

Internasional Conference on Humanity, Law and Sharia (ICHLaSh). November 14-15. 2018

POLARIZATION OF HONESTY IN PLACING MARRIAGE GUARDIAN IN MARRIAGE WHILE REGISTRATION AND ITS IMPLICATIONS TOWARD MARRIAGE

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Abstract: The purpose of this article to find out the polarization honesty the putting about the guardian at the time of registration of wills of marriage and its implications in marriage. Research used qualitative methods to describing the phenomenon of polarization honesty the placing guardian of marriage and wills of marriage. Research using the technique of snowbalsampling. The findings of this study: first; the placement of the guardian of marriage there was a cover-up, which impressed the reluctance to mention guardian of marriage, due to emotion and less respect to the guardian of marriage. Second; the implications of the guardian of marriage because the ware mistakenly put the guardian of marriage was sourced the description of the family and wedlock so as to legitimate consent and qabul disquiet.

Keyword: Honesty, the guardian of marriage, registration the wills of marriage, marriage.

Introduction

Marriage is a legal and emotional commitment between two people to share, share tasks, relationships, intimacy and income to make ends meet.[1] After the wedding was carried out, beginning a life together between the wife with the husband. Each couple work on responsibility and profession in order to meet the needs as well as the sustainability of households.

Marriage can be executed after a person completed requirement, such as the Nmodels. The N models is obtained from the headman's office or the Wali Nagari office. These requirements were taken to the office of religious affairs in residence. Officers aparature check the condition. After conditions have been met, followed by the marriage confirmation. The marriage is be explanation the family that registers. Here, the selective and careful to the listening explanation before determining the marriage more right to marry. This is to prevent mistakes the assignment, more relatives that registers sometimes lacking definite status for impressed that the relative registering certain explanation about the couple marriage. The wrong in the marriage, can be implied in the marriage because guardian marriage determined based on proximity cord blood line of descent of the father of a bride. This writing as a mean to discuss the polarization of honesty in placing marriage guardian in marriage while registration and its implication toward marriage.

Honesty means properties be honest; sincerity heart. Honesty is performing actions in accordance with the conscience, conscience has always been sacred to do something well. Conscience directs the best to be implemented. Something that is not in accordance with the conscience to lie and dishonest. Honest easy to talk about, but it is very difficult to implement. Honesty to convey the truth, speech that is appropriate depends on your reality.

The guardian of marriage is the one who has the right to marry a woman with a man. The guardian of marriage in marriage law is the pillars that must be met by the prospective bride. Marriage without a guardian of marriage that means marriage are categorized invalid. This provision was based on Hadith Prophet Muhammad who revealed that a marriage is not legal in marriage unless married by the Mayor. The terms of the condition of marriage is a trustee: a). Male; b). Adults; c) has the right of guardianship; d). There are no impediments to his custody.

The guardian of marriage status in Islam is the pillars that define the legal contract of marriage. This is a compilation of Islamic law [2] is set out in article 20 part 1 the number that acts as a guardian of marriage a man qualified Islamic law, who are muslim, aqel and puberty. In the implementation of

the covenant of marriage in submission consent conducted by the guardian of marriage of women or who represent him. Acceptance *qabul* performed by the a candidate of the men who is couplel.

The guardian of marriage in marriage law is divided into two parts, namely: first; The guardian of marriage difined *nasab*. The guardian of marriage that guardianship based on blood relations. Second; The guardian of the judge, the guardian of marriage that guardianship arise because the elderly woman refuses or does not exist.

The will of marriage is entirely disregarding their personal interests performs a born rush for the local unit to repair a bond to the inward thought of each norms and custom specified legislation. An employee who has the will marriage take care of the conditions of marriage, the marriage will convey in writing, a kind of petition addressed to the Office of religious affairs of the district. The aparature of KUA District received and noted the petition into the agenda of registration wills of marriage. As for the marriage of will and unoccupied a process register of wills of marriage to the KUA by attaching conditions the administration of marriage that has been completed.

Marriage is a social bond or bond of legal agreements which form the interpersonal relations of kinship and a local cultural institution inaugurated the interpersonal relationships of different gender, sexual and intimate. The marriage began and was inaugurated with the wedding ceremony. Marriage in Islamic law is called *nikah*[3] or marriage.

Method

This research used qualitative methods to describing the phenomenon of polarization honesty the placement guardian of marriage that is done the bride's relatives at the time of registration of wills marriage at the Office of religious affairs the district Rambatan Tanah Datar Regency West of Sumatera. Informant this research are couples women or bride, brother of the bride and the *mamak* and other relatives. Determination of the informant using the technique of snowbalsampling, namely the rolling technique. Informants are chosen based on major criteria; suc as knowing the object observed as a guardian marriage, objectively and be able to provide an explanation.

The collection of data was using of the participant observation and the objective of the interview. Observation had done the purpose of people who will marriage because candidates would have no trouble on the registration of place a marriage and marriage that have been undertaken near of kined or mather. The search for information well on that too much by interviewing nuclear family and interview to the marriage.

Data analysis follow techniques used Spredley, that began in analysis the domain, taxonomic analysis, an analysis of its components and theme of cultural, namely:

- a. Domain analysis. Researchers to obtain a general picture the phenomenon, polarization of honesty in assignment guardian marriage during the time of the marriage will. The results of the analysis is the level of wisdom the surface.
- b. Taxonomy Analysis. Researchers trying to understand domains information the phenomenon polarization of honesty. Every domain understood in depth and dividing it ceases to be sub-domain and sub-domain again into parts are covered by more specialized. During the preparatory phase of this analysis researchers are firmly rooted in the domain and sub-domain that is important.
- c. Componential Analysis. Researchers contrasting elements in the realm of observation and interviews. Contrasting elements and made relevant categorization, categorizing and detailing realm, something members also understand the particular characteristics of the association. Knowing a member of a domain, understanding the similarities and differences, and internal relations between members of a domain can be obtained a thorough and in-depth understanding as well as detailed about the focus issue.
- d. Cultural themes analysis. Researchers understand symptoms that are typical of analysis of polarization of honesty. This analysis collected a many theme of couplel, the focus of culture, the value of business and the culture that appear in every domain of polarization of honesty about during the time of the marriage will. In addition, this analysis trying to find the relations which it there are in domain that have been analyzed so as to form one whole holistic. Finally bring the theme with the dominant. At this stage that researchers done: (1) read a whole note important in a

punctilious manner, (2) gives a code of on important topics, (3) composing typologies, (4) honesty the deployment of a guardian polarization of the reference during the time of the marriage will of relevance to focus research. In accordance with total analysis, researchers conducted in the form of a description of reconstruction, argumentative narrative so as to be a conclusion.

- e. Guaranteeing the validity of research data using the extension observation, colleagues and friends checking and triangulation [4] such as the following sections: (1) Extension observation, time to do observation residents that registers the will of marriage observed carefully, in another time repeated back so as to obtain information; (2) Colleagues and friends checking, the information received from friends and colleagues clarified by exploiting a known person in the area of research, the information is explored so that the research answers found; and (3) Triangulation is a technique checks the validity of the data by leveraging something other than the data for the purposes of checking the data or as a comparison the data against.

Result

1. An Overview of the RresearchLocation

Rambatan is one of sub-district more than fourteen (14) districts in the Tanah Datar Regency of West Sumatra. The KUA Rambatan are located at Jorong Rambatan Nagari Rambatan that the district with a flat area about 129,15 km² and the population 2493 were lives at there. Rambatan district was more consisted five nagari 5, namely; Nagari Rambatan, Nagari Padang Magek, Nagari III Koto, Nagari Balimbing and the last Nagari Simawang.

2. Placing of the Guardian Marriage

The guardian of marriage in the implementation of the marriage is something a very essential, without a guardian of marriage the license of marriage cannot be implemented. It has traditions presupposed. [5] Guardian of marriage wedlock known through information, such as close relatives, mothers and uncles and so on *mamak*. These three dominant marry and even the guardian knows the mother who may know the certainty of the child's biological father, a mother who frequently interact with the father. Starting from the initial introductions, the intense communication, recognize family, began deal married to the father of the child so that it becomes the guardian of marriage of the child and soon.

Guardians are appointed based on a scale of priorities in an orderly, starting from the most eligible, those most near, relates to the theirs of the prospective bride and taken from the father's lineage. The guardian of marriage is also based on information known to the relatives of the bride. The presence of a guardian of marriage subject to the assurance of the presence at the time of the clarification of the data. After classification of the data and justified by the bride, followed by the granting of marriage guidance, including a simulated execution of and *qabul*. Simulation of a new consent may be made after acquiring the certainty of the person who becomes the guardian of marriage.

The guardians have been placed as guardians of marriage that is received from the explanation of the bride and relatives, when found indications of doubt done clarify to the people who know the domicile or place than confirmation to the Wali Nagari and Jorong. They are considered citizens, especially knowing the status of guardians of the child and soon. [6] The problems guardian of marriage this sometimes found the question of marital guardian is sometimes found his relatives or family parties who register of wills of marriage to Religious Affairs Office Sub-district seemed hesitant mention and some even mention that the guardian of marriage have gone and his presence did not known. Also, there was a cover-up and reluctant to notify. The existence of a reluctance to notify the guardian of marriage and hold with the guardian placed the mother or relatives became the guardian of marriage is understood as an indication of dishonesty. It is known from the attitude of less respect relatives against someone who is referred to as the guardian of marriage. This condition implies the devolved to the other other guardian.

Removal of a guardian of marriage to another guardians of order, rights of from guardian to guardian nearby and entitled (*aqrab*) and can be done caused the *aqrab* guardian is being in ihram, so

that the Sultan who becomes the guardian. [7] This displacement on the basis elements of Islamic law. As for the cause of others, such as; the guardian is not responsible, the mayor was less fluent in speaking is not accepted. It is entered in the internal domain, affected the emotions and prejudice.

Removal of a guardian of marriage to another order may not necessarily be able to do, must qualify the administration, such as; description of the Wali Nagari that guardian of marriage were distant places, can also be information that parents or siblings bride as a guardian of marriage are available. For caregivers who are in a far is given the opportunity of convenience, that is by doing the *taukil*, its mean represent of guardian. The represent of guardianis a written statement in question as a guardian of marriage that represent to someone and it was determined by the head of the Religious Affairs Office of district domicile as well as witnessed by two witnesses. This is done in order carefully. Represent of guardianwas given to the Office of Religious Affairs venue consent and *qabul*.

The guardian of marriage who was the represented guardian consent implementation of marriage children perpetrated by people who are given the mandate. This has allowed a guardian of marriage, but the presence at the time of the execution of the consent *qabul* is not possible, the receiving represented trustee execute a consent.

Receiving marriage *orijab* of marriage who was permission to take up arms who was responsible, cannot be performed those who wish to communication to move into higher technology, as the facility of reques of video call and teleconference because becomes one of the requirements the presence are not being met to the inflation rate although permission to take up arms.The presence of who was responsible for the at the time of *ijab* and *qabul* mandatory to ensure higher learning, the pronunciation of a *ijab* and *qabul* a performed in a the senate of the sons.For those who are obedient different an assembly or on video call to request have not been accepted and is difficult to carry out, licensing requirements and regulations imposed this study not found a place of a marriage means and make this arrangement artifacts were found from different the tribunal and are absent and hidden.

The difference space the implementation of a marriage between place of a marriage who was responsible for the with prospective a bride or to different between who was responsible for the marriage and with prospective cannot be applied because whereas Allah has made trade which are conceived the community dominant follow in one he went into his house.If this is applied led to the emergence of *muamalah* are let loose in the midst of society.

3. Implications of the Guardian of Marriage in Marriage

The guardian of marriage in marriage is an urgent and there must bethere were, the guardian of marriage is known through listed the data administration equipped, the name is written at there data. If the trustee has died to move on the next sequence of the guardian.

The determination of the man who was a trustee or guardian marriage was detectionbased on the order of a guardian of the order nearest marriage, the walls this giving official permission or approval to a woman who about to get married. [8] As for those who have no guardian or guardian then broke up as the successor trustee is the sultan. Authorities who are classified as guardian [9] in marriage is the one who placed the task of implementing the marriage and appointed based on regulation or legislation. [10] This avoid abuse and to spend and Islam syariah from the *maqashid syariah* in assignment guardian.

The placement of the guardian of marriage that is not in the order guardians, impacting against consent and *qabul* marriage. This as a sunnah that every marriage allegedly held must be done by the trustee. This guardian must be close relatives of the woman, which is close to the father's blood relation. [11] The presence of a guardian in marriage is very urgent because the dominant guardian figure out a woman in the family. He who educates, supervise and protect as well as facilitate life, ranging from small to adulthood until married. [12] So there is a guardianses function ignores the guardian that times it is takes such a dilemma, appearing less ignored relative of the prospective bride. Actually, this guardian has given permission and shari'a fower marrying children. Switch to another trustee there is no guardian or died.

Conclusion

The placing the guardian of marriage in marriage undisguised impressed actually because emotion and less respect to a trustee marriage. The implications was responsible for the guardian marriage that erroneously by in enrolling marriage so *ijab* and *qabul* caused anxiety.

References

[1] The bond between the spiritual birth and a man with a women. Further see: Act No. 1 year 1974 about marriage.

[2] Order the guardian of marriage in section 22 of the compilation of Islamic law are: 1. Biological father; 2. Grandfather (father of the line onwards to the top in the male line); 3. Brother was raised; 4. Father's brother; 5. Boys from the brother was raised; 6. Boy brother of father; 7. Boys from the boy's brother was raised; 8. Boys from the boys brother of father; 9. Father's brother was raised; 10. Father's brother of father (uncle of father); 11. The boy's uncle was raised; 12. Boys from the uncle of father; 13. Brother father grandfather; 14. Boys from the brother's grandfather was raised; 15. Boys from the brother of the grandfather of father.

[3] Marriage is doing a *aqad* (agreement to committing yourself) that is carried out between a man and a woman for husband wife relationship justifies between both sides, which is done on the basis of voluntarily and also the two sides to realize a life of happiness in the family covered compassion and harmony in ways that God approves..

[4] Lexy J. Moleong, *Metodologi Penelitian Kualitatif*, Edisi Revisi. Jakarta: Remaja Rosdakarya 2010, h. 330

[5] Consent marriage performed guardian of marriage. See: Muhammad al-Utsaimin, *Shahih Fiqih Wanita*. Jakarta Timur: Akbar Media, 2017, h. 286

[6] Tihami dan Sohari Saharni, *Fikih Munakahat Kajian Fikih Nikah Lengkap*, Jakarta: Raja Grafindo Persada, 2009, h. 90

[7] Peunoh Daly, *Hukum Perkawinan Islam*, Jakarta: Bulan Bintang, 1988, h. 76

[8] Jalaluddin 'Abdurrahman ibn Bakar, *Syuruh Sunan ibn Majarh*, Riyadh Arab Saudi: Bait Afkar Dauliyah, 2007, h. 744

[9] Taqiyudin Abi Bakar ibn Muhammad al-Husainy, *Kifayatul Akhyar*. Surabaya: Nurul Hadi, t.th., jilid 2, h. 52

[10] Article 20 law the number 1 year 1974 about marriage and Government Regulation number 9 of the year 1975 on the implementation of law number 1 year 1974

[11] Sayyid Sabiq, *Fiqh al-Sunnah*, Jakarta: Cakrawali Publising, 2011, h. 378. Abi Abdurrahman Syarif al-Haq al-'Azim, *'Aunu al-Ma'bud Ala Syarh Sunan Abu Daud*, Beirut Libanon: Dar al-Afkar, 2005, cet. I, h. 978.

[12] Ibnu Rusyd, *Bidayatul Mujtahid*, Jakarta: Pustaka Amani, 1989, jilid 2, h. 417. Wahbah al-Zuhayli, *Al-Fiqh al-Islami wa Adillatuh*. Damsyiq: Dar al-Fikr, 1985, jilid 7, h.186.