

Conference Paper

Future Brides' and Grooms' Understandings of the Terms *Talak* and *Khulu*'

Sukiati, Saidurrahman, Rahmah Fithriani, Rahmad Ridwan, and Efi Brata Madya

Universitas Islam Negeri Sumatera Utara (UIN SU), Medan, Indonesia

Abstract

It is a common thing that future brides and grooms have special preparation prior to their marriage. One of them is premarital education which aims to equip them with knowledge of what their rights and obligations are in order to maintain the longevity of their marriage. Among the knowledge that every future bride and groom must have is an understanding of the terms *talak* and *khulu*”, so it is expected that the couple do not play around using those two terms. The study is intended to examine the views of prospective brides' and groom's registered in the Office of Religious Affairs (KUA) in Medan about the terms *talak* and *khulu*'. Specifically, this study aims to investigate whether they understand the literal and the accurate meanings of the terminology as well as the consequences of the use of the terms *talak* and *khulu*”. Using a descriptive qualitative method, it was found that there are still many future brides and grooms registered in KUA in Medan, who have not fundamentally understood the terms. it could be concluded from this finding that the understandings of future brides and grooms in Medan about the terms *talak* and *khulu*” are not sufficient, therefore, this study recommends that there is a need to add material about the two terms into pre-marital education conducted by KUA. In addition, it is also necessary to confirm the understanding of the future brides and grooms through a post-marital education examination.

Keywords: Bride, groom, *khulu*', pre-marital education, *talak*

Corresponding Author:

Sukiati

sukiatisugiono@uinsu.ac.id

Received: 1 July 2019

Accepted: 18 July 2019

Published: 31 July 2019

Publishing services provided by
Knowledge E

© Sukiati et al. This article is distributed under the terms of the [Creative Commons](#)

[Attribution License](#), which permits unrestricted use and redistribution provided that the original author and source are credited.

Selection and Peer-review under the responsibility of the AICLL 2019 Conference Committee.

1. Introduction

It is stated in the provisions of the Marriage Law No. 1 of 1974 article 7 paragraph 1 that “marriage is only permitted if the groom has reached the age of 19 years and the bride the age of 16 years. This requirement is set as a way to ensure that the future husband and wife are already matured to get married so that they could understand the aim of marriage as well and produce a good and healthy generation (Olivia, 2015). The level of maturity is expected to have implication in achieving the marital goals and the continuity of marriage in order to avoid divorce (Fa'atin, 2015). However, a person's maturity to get marriage certainly cannot be guaranteed by the age limit set by this law. Moreover, the factors contributing to a person's maturity is not only age, but also other factors, such

OPEN ACCESS

as; philosophical, normative, juridical, psychological, sociological, and economic factors (Sucipto, 2014).

Therefore, the government takes a policy as a prerequisite for marriage. The readiness of the bride and the groom before getting married needs to be a concern of various parties, especially the organizers of the wedding ceremony, the Office of Religious Affairs (KUA) and the Agency for Marriage Monitoring, Development and Conservation. This is developed in the form of “Pre-marriage Education” or pre-marital course. The legal basis for organizing this course is the regulation set by the General Director of Islamic Guidance of the Ministry of Religion Number: DJ. II/491 of 2009.

Pre-marital education aims to equip the prospective bride to understand well about the world of marriage which is entirely new for them. In addition, prospective married couples must understand about their rights and obligations in marriage with the purpose to maintain the longevity of their marriage. In addition, they also have the duty to maintain their marriage in order to avoid divorce.

In addition, it is clear that the pre-marital course is a government effort to reduce the rate of divorce, domestic violence and other family problems. The procedure to implement the pre-marital course has been regulated in the Regulation of the General Director of Islamic Education No. DJ. 491/11 of 2009 concerning guidelines for the implementation of pre-marital course. Despite the fact that this regulation has been in effect in the last few years, in practice pre-marital course is still a recommendation, not yet an obligation, for future married couples. As a consequence, this course program is still considered ineffective which is indicated by the high rate of divorce in Indonesia.

This ineffectiveness indicates that the pre-marital course designed by the government has not been able to fulfill the objectives of the course in minimizing divorce rate. It may also indicate that the concepts of divorce, such as *talak* and *khulu'*, have not been maximally explained by the organizers in the pre-marriage education or they have not been well understood by the future grooms and brides taking the course. It could be understood if these two terms are not familiar for Indonesian people especially those who have no experience with Arabic language since both *talak* and *khulu'* are originally Arabic words. It might be a different story if the terms were English as most Indonesian are more familiar with this foreign language. This is because Indonesian schools only offer English as the only mandatory foreign language course due to its status as the world's most widely spoken language (Fithriani, 2018).

Some studies related to pre-marital education or bridal course have been a concern in various perspectives. Islamic perspective is one of those that is often used in the prospective bride education studies and some matters related to this issue. Janeko

(2016) analyzed the pre-marital course from the perspectives of four Islamic schools of thought (Madhab). Na'mah (2016) has also discussed the importance of brides' and grooms' course to reduce the divorce rate. Meanwhile, Iskandar (2017) discussed the role of pre-marital course in preparing the married couples for better family. However, the study of the prospective married couples' understanding of *talak* and *khuluk*, especially in relation to the provision of the prospective brides and grooms has not been reviewed by previous researchers.

Regarding the direct impact of the understanding of these two terms on marital resilience, it is important to conduct a study on this topic. Thus, this study was conducted to examine the views of future brides and grooms in Medan about the meaning of *talak*, and *khulu'*. There were two research questions in this study; *first*, do they understand the literal and the accurate meanings of the two terms? and *second*, do they understand the consequences of using these terms? if the future brides and grooms understand the two terms, '*talak*' and '*khulu'*' very well before entering marriage life, it is hoped that the couples will not use the words as a simple matter.

2. Literature Review

The understanding of family life is actually needed by the groom and the bride to start a married life. This is due to the importance of careful preparation before leading a new and different life. In order to facilitate future married couples of this understanding, Indonesian government issued a request for the implementation of pre-marital course, which was later realized through the decision of the Ministry of Religion, No. 477 of 2004, and it is mandated before carrying out the wedding ceremony. At this moment, every candidate should have a wider insight of the married life by studying in the pre-marital course (KMA Number 477, 2004). Then, the letter of the General Director of Islamic Community Guidance Number; DJ. II/PW.01/1997/2009 made it more clearly. This regulation is a manifestation of the government's concern for the high rate of divorce and domestic violence in Indonesia although the implementation was given to KUA and BP14 (the General Director of Islamic Community Guidance, 2009).

This course is one of the wedding procedures to follow with the purpose to widen the future grooms' and brides' insights about the household life which in turn will be able to gradually reduce and minimize the divorce rates. The pre-marital course is not compulsory to take and there is no consequence if a future married couple decides not to take it. However, regarding the extraordinary benefits that are useful for the participants, all future grooms and brides are strongly recommended the course. This

matter uses the theory of jurisprudence in the form of *mashlahah* and *mursalah* theories which can be interpreted as something that provides benefits, but there is no firm law to realize it and there is no particular proposition that supports or rejects it (Efendi, 2005).

The curriculum and syllabus for the pre-marital course has been regulated in the General director's regulation of the Islamic community, the Ministry of Religion Guidance in 2013. The material that is discussed in the course is compiled with the following syllabus descriptions:

1. The fundamental lessons

At this stage, the participants are given a preliminary description or an introduction to the policies regarding family and pre-marital course.

a) The Law on Marriage and the compilation of Islamic law. Several concepts that will be discussed are; the concept of marriage, the principle of marriage, the limitation of polygamy, the age limit, the marital annulment, the marriage agreements, the joint assets, the rights and obligations, the problem of the status of the child as well as the mixed marriage.

b) Domestic and Violence Law. The lessons include; the understanding of domestic violence, the forms of domestic violence, the factors that cause domestic violence, the impact of domestic violence, the rules of law, the responsibility of the government and the family.

c) The Child protection Law. The description of the lessons are as follows: the understanding of children, the children's rights, and the position of children in Islam.

2. The main lessons

At this state, the participants will study the main lessons, namely; the things that they must know regarding the household life. The training courses at this stage include:

a) The implementation of family functions, including; religious function, reproductive function, affection function, protection function, education function and the value of socialization, economic function and socio-cultural function.

b) Caring for love in the family.

c) The conflict management in the family.

d) The marriage and family psychology.

3. The supporting lessons

At this stage, the participants will be given additional steps to strengthen their understanding, namely; the andragogical approach, the learning even unit, and the micro teaching, pre-test and post-test and the action plan. The bride and the groom's lesson is basically based on a module prepare by the government through the ministry of religion. The regulation of the general director of Islamic Guidance Number DJ. II 491 in 2009 about the prospective bridal courses. In article 3 paragraph (4), it is affirmed that the implementation of the bride and groom course is given at least 24 hours of the lessons.

However, when the lessons are practiced, the materials taught do not always meet the modules that have been prepared. Based on researchers' observation on several courses, it indicates that the lessons given at the Office of Religious Affairs for the future brides and grooms turned out to be different from one another. Generally, the materials taught in the course concern with the matters of married life, which include the knowledge of marital law, the law of *munakahat* which covers the law of family building, the matters and obligation of husband and wife, family security and the livelihoods, and so forth. Furthermore, there are also materials on domestic violence and trafficking, SKB programs and informal education, materials on family nutrition and reproductive health.

There is, of course no fixed price to participate in the pre-marital course as long as the material covers the predetermined scope even though the material is not conveyed in details. Other materials for the prospective brides include (a) marriage psychology which includes the materials about the purpose of marriage, *kafaah* (equality or equivalence) in marriage, (b) the materials regarding the religious knowledge including; *junub* (ritually impure due to sexual intercourse or seminal discharge), then the materials about five-times prayer, and the Friday prayer. These materials, which at other places might be delivered thoroughly, are only given partly. Rugaya & Sudirman (2016) states that the materials for the pre-marital course only consist of psychology materials that discuss about happy family, the basis of forming a happy house, the criteria for a happy household, parental responsibility for children, educating children and marriage preparation. The whole materials are also only delivered in less than 24 hours.

If we see the ideal stamp offered by the government, in this case, the General Director of Islamic Education, we also still cannot see the materials about divorce; *talak* and *khulu'*. It seems that the provision of the materials aims to prevent divorce and family violence. Unfortunately, the materials presented do not covers topics concerning about divorce which in Islamic jurisprudence are known as *talak* and *khulu'*. *Talak* is a divorce proposed by men while *khulu'* is divorce proposed by women. Materials concerning these topics include the procedure of divorce, various kinds of divorce,

ethics of using the word *talak* in family, law and etc. These topics are deemed necessary to be understood by the future grooms and brides who eventually will have arguments during their married life. It is hoped that by understanding these terms, they could avoid using the word *talak* which is arbitrary.

3. Research Method

To answer the two questions mentioned in the introduction section, this study was conducted by using a descriptive qualitative method. The participants for this study were determined purposively, namely; the prospective married couples registered at the Office of Religious Affairs in Medan. There were 20 people (10 males and 10 females) took part in this study. The data were collected by using document studies, questionnaires, and interviews. The data obtained in the field were processed by using qualitative frequency count. The data from questionnaires and interviews were used to find out whether the material about divorce was delivered properly, the discussion about *khulu'* was conducted, and the materials about the conditions of the *talak* were presented. Furthermore, the data are analyzed by using descriptive analysis. The data trustworthiness is triangulation.

4. Result and Discussion

The results of data analysis regarding future grooms' and brides' understanding of the terms *talak* and *khulu'* can be seen as follows:

From the ten future brides taking part in this study, eight of them admitted to take the course while the other two stated that they were not interested in taking the course (look at Figure 1). Furthermore, the data from the interview reveals that the two couples not taking the course explained that they did not get any information related to the course.

Meanwhile, according to the length of time of course duration, the participants could be divided into four categories: those who took the course for 3 to 10 hours ($n = 8$ people), those taking the course between 10 to 15 hours ($n = 5$), those taking the course between 15 to 20 hours ($n = 1$), and one person taking the course between 20 to 24 hours. The following chart (Figure 2) illustrates the difference of course duration taken by the future brides and grooms.

Based on the results of data analysis regarding whether the participants receive the materials about divorce, most of participants who take the course said that they receive

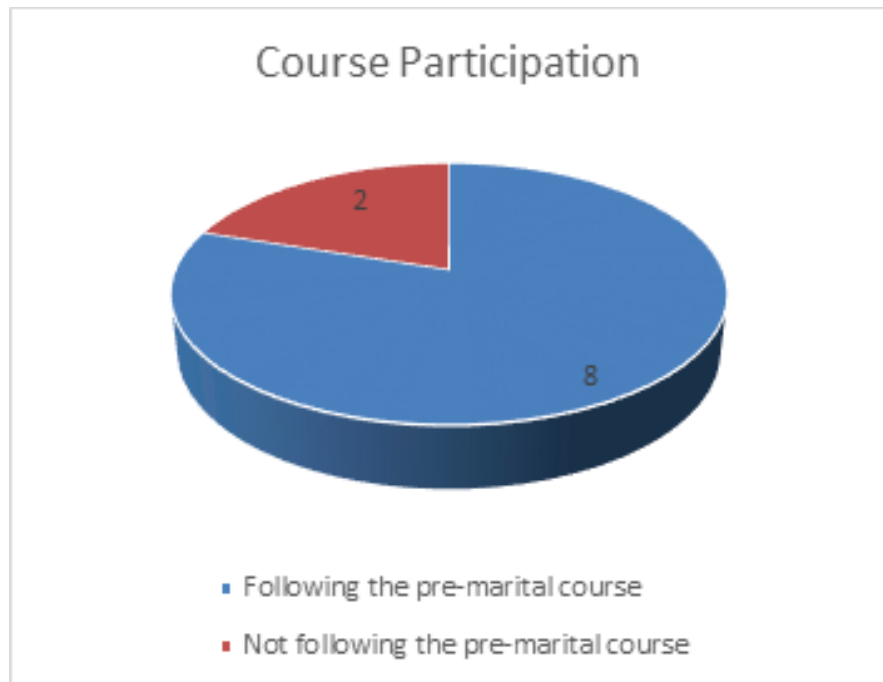


Figure 1: Participation in pre-marital course.

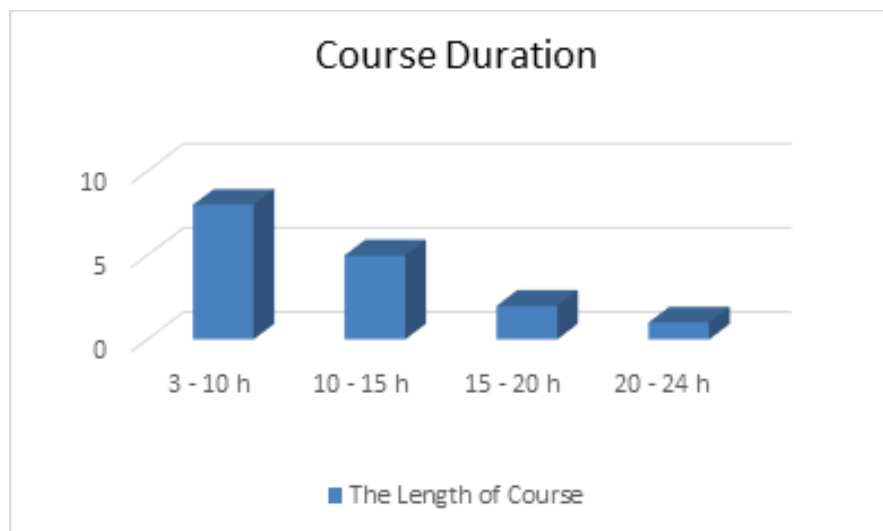


Figure 2: Groups of participants based on the course duration taken.

lessons about *talak* and *khulu'*. A close look to the data reveals that 65% (n = 11) of them said that they received the materials but not deeply and 35% (n = 5) stated that they did not receive the materials about divorce at all (look at Figure 3 for details).

Furthermore, the data relating to whether the participants receive materials about *talak* and about the conditions of divorce. The majority of them (90%) said that no material was explained about the conditions of divorce. As for materials about *khulu'*, all of the participants said that they did not learn about it. In terms of participants' understanding of the terms *talak* and *khulu'*, the findings indicate that they did not know the terms *talak*



Figure 3: Distribution of participants receiving lesson about *Talak & Khulu'*.

and *khulu'* well, for example, NN as one of the informants mentioned that he did not learn about *talak*. He furthermore said that there was no material about that topic at all. However, when being asked about *khulu'*, he admitted to receive a lesson regarding this mater even though it was only a glance and incomplete. Another participant, MS shared similar experience. MS attended the course for a total of 24 hours. He said that the materials about *talak* and *khulu'* were not given in the course. The material presented is generally about purification jurisprudence, such as; the baths, happy families, rights and obligations of husband and wife, and about domestic violence.

In conclusion, the findings of this study indicate that future brides and grooms in Medan have not understood the terms of *talak* and *khulu'* yet even though they have taken the pre-marital course offered by the government. Their only understanding regarding the term *talak* is that the word means “divorce” and if a husband says “*talak*” to his wife, it means he divorces her. Besides, what they understand about the meaning of *talak* is regarding *talak* one, two and three. However, about the conditions when a husband could divorce his wife is not understood correctly. On the contrary, regarding the term *khulu'*, the prospective husbands and wives are not familiar with this term at all.

5. Conclusion

From the findings of this study, it can be concluded that *first*, the bride and groom course does not contain materials about *talak* and *khulu'* so these two terms are still unfamiliar to them. The bride and groom course material is given rigidly based on what stated in the module given by the General Director of Islamic Community Guidance, so in practice, some courses that discuss about *talak* and *khulu'* are not given deeply. However, the materials about *khulu'*, based on the data, was not given at all in the pre-marital course. *Second*, the view of the bride and groom about the terms *talak* and *khulu'* is not sufficient. The knowledge about *talak* and *khulu'* can equip the bride and groom to keep the marriage in order to avoid using the terms arbitrarily. Therefore, this study recommends that there should be additional materials about these two terms in the pre-marital course conducted by the Office of Religious Affairs. In addition, these terms need to be understood by the prospective brides and grooms through a post-marriage education exam.

References

- [1] Efendi, S. (2005). *Ushul Fiqh*. Jakarta: Kecana.
- [2] Fa'atin, S. (2015). Tinjauan terhadap batas minimal usia nikah dalam UU No.1/1974 dengan multiprespektif, *Yudisia*, 6(2), 434-460.
- [3] Fithriani, R. (2018). Discrimination behind NEST and NNEST Dichotomy in ELT Professionalism. in *The 1st Annual International Conference on Language and Literature*, KnE Social Sciences, (pp. 741–755). DOI 10.18502/kss.v3i4.1982
- [4] Iskandar, Z. (2017). Peran kursus pra nikah dalam mempersiapkan pasangan suami-istri menuju keluarga sakinah, *Al-Ahwal*, 10(1), 85-98.
- [5] Janeko. (2016). Kursus calon pengantin sebagai syarat perkawinan menurut empat adzhab, *Jurnal Ummul Qura*, 7(1), 20-34.
- [6] Na'mah, U. (2016). Pentingnya peran Suscatin (Kursus Calon Pengantin) dalam membendung laju perceraian, *Yudisia*, 7(1), 146-174.
- [7] Olivia, F. (2015). Batasan umur dalam perkawinan berdasarkan Undang- Undang Nomor 1 Tahun 1974, *Lex Journalica*, 12(3), 202-211.
- [8] Rugaya, S. & Sudirman, M. (2016). Efektifitas pelaksanaan kursus calon pengantin (Studi pada Kantor Urusan Agama kecamatan Bringkanaya kota Makassar), *Jurnal Tomalebbi: Jurnal Pemikiran, Penelitian Hukum dan Pendidikan Pancasila dan Kewarganegaraan*, 3(4), 157-168.

- [9] Sucipto, (2014). Kedewasaan dalam akad nikah dalam perspektif interdisipliner, *Asas*, 6(2), 38-53.