

## Legality of Forced Marriage Performers of Khalwat According to the View of Syafi'iyah Fiqh

Karimuddin<sup>1</sup>, Maimun<sup>2</sup>, Maulisa Musana<sup>3</sup>

<sup>1,2,3</sup>Institut Agama Islam (IAI) Al-Aziziyah Samalanga Biereun Aceh, Indonesia  
karimuddin@iaialaziziyah.ac.id

### Abstract

*Khalwat is being alone with a man who is not a mahram. In some areas, especially in Aceh, when the perpetrators of seclusion occur, the local community provides sanctions for the perpetrators of seclusion and then the perpetrators of seclusion are married. Based on these problems, this study wants to discuss how the legality of the marriage of the perpetrators of khalwat in Syafi'iyah Fiqh. This research is descriptive qualitative research, and in collecting data the author uses the documentation review method. The results of the study indicate that forced marriages against perpetrators of khalwat or perverts are categorized into illegitimate marriages because they are not justified by syara' the occurrence of coercion in marriage. While on the other hand, the marriage can be valid if the forced marriage fulfills the elements of coercion permitted by syara'.*

### Keywords

forced marriage; seclusion; Fiqh Syafi'iyah



## I. Introduction

The application of Islamic Shari'a, especially in Aceh, is enforced in accordance with the mandate of Law no. 18 of 2001 concerning Special Autonomy for the Province of the Special Region of Aceh. The implementation of Islamic Shari'ah has actually set limits in interacting in daily life so that it must be obeyed and implemented, including punishment for acts of seclusion, and other violations such as not providing a living for his wife and children (Kamiruddin, K. 2021), mental retardation. wife outside the limits of syara' (Safrizal, MA 2020), arrogantly canceling the right of ownership of wills (Asyura, K. 2019), all of which are prohibited because they are contrary to the established shari'ah. With regard to seclusion, the Aceh government issued Qanun Number 14 of 2003 concerning khalwat or immorality, which regulates acts that are categorized as acts of seclusion, sanctions for perpetrators of seclusion and so on. However, in practice in society, perpetrators who do seclusion are not just in silence, but are indeed actions that lead to adultery.

Seclusion This is not a new thing that has happened in the community, in fact it already existed at the time of the Prophet, this can be understood, because there was already a prohibition on the conceptual seclusion case, namely:

لا يخلون رجل بإمرأة إلا معها ذو محرم.

Meaning: A man should not seclude himself (alone) with a woman unless there is a *mahram* who accompanies the woman.

In Aceh, the effects of prolonged conflict have created new problems, namely the diminishing sense of nationalism among fellow nationals (Fuadi, 2018). The people of Banda Aceh are known to be independent and creative and transformed into an inspired society that

also requires assistance provided by outside parties according to their needs depending on assistance (Ismail, 2019). However, if we look at Aceh in general, the strong impression is that the Special Autonomy Fund has not been able to show a significant role in raising people's welfare there. Poverty is still a major problem for Aceh (Heru in Dewi, 2018).

Some areas in Aceh, when the perpetrators of seclusion occur, the local community provides sanctions for the perpetrators of seclusion even to the point of marrying the perpetrators of seclusion. Meanwhile, in Aceh Qanun No. 14 of 2003 concerning Seclusion, the sanction for khalwat perpetrators is in the form of whips or fines. In this case, a complex problem arises because the couples who are involved in seclusion are forced to marry, even though in reality not all actors or the families of the perpetrators of seclusion agree to the marriage or there is no readiness of each party.

Based on the problems mentioned above, the researcher considers the need for a study of the legality of forced marriage due to khalwat according to Syafi'iyah Fiqh. This problem is very interesting to be studied in a scientific study to find answers and legal certainty for an action taken by some people.

## II. Review of Literatures

### 2.1 Definition of Marriage and Seclusion

Marriage has the meaning of an agreement between a man and a woman to be legally married. (Ministry of Education and Culture, 1994). In another reference, it is stated that marriage is a contract (bond/agreement) which makes the relationship between a man and a woman lawful in accordance with the rules outlined by syara' (Muhammad, 2007). According to Ibn Qasim al-Ghazi, marriage is:

النكاح عقد يتضمن إباحة وطء بلفظ انكح او تزويج او ترجمته فمفاده الإباحة لا الملك.

Meaning: Marriage is a contract with an indication to allow wata' (sexual intercourse) by using the lafat "inkah" or "tazw".j" or the translation of the two words to be able to benefit, not to own.

The following are several definitions of marriage put forward by Fiqh experts, but in principle there is no conceptual difference, except for the editorial.

وعرفه الحنفية بقولهم : عقد يفيد ملك المتعة قصداً ، أي حل استمتاع الرجل من امرأة ، لم يمنع من نكاحها مانع شرعي ، بالقصد المباشر

Meaning: Hanafiyyah scholars define marriage as a 'contract of ownership that is handed over on purpose, meaning that the cause of the halal istimtā' of men to women, which there is no intermediary for a valid marriage in the view of syara', with the aim of mubāsarah.

والنكاح عند الفقهاء ومنهم مشايخ المذاهب الأربعة : حقيقة في العقد، مجاز في الوطء؛ لأنه المشهور في القرآن والأخبار، وقد قال الزمخشري وهو من علماء الحنفية: ليس في الكتاب لفظ النكاح بمعنى الوطء إلا قوله تعالى : وحتى تنكح زوجا غيره. الخبر الصحيحين: حتى تذوق عسيلته فالمراد به العقد، والوطء مستفاد من هذا.

Meaning: The definition of marriage on the side of the Fuqāha of the Imams of the School is: the essence of marriage is 'a contract and a figure of speech for wata', because the majority is in the Qur'an and the hadith as such, and argues that al-Zamkhasyārī (Hanafiyyah scholars) in the Qur'an there is no mention of marriage with the meaning of wata', but the word of God "so that your wife is fucked by someone else" (al-Baqarah [2]: 230), the hadith "so that the character of your wife". As for wata' is the benefit of marriage.

Thus, marriage is a contract (bond/agreement) which causes the relationship between men and women to be lawful in accordance with the rules outlined by syara' by using the word "inkah" or "tazwīj" which has become a rule within the scope of village traditional leaders. Teulaga Tujuh, West Langsa sub-district, Langsa City district, against khalwat perpetrators.

While the term khalwat is basically an effort to purify oneself physically and mentally by contemplating, contemplating or meditating in this sense, in this sense alienating oneself from crowds and noise with the aim of getting closer to Allah SWT. (Luis, 1997). However, the phenomenon that occurs today, most people assume that seclusion is an act committed by two or more people of the opposite sex without a marriage bond or not a mahram in a quiet place that allows immoral acts in the sexual field or which have the opportunity for adultery to occur (NAD, 2003). The definition of seclusion in this study is an act committed by two people of different sexes in the form of an act that violates the sharia law, as stipulated in Islamic law.

## 2.2 Legal Basis of Marriage

The essence of marriage is a contract that allows men and women to do something that was previously not allowed to be done, so it can be said that the original law of marriage is permissible or permissible. However, by looking at its nature as an order or recommendation from Allah SWT and also included in the Sunnah of the Prophet Muhammad, of course it is impossible to say that the original law of marriage is only permissible. Thus, it can be said that holding a 'marriage contract is highly recommended in religion and with the 'marriage contract having taken place, the association of men and women becomes permissible (Amir, 2006).

The word of God in the Qur'an which regulates marriage, as well as being the legal basis used by the Fuqaha for marriage arguments, is stated in the letter Al-Dzariyat as follows:

وَمِنْ كُلِّ شَيْءٍ خَلَقْنَا زَوْجَيْنِ لَعَلَّكُمْ تَذَكَّرُونَ

Meaning: We created everything in pairs so that you may remember the greatness of Allah. (Surat az-Dzariyah [51]: 49).

وَأَنْكِحُوا الْأَيْمَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ إِنْ يَكُونُوا فُقَرَاءَ يُعْنِهِمَ اللَّهُ مِنْ فَضْلِهِ وَاللَّهُ وَسِيعٌ عَلِيمٌ

Meaning: And marry those who are alone among you, and those who are worthy (to marry) from your male slaves and your female slaves. if they are poor Allah will enable them with His grace. and Allah is Extensive (His gift) and All-Knowing.” (Surat an-Nur [24]: 32).

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَىٰ وَثُلثَ وَرُبُعَ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ذَلِكَ أَدْنَىٰ أَلَّا تَعُولُوا

Meaning: And if you are afraid that you will not be able to do justice to (the rights of) an orphaned woman (if you marry her), then marry (other) women that you like: two, three or four. Then if you are afraid that you will not be able to do justice, then (marry) only one, or the slaves you have. that is closer to not doing wrong." (Surat an-Nisa' [4]: 3).

In addition, in the hadith of the Prophet there are also several contexts that talk about marriage which is used as the legal basis for marriage, including:

فقال لنا رسول الله صلى الله عليه وسلم: يا معشر الشباب من استطاع منكم الباءة فليتزوج فإنه أغض للبصر، وأحصن للفرج، ومن لم يستطع فعليه بالصوم فإنه له وجاء.

Meaning: The Messenger of Allah said to us, "O youths, which of you can afford, then marry. Because he can hold his gaze and guard his private parts and whoever is not able, he should fast because it is a shield for him."

ثلاثة حق على الله عونهم: المجاهد في سبيل الله، والمكاتب الذي يريد الأداء، والناكح الذي يريد العفاف.

Meaning: Three people whom Allah has the right to help, those who strive in the way of Allah. slave (which was agreed with his master to be free) he wanted to fulfill it. Married people who want to take care of themselves.

Based on some of the Words of Allah and the Hadith of the Prophet above, in general it can be understood that the Prophet advised young people who have been able to do everything related to marriage, to get married immediately, because the Prophet really wanted a lot of people in the hereafter. And if he has not been able to fulfill it all, the Prophet advised him to fast, because fasting is a fortress that can resist lust.

The majority of Shafi'i scholars are of the opinion that it is sunnah for someone in the middle, meaning that there is no fear of committing adultery if he is not married and will not do injustice to his wife, this matter is based on or based on the hadith of the Prophet:

أما والله، إني الأخشاكم لله ، وأتقاكم له، ولكني أصوم وأفطر، وأصلي وأرقد، وأتزوج النساء، فمن رغب عن سنتي ، فليس مني.

Meaning: As for me, by Allah, I am the most fearful of Allah and the most pious of Him. But I fast but also break my fast and I pray at night but also sleep and I marry women. Whoever does not like my Sunnah, then he is not from my group.

Information that mentions the Sunnah law for someone's criteria above, as Wahbah al-Zuhayli mentions it, namely:

ودليل كون الزواج سنة الحديث السابق : يا معشر الشباب وحديث الرهط الثلاثة الذين عزموا على أمور، الأول - أن يصلي الليل أبدا ، والثاني - أن يصوم الدهر أبدا، والثالث - أن يعتزل النساء فلا يتزوج أبدا ، فقال النبي علة : أما والله، إني الأخشاكم لله ، وأتقاكم له، ولكني أصوم وأفطر، وأصلي وأرقد، وأتزوج النساء، فمن رغب عن سنتي ، فليس مني.

Meaning: The basis of the condition of a person's Sunnah to get married is the previous hadith (page: 19), and the hadith of Raht (a group) of three things that they aspire to, as for me, I will continue to pray at night. And I will fast all the time will not break. And I will stay away from women and will not marry forever. The Messenger of Allah -peace and prayer of Allah be upon him- came to them and said: Did you say this and that? As for me, by Allah, I am the most fearful of Allah and the most pious of Him. But I fast but also break my fast and I pray at night but also sleep and I marry women. Whoever does not like my Sunnah, then he is not from my group.

### III. Discussion

#### 3.1 Pillars and Terms of Marriage

The pillars and conditions determine a legal action, especially regarding whether or not the act is legal in terms of legal action. The two words have the same meaning in that they are something that must be held. In a marriage ceremony, for example, the pillars and conditions must not be left behind, in the sense that the marriage is not valid if both are incomplete.

In terms of Islamic jurists, pillars are defined as something that is formed into something other than its existence, considering that something is with the pillars (elements) themselves, not because of their establishment. If not, then the subject (doer) means to be an element for work, and the body becomes a pillar for nature, and what is characterized becomes an element for nature. The terms according to the terminology of the Fuqaha explain, "Something whose absence requires (resulting in) the absence of the law itself." This happens because the wisdom of the absence of conditions also results in negating the wisdom of law or legal causes (Muhammad, 2004).

In other words, Rukun means something that must exist that determines the validity of a job (worship), and something that is included in the series of work. While conditions mean something that must exist that determines whether or not a job (worship) is legal, but something that is not included (outside) in the series of work (Sayid, 2003). According to the majority of scholars, there are five pillars of marriage and each of them has certain conditions. For further details, the description of the pillars of marriage will be equated with the description of the terms of the pillars. The pillars and conditions of the marriage are as follows:

1. The prospective groom, the conditions:
  - a. Muslim.
  - b. Man.
  - c. Obviously the person.
  - d. Can give consent.
  - e. There are no marriage barriers.
2. The prospective bride, the conditions:
  - a. Religion, whether Jewish or Christian.
  - b. Woman.
  - c. Obviously the person.
  - d. Approval can be requested.
  - e. There are no marriage barriers
3. Guardian of marriage, the conditions:
  - a. Man.
  - b. Adult (baligh)
  - c. Have guardianship rights.
  - d. There is no guardianship barrier.
4. Witness marriage (2 people), the conditions:
  - a. Minimum of two witnesses.
  - b. Attending the ijab qabul.
  - c. Can understand the meaning of the contract.
  - d. Islam.
  - e. Adult (baligh)
5. Consent and qabul, the conditions are:
  - a. There is a marriage statement from the guardian.
  - b. There is a statement of acceptance from the groom.
  - c. Using the words marriage, tazwīj or a translation of the word marriage or tazwīj.
  - d. Between consent and qabul continued.
  - e. Between consent and qabul the meaning is clear.
  - f. The person associated with the ijab qabul is not in ihram for hajj or umrah.
  - g. Ijab and the qabul must be attended by a minimum of four people (Sayid, 2006).

The conditions and pillars of marriage above, Jumhūr scholars prioritize this matter to one of the hadiths of the Prophet, namely:

لا نكاح إلا بولي، وشاهدي عدل.

Meaning: Marriage is not valid except with a guardian and two fair witnesses.

أيما امرأة نكحت بغير إذن وليها فنكاحها باطل فنكاحها باطل ، فنكاحها باطل ، فإن دخل بها فلها المهر بما استحل من فرجها ، فإن اشتجروا فالسلطان ولي من لا ولي له.

Meaning: Any woman who marries without the permission of her guardian, then her marriage is invalid, then her marriage is invalid, if she has intercourse, then she is entitled to a dowry of mitsil to justify her genitals, if she does not have a guardian, then the Sultan is her guardian.

Based on the hadith above, it shows that the position and presence of a guardian in a marriage is very important and cannot be ignored. If the marriage is carried out by a woman without the knowledge or permission of her guardian, then the marriage is invalid or void.

Islam does not stipulate concretely regarding the age limit for marriage; however, the scholars of the madhhab agree that: if both partners have reason and are of age, then the two partners can already get married (Muhammad, 2012). In this case, the scholars differ on the limits of *baliqh*. According to the Shafi'i and Hanbali, the age of *baliqh* for boys and girls is fifteen years, while the Maliki set it to be seventeen years. Meanwhile, Hanafi set it for a boy of eighteen years and for a girl of seventeen years.

The essence of marriage is basically the willingness and approval of both parties and the age in marriage is a requirement in getting married. This is in accordance with the provisions contained in the marriage law Number 1 of 1974, article 6, paragraphs (1) and (2) explaining that the conditions for marriage are: Marriage must be based on the approval of the two prospective brides. And to get married, a person who has not reached the age of 21 (twenty-one) years must get permission from both parents.

### 3.2 Syafi'iyah Fiqh's View of Forced Marriages of Khalwat Perpetrators

Fiqh Syafi'iyah has not specifically discussed the law of forced marriage against perpetrators of *khalwat*, because the scope of marriage that is forcibly determined against perpetrators of *khalwat* is only limited to customary law or joint stipulations by means of consultation with customary stakeholders in a certain area. Therefore, the problems that occur in the case of forced marriages of *khalwat* perpetrators, there is a point of view that becomes a study concerning the legality of a forced marriage.

When talking about forced marriages, then the review is "who is forcing". In Syafi'iyah Fiqh, it is clearly stated that forced marriage has two opinions, valid and invalid. The opinion that says it is legitimate is not absolutely valid, but has some terms and conditions that must be met, and what is meant is the parents or grandfather of the bride. Opinions that say they are not valid also have their own views and reasons.

Sheikh Ibrahim al-Bājuri, explained the requirements or criteria for a prospective groom:

وشروط الزوج كونه حلالا فلا يصح نكاح محرم ولو بوكيله وكونه مختارا فلا يصح نكاح مكره بغير حق بخلاف ما لو كان مكرها بحق ولو أكره على نكاح من طلقها طلاقا بائنا بدون الثلاث وهي مظلومة في القسم فإنه يصح.

Meaning: The conditions for a husband are to be lawful, then the marriage of a *mahram* (a person who is forbidden to marry) even though with a representative, must be in a state of being able to choose or of his own volition (*mukhtar*). right (*haq*) is different if it is forced for a right reason. As if he is forced to remarry his wife whom he divorced with *talak bain* which is not three *talak* (*bain shugra*) while the wife was wronged by him in terms of her turn, then the coercion is valid.

Madzhab Shafi'iyah provide limits or conditions that must be met for prospective husbands. One of them is the will of him (*mukhtar*) and not forced. This means that forced marriages are invalid. If we follow the view above, then the actions taken by the community by forcing or threatening the men to marry women who do seclusion cannot be justified because it leads to an illegitimate marriage. However, if it turns out that there is an indication that the person who will marry has the right to choose or is willing and willing, then the



marriage is valid because there is no actual coercion element. As for the opinion that states that marriage is based on coercion, it is merely coercion carried out by a father against his child who is still a girl or a grandfather against his granddaughter who is still a girl. As mentioned by Sheikh Sulaiman al-Bujairimī, namely:

تنبيه : لتزويج الأب أو الجد البكر بغير إذنها شروط : الأول أن لا يكون بينها وبينه عداوة ظاهرة. الثاني : أن يزوجها من كفاء. الثالث : أن يزوجها بمهر مثلها. الرابع : أن يكون من نقد البلد. الخامس : أن لا يكون الزوج معسرا بالمهر. السادس : أن لا يزوجها بمن تتضرر بمعاشرتة كأعمى أو شيخ هرم. السابع : أن لا يكون قد وجب عليها نسك فإن الزوج يمنعها لكون النسك على التراخي ولها غرض في تعجيل براءة ذمتها.

Meaning: A father or grandfather can marry off his daughter without the girl's consent provided that: First, there is no real enmity between the father and the girl. Second: his father married him to someone who was commensurate with him (kafā'ah). Third: the father married her with a dowry of mitsil (that is, the dowry or more than the dowry received by the girl's mother). Fourth: the dowry must be in the currency prevailing in the country in which they live. Fifth: her husband must be able to pay the dowry. Sixth: the father does not marry her to someone who makes the girl suffer, for example a blind person or an old person. Seventh: the girl is not obligated to perform Hajj, because if it is obligatory Hajj will be delayed by the marriage.

The Immigration Department has a central role in this case of foreign workers. The initial flow of all this begins with the actions taken by immigration officials at immigration points throughout Indonesia; both ports, airports, and border points. Immigration Officers are employees who have gone through special Immigration education and have Immigration technical expertise and have the authority to carry out their duties and responsibilities under this Law (President, 2011). The authority to enter and/or exit foreign workers is in the hands of immigration, it is clear and certain that immigration has a full role in determining actions against foreign workers in Indonesia. The basis on which immigration is held is to allow foreign workers to enter on the basis of the permits they have.

If the foreign worker does not have a permit Forced marriage, in the sense that a couple who is married because of seclusion, does not want to marry but is pressed by such circumstances, then the marriage law is valid if it fulfills the requirements mentioned above, one of which is forcing the father or grandfather of the prospective bride and the groom-to-be approved of it. However, if the force is not the guardian of the bride, and in the case of khalwat it is commonplace that the force for marriage is not from the guardian of the bride, but other parties who are not from the guardian, then in cases of forced marriage like this, it is not valid, especially if it is related to kafaah. as already mentioned above.

Forced marriages carried out in some areas against khalwat perpetrators, sometimes the perpetrators are still at an early age, even though the Syafi'iyah Fiqh does not specify an age limit for marriage. As Wahbah al-Zuhayli explains, namely:



ولم يشترط جمهور الفقهاء لانعقاد الزواج: البلوغ والعقل، وقالوا بصحة زواج الصغير والمجنون. الصغر: أما الصغر فقال الجمهور منهم أئمة المذاهب الأربعة، بل ادعى ابن المنذر الإجماع على جواز تزويج الصغيرة من كفاء

Meaning: The majority of scholars do not require baligh and 'aql for the validity of the marriage contract. They argue for the validity of the marriage of minors and people with mental disorders. The condition of minors, according to the majority of scholars, including the four madhhab scholars, even Ibn al-Mundzir claimed ijma' or the consensus of the scholars regarding the permissibility of marriage of minors in strict unity.

Based on the description above, it can be understood that forced marriages carried out in some areas against khalwat perpetrators as a sanction for their actions are clearly illegal and contrary to the Shari'a, especially when associated with sanctions in the form of ta'zir by taking property or charging the perpetrator to bring a certain amount of money. which have been specified.

Sayyid 'Abdu al-Rahman Ba'alawi explain:

**ولايجوز التعزير بأخذ المال عندنا.**

Meaning: And it is not permissible to menta'zir by taking property.

More specifically, Mar'i Ibn Yusuf as mentioned in Mathlāb Uli Al-Nuhā argues:

قال الرحيباني وحرمة تعزير بحلق لحية وقطع طرف وجرح ( لأنه مثله ( وكذا ) يحرم تعزير ( بأخذ مال أو إتلافه ) لأن الشرع لم يرد بشيء من ذلك عمن يقتدى به , ولأن الواجب أدبه والأدب لا يكون بالإتلاف ( خلافا للشيخ ) تقي الدين ; فإن عنده التعزير بالمال سائغ إتلافا وأخذاً.

Meaning: And it is forbidden to menta'zir by shaving beards, cutting off limbs and injuring them, Ta'zir is also forbidden to take or damage property because there is no such shari'a stipulation of behavior that can be followed and because the purpose of being treated is ta'zir for the sake of teaching. The manners that have no provisions by destroying property are different according to Imam Taqiy Al-Dn who allows ta'zir to take or damage property.

Based on some of the opinions of the scholars and the analogy of the problems that have been described above, it can be concluded that forced marriages against khalwat or perverts can be categorized into two types. First, it can be said to be invalid because it is not permissible under the law of coercion to occur in a marriage which requires the willingness of each of the bride and groom, and moreover, in such coercion, the element of compatibility or kafaah between the two brides is imposed. Secondly, the marriage can be said to be valid if the forced marriage fulfills the elements of coercion permitted by syara', one of which is the father or grandfather of the prospective bride and the willingness of the prospective groom to be married to his girl.

## IV. Conclusion

From the discussion and description above, it can be concluded that Forced marriages against perpetrators of khalwat or perverts can be said to be invalid because it is not permissible by *syara'* to force coercion into marriage, and it can be said that the marriage is valid if the forced marriage fulfills the elements of coercion permitted by *syara'*. Therefore, in carrying out an action that has legal consequences, it is better to pay attention first which things are justified by *syara'* and which things are not justified by *syara'* in order to avoid actions that harm oneself and others.

## References

- Abdul Qādir Syaibah, *Fiqh al-Islam Syarh Bulugh al-Marām min Adillati al-Ahkām*, Jld. VI, (Beirut: Dār al-Hāq, t.t).
- Abi ‘Ali Muhammad ‘Abdurrahman, *Tuhfatu al-Ahwazi bi Jāmi’ Al-Tarmizī*, Jld. V, (Beirut: Dār al-Fikr, t.t).
- Al-Khātib Al-Syarbaini, *Mughnī al-Mūhtāj*, Jld. III, (Beirut: Dār al-Ma’rifah, t.t).
- Amir Syarifuddin, *Hukum Perkawinan Islam Di Indonesia*, (Jakarta: Kencana, 2006).
- Amiur Nuruddin, *Hukum Perdata Islam Di Indonesia*, (Jakarta: Kencana, 2006).
- Asyura, K., Bahri, S., Husna, N., & Ghina, F. (2019). Legality of Testament Cancellation Law and Property Ownership According to Fiqh Al-Syafi’iyyah. *Britain International of Humanities and Social Sciences (BIOHS) Journal*, 1(2), 93-99.
- Departemen Agama RI, *al-Qur’an dan Terjemahannya*, (Jakarta: Sahifa, 2018).
- Departemen Pendidikan dan Kebudayaan, *Kamus Besar Bahasa Indonesia*, (Jakarta: Balai Pustaka, 1994).
- Dewi, E., Munawiah, and Nurzalikha, S. (2018). Returning Government Policy for Poverty Reduction in Aceh. *Budapest International Research and Critics Institute-Journal (BIRCI-Journal) Vol I (4)*: 40-49.
- Dinas Syariat Islam NAD, *Qanun Nomor 10 Tahun 2002, tentang Peradilan Syari’at Islam dan Penjelasannya*, (Banda Aceh: Dinas Informasi dan Komunikasi, 2003).
- Fuadi, and Anwar. (2018). Nationalism and the Challenge of Globalization for the Young Generation in Aceh and Riau. *Budapest International Research and Critics Institute-Journal (BIRCI-Journal) Vol I (4)*: 151-160.
- Ibn Hajar al- ‘Asqalanī, *Bulugh al-Marām*, (Beirut: Dār al-Ihya, t.t).
- Ibnu Qasīm al-Ghazi, *Hāsyiāh al-Bājūrī*, (Semarang: Haramain Jaya, t.t).
- Ismail, Salahuddin, S., and Amirulkamar. (2019). Social Changes in the Post Tsunami Banda Aceh City. *Budapest International Research and Critics Institute-Journal (BIRCI-Journal) Vol 2 (1)*: 45-50.
- Karimuddin, K., & Abdullah, A. (2021, January). Child Sustenance after Divorce According To Fiqh Syafi’iyyah. In *Proceeding International Seminar of Islamic Studies (Vol. 2, No. 1, pp. 101-107)*.
- Karimuddin, K., Abbas, S., Sarong, A. H., & Afrizal, A. (2021). Standardisasi Nafkah Istri: Studi Perbandingan Mazhab Maliki dan Mazhab Syafi’i. *Media Syari’ah: Wahana Kajian Hukum Islam dan Pranata Sosial*, 23(1), 83-95.
- Luis Makluf, *Al-Munjīd fil Lughah*, (Bairut: At-Tusulukiyyah, 1997).
- Mar’i Ibn Yusuf, *Mathlāb Uli Al-Nuhā*, Jld. VI, (Beirut: DKI, t.t).
- Muhammad Amin Suma, *Hukum keluarga Islam di Dunia Islam*, (Jakarta: Raja Wali Pers, 2004).
- Muhammad Dhiāu al- Rahman, *al- Minnātu al- Kubrā*, (Riydh: Maktabah al- Rusydi, 2001).

Muhammad Jawad Mughniyah, *Fiqh Lima Mazhab*, (Jakarta: Lentera, 2012).

Muhammad Nabil Kazhim, *Buku Pintar Nikah; Strategi Jitu Menuju Pernikahan Sukses*, (Solo: Samudera, 2007).

Mustafa al-‘Adwī, *Jāmi’ Ahkam al-Nisā’*, Jld. III, (Beirut, Dār al-Sunnah, t.t).

Qanun Aceh No. 14 Tahun 2003 tentang Khalwat.

Safrizal, M. A., & Karimuddin, M. A. (2020). Penetapan Jatuh Talak dalam Perspektif Hukum Positif Dan Fiqh Syafi’iyah. *Jurnal Ilmiah al-Fikrah*, 1(2).

Sayid Muhammad ‘Amim, *al- Ta’rifāt al- Fiqhiyyāh*, (Beirut: Dār al- Kitāb al- Ilmiyāh, 2003).

Sayyid 'Abdu al-Rahman Ba'alawi, *Bughyah Al-Mustarsyidin*, (Beirut: DKI, t.t).

Sayyīd Bakr al-Syattā, *I’ānah al-Thālibīn*, Jld. III, (Semarang: Toha Putra, t.t).

Sulaiman al-Bujairimī, *al-Bujairimī ‘ala al-Khatīb*, Jld. IV, (Beirut: DKI, t.t).

Syeikh Ibrahīm al-Bājuri, *Hāsiyah Ibrahīm al-Bājuri*, Jld. II, (Bairut: DKI, 1420 H/1999 M).

Undang-Undang Republik Indonesia Nomor 1 Tahun 1974 tentang Perkawinan.

Wahbah al-Zuhayli, *al-Fiqh al-Islam wa Adillatuhu*, Jld. VII, (Beirut: Dār al-Fikr, t.t).