

The Purpose of Marriage in Islamic Philosophical Perspective

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Abstract

Marriage is one of the main staple of life's most perfect in the association community. Therefore, philosophically marriage is one of the basic principles of life are most important in the association a perfect society. Marriage is not only just as the road is very precious to organize domestic life and heredity, but can also be seen as a path to the door introduction between a people with the other (male and female), and the introduction it would be a way to deliver aid between one with the other. By using literature study, this article tries to discuss the purpose of marriage in the perspective of Islamic philosophy. Aside from being a strong engagement, marriage is also a contract between two people of different sexes who agree to live together based on religious values.

Keywords: marriage, domestic life, heredity, Islamic philosophy

A. INTRODUCTION

The law politics in the Republic of Indonesia which requires the development of religious life in the life of the nation has sought inclusion of religious teaching in developing national legal order (Ropi, 2017, p. 11). Therefore, do not be surprised if Islamic law is a legal system in Indonesia in addition to other law, namely customary law and western law (Fitzpatrick, 2008, p. 502). So, it is not appropriate if there are Muslims who are still questioning or even rejecting the legislation that has been formally established by the state through the government (Lukito, 2013, p. 72). To ensure the implementation of Islamic law in the national legal system, the involvement and support of the government / state is a necessity

The state has guaranteed the religious life and has opted to secure it through the rule of law, even many product of law which refers to material Islamic law normative as in many of the rules and provisions of Act No. 1 of 1974 on Marriage that reflects an appreciation and concern for the government against joints of religion, especially Islam (Hedi, Anshori, & Harun, 2017). What has been known so far in Islamic law contained in the Qur'an and Hadith and *fiqh* books, there will be nothing, there will be no influence and its power without applied legal pursued into the poured into legislation (Yanlua, 2015). Thus, it will be a legal product that has a strong power to forcibly implemented by citizens, and be a law commonly referred to as law in action. So, it is reasonable when all Muslims in Indonesia to appreciate and support all efforts which is taken by the state in promoting Islamic law the existence of a law in the books became law in action (Feener, 2013).

Broadly speaking, Islamic law is divided into *fiqh* of worship include rules concerning prayer, fasting, alms, pilgrimage, and so forth which aims to regulate the relationship between man and God. In addition, *muamalah* jurisprudence governing the relationship between man and everything, like an engagement, legal sanctions and other rules, to realize the order and justice, both individuals and society (Hasanah, 2010). Globally, the purpose of Personality in establishing His laws are for the benefit of mankind, whether the benefit in this mortal world, as well as benefit in *baqa'* day. God says: "There is not we sent you but to (become) a mercy to the worlds" (QS. Al-Anbiya: 107).

One that is protected for the benefit (*maslahah*) of humans (Jahar, 2014) is to maintain offspring. For this matter Islam regulates marriages and forbids adultery, specifies who should not be married, how the marriage is carried out and what conditions and harmony must be met (Leeman, 2009). Thus, the marriage is considered valid and a mixture of two people with different types is not considered adultery and children born from the relationship are considered valid and become legitimate offspring (Imam, 2016).

The purposes of weddings are often difficult to achieve as a whole. The purposes can be seen some of the events that happened in the marriage, the husband or wife does not implement the obligations, giving rise to discord and quarrels within the household (Singerman, 1995, p. 74). Squabbles and quarrels between husband and wife can not be reconciled will usually end with the divorce.

One area of Islamic law which is included in *muamalat 'am* is *ahwal al-syakhsyah*, namely that the law governing the concerns and family problems, or often referred to as the Civil Code in Islam. The discussion included in *ahwal al-syakhsyah* is; marriage, divorce, inheritance, wills, and grants, and endowments. But in this paper will only focus on the issue of marriage and divorce are we will describe philosophical-briefly..

B. METHOD

This article was written using descriptive methods. Data analysis was carried out by making bibliographic sources the entry point (Bernard, 2000, p. 88). Theoretical narratives are carried out to produce philosophical discourse about marriage. The discourse is then reconstructed to produce certain dialogues that produce conclusions.

C. RESULT AND DISCUSSION

The enactment of Law No. 1 Year 1974 About Marriage cannot be separated from the efforts of the State in this case the government to provide the legal certainty for citizens, especially the Muslims. This law was made to organize around issues of marriage and its legal consequences for those who are Muslim. Based on the above, then any marriage held by citizens who are Muslims at least should refer to and be guided by the provisions stipulated in Law No. 1 1974. Material Act No. 1 of 1974 is basically a set of laws of *munakahat* contained in the Qur'an, Sunnah, and opinion of scholars (Budi, Luth, & Budiono, 2013).

Marriage is so sacred and exalted by the family who carry it out. Marriage is a human instinct blend between men and women where not only physical needs but also to satisfy external needs (Lantara, 2015). More specifically the marriage is a word to justify sexual relationships between men and women, in order to realize the happiness of a family that was filled with tranquility and affection in a way blessed by Allah, God Almighty (Maqsood, 2000). As the word of Allah, which means; "And among His signs is that He created for you wives of your own kind, that you might be inclined and

be at peace with Him, and He would make you love and affection. Indeed, there are indeed signs for the people who think. "(QS. Al-Rum: 21).

1. Definition of Marriage

According to the terms of jurisprudence, marriage means a contract (agreement) containing the permissibility of sexual intercourse by using lafadz "marriage" or "*tazwiji*" (Saebani, 2009, p. 11). Marriage is a contract that justifies the association and restrict the rights and obligations and mutual help between a man and a woman who is not a *mahram* (Darmawan, 2017). In the Act. No. 1 of 1974 on marriage chapter 1 explained that marriage is the emotional and physical bond between a man and a woman as a wife in order to establish a family (household) who are happy and everlasting based on God teaching (Tim Citra Umbara, 2012, p. 2).

Marriage is a very sacred event in one's life (Omran, 2012). To the extent that someone or in this case the bride seeks to perpetuate the marriage ceremony as unique as possible, such as a marriage ceremony held in front of the Kaaba, there are even more extreme, the marriage ceremony conducted in the air, the bride and groom parachuted from the plane and ritual diawan done with the help parasut (Saifuddin, 2011, p. 127). According to the Article 1 of Law No. 1974 on Marriage, noted that the definition of marriage is inner and outer bond between a man and a woman as husband and wife with the aim of forming a family (household) who are happy and eternal by God Almighty (Saifuddin, 2011, p. 127).

Fachruddin defines the meaning of marriage is the bond plan between a man with a woman who had grown up as they liked without coercion and with the intention of forming a healthy household ark (Fachruddin, 1966, p. 168). From the definition above, marriage is concluded by definition in general is a contract and an agreement that justifies the association and restrict the rights, obligatory and mutual assistance between a man and a woman who are not mahram.

2. Fundamentals of Marriage

Marriage is an act which is the recommended by the Prophet pbuh (Varshney & Jahan, 2014). The contract is an agreement, the bond, and the alliance that cannot be considered a joke. Therefore, the marriage ceremony should be based on the strong foundation and source, like a building firm and strong as its foundation (Raz, 2009, p. 101). In general, the cornerstone ceremony must be based on:

a. Marriage Basis in the Qur'an

Basically marriage is a matter that was ordered and recommended by Qur'an (Al-Shabuni, 1983, p. 673):

1) Surah al-Nisa:3:

And if you fear you can not do justice to the (right) female orphans (if ye marry), then marry women (the other) of your choice, two, three, or four. Then if you fear you will not be able to do justice, then (marry) only one. (al-Nisa': 3).

2) Surah al-Rum:21:

And among His signs is, He created for you wives of your kind alone, that you tend to be and feel at ease to him, and serve among you a sense of love and affection. Verily in this is truly there are signs for people who reflect. (al-Rum: 21).

3) Surah al-Dharyat:49:

And all things We have created in pairs in order to remember the greatness of Allah (al-Dharyat:49).

b. Marriage Basis in the Hadith

While the Prophet's sayings related to marriage, as well as:

1) Hadith-1:

"O youth! Anyone who has had the ability in terms of "*al-Baah*" let him get married, because marriage is more a close eye on the vision was not good and better maintain the honor. If he is unable to marry, let him fast; because fasting is to her restraining lust." (HR. Bukhari and Muslim).

2) Hadith-2:

"No marriage except with a *wali* (The Five Imams and Authorized by Ibn Madini, at-Tirmidhi and Ibn Hibban of Abu Musa al-Asy'ary, Mukhtar, 1974) (Saebani, 2009, p. 210).

3) Hadith-3:

Whoever loves my *fitrah*, then follow my sunnah, was actually among my sunnah it was marriage (Al-Shabuni, 1983, p. 673).

4) Hadith-4:

'Aisha said, "Marry by you, the woman then surely they will bring the treasure (provision) for you. (HR Hakim and Abu Dawud) (Saebani, 2009, p. 12).

c. Marriage Basis in the Principles of *Fiqh*

Something that is mandatory that will not be perfect (complete) except by doing something, then something is obligatory law (Kamaluddin, 2007). From the basic principles of *fiqh* above we can understand that, as such, those who are not married mean sin, and marriage is not only *sunnah*, but can also be legally obliged (*wajib*) to depend on the condition of the individual.

3. Overview of Islamic Philosophy about Purposes of Marriage Law

In family life, the largest benefit in marriage is to protect the women (Minces, 1982, p. 62) who are weak from destruction, for a woman, if she is married, their living (cost of living) must be on the responsibility of her husband. Marriage is also useful to maintain harmony progeny (offspring), because otherwise the marriage, certainly not irregular child who will take care of it and who is responsible for it (Mallat, 2007, p. 375).

Marriage is also seen as a public good, because if there is no marriage, of course people will indulge in bestiality, and the nature of the dispute that would arise, disaster, and hostility among others, that it is also possible to cause the murder of an all-powerful (Saebani, 2009, p. 19). Thus, the true intention of marriage in Islam. In short, for the benefit of domestic and descent, also for the benefit of society (Hudson, Ballif-Spanvill, Caprioli, & Emmett, 2012, p. 7).

Additionally marriage in Islam is not merely a relationship or ordinary civil contract, but has a value of worship and philosophy, in Islamic Law Compilation, it is explained that marriage is aimed at bringing domestic life *sakinah*, *mawaddah* and *rahmah*. Thus the need for rules to sayarat and pillars, which are not only pillars pillar alone, but also have the intent and values contained (Alamsyah, 2018).

a. Value Philosophy of *Wali* of Marriage

On the basis of understanding of the word *wali* (guardian), understandable reasons sebgai father Islamic law establishes the first claimant to be a trustee for the benefit of children, it is because the father is the one closest to her (Supriyadi, 2009, pp. 32–33). *Wali* in marriage also serve to protect women from possible adverse in the household marriage, especially a father of the bride will influence the psychological aspect for the survival and peace of household marriage his daughter, because potential men and women differ in the physical and psychological, so that in the marriage of a woman still needed a guardian to marry (Engineer, 1992, p. 107).

b. Value Philosophy of '*Aqd* of Marriage

Marriage can not be separated from the contract, even the scholars (*ulama*) of school agree that a new marriage is considered valid if it is done with the contract, which includes an *ijab* and a *qabul* between women spoken to a man who proposed to her, or between those who succeeded him as the representative and guardian and considered invalid merely like without their agreement (Engineer, 1992, p. 107).

According to Quraish Shihab, the marriage contract is the obligation of marriage, as well as their acceptance as husband and wife, to live together as couples and partners are fused and assembled side by side in joy and sorrow (Shihab, 2007, p. 68). Therefore, Islam considers marriage as a solid and strong agreement or *mitsaqan ghaliza*, which should be able to foster a sense of calm and serene (Vegas) family life or marriage (Alkhateeb, 2012, p. 16).

c. Value Philosophy of Witnesses in Marriage

The harmonious marriage, it is intended to anticipate the possibilities that will happen in the future. When one of the couples involved in a dispute, then the witness who witnessed her marriage contract; and if within a marriage without the presence of witnesses, the contract is judged invalid (Rofiq, 2013, p. 74).

d. Value Philosophy of Dowry / Mahar

In Islam there are rules about giving something to the wife. This is usually known as the dowry is the provision of in-kind (property) to move or immovable property given by the husband to his wife (Wani, 1996). Despite the mandatory dowry, but in its determination still must consider the principles of simplicity and ease. His intention, shape and price should not be burdensome dowry prospective husband nor should impress there or what their origin, so that the candidate's wife was abused or neglected (Nuruddin & Tarigan, 2006, p. 66).

Dowry payments should have little value or perhaps it is worth it. Although dowry do not given immediately, but it should not be delayed by the promise of a float (Sonbol, 1996, p. 99). It is generally in the menage there must be a sharp gravel which could haunt him one day. So the only way the

solution is divorce. To address it, where the role of rules regarding dowry. Where provision would hinder someone's dowry quickly dropped the divorce (Jennings, 2011).

Therefore, the position of a dowry in marriage have a philosophical value that is a gift of the fear of taking the attitude of divorce quickly, so that the ark household sustainability is maintained. In addition, dowry philosophical value is as the appointment of the love of men towards women.

D. CONCLUSION

Marriage for mankind is something very sacred and has a sacred purpose anyway, and not in spite of the provisions that have been established religious laws. People who hold a marriage is not merely to satisfy the lust perched in body and soul, but to achieve serenity, tranquility and mutual nurture between husband and wife with love and affection basis. There are times in marriage squabble between husband and wife, if we do not understand the meaning and philosophy of marriage form a family it can not fix the back, of the two parties will suffer with strong ties they were living because it is not based anymore to love and compassion, that there is even hatred of each other. So in this juncture, Islam gives final solution is divorce. Although he is allowed but he was so hated by God, even if it should happen secula forced divorce, then after they broke ties should have been no more hatred and hostility, but a good relationship as fellow Muslims.

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