



**THE EMPOWERMENT OF THE COUNCIL OF ADVISORY
AND PRESERVATION OF MARRIAGE (BP4)
IN SHAPING SAKINAH FAMILIES**

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Abstract: Divorce cases in the Religious Courts of Lampung Province increase every year, which shows that the performance of BP4 Lampung has not been optimal. Therefore, it needs to be evaluated scientifically. The objective of this study is to find a form of reconstruction of the work management of BP4 Lampung in building a *sakinah* family. This study used qualitative research with a descriptive-analytical type. The approach used interviews, documentation, and observation. The work management of the BP4 Lampung in realizing the *sakinah* family includes: *first*, the selection of management and organizational members who have spiritual, cultural, and intellectual dimensions; *second*, giving the honorarium and the social guarantee; *third*, training and development. Reconstruction that can be carried out is budgeting, where after the issuance of the Law on regional autonomy, then BP4 Lampung, which is a partner of the Ministry of Religion Affairs and related agencies in improving the quality of marriage by developing the *sakinah* family movement, should get more attention in the whole budgeting problem by the government so that this program can be run optimally. To policymakers in Indonesia, both from the legislative and executive elements, along with the scholars, they should be proactive in paying attention to and following up on very complex Muslim problems, especially in the realm of Islamic family law and at the same time damaging the morals and values of the society in general. In this case, the most critical problem is the prevalence of divorce practices in Lampung, which hurt families' psychological development.

Abstrak: Kasus perceraian di lingkungan Pengadilan Agama Provinsi Lampung tiap tahun meningkat, hal ini menunjukkan bahwa kinerja (BP4) Lampung belum berjalan optimal, sehingga perlu dievaluasi secara ilmiah. Penelitian ini bertujuan untuk menemukan bentuk rekonstruksi terhadap manajemen kerja BP4 Lampung dalam membangun keluarga sakinah. Penelitian ini merupakan penelitian kualitatif dengan jenis deskriptif-analitis. Pendekatan yang digunakan menggunakan wawancara, dokumentasi dan observasi. Manajemen kerja BP4 Lampung dalam mewujudkan keluarga sakinah di adalah; *pertama*, penjaringan pengurus dan anggota organisasi yang

memiliki dimensi spiritual, budaya, dan kecerdasan, *kedua*, pemberian honorarium dan jaminan sosial, *ketiga*, *training and development* atau pengembangan kompetensi dan pelatihan.; rekonstruksi yang dapat dilakukan adalah *budgeting*, di mana pasca lahirnya undang-undang tentang otonomi daerah, maka BP4 Lampung yang merupakan mitra Kementerian Agama dan instansi-instansi yang terkait dalam tugas meningkatkan mutu perkawinan dengan mengembangkan gerakan keluarga sakinah, seharusnya mendapatkan perhatian dalam masalah penganggaran secara utuh oleh pemerintah, sehingga program ini dapat berjalan dengan maksimal. Kepada para penentu kebijakan di Indonesia, baik dari unsur legislatif maupun eksekutif, beserta para ulama' agar proaktif dalam memperhatikan dan menindak lanjuti permasalahan umat muslim yang sangat kompleks khususnya pada ranah hukum keluarga Islam dan sekaligus dapat merusak akidah dan akhlak masyarakat secara umum. Di mana, permasalahan terpentingnya adalah, tentang maraknya praktik cerai gugat di tanah Lampung yang berdampak negatif terhadap perkembangan psikologis keluarga.

Keywords: *Marriage; administrative objectives; sakinah family.*

INTRODUCTION

Lampung Province as part of the area on Sumatera Island had a population growth of 6% by 2012 with a total population according to the gender of 9,890,538 people¹, and seen from the side of Islam, the total number was 7,264,783 people². However, at the level of family guidance, Lampung Province is one of the areas where the growth of divorce cases is very high. For example, in the Class IA of Tanjungkarang Religious Court, divorce cases in 2013 increased 35% compared to the previous year, where in 2012 there were 1,102 divorce cases, and from 2013 to November, there were 1,399 divorce cases, and the most unfortunate thing is that civil servants as state servants were also part of the main data supplier for divorce cases in Lampung with a total of 300 cases.³ It seems ironic and contradictory that the spirit of the teachings of the al-Qur'an which upholds harmony in the household⁴ with the term *SAMARA* (*sakinah, mawaddah, and rahmah*)⁵ is in line with the word of Allah Almighty in the al-Qur'an; surah ar-Rum: 21. This social

¹ BPS data in 2013 on Lampung Regional Profiles on Population Statistics by Gender, on <http://regionalinvestment.bkpm.go.id>, accessed on Thursday, December 18, 2014

² BPS Data on Census Results in 2010. See also Asev Kurniawan, "Tinjauan Hukum Islam Terhadap Sidang Pra Nikah Anggota Brimob Dalam Meminimalisir Perceraian (Studi Di SatuanBrimobPolda Lampung)" (Thesis, Lampung, UIN Raden Intan, 2017).

³ Ahmad Amri, "Kasus Perceraian Terus Meningkat", Lampung Post, Wednesday January 22, 2014, page 15, on <http://issuu.com/lampungpost>, accessed December 18, 2014

⁴ Muhammad Sayyid Yusuf and Ahmad Durrah, *Pustaka Pengetahuan Al-Qur'an* (Jakarta: PT Rehal Publika, 2007), 135. See also Imam Mustofa, "Keluarga Sakinah Dan Tantangan Globalisasi," *Al-Mawarid* 18 (February 12, 2008), <https://doi.org/10.20885/almawarid.vol18.art5>. See also Abdurrohman Kasdi, "Marriage Counseling as an Effort to Build a Sakinah Family; Model of Fostering and Mentoring for Sakinah Families in Demak Regency," *Konseling Religi* 10, no. 1 (2019): 99-115.

⁵ Mahmudin Bunyamin and Agus Hermanto, *Hukum Keluarga Islam* (Bandung: Pustaka Setia, 2017), 3. See also Agus Hermanto, "Rekonstruksi Konsep Hak Dan Kewajiban Suami Isteri Dalam Perundang-Undangan Perkawinan Indonesia," *Justicia Islamica: Jurnal Kajian Hukum Dan Sosial* 15, no. 1 (December 29, 2018): 49-86, <https://doi.org/10.21154/justicia.v15i1.1455>.

reality is also contrary to the spirit of the Indonesian government in building a *sakinah* family through the formation of BP4, including those in the Lampung Province. This problematic rationalization shows that divorce is still rampant in the Lampung Province community which illustrates that the work function of BP4 in Lampung Province is very minimal and has not been running optimally.⁶

BP4 guidance in the Lampung region has been carried out after the Decree of the Directorate General of Islamic Community Guidance and Hajj Affairs number D/7/1999 concerning on Guidelines for the Implementation of the *Sakinah* Family Movement in CHAPTER III concerning on the Definition of the *Sakinah* family, Article 3 and Article 4.⁷ However, it has not been able to run optimally. This has been proven by the high number of divorce rates in the Religious Courts. Thus, the role of BP4 Lampung Province is interesting to examine in carrying out marriage guidance to build a *sakinah*, *mawaddah*, and *rahmah* family as thoroughly expected by the Indonesian government. The keywords in this study are a guidance divided into three groups by the BP4 organization: *First*, pre-marriage guidance or courses for prospective bride and groom; *Second*, as a mediator to mediate family problems; *Third*, as advocacy.⁸

The explanation above provides an overview of how the BP4, whose structure reaches the districts and even the villages, does not appear to be grounded. There is even an impression that only the district officials (in this case the KUA) know its presence, while the community generally does not know about it. There is an event of a *sakinah* family election every year, in which the echo seemed to be extravagant, but the impact never reached the lower class community. Ideally, the guidance carried out by the BP4 should be comprehensive, so it requires a number of solutions to be able to fully implement the goal of Law no. 1 of 1974.

There are some studies including a study by Rabiatul Adawiyah et al., entitled "*The Role of BP4 Officers in Improving the Quality of Marriages Towards Sakinah Families in Banjar City*".⁹ It discussed the role of the BP4 in realizing a *sakinah* family by being problem-solving in dealing with every problem. Nurdhin Baroroh's thesis, "*Functions and Roles of the BP4 (A Case Study at the KUA of Piyungan District, Bantul Regency)*," shows that this study is in line with the previous study,

⁶ BP4, which was founded in 1960, the abbreviation has changed three times. *First*, in 1960, BP4 is an acronym for the Marriage, Dispute and Divorce Advisory Board. *Second*, in 1977, it changed to Marriage Guidance, Advisory and Domestic Disputes Board. *Third*, at the XIV National Conference which took place on June 1-3 2009, it changed to Marriage Advisory Guidance and Conservation Board.

⁷ The Decision of the Directorate General of Islamic Community Guidance and Hajj Affairs Number D/7/1999 concerning Guidelines for the Implementation of the *Sakinah* Family Movement. See Depag RI, *Modul Pelatihan Motivator Keluarga Sakinah* (Jakarta: kemenag RI, 2007), 49-50.

⁸ Depag RI, 50-51.

⁹ Rabiatul Adawiyah et. al., "Peranan Petugas BP4 Dalam Peningkatan Mutu Perkawinan Menuju Keluarga Sakinah Di Kota Banjar," Research Report (Banjarmasin: IAIN Antasari, 2011).

but it is more focused on one district, which was Piyungan, by evaluating the role of the BP4 and its function in realizing a confident family.¹⁰

Another literature is by Ali Muchyidin, entitled; "*Mediation as an Effort to Resolve Disputes Outside the Court*".¹¹ It discussed the role of mediation outside the Religious Courts, which in this case is the role of the BP4. Another written work related to *sakinah* family guidance is Muslich Zarkasyi's thesis entitled "*The Sakinah Family Movement; A Study of the Implementation of Islamic Religious Education in the Sakinah Family Group in Temanggung Regency*".¹² This thesis examined 2 (two) *Sakinah* Family Groups (KKS), consisting of KKS "al-Barakah" Pingit Prinsurat and KKS "al-Hidayah" Wonokerto-Tembarak. The goal of the KKS is to improve the mentality and personality of all its members, both in family life and in society with the surrounding environment.

Of those existing scientific works, they were are focused on the role of the BP4 in realizing the *sakinah* family. Meanwhile, this study is quite the opposite, which examined the empowerment of the Marriage Guidance and Conservation Advisory Board (BP4) in building *sakinah* families in Lampung Province, which so far has not been optimal. The researchers intended to study this issue scientifically and deeply, both the factors that affect the obstruction and the propose of rights that must be improved. Thus, what is interesting to study more deeply is the reconstruction pattern of the BP4 management in Lampung Province in building *sakinah* families in Lampung on the underperformance of the BP4 in Lampung Province all this time. This study was qualitative research, which a field research was by observing directly at the field through interviews and observations, by describing and evaluating field events to formulate a pattern as a reconstruction, as the primary data. This study also used some book references, articles, and other media as secondary support. Those data were then analyzed in-depth and scientifically and then it provided a new propose as reconstruction.

THE CONCEPT OF THE SAKINAH FAMILY IN INDONESIA

The *sakinah* family is every person's dream of building a household. There are definitely standards of stages for the realization of the *sakinah* family, both in statutory regulations and other regulations. Laws relating to the guidance of the *sakinah* family in Indonesia which have now become positive law is Law number

¹⁰ Nurdhin Baroroh, "Fungsi Dan Peran BP4 (Studi Kasus Di KUA Kec. Piyungan Kab. Bantul)" (Master Thesis, Yogyakarta, UIN Sunan Kalijaga, 2008).

¹¹ Ali Muchyidin, "Mediasi Sebagai Upaya Menyelesaikan Sengketa Di Luar Pengadilan" (Master Thesis, Semarang, IAIN Walisongo, 2006).

¹² M. Muslich Zarkasyi, "Gerakan Keluarga Sakinah; Studi Pelaksanaan Pendidikan Agama Islam Dalam Kelompok Keluarga Sakinah Di Kabupaten Temanggung" (Master Thesis, Yogyakarta, PPs UIN Sunan Kalijaga Yogyakarta, 2008).

1 of 1974 concerning Marriage,¹³ and other laws and regulations relating to the Marriage Law, including; Law number 7 of 1989 concerning Religious Courts,¹⁴ Presidential Instruction number 1 of 1991 concerning Compilation of Islamic Law, Government Regulation number 9 of 1975 concerning Implementation Regulations of Marriage Law number 1 of 1974, and Government Regulation number 10 of 1983 in conjunction with Government Regulation number 45 of 1990 concerning Marriage and Divorce Permits for Civil Servants.¹⁵

Law number 1 of 1974 is a legal unification in Indonesia concerning on Marriage, which contains 67 articles in detail as follows: Foundations of Marriage, Marriage Requirements, Marriage Prevention, Marriage Cancellation, Marriage Agreement, Rights and Obligations of Husband and Wife, Property in Marriage, Dissolution of Marriage and the Consequences, Child Custody, Rights and Obligations between Parents and Child, Guardianship, Transitional Provisions and Final Provisions.

The implementation of the Marriage Law is clearly intended for Indonesian citizens to build peaceful and happy families. It also aims to change the existing regulatory order with the new regulation to guarantee the noble ideals of marriage through six dominant principles, including: *First*, the Voluntary Principle, which is to form a happy and eternal family. Thus, husband and wife need to help and complement each other to develop their personality assisting and achieving spiritual and material well-being; *Second*, the Principle of Family Participation and Recorded, in which important events need parental participation, especially in terms of giving permission as a manifestation of maintaining the family line. Besides, a marriage is legal if it is carried out according to the respective law of religion and belief. It must also be "recorded" according to the applicable laws and regulations; *Third*, the Monogamy Principle, if it is desired by the person concerned, because the law and religion of the person concerned allow a husband to have more than one wife. In other words, this law contains the principle that complicates polygamy specifically for Civil Servants as regulated in Government Regulation number 10 of 1983; *Fourth*, the Principle of Divorce is Complicated, because of forming a family that is eternally happy and prosperous, the divorce

¹³ Mahmud Huda and Thoif Thoif, "Konsep Keluarga Sakinah, Mawaddah, wa Rahmah Prespektif Ulama Jombang," *Jurnal Hukum Keluarga Islam* 1, no. 1 (April 1, 2016): 68–82. See also Irdam Irdam, Sitti Hutari Mulyani, and Herio Rizki Dewinda, "Penerimaan Diri Seorang Istri Yang Memiliki Suami Mantan Pengedar dan Pemakai Narkoba," *Psyche 165 Journal* 9, no. 2 (July 10, 2016), <http://lppm.upiypk.ac.id/psyche165/index.php/Psyche165/article/view/83>.

¹⁴ Azizah Putri Utami and Aris Widodo, "Upaya Perempuan Buruh Pabrik Dalam Membentuk Keluarga Sakinah, Mawaddah, Wa Rahmah (Analisis Pada Perempuan Buruh Pabrik Tekstil Di Desa Gunung Kecamatan Simo Kabupaten Boyolali)" (undergraduate, Surakarta, IAIN Surakarta, 2018).

¹⁵ Agus Hermanto, "Rekonstruksi Undang-Undang Perkawinan Di Indonesia Dan Keadilan Gender" (PhD, UIN Raden Intan Lampung, 2018), <http://repository.radenintan.ac.id/4126/>.

is complicated to carry out. A divorce is a permissible act that is hated by Allah Almighty. Moreover, even if the opportunity for divorce is opened, it will only be small, because the divorce has many negative effects. Apart from the negative effects for children resulted from the marriage, it also generally has an impact on society; *Fifth*, the Principle of Maturity of the Prospective Bride and Groom, in which the prospective bride and groom must be mature in terms of mental and physical to carry out the marriage in aim to realize the goal of marriage well without thinking about divorce; *Sixth*, the Principle of Improving the Status of Women, in which the rights and position of wives are equal to the rights and obligations of husbands, both in household life and in social interactions.¹⁶

Based on the explanation above, it can be seen that the contribution made by Law number 1 of 1974 and Government Regulation number 10 of 1983 to the development of the *sakinah*, *mawaddah* and *rahmah* families lies in the function of the law itself, both narrowly and broadly, including the function of law as legal certainty, the regulator of community behavior, providing a sense of security, protection, justice and forming a community order. More specifically, it has functions as a social of engineering. As already stated, forming a *sakinah* family requires a two-dimensional process; *First*, The inner dimension, which is efforts aimed directly at Allah Almighty (as the realization of *habl min Allah*) through the media of faith and righteous deeds (worship); *Second*, The outer dimension, which is the effort to fulfill the provisions of the law, both those from Allah Almighty and His Messenger, also the regulations made by the leaders, in this case the government, in the form of applicable laws and regulations.¹⁷

Presidential Instruction number 1 of 1991 concerning on Compilation of Islamic Law is material law with Islamic nuances. The use of the term *sakinah* must be taken from al-Qur'an surah 30:21, *litaskunu ilaiha*, which means that God creates matchmaking for humans so that one feels peaceful with the other.

Therefore, to implement all the legal norms that have been canonized above, and for the realization of the *sakinah* family development program in the community, the government then formed a forum called the Council of Advising and Preservation of Marriage (BP4), which was established on January 3, 1960, and confirmed by the Decree of the Minister of Religion number 85 of 1961, which one of its functions is as one of the implementers of the Law number 1 of 1974 concerning on Marriage.¹⁸ Further, to make BP4 work easier in the regions, the

¹⁶ Dahlan Hasyim, "Tinjauan Teoritis Asas Monogami Tidak Mutlak dalam Perkawinan," *MIMBAR : Jurnal Sosial dan Pembangunan* 23, no. 2 (June 17, 2007): 300-311, <https://doi.org/10.29313/mimbar.v23i2.247>.

¹⁷ Ahmad Zaini, "Membentuk Keluarga Sakinah Melalui Bimbingan Dan Konseling Pernikahan." *Konseling Religi: Jurnal Bimbingan Konseling Islam*, 6, no. 1 (2016).

¹⁸ The Preamble of the 1945 Constitution of the Republic of Indonesia.

government then organized their work within the Ministry of Religion, including in the Lampung Provincial Office.

a. Regional Autonomy Dimension

The number of filing for divorce in the regions including Lampung has increased drastically each year, and divorce cases with sue divorce, which is divorce caused by the initiative of the wife, dominate the current divorce rate in the region, also the divorce carried out by civil servants (especially teachers) also tends to increase.

The development of technology has directly contributed to the high number of family disharmony. Free SMS and telephone services at low rates are commonly used to communicate improperly with non-married couples. This also happens to the internet which has spread to remote villages. At a relatively cheap and easy cost, people will often browse on the internet, and it is even be used to access information and communicate throughout the world, thus causing people to know and want to try new things, which sometimes leads to moral decadence.

The readiness of the community in accepting technological advancement can be carried out by strengthening the relationship in the family with the *Sakinah* Family Movement. This movement can be carried out if all parties have the same commitment to advance the nation by not leaving religious norms. More specifically, leaders must be used as examples, and continue to give stimulant in every activity about the importance of family stability in all aspects. There are BP4 officers in each district whose role can be maximized in this movement. There are also religious institutions and other institutions that can carry out integrated movements, so that the community is indeed ready to accept changes in technological advancements.¹⁹

b. Local Wisdom Dimension

Local wisdom is local values or ideas containing wise, full of kindness and nobility, which are deeply embedded and followed by the community. Every culture has its wisdom in responding to the problems faced in daily life, including wisdom in resolving conflicts²⁰ both in small social units, such as families, and in large units.

The family as the smallest social unit in the community plays a major role in social development. As the smallest unit in the community, the family needs its own organization and the head of the household as an important figure who drives the family's life journey besides some other family members. Family members consisting of father, mother, and child, form a strong unity if there is

¹⁹ Ahmad Wafdan Suaidi, "Kedudukan Dan Peranan BP-4 Dalam Upaya Mencegah Terjadinya Perceraian," *Dinamika: Jurnal Ilmiah Ilmu Hukum* 25, no. 12 (July 26, 2019).

²⁰ Koencaraningrat, *Manusia Dan Kebudayaan Di Indonesia* (Jakarta: Penerbit Djambatan, 1993), 31.

a good relationship between father-mother, father-child and mother-child. This quality relationship is characterized by a harmony in the reciprocal relationship between individuals in the family. Interpersonal interactions occurring in the family greatly affect the harmony or disharmony within the family.²¹

Based on this perspective, harmonious family development (*sakinah*) is implemented in the form of conflict management and resolution within the household. Further, in this context, it is very urgent to have a function as a third party as a problem solver. This can be seen in Soerjono Soekanto's explanation that some models can be used in conflict resolution, including: *First*, resolution based on the source. In this model, it is necessary to know the sources of conflict in advance; whether on relations, values, and so on. Once the source is revealed, it can be followed by the solution. *Second*, the boulding model; it is a conflict resolution method by avoiding, overcoming, and ending conflicts based on procedures. *Third* is the cultural pluralism model; including an assimilation process that can assist in conflict resolution. For example, individuals or groups are invited to give certain reactions to the effect of the social environment by adopting a new culture. *Fourth* is the third-party intervention model, either in the form of arbitration or mediation. Arbitration is a conflict resolution by asking the third party to resolve the problem, and the resolution of the third party must be obeyed by each party.²²

The local wisdom that continues to live in the Indonesian community mentioned above certainly has the potential to encourage the desire to live in harmony and peace (*sakinah*) in the household. This is because local traditional wisdom basically teaches peace with each other, the environment, and God.²³ The local wisdom approach is intensely appropriate in solving household problems because the local wisdom is entrenched and ingrained in the community, and has sacred values and is not only profane oriented. By implementing local wisdom, it is expected that various conflicts and problems in the household can be resolved and accepted peacefully (*sakinah*) by all family members for a long time.

BUILDING A SAKINAH FAMILY THROUGH THE BP4 ORGANIZATION

The increasing divorce rate in the Religious Court in Lampung Province encourages the BP4 services to improve the realizing household harmony,²⁴ thus will reduce the existing divorce rate. The practice of divorce in Lampung Province is due to a weak understanding of the household. There are many perceptions that

²¹ Singgih D. Gunarsa, *Psikologi Keluarga* (Jakarta: PT BPK Gunung Mulia, 1995), 7.

²² Soerjono Soekanto, *Sosiologi Suatu Pengantar* (Jakarta: Rajawali Press, 1990), 239.

²³ Agus Sriyanto, "Penyelesaian Konflik Berbasis Budaya Lokal," *Ibda': Jurnal Studi Islam Dan Budaya* 5, no. 2 (2007): 286-301.

²⁴ Desi Triana, "Studi Komparasi Impelementasi Mediasi Di Pengadilan Agama Purwokerto dan BP4 Kementerian Agama Kabupaten Banyumas" (skripsi, IAIN, 2019), <http://repository.iainpurwokerto.ac.id/5824/>.

men should dominate in the husband-wife relationship, so that wives carry out more domestic tasks and their rights are often subordinated and are considered second-class beings following men.²⁵

The incorrect understanding of the husband-wife relationship needs to be directed to the short courses conducted by the KUA as well as the District BP4 for the prospective bride and groom. Correcting such an understanding must also be able to be comprehended by the husband and wife who face the conflict and expect a resolution from a mediator of the BP4 Lampung.²⁶ Before the prospective bride and groom, and husband-wife who having a conflict understand the balanced of husband-wife relationship, BP4 officers from the district to the province, especially the mediator, must firstly receive a short course on this issue.²⁷

The material explained to the presenters and mediators is regarding the reinterpretation of the *naqliyyah* arguments which are often read textually and applied locally even though they must be read contextually so that they are universal. The reinterpretation of the *naqliyyah* arguments referred to here is the verses or hadiths that specifically discussing the development of the *sakinah* family which must be studied equally to position the existence of men and women in the household.²⁸

Historically, this explanation of equality was once presented by Nasaruddin Umar. When Muhammad was sent, the Arabs experienced an acute moral decay, human exploitation through slavery, baby girls who were buried alive, the natural law still applied, in which the strong one has a hegemony over the weak. The coming of the Prophet Muhammad tried to eradicate this moral imbalance, even humans have the right of equality before their God. Thus, it takes a continuous struggle to uphold this equality in this era, in line with the spirit of the al-Qur'an and hadith.²⁹

The arguments that are considered important to be re-read in line with the BP4 work program can be optimized are:

1) Provisions for Choosing a Spouse

There are four criteria for choosing a partner, as narrated by Imam al-Bukhari³⁰, including their wealth, kinship, descendants and, the most important,

²⁵ Yufi Wiyos Rini Masykuroh, "Optimalisasi Fungsi BP4 Dalam Menekan Angka Perceraian (Studi Pada BP4 Provinsi Lampung)," *ASAS* 11, no. 2 (December 19, 2019): 77-80, <https://doi.org/10.24042/asas.v11i2.5598>.

²⁶ See "Sejarah BP4", on <http://bp4provinsijawatengah.org/>, accessed June 9, 2015.

²⁷ Isnayati Nur, "Politik Peningkatan Kekayaan: Negara Dan Peranannya Dalam Mengentaskan Kemiskinan," *ASAS* 5, no. 2 (July 14, 2013): 79, <https://doi.org/10.24042/asas.v5i2.1697>. See also Nurlaili Ihdanisa, "Pemahaman masyarakat tentang peran BP4 (Badan Penasehat, Pembinaan Dan Pelestarian Perkawinan) (Studi kasus di Desa Sumbergede Kecamatan Sekampung Lampung Timur)" (undergraduate, IAIN Metro, 2018), <https://repository.metrouniv.ac.id/id/eprint/154/>.

²⁸ Tatik Rahayu Ningsih, Secretary of the BP4 Lampung Province, Interview, May 29, 2015.

²⁹ Nasaruddin Umar, *Deradikalisasi Pemahaman Al-Qur'an Dan Hadis* (Jakarta: PT. Elex Media Komputendo, 2014), 392.

³⁰ Muhammad bin Isma'il Abu Abdillah al-Bukhari, *Al-Jami' as-Sahih al-Mukhatsar*, vol. 5 (Beirut: Dar Ibn Kasir, 1987), 1958.

their religion. The hadith on those qualities is *dha'if*, in which this quality also influences the discourse of thought (fiqh) about women in Islam. Thus, it is necessary to contextualize the understanding of hadith, which is an effort to adapt to and from the hadiths is to obtain a true, original, and adequate view for the development or encountered reality.

Regarding the above hadith, the opinion that is relevant to explain the position in Islam is the opinion of Imam Abu Hanifah about the concept of *kafa'ah*. *Kafa'ah* in marriage according to Islamic law is the balance and harmony between the prospective wife and husband so that each candidate does not have a burden in getting married.³¹ *Kafa'ah* in marriage can be defined as an equality between a prospective husband and wife.

The problem of *kafa'ah* in a marriage relationship is not a small problem. Marriage itself is not only limited to the relationship between two people of different background, but it impacts on the attitudes and purposes of life in this world and the hereafter. Moreover, marriage is also the forerunner to the establishment of a harmonious life in the community and at the same time a means for the formation of a pious generation. Community life itself is very diverse, in which good can be mingled with bad sometimes. The problem of *kafa'ah* itself in marriage is a tool or means of filtering and as a consideration to get a good quality life of partner physically, mentally and spiritually as the hadith says above.

Imam Abu Hanifah's opinion on the concept of *kafa'ah* can explain the position in Islam. *Kafa'ah* in marriage according to Islamic law is the balance and harmony between the prospective wife and husband so that each candidate does not have a burden in getting married. *Kafa'ah* in marriage can be defined as equality between a prospective husband and wife.³²

The problem of *kafa'ah* in a marriage relationship is not a small problem. Marriage itself is not only limited to the relationship between two people of different background, but its impact on the attitudes and purposes of life in this world and the hereafter, because marriage is a means of filtering and as a consideration to get a good quality of life partner physically, mentally and spiritually.³³

Historically, the concept and elements of *kafa'ah* were established by the Hanafi School to answer problems from the conditions in Iraq at that time,³⁴ where

³¹ Abd. Rahman Ghazaly, *Fiqh Munakahat: Seri Buku Daras* (Jakarta: Pustaka Kencana, 2003), 96.

³² Ghazaly, 96-97.

³³ Lathiful Khuluq (ed.) and Ema Marhumah, *Rekonstruksi Metodologis Wacana Kesetaraan Gender Dalam Islam* (Yogyakarta: Pustaka Pelajar, 2001), 180. See also Umar, *Deradikalisasi Pemahaman Al-Qur'an Dan Hadis*, 392. See also al-Bukhari, *Al-Jami' as-Sahih al-Mukhtasar*, 5:1958. See also Shofiyullah Mz, *Epistemologi Ushul Fikih Al-Syafi'i* (Yogyakarta: Cakrawala Media, 2010). See also Mz, Shofiyullah. "Epistemologi Ushul Fikih al-Syafi'i." *Yogyakarta: Cakrawala Media* (2010).

³⁴ Regarding the issue, it can be referred to Kamaluddin Ibn al-Hammam al-Hanafi, *Syarah Fath Al-Qadir 'ala al-Hidayah*, vol. 3 (Beirut: Dar al-Kutub al'Ilmiyyah, 2003), 286. See also Khoiruddin Nasution, *Hukum Perkawinan 1* (Yogyakarta: ACAdEMIA & TAZZAFa, 2005), 218.

a plural society in a cosmopolitan area and born from urban society required the development of some criteria in determining a life partner to create unity and peace in family life, based on the inspiration of the above hadith. Thus, the *khitab* in the hadith may be in a male framework because the interlocutors of the Prophet were male companions, but the intention of sending Muhammad as the messenger of Allah is *li al-'alamin* which means universal. Therefore, the *khitab* in the hadith must also be interpreted holistically, which is for men to choose women as their partners and also for women to choose men as their life partners.

2) Husband and Wife Relationship

Regarding the provisions of the husband and wife relationship, in fact, there must be a mercy value within it, and this is as Allah said in Surah an-Nisâ': 19. Many divorces occur due to the lack of respect for husbands for their wives. However, if it is referred to the information in the verse, Allah greatly respects women and safeguards their rights properly through the words *wa 'asyiru hunna bi al-ma'ruf*, which in its free meaning, "and respect your wives with *ma'ruf*". The word *al-ma'ruf* according to Amin al-Khulli is all aspects of goodness or improvement in life.³⁵ Meanwhile, according to Quraish Shihab, it includes not disturbing, not forcing, and the important thing is doing *ihsan* and being kind to them.³⁶

Thus, in reading the verse, one should acknowledge the diversity of humans, whether from the biological aspect, aspirations, needs, abilities, or preferences. Building good relationships between husband and wife is through awareness of equality, not by giving equal treatment to each individual in order to fulfill their specific needs. This kind of relationship in gender studies is often referred to as "contextual equality". It means that equality is not sameness which often demands mathematical equations, but rather an equality that is equally in line with the context of each individual.

Besides, in establishing a husband-wife relationship, it will certainly not always run smoothly and the love of an individual with their partner will gradually diminish.³⁷ However, Islam teaches through the above verse so that everyone can always act wisely even though love has diminished. Regarding this issue, Umar bin Khattab once criticized someone who wanted to divorce his wife because he no longer loved his spouse.³⁸

³⁵ Amin al-Khuli, *Al-Mar'ah Bain al-Bait Wa al-Mujtama'* (Baghdad, n.d.), 13.

³⁶ M. Quraish Shihab, *Tafsir Al-Mishbah: Pesan, Kesan Dan Keserasian al-Qur'an*, vol. 2 (Jakarta: Lentera Hati, 2000), 364.

³⁷ Agus Hermanto, "Eksistensi Konsep Maslahat Terhadap Paradigma Fikih Feminis Muslim Tentang Hak Dan Kewajiban Suami Isteri," *Nizham Journal of Islamic Studies* 7, no. 02 (December 1, 2019): 262-78.

³⁸ Hermanto, 365.

3) Building the *Sakinah* Family

As stated in Surah ar-Rûm: 21,³⁹ the serenity explained in this verse is applied holistically in which the husband needs serenity, the wife needs serenity, the children need serenity, even individuals or groups of people outside the home must also get the impact of.⁴⁰ To get this serenity, togetherness and mutual respect are required without having men (husbands) subordinate the rights of women (wives) or individual family members on behalf of religious arguments.⁴¹

Nasaruddin Umar explained that several factors were leading to the emergence of the understanding of male domination over women based on the word of Allah as stated in the Qur'an, it is because; *First*, the standardization of letters, punctuation, and *qiraat*; *Second*, understanding vocabulary (*mufradat*); *Third*, determination of pronoun references (*damir*); *Fifth*, the determination of exclusion limits (*istisna'*); *Sixth*, the determination of the meaning of the letter '*ataf*'; *Seventh*, biases in language structure; *Eighth*, biases in the Arabic dictionary; *Ninth*, biases in the interpretation method; *Tenth*, the influence of the history of *Isra'iliyyat*; and biases in bookkeeping and standardization of *fiqh* books.⁴²

The reinterpretation of the two words in the verse will have implications for the partnership between husband and wife in the household. However, it does not mean creating two suns in the house. The concept of a leader in the home definitely remain very relevant in the Indonesian context, and what needs to be emphasized is the context of the division of tasks and authorities in forming a *sakinah*, *mawaddah*, and *rahmah* of the household. Each member of the family, whether male or female, equally has the right to generate goodness in it, but everything must be built in family deliberations led by the head of the family.⁴³

The concept is that the head of the family is not to subordinate, but to synergize all desires and thoughts arisen in family deliberations. Based on this interpretation, the characteristics and indicators of the *sakinah* family that have been established so far are explained by the BP4.⁴⁴

³⁹ Majma' al-Lughah al-Arabiyyah, *Al-Mu'jam al-Wasit* (Mesir: Dar al-Ma'arif, 1972), 440.

⁴⁰ Compare to M. Quraish Shihab, *Pengantin Al-Qur'an* (Jakarta: Lentera Hati, 2007), 80-81.

⁴¹ Agus Hermanto, "Integrasi Laki-Laki Dan Perempuan (Paradigma Teori Gender Kontemporer)," *Studia Quranika* 1, no. 2 (January 15, 2017): 197-210, <https://doi.org/10.21111/studiquan.v1i2.844>.

⁴² *First*, in the interpretation of *damir "kum"* in "*khalaqa lakum*" which means owned by men. In *harfiyyah*, the word construct in the verse is addressed to men. *Second*, the interpretation of "*azwajan*" which means wives. This meaning implies the understanding that women are sexual objects for men, so that their rights are automatically subordinated to men's rights. In line with this, Muhammad Quraish Shihab explained that the al-Qur'an had used the word *zawwaja* and *zauwj* meaning "spouse". This is because marriage make an individual has a spouse, and this word in its various forms and meanings is repeated no less than 80 times. See Nasaruddin Umar, *Argumen Kesetaraan Jender Perspektif Al-Qur'an* (Jakarta: Paramadina, 1999), 299. See also M. Quraish Shihab, *Wawasan Al-Quran: Tafsir Maudhu'i Atas Pelbagai Persoalan Umat* (Bandung: Mizan, 2007), 191.

⁴³ Afrinaldi Afrinaldi and Zulfani Sesmiarni, "Perempuan Menggugat: Kursus Pra Nikah Sebuah Upaya Preventif Di BP4 Kota Pariaman," *Kafa'ah: Journal of Gender Studies* 6, no. 1 (August 31, 2016): 73-92, <https://doi.org/10.15548/jk.v6i1.103>.

⁴⁴ Look again at Chapter II on the Concept of *Sakinah* Families in Indonesia.

Through these characteristics and indicators, BP4 Lampung will be more proactive in building a *sakinah* family. Moreover, moments like this will increasingly become an encouragement for all components of the family members to get together in building the best *sakinah* family, because besides getting awards they are also expected to be a model in their environment and the very important thing is that they are also eager to be a *sakinah* family.

4) BP4 as a Major Organization to Build a *Sakinah* Family

As the Marriage Law and the regulations followed are applied, it provides a direction that in building a *sakinah* family, it should be handed over to two major institutions in this country, which are the Ministry of Religious Affairs through the Religious Affairs Offices and the Supreme Court through the Religious Courts.⁴⁵

The division of authority between the two institutions is on the time and technical side of the implementation. The Religious Affairs Offices have an authority to build a *sakinah* family before marriage by organizing courses for the prospective bride and groom. Through the Decree of the Ministry of Religious Affairs (KMA) Number 477 of 2004, the government mandates that before a marriage, each prospective bride and groom must be given an insight into the meaning of a household through a course for both of them (*suscatin*). Moreover, the issuance of the Circular Letter of the Directorate General of Islamic Community Guidance Number DJ.II/PW.01/1997/2009 has made the progress of *suscatin* in the Religious Affairs Offices clearer.

The issuance of regulations regarding the course for prospective bride and groom is a form of the government's real concern for the high number of divorces and cases of KDRT (domestic violence) in Indonesia.⁴⁶ Thus, by attending the *suscatin*, the prospective bride and groom who want to continue to marriage level will be provided with basic material knowledge and skills about married life. To strengthen this will, the Religious Affairs Offices as the organizer includes a course for the prospective bride and groom as one of the requirements for marriage registration procedures.⁴⁷

The authority of the Religious Courts in terms of the development of the *sakinah* family lies in solving household problems in the form of mediation for each person in dispute. The goal of mediation in the Religious Courts is a process

⁴⁵ Harahap, Juniarti. "Implementasi peraturan direktorat jendral bimbingan masyarakat Islam No: DJ. II/542 tahun 2013 tentang pedoman penyelenggaraan kursus pra nikah (studi di bp4 dan lembaga arrahman prewedding academy)." (2015).

⁴⁶ Marieta Rahmawati, "Menulis Ekspresif Sebagai Strategi Mereduksi Stres Untuk Anak-Anak Korban Kekerasan Dalam Rumah Tangga (KDRT)," *Jurnal Ilmiah Psikologi Terapan* 2, no. 2 (2014): 276-93, <https://doi.org/10.22219/jipt.v2i2.2002>.

⁴⁷ I. Dewa Ayu Dwika Puspita Dewi and Nurul Hartini, "Dinamika Forgiveness pada Istri yang Mengalami Kekerasan dalam Rumah Tangga (KDRT)," *INSAN Jurnal Psikologi dan Kesehatan Mental* 2, no. 1 (July 3, 2017): 51-62, <https://doi.org/10.20473/jpkm.V2i12017.51-62>.

of dispute resolution through a process of negotiation or consensus of the parties, assisted by a mediator who does not have the authority to resolve or force a settlement.

The main characteristic of the mediation process is negotiation, which is essentially the same as a deliberation or consensus process. In line with the nature of negotiation or deliberation or consensus, there should be no coercion to accept or reject an idea or settlement during the mediation process. Everything must be approved by the parties.⁴⁸

Specifically, the goal of mediation in the Religious Court is a process of peace efforts between a husband and wife who have filed for divorce, where the mediation is mediated by a Judge appointed at the Religious Court. The mediation process is only implemented by the Religious Courts in 2008 based on Supreme Court Regulation Number 1 of 2007 (PerMA Number 1 of 2008), and based on Article 8 of Perma Number 1 of 2010, it states that those who can become mediators are: *First*, the judge who is not a case examiner at the court concerned; *Second*, lawyers or legal academics; *Third*, non-legal profession considered by the parties to have control or experience in the subject matter of the dispute; *Fourth*, the judge of the case examining panel; and *Fifth*, the combination of the mediators mentioned in points a and d, or a combination of points b and d, or a combination of points c and d. However, the parties in court recently have mostly used judge mediators. This is probably because the judge mediator is not paid, while the non-judge mediator has to be paid.

The two authorizations above along with the juridical norms that bind them are the state's efforts in building the *sakinah* family that need to be appreciated. However, practically speaking, differentiating work and institutions will break the work pattern of building a *sakinah* family. The one-stop work system in terms of advisory, guidance, and conserving marriage will be able to optimize the vision and mission of *sakinah* family development and reduce the divorce rate in Indonesia, particularly in Lampung Province.⁴⁹

The one-stop work system here is by optimizing the functions of the BP4 Lampung to carry out the above two authorizations completely. BP4 must carry out course activities for prospective bride and groom so that it is sufficient for both of them to understand the knowledge of the rights and obligations of husband and wife in a household and then submit the results to the Religious Affairs Offices, thus, they can proceed the recorded marriage as an administrative process.⁵⁰

⁴⁸ Zaini, "Membentuk Keluarga Sakinah Melalui Bimbingan Dan Konseling Pernikahan." *Konseling Religi: Jurnal Bimbingan Konseling Islam.*"

⁴⁹ Suhaili, Supervisor of BP4 Lampung Province, Interview, June 4, 2015. Ningsih, Secretary of the BP4 Lampung Province. See "Musda BP4 Provinsi Lampung Tahun 2014", <http://lampung.kemenag.go.id/>, accessed June 9, 2014.

⁵⁰ Aris, Head of the Ministry of Religion in Bandar Lampung, Interview, July 5, 2015.

Moreover, when a household problem occurs, the full mediation process should be submitted to the BP4 because their data must be synchronized with those who have attended pre-marriage courses and receive recommendations to proceed to the KUA in order to carry out and record the marriage. If those in dispute are spouses who have received the course, but there is still a serious polemic, the mediator must seriously and actively seek solutions and reconcile the two without being bound by time, and the will to divorce is negated. However, if the mediation process is still unable to bring about peace between the two, then BP4 must recommend the case to the Religious Court to follow the court process.⁵¹

By directing BP4 as the major organization for *sakinah* family development in Lampung Province, as stated above, the function of advising prospective bride and groom, guiding married couples and conserving marriages for disputing couples will run optimally. Thus, to carry out all of these as a form of public service, the supporting factors are: *First*, the awareness factor, functioning as a foundation in the development of the *sakinah* family in Lampung Province. Work awareness motivated by the desire to carry out duties and responsibilities is related to the completion and delivery of appropriate work reports in the business, and participating in maintaining existed facilities and infrastructure. *Second*, the regulatory factor, which becomes the foundation or work guideline for BP4 Lampung, is an important tool in building the *sakinah* family. This factor also concerns all written rules and regulations applied in the BP4 Lampung, including working time, discipline in the implementation of work, imposing sanctions for work violations and the stipulated provisions. *Third*, organizational factors, including the organizational structure of BP4 Lampung which describes work accountability based on expertise and functions in each section in line with assigned tasks and BP4 development efforts. *Fourth*, the revenue factor, which must be included in the APBD through the regional autonomy law. An income factor is a form of appreciation for the core officers in the BP4 Lampung for their energy and thoughts that have been devoted to other people or BP4, both in the form of money and facilities, within a certain period of time including honorarium and social security which can lead to high morale. *Fifth*, the skill factor, which is very important for BP4 Lampung in implementing good, fast, adequate marriage advice, guidance and fulfilling the wishes of all parties, both for BP4 itself and the community. Work patterns can be improved by providing work guidance and instructions, special education and training in terms of success and mediation. *Sixth*, the factor of facilities and infrastructure, meaning all types or forms of equipment, work equipment and other facilities that have function as a tool in carrying out work and also function socially in the context of the interests of

⁵¹ Idham Mu'in, Head of the Ministry of Religion in South Lampung, Interview, July 7, 2015.

individuals who are dealing with BP4. Each of these supporting factors has a different role but it is still related to one another towards the realization of good or optimal public service implementation.⁵²

CONCLUSION

Divorce cases in the Religious Courts of Lampung Province increase every year, which shows that the performance of BP4 Lampung has not been optimal. Therefore, it needs to be evaluated scientifically. This study aims to find a form of reconstruction of the work management of BP4 Lampung in building a *sakinah* family. This study was qualitative research with a descriptive-analytical type. The approach used interviews, documentation, and observation. The work management of the BP4 Lampung in realizing the *sakinah* family includes: *first*, the selection of management and organizational members who have spiritual, cultural, and intellectual dimensions; *second*, the provision of honoraria and social security; *third*, training and development or competency development and training. Reconstruction that can be carried out is budgeting, where after the issuance of the law on regional autonomy, then BP4 Lampung, which is a partner of the Ministry of Religion and related agencies to improve the quality of marriage by developing the *sakinah* family movement. Thus, it should get attention in the whole budgeting problem by the government to make program run optimally. Reconstruction of this research is; to policymakers in Indonesia, both from the legislative and executive elements, along with the scholars. They should be proactive in paying attention to and following up on very Muslim's complex problems, especially in the realm of Islamic family law and at the same time it might damage the morals and values of the society in general. In this case, the most important problem is the prevalence of divorce practices in Lampung which have a negative impact on the psychological development of families.

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⁵² Qosim, Head of KUA Bandar Lampung distric, Interview, August 16, 2016.

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