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# INTERNATIONAL JOURNAL OF ACADEMIC RESEARCH IN BUSINESS & SOCIAL SCIENCES



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## Corroboration of Marriage's Chapter *Mir'at al-Tullab*: Guide in Malay World

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### Abstract

This paper explores the fundamental related to Munakahat (Marriage System) which is referred to the Alim based on the Arabic books. The arrival of Islam in the Malay world about the 7th century AD. The Peurlak Kingdom, the first Islamic kingdom of the 9th / 3rd century BC, the Munakahat system was maintained by the Alim appointed by the Sultan. No book on Munakahat was specifically found at that time. After Shaykh Abdul Rauf al-Singkili became Shaykh al-Islam (Qadhi Malik al-Adil / Grand Mufti of the Government), he was asked by Sultanah Safiatuddin to submit a book of fiqh of the Shafi'i Mazhab. *Mir'at al-Tullab fi Tashil Ma'rifat Ahkam al-Syar'iyyah li al-Malik al-Wahhab* as a guide in the Malay community, especially for the Qadi. This paper lists the problems, objectives, scope, operational definitions and conceptual frameworks used in this research. In summary *Mir'at al-Tullab* is the work of Judiciary's first Malay-language Malay world in the 17th century AD. Romanization of Javanese to English and corroboration is an effort to make *Mir'at al-Tullab* as a guide to the appreciation of the Malay society today.

**Keywords:** Munakahat, Shaykh Abdul Rauf al-Singkili's, *Mir'at al-Tullab*, Tahkik.

### Introduction

Islam has a system that regulates marital affairs for the continuity of good offspring. This marriage system includes jurisprudence laws related to marriage, divorce, husband and wife obligations and the like are also termed munakahat (Dewan Bahasa dan Pustaka, 2015).

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Munakahat comes from the Arabic language meaning marriage. This system was arranged by the Prophet SAW through the guidance of Divine revelation, namely al-Quran. The system was developed by scholars later in the discipline of jurisprudence. Chapter munakahat (Marriage System) is one of the important chapters in any Mazhab of jurisprudence, including the Shafi'i Mazhab. Munakahat (Marriage System) is constantly evolving in the book of fiqh according to the history of Muslims. Thus the emergence of various sects and varying views in the changing times and geography of society towards the munakahat (Marriage System). This is true when it comes to the Malay Muslims in the 7th century AD by the existence of the minority Muslim community in the entire coastal Sumatra (Hasymy, 1993; Azmi, 1993; Majid, 1993; Muhammad, 1993)

Munakahat (Marriage System) at that time was managed and guided to the pious who had knowledge of munakahat (Marriage System) from the Arabic books in the form of manuscripts (handwriting). When the emergence of the first Islamic government, namely the Peurlak Kingdom in the 9th century AD (3rd century AH) (Hasymy, 1993; Ambary, 1993), the munakahat system (Marriage System) was maintained by pious people appointed by the sultan of the kingdom to manage the newly converted Muslim community Islam at that time. However, there is no book that gives guidance on munakahat (Marriage System) specifically found at that time.

Until the 17th century AD, fiqh first Malay language written by Shaykh Nur al-Din al-Raniri entitled *al-Sirat al-Mustaqim* provide guidance to the community on matters of worship only (Abdullah, 1997). The scholars still use books of fiqh in Arabic Shafi'i Mazhab in guiding the Malay community. When Shaykh Abdul Rauf bin Ali al-Fansuri al-Singkili al-Ashi al-Jawi emerged as Shaykh al-Islam (Grand Mufti) during the reign of Sultanah Safiatuddin, he was requested by His Majesty Sultanah to produce a stream of Shafi'i fiqh as a guide for the appreciation of the Malay community, especially for the Qadi.

This book of *Mir'at al-Tullab* covers various aspects of community life, namely muamalat, waqf, faraid, will, distribution of zakat, crime, sabil war, slaughter, sacrifice, akikah, oath, vows, judiciary and about the slave system including the munakahat system (Marriage System). In fact, this work is the first in the country writing about aspects of the debate on financial transactions, of social behavior and crime in Malay (Abdul Rahman Abdullah, 1997: 47). Thus, in the presence of *Mir'at al-Tullab*, the science of jurisprudence complete written in Malay in Aceh since the 17th century AD (Daly, 1994).

However, works on jurisprudence Shaykh Abdul Rauf bin Ali al-Fansuri al-Singkili al-Ashi al-Jawi is still shaped the manuscript, handwritten stored in several libraries, private collection such as the National Library of Kuala Lumpur, Collection Syiah Kuala University, Aceh, Private collection Zawiyah Tanoh Abee, Aceh, Private collection Library Ali Hasymy, Aceh, the National Library of Singapore, Indonesia and many others.

### **Problem Statement**

Research problems are issues that arise, that attract attention or become the motivator and motivation to do research (Piaw, 2014). Meanwhile, according to Syed Arabi Iddid, the research problem is a confusion that needs to be resolved by researchers and intellectual encouragement to find answers (Iddid, 1992). In fact, the problems of the study according to

Abuddin contain clear and convincing thoughts or reasons why the study should be done (Nata, 1998). These manuscripts of the Book of *Mir'at al-Tullab* have differences with each other. These differences involve the addition or subtraction of words, the addition or subtraction of adjectives and sentence structure. Since the Book of *Mir'at al-Tullab* is included in the category of classical works, the manuscripts are not well arranged, do not have marks such as periods or commas, the sentences have no paragraphs as well as the statement sentences and the opening sentences are not separated. In fact, this work also contains old and classic terms or words that are no longer used in the current context. In fact, the style of language used is also difficult to understand. As such, this can make the reader in this day and age difficult to understand the content. Next it will cause the intellectual heritage of the Malay scholars such as these will continue to be marginalized and forgotten. this can make the reader in this day and age difficult to understand the content. Next it will cause the intellectual heritage of the Malay scholars such as these will continue to be marginalized and forgotten. this can make the reader in this day and age difficult to understand the content. Next it will cause the intellectual heritage of the Malay scholars such as these will continue to be marginalized and forgotten.

Accordingly, in this study the munakahat system (Marriage System) is one of the long important chapters discussed by Shaykh Abdul Rauf bin Ali al-Fansuri al-Singkili al-Ashi al-Jawi in *Mir'at al-Tullab*. Therefore, this study will look at:

- a. What is the discussion of the Munakahat System (Marriage System) presented by Shaykh Abdul Rauf bin Ali al-Fansuri al-Singkili al-Ashi al-Jawi in *Mir'at al-Tullab*?
- b. Which scholars of the Shafi'i Mazhab are referred to in the Munakahat System (Marriage System) in the writing of *Mir'at al-Tullab*?
- c. Which source of hadith is referred to by Shaykh Abdul Rauf bin Ali al-Fansuri al-Singkili al-Ashi al-Jawi in writing the work of *Mir'at al-Tullab*?

### Research Objectives

The purpose and objective of the study according to Chua, is a statement related to the main intention of the study to be done in a study. The purpose and objectives of this study are specific goals that contain more than one purpose (Piaw, 2014). Therefore, the purpose of this study is:

- Analyzing the Munakahat System (Marriage System) presented by Shaykh Abdul Rauf bin Ali al-Fansuri al-Singkili al-Ashi al-Jawi in *Mir'at al-Tullab*.
- Identify the scholars of the Shafi'i Mazhab referred to in the Munakahat System (Marriage System) during the writing of the work of *Mir'at al-Tullab*.
- Analyzing the hadith referred to by Shaykh Abdul Rauf bin Ali al-Fansuri al-Singkili al-Ashi al-Jawi

To achieve this objective, then the process of localization and maintenance of the munakahat system (Marriage System) will be done in the text of *Mir'at al-Tullab*.

### Research Scope

Limitations of the study according to Ahmad Sunawari is the scope of a study. The limitations of this study are done in order to limit the study to be done so that it is more focused (Long, 2014). The limitations in this study are only focused on the Chapter of Marriage and the related laws. It is part of the entire Chapter Munakahat (Marriage System) in the text of *Mir'at al-Tullab* which consists of five main titles, namely Kitab Nikah, mahram (individuals who are forbidden to marry), khiyar (dissolved because of shame) and i'faf (preserving the father and his grandfather from doing illegal things), dowry and overnight turns as well as nusyuz. In this study will be selected three manuscripts taken from any library that holds the manuscript, namely the manuscript:

- i. MS 2X4.1 (Collection Zawiyah Tanoh Abee, Aceh).
- ii. MSS 3867 (Collection Center for Malay Manuscripts, National Library).
- iii. A 234 (Indonesian National Library Collection, Jakarta).

### Operational Definition

Definition of Operations The study is a number of words chosen by the researcher to be given a description so as not to confuse the reader who may have other meanings as perceived by the study to be done (Long, 2014). There are several definitions of terms that are widely used in this study. Therefore, the definition will be given to the terms used as follows:

#### Tahkik

Tahkik in Arabic (etymology) comes from the derivative names for *ḥaqqāqa* (حَقَّقَ), *yuhāqqiqu* (يُحَقِّقُ), *tahqīqan* (تَحْقِيقًا) which means to establish, strengthen, examine or investigate (A.W. Munawwir, 1997: 282). This sentence comes from the expression “a man justifies a word”, that is, allows him or a man to say “he is right”. Accordingly, al-Jahiz named a person who did the work of tahkik as *muḥaqqiq* (Harun, 1998).

Therefore, tahkik according to (Harun, 1998) is a contemporary term that refers to a movement that is serious about the manuscripts so that the truth can be convicted by fulfilling certain conditions.

#### Manuscripts

Manuscripts refer to handwriting (Dewan Bahasa dan Pustaka, 2015). According to (Fadhullah, 1998), a manuscript is a *kinayah* (figurative) of books or letters that have not been printed before and it is still in the original writing of its author. According to (Al-Kamali & Yahya, 2001), the manuscript is every old book written by its author in handwriting, either through the author's own writing or through the writings of his students. Included in this category of manuscripts are the original manuscript of the author or a copy copied from the original manuscript. However, the best manuscript to hold and be the main reference is the manuscript written by the author himself because it is the master copy.

#### Nikah

Nikah (etymology) comes from the Arabic derivative names, namely *nakaḥa* (نَكَحَ), *yankiḥu* (يَنْكِحُ), *nikāḥan* (نِكَاحًا) (Jama'ah min Kibar al-Lughawiyin al-'Arab, 1988: 1228.) It is synonymous with the word *tazawwaja* (تَزَوَّجَ), which is marriage (Al-'Arabiyyah, 2004).



Manzūr & Mukarram (1980) quotes from al-Azhari that the original meaning of the word *nikah* in Arabic consists of two meanings, namely:

- i. *Al-Waṭi'* (الوَطْءُ) which means having sex.
- ii. *Al-Tazawwuj* (التَّرْوُجُ) is marriage because marriage is the reason for obligatory intercourse.

The word *nikah* in Arabic is sometimes also referred to as *akad* and not *waṭi'* (الوَطْءُ) which means sexual intercourse (Al-Husain & Fāris, 1979). Whereas, in English, it is called marriage or marriage. Thus, the word marriage is a translation from the word marriage (Dewan Bahasa dan Pustaka, 2015).

According to the term (terminology) marriage refers to a contract (agreement) that contains the word *ijab* and *kabul* (offer and acceptance), which allows male and female couples to have sexual intercourse (Al-Haitami & Hajar, n.d.; Al-Ramli & Abū al-'Abbās, 2003).

### ***Mir'at al-Tullab***

The book entitled *Mir'at al-Tullab fi Tashil Ma'rifat Ahkam al-Syar'iyah li al-Malik al-Wahhab* as noted in *Mir'at al-Tullab*:

وَسَمَّيْتُهُ بِمِرْآةِ الطَّلَّابِ فِي تَسْهِيلِ مَعْرِفَةِ أَحْكَامِ الشَّرْعِيَّةِ لِلْمَلِكِ الْوَهَّابِ

...and the name of this book *Mir'at al-Tullab* is a mirror of all those who seek the science of jurisprudence in making it easy to know all the Islamic laws of Allah... (Al-Singkili, 1770).

This book was written by Shaykh Abdul Rauf bin Ali al-Fansuri al-Singkili al-Ashi al-Jawi. This book was completed in anticipation of the year 1083 AH equivalent to 1672 AD.

### **Shaykh Abdul Rauf bin Ali al-Fansuri al-Singkili al-Ashi al-Jawi**

His full name is Shaykh Abdul Rauf bin Ali al-Fansuri al-Singkili al-Ashi al-Jawi. He was a Shaykh al-Islam (mufti) during the reign of Sultanah Şafiatuddīn (1641-1675 AD equivalent to 1050-1085 AH) and the author of the book *Mir'at al-Tullab*.

### **Conceptual Framework**

Conceptual Framework is a form of conceptual framework that briefly describes the form of the study, the direction of the study, the format of the study and the stage or phase in the study. The theoretical framework can also be based on any existing theory or formed on its own based on previous studies (Jasmi, 2012; Darwish et al., 2018). This Conceptual Framework will be a guide to the study to be implemented. Figure 1 below is a conceptual framework that explains the overall picture of the research that will be done in this study.

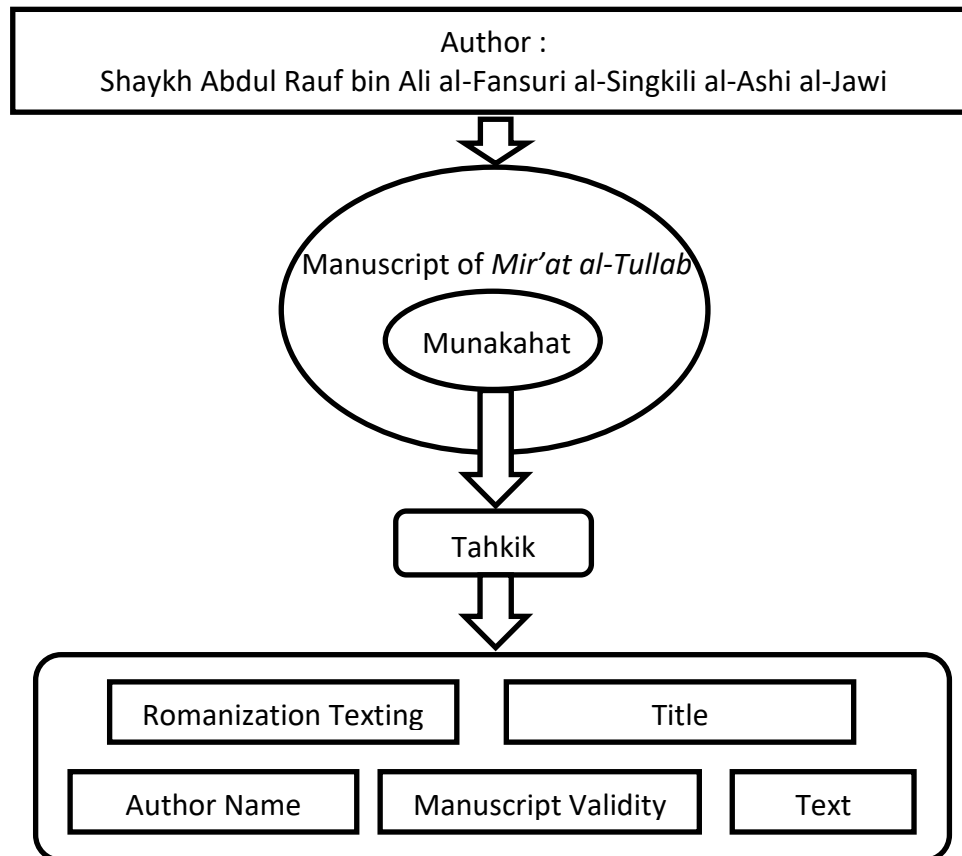


Figure 1: Conceptual Framework of Munakahat Study in *Mir'at al-Tullab* by Shaykh Abdul Rauf bin Ali al-Fansuri al-Singkili al-Ashi al-Jawi

This figure has given the impression that, by Shaykh Abdul Rauf bin Ali al-Fansuri al-Singkili al-Ashi al-Jawi, namely *Mir'at al-Tullab* (still in handwriting) is a manuscript selected as the object of this study. Three copies were selected from a variety of places such as the National Library of Kuala Lumpur, Private Collection Zawiyah Tanoh Abee, Aceh and the National Library, Indonesia. Emphasis and confirmation will be done on the romanization texting, title, author name, manuscript validity and matan (text).

### Conclusion

*Mir'at al-Tullab*, a work by Munakahat by Shaykh Abdul Rauf, was the first Malay language to guide the understanding of the Malay world in the 17th century AD. Previously, Munakahat was treated and guided by a scholarly person who had the knowledge of Munakahat mentioned in the Arabic scriptures. Therefore, Jawi to Malay romanization and education is an effort to make *Mir'at al-Tullab* a guide of appreciation to the Malay community today.

### Contribution

This study is very important in order to research, disseminate and preserve the Malay manuscripts in the rational value, appreciate and defend it as a national heritage. In addition, it is also for the sake of Islam and turn the Malay heritage legacy *Jawi* also very valuable to all knowledge bearing on it can be utilized or even the present generation and future generations.

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**References**

- Abdullah, A. R. (1997). *Pemikiran Islam di Malaysia Sejarah dan Aliran*. Jakarta: Gema Insani Press.
- Al-'Arabiyyah, M. al-L. (2004). *Al-Mu'jam al-Wasīf*. Cairo: Maktabah al-Syurūq al-Dawliyyah.
- Al-Haitami, & Hajar, S. A. (n.d.). *Tuḥfah al-Muḥtāj bi Syarḥ al-Minhāj*. Cairo: Al-Maktabah al-Tijariah al-Kubra.
- Al-Husain, A., & Fāris, A. (1979). *Mu'jam Maqais Al-Lughah* (5th ed.). Beirut: Darul Al-Fikr.
- Al-Kamali, & Yahya, A. (2001). *Kitābah al- Baḥth wa Taḥqīq al-Makḥṭūṭat Khuṭwah*. Beirut: Dar Ibn Hazm.
- Al-Ramli, & Abū al-'Abbās, S. M. (2003). *Nihāyah al-Muḥtāj ila Syarḥ al-Minhāj*. (6th ed.). Beirut: Dār al-Kutub al-'Ilmiah.
- Al-Singkili, A. R. (1770). *Mir'at al-Ṭullāb fī Tashīl al-Ma'rifat al-Aḥkām wa al- Syari'ah li al-Malik al-Wahhāb*. In *Manuskrip koleksi Zawiyah Tanoh Abee*. Aceh: MS 2X4.
- Ambary, H. M. (1993). *Mencari Jejak Kerajaan Islam Tertua di Indonesia (Kerajaan Islam Perlak)*. Ali Hasymy. In *Sejarah masuk dan berkembangnya Islam di Indonesia*. Medan: Pn. Pt. Al Ma'arif.
- Azmi, W. H. (1993). *Islam di Aceh Masuk dan Berkembangnya hingga Abad XVI*. Ali Hasymy. In *Sejarah masuk dan berkembangnya Islam di Indonesia*. Medan: Pn. Pt. Al Ma'arif.
- Daly, P. (1994). *Hukum Perkahwinan Islam: Suatu Studi Perbandingan Dalam Kalangan Ahlulsunnah dan Negara-negara Islam*. Batu Caves: Thinkers Library.
- Darwish, S., Abdo, H., & AlShuwaiee, W. M. (2018). Opportunities, challenges and risks of transition into renewable energy: the case of the Arab Gulf Cooperation Council. *International Energy Journal*, 18(4).
- Dewan Bahasa dan Pustaka. (2015). *Kamus Dewan*. Kuala Lumpur: Dewan Bahasa dan Pustaka.
- Fadhullah, M. (1998). *Usul al-Kitābah al-Baḥth wa Qawā'id al-Taḥqīq*. Beirut: Dar al-Tali'ah.
- Harun, A. S. (1998). *Tahqiq Al-Nusus Wa Nasyruha*. Cairo: Maktabah Al-Khanji.
- Hasymy, A. (1993). "Adakah Kerajaan Islam Perlak Negara Islam Pertama di Asia Tenggara" Ali Hasymy. In *Sejarah masuk dan berkembangnya Islam di Indonesia*. Medan: Pn. Pt. Al Ma'arif.
- Idid, S. A. (1992). *Kaedah Penyelidikan Komunikasi dan Sains Sosial*. Kuala Lumpur: Dewan Bahasa dan Pustaka.
- Jasmi, K. A. (2012). *Pra Lapangan Kajian Dalam Penyelidikan Kualitatif*. Institut Pendidikan Guru Malaysia Kampus Temenggong Ibrahim.
- Long, A. S. (2014). *Metodologi Penyelidikan Pengajian Islam*. Bangi: Penerbit Universiti Kebangsaan Malaysia.
- Majid, M. D. (1993). *Islam di Aceh Tengah dan Kaitannya dengan Perlak dan Pasal*. Ali Hasymy. In *Sejarah masuk dan berkembangnya Islam di Indonesia*. Medan: Pn. Pt. Al Ma'arif.
- Manzur, I., & Mukarram, A. al-F. M. (1980). *Lisān al-'Arabi*. Cairo: Dār al-Ma'rifah.



Muhammad, H. M. A. (1993). Bagaimana Cara Islam Masuk dan Berkembang di Aceh. Ali Hasymy. In Sejarah masuk dan berkembangnya Islam di Indonesia. Medan: Pn. Pt. Al Ma'arif.

Nata, A. (1998). Metodologi Studi Islam. Jakarta: PT Raja Grafindo Persada.

Piaw, C. Y. (2014). Kaedah Penyelidikan. Kuala Lumpur: Mc Graw Hill Education.