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Marriage Guidance Towards Family Resilience in Aceh: A Study of Islamic Law Philosophy

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Abstract: This paper aims to examine government policies related to marriage guidance in order to establish family resilience with an Islamic legal philosophy approach. This study used a philosophical approach to Islamic law. The data were collected through literature studies and in-depth interviews. The results of the study indicate that government policy has created a marriage guidance program to increase family resilience. The implementation of marriage guidance in Aceh still faces obstacles from the formulation of the implementation model, the preparation of operational standards, methods, techniques, materials, and time allocation, as well as synergies with other related agencies. Marriage guidance is not an absolute requirement for marriage. Both the provincial Ministry of Religion and the City Regency Ministry of Religion do not periodically evaluate the marriage guidance program. The budget from the government is still minimal, and the need for cooperation between institutions causes the implementation of marriage guidance not to run optimally. However, marriage guidance from the perspective of Islamic legal philosophy aims for the benefit of prospective husband and wife, their families and communities, and even the state, therefore, this program is quite essential. Moreover, it is associated with family resilience, meaning that marriage guidance will strongly influence family resilience.

Keywords: Government policy, marriage guidance, family resilience, legal philosophy.

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Abstrak: *Tulisan ini bertujuan untuk mengkaji kebijakan pemerintah terkait bimbingan perkawinan untuk mewujudkan ketahanan keluarga dengan pendekatan filsafat hukum Islam. Kajian tersebut menggunakan pendekatan pemikiran filsafat hukum Islam dengan teknik pengumpulan data melalui studi literatur dan wawancara mendalam. Hasil penelitian menunjukkan bahwa kebijakan pemerintah telah membuat program bimbingan perkawinan sebagai upaya meningkatkan ketahanan keluarga. Pelaksanaan bimbingan perkawinan di Aceh masih terdapat kendala dari perumusan model pelaksanaan, penyusunan standar operasional, metode dan teknik serta materi dan alokasi waktu serta sinergisitas dengan dinas lain terkait. Bimbingan perkawinan belum menjadi syarat mutlak untuk melaksanakan pernikahan. Baik kementerian Agama provinsi dan kementerian Agama Kabupaten/Kota tidak secara berkala melakukan evaluasi terhadap bimbingan perkawinan yang dilakukan. Anggaran dana dari pemerintah yang masih minim serta perlunya kerjasama antar lembaga menyebabkan pelaksanaan bimbingan perkawinan belum berjalan secara maksimal. Meskipun demikian bimbingan perkawinan dari perspektif filsafat hukum Islam bertujuan untuk kemaslahatan calon pasangan suami dan isteri, keluarga dan masyarakat bahkan Negara karena itu program ini cukup penting dilakukan. Apalagi dikaitkan dengan ketahanan keluarga, artinya bimbingan perkawinan akan berpengaruh secara kuat terhadap ketahanan keluarga.*

Kata Kunci: *Kebijakan pemerintah, bimbingan perkawinan, ketahanan keluarga, filsafat hukum.*

Introduction

In the contemporary technology era, competition with developed nations is one of the most crucial challenges for a country, including Indonesia. In order to attain their objectives, nations must acquire resilience and perseverance. The level of community resilience influences both state and national resilience, and family resilience has a significant impact on community resilience. The resilience is required in both normal and exceptional circumstances, such as war, the fight on drugs, terrorism, and even the COVID-19 pandemic.¹ Family resilience consists of physical, social, and psychological resilience, which can be achieved through government programs and with traditional and cultural values in society.²

¹Khoiruddin Nasution, "The Roles of Families in Combating Drugs Uses, Violence and Terrorism," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 5, No. 1 (2021), p. 23-46. Donny Darma Sagita, "Analysis of Family Resilience: The Effects of the COVID-19," *Sawwa: Jurnal Studi Gender* 15, No. 2 (2020), p. 275-294. Jamaluddin Faisal Hasyim, et.al., "Pre-Marriage Course in Indonesia and Malaysia in The Perspective of Maslahah and Human Right Theory," *Ahkam: Jurnal Ilmu Syariah* 20, No. 1 (2020), p. 97-114.

²Faizah Binti Awad and Muh Shaleh, Integrating Counseling Values in Marriage Ritual of Tolakinese Culture Society in Indonesia, *IOP Conference Series: Earth and Environmental*

As a growing nation, Indonesia continues to improve its people's welfare level. Therefore, the focal point is fostering families to have strong, competitive, and prosperous resilience so that they can become a buffer for national resilience.³ For that reason, a person in each family has a role in influencing the sustainability of a country and has implications for how the state progresses. Therefore, the family becomes very important in the state's life.⁴

Government regulations and policies regarding the development of family resilience are contained in Law Number 52 of 2009. The Islamic concept of family resilience can be substantiated in a *sakinah mawaddah warahmah* family. Families who show mutual love and affection so that each family member feels safe, peaceful, happy, and prosperous. This concept is emphasized in the Decree of the Director General of Islamic Community Guidance and Hajj Affairs Number D/71/1999 concerning Instructions for the Implementation of the Guidance of the Sakinah Family Movement.⁵

This legal basis shows that creating a family with resilience and prosperity is crucial. That way, the nation and state can provide tranquility, harmony, and peace. However, fostering a resilient family is not easy. There are basic things individuals must have if they want to get married. A true understanding and maturity are required for each individual, morally and materially, so marriage guidance plays an essential role in this issue. The role of the concept of family resilience needs to be emphasized for every bride and groom.

Based on the above thesis, the government has created a policy to actualize family resilience through a family resilience development program. One of the programs is marriage guidance, which has a beneficial value for both the bride and groom. This guidance is very important for each individual because it can lead to changes in attitudes, understanding, and practices. When a

Science, (2018); 175012175. Euis Sunarti, Studi Ketahanan Keluarga dan Ukurannya: Telaah Kasus dan Pengaruhnya Terhadap Kualitas Kehamilan. Disertasi Pasca Sarjana IPB, Bogor, repository.ipb.ac.id/bitstream/2001esu.pdf. Accessed on September 29, 2019.

³ Annastasia Ediati et.al., "Perception of Family Hurdies Among Emerging Adults: A Preliminary Studi About Resilience in the Indonesian Family," *Jurnal Psikologi* 19, No. 1 (2020), p. 12-25. Euis Sunarti, et.al., "Ketahanan Keluarga, Managenen Stres Serta Pemenuhan Fungsi Ekonomi dan Fungsi Sosialisasi Keluarga Korban Kerusakan Aceh," *Media Gizi & Keluarga* 29, No. 1 (2005), p. 41-49.

⁴ Ken Plummer, *Sosiologi The Basics*, Jakarta: Raja Grafindo Persada, 2011, p. 24.

⁵ Mursyid Djawas, et.al., "Creating Family Resilience in Indonesia: A Study of "Marriage Guidance" Program in Aceh and South Sumatera," *al-Ihkam: Jurnal Hukum dan Pranata Sosial* 17, No. 1 (2022), p. 299-324. Arditya Prayogi and Muhammad Jauhari, "Bimbingan Perkawinan Calon Pengantin: Upaya Mewujudkan Ketahanan Keluarga Nasional," *Islamic Counseling: Jurnal Bimbingan dan Konseling Islam* 5, No. (2021), p. 223-242. Novi Hadiani Azhari et.al., "Efektivitas Pelaksanaan Bimbingan Perkawinan Pranikah Calon Pengantin dalam Rangka Kesiapan Menikah," *Indonesian Journal of Adult and Community Education* 2, No. 2 (2020), p. 19-27.

person decides to establish a family, it is crucial for him or her to be well-prepared because the family is always at risk of fragility and vulnerability from numerous social and economic factors as well as the natural environment, which can impair the marriage.⁶ Therefore, every individual who want to start a family must be prepared.

Although the government has created marriage guidance programs to realize family resilience, the number of cases in families shows that families are vulnerable to some problems such as violence against children, sexual abuse, rape, exploitation, family neglect, and divorce. All of this is evidence of the fragile resilience of the family. Even though there is a government regulation that requires brides and grooms to take pre-wedding courses, in Aceh Province, the program's implementation does not yet have a standard.

In Banda Aceh, this pre-marital guidance program was once carried out by the provincial office of the Ministry of Religion. However, its implementation was not widely known by the residents of Banda Aceh and had not been specifically regulated as mandated in government regulations. Besides, legally, this program also did not have legal force. Until now, legal certificates have not been used as a requirement to get married, so this does not encourage brides-to-be to take pre-marital guidance courses, perhaps even considering these activities less critical. It shows that the government does not yet have a clear commitment to implementing the pre-marital course program. Based on these problems, this study discusses marriage guidance to realize family resilience in Aceh province from the perspective of Islamic legal philosophy.

This research is a sociological legal study on the implementation of the rule of law in society with a legal philosophy approach. The rule of law as a means of change which is analyzed with a legal philosophical approach is important to do to see its function well in society.⁷ The research locations were in Banda Aceh, Sabang, North Aceh, Central Aceh, South Aceh, and Southeast Aceh. Data collection techniques used were literature studies and in-depth interviews. Interviews were conducted with the Head of the Office of Religious Affairs (KUA), the Head of the Islamic Community Guidance Section, Religious Counselors, and several prospective brides and grooms.

Government Efforts in Establishing Family Resilience

The government has issued regulations on guidance programs specifically for couples before marriage. The government's efforts in realizing community resilience through establishing family resilience have been carried

⁶Irwansyah Muhammad Jamal, "Program Kursus Pra Nikah Ditinjau Menurut Teori Maslahat," *Legitimasi* 8, No. 2 (2019), p. 141-158.

⁷ Suteki and Galang Taufani, *Metodologi Penelitian Hukum (Filsafat, Teori dan Praktik)*, Jakarta: Rajawali Press, 2018. Munir Fuady, *Teori-Teori Besar (Grand Teori) dalam Hukum*, Jakarta: Kencana, 2020, p. 171-173.

out for a long time. Observing the importance of realizing family resilience as a manifestation of national resilience, the government in 1995 made the *sakinah* family movement program. It applies in the community up to a national level.⁸ The Minister of Religion of the Republic of Indonesia issued Decree Number 3 of 1999 concerning the Development of the Sakinah Family Movement. In its implementation, the program involves several sectors to enforce the integrity of the family, community, and nation through moral and economic strength. Through this movement, the government hopes to reduce the number of low-income families and increase the values of piety and faith, noble character, and the nobility of the nation, which can be upheld in accordance with the characteristics of the Indonesian people, who are friendly, polite, and peaceful.⁹

For the successful implementation of the program, the government issued *sakinah* family program through the Decree of the Director General of Islamic Guidance and Hajj Affairs Number DJ/71/1999, Circular Letter of the Minister of Home Affairs Number 400/III/Bagda/March/1999 concerning Implementation of the Guidance of the Sakinah Family Movement and Circular Letters of Director General Number DJ/PW.00/928, March 9, 1999, concerning the Implementation of the Development of the Sakinah Family Movement.

The *sakinah* movement program is then run by the government through training activities called bride and groom courses, better known as *suscatin* (*kursus calon pengantin*/bride and groom course). Since 2009, *suscatin* has been regulated by the government through the director general of Islamic community guidance at the Ministry of Religion Regulation Number DJ.II/491 of 2009 concerning the Prospective Bride Course Article 1 Paragraph 2. Under this regulation, the Sub-District Religious Affairs Office (KUA) is the technical implementing unit and advisory body fostering and preserving marriage. KUA is a professional organization with a socio-religious nature as a working partner of the Ministry of Religion in realizing a *sakinah mawaddah warahmah* family. This policy is the political desire of the Indonesian government to suppress the divorce rate which continues to increase every year.¹⁰

Based on the regulations of the Director General of Islamic Community Guidance, the guidance program is carried out for at least 24 hours of lessons

⁸Khoiruddin Nasution, *Peran Kursus Nikah Membangun Keluarga Sejahtera, Ahkam: Jurnal Ilmu Syariah* 15, No. 2 (2015).

⁹ Decree of the Minister of Religion Number 3 of 1999 concerning the Development of the Sakinah Family.

¹⁰Regulation of the Director General of Islamic Community Guidance, Number DJ.II/491 of 2009 concerning the Prospective Bride Course. Ahmad Tholabie Kharlie, et.al., "Reforming Islamic Marriage Bureaucracy in Indonesia: Approaches and Impacts," *al-Jami'ah: Journal of Islamic Studies* 59, No. 2 (2021), p. 255-286. Mursyid Djawas, et.al., "The Government's Role in Decreasing Divorce Rates in Indonesia: The Case of Aceh and South Sulawesi," *Ahkam: Jurnal Ilmu Syariah* 21, No. 1 (2021), p. 163-188.

with special material, including marriage procedures for 2 hours, religious knowledge for 5 hours, laws and regulations related to marriage and family 4 hours, rights and obligations of husband and wife 5 hours, health (healthy reproduction) 3 hours, family management 3 hours, and marriage and family psychology 2 hours. Furthermore, the government also issued a certificate as authentic evidence of participation and graduation in the *catin* (bridal candidate/*calon pengantin*) course organized by the Ministry of Religion. It stated that the certificate is a requirement for marriage registration.

In 2018, the government again issued a new policy to improve previous policies to support the work plan in family resilience development. The policy is the Decree of the Director General of Islamic Community Guidance Number 379 of 2018 concerning Guidelines for Implementing Pre-Marriage Guidance for Bride and Groom.¹¹ This policy serves as a conceptual basis that later is used in observing the actual implementation of marriage guidance in Aceh.

Government regulations mandate that marriage guidance must be carried out by the office of the Ministry of Religion and the sub-district Office of Religious Affairs through the Guidance Action of the Islamic Community as the technical coordinator of the organizer. All prospective brides and grooms are required to participate in the program either through face-to-face guidance for two days (16 hours), lessons held in groups by the Ministry of Religion and KUA, or through independent guidance conducted independently or in pairs. It was acknowledged by the Community Guidance Section for the City of Banda Aceh that marriage guidance is carried out in a formal and structured manner. Every bride and groom must be provided with marriage guidance at KUA. It must be done before the marriage covenant process, and KUA must provide guidance; although sometimes the guidance cannot be carried out perfectly, at least it is sufficient. In recent years, the government has prepared a budget. Similarly, the Head of the Islamic Community Guidance section of Sabang City stated that regulatory marriage guidance is mandatory, the government has ordered us to provide guidance for better generations, and by regulation, it already exists.¹² It was also explained by the Head of the Islamic Community Guidance Section of South Aceh Regency that according to government regulations, this marriage guidance program must be carried out before marriage and is held at the KUA Office. This program is one of the government's efforts, so the budget is available for these activities.¹³

¹¹Regulation of the Director General of Islamic Community Guidance, Number DJ.II/491 of 2009 concerning the Prospective Bride Course.

¹²Interview with the Head of the Banda Aceh Islamic Community Guidance Section, 20 August 2018. Interview with the Head of the Islamic Community Guidance Section of Sabang City, August 09, 2018.

¹³Interview with the Head of the South Aceh Islamic Community Guidance Section, August 16, 2018.

However, even though every Head of Islamic Community Guidance and even the head of KUA are all aware of the rules regarding the obligation of every bride and groom to participate in marriage guidance before the marriage covenant, the practice, in reality, shows different things. There were still regencies/cities that in the January-August 2018 period did not even hold a premarital course, such as the City of Sabang, Southeast Aceh, and Banda Aceh whose training was only held from September to the end of 2018.

It shows that many brides and grooms who got married in January and August 2018 did not attend the face-to-face guidance session that should have been held by the Ministry of Religious Affairs, as stated by the head of KUA Suka Karya Sub-district, Sabang City. He explained that in 2018 this training had not been carried out because they were not the same as Banda Aceh. In Banda Aceh, there were a lot of prospective brides and grooms (*catin*). In a week, there were almost dozens of *catin*. In Banda Aceh, there were also many KUAs available. They had specifically designed rooms where prospective couples gathered for marriage guidance. There were only two sub-districts here, and each sub-district had 1 KUA. These activities were made per wedding event. We provided a guidance program here, and if we had to gather the brides, we had to have pocket money and transportation expenses because there was no budget. Five days before the marriage ceremony takes place, we call the bride and groom for the guidance program in KUA.¹⁴

Similarly, in Banda Aceh and Aceh Tenggara, in 2018, the training was carried out in September or the end of August until the end of 2018. Based on information obtained from the Head of Islamic Community Guidance in Banda Aceh, in August 2018, they were preparing for activities (arranging a committee and resource persons) for the training. In 2017, the same thing happened in Southeast Aceh, they received five training batches, but in 2018 from the six training batches they received, none had even been implemented until August. Aceh Tenggara also had to catch up with its implementation target from the end of August to the end of 2018. It means prospective brides who married between January and August did not receive face-to-face marriage guidance at the Ministry of Religion.

In addition, research respondents also revealed that the training quota given to their districts had not been able to accommodate all candidates for face-to-face marriage guidance. Sometimes the number of prospective brides to be married exceeded the quota given to each district through the District Affairs office. The Head of the KUA of Babussalam Sub-district, Southeast Aceh, stated that in Babusallam, the KUA had only held a course once. However, this year it had not been done; it was just processed. So, this year it has been recorded and sent to those who would participate, in accordance with the quota

¹⁴Interview with the Head of KUA Sabang City, August 08, 2018.

requested from each KUA, as many as 15 couples. The couples who wanted to get married are certainly more than 15 pairs. In Babusalam, more than 20 couples were getting married.¹⁵

This statement was also emphasized by the Head of the Guidance Section of the Islamic Community of Southeast Aceh, that the quota given to them was basically insufficient, and he hoped that it could be added by stating that if we say enough, it is enough. However, we hope it will continue if it can be done. The condition was that prospective brides could not participate in marriage guidance because of the limited time of the counselor who would counsel them.¹⁶

This situation occurred in Southeast Aceh District and South Aceh District in Samadua District, where they usually only had five quotas for couples to participate in face-to-face marriage counseling with other sub-districts collectively. Due to a lack of quotas, the bride and groom who get married got their marriage guidance through independent guidance at the KUA. As previously explained, the government has also explained the mechanism for implementing independent marriage guidance as a substitute for formal face-to-face guidance, which is carried out under the coordination of the Head of Islamic Community Guidance. However, in practice, self-guidance did not run according to the rules set by the regulations.

Implementation of Marriage Guidance in Realizing Family Resilience in Aceh

The study's results on the implementation of marriage guidance consist of three activities: formulation/planning, implementation/ (teaching and learning process), and monitoring and evaluation. These activities are core activities that the implementer of an activity program must carry out. The following explains some of the actual conditions of the marriage guidance program obtained in a number of locations in Aceh;

1. Format of Guidance Program

The Decree of the Director General of Islamic Community Guidance Number 379 of 2018 concerning Guidelines for the Implementation of Marriage Guidance explains that premarital marriage guidance for prospective brides is conducted in two formats, face-to-face guidance, and independent guidance.

First, face-to-face guidance under the coordination of the Head of the Islamic Community Guidance Section should be carried out for two consecutive days for 16 hours of lessons. However, based on information from respondents,

¹⁵Interview with the Head of KUA, Babusalam District, Southeast Aceh, August 03, 2018.

¹⁶Interview with the Head of the Southeast Aceh Islamic Community Guidance Section, August 03, 2018.

marriage counseling was sometimes carried out for less than 16 hours of lessons. As revealed by the Head of the Guidance Section of the Southeast Aceh Islamic Community, in 2018, at his place, the guidance was only carried out for one day for approximately 10 hours of lessons, of which one hour of lessons was approximately 45 minutes.¹⁷

The Head of the Islamic Community Guidance Section of Central Aceh Regency also stated that sometimes they could not meet the 16 hours of face-to-face meetings. According to him, the budget only covered snacks three times, two times on the first day, one time on the second day, then one mealtime; according to regulations, there must be 16 hours with two mealtimes and plus no transportation. So that, we sometimes have to adjust to the circumstances.¹⁸

Second, independent guidance. By regulation, the bride and groom are allowed to participate in marriage guidance independently only by the KUA typology D1 and D2, which is the Sub-district KUA geographically located in the outermost, innermost, and land border areas or archipelagic border areas.¹⁹ In addition, the rules also have several provisions that must be met. It includes getting an Independent Reading Book, receiving marriage guidance at the KUA where they register for marriage, visiting the *Puskesmas* (public health center/*Pusat Kesehatan Masyarakat*) for health counseling, which is proven by a health counseling certificate, and getting advice from 2 advisors approved by the Ministry of Religion or KUA in an area that the bride and groom can reach. This must also be proven by a statement letter signed by the advisor that the prospective brides have finished the counseling.

This regulation has been regulated in such a way by the government to ensure that all brides and grooms receive the appropriate materials needed to navigate the household in order to achieve family resilience. However, sometimes, the bride and groom may not be able to participate collectively in face-to-face marriage counseling held by the Ministry of Religion.

On the other hand, the practice was very different from the mechanism regulated in the regulations. In fact, Independent Guidance was not just taking place in KUA typology D1 and D2 but also in almost all KUA, which was the locus of research even though the KUA was not included in the category of KUA typology D1 and D2. As stated by one of the informants who was getting married in Banda Aceh in Lamseupeung, Lueng Bata District, I attended marriage counseling at the KUA for 3 hours from 9 to 12, where the material was from the KUA. The material I received was about religion, *talaq*,

¹⁷ Interview with the Head of the Community Guidance Section of Southeast Aceh Regency, August 03, 2018.

¹⁸ Interview with the Head of the Islamic Community Guidance Section of Central Aceh Regency, August 01, 2018

¹⁹ Decree of the Director General of Islamic Community Guidance Number 379 of 2018 concerning Guidelines for the Implementation of Marriage Guidance.

divorce, *fasakh*, generally about *fiqh munākahat* (Islamic jurisprudence of marriage) and there was no material about health and other materials. After I participated in guidance, then I could get married.²⁰

Independent marriage counseling occurred in all regions, some of which were done because the bride and groom were unwilling to take 2-day face-to-face marriage guidance with 16 hours of lessons for work reasons. In another case, it was carried out based on the KUA initiative because KUA and the Ministry of Religion had not collectively carried out face-to-face marriage guidance, as in Banda Aceh, Sabang, and Aceh Tenggara in the period from January to August as described previously. In addition, it was also because the face-to-face marriage guidance held by the Ministry of Religion had not been able to accommodate all prospective brides who got married, in which the number of prospective brides who registered for marriage exceeded the quota that had been determined for each sub-district from each district/city.

In addition, the independent guidance model did not follow the mechanism in government regulations described previously. The independent guidance the bride and groom received was more of advice the KUA gave for approximately 1-3 hours. The scope of the material presented also refers to religious material, which talks more about *fiqh munākahat*.

One of the informants who got married in Sukakarya District, Sabang, stated that such a course did not seem to exist; even if it existed, the program was limited and or not complete as it was supposed to be. It only consisted of reciting bath prayer(intention) and the recitation of prayer. They only spent one or two hours, and the questions from KUA were mainly about those topics, and KUA also mostly discussed the divorce topic.²¹

Similar things were also expressed by several young bride and groom respondents from other sub-districts who participated in marriage counseling independently. The guidance they received was provided by the KUA, which usually lasted only 1-3 hours, and the material revolved around *fiqh munākahat*. Prospective brides who received independent marriage guidance had never received an Independent Reading Book published by the Ministry of Religion and had not received adequate material from the KUA as required by the legal rules set by the government. Prospective brides were also not required to go to the *Puskesmas* to get information about health and did not receive a certificate.

²⁰Interview with respondents who married in Lamseupeung, Lueng Bata District, Banda Aceh, August 20, 2018.

²¹Interview with a young bride respondent from Sukakarya, Sabang Sub-district, August 9, 2018.

They were also not required to get advice from two advisors appointed by the Ministry of Religion.²²

2. Guidance Materials

On the material aspect, the implementation has met the regulatory mandate in most locations. It is because the module is provided. The Marriage Guidance Module for Bride and Grooms is issued by the Directorate of KUA and Sakinah Families, the Directorate General of Islamic Community Guidance, Ministry of Religion of the Republic of Indonesia. The material presented has been adapted to the module. As stated by the Head of the Guidance Section for the Islamic Community of Central Aceh, who explained that our material is adjusted to the material from the central government, based on the modules that have been issued, but if time was available, we also included existing local wisdom, such as customs, because we thought this material was also essential for today's youth. The teenagers sometimes did not understand and pay attention to local wisdom, such as prevailing customs."²³

Furthermore, the Head of the Guidance Section for the Islamic Community of South Aceh stated that the material presented in marriage guidance is based on modules, one of which is about family dynamics, *sakinah* family, and reproductive health. For the material, we are guided by the modules created and compiled by the government.²⁴

Based on the analysis conducted on the documents, the material presented by the respondents is reflected in the marriage guidance module for the prospective bride and groom that has been prepared by several offices of the Ministry of Religion. Among other things, the schedule is arranged by the Office of the Ministry of Religion of the District Director General of Islamic Community Guidance Number 379 of 2018 concerning Instructions for Implementation of Marriage Guidance for North Aceh and Southeast Aceh Districts, where the material scheduled to be delivered in marriage guidance has fulfilled the material stated in the Director's Decree. General of Islamic Community Guidance Number 379 of 2018 concerning Guidelines for the Implementation of Pre-Marriage Guidance for Prospective Bride and Groom, which includes material on:

²²Interviews with several young brides who attended independent marriage guidance from South Aceh, Southeast Aceh, Banda Aceh, Sabang, and North Aceh. They were interviewed from 03 to 20 August 2018.

²³Interview with the Head of Islamic Community Guidance Section of Central Aceh on August 1, 2018.

²⁴Interview with the Head of Islamic Community Guidance Section of South Aceh, August 16, 2018

- a. Pre-Test and Opening (30 minutes)
- b. Introduction and Study Contract (2 lesson hours/90 minutes)
- c. Fulfilling Family Needs (2 lesson hours/90 minutes)
- d. Preparing a Solid Marriage for the Sakinah Family (1 lesson hours/45 minutes)
- e. Maintaining Family Reproductive Health (1 lesson hours/45 minutes)
- f. Managing the Dynamics and Conflict of Marriage
- g. Developing Family Resilience (2 lesson hours/90 minutes)
- h. Preparing a Great Generation (2 lesson hours/90 minutes)
- i. Reflection and Evaluation (1 lesson hours/45 minutes)
- j. Post Test and Closing (1 lesson hours/45 minutes)

From the topic scheduled above, it can be seen that the guidance material is in line with the material mandated in the Director General's Decree. But it looks like there is a reduction in class hours, and the guidance that should be done in 2 days is compressed into one day.²⁵

In addition to the above material for the bride and groom, the Sakinah Family Foundation book has also been prepared as an independent reading book for the bride and groom. However, even though the book should be handed over to each prospective bride and groom, sometimes the independent reading book was not distributed to all brides and grooms who took part in the program, both participants who took part in face-to-face marriage counseling held in groups by the Ministry of Religion or to prospective brides and grooms who participated in marriage guidance independently at KUA. It was because the Regency/City Ministry of Religion did not receive independent reading books for the bride and groom from the Center or Regional Office of the Ministry of Religion, and the Regency/City Ministry of Religion also did not have a budget to reproduce the book so that it can be distributed to prospective brides. The Head of the Guidance Section of the Islamic Community of Central Aceh explained that there should be pocketbooks as independent reading books for brides-to-be. However, the institution did not receive the book from the central office, so we did not give them away. With the budget they had, they were not able to provide transportation money to participants, and fortunately, participants were still willing to participate.²⁶

3. Budget of Marriage Guidance Program

The government allocates the budget for Marriage Guidance for Bride and Groom in the Budget Implementation List (DIPA/*Daftar Isian Pelaksanaan*

²⁵Documentation data from the Southeast Aceh Ministry of Religion. It consists of a schedule for Premarital Marriage Guidance for Bride and Groom Candidates Batch IV Babel, Lawe Bulan, and Babussalam.

²⁶Interview with the Head of Islamic Community Guidance Section of Central Aceh, August 1, 2018.

Anggaran) NR Ministry of Religion Regency/City Office in accordance with the quota allotted to each district/city based on the average number of marriage records in each region. The maximum face-to-face guidance fee is IDR. 400,000 (four hundred thousand rupiah) per pair or IDR. 200,000., (two hundred thousand rupiah) per person.

Based on information obtained from informants, the government budget for the implementation of marriage guidance was minimal, so there was a city such as South Aceh where not all prospective brides could participate in the program because the number of participants who got married was more than quota allocated for that area.

In addition, all Section Heads of Community Guidance and KUA from the six regencies/cities stated that the government's budgets were insufficient to carry out guidance maximally. Due to a lack of funds, the KUA could not pay for the participants' transportation expenses, even though participants came from far places. Moreover, for the marriage guidance conducted face-to-face by the Ministry of Religion, participants were gathered in one place and came from various sub-districts. According to them, this was a bit burdensome for the participants because they had to leave their activities and work to participate in the training, especially for the participants who worked to meet their daily needs. It was conveyed by the Head of KUA Sama Dua South Aceh. He explained that our obstacle in gathering people in one place was because the community was overwhelmed, the participants sometimes scattered across the district, if it was far away, they had to use transportation, and it was not funded, it should be optimally done in the sub-district concerned because it would be more effective.²⁷

The lack of a budget also affected the speakers who were asked to provide material to the participants of the marriage guidance. The regulation requires that the speakers attend the TOT (Training of Trainer) and come from the regional office. In addition, for marital psychology material, they should invite psychologists. However, the district could not fulfill all of them because sometimes regions did not have speakers who already had adequate TOT certificates and did not have psychologists. Meanwhile, bringing in from the provincial office requires a higher cost than the budgeted allocation. This causes the implementation of marriage guidance cannot be carried out properly as mandated by government regulations. This was expressed by the Head of the Guidance Section of the Southeast Aceh Islamic Community. He narrated that "Another requirement for speakers is that they must meet the national standard. We had to bring them from the province. Then the time would be difficult to adjust for speakers and participants. It was not easy to find a speaker; if we invited the speaker from other places, the budget must be reissued. I hope the

²⁷Interview with the Head of Islamic Community Guidance Section of South Aceh, August 16, 2018.

budget for the speaker and transportation expenses for participants is available in the DIPA.²⁸

KUA Lhoksukon, North Aceh, also conveyed the same problems. He stated that the government regulates this activity, but once it was done, the funds were not disbursed; in the end, the activity did not work well. We hope that the program is made continuously and scheduled continuously. In early 2017, we had many meetings discussing the pre-marriage course zone. Once we had arranged and scheduled the schedule and date, we had to deal with funding. When we went to the district office, they said the budget had reached the limit. They said it only covered two batches, batch 6 and 7. Whereas batch 8 and 9 were not fixed yet. With all of this uncertainty, in the end, the budget was not available. Actually, if it is required, the funds should be prepared first. We are very enthusiastic about this, so it is easy to carry out tasks at KUA. If we were asked what the problem was, the answer would be in the budget.²⁹

In addition, for independent marriage guidance, the government only budgets IDR. 50,000. per couple. It is undoubtedly very burdensome for the Ministry of Religion and KUA as implementers because, by regulation, they require KUA to provide guidance and require the bride and groom to receive independent guidance for health and from two expert advisors determined by the Ministry of Religion. While the budget is only IDR 50,000 per couple, of course, this cannot meet all the costs required by the Ministry of Religion or KUA. The Head of KUA Samadua, South Aceh said that there was no fee if it was individual. Therefore, this was perhaps what the *penghulu* and the head of KUA often complained about, the energy that we used, we could not assign other people, one *penghulu* for all processes, so we could not use someone else because there was no budget. The material was only about *fiqh munākahat*, there was no health material, there were no health experts, and if we invited people, we had to pay. That was it, the cross-sectoral relationship was not clear, and the most challenging part of this process for me was the budget. Even the 50,000 expense was not paid, if we report it, there was no fee only the module was available. I think the problem was in the fund, as for the community, if we invite, they will come. Moreover, if there were a transportation fee, it would be easier."³⁰

So far, marriage guidance has not become a mandatory requirement for marriage; although it is a requirement, in reality, several young brides said that they did not take courses before marriage, except for advice and tests carried out by the KUA for approximately 2 hours.

²⁸Interview with the Head of Islamic Community Guidance Section of Southeast Aceh on 3 August 2018.

²⁹Interview with the Head of KUA Lhoksukon, North Aceh on 20 August 2018.

³⁰Interview with the Head of KUA Samadua Aceh Selatan, 16 August 2018.

The Ministry of Religion at the Provinces and Regencies/Cities has also never periodically evaluated the implementation of the pre-marital guidance program. So far, there has never been a discussion or focus group discussion on formulating an ideal guidance implementation model. The form of evaluation of the guidance carried out so far is not systematic and measurable and does not have a special instrument as a measuring tool. It is only discussed in a meeting where each district reports on its activities and conveys its obstacles and achievement. Ideally, a program must have clear concepts and procedures to get more significant results or effects.

Then, the material presented in the pre-marital guidance program also does not cover all materials that can support family resilience based on the six dimensions of family resilience. The speaker who presents the material sometimes does not fully represent their scientific professionalism, as the South Aceh KUA conveyed that he was once asked to deliver material on family psychology even though his scientific background in the Islamic field was utterly unrelated to psychology. Even some districts and cities do not provide these materials because they do not have experts.

Guidance on Marriage and Family Resilience Based on Philosophy Perspective of Islamic Law

The thought of Islamic legal philosophy had existed since the time of the Prophet when Muadz bin Jabal was sent to Yemen to become a Qadhi. As a companion of a prophet, Muadz was allowed to perform *ijtihad* by using logical reasoning on problems that arise in society. Then during the *Khulafaurasyidin* period, especially during the time of Umar bin Khattab. They abolished the law of cutting off hands for thieves, *zakat* (alms) for converts, and others. It was done by Sayyidina Umar based on the suitability of the times to ensure justice which is the basis of Islamic law; it is an example of the application of the law for the benefit of humanity. The enforcement of benefits and legal justice for humans is the goal of Islamic law.³¹

The philosophy of Islamic law continues to develop into the next generation, the *salaf* era. Imam Juwaini from the *salaf* era emphasized the importance of *maqāshid al-syarī'ah* in establishing law. According to al-Juwaini, elaborating the law of *illat* and *qiyas* is a fundamental method. Then al-Juwaini grouped *al-ashl* into three, *dharurīyat*, *hajīyat* and *tahsinīyat*. His student Imam al-Ghazali later developed this view and explained the purpose of Islamic law concerning *munāsabah al-maslāhiyat* in *qiyas*. Al-Ghazali also discussed *istislah* and broke it down into five; maintaining religion, soul, mind,

³¹ Suparman Usman dan Itang, *Filsafat Hukum Islam*, Serang: Laskita Indonesia, 2015, p. 19. Darmawati, *Filsafat Hukum Islam*, Makassar: Fakultas Ushuluddin dan Filsafat UIN Alauddin Makassar, 2019, p. 1-12. Moh. Ahsanuddin Jauhari, *Filsafat Hukum Islam*, Bandung: Liventurindo, 2020, p. 19-38.

lineage, and property.³²

Similar to al-Ghazali as a follower of the Shafi'i school, Izzuddin Abdul al-Salam deepened the discussion of *maqāshid al-syarī'ah* by making the theory of *dār'u al-mafāsīd wa jalbu al-manāfi* (avoiding *mafsadat* and taking advantage). The next generation was Imam al-Syatibi, a scholar from the Maliki school who developed a theory later known as the *maqāshid al-syarī'ah* theory. Al-Syatibi emphasized that Islamic law's purpose is for the world's benefit and the hereafter. Subsequent developments of Islamic experts both within Islam itself and from the West more often use the philosophy of Islamic law rather than the purpose of Islamic law or wisdom.³³

From the perspective of Islamic legal philosophy, marriage guidance is critical for the benefit of the prospective husband and wife, family and society, and even the state. Because this program will equip prospective brides with knowledge of duties and responsibilities as husband and wife, and this is quite an important thing to do. Moreover, it is associated with family resilience, meaning that marriage guidance strongly influences family resilience.

In a further context, this marriage guidance prevents divorce. It is crucial because divorce causes children to have legal, social, and educational problems. So in the context of Islamic legal philosophy, this marriage guidance is in accordance with *maqāshid al-syarī'ah*, which can safeguard religion, soul, and offspring. Safeguarding religion means that Islam is able to prove that marriage is grace and happiness for husbands and wives. Protecting the soul means that married people are protected from psychological, social, and cultural pressures because their desires are channeled legally according to Islamic law. Meanwhile, taking care of offspring means that children have a clear lineage and their parents so that their future is guaranteed not to be neglected.

Likewise, the fragility of family resilience in the form of divorce will result in social problems such as children who have legal problems, becoming street kids, school dropouts, victims of child trafficking, and various other children's problems. The children with these problems usually have parents who are divorced. Another social problem is that a divorced husband and wife will have an emotional impact, shame, hate and revenge, anxiety, and unstable emotions. It will also impact rigid social interactions, and relationships with their children are not going well.³⁴

³² Suparman Usman dan Itang, *Filsafat Hukum Islam...*, p. 19.

³³ Fathurrahman Djamil, *Filsafat Hukum Islam*, Jakarta: Logos Wacana Ilmu, 1997, p. 20-21. Anshori, Qawā'id Fiqhiyyah as Islamic Epistemology and Its Application at Marriage Law in Indonesia, *Juris: Jurnal Ilmu Syariah* 21, No. 1 (2022), p. 65-76. Faisar Ananda Arfa, *Filsafat Hukum Islam*, Medan: Citapustaka Media Perintis, 2007, p. 1-27.

³⁴ Khoirul Abror, "Cerai Gugat dan Dampaknya Bagi Keluarga," *Asas: Jurnal Hukum Ekonomi Syariah* 11, No. 1 (2019), p. 24-37.

In the context of the management of the marriage guidance program that the ministry of religion has carried out in each region in Aceh, it is necessary to cooperate and integrate other institutions such as the district/city Islamic Shari'a service (*Dinas Syariat Islam*), women and children empowerment agencies, the Family Planning Coordinating Board and the Department of Health. Coordination is vital because several inter-agency programs and institutions have the same vision and mission, especially for family resilience, and this responsibility does not only belong to the ministry of religion. Likewise, the government should provide an adequate budget to assist the performance of the Ministry of Religion as the executor of marriage guidance for prospective brides.

Conclusion

Government policies related to marriage guidance to realize family resilience are quite essential and need support from all parties. In its implementation, the marriage guidance program in Aceh still has obstacles from the formulation of the implementation model, the preparation of operational standards, methods, techniques, materials, and time allocation, as well as synergies with other related agencies. This guidance helps individuals who are about to start a family to understand their duties and responsibilities as family members so that individuals are ready for family life. Family guidance also is equipped with various strategies and techniques for a successful, harmonious, and happy family. Although in policy, from year to year, the government has perfected the design of the mechanism for implementing marriage guidance, at the practical level, it has not run as mandated in the regulations that the government has issued, and the budget is also limited. To support the program, the ministry of religion also requires inter-institutional cooperation. However, from the perspective of Islamic legal philosophy, the purpose of marriage is for the benefit of humanity, primarily to protect religion and offspring. Therefore, the marriage guidance program has a deep philosophy for the benefit of both partners and family resilience and will positively impact the nation and state.

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