

The Reflection on the Implementation of Pre-Marriage Course in Aceh

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ABSTRACT

The increasing divorce rates in Aceh shows that couples are unprepared to deal with various issues arose in the household. These issues are dominated by the economic and violent issues within the household. It can be prevented, if both bride and bridegroom to be are equipped with special guidance on fostering harmonious relationships before they start the marriage. In Indonesia, based on the Regulation of the Director General of Islamic Community Guidance, the Guidelines for Implementation of Pre-Marriage Courses has been set to improve understanding and knowledge of family life aiming for the sakinnah family and to reduce the number of disputes, divorce and domestic violence. This study employed library and field research and the data was analyzed using sociological juridical approach. The field research conducted in the districts of East Aceh, North Aceh and Aceh Besar. It is aimed to describe the practice of pre marriage course conducted by the Office of Religious Affairs (ORA) and to explore the acceptance and response of the bride and groom to be related to the implementation of the pre-marriage course. The study found that the implementation of the course has been implemented not only refers to the Regulation of the Director General of Islamic Community Guidance but also in accordance with the mandate of Qanun Aceh Number 8 Year 2014. However, the implementation of the pre-marriage course is not in line with the expectations aspired in the rules. There are several technical constraints faced by the ORA including the unavailability of fund allocation, the lack of instructor and the rejection of participants to follow the entire course sessions for various reasons. This study recommends the Government of Aceh to immediately enact the Aceh Qanun on Family Law and to provide special arrangements for strengthening of pre-marriage course in order to create a harmonious Acehnese society.

Keywords: Family Law, Pre-Marriage Course, Sakinnahmawaddahwarahmah Family (harmonious).

INTRODUCTION

The study of the implementation of the course for future bride and groom conducted in Aceh is inspired by previous research that have demonstrated the weak position of women in law, especially in solving various household problem. This is due to the fact that married couples are unprepared for the marriage life as a result of the lack of training and guidance provided by the families of bride and groom or facilitated by the state through pre-marriage course for future bride and groom.

Studies related to women's position and protection have been conducted in various contexts by previous researchers. Some studies are conducted in term of the juridical context of women's protection¹, the aspect of law enforcement officials² as well as non-juridical

aspects such as the effort to improve women's protection perspective by law enforcement officials and the studies of the country policies related to women's perspectives². These studies show that the Indonesian legal system is not capable to provide justice and legal protection for women, both for women as perpetrators of crime and as victims of violence.

Some studies related to women and their rights in families and communities were also found³. In the local context of Aceh, there are various studies addressing women in various aspects such as violence, education, economy and the double burden of women³. In addition, there is a study discussing gender awareness of law enforcement officials in dealing with cases related to both women as perpetrators of crime and as crime victims⁴.

ACEH REFLECTIONS OF THE IMPLEMENTATION OF PRE-MARRIAGE COURSE IN ACEH

Taking into account the polemic of the divorce law and problems in the household resulting in the *sakinah*, *mawaddah* and *warahmah* families being hard to achieve, this study has also reviewed other studies concerning the importance of studying the law, in particular the Regulation of the Director General of Islamic Supervision No. DJ.II / 491 Year 2009 which is updated with the Regulation of the Director General of Islamic Supervisory no. DJ.II / 542 of 2013 on the guidance of pre-marriage courses conducted by researchers in several regions in Indonesia. Some of these studies, among others, are conducted by Mahmudin.²³ His study concluded that: 1) pre-marriage course is the process of behavioral and attitude transformation in the smallest group or social unit in society to the future bride and groom. 2) Preparation for marriage needs to be done so that those who will be married are ready, both in terms of mental and material, especially in running the functions of family. 3) A quality marriage is a condition in which it is able to create happiness, conformity and stability of marriage. While the quality of marriage itself is influenced by various factors such as optimal family composition, family life cycle, socio-economic feasibility and suitability of roles, social and personal factors of the couple and prenuptial conditions. 4) Building the *sakinah mawaddah warahmah* family requires a long process and great sacrifices. 5) The *sakinah* family is a family that all family members feel the love, security, tranquility, protection, happiness, blessing, and honor as well as being appreciated, trusted and blessed by Allah SWT.

The pre-marriage course for the future bride and groom in Aceh has been conducted by KUA in several sub-districts. Upon the completion of the course, KUA will provide a certificate as evidence that the future bride and groom have participated in the course. This is stated by the head of KUA of Muara Dua district mentioning the role of KUA in providing *sakinah* family service started from course for future bride and groom before the wedding and certificate is given after the course. The course takes approximately four hours. The material presented includes the forty-four problems aiming to keep the households as a solid foundation, are gradually presented.

Similarly, the head of KUA Kecamatan Pidie⁵⁵ also reported that the pre-marriage courses has been implemented and the certificate of graduation is given. However, due to the time constraint the materials presented are not sufficient. Furthermore, the Head of KUA stated that the three hours of pre-marriage course in KUA is not enough. Ideally, the course is conducted over a three-day period addressing the problematic discussion of the law as many of the future bride and groom have lack of understanding of marital law problems such as the terms and *rukun*. In addition, medical understanding is also needed, including reproduction, and health, and therefore there are some doctors who handle it. Therefore, the head of KUA collaborates with the Ministry of Religious Affairs and Ministry of Health. KUA also gives provides a useful pocket book discussing religious materials, reproductive health, family planning issues (family planning) for the future bride and groom.

The Chairman of the Consultative Assembly of Clerics (*Majelis Permusyawaratan Ulama*) (MPU) Pidie⁵⁶, also explaining the importance of pre-marriage course, briefing to the future bride and groom to continue their marriage and so forth. The pre-marriage course explains the topic related to the responsibilities of husbands and wives, the rights and duties of husbands and wives, and the shared responsibilities. In addition, there is an explanation of the transfer of rights and obligations after the *ijabqabul* (wedding vows) and the change of status that is previously under the responsibility of the father shifting the responsibility to the husband. Furthermore, there is also an explanation related to the factors causing the destruction in the household, for example livelihoods, egoism and the third parties interference. Therefore, guidance is needed to anticipate all possibilities and to maintain harmonious household.

Based on field research conducted, this study found that pre-marriage courses conducted in Aceh through the Office of Religious Affairs are ineffective as the duration of the course is very short. This course is conducted as merely to fulfill a task of BP4. This is in contrast with Malaysia, pre-marriage course is implemented within 3 (three) months. Today's couples are no longer based on *taaruf* rather based on the lust so that marriage and its attributes are no longer sacred, for example, hugging is common in the courtship, and therefore the hugs after marriage are no longer sacred⁵⁷. In addition, the ineffectiveness of the pre-marriage courses is also caused budget issues. Cost allocation for KUA is only sufficient

for daily activities, including electricity, and Wi-Fi. As for the activities related to marriage, wakaf, and socialization they are carried out free of charge.

This condition will increasingly place the pre-marriage course to not being able to provide strength for the future bride and groom to be stronger in facing the married life. Not to mention the view of the neighbors concerning the future bride and groom who marry at a young age. These raise the debate about the importance and effectiveness of the implementation of pre-marriage in Aceh and therefore further study to examine to what extent the pre-marriage courses have been conducted is needed. In addition, to obtain the legal force and a strong position of BP4 as part of the Aceh government's activities so that there is a need to formalize the sharia law conducted by BP4.

The materials for the future bride and groom has already been arranged through the Regulation of Director General of Islamic Community Guidance No. DJ.II / 542 of 2013 concerning Guideline of Preparation of Pre-Marriage Course. In the regulation, the Pre-marriage Course Material is divided into three groups, namely: 1) Basic group; 2) Core Group and 3) Supporting Groups. In addition to the materials that have been regulated through the Director General of Islamic Community Guidance No. DJ.II / 542 of 2013, additional materials taught by the MPU are also required for the future bride and groom. These additional materials will reinforce the future brides and groom to understand the fiqh of munakahat (marriage law). The couple to be married are the bride and groom who have completed the course and are given a certificate as a proof of the completion.^{58, 7}

The implementation of the pre-marriage course in Aceh requires strengthening in term of the legal side and funding. Legal strengthening is required for the implementation of the pre-marriage course to be included in the pre-marriage course qanun (Islamic law) in Aceh³¹. This is in line with Article 16 Paragraph (2) of Law Number 11 Year 2006 regarding the Law of Aceh Government stating the mandatory matters that is the authority of the Aceh Government concerning the implementation of Aceh's privileges including the implementation of religious life as the implementation of shari'ah Islam for its adherents in Aceh while maintaining the harmony of interfaith society. Similarly in Article 2 paragraph (2) Qanun Number 8 of 2014 concerning the Principles of Islamic Sharia, it is stated

that the implementation of Sharia Islamic Law as referred to in paragraph (1), letter b, includes ahwal al-syakhsyah (family law). This family law needs to regulate pre-marriage course for the prospective bride and groom. The pre-marriage course for prospective bride and groom should be included in qanun of family law and arrangement should be refined through the Aceh Governor Regulation which in turn will be applied throughout Aceh.

CONCLUSION

This study concludes that the reflection on the implementation of pre-marriage courses in Aceh has been implemented as required by the Regulation of the Director General of Islamic Community Guidance No. DJ.II / 542 of 2013, however, it is not optimum due to time constraint, and therefore the materials provided are not fully absorbed. In addition, other materials related to local wisdoms in term of the implementation of Islamic Sharia in Aceh are needed. These local contexts are required as additional contents to discover the philosophical, juridical, and sociological aspects of Acehnese society with the strong Islamic Shari'a. These local materials can be presented by scholars from the MPU Aceh, as well as from the ulemas (tengku) of the Islamic boarding school or *dayah*. Furthermore, it is necessary for the pre-marriage course to be included in the Qanun of Family Law in Aceh and then reinforced by the Governor Regulation as implementation rules.

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INTERVIEW