

Analysis Of The Views Of Scholars Of Amuntai Tengah District On 'Urf Postponement Of Cohabitation After Marriage Contract In The Perspective Of Islamic Law

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ABSTRACT Postponement of living together after a marriage contract is a common phenomenon in the Muslim community in Indonesia, including in Central Amuntai District, North Hulu Sungai Regency. This phenomenon is related to the concept of 'urf (customs) that developed in the local community. This study aims to analyze the views of scholars in Central Amuntai District on the postponement of cohabitation after marriage in the perspective of Islamic law. This research uses a qualitative method with a phenomenological approach. Data was collected through in-depth interviews with local scholars as well as observations of practices that apply in the community. The results of the study show that some scholars view this postponement as 'urf sahiih that is acceptable in Islam as long as it does not contradict the principles of sharia, such as not causing harm or causing legal uncertainty for married couples. However, there are also scholars who consider this practice to have the potential to have negative impacts, such as delaying the rights and obligations of husband and wife and uncertainty in marriage. This study emphasizes that understanding 'urf in the context of Islamic family law must consider the aspects of benefits and harms for married couples.

KEYWORDS 'Urf; Postponement of Cohabitation; Marriage Contract; Islamic Law; Amuntai Tengah Scholars

PENDAHULUAN

Marriage in Islam is a sacred bond that has significant legal and social consequences for married couples. The marriage contract is not only a formal procession, but also marks the beginning of rights and obligations between husband and wife. (Faqih, 2017) However, in practice, not all couples who have entered into a marriage contract immediately live together as husband and wife. The phenomenon of postponing living together after the marriage contract has become a tradition that is still ongoing in various regions, including in Central Amuntai District, North Hulu Sungai Regency. This tradition is often associated with social, economic, educational, and psychological factors of the

couple in living a married life. (Saputra, 2020)

From the perspective of Islamic law, a marriage contract is a valid contract that has legal consequences for both parties. The scholars agree that after the marriage contract, the relationship between husband and wife is valid according to the sharia, including in terms of marital obligations and rights. (Muzammil, 2019) However, in some communities, there is an understanding that leads to procrastination of living together for a variety of reasons. In this context, the concept of 'urf or community habits is a factor that also influences the practice of marriage in various regions. (Mardani, 2016)

'Urf, in the study of Islamic law, refers to the habits that develop in society and can be considered in the determination of Islamic law as long as it does not conflict with the principles of sharia. Thus, the practice of postponing living together after the marriage contract which has become a tradition in a society needs to be studied more deeply whether it is in line with Islamic principles or contrary to the purpose of marriage in Islam, namely building a family that is *sakinah*, *mawaddah*, and *rahmah*. (Hidayat, 2016)

A wedding reception is considered an official event that follows the marriage contract. This ritual is part of various customs and cultures in Indonesia, as seen in the traditional wedding traditions of Banjar. This tradition has been passed down from generation to generation since the time of the ancestors in Amuntai for some of the people who settled there. (Yunus, 2020) After performing the marriage contract, the bride and groom in the Banjar traditional wedding tradition postpone living together and stay separately at their respective residences until the wedding reception takes place. Although their marriage contract is valid according to Islamic teachings, this separation results in their obligations as husband and wife cannot be carried out optimally, so that their rights and obligations are also delayed. (Hidayat, 2016)

There are several factors that cause a person to receive alimony, including marriage, possession, and relatives. In the context of marriage, Islam emphasizes that the husband has the obligation to provide for his wife, in accordance with Allah's command to His servants. (Armansyah, 2018) This obligation arises after the occurrence of a valid marriage, where the wife surrenders herself to her husband to allow the two to live together happily. In

verse 233 of surah Al-Baqarah, the word "Father" refers to a husband. The husband is responsible for providing for his wife and family, which is one of the various rights of the wife. Even though the wife is already in a rich state or gets a family inheritance before marriage. (Adi, 2024) However, if a married couple chooses to postpone living together, how can they fulfill their rights and obligations in accordance with Islamic teachings. (Hanif, 2023)

Although it is generally carried out based on hereditary customs from the ancestors and by agreement of both parties, the postponement of living together after the marriage contract is considered a "local custom" in Amuntai. For some people, not following this custom is considered to bring harm during the implementation of the reception in the future. As explained earlier, customs or customs cannot be used as a direct legal basis. (Ja'far, 2018) Guidance and understanding are needed to the community that not all customs can run in line with Islamic law. The conditions under which customs or customs can be considered as the basis of law must of course be with consideration and religious knowledge. Problems related to the postponement of living together after the marriage contract to the reception prompted the author to make an initial observation by conducting interviews with the Ulama. (Utsman, 2017)

Central Amuntai District is one of the areas in North Hulu Sungai Regency that still maintains the tradition of postponing living together after the marriage contract. This practice is often supported by cultural and social factors that have become inherent in the local community. In this case, the views of local scholars are important to study in order to find out how they view the practice from the perspective of Islamic law. Is this postponement of cohabitation considered part of the 'urf saheeh acceptable in Islam, or is it contrary to the basic principle of marriage.

The author chose to use the views of Ulama in Central Amuntai District in this study because the place is known as a religious environment, with the majority of people active in studying knowledge such as attending ta'lim assemblies and recitations. Scholars are considered as authorities who can provide answers to various problems because of their deep knowledge. Based on the background of the above problem, it is very important for the author to examine how the Ulama views this. It is hoped that the role of Ulama in conveying their views on the postponement of living together after the marriage contract can affect the mindset of some people in Central Amuntai District who still maintain this habit.

METODE

This research is an empirical legal research, which is a research that aims to observe and understand how the law actually operates in the reality of daily life. In empirical legal research, law is not only seen as a written norm, but also as a social phenomenon that lives and develops in society. (Abdussamad, 2021) Therefore, this study uses a qualitative approach, which is an approach that is oriented towards exploring the meaning of a phenomenon or phenomenon that is natural and not made up. This approach emphasizes an in-depth understanding of the social realities faced by legal subjects, including legal practices, public perceptions of legal norms, and interactions between legal institutions and society. (Nugrahani, 2014)

The data in this study was obtained directly from the field through observation techniques, in-depth interviews, and documentation. Interviews were conducted with parties directly related to the subject matter being studied, such as legal practitioners, religious leaders, and people who have experienced the application of the law directly. In addition to field data, this research also strengthens its analysis with literature reviews through scientific books, journal articles, and relevant legal

documents. The entire research process is carried out in a naturalistic manner, meaning that the researcher is directly involved in the social environment where the data is collected, while maintaining scientific objectivity and integrity. This approach allows researchers to capture complex social dynamics and understand the legal context more fully as it is carried out in the practice of people's lives. (Ishaq, 2017)

TEMUAN DAN PEMBAHASAN

Pembahasan/Hasil dan Pembahasan Wedding

In the Book of Fathul Mu'in, *nikah* according to language means gathering as one. Then, in Arabic Fiqh, marriage is also called *Munakahat*, while in Arabic related to the Law on Marriage it is called *Ahkam Al-Zawaj / Al-Ihwaj*. (Saleh, 2018) Meanwhile, the meaning of marriage in a sociological perspective is that marriage is a process of exchange between rights and obligations as well as awards and losses that occur between a husband and wife. (Ja'far, 2018)

There are several views of scholars regarding the purpose, essence, and wisdom of marriage, namely to maintain and continue offspring. It seems clear that this lineage determines the form of education that can maintain the glory of each offspring. With this lineage, the responsibility for moral education and the maintenance of all forms of depravity can be guaranteed. The Prophet PBUH praised women who have many children in his words, "The best woman for you is a woman who has many children and is generous in her affection." (HR Baihaqi). (Zaputra, 2023)

Obligations of a husband and wife after the marriage contract

In the perspective of Islamic family law, a husband and wife who are legally married have rights and obligations that are interrelated and complementary. The husband as the head of the family has the

obligation to provide the wife with a natural and mental support, which includes the needs of clothing, food, shelter, as well as affection and protection. (Zein, 2017) On the other hand, wives have the obligation to obey their husbands in matters that are not contrary to the sharia, maintain personal and household honor, and educate children with good morals. On the other hand, both of them also have the right to good treatment, affection, and the right to inheritance if one of them dies. The principles of justice, deliberation, and compassion are the foundation in carrying out each other's roles, as affirmed in the Qur'an surah Ar-Rum verse 21 and An-Nisa verse 34, that marriage is not only an outward bond, but also a strong covenant (*mitsaqan ghaliza*) that must be maintained with responsibility and sincerity. (Hidayatulloh, 2019)

The obligation of husband and wife after the marriage contract is an integral part of the concept of family in Islamic family law which is based on the principles of justice, reciprocity, and mutual responsibility. After a valid marriage contract according to the sharia, a marital relationship is formed which gives rise to reciprocal rights and obligations. The husband has the main obligation to provide for his wife physically and mentally. (Anwar, 2021) Birth support includes basic needs such as food, clothing, shelter, and other living needs in accordance with the husband's ability and applicable eligibility standards. Meanwhile, mental sustenance is related to the fulfillment of the wife's psychological and biological needs, including good and affectionate treatment. In Islam, the husband is also required to be the leader in the family (*qawwam*), which is responsible for the protection, education, and moral development of all family members. (Suhartawan, 2022)

On the other hand, wives also have the obligation to obey their husbands in matters that do not conflict with Islamic law, maintain personal and household honor, and manage household affairs well. This wife's obedience does not mean a form of subordination, but is part of reciprocity in an Islamic household. A wife is also entitled to good treatment, a sense of security, and appreciation for her dignity and contribution to the family. (Bastiar, 2018) In practice, the obligations of husband and wife are not only limited by formal legal aspects, but also loaded with ethical and spiritual values that emphasize the importance of deliberation, mutual understanding, and empathy. In the context of Islamic family law in Indonesia, the obligations of husband and wife are also regulated in the Compilation of Islamic Law (KHI), especially in the Second Book on Marriage, which emphasizes the position and role of each in maintaining the integrity and harmony of the household. Thus, the fulfillment of this obligation is a collective effort in building the family of *sakinah, mawaddah, wa rahmah* as idealized in Islamic teachings. (Falah, 2022)

And related to the right to live together (the right of the husband to invite his wife to live in the same house or also called *ius cohabitationis*) has come into effect in principle since the marriage contract is legally held according to the sharia. A valid marriage contract provides legal consequences for both parties, including the emergence of rights and obligations between husband and wife. (Hermanto, 2022)

However, even though juridically the right to cohabitation has been inherent since the contract, the realization or implementation of this right still depends on several supporting conditions. First, the wife must be physically and psychologically *able* to carry out the role of wife, which in *fiqh*

law is known as "tamkin" or readiness to provide innate services to the husband. Second, the husband must have fulfilled the basic obligations that come with it, such as providing a decent place to live and providing support. If the husband is not able to fulfill this, then his right to invite his wife to live together can be delayed. Third, in certain social and cultural contexts, living together often also awaits a *walimah* event or wedding reception as a form of public announcement of marital status. (Nurani, 2021) Therefore, normatively, the right to cohabitation is valid from the contract, but practically it can only be realized after the cultural, economic, and personal readiness requirements of both parties are met. In Islamic law in Indonesia, this provision is not explicitly explained in the law, but is understood from the general principles in the Compilation of Islamic Law (KHI) and the practice of classical fiqh which is used as a reference in married life. (Nasution, 2015)

'Urf Postponement of Living Together After Marriage in Central Amuntai District

One of the main goals of marriage is the creation of a harmonious and loving home life (*sakinah, mawaddah, wa rahmah*). Therefore, married couples should ideally live together in one dwelling as a manifestation of living together (*al-'isyrah*). In fiqh, the obligation to live together is also closely related to the rights and obligations of each party, such as the obligation of the husband to provide for his birth and mental support, as well as the obligation of the wife to be obedient in matters of *ma'ruf*. (Hudafi, 2021) Living together allows the realization of these functions. However, in certain circumstances such as work demands, education, or emergencies, living separately can be justified according to sharia, as long as it does not cause *madharat* or ignore the rights of the spouse. However, if the

separation of residence causes the breakdown of the relationship, loses basic rights, or opens up opportunities for sharia violations, then the parties are obliged to re-establish the togetherness in order to maintain the marriage in Islam. (Simbolon, 2019)

The postponement of living together after the marriage contract is a social phenomenon that in the perspective of Islamic law can be studied through the concept of *'urf* (tradition). *'Urf* is a habit or custom that lives and develops in society, which as long as it does not contradict the *nash shar'i*, can be used as one of the legal considerations. This tradition of postponement occurs due to various social, cultural, and economic factors behind it. One of the main reasons is the inadequate economic readiness of married couples, especially from the male side as the main breadwinner. (Setiyani, 2024)

In certain communities, especially in rural areas or indigenous peoples, marriage contracts are often carried out in advance to avoid unwanted things, such as relationships that violate religious norms, while waiting for the right time for *walimah* and live together officially. Another factor that also affects is educational considerations, where one or both spouses are still studying and are not ready to build a household physically and psychologically. (Wulandari, 2023) In this context, the community forms a collective agreement that postponing living together does not mean that it is illegal, as long as the sharia boundaries between husband and wife who do not live in the same house are maintained. This tradition was then accepted as *'urf sahiih* because it does not contradict the basic principles of sharia, but becomes an adaptive solution in facing the challenges of the times and local conditions of the community. Thus, even though *fiqhiyah* the marriage contract has

provided the validity of the marital relationship, the implementation of rights and obligations can be fully postponed based on an agreement framed in customary values and mutual benefit. (Lubis, 2021)

Like the people of Central Amuntai District, there is a tradition or 'urf that allows the bride and groom to postpone living together after the marriage contract. This delay is often done for reasons such as continuing education or other personal reasons. From the perspective of Islamic law, this kind of delay is permissible as long as it is based on mutual agreement between husband and wife, and does not cause harm to either party. This is in line with the practice of the Prophet PBUH who married Sayyidah Aisyah RA when she was six or seven years old, but only lived together when Sayyidah Aisyah was nine years old. (Hanafi, 2016) Scholars such as Imam Ar-Ruhaibani in the book *Mathalib Ulin Nuha* also emphasized that if one of the partners asks for a postponement, then the other party is obliged to give the postponement in accordance with the prevailing customs in society. Therefore, the tradition of postponing living together after the marriage contract that applies in Central Amuntai can be considered valid according to sharia as long as it fulfills these principles.

The views of Ulama in Central Amuntai District, North Hulu Sungai Regency on *the postponement of living together after the marriage contract.*

The existence of 'urf related to the postponement of living together after the marriage contract, the author exchanged opinions with several scholars in Central Amuntai District. Based on the results of an interview with Mr. Muhammad Wildan, on Tuesday, December 10, 2024. According to the respondent as an Ulama in Central Amuntai District, he said:

“The issue of 'urf in ushul fiqh is called mukhtalafi evidence, which is

evidence that is not agreed upon by scholars. Some say it can be used as a postulate, while others say it can't. That is also not absolute but there must be conditions, first, the condition must not contradict the sharia postulate of religious evidence, and second, there is no mafsadah causing damage or danger. The damage and danger here is in terms of oneself or religion or to society and there is indeed a benefit behind it. As long as these conditions are met, the 'urf postulation can be used as a postulate. Regarding the postponement of living together in Central Amuntai, there are those who are still doing it, some who have already gathered after marriage, there are people who think it is permissible, there may be some who still maintain the customs of the Banjar community. If the community is very strong in holding this custom, then he decides to postpone until the reception, then the consequences are good in the eyes of the people”. (Wildan, 2024)

From Mr. Muhammad Wildan's explanation, it can be concluded that the postponement of living together after the marriage contract is okay as long as it is within a reasonable limit time or not too long. The reason for postponing must also be in accordance with religious law, not just for playing around. But if the postponement causes harm to religion or himself, it should be expedited.

Interview with Mr. Dr. H. Ahmad Nawawi Abdurrauf, S.Ag. on Friday, December 13, 2024. According to the respondent as an Ulama in Central Amuntai District, he said:

“The question of postponing cohabitation after a marriage contract in Islamic law is a complex topic and requires a deep understanding of the concept of 'urf (custom) in Islam. In some cultures, there is a custom to postpone living together after the marriage contract, either for social, economic, or family

reasons. The factors that affect the delay are:

- a. Social Factors: Traditions and habits of the community can be the main factor in determining the time to live together after the marriage contract.
- b. Economic Factors: The economic condition of the couple can also be a determining factor. A delay can be made to raise enough funds to start a life together.
- c. Family factors: Family consent, especially from the women's side, can be an important factor in determining the time to live together. Islamic law does not set a definite time limit for starting life together after the marriage contract. This is because Islam provides flexibility in this regard, taking into account various factors that can influence the couple's decision. This decision is left to the couple, taking into account factors such as 'urf, economic conditions, and family consent. It is important to ensure that the decision does not contradict the basic principles of Islam. If couples have questions or doubts about the right time to start living together, it is advisable to consult a trusted scholar or Islamic legal expert. They can provide advice and guidance that is appropriate to each couple's circumstances and circumstances. There is a difference of opinion among scholars regarding the time limit." (Abdurrauf, 2024)

From the explanation of Mr. H. Ahmad Nawawi Abdurrauf, it can be concluded that *the postponement* of living together after the marriage contract can be justified in Islamic law as long as it does not contradict the sharia. Islamic

law does not set a definite time limit, and it does not have written standard conditions. Couples should consider factors such as traditions, economic conditions, and family consent, and consult with a scholar for the right guidance.

But from another point of view, there are scholars who disagree regarding postponing living together after the marriage contract, and it is recommended that it should be expedited to live together because it will add rewards and make a happy home life. (Daud, 2024)

So the author concludes regarding some of the views of Ulama in Central Amuntai District about the postponement of living together after the marriage contract as follows:

1. The view of the Ulama of Amuntai Tengah District that allows *the postponement* of living together after the marriage contract.

There were 3 respondents who said that it is permissible to follow 'urf or banjar customs, especially in Central Amuntai, to postpone living together after the marriage contract for certain reasons such as: agreement between the two parties, not violating the rights of the spouse, following 'urf (community customs), completing education, preparing for a more mature domestic life, and preparing funds.

The law regarding the ability to postpone living together after the marriage contract which is not in question by the 3 respondents is punished as mubah (permissible) with the consideration that both spouses agree to follow the customs and customs that are followed do not violate the sharia, it is just that the rights and obligations between husband and wife

cannot be done immediately. (Wildan, 2024)

So, if the fulfillment of these rights and obligations is delayed because of following customs, then there is no question as long as the two agree and do not cause harm. If one of the couples does not agree on the rights and obligations to be delayed because of this custom, then it is better not to follow the custom because the ability to follow this custom is based on the agreement of both partners.

Regarding the rights and obligations of husband and wife whose implementation is delayed, especially the fulfillment of *dzahir* and *bathin* maintenance. The time for the fulfillment of alimony falls after saying *ijab kabul* and the reason for a person receiving alimony is the existence of a valid contract, a wife who surrenders herself to her husband, and is willing to live in the same house with her husband or fulfill her husband's rights within the limits of sharia. (Atha, 2024)

Islamic law does not set a definite time limit for starting life together after the marriage contract. This is because Islam provides flexibility in this regard, taking into account various factors that can influence the couple's decision. This decision, left to the couple, takes into account factors such as *'urf*, economic conditions, and family consent. It is important to ensure that the decision does not contradict the basic principles of Islam. (Abdurrauf, 2024)

The views of these 3 respondents are based on *أَلْعَادَةُ مُحَكَّمَةٌ*. The three also emphasized that as long as there is an agreement or agreement in advance by both couples when carrying out the postponement of living together after the

marriage contract, it is not a problem if it follows the customs of the community.

As in the brief explanation that the author wrote earlier, *'urf* or customs are used as a basis in establishing laws. However, the acceptance of the ulama for the custom is not simply because it is called *adat* or *'urf*. *'Urf* or custom is not a stand-alone postulate. The custom or *'urf* is a postulate because there is someone who supports, or there is a place to lean on, either in the form of *ijma* or *maslahat*. The customs that apply among the ummah mean that they have been well accepted for a long time by the ummah. (Budiawan, 2021)

The meaning of the word *habit* in the author's research on banjar customs refers to a handful of people in Central Amuntai District which is carried out continuously and finally referred to as local customs. Although the delay of living together after the marriage contract is not an obligation or a law that must be done, some people still do it for reasons of respecting local customs. (Ilyas, 2022)

The Banjar custom regarding the postponement of living together after the marriage contract has been carried out for generations since the time of the ancestors. Since ancient times, there has been no refusal from those who carry it out, because the bride and groom also agreed to continue this tradition.

2. The view of the Ulama of Amuntai Tengah District that it is not permissible for the *'urf* to postpone living together after the marriage contract.

There were 1 respondents who said that it is better to live together immediately and not procrastinate on the grounds of following customs. Because this postponement of living

together causes the rights of husband and wife cannot be fulfilled immediately.

Talking about how the law does not allow this is as follows:

- a. The postponement of living together after the marriage contract in this custom does not have a basis for sharia law that regulates it. According to sharia, after the marriage contract, it is better to immediately fulfill the rights and obligations that apply since the marriage contract is declared valid. One of the goals of marriage as mentioned in the theoretical study is to realize a marriage that is *sakinah mawaddah warahmah*. Such a domestic relationship will be easier to realize if they live together.
- b. This postponement of living together is punished by *makruh* because it is better if it is not done. If left behind, they will not get sin, but will get a reward for being able to carry out the rights and obligations of husband and wife immediately.

The opinion of 1 informant is based on the fact that in sharia there is no prohibition to postpone gatherings, except for clear and reasonable reasons, such as one of the brides who is not mature enough or is hindered because they are studying or completing their education. According to 1 informant, this postponement is due to custom, even if you are afraid that *mudharat* will arise if you do not follow the custom, it is not in line with the sharia. Therefore, 1 of these informants advised not to delay if there is no more urgent reason.

As explained in the theory study chapter 2, various factors can affect the formation of a person's views, both in terms of situation and personal characteristics. For example, the

environment in which you live, social circumstances, various interests, and a lot of experience. This also applies in interviews with informants. Three informants who agree to postpone living together as long as there is an agreement can be influenced by this factor.

This difference of views is certainly a natural thing. The scholars in Central Amuntai District have different views on the issue of postponing living together after this contract based on their respective points of view, reasons, and legal basis. This can certainly happen due to various factors that affect individuals in an object being studied.

Reasons and Legal Basis of Ulama of Central Amuntai District, North Hulu Sungai Regency against 'Urf Postponement of Living Together after the marriage contract.

1. Reasons and Legal Basis of Ulama of Central Amuntai District, North Hulu Sungai Regency which allows '*urf* Postponement of Living Together after the marriage contract.

The informant who allows this, has almost the same answer and does not have much difference. They think that as long as both parties have reached a mutual agreement, there is no problem if they want to follow the custom. The basis of these three informants allows the postponement of living together based on the fiqh rules *أَلْعَادَةُ مُحَكَّمَةٌ* (*Al-'addatu Muhakkamah*) customary can be made into law. What is meant in this rule includes '*urf qauliy* (custom in the form of expression) and *amali* (custom in the form of practice) and means that the sharia can punish human habits in the formation of laws.

However, if you look deeper, customary sentences can be made into

law with certain conditions. Not all customs can be made into law, because there are some customs that are contrary to Islamic law. The discussion of this custom or 'urf needs to be straightened out that the Banjar custom in question only applies to some people in certain areas (AmuntaiTengah). As already mentioned, *this 'urf* has certain conditions so that it can be used as a legal basis, namely:

- a) 'Urf has been carried out continuously and is carried out by the majority of the people.
- b) 'Urf has existed and is in society when the problem of its legal status will be determined arises.
- c) 'Urf does not contradict what has been clearly expressed.
- d) 'Urf does not contradict the provisions of nash syara'. (Miharja, 2011)

Although the custom of postponing living together after the marriage contract has been carried out for generations, this cannot be used as a law or a necessity to follow it. Because the custom regarding the postponement of living together after the marriage contract because of fear of the custom, if you do not follow the custom, it will bring harm, this is not contained in the sharia and is classified as 'urf fasid. The facts on the ground show that some people practice this custom because it is suggested by the elders, then they choose to follow this custom or custom based on mutual agreement.

2. Reasons and Legal Basis of Ulama of Central Amuntai District, North Hulu Sungai Regency does not allow the Postponement of Living Together after the marriage contract.

One respondent is not allowed to postpone living together because of

This respondent suggested not to postpone living together if the reason is customary. If the custom leads to disobedience or fear of mudharat if it is not followed, then it is better not to do it. However, this respondent also added that it is okay to postpone living together for reasons other than custom, such as one of the spouses is not old enough or because of education. As in the Hadith which reads:

أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ تَزَوَّجَهَا وَهِيَ بِنْتُ سِتِّ سِنِينَ وَبَنَى بِهَا وَهِيَ بِنْتُ تِسْعِ سِنِينَ قَالَ هِشَامٌ وَأُثْبِثُ أَنَّهَا كَانَتْ عِنْدَهُ تِسْعَ سِنِينَ

Based on the hadith above, if there is an urgent matter and requires to postpone living together after the marriage contract as long as the reason is not because of following the custom, then it is permissible to postpone living together. (Hidayah, 2020)

Therefore, rather than postponing life with your partner, if there are no other obstacles, then there is no reason to delay. It is better to immediately pick up the good sustenance with your partner. Regarding the sentence "believing in what is false and denying the favor of Allah", this is associated with following the custom that is included in the 'urf al fasid, which is feared to be included in the matter of the wrath

of Allah and also denying the blessing of marriage given by Allah. Therefore, it is recommended to live together immediately after completing the contract without having to postpone. (Daud, 2024)

Both opinions regarding the abilities and impermissibility are certainly good and wise opinions because they are accompanied by clear reasons and various considerations. However, if there are no urgent obstacles, the bride and groom should immediately gather after the marriage contract so that they can complete the marriage and immediately fulfill their rights and obligations.

SIMPULAN

Based on the results of research on the views of scholars in Central Amuntai District regarding the postponement of living together after the marriage contract, it can be seen that the majority of scholars view the practice as part of the 'urf or custom that has developed in society and does not contradict the basic principles of Islamic law, as long as it does not violate the provisions of sharia. The postponement of living together after the marriage contract is understood as a form of legitimate socio-economic benefits or considerations, such as waiting for the readiness of a place to live, education, or work. The scholars emphasized that as long as the rights and obligations of the husband and wife are maintained, and do not cause mafsadah (damage), then the delay can be tolerated within the framework of Islamic law. However, they also reminded that the delay should not be too long or lead to the abuse of the marriage contract which is only used as a formality without the intention to carry out the essential domestic life. Thus, this 'urf can be accepted as a local practice that is still in line with maqashid al-shari'ah, which is to

maintain the benefits and prevent harm, as long as it is based on sharia values.

The reasons and legal basis of the Ulama of Central Amuntai District, North Hulu Sungai Regency regarding the postponement of cohabitation after the marriage contract are divided into two: the ulama that allow the postponement of living together after the marriage contract with an agreement and based on the shari'i reasons based on the rules of fiqh *الْعَادَةُ مُحْكَمَةٌ*. And scholars who do not allow to postpone living together after this marriage contract suggest that you should not postpone living together on the grounds of following the custom.

DAFTAR BACAAN

- Abdussamad, Zuchri. (2021). *Qualitative Research Methods*. Makassar: Syakir Media Press.
- Anwar, S. (2021). Rights and Obligations of Husband and Wife According to Law Number 1 of 1974: *Al Kamal*, 1(1), 88-98.
- Armansyah, A. (2018). Limitations on alimony that a husband must hand over to his wife. *SANGAJI: Journal of Sharia and Legal Thought*, 2(2), 183-201.
- Bastiar, B. (2018). The fulfillment of the rights and obligations of husband and wife creates a sakinah household. *Jurisprudence: Journal of Sharia Science, Islamic Legislation and Economics*, 10(1), 77-96.
- Budiawan, A. (2021). An overview of al Urf in the traditional marriage procession of the Riau Malays. *Journal of An-Nahl*, 8(2), 115-125.
- Effendi, Satria and Muhammad Zein. (2017). *Ushul Fiqh*. Jakarta: Kencana.
- Falah, N. (2022). Fulfillment of the rights and obligations of husband and wife in long distance marriage couples. *AL-ASHLAH: Journal of Family Law and Islamic Law*, 1(2), 124-141.

- Analysis Of The Views Of Scholars Of Amuntai Tengah District On 'Urf Postponement Of Cohabitation After Marriage Contract In The Perspective Of Islamic Law
- Fitria, R., & Ilyas, E. (2022). Examining the Quality and Understanding of Hadith about the Factors That Encouraged the Prophet PBUH to Marry Aisyah. *Al-Mu'ashirah Scientific Journal: Multi-Perspective Study Media of the Qur'an and Al-Hadith*, 19(2), 221-242.
- Hamsah Hudafi, "The Formation of the Sakinah Mawaddah Warahmah Family according to Law Number 1 of 1974 and the Compilation of Islamic Law." *Al-Hurriyah: Journal of Islamic Law* 5.2 (2020): 172-181.
- Hanafi, Y. (2016). The controversy over Aisyah RA's marriage age and its relation to the legality of underage marriage in Islam. *Journal of Islamic Law*, 15(2), 163-334.
- Hanif, H. A. (2023). Wives Maintenance for Disabled Husbands from the Perspective of Islamic Law. *Qanun: Journal of Islamic Family Law*, 1(2), 168-186.
- Hermanto, A. (2022). Maintaining the values of reciprocity in carrying out the rights and obligations of husband and wife from the perspective of fiqh mubadalah. *Al-Mawarid Journal of Sharia and Law (JSYH)*, 4(1), 43-56.
- Hidayah, N. (2020). Implementation of Verses 32 and 33 of Surah An-Nur regarding the urgency and postponement of marriage. *Istidal: Journal of Islamic Law Studies*, 7(1), 34-52.
- Hidayat, Fatimah Taufik. (2016). *The Method of Muhakkamah Customs in the Islamic View*. Aceh: Media of Thought and Application.
- Hidayatulloh, H. (2019). rights and obligations of husband and wife in the Qur'an. *Journal of Islamic Family Law*, 4(2), 143-165.
- Ishaq. (2017). *Legal Research Methods and Writing Thesis, Thesis, and Dissertation*. Bandung: Alfabeta.
- Ja'far, Kumedi. (2018). *Islamic Civil Law in Indonesia*. Surabaya: Gemilang Publisher.
- Lubis, R. Z. (2021). The Tradition of Nasi Face-to-Face in a Wedding Party During the Covid-19 Pandemic in Tanjungbalai City: Indonesia. *Al-IHKAM Journal of Family Law, Department of Ahwal al-Syakhsiyyah, Faculty of Sharia, IAIN Mataram*, 13(1), 41-56.
- Mardani, (2016). *Islamic Family Law in Indonesia*. Jakarta: Kencana.
- Miharja, J. (2011). The rules of al-'urf in the field of muamalah. *El-Hikam: Journal of Islamic Education and Studies*, 4, 103-118.
- Muzammil, Iffah. *Fiqh Munakahat*, (2019) The Law of Marriage in Islam. Tangerang: Tira Smart.
- Nariti, R. C., & Setiyani, N. A. (2024). Early Marriage in Islamic Law: Between Tradition and Reality. *MUSHAF JOURNAL: Journal of Quran and Hadith Science*, 4(2), 317-326.
- Nasution, M. S. A. (2015). A philosophical perspective of Islamic law on the rights and obligations of husband and wife in marriage. *Analysis: Journal of Islamic Studies*, 15(1), 63-80.
- Nugrahani, Farida. (2014). *Qualitative Research Methods in Language Education Research*. Surakarta.
- Nurani, S. M. (2021). The Relationship of Rights and Obligations of Husband and Wife in the Perspective of Islamic Law (An Analytical Study of the Relevance of the Rights and Obligations of Husband and Wife Based on the Tafsir of Ahkam and Ahkam Hadith). *Al-Syakhsiyyah:*

- Journal of Law & Family Studies*, 3(1), 98-116.
- Rudi, R. A. (2024). A positive legal review of the role of the wife as a breadwinner in the family and its relevance to Surah al-Baqarah verse 233. *el-Bait: Journal of Islamic Family Law*, 3(1), 34-58.
- Saleh, Adnan Achiruddin. (2018). *Introduction to Psychologists*. Makassar: Aksara Timur.
- Sanjaya, Umar Hari, and Aunur Rahim Faqih, (2017) *Islamic Marriage Law in Indonesia*. Yogyakarta: Gama Media Yogyakarta.
- Saputra, R., Dimisa, A. A., Rakhmadi, F. A., & Muhammad, M. (2020). Anti-Particles Mystery Qur'an Surah Yasin Verse 36. *Proceedings of the Conference on the Integration of Islamic Interconnections and Science*, 2, 23-24.
- Simbolon, P. (2019). Misyar's marriage in the view of Islamic law. *Al Himayah Journal*, 3(2), 173-188.
- Suhartawan, B. (2022). Rights and Obligations of Husband and Wife in the Perspective of the Qur'an: (Thematic Study). *Tafakkur: Journal of Qur'an and Tafsir*, 2(2), 106-126.
- Uthman, Muhammad Ra'fat. (2017). *Fiqh Khitbah and Nikah*. Depok: Fathan Media Prima.
- Wulandari, R. (2023). Waithood: The Trend of Marriage Postponement in Women in South Sulawesi. *Emik*, 6(1), 52-67.
- Yunus, Ahyuni. (2020). Marriage Law and Itsbat Nikah between Legal Protection and Certainty. Makassar: Humanities Genius.
- Zaputra, R. (2023). The Purpose and Wisdom of Marriage According to the Perspective of the Qur'an. *SCIENTIFIC JOURNAL OF PHILOSOPHY: Journal of Philosophy, Theology and Humanities Studies*, 9(1), 42-49.
- Interview with Mr. Ahmad Nawawi Abdurrauf, "The Views of Ulama of Central Amuntai District on the 'Urf of Postponing Living Together After the Marriage Contract", PAIF KUA Central Amuntai District, Live Interview, Amuntai, December 13, 2024.
- Interview with Mr. Muhammad Daud, *Views of Ulama of Central Amuntai District on the 'Urf of Postponement of Living Together After the Marriage Contract*", Assembly Speaker, Live Interview, Amuntai, December 13, 2024.
- Interview with Mr. Muhammad Wildan, "The Views of Ulama of Central Amuntai District on the 'urf of Postponement of Living Together After the Marriage Contract", Teacher of Pondok Rakha Amuntai, Live Interview, Amuntai, December 10, 2024.
- Interview with Mr. Nashrullah Atha, "The Views of Ulama of Central Amuntai District on the 'Urf of Postponing Living Together After the Marriage Contract", Chairman of the MUI of Central Amuntai District, Direct interview, Amuntai, December 12, 2024.