

The Importance of The Role of Parents in Children's Marriages to Get a Major Who is Sekafah and Sekufu In religious and Sema Law Number 2 Year 2023

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Abstract

Having a partner who shares the same faith, beliefs, and is compatible in terms of kafa'ah (suitability) and kufu (equality) is a dream for every person, especially among Muslims. A marriage with a partner who is aligned in faith, beliefs, kafa'ah, and kufu is believed to foster a harmonious household, free from conflicts that could lead to disputes between husband and wife, potentially resulting in a failed marriage. Therefore, guidance and advice from parents play a crucial role in preparing children to choose a spouse who aligns with their faith, beliefs, and compatibility in kafa'ah and kufu. over time, this concept has developed into several factors such as age, occupation, education, and even religious organizations. Unbalanced couples often lead to disputes between the two. Meanwhile, a balanced couples will greatly assist the socialization process towards family happiness, namely the sakinah, mawaddah and rahmah families.

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1. INTRODUCTION

Determining a prospective bridegroom or partner in Marriage is something that needs to be taken into consideration. Through marriage is one of the ways of Islam in glorifying its people. Marriage is the beginning of the formation of a family, so marriage is highly recommended by Islam for those who have the ability and readiness to live it. Islam organizes procedures for starting a marriage, one of which is by proposing a proposal first. This proposal aims to find out if the prospective husband and prospective wife have a level of balance or in Arabic it is often referred to as kafa'ah or commonly known by the community as sekufu.

Marriage is a must for every Muslim and the people of Rosululloh, this is stated in

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ
مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ ﴿٢١﴾

Surah Ar-Rum verse 21:

It means:

Among His signs (of His greatness) is that He created partners for you from your own (kind) so that you feel at ease with them. He created among your feelings of love and compassion. Indeed, in that there are truly signs (of Allah's greatness) for a people who think.

The verse above provides an illustration that someone will be given a partner, with the aim of achieving a feeling of happiness, peace, affection and comfort. So, by getting a suitable partner, the level of conflict between the two will be easily reduced.

Having a family that is Sakinah, Mawaddah, Warrohmah is the dream of every human being, both men and women, this is stated in the verse of the Qur'an, namely surah AN Nur verse 32 which reads:

وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ ۖ إِنْ يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ ۗ وَاللَّهُ وَاسِعٌ عَلِيمٌ

It means:

And marry those who are alone among you, and those who are eligible (to marry) from among your male servants and your female servants. If they are poor, God will enable them with His grace. And Allah is All-Wise (His provision) and All-Knowing. (QS: An Nur:32)

The above verse explains that it is recommended to get married immediately if someone is considered worthy and fit to marry. Even if the condition of a person who is less able, if it is considered suitable, then the marriage will still be carried out, there is no need to be afraid of lack of wealth when married, Allah SWT has given a guarantee that when a person is going to get married, he will always feel sufficient. When a person gets married, it is recommended to find a partner who is like you, because when the couple is like you, communication is easy, so peace of mind is easy to find.

Starting with SEMA NUMBER 2 OF 2023 which was published on July 17 2023, the Supreme Court (MA) officially issued an appeal to judges not to grant requests for registration of inter-religious marriages. This appeal is contained in the Supreme Court Circular Letter (SEMA) Number 2 of 2023 which provides instructions to judges in handling cases of applications for registration of marriages between people with different beliefs. The publication of SEMA is a response to criticism from various parties regarding the decisions of several District Courts (PN), such as the South Jakarta District Court and the Surabaya District Court, which have granted the request.

SEMA Number 2 of 2023 is considered a backward step that hinders the progress of the justice system in protecting the rights of citizens who come from diverse backgrounds (Datik.com, 2023). Previously, several District Courts had shown progress in ensuring the rights of citizens by granting requests for registration of interfaith marriages, as happened in the South Jakarta District Court, Yogyakarta District Court, and Surabaya District Court. However, with this ban, opportunities to make progress in protecting citizens' rights are limited. Apart from that, SEMA is also considered to be contrary to positive law, namely Law no. 23 of 2006 concerning Population Administration and Reglement op de Gemengde Huwelijken (GHR) and this is why the role of parents is important in providing direction for their sons and daughters when it is time to marry.

In this regard, we need and are interested in conducting research as outlined in a journal, where we then created the research objectives as follows:

- a. To what extent is the role of parents towards their children in preparing for marriage?
- b. What are the implications caused by the existence of SEMA NUMBER 2 YEAR 2023?

2. RESEARCH METHOD

This research uses a qualitative descriptive analysis method, namely making an assessment indirectly by drawing conclusions which are expressed in the form of a statement or writing. Data was collected from various scientific journals, publications from educational institutions, interviews with Islamic scholars, the Marriage Law, Compilation of Islamic Law, and the Civil Code, supported by several reading books and journals.

This research generally and specifically discusses the issue of the role of parents in joint marriages. This research focuses on the role of parents in coaching their sons and daughters so that they obtain a soul mate who is equal and equal in accordance with what has been commanded in the Qur'an and the hadith of the Prophet Muhammad.

3. RESEARCH RESULTS AND DISCUSSION

3.1. Research result

The results of the research show that the majority of people consider it necessary to provide guidance and direction for sons and daughters as well as parental intervention in finding a soul mate for their children, that marriage is a sacred event, so it is hoped that sons and daughters will find their soul mate carefully. and use considerations in accordance with the Qur'an and Hadith. The large number of divorces resulting from religious differences was part of the consideration for the birth of SEMA

3.2. Discussion

The concept of sekufu means having meaning *kafa'ah*, can be interpreted etymologically *kafa'ah* means the same, equivalent, commensurate or comparable. Available in the Arabic dictionary *kafa'ah* comes from the words كفاءة - كفاء which means similarity, equivalent and soul mate (sayid sabiq). Meanwhile, in the complete Indonesian dictionary, *kafa'ah* means balanced. Meanwhile, the Islamic Encyclopedia and the Islamic Fiqh Dictionary have similar definitions *kafa'ah* or *kufu'*, which means comparable, equal, balanced, harmony or suitability (tri rahma).

According to M. Quraish, shihab is equality. When someone chooses a partner to marry, he or she gives an understanding that religion is the main thing to do as a consideration. Because the religion that exists within a person is what will become a milestone wholeness household that will be loved. Couples who have morals and religion will produce good offspring.

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SEMA Number 2 of 2023 is considered a backward step that hinders the progress of the justice system in protecting the rights of citizens who come from diverse backgrounds (Datik.com, 2023). Previously, several District Courts had shown progress in ensuring the rights of citizens by granting requests for registration of interfaith marriages, as happened in the South Jakarta District Court, Yogyakarta District Court, and Surabaya District Court. However, with this ban, opportunities to make progress in protecting citizens' rights are limited. Apart from that, SEMA is also considered to be contrary to positive law, namely Law no. 23 of 2006 concerning Population Administration and *Regulations on Mixed Marriages* (GHR).

Chairman of the MA, Prof. Dr. Syarifuddin, S.H., M.H., explained that SEMA Number 2 of 2023 was issued to ensure certainty and uniformity in the application of the law regarding applications for registering marriages between people of different religions. Bearing in mind the pressure from various parties regarding the granting of requests for interfaith marriages, the Supreme Court spokesperson, Suharto, added that SEMA provides guidance for judges in handling requests for registration of marriages between people of different religions and beliefs (CNNIndonesia.com, 2023).

In SEMA Number 2 of 2023, it is emphasized that to provide legal certainty and uniformity in deciding applications for registration of inter-religious marriages, judges must refer to the following provisions:

- a. A valid marriage is one carried out in accordance with the laws of each religion and belief, as regulated in Article 2 paragraph 1 and Article 8 letter f of Law Number 1 of 1974 concerning Marriage.
- b. The court did not grant the request to register marriages between people of different religions and beliefs.

However, there are several problems that indicate legal setbacks in SEMA Number 2 of 2023. This can be seen in terms of material that is contrary to Article 32 Letter A of Law No. 23 of 2006 concerning Population Administration which states, "Marriage as referred to in Article 38 letter a also applies to marriages determined by the court." The explanation of Article 38 letter a emphasizes that, "Marriage determined by the court is a marriage between people of different religions or carried out by believers."

Deputy Chancellor of UIN Syarif Hidayatullah Jakarta, Ahmad Tholabi Kharlie, stated that SEMA No. 2 of 2023 does not end the practice of interfaith marriages. According to him, the option to marry across religions still exists thanks to the existence of Article 35 letter (a) of Law no. 23 of 2006 concerning Population Administration, which aims to ensure citizens' administrative rights without discrimination (Mediaindonesia.com, 2023).

SEMA Number 2 of 2023 not only conflicts with Law no. 23 of 2006 concerning Population Administration, but also contradicts Article 7 Paragraph (2) of the GHR, known as the Mixed Marriage Regulations, which regulates marriages between different religions. In this article it is stated explicitly that "Differences in religion, nationality or descent are in no way an obstacle to marriage." Thus, it is very clear that the GHR allows marriage between people of different religions.

Research shows that most people really need guidance and direction for sons and daughters as well as parental intervention in finding a soul mate for their children, that marriage is a sacred event, so it is hoped that sons and daughters will find their soul mate carefully and using considerations in accordance with the Qur'an and Hadith. The large number of divorces resulting from religious differences was part of the consideration for the birth of SEMA

If there is no role for parents in choosing a mate for their sons and daughters, it will make it increasingly difficult for our sons and daughters to consider their mate, so that they only think with feeling and love, without thinking about what will happen because of marriages of different religions, the implications that It is felt as extraordinary as the children of these marriages, who will find it difficult to choose whether to choose their father's religion or their mother's religion.

4. CONCLUSION

The need for parental guidance in readiness of their sons and daughters inside choosing a mate based on Religion, etc., is necessary thought by today's parents, moreover there is a shift in understanding so that parents no longer participate in choosing a mate for their children, so that many couples marry not because of religion but simply because of pleasure, where there is a problem point when their parents die.

The results of the research show that the majority of people consider it necessary to provide guidance and direction for sons and daughters as well as parental intervention in finding a soul mate for their children, that marriage is a sacred event, so it is hoped that sons and daughters will find their soulmate carefully. and use considerations in accordance with the Qur'an and Hadith. Apart from the need for the role of parents, considering the large number of divorces resulting from religious differences, they are also involved in the consideration for the birth of SEMA.

5. SUGGESTIONS

regarding the research results are as follows: the first is that the Department of Religion and related parties need to provide socialization regarding the understanding of sekafaah and sekufu as well as the problems of marrying a different religion. The second is in the hadith of Rosullulloh, that parents are the madrasah for their children, so that a very deep understanding is needed for parents to want to intervene in choosing a mate for their children.

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