinah household, namely by following religious rules, being legal according to religion, tips for choosing a partner, fulfilling each other's obligations and rights, and being honest. -mu'asyarah bi al-ma'ruf. Third, between Law No.1 of 1974 concerning Marriage and KHI regarding the concept of a sakinah household, it is relevant to Hadratussyaikh's thoughts. Kiai Hasyim in explaining it textually based on Islamic Shari'a from the perspective of hadith and adapted to the conditions of the community at that time, while the UUP and KHI refer to the compilation of four madhhabs and have been adapted to the conditions of Muslims in Indonesia, and are binding on all Indonesian citizens.

In connection with the problems above, it is necessary for researchers to put forward suggestions, especially to all Muslims, especially prospective husbands and wives, in order to achieve the common good. First, for husbands and wives to really know the religious provisions regarding marriage, including the pillars, terms, and recommendations. It can also be done by reciting books written by scholars and kiai, so that they can actually be practiced and used as guidelines.

*Second*, to the government, especially members of the legislature and holders of the right to give fatwas in this country, to conduct a study of the thoughts of Indonesian ulema, both the Salaf and contemporary generations, about various things in life. Because there are many hidden pearls in his works that must be used as references to determine laws and fatwas.

*Third*, for family assistance institutions, there needs to be a sakinah family campaign, because many people do not know how to build a sakinah household. This can be done by campaigning for Law No. 1 of 1974 and KHI, or the thoughts of scholars and figures about marriage and family, such as KH. Hasyim Asy'ari. The target is prospective married couples, especially teenagers, so that they can create a sakinah family, so that future generations of Islam and Indonesia are superior and qualified.

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