

Sociological Review of Islamic Family Law on Different Age Marriage

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ABSTRACT

The motivation for marriage of different ages and knowing the relationships that are built in families of different ages, this research will discuss an analysis of the motivations and patterns of relationships that are built in marriages of different ages by using relation theory and the sociology of Islamic family law, as well as other supporting theories.

This research is a type of descriptive qualitative research conducted to find direct data in the field, valid data, and based on facts by the research theme. In this study, there are two sources needed, namely: primary data and secondary data. Data collection techniques used in this study were observation, interviews, documentation, data analysis techniques in this study were qualitative analysis.

Based on the results of the study it can be concluded that marriage motivation is the initial basis for marriage between a man and a woman, thus in the discussion that has been described from the previous chapter regarding age difference marriages, from two pairs of husband and wife there are several marriage motivations. including empathy (pity), promises/ vows, economic influence, and pregnancy out of wedlock. While the pattern of relationships that are built in families of different age marriages there are patterns of division of labor, fulfillment of living in the family, and patterns of solving problems in the family.

KEYWORDS

Sociology,
Marriage,
Difference

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INTRODUCTION

The family is the smallest unit in society which according to its type is divided into two, namely the nuclear family which is the smallest family unit consisting of father, mother, and children (nuclear family) and extended family (extended family) (J.Goode, 2004). In family sociology it is usually known that there is a distinction between families with a conjugal system which emphasizes the importance of blood ties such as the relationship between a person and his parents which tend to be considered more important than his ties with his husband or wife and families with a conjugal system emphasizing the importance of marital relations (between husband and wife). , bonds with husband or wife tend to be considered more important than bonds with parents (Su'adah, 2005).

Islamic law also does not prohibit the practice of different-age marriages, as long as the marriage is carried out according to the rules that have been determined in the religion and does not violate these rules. In fiqh, marriage will be considered valid if it fulfills the conditions and pillars of marriage (Tihami, & Sahrani, 2014). meaning

that the age difference between men and women is not a barrier to being able to continue the coveted marriage.

Furthermore, in Indonesia, the provisions for the age limit for marriage have also been regulated in Law no. 1 of 1974, in article 7 paragraph 1 (Kompilasi Hukum Islam (KHI), 2002). However, this regulation only applies to the minimum limit between men and women who may marry, and does not regulate the age gap between men and women who wish to marry.

Various marriages often occur and are valued differently by society, such as marriages where the age of the man is much older than the age of the woman. Most people judge and believe that marriage has a better impact than marriage, where the age of women is younger than men. There are also marriages where the age difference between the bride and groom is 3-5 years, for example, a man is 25 and a woman is 22 years old. According to the community, this kind of marriage is also believed to bring prosperity to the bride and groom. As for the last type, marriages where the age between men and women is almost the same, these marriages will usually bring happiness and harmony in the household which is built because the mindset and mindset of the two are equal.

From the several marriage models above, it turns out that in general, in Indonesia, people prefer to marry when the age of the groom is older than the bride, for physical and biological reasons, women reach maturity faster than men. An older husband is also believed to be able to lead a marriage in a better direction because the husband is the priest in the household he is building. Apart from that, it is also because of the customs of the community that in general the parents of men do not recommend marrying a wife who is older than her husband.

Unlike the case with marriages where the bridegroom is much younger than the age of the woman. Even though age is not one of the most important factors that must be considered by every couple, the difference or age ratio between men and women who want to build a household is always in the spotlight and the talk of society. Some think that psychologically the wife will reach maturity far earlier than her husband, so the attitudes, views, and opinions regarding something will likely be very different. In addition, it also has an impact on the husband's satisfaction with his wife who is less able to carry out her responsibilities as a wife. Therefore, it is believed that marriages, where the wife is older than the husband's age, can cause many problems in the household she builds.

Even though society's evaluation of marriages where women are much older than men's age tends to be negative, their hopes and desires are the same as those expected by married people in general, such as forming a safe, peaceful, and harmonious family, including getting offspring. In addition, they also clearly want their marriage to last a long time and avoid problems that can divide the household they build. Even so, it is undeniable that the marriage they have lived in is not by and contrary to the goals and what was expected at first.

From the results of a preliminary study of married couples who have married at different ages, the researchers obtained temporary data, that the marriage they had for several years had not been by the initial goals and expectations of getting married, starting from the woman who felt embarrassed and uncomfortable with her condition. who is already weak and unable to fulfill her husband's wishes. In addition, because the age factor is very old, the impact on the comfort of the husband to live with his wife is very less, so husbands who are still very young tend to prefer to live elsewhere, such as relatives' homes, workplaces, and even return to their parent's homes and behave like people who have never been married. Apart

from that, it also had an impact on the harmony that they wanted at first, they didn't feel at all.

Learning media will work extremely effectively if utilized appropriately and in accordance with the kid's features. According to Fadlilah, if the media is not used appropriately and an error happens in picking the media, the teacher's teachings will not be transmitted to pupils adequately. The use of pop-up books as a learning medium to introduce youngsters to the solar system is predicted to enhance their cognitive development and improve their creative capacity.

METHOD

The research approach is a process of looking for something systematically for a long time using the scientific method and applicable rules (Moleong, 2013) In this study, the researcher used a descriptive qualitative research approach. Qualitative research is an overall concept in which there is a systematic method or way of working. It is further explained that qualitative research is a process in which the data analysis used is more descriptive-analytical, which means that interpretations are made and compiled comprehensively and systematically (Arikunto, 2017).

In a study, the determination of the use of methods is very important to determine the direction of research and analysis of the problems raised therein. Accuracy in the use of methods produces regular and systematic research as well as research that can be accounted for in the analysis and conclusions of the problem. In this sub-discussion, the research method will be explained, namely the ways to be followed and at the same time the implementation processes.

From some of the descriptions above, in the application, the research approach that researchers use is a descriptive qualitative research approach, because this research is an attempt to describe phenomena, symptoms, or events that occur in actual circumstances or as they are. Descriptive type research is a way of solving the problem that is being investigated by describing or describing the condition of the subject or object of research based on the facts that appear or as they are (Alsa, 2003).

Researchers simplify and limit it to seven stages, without trial use (sufficient in product trials) and mass production, to minimize costs.

DISCUSSION

Analysis Of Motivational Background In Age-Different Marriages

In marriage every individual must go beyond the process of learning to know each partner, they must learn to deal with different problems in their household (Ihromi, 2004). The process of learning to overcome problems, in this case, is not only obtained when they are married but long before marriage or during their teenage years, so that they are trained and can be practiced in marriage ties.

A household can be lived in harmony if one respects each other's opinions and has the same goals for the family he builds. What determines happiness is the background to the occurrence of the marriage, whether it happened because of coercion, or did it happen because of something that promised happiness between the two husband and wife. Of the two pairs of husband and wife, it turns out that they have different motivations for the marriage that has taken place, as follows:

a. Empathy (Pity)

There is a lot of empathy (pity) for someone in society, especially for people who have helped or contributed to someone. Feeling sorry for and accepting

every complaint, story, or someone's problem with another person between a man and a woman can also unite them in marriage.

When viewed from the social aspect, in living life, everyone needs other people to exchange views to find the truth of every case or problem that is not socially appropriate. For this reason, a harmonious relationship between fellow human beings (society or household) is needed so that life between people can be realized properly. Everything that the researcher has described above will be realized with an attitude and a sense of empathy for other people.

b. Promise (Nadzar)

Promises / Vows are things that must be fulfilled and carried out because promises have a psychological impact on a person with other people, where the first person says something to another person that is considered valuable and useful for him. Even though promises/votives are not the forerunner of household harmony and harmony, the position of promises/votives is indeed very prioritized to be able to maintain the continuity of the household that has been carried out jointly between husband and wife, this has been practiced by one of the couples as the researchers have described in the findings.

Problems in the household will always and must exist, whether intentional or unintentional, but all of this can be resolved with mutual understanding between the two. The relationship between husband and wife must be balanced in all respects, especially between the two of them who already have a sacred promise (marriage), and even the marriage is based on a promise/votive that is kept and mutual acceptance between the two. Thus it is necessary to have rules that must be obeyed and obeyed both before the marriage took place and especially after the marriage took place.

c. Economy

The economy is one of the motivations for the marriage to be carried out, the role of the economy is indeed very influential on the happiness of the household that is built because without economic sufficiency it will trigger problems between husband and wife so that their happiness cannot run properly. Despite the economic impact on households, it is not uncommon for households built between the two to be broken and unhappy because they are unable to manage or plan the economy in households built between husband and wife.

The role of the economy is usually made first in everything that is done by each individual or group, including in the household, without the fulfillment of the economy will greatly affect the happiness of a person with other people, as the results of researchers in different age marriages that occur due to economic influences, thus every couple must be able to maintain economic conditions in their family to be able to increase harmony and happiness together.

d. Pregnant out of wedlock

Households built based on problems in relationships (pregnancy out of wedlock) are the main trigger for the level of harmony in the family they live in. Because this problem is not something that is used as the main motivation in establishing a sacred bond but rather becomes a disgrace that affects all elements of the family and society.

From the four background motivations for different age marriages above, it turns out that the facts that occurred in the field, that the motivation worked

but not as planned before the marriage took place. There were so many obstacles that the two couples went through, starting from the problem of the comfort one partner felt after their marriage was carried out. The hope to be happy with her husband vanished as the marriage period became longer and longer. Some of the couples also revealed that the journey of a household that was built based on economy, and a sense of attention before marriage also had many problems in their marriage, starting from the distance from the families of both parties (husband and wife), so that harmony in the household was not realized by the first plan. In addition, the plan to form a family that is *sakinah*, *mawaddah*, and *rahmah* is not reflected. Social interaction in building the desired household pattern will be difficult to achieve with the presence of problems in running the household that the husband and wife have built together

Analysis Of Relationship Patterns Built-In Age-Different Marriage Families

a. The pattern of Division of Labor (Domestic)

Judging from the sociology of Islamic family law, the distinction between public-productive and domestic-reproductive roles in the family starts from how the pattern of division of labor between husband and wife does not overlap and burden one of them, balanced rules must be carried out by mutual understanding of duties and the functions assigned to the couple, everything that is appropriate or not by the different roles between husband and wife must also be considered.

The existence of differences in the role of women has become increasingly standardized with the emergence of Law Number 1 of 1974 concerning marriage, which was reaffirmed in the Compilation of Islamic Law (KHI) regarding the position of husband and wife in household life. Article 79 paragraph (1) states that the husband is the head of the family and the wife is the housewife, thus the husband's responsibility will be greater than that of the wife who is only a housewife. Over time, people's perceptions and even the public's regarding the differentiating roles of men and women have begun to change which is influenced by their understanding of equality between men and women (gender) in the household, everything can be done with good abilities and expertise. by men or by women (Mufidah Ch, 2013).

The pattern of relations in the family between husband and wife when viewed from the aspect of the division of labor will present two typologies namely;

1. The division of labor is divided according to one's ability and expertise, meaning that when work in the household requires stronger manpower, the work is carried out by men who are stronger than women. For example, cleaning the yard the house, washing the car, moving things that women cannot move, and so on, while work that does not require more energy can be done by women, for example, washing dishes, mopping floors, cooking and so on, with thus all that needs to be adjusted according to what is good and right between husband and wife. The results of the study show that married couples who practice age-difference marriages do not apply the division of labor based on ability as the researchers described above. Even though there is an expression from one of the husband and wife stating that they are completing the work together, the researchers found data that this expression is not quite right, because the couple works alone every day.

2. Division of labor that is flexible, meaning that the work can be done by anyone both husband and wife who have the opportunity and willingness, the division of labor based on gender is of course carried out jointly between husband and wife based on the common goal of forming a safe and peaceful family.

Based on the results of the study, one out of two couples applies a flexible division of labor pattern, namely the couple Ihsan Rahmad and Yani. This shows that people's understanding of equal rights between men and women (gender) has begun to increase. a flexible division of labor will of course avoid various gender discrimination, for example, women are lower than men and those who are fully responsible for all the work are men, thus women do not have space to work and interact according to their abilities.

Explicitly the division of labor is not regulated in such a clear way in the Qur'an, but the Al-Qur'an surah al-Baqarah verse 228 explains how the rights and obligations of husband and wife should be balanced in a good way. Thus the ideal relationship between husband and wife must be carried out based on cooperation between the two in various kinds of life in the household without any differentiation of roles based on gender.

b. Patterns of Fulfillment of Family Livelihoods

Income comes from Arabic (an-nafaqah) which means expenditure. Namely, expenses that are usually used by someone for something good or spent on people who are their responsibility (Dahlan, 2000).

Fuqaha have agreed that the maintenance of a wife is obligatory for a husband who is independent and is in a place. Regarding husbands who travel far away, the Jumhur Fuqaha still obliges the husband to provide maintenance for his wife, while Imam Abu Hanifah does not oblige except with the decision of the authorities (Rusyd, 1990). About the obligation of living this has been explained by Allah SWT. in the Al-Qur'an letter Al Baqarah verse 233.

وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُنِيَمَ الرِّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ
رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعَهَا

Meaning: "Mothers should breastfeed their children for two full years, that is, for those who want to perfect breastfeeding. And the father's obligation to feed and clothe mothers in a good way. Someone not burdened but according to ability levels." (R.I, 2012).

Obligations in the household built by husband and wife can be grouped into two parts, namely: first, obligations that are material in nature and second, non-material obligations, obligations that are material are called maintenance, in which material obligations include three things namely; clothing, food, and boards, all of which are the full responsibility of the husband, because the role of the husband in the family is that of the head of the household who is sufficient for all of this, however, if we look at the sociology of the family, the interaction between husband and wife towards these obligations can only be

carried out by the wife. if there is a possibility of the husband's inability to fulfill all of that simultaneously (Arifandi, 2020).

As the word of Allah in surah Al-Baqarah (2) verse 233 which explains the obligation of a husband to provide maintenance for his wife, as follows:

وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُنَمِّمَ الرِّضَاعَةَ ۗ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ ۗ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعَهَا ۗ لَا تُضَارُّ وَالِدَةُ بِوَالِدِهَا وَلَا مَوْلُودٌ لَهُ بِوَالِدَيْهِ ۗ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ ۗ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا ۗ وَإِنْ أَرَدْتُمْ أَنْ تَسْتَرْضِعُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا آتَيْتُم بِالْمَعْرُوفِ ۗ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ

Meaning: "Mothers should breastfeed their children for two full years, that is, for those who want to perfect breastfeeding. And the father's obligation to feed and clothe the mothers in a ma'ruf way. Someone not burdened but according to ability levels. Let not a mother suffer misery because of her child and a father because of his child, and the heir is also obliged to do so. If both of them want to wean (before two years) with the consent of both of them and deliberation, then there is no sin on either of them. And if you want your child to be breastfed by someone else, then there is no sin on you if you pay according to what is appropriate. Fear Allah and know that Allah is Seeing what you do." (Alquran dan terjemahannya, 2010).

The same thing is also explained in Law Number 1 of 1974 concerning Marriage in article 80 paragraphs 1-4, namely: 1). "The husband is the guide for his wife and household, will remain regarding matters of household affairs that are important to be decided by the husband and wife together, 2). The husband is obliged to protect his wife and provide everything necessary for household life according to his ability, 3). The husband is obliged to provide religious education to his wife and provide opportunities to learn knowledge that is beneficial to religion, homeland, and nation.

Theoretically, referring to the Qur'an and the regulations governing marriage in Indonesia, namely Law No. 1 of 1974, the obligation to provide maintenance is the responsibility of the husband to his family. However, seeing the reality of this era, various life demands are increasingly complex, so if fulfilling these needs is borne by the husband it will be very burdensome and can trigger a lack of harmony in the household that is being built, so it is clear that the responsibility for subsistence in the family is met together. by husband and wife.

The husband must be able to nurture, protect, and most importantly the husband must be a good leader for his family so that the goals of a happy marriage can be realized. Husband and wife bear a noble obligation to uphold the household which is the basis of the structure of society which will form members of a better society.

Based on the results of the study, the husband and wife who were the subjects of the study all adopted a pattern of fulfilling household income jointly between husband and wife, due to a greater economic need. This burden is not only the husband's responsibility but also the wife's duty to fill the shortage of needs in the household, so that the application of the division of labor in the family is flexible and conditional, meaning that husband and wife can work and earn income to take care of their family's needs voluntarily by support and understand each other.

c. Decision-Making Patterns

The role of decision-making in a family becomes a very urgent and difficult role if it is assigned to just one of them, for example, to a husband or wife only, the presence of the sociology of Islamic family law invites and provides rules for couples, especially husbands and wives, the presence of this sociology of law become a counterweight and protector of the households being built.

As explained in surah ath-Thalaq verse 6 which emphasizes that the decision-making process in the family domain must be by way of deliberation or dialogue between husband and wife.

أَسْكِنُوهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مِنْ وُجْدِكُمْ وَلَا تُضَارُّوهُنَّ لِيُضَيِّقُوا عَلَيْهِنَّ ۗ وَإِنْ كُنَّ أُولَاتٍ حَمَلٍ فَأَنْفِقُوا عَلَيْهِنَّ حَتَّىٰ يَضَعْنَ حَمْلَهُنَّ ۗ فَإِنْ أَرْضَعْنَ لَكُمْ فَآتُوهُنَّ أُجُورَهُنَّ ۗ وَأَتَمُّوا بَيْنَكُمْ بِمَعْرُوفٍ ۗ وَإِنْ تَعَاَسَرْتُم فَسُدِّعُوا لَهُ الْأُخْرَىٰ

Meaning: "Place them (wives) where you live according to your ability and do not trouble them to constrict their (hearts). And if they (the wives who have been talaq) are pregnant, then give them their living until they give birth, if they breastfeed your (children) for you, then give them their wages, and negotiate between you (everything) well; and if you encounter difficulties then another woman may breastfeed (the child) for her " (Departemen Agama RI, 2008).

However, looking at the facts that occur at the community level, the role of decision-making in the family is only borne by men whose status as husbands, on the physical basis of men are stronger than women, think more about problems, and are brave. While the role of domestic work is more borne by women on the opposite basis than men, usually doing light work, cooking, cleaning, and other jobs that do not require a lot of energy.

Several indicators can be used to find out whether the relationship between husband and wife in household life is equal and fair, these include looking at how much access and participation women have in social roles within the family and wider society. , how much control and mastery women have in the field of human and natural resource development, how big the role of women in the decision-making process and how much women get benefits in life. Within the scope of the family, the role of women in the decision-making process is important, considering that the wife plays an important role in improving the economy of the family. It is in this process that the position of the husband and wife in the household will be seen, whether they are in an equal position or vice

versa, one party is dominant over the other (gender discrimination) (Suhendi, H., & Wahyu, 2001).

Family relations between husband and wife in terms of the aspect of decision-making in the family produce two typologies, namely first: the position of husband and wife is equal, and second: the entitlement of one party over the other (Mufidah Ch, 2013).

The first typology between husband and wife has the same opportunity to express their arguments so that the decision-making process by way of deliberation between husband and wife will produce conclusions of opinion that lead to household harmony. the decision-making process between husband and wife is equal without any distinction. The age at which they have married is also a trigger for the mindset of husband and wife in deciding every problem faced in their household, therefore consideration of arguments and common interests takes precedence to present a common opinion in the deliberations they conduct. Every family is built based on gender equality and justice, the process of making and finalizing decisions is based on the principle of togetherness the reason that men and women do not feel there is a difference that becomes a label for both of them. The decision-making process is through deliberation for consensus with the consideration of various arguments between the two, mutual interests so that each will not feel burdened by the decisions that have been taken.

The second typology is the domination of one party over another. In the decision-making process within the family, husbands, and wives differ in positions that are not equal or unequal, even though in the process they still use deliberation methods, those with higher social status have greater authority and are more active in the deliberation decision-making process. On the other hand, those with lower social status tend to be more passive or restrained until the deliberation decision is conveyed and decided. Based on the research of one out of two couples who practice age-difference marriages, unilateral decision-making, only by the husband without any argumentation results or the wife's opinion (Departemen Agama RI, 2001).

CONCLUSIONS

Marriage motivation is the thing that becomes the initial basis for marriage between a man and a woman, thus in the discussion that has been described in the previous chapter on age-difference marriages. From two pairs of husband and wife there are several motivations for marriage, including: 1) Empathy (pity), a person is indeed common in society, especially to people who have helped or contributed to someone. Feeling sorry for and accepting every complaint, story, or someone's problem with another person between a man and a woman can also unite them in marriage. 2). Promises/Nazars, are things that must be fulfilled and carried out, because promises have a psychological impact on a person with other people, where the first person says something to another person that is considered valuable and beneficial to him, such as "I will marry you if you recover from an illness that I have." suffer". Promises/vows can be spoken or written as something that must be fulfilled and will be a disgraceful and even sinful act if it is not carried out as it should. 3). The economy is indeed very influential on the happiness of the household that is built because without economic sufficiency it will trigger problems between husbands and wives so that their happiness cannot run as it should. Even so, the effect of the economy on households, it is not uncommon for households built between the two to be broken and unhappy because they are

unable to manage or plan the economy in the household. 4). Pregnant outside of marriage, households that are built based on problems (pregnancy out of wedlock) are the main trigger for the harmony of the family they live in. Because the problem is not something that is used as a motivation in establishing a sacred bond but rather becomes a disgrace that affects all elements of the family.

The pattern of relationships that are built within the marriage family of different ages in the household built by husband and wife when viewed from the aspect of the division of labor will present two typologies, namely: 1). The division of labor according to the ability and expertise of a person, whether male or female (husband or wife). 2). The division of labor is flexible, meaning that husbands and wives may and can do it according to conditions.

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