

MATCHMAKING IN PESANTREN: The Role of *Wali Mujbir* in Matchmaking with *Maqasid Sharia* Perspectives

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Abstract: *Wali mujbir* is a guardian who has the right to marry off his daughter with or without the permission of the person concerned with certain conditions. He is someone who has an upward patrilineal line with the woman who will marry, which in this case is the father. In Islam, the right of *wali mujbir* is usually called the right of *ijbar*, this right is absolute, but as time goes by, now the privilege of *ijbar* has another interpretation. Although the father has the right to force him, he does not forget to allow his daughter to have an opinion. This kind of marriage is often referred to as matchmaking. It is considered an interesting social phenomenon in society. *Pesantren*, as sacred institutions, are often the mecca in matchmaking processions because, in *pesantren*, families prioritize lineage in finding a partner. It is an important benchmark for *dzurriyah* or the descendants of the *Kiai*. In addition to maintaining lineage, matchmaking in *pesantren* also aims to preserve religion and soul. This article examines the role of *wali mujbir* at the APTQ Bungah Gresik Pesantren in carrying out matchmaking so that the goals of *sharia* are achieved, which in this case are *hifzh al-din*, *hifzh al-nafs*, and *hifzh al-nasl*.

Keywords: *Wali Mujbir*, Matchmaking in *Pesantren*, *Maqasid Sharia*.

Abstrak: *Wali mujbir* adalah wali yang berhak menikahkan anak perempuannya dengan atau tanpa seizin yang bersangkutan dengan syarat-syarat tertentu, ia adalah seseorang yang memiliki garis patrilineal ke atas dengan perempuan yang akan menikah, yang dalam hal ini adalah ayah. Dalam Islam, hak *wali mujbir* biasa disebut dengan hak *ijbar*, hak ini bersifat mutlak, namun seiring berjalannya zaman, kini hak *ijbar* memiliki penafsiran lain, meskipun ayah berhak memaksa namun juga tidak lupa tetap memberi kesempatan kepada anak perempuannya untuk berpendapat. Jalan pernikahan semacam ini seringkali disebut dengan perjodohan, hal ini dianggap sebagai fenomena sosial yang menarik dalam masyarakat. *Pesantren* sebagai lembaga

suci seringkali menjadi kiblat dalam prosesi perjodohan, sebab dalam keluarga pesantren lebih mengedepankan nasab dalam pencarian pasangan, hal ini menjadi patokan penting untuk *dzurriyah* atau keturunan kiyai. Selain untuk menjaga nasab, perjodohan dalam pesantren juga bertujuan untuk menjaga agama dan jiwa. Artikel ini mengkaji bagaimana peran *wali mujbir* di Pondok Pesantren APTQ Bungah Gresik dalam menjalankan perjodohan sehingga tercapainya tujuan syariah yang dalam hal ini adalah *hifzh al-din*, *hifzh al-nafs*, dan *hifzh al-nasl*.

Kata Kunci: *Wali Mujbir, Perjodohan di Pesantren, Maqashid Syariah.*

Introduction

Matchmaking is one of the cultural tools passed by humans in achieving marriage. Matchmaking is the initial door for two different people to get to know each other, but the public often interprets matchmaking as forcing children to accept the prospective husband or wife that their parents or family are looking for. Meanwhile, matchmaking among *pesantren* is motivated by a spiritual approach. Marrying a pious woman or man is believed to be one way to achieve happiness in this world and the hereafter.

Matchmaking may seem old-fashioned and far from modern. As the story of Siti Nurbaya, a young, beautiful woman who is betrothed to Datuk Maringgi, who is more appropriate to be called a grandfather who is famous for being wealthy, makes people's assumptions about matchmaking tend to be oriented to this story. However, matchmaking is one step in a relationship toward marriage. Allah stipulates marriage in His word, "So marry the women you like." (Surah an-Nisa: 3).¹

Marriage by matchmaking is an interesting social phenomenon that occurs in society. *Pesantren* is considered a sacred institution often used as a reference for finding a partner with the *Kyai*'s role as a trusted intermediary.

The matchmaking tradition carried out by *pesantren* often aims to maintain religion, soul, and lineage or, in Islamic law, commonly re-

ferred to as *hifzh al-din*, *hifzh al-nafs* and *hifzh al-nasl*. Religion, soul, or lineage in the *pesantren* family has a significant role. To maintain religion, a cleric will choose a candidate for a companion who has good religious mastery so that he can guide his daughter correctly. In matchmaking, two people who did not know each other before will be brought together and then proceed to the level of marriage. It is to protect themselves from immoral acts such as dating. To maintain lineage, a cleric often matches his child to a family whose lineage is equal or both from among the *Kyai*.² In most *pesantren*, the doctrine of being obedient and obedient to parents is highly emphasized in the family, in the sense that a child cannot dispute what his parents have ordered his child to do.

Matchmaking often draws criticism, mainly if the matchmaking motive is based on the economy and social conditions of the family where rich men are matched with rich women as a symbol of parental restraint because matchmaking runs because of the desires that parents want to fulfill. Parents often impose their will and ignore their children's disagreements about arranged marriages. Parents as owners of *ijbar* rights or who have the right to force their daughters often argue that they want the best for their children.

Parents have authority over their daughters in marriage. It is commonly known as *ijbar* rights. However, the right of *ijbar* is misunderstood, so *ikrah* or coercion occurs. However, it

¹ Al-Qur'an Rasm Usmani dan Terjemahnya Surah An-Nisa ayat 3, (Kudus: CV. Mubarakatan Thoyyibah).

² Dedi Muhadi, *Tradisi Perjodohan dalam Komunitas Pesantren*. (Jakarta: UIN Syarif Hidayatullah, 2015).

must still be based on the concept of *kafaah* and the willingness between the two.

The right of *ijbar* is the right owned by the *mujbir* guardian or guardian who can force a girl to get married.³ *Wali mujbir* is a marriage guardian who has the right to marry off his daughter to a man who is still within reasonable limits.⁴ *Wali mujbir* has a patrilineal lineage and above with a woman who will marry, in this case, the father.

Marriage without consent can occur and be carried out by a *mujbir* guardian when it is in an emergency and is very important for his child.⁵ The ability of this *mujbir* guardian is subject to the following conditions:⁶ First, the child must be married to a man who is as devout or equal. Second, the dowry given by her future husband is proportional to the position of her daughter. Third, she is not to be married to a disappointing man. Fourth, there is no conflict of interest between the *wali mujbir* and his daughter and the man. Fifth, her daughter did not state that she is not a virgin anymore.

According to Imam Shafi'i, the object of *wali mujbir* is a girl who is still a girl, whether it is puberty or not, because according to Imam Shafi'i, the legal reason for the enactment of the right of *ijbar* owned by *wali mujbir* is when the person who is in her guardianship still a girl.

In this concept, one of the contemporary Indonesian *fiqh* scholars M Sahal Mahfudz stated that even a child may refuse to be married to a man who is not equal to him, and *wali mujbir* has the right to refuse when his daughter wants to marry someone who is not as *kufu* or equal to him.

Although in the Compilation of Islamic Law Article 61, non-*sekufu* cannot be used as a reason to prevent marriage unless it is not *sekufu*

because of religious differences or *ikhtilaf al-din*.⁷ so the pressure in terms of *kafaah* is balance, and harmony, especially in terms of religion, namely morals and worship.⁸

Kafaah in marriage is a factor that can make a husband and wife happy or not and can be a woman's safety from failed marriages. Islam recommends the existence of *kafaah* when choosing a prospective bride, but *kafaah* does not determine the validity of a marriage. *Kafaah* is the right of women and their guardians because if there is an imbalance in the marriage, problems can arise that continue to occur and most likely lead to divorce. Therefore, the matchmaking may be cancelled if there is disagreement from one or both parties.⁹

The matchmaking tradition among APTQ Bungah Gresik Pesantren seems familiar and must be accepted by APTQ Masons. However, parents or *Kyai*, as a critical aspect of their children's matchmaking, must consider the balance and harmony between the child and candidate. The matchmaking is expected to continue in a *sakinah mawaddah wa rahmah* marriage.

Pesantren is a place of learning to transfer knowledge and build the character and spirituality of the people involved in it. *Kyai* and teachers are often dubbed as *Murobbi Ruh*, who not only bond physically but also bond mentally. The charisma of a cleric at APTQ Bungah Gresik and the pattern of obedience of *mas-mas*¹⁰ and his students are not only in the process of seeking knowledge but also obedience in finding and choosing a life path and even a life partner. *Mas-mas* of APTQ, in particular, those who must adhere to the guidelines of *sami'na wa atho'na* aka obey salvation towards decisions made by their parents.

³ Beni Ahmad Saebani, *Fiqh Munakahat 1* (Bandung: Pustaka Setia, 2018), p. 252.

⁴ Ibid.

⁵ Al-Imam al-Nawawi, *Majmu' Sharh al-Muhadzdzab XVI Ed*, (Kairo : Dar al-Hadith, 2010), p. 409.

⁶ Sudarsono, *Pokok-Pokok Hukum Islam* (Jakarta : Rineka Cipta, 1992), p. 202.

⁷ Tim Redaksi Nuansa Aulia, *Kompilasi Hukum Islam* (Bandung: CV Nuansa Aulia, 2012), p. 18.

⁸ Ibid., p. 96-97.

⁹ Tihami dan Sohari Sahrani, *Fikih Muhakahat* (Jakarta: PT. Grafindo Persada, 2010), p. 57.

¹⁰ Nicknames for Ning and Gus at the APTQ Bungah Gresik Pesantren.

Female of *mas-mas* in APTQ are active agents in the practice of matchmaking, and it is not uncommon for male of *mas-mas* to also become the object of matchmaking. They play their roles differently, using their modalities to achieve specific goals.

Based on the background mentioned above, this article will discuss matters relating to *mujbir* guardians and matchmaking in *pesantren* based on *maqasid*. This discussion is critical because many parents still arbitrarily match their daughters without asking the concerned opinion first, which then destroys the household because they do not equip themselves with proper preparation due to forced matchmaking.

Results and Discussions

1. Definition of Marriage

Marriage is a contract that can make the association of men and women who are not *mahram* become lawful and has limited rights and obligations. T.M Hasbi Ash Shiddiqy stated that marriage is a will that exists because of the acknowledgment of men and women determined to live legally married.

The language of marriage comes from the word *nakaha* means *nikahan* which means having sex. That is, marriage is a legal husband and wife relationship which will create legal consequences, rights and obligations for husband and wife.¹¹

According to several scholars of jurisprudence, marriage is a contract in which law determines the permissibility of intimate relationships based on marriage. This understanding is from a legal perspective that has allowed what was previously not allowed in the relationship between men and women, and it was initially forbidden to become lawful and even became a field of reward. In its implementation, marriage is religious guidance and has a purpose or intent to get the pleasure of

Allah SWT. Marriage is a contract or binding that will make it lawful for men and women to have sex with the aim of creating a family that is *sakinah, mawaddah*, and God's grace.

Meanwhile, according to the term, the scholars have different ideas in expressing opinions regarding the meaning of marriage. Hanafi scholars define marriage as a contract to have *mut'ah* on purpose, meaning a man can control all of a woman's body parts for pleasure and satisfaction. The Shafi'i school defines marriage as a contract that contains ownership to have intercourse expressed in the words *ankaha* or *tazwij* or with words that are equated with both, meaning that with marriage, one can have or get pleasure from his partner. The Hambali school stated that marriage is a contract that uses marriage *lafazh* or *tazwij* to obtain satisfaction, meaning that men can get satisfaction from women and vice versa provided that both have gone through a marriage contract. Meanwhile, according to the Maliki school, marriage is a contract which means *mut'ah* to achieve satisfaction by not requiring a price.

In the Compilation of Islamic Law (KHI), marriage is a solid contract or *mitsaqan ghalizhan* to obey Allah's commands and carry them out in worship. Meanwhile, Law Number 1 of 1974 concerning marriage in Chapter I of the Basics of Marriage explains that marriage is an inner and outer bond between a man and a woman as husband and wife to form a happy and eternal family (household) based on God Almighty.

From some of the above understanding, marriage is a contract between a man and a woman who previously did not have any relationship to build a happy family based on willingness and love between the two parties to justify the relationship between the two following *syara'* so that creates a correlation of mutual need and fulfillment in domestic life.

Not only uniting two humans, but marriage also echoes an agreement in the name of Allah SWT that the bride and groom have the intention to have a peaceful household full of love

¹¹ Abdul Haris Na'im, *Fiqh Munakahat* (Kudus: STAIN Kudus, t.th), p. 17.

and affection to achieve the goal of having a family.

The basis for the law on marriage is the Al-Quran, Sunnah, and *Ijma*. Some scholars argue that marriage is permissible or permissible, and the law can also change to be *wajib* (mandatory), *sunnah*, *makruh* and even *haram* depending on the legal 'illat.¹² The marriage law is different due to a *mukallaf* condition, both his human character and financial ability. Each *mukallaf* has specific laws according to specific conditions, both requirements, property, physical, and morals.

2. Wali Mujbir

Wali mujbir is a guardian for people who are legally incompetent or have lost abilities such as crazy, have not reached the age of *mumayyiz* and young women can be made *mujbir* guardian over her. The validity of a *mujbir* guardian, namely a guardian who marries women under his guardianship among the group without asking their opinion or approval first. It also applies to people who are guardians regardless of whether they are willing, pleased or not.¹³

A *mujbir* guardian aims to pay attention to the person's interests under his guardianship due to the loss of that person's abilities so that that person cannot think about his safety. *Ijbar* or *mujbir* is a father's right (his upper lineage) to marry off his daughter who is still a girl without the consent of the person concerned, with certain conditions. These conditions are:

- a. Between the guardian and the married woman is not hostile to each other;
- b. The prospective husband or the male party is *sekufu*, or higher;
- c. The prospective husband or the male party can pay the dowry at the time of the marriage contract.

If all the conditions cannot be met, then the right of *ijbar* is void. The right of *ijbar* does not

only mean coercion but is more appropriate if it is interpreted as direction. The category of *mujbir* guardian is a guardian other than father, grandfather and above, and the *wilayat* is for women who have reached puberty and have obtained the woman's consent. If the woman is a widow, then obtaining permission, verbally and in writing, must be good. If the bride-to-be is a girl, then her silent is her consent expression.

Meanwhile, if the guardian does not want to allow a woman who has reached puberty to marry a devout man of her choice, then the guardian is called *wali 'adhal*. Thus, guardianship automatically transfers power to the guardian judge, not to the guardian *ab'ad*, because *'adhol* is *zhalim*, and it is the judge who eliminates injustice. However, if the *'adhal* is up to three times, the great and wicked sin and guardianship will be transferred to the guardian *ab'ad*.¹⁴ If the *'adhal* occurs for justified reasons, it is not called *'adhal*, such as a woman marrying a man who is not worthy or *sekufu* or married with a dowry below the *mitsil* dowry, or a woman who is proposed to by another man who is more worthy of the first suitor.¹⁵

3. Matchmaking in Pesantren

Matchmaking is the usual way humans do to achieve marriage, and Islamic law also does not have special provisions for conducting matchmaking and does not even prohibit it. The emphasis in Islam is that only Muslims need to find a mate who is obedient to their religion. Wahbah Zuhaili said that matchmaking in Islam must follow several things as having been regulated by the Shafi'i school. According to the Shafi'i school of matchmaking, a girl who is still a virgin has reached puberty and has reason to ask her permission, and the child's silence is considered a sign of his approval.

¹² Beni Ahmad Saebani, *Fiqh Munakahat 1*, p. 16.

¹³ Slamet Abidin, Aminuddin, *Fiqh Munakahat 1*, p. 94.

¹⁴ Beni Ahmad Saebani, *Fiqh Munakahat 1*, p. 253.

¹⁵ Ibid.

Matchmaking often seems old-fashioned, like the story about Siti Nurbaya being betrothed to Datuk Maringgi, who should be more suitable to be called grandfather. The story has also been used as a mecca for matchmaking, and it is to achieve the marriage strata.

As well as the law of marriage in a hadith, the Prophet *sallallaahu 'alaihi wa sallam* said: "Marriage is my sunnah, so whoever abandons my sunnah is not my people." (A hadith narrated by Bukhari and Muslim).

In conclusion, marriage is a sunnah that can make a person achieve perfect faith. Furthermore, to achieve it takes effort. As the word of Allah SWT: "Verily Allah does not change the condition of a people until they change the situation that is in themselves." [Ar-Ra'd: 11].¹⁶

In today's modern generation, people often think that matchmaking is an impenetrable wall. In fact, in choosing a candidate, parents must think carefully about the seeds or offspring of the candidate, its weight, and the burden. Even in Islam, this matchmaking can prevent humans from adultery.

The tradition of matchmaking among *pesantren* seems to be an everyday thing and must be accepted by the sons and daughters of *Kyai*. However, parents or *Kyai*, as a critical aspect in the children's matchmaking, must consider the balance and compatibility between the child and the candidate to continue the marital harmony.

Islam is one of the religions that provides life guidance for its adherents, just like other religions that also regulate one's behavior, uploads, and ways of worship. No rules in life can give birth to many clashes from various angles. Islam also does not regulate everything but gives freedom to its adherents to make their choices.

¹⁶ Al-Qur'an Rasm Usmani dan Terjemahnya Surah Ar-Ra'd ayat 11, (Kudus: CV. Mubarakatan Thoyyibah).

Even so, Islam does not fully regulate things like matchmaking. Wahbah Zuhaili said that matchmaking in Islam must follow several rules, as has been regulated by the Shafi'i school. According to the Shafi'i school, arranged marriages are for girls who are still virgins, have reached puberty and have reason to ask her permission, while the child's silence is considered an approval sign.

Next, there will be a *ta'aruf* process in matchmaking, which is a way to get to know each other, starting with selecting candidates called *kafaah*.

In *fiqh* terms, matchmaking is called *kafaah*, which means the same, similar, balanced, or harmonious. Abdul Rahman Ghazali stated that *kafaah* or *kufu* means equal, balanced, compatibility/conformity, similar, equal, or comparable.¹⁷ Equivalent here means that both men and women have the same religion, the same face, material equality, the same education, and others.¹⁸

Islam recommends that prospective husbands and wives seek equality in matters of religion because religion is the balance of the family. It is useless to be handsome and beautiful if his life is immoral, rich if his life is full of extravagance, extravagance and ruled by lust.¹⁹

According to Islamic law, *kafaah* is a balance between prospective husband and wife starting from the harmony of their religion, social, economic, and morals so that both will not mind participating in an arranged marriage. *Kafaah* in matchmaking is a factor that can create happiness between prospective husbands and wives to save and guarantee women far from a failure in marriage.²⁰

Islam recommends using *kafaah* when choosing a candidate, but it is not used as a condition for a valid marriage because *kafaah* is

¹⁷ Abdul Rahman Ghazali, *Fikih Munakahat* (Jakarta: Prenada Media, 2003), p. 24.

¹⁸ Beni Ahmad Saebani, *Fikih Munakahat 2*, (Bandung: Pustaka Setia, 2016) p. 200.

¹⁹ Ibid.

²⁰ Abdul Rahman Ghazali, *Fikih Munakahat*, p. 97.

the right of women and guardians so that both can say their marriage is void if the man who is going to marry her does not fulfill the *kafaah*. The role of *kafaah* is to balance the differences and gaps between the two candidates. This grouping that occurs in human life becomes the forerunner to realization differences that make status and dignity important so that marriage is hindered.²¹

Matchmaking in Islam is not the same as "buying a cat in a sack." The rules in Islam have even been given clearly regarding the terms of marriage. There must also be the pleasure for each prospective bride besides being recommended for *sekufu*. Therefore, if there is an element of coercion in a marriage, then the marriage is invalid.

Therefore, both parties must first be asked about their willingness. As Abu Hurairah RA said: The Messenger of Allah said:

"It is not permissible to marry a widow before discussing it with her and not to marry a girl (virgin) before asking her permission. They asked, O Messenger of Allah, how do you know the permission? She replied, with her silence." (A hadith narrated by Al-Bukhari no. 5136 and Muslim no. 1419).

Prior to the entry of Islam, women were not allowed to refuse or have proposals addressed to them by their guardians. However, after Islam entered, women began to be elevated so that they could choose or even refuse proposals intended for them.

Imam Bukhari Isma'il told us, he said, Malik told me, from 'Abdurrahman bin Al-Qasim from his father from 'Abdurrahman and Mujammi', two sons of Yazid bin Jariyah, from Khansa' bin Khidam Al-Ansariyah *radhiyallahu 'anha*, "That her father once married her -then she was a widow -to a man she did not like. So, he came to the Prophet *sallallaahu 'alaihi wa sallam* (to complain) so the Prophet *sallallaahu*

'alaihi wa sallam annulled the marriage." (A hadith narrated by Al-Bukhari no. 5138).

This prohibition does not mean that the guardian cannot participate in choosing the right candidate, but with this prohibition, the guardian is required to ask whether he agrees with the candidate he chooses for the bride.

This consent approval is indicated by, if she is silent, she is a virgin, and if otherwise, she is a widow. As explained by the argument in the following hadith:

From 'Aisyah *radhiyallahu 'anha*, she said, "I once asked the Prophet *sallallaahu 'alaihi wa sallam* about a girl that his family will marry. Is it necessary to ask for her consideration?" So the Prophet *sallallaahu 'alaihi wa sallam* said, "Yes, asked for her consideration." Then 'Aisha said, so I said to her, "She is ashamed." The Prophet *sallallaahu 'alaihi wa sallam* also said, "This is her permission if she is silent." (A hadith narrated by Bukhari and Muslim).

Not only do legal requirements that need to be met, but between the two parties who are matched, they must have mutual liking or interest. If there is no one, their household life will not be happy. As narrated in a hadith from a friend of Ibn Abbas *radiyallahu 'anhuma*, he said:

"There has come a young girl to the Messenger of Allah *Sallallahu 'alaihi wa Sallam*, and she complained that her father had married her to a man she did not love, then the Messenger of Allah *Sallallahu 'Alaihi wa Sallam* gave her a choice (to continue the marriage or separate)." (A hadith narrated by Ahmad, Abu Daud and Ibnu Majah).

Changes in Islamic law and views are based on a voluntary agreement between the two parties. In household matters, the goal is to achieve a family that is *sakinah mawaddah wa rahmah* and get a sense of happiness in both the world and the hereafter. If there is no sense of volunteerism in the matchmaking, it is feared that the household that will be lived in the future will have many challenges and problems that have no end and will only leave an imprint on the hearts of both.

²¹ Hasyim Assegaf, *Derita Putri-putri Nabi Studi Historis Kafaah Syariah*, (Bandung: PT. Remaja Rosdakarya, 2000), p. 27.

4. *Maqasid Sharia* in Marriage

Generally, Islamic law is the highest human achievement in this world and the hereafter. Humans take the good, and the law keeps humans from the misery of this world or the hereafter.²² So, in conclusion, Islamic law aims to benefit humans spiritually, physically, individually, and socially.

When viewed from the perspective of *maqasid sharia*, there are two words: *maqasid* and *sharia*. *Maqasid* is the plural form of *maqasid* which means purpose or intention.²³ *Sharia* is the one that goes to the water source, the road to this water source can also be called the road to the primary source.

Meanwhile, according to the term, Wahbah Zuhaili states that the values and *syara'* implied by the law are *maqasid sharia*. The values and objectives of the shari'ah are the objectives and secrecy of the shari'ah set by *al-syari'* in every legal provision.²⁴

Yusuf Al-Qardhawi provides his definition of *maqasid sharia*, which aims to be a law that humans can realize in their lives in the form of commands, prohibitions, and permissible for individuals, families, congregations, and people.

Ushul fiqh scholars give the meaning of *maqasid sharia*, which follows what *syara'* aims and means when stipulating the law for human benefit.

All human affairs have also been considered and protected by Islam, starting from the support of life (wealth and all that is owned); which is very basic, namely his honor or lineage, where he grew up, his descendants and his family; guarding the mind which is also a

responsibility in Islam, as well as maintaining religion and relationships with God.

Islam protects by expecting something that will not hurt or torture humans. In addition to explaining what humans must and must do, Allah also gives what humans are not allowed and forbidden to do so that they stay away from it. If something that humans have forbidden is done, then shocks will arise. What Allah has forbidden is a good thing so that humans do not enter the wrong path.

Allah does not make laws or *sharia* with jokes, their creation is not arbitrary, but Allah prescribes Islamic laws for great purposes for the benefit or goodness of the world and the hereafter, which returns to the servants so that welfare will be evenly distributed, and a sense of security will dominate.

The world's problems are categorized into two, both achieved by attracting benefits and goodness or by rejecting evil.²⁵ The benefits realized according to Al-Syatibi are divided into three levels: *dharuriyat* needs, *hajiyat* needs, and *tahsiniyat* needs.²⁶

The first level, *dharuriyat* needs, are primary needs which if this level is not realized, then either the world or the end of human safety can be threatened.

In the second level, the needs of *hajiyat* are secondary needs, which if this need is not realized, it will threaten safety, but humans will only have trouble. Islamic law eliminates all these difficulties with the existence of *rukhsah* law, as explained by Abdul Wahab Khalaf, which is an example of Islamic law's concern for this need.

The third level, the need for *tahsiniyat* is the level where humans will not be threatened or in trouble if this need is not realized. This level of need is in the form of complementary needs where what is moral and moral.

²² Aulia Muthiah, *Hukum Islam Dinamika Seputar Hukum Keluarga* (Yogyakarta: Pustaka Baru Press, 2017) p. 33.

²³ Abd. Rasyid As'ad. *Konsep Maqasid Syariah dalam Perkawinan* (Mojokerto: Badilag Mahkamah Agung, 2013), p. 1.

²⁴ Ibid.

²⁵ Al-Syatibi, *Al-Muwafaqat fi Usul al-Syariah*, Vol. 2 (Beirut: Dar al-Kutub al-'Ilmiyah, t.th), p. 13.

²⁶ Abu Ishaq Al-Syatibi, *Al-Muwafaqat*, Jilid 1-2 (Beirut Darul Ma'rifah, 1997), p. 324.

It is this benefit that all *sharia* has agreed to include in five things, as the scholars have stated, namely *al-kulliyatul khamsah* (five core or principal things), which they consider to be the basics and general objectives of *sharia* that must be maintained, as said by Imam Ghazali and Imam Ash-Syatibi.

a. Hifzh al-din (maintaining religion)

The first purpose of Islamic law is to maintain religion because religion is the grip or foundation of human life, faith, and morals. The *sharia* is also used as Muslims' lifeway concerning God and each other, and these components are interrelated. Therefore, Islamic law respects humans who liberate others to continue worship according to their beliefs.²⁷

b. Hifzh al-nafs (maintaining soul)

The second objective of Islamic law is to protect the soul, which is obligatory for humans to survive. Therefore, Islamic law also prohibits the act of killing that can cost a person's life and requires humans to protect all the facilities and infrastructure they use to maintain the benefits of their lives.²⁸

c. Hifzh al-'aql (maintaining mind)

The human mind can think about whatever he wants and is valid for himself and his surroundings. Islamic law is also very concerned with human reason. Humans cannot become actors and implementers of Islamic law without reason, so by maintaining Islam, humans have fulfilled the objectives of Islamic law. Islamic law also regulates how humans must maintain their minds where humans are not allowed to drink alcoholic beverages and other actions that can damage the human mind.²⁹

d. Hifzh al-nasl (maintaining offspring)

Maintaining offspring so that blood purity can be maintained and passed on is included in the fourth goal of Islamic law. It is reflected in the blood relationship, which is a condition for inheriting each other. The Qur'an has also recorded in detail the prohibitions of marriage and adultery. Allah has also created inheritance and family rights laws so that other descendants can use them. Keep in mind that the Qur'an has been arranged in such detail that the legal verses regarding maintaining and continuing offspring well.³⁰

e. Hifzh al-mal (maintaining property)

The maintenance of the property is the fifth goal of Islamic law. Based on what is taught in Islam, the property is something that God gives to humans so that humans can survive and continue their lives. Therefore, Islamic law has protected human rights to obtain property by doing good deeds and protecting other people's property, groups of people, and even the state. For example, Islam does not allow laundering, embezzlement, theft, and others related to harming others. Transferring personal assets to other people is also religiously regulated so that it can take place adequately based on the functions and responsibilities of individuals in their lives when they are married or in the community.³¹

Allah prescribes marriage to regulate family life. Badran Abu al-'Ainain Badran in *al-Fiqh al-Muqaran li al-Awal al-Syakhsiiyyah* explains that the family is an essential organization in which there is a meeting between men and women who are bound by the heart firmly. He also explained that for offspring to be preserved, the formation of a family must be done through *al-zawaj* to become *al-usrah* so that the family can run well. Not only that but having a coach in the family can build a broader community.

Because of its essential existence, Islamic law pays special attention to and establishes

²⁷ Mohammad Daud Ali, *Hukum Islam: Pengantar Ilmu Hukum dan Tata Hukum Islam di Indonesia* (Jakarta: Rajawali pres, 2014), p. 63.

²⁸ Ibid.

²⁹ Ibid., p. 64.

³⁰ Ibid.

³¹ Ibid.

detailed laws on family law compared to other legal issues. Islamic law has required us to prepare ourselves better to create an ideal family, starting from selecting candidates and applying to the level of marriage. Islamic law also provides instructions regarding solving problems in a family.

The religion of Islam, revealed by Allah through His messengers, has its purpose, which is grouped into five thoughts, namely preserving religion, soul, lineage, property, and reason. These five things are, from now on, referred to as *maqasid sharia*. Its purpose is to continue to fix one's heart on God's law which has been adapted to human peace. Although there are still differences regarding God's law which depends on the goodness of humans, the scholars have agreed that Islam does not justify harm and damage.

There are three things contained in the *maqasid sharia* regarding marriage, namely maintaining religion (*hifzh al-din*), maintaining offspring (*hifzh al-nasl*), and maintaining the soul (*hifzh al-nafs*).³² Maintaining religion in marriage can be shown through the fact that marriage is human nature and enters into worship so that humans avoid immorality, adultery, and despicable actions that Allah forbids. Furthermore, this marriage has been considered half of the religion's pillars (*nisf al-din*). Therefore, married humans are considered perfect in religion.

Marriage is a type of *sharia* to meet biological needs, unfortunately at the same time the benefits of marriage can cause harm to other people.³³

Scholars have agreed that marriage has benefits in terms of religion and human biology, and marriage can lead to goodness if it is maintained and has a purpose and purpose-based marriage. However, it is also possible that of the many forms and types of marriages,

there are also marriages with specific aims and objectives, which can even be harmful, so that harm arises.

Accuracy of goals in marriage can create a married life that is *mawaddah* and *rahmah*. It is the basis used as a religious motivation to make marriage mandatory because marriages carried out without the existence of *maqasid sharia* and religious foundations will create harm.

Marriage with a deviant purpose and based on certain motives other than those justified by the *sharia*, is *haram*. Such marriage with economic motives will also make the marriage deviate substantially. Marriages that only think about momentary pleasures, such as *mut'ah* marriages, are marriages that distort the meaning and sacredness of marriage as a sacred and strong bond. Marriage becomes unstable and distorted due to social, economic, and social strata patronage so that the purpose of marriage is based on socio-economic or other pseudo interests.

5. Analysis of the Concept of Matchmaking in APTQ Bungah Gresik Pesantren with *Maqasid Sharia* Perspectives

Marriage through matchmaking is a tradition in APTQ Pesantren. The *ndalem family* always carries out this hereditary tradition, and usually, *Mas-mas* in this *pesantren* will be paired with close relatives from the APTQ Pesantren line. Some are matched with *ning* or *gus* from other *pesantren*.

Matchmaking application in the APTQ Pesantren cannot be identified since it was conducted by the Prophet, who was then imitated by the elders of the APTQ Pesantren family line to set an example for his descendants. But broadly speaking, the gathering of married families from Gresik and Surabaya continues in the lineage of K.H Haji.³⁴

³² Abd. Rasyid As'ad. *Konsep Maqasid Syariah dalam Perkawinan*, p. 8.

³³ Ibid.

³⁴ Interview with KH. Mas Baqeer Zainul Ibad, August 26, 2021, at the APTQ Bungah Gresik Pesantren.

Indirectly, *Mbah Haji* is an elder who brings his descendants together in marriage to strengthen the kinship line. KH Haji married a relative named Nyai Ruqoyyah bint KH Ali Asghor and had a son named KH Nidhomuddin. His son was also married to a relative named Nyai Afifah and had a son named KH Abdurrahim, who later married relatives, namely Nyai Masrifah Patar Krian and her son named KH Hasyim, who was married to a distant relative named Nyai Salamah. His son, KH Baqir, was married to a close relative, Nyai Afifah, who later gave birth to KH Mas Abdurrahim, the founder of the APTQ Pesantren, who also continued the tradition of matchmaking that has been going on for a long time. Ni'matus Sholihah.³⁵

The match arranged by Abuya as the guardian of *mujbir* is absolutely chosen by Abuya, and usually, *mas-mas* also do the *dawuh* with what Abuyanya ordered. There is no rejection from *mas-mas* who are matched, and almost all those who are matched always accept what has been chosen.³⁶

In the APTQ Pesantren, which adheres to a hereditary customary system and agrees with matchmaking, It is fair because in various parenting systems, in this case, Abuya has the right to hand over female *mas-mas* to be married off to whomever she wants, even male Mas who also undergo such a matchmaking system.

The protests' absence from *mas-mas* and the silence of *mas-mas* are interpreted as an agreement that he is willing to be married. *Mas-mas* silence is more because it is a form of *ta'dhim mas-mas* towards Abuyanya.

This obedience, apart from being a form of *ta'dhim* to Abuya's command as a parent who is a cleric with other backgrounds. It is the concept of blessing, defined as the blessing of

parents who are believed to bring benefits to the family in the future.³⁷

The law on family rules does not stand alone. It cannot be separated from the lofty goals in life or Islam. It is commonly called *maqasid sharia*. Islamic rules regarding the family aim to encourage people to realize the existence of divine rules, regulations and laws that must be applied in whole human life. All these rules aim to form an ideal human life.

The family is the beginning of society's formation, so the destruction of society begins with the destruction of the family structure itself. Among the causes of this damage is the playing of lineage by allowing free relations between men and women without marriage ties, and deviations that are a disease in society are the impact of western modernization which has greatly endangered Muslims.

In this APTQ Pesantren environment, parents will not match their children with random people. In other words, parents will not push their children into the abyss. Likewise, in this *pesantren*, matchmaking is carried out carefully by considering the compatibility or *kafaah* of prospective companions for their sons and daughters to achieve a *sakinah mawaddah warahmah* family.

Like marriage, the matchmaking process is something that contains at least three things from *maqasid sharia*, namely maintaining religion (*hifzh al-din*), maintaining offspring (*hifzh al-nasl*), and maintaining souls (*hifzh al-nafs*). Marriage can be said to maintain religion seen from the side that in addition to human needs and nature, marriage is also worship and protects individuals from disobedience, adultery and immoral acts that are forbidden. Furthermore, marriage is considered half of the religion (*nishf al-din*), so those married are seen as having perfect religion.

Choosing a partner following the provisions of Islamic law is everyone's desire. Likewise, the criteria for selecting a candidate for a com-

³⁵ Interview with Mas Haji, August 26, 2021, at the APTQ Bungah Gresik Pesantren.

³⁶ Interview with KH. Mas Baqeer Zainul Ibad, May 20, 2021, at the APTQ Bungah Gresik Pesantren.

³⁷ Interview with Mas Aly Basyaiban, 22 May 2021, at APTQ Bungah Gresik Pesantren.

panion at the APTQ Pesantren refer to what was conveyed by the Prophet, namely his beauty, wealth, lineage, and religion.

The matchmaking at the APTQ Pesantren was not born in a vacuum but from Abuya's mature thinking and referring to *maqasid sharia*, including *hifzh al-din*. In addition to following the *Sunnah* of the Prophet, marriage is a Muslim's attempt to perfect his religion. Matchmaking at the APTQ Pesantren is an arranged marriage that ultimately leads to marriage. Matchmaking is one form of obedience of a servant to Allah, and this obedience should indeed be the primary consideration when someone is getting married. APTQ *mas-mas* marry based on *sharia* considerations by wanting a different phase for obedience to Allah. Therefore, most married people are the choice of both parents, not from their desires such as having to be with person A or person B. It is a form of obedience of a child to his parents to achieve the pleasure of Allah.³⁸

The second is *hifzh al-nafs*. Matchmaking makes a person avoid immorality. A brief introduction and no courtship can make someone more awake himself. The community in the APTQ Pesantren environment, which incidentally has a strong religious background, does not allow dating. Matchmaking at the APTQ Pesantren has become a hereditary custom for *mas-mas*. It is a benchmark that there will be no marriage if it is not from parents' choice or through matchmaking. APTQ *mas-mas* also realize that dating is forbidden by religion and is not the right thing to explore the journey of love to achieve marriage. It is done to lower one's gaze, fortify oneself from harmful actions, and cause many harms that can demean APTQ *mas-mas*.³⁹

Another purpose of matchmaking in the APTQ Pesantren is to maintain lineage and lineage. So not infrequently, the selection of prospective partners in matchmaking at the

APTQ pesantren is still related to relatives. *Hifzh al-nasl* is not only related to marriage but also related to social relations. Such as helping families who are in complicated circumstances, maintaining one's family lineage, and behaving well in society can also be said to be *hifzh al-nasl*, because if someone has behaved poorly in a society, then a family will also be viewed poorly by the surrounding community.

Because, in essence, the purpose of *hifzh al-nasl* is to protect and maintain offspring or family. So, things that can cause harm to the lineage must be avoided. Do not let us as Muslims destroy our lineage. If someone can take care of one of the most critical needs that Muslims must guard against *dharuriyat al-khamsah*, then his life will be filled with benefit and pleasure from Allah. As said by Al-Syatibi, *sharia* aims to realize the benefit of the world and the hereafter.

Conclusion

In conclusion, the hierarchy in the APTQ Pesantren family concept does not consider *wali mujbir* as oppressors. *Wali mujbir* is a leader who carries more responsibilities and functions for his children under the nature and roles of each. The role of *wali mujbir* in matchmaking in APTQ Pesantren is significant, especially for girls whose marriages will not be valid without a guardian, and *mujbir* guardians in APTQ are not fully authorized because APTQ Pesantren emphasizes discussion with elders or directly to the person concerned. Second, with this causality, the meaning of *wali mujbir* in the reality of matchmaking in *pesantren* is no longer a compulsion in marriage. Instead, it is the agreement of both parties with the intermediary of the parents. Third, the matchmaking system in the APTQ Pesantren has been carried out for a long time and has become a tradition. It then becomes natural and understood by the sons and daughters of pesantren. In addition to achieving the

³⁸ Interview with Mas Nafi, May 25, 2021, at the APTQ Bungah Gresik Pesantren.

³⁹ Interview with KH. Mas Nidhomuddin, on May 21, 2021, at the APTQ Bungah Gresik Pesantren.

pleasure of Allah, the matchmaking system, which has become a tradition, has made the APTQ Pesantren community does not use courtship as a means of selecting companions so that it is a way to avoid immorality. Matchmaking at the APTQ Pesantren is one of the efforts to lower one's eyes and fortify oneself from vile and dirty acts that can demean the children of the *pesantren*. Matchmaking is then considered one of the privileges possessed by the sons and daughters of *pesantren* because they have found a potential companion without the need to approach adultery. Matchmaking in the APTQ Pesantren is matchmaking that adheres to the *maqasid* of *sharia*, including *hifzh al-din* (maintaining religion), *hifzh al-nafs* (guarding the soul), and *hifzh al-nasl* (keeping offspring).

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