

Public Perception of Early Marriage in Enrekang Regency Based on a Review of Islamic Law in Baraka District

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Abstract

The purpose of this research is to 1) learn about Islamic legal perspectives on early marriage. 2) Understanding the public perception of early marriage in the district. Enrekang , Baraka. This type of research employs descriptive qualitative methods for data collection. Primary and secondary data sources are used. Interviews with informants provided primary data, while books and official documents provided secondary data. Techniques for gathering data include documentation and interviews. According to the study's findings, 1) the marriage bond between a man and a woman is performed when both parties are under the age of 19 or are still in high school and have reached puberty. If both parties or one person is under the age of 19, the marriage is considered early. Because Islam is a religion that is in accordance with human nature, it is obvious that sexual purity and cleanliness will lead us back to the teachings of Islam. 2) The early marriage community's perception of the Baraka community. Of course, hearing about early marriage is not unusual; the community urges people in the Baraka sub-district not to educate their children so that promiscuity and the influence of social media occur. Nowadays, children are easily influenced by their environment, such as when they graduate from Islamic boarding schools, where of course there is influence from young people, so they are easily influenced by the surrounding environment, so KUA conveys the community in Baraka sub-district so that their children are not affected by the law that has been passed, 2019 set number 16.

Keywords: Perception; Marriage; Law; Islam

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Introduction

Marriage is a sacred relationship between a man and a woman who play the roles of husband and wife. The hope in starting a family after marriage is the realization of *sakinah mawaddah warahmah* based on Islamic demands.

Marriage is broadly defined as an inner and outer bond between a man and a woman to jointly navigate household life with their offspring in accordance with Islamic law, Allah swt says in QS Al-Nisa/4:1:

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ
وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا
كَثِيرًا وَنِسَاءً ۗ وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ
وَالْأَرْحَامَ ۚ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا

Translate: *O people! Fear your Lord, who created you from a single soul, and created from it its mate, and propagated from them many men and women. And revere God whom you ask about, and the parents. Surely, God is Watchful over you. (Al-Nisa/4:1)*

One of the conditions for marriage to fulfill its purpose is that it be performed with a mature body and soul. As a result, it was regulated in Law No. 1 of 1974 by establishing the minimum age limit for marriage. "Marriage is only permitted if the man has reached the age of 19 and the woman has reached the age of 19," it is said (KHI: 78).

This provision is also stated in Chapter II, Article 7, Paragraphs (1) and (2) of the Compilation of Islamic Law (KHI), which states: "Article (1) Marriage is only permitted if a man and a woman reach the age of 19 years." Article (2) The provisions referred to in Article 6 paragraph (3) and paragraph (4) regarding the condition of one or both parents of the

prospective bride and groom shall also apply to the provisions referred to in paragraph (2) regarding the request for dispensation, without prejudice to the provisions referred to in Article 6 verse (6)." (KHI: 7)

Indonesia is one of the countries that has a variety of social problems as a result of an ever-increasing population. These issues can be easily obtained from government research as well as sources from private institutions. One of the causes of the many social problems that exist in society is early marriage.

There are issues with early marriage in some countries, including Indonesia (Ahmad Ichsan, 2005: 25). This is due to a variety of internal and external factors that have contributed to the rise of underage marriage in Indonesia. Many of them have not been able to renew their family lives. On the other hand, the development of foreign cultures has accelerated, influencing the character of early childhood.

Early marriage is becoming more common as a result of factors affecting family life such as personal factors, parents, and the environment. Duties and obligations must be met by local governments and other apparatus. Underage marriage has now occurred in both rural and urban areas, afflicting young people. This phenomenon has become a way of life for many young people. In the past, parents wanted to marry off their sons and daughters at a young age, and many teenagers today do as well (Achmad Ichsan, 2005: 26).

There is a debate in society about the emergence of various reasons for early marriage. Some locals believe that early marriage makes sense. On the other hand,

underage marriages are frowned upon because they will cause problems in their studies, such as dropping out of school, being unable to live life as a good parent, and triggering an easy divorce.

As a result, early marriage is possible in some areas. Such marriages are no longer unusual, particularly in the Baraka Sub-district. As a result, the author formulates the main issue as follows: "In a review of Islamic law, how does the community perceive early marriage in the District of Baraka, Enrekang Regency?" To focus the main problem, the authors divide this research into two parts: 1) What is the view of Islamic law on early marriage?, and 2) What is the public perception of early marriage in the Baraka District.

Research Methods

Type and location of research

This is a qualitative study that seeks information directly from the community about early marriage in order to gain access to data relevant to the research topic (S. Azwar, 1998: 5). The research is being conducted in the Baraka District of Enrekang Regency. The location was chosen because, according to researchers, many people in that area practice early marriage.

Data Collection and Analysis

Primary and secondary data are used to source research data. Primary data is obtained directly from sources and given to researchers. Secondary data is information and data that has been obtained from other sources after being processed by researchers. Data is collected through investigations, interviews, and documentation. While those collected were analyzed and structured, all

supporting information for the research was obtained through observation. Then break it down into parts, and finally combine the data by compiling it into a pattern. Editing techniques for data analysis, namely processing the information or data obtained. Correcting the answers from the interviews that were submitted to the informants once more. This step aims to reduce errors and shortcomings in interviewing. Then, to assist researchers in reaching conclusions, conduct the analysis using a systematic data collection process. Finally, in drawing conclusions, the data that has been gathered is concluded based on the information that has been researched during the dive into the field.

Results and Discussion

Marriage: Definition and Legal Basis

Marriage is derived from the Indonesian word "*kawin*," which means to form a family with the opposite sex; by having sex or having sex. Marriage, also known as "marriage," is derived from the Arabic word *nikah*, which means to collect, include, and touch. The term "marriage" is defined as physical contact, which can also be interpreted as a marriage contract. As a result, marriage can be defined as an official relationship between a man and a woman in order to enter into the husband-wife bond (AR. Ghazali, 2003: 8).

While the concept of marriage in terms can be interpreted as an agreement or bond determined by *syara'* so that it is permissible for men and women to have fun with each other by making each other justifiable. So it can be concluded that marriage is

a contract with legal provisions that allow for sexual relations with the mention of *lafaz ijab qabul* (Zakiah Darajat, 2003: 27).

Marriage, according to the Hanafi school, is a contract that provides benefits for the purpose of intentional enjoyment. So, as long as there is no prohibition, it is legal for men to have fun with women. Marriage, according to the scholars of Syafi'iyah, is "a contract or agreement that contains the intention of allowing sexual relations by using the word *nakaha* or *zawaja*." So, in essence, it is a contract in which a relationship between husband and wife exists after the contract (Amir Syarifuddin, 2007: 37).

The definition of marriage (marriage) in the Compilation of Islamic Law (KHI) is as follows: "marriage in accordance with a strong *aqad* religion or *Mitsaqan Ghalizhan* to obey Allah's commands and carry out its worship

"And marriage seeks to realize a *Sakinah*, *Mawaddah*, and *Rahmah* household life."

After learning that "marriage is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the One Godhead,"

Marriage has a very close relationship with religion, as stated in Article I of the Law of the Republic of Indonesia Number 1 of 1974, so marriage not only plays an important role in forming a happy family.

According to S. Al-Aziz (2005: 475), while there are 5 (five) marriage laws, namely: 1) *Jaiz*, any religious man or woman may marry or not marry. This means that if a man and a woman do not agree to marry, he must

be able to resist temptation and maintain his pride. 2) *Sunnah*, for those who want to marry and have the necessary financial and physical resources. 3) Compulsory for those who have the ability to live and be physically active without fear of falling into adultery or other sinful acts. 4) *Makruh*, for those who lack the ability to provide *nafqah*. 5) *Haram*, for anyone who wishes to harm his wife.

Marriage Principles in Law No. 16 Years 2019

Voluntary Principle

According to Chapter II article 6 paragraph (1): "Marriage is contingent on the approval of both prospective brides. Both men and women have the right to choose a life partner in order for husband and wife to be able to form an eternal and happy family, and in accordance with human rights. A marriage must be approved by both prospective husband and wife, with no coercion from either party. And the article guarantees that no forced marriages will occur."

The family participation principle

Marriage is essentially a two-person relationship that also includes the husband-wife family relationship. Because it is an urgent matter, both sides of the family must participate. Because marriage must follow Islamic law, the marriage law must uphold the principle of participation and the family's role. The role and permission of the guardian are required in the contract's implementation.

The Complicating Divorce Principle

Marriage is a very precious thing, and as such, it has a sacred value. As a result, marriage is only prohibited for the purpose of sexual gratification. To achieve the goal and

purpose of marriage, each individual should make it difficult for divorce to happen at will, but there must be a compelling reason that can be stated in court.

The maturity principle.

Marriage is extremely beneficial in carrying out family life. However, this does not imply that every individual is given complete and unrestricted freedom. One of the criteria for being deemed worthy of marriage is maturity, both physically and spiritually. That is, marriage law adheres to the principle that every prospective husband and wife who wish to enter into a marriage contract must be physically and psychologically (spiritually) mature, in accordance with the definition of marriage itself, which states that marriage is a relationship between a man and a woman. One method used in this preparation is the selection of the marriage age limit.

The principle of preserving and improving women's status.

The issue of equality and obligation between husband and wife should be examined in order to determine the existence of marriage. The purpose of including this principle is to clarify and emphasize the rights that women, wives/mothers, must obtain behind the inclusion of obligations to impose on men, husbands/fathers. The structure of cooperation between husbands/fathers and women/wives/mothers in achieving the sakinah household that every Muslim aspires to is the foundation of the above investigation. As Allah's swt's Word. QS Al-Nisa/4:34 states:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَاللَّاتِي تَخَافُونَ نُسُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ فَإِنِ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا (٣٤)

Translate: *Men are the protectors and maintainers of women, as God has given some of them an advantage over others, and because they spend out of their wealth. The good women are obedient, guarding what God would have them guard. As for those from whom you fear disloyalty, admonish them, and abandon them in their beds, then strike them. But if they obey you, seek no way against them. God is Sublime, Great. The legality principle. (Al-Nisa/4:34)*

The essence of the legality principle is to direct everyone who will marry to register his marriage with the officer who has the authority. This is useful for controlling marriage administration and facilitating and controlling the implementation of the Marriage Law outside the country.

The principle contained in holding a marriage is to comprehend all administrative matters. It should ideally have legality in relation to normative law on marriage records. Administratively, this includes determining the validity of the bride and groom's marriage contract. Maximum compliance with the principle of legality, including one of the steps to reduce the possibility of unregistered marriage.

The selectivity principle.

The prohibition of marriage can prevent anyone from marrying on the basis of the principle of selectivity. Similarly, there is a prohibition on

marrying her. Marriage is prohibited in several ways, including: 1) Prohibition of marriage based on kinship relations; 2) Prohibition of marriage based on marital relations; 3) Prohibition of marriage against married women; 4) Prohibition of polyandry marriages; and 5) Prohibition of marriage with an ex-wife who has been divorced by Ba'in Kubra. 6) Prohibition of polygamy with more than four people. 7) Marriage prohibition against adulterers; 8) Marriage prohibition with polytheists; and 9) Marriage prohibition for women with people of different religions.

Aspects of early marriage

The provisions of Marriage Law Article 7 paragraphs (2) and (3) do not emphasize the prohibition of early marriage. Similarly, the Law of the Republic of Indonesia No. 1 of 1974 does not prohibit underage marriage if the religion or belief in question does not prohibit it. Thus, the lowest age limit for carrying out a marriage can be accepted indirectly on the basis of belief. The law contains loopholes that allow parties who want to benefit from early marriage to take advantage of it.

The adult age limit for Muslim marriages is 21 years, according to the Marriage Law. The adult age limit is established in Chapter XIV of the Compilation of Islamic Law (KHI) in Article 98 paragraph (1), which states: "The maximum age for a child who can stand alone or as an adult is 21 years old, as long as the child is not physically or mentally disabled and has never been married" (Abdurrahman, 2010: 137).

Marriage is the law of Allah swt. recommended by covering aspects of family life to him, according to Rahmat

Hakim (2015: 15). Individual, social, ritual, cultural, and moral aspects are among them. According to the author, when planning a marriage contract, the various aspects described should be taken into account. As a result, marriage is more than just a biological necessity; it also serves the sacred purpose prescribed by religion.

Community Perception of Early Marriage in the Baraka District

In general, marriage in Islam can be performed after reaching the age limit and being physically mature to do so; the sign is that men have dreamed of ejaculating and women are menstruating, as well as those who are biologically ready to marry (Wahbah Zuhayli, 2012: 457).

Marriage is a noble worship that is blessed by Allah swt. and his apostles, not just a reason to fulfill biological needs that are sexual in nature. If both parties have biological, physical, and mental abilities, the marriage will be realized.

Marriage should take place when both prospective brides' spouses are physically and emotionally mature. "Early marriage, the issue is not legal or illegitimate, but the problem is more seen in what will be experienced by people who get married if they are not yet mature," said H. Nur Alam, S.AS., SS, MH, chairman of KUA, Baraka sub-district. Indeed, Rasulullah SAW married Aisyah ra at a young age in his history. However, it should not be used as a guideline for early marriage. Because you must consider how to raise a family at such a young age (November 18/2021).

The large number of people who have early marriages is due in part to their ignorance of government regulations regarding early marriage.

According to Nur Chaerah Djamil S. Ag, many people are unaware that there has been a change in the marriage age rule. "There are still many people who do not know that the current age limit for marriage is 19 years," they discovered after attempting to register with the new religious affairs office. This occurred because he wanted to complete the marriage before reporting it to the Office of Religious Affairs. When we get to the office, we explain everything. And we advise you to first seek a marriage dispensation from the Religious Court. This has resulted in an increase in applications for marriage dispensation." (November 18th, 2021)

The above viewpoint is unquestionably consistent with Indonesian law, specifically Article 22 of Law No. 1 of 1974. That a marriage can be annulled if the parties do not meet the requirements for marrying: "A marriage can be annulled if the parties do not meet the requirements for marrying."

On the other hand, several public perspectives on early marriage will be discussed, including, According to H. Erlin, a community leader in the Baraka sub-district, "early marriage is a marriage performed by someone who is not yet mature or mature." Where can I find a woman who has never had a period and a man who has never had a dream? However, it must also be estimated broadly by considering the physical condition." (November 26th, 2021)

Akim, a community leader in the Baraka sub-district, said the same thing: "Early marriage is better to follow the regulations of the marriage law because it is considered appropriate and an adult if someone has reached the age specified in the

marriage law." (November 29th, 2021)

According to the informants' perspectives on early marriage, the author believes that virtually everyone understands that anyone who wishes to marry is expected to be fulfilled in terms of ability. Some of the questions include the phrase "whether or not someone is worthy of marriage." Some opinions on whether or not a person deserves to be married include: "According to Dr. Badaruddin, a community leader in the Baraka sub-district, marriage has become a necessity and obligation for an adult. However, it must first be determined whether he is capable, whether he is independent, and his physical and mental abilities, so that parents can judge their child." (November 27th, 2021)

Some people believe that the issue of early marriage is not absolute in terms of age. Sudding Sakariya, a community leader in the Baraka sub-district, for example, stated, "Age sometimes cannot be a benchmark for someone to be categorized as worthy of marriage or not, but if you are able to think maturely and are considered to be able to support your family, then you should get married quickly, maybe when you are in high school then you are considered an adult, so you can get married." (November 27th, 2021)

"If you want to get married, it means you have the courage to carry out your mandate and responsibility, because what you think about is no longer your personal interest, but there are already other people, namely your wife and children who are your responsibility," said Hj. Haslinda S. Ag., MPd as community

leaders in Baraka sub-district. (November 27th, 2021)

One of the factors of underage marriage is one of the questions asked by the author. Promiscuity, according to some, is one of the factors that contribute to the occurrence of early marriage. "Marriage should depart from the point of being able and worthy to marry, for example, being considered an adult, economically sufficient, physically and mentally ready, and having the will and ability to bear a mandate to be the head of the household," Usdar SE, a community leader in Baraka sub-district, said. (November 27th, 2021)

As a community leader in Baraka sub-district, Ramli Zakaria S.Pd, MPd stated, "Indeed, if you see the association of children is very worrying, it can be said that there is no shame anymore, free to go anywhere together. Parents have warned numerous times, but it's too late; many children today, even if they haven't finished school, are already pregnant. So, whether you like it or not, a marriage must be performed in order to cover the family's disgrace." (November 29th, 2021)

Ahmad Saruddin, M.Pd, a community leader in Baraka sub-district, expressed a similar sentiment: "In the past, we had to not go to high school, but our understanding of religion is still high, because there is no television, we feel watched even though we are far from us." Unlike now, technology has advanced to the point where if not a few things are shown on television, things that invite lust and set a bad example, so many children are followed by promiscuity, which results in pregnancy out of wedlock." (November 28th, 2021)

According to the author, based on the various community perspectives on early marriage, the community, in addition to not understanding the factors that can be caused by early marriage.

Looking at the various points of view, the author concludes that it is a form of concern for the association of children today who are far from religious norms. According to Muh. Sainbe, a community leader in the Baraka sub-district, "early marriages that were carried out did indeed start from a very close relationship so that parents took the decision to match them up, especially for families by holding a marriage between the two of them could provide economic relief for the lives of the families on both sides" (November, 28/2021).

"Let's live in the village, both of them have agreed to get married," Maksum, a community leader in Baraka sub-district, said. Instead of the two of them always going out together, we're concerned that as parents, we don't want them to go the wrong way and become a byword in the community, so it's better if we marry them according to their wishes, perhaps because they're already a mate" (November 28/ 2021).

According to the views expressed above, early marriage is sometimes motivated by the desire to maintain an official relationship, so that even though they are still young, marriage is a way out of their second life.

Furthermore, early marriages in the Baraka sub-district are mostly caused by parents' lack of knowledge and children who are unable to continue their education to a higher level. As a result, girls in Enrekang district's Baraka sub-district who do

not attend school choose to marry earlier. This is quite common in society. Many parents are unconcerned if their daughter becomes a spinster girl because no one comes to propose to her. Parents are more concerned when their children do things that bring shame to their family.

Conclusion

Several conclusions can be drawn from research on the perceptions of Islamic society toward early marriage in Baraka District, Enrekang Regency:

1. According to Islamic law, the marriage bond between a man and a woman is carried out when both parties are under the age of 19 or are still in high school and have reached puberty. If both parties or one person is under the age of 19, the marriage is considered early. Because Islam is a religion that is in accordance with human nature, it is obvious that sexual purity and cleanliness will lead us back to the teachings of Islam.
2. An early marriage is one that is performed by someone who is not yet mature or mature. Where can you find a woman who hasn't had her period and a man who hasn't had a wet dream? However, his physical condition must also be considered when estimating his age. The community supports early marriage because it is considered feasible, and a person is considered an adult if he or she has reached the age stipulated in Marriage Law Number 1 of 1974.

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