

Repetition of the Marriage Contract (*Shihbah*) in the Rifaiyah's Tradition

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ABSTRACT

In the tradition of Jama'ah Rifaiyah there is the practice of repeating the marriage contract called Shihbah. This tradition emerged from the understanding of the central figure of the Rifaiyah congregation, Kiai Ahmad Rifai, who categorized some Muslims who supported the Dutch colonial government into the category of wicked believers, including the Penghulu (Chieftain). Penghulu who are under the auspices of the colonial government are considered no longer have a "adil/fair" nature. This has resulted in any marriage process led by the government head being considered invalid, because the chieftain is not a fair believer who is required to lead the marriage process. This tradition lasted until the post-independence period. The purpose of this study is to find out the practice of shihbah from the colonial period until now and what factors are behind it. Field research with a descriptive-analytical approach found that the practice of shihbah among the Rifaiyah congregation experienced a shift. The practice of shihbah is still carried out by some Rifaiyah congregations even though the Indonesian government is no longer a colonial government. Some Rifaiyah congregations still practice shihbah on the grounds of a clash with a religious figure. However, many Rifaiyah congregations no longer practice shihbah.

Keywords: Marriage Contract, Rifaiyah, Shihbah,

Introduction

Allah created humans equipped with instincts and lust to encourage humans to find a life partner. The stages of humans getting a partner in Islam must be in accordance with the rules set by the Sharia. Marriage (*zawāj*), is a contract regulated by the Sharia with the aim of being allowed to have fun between men and women with halal status to preserve offspring (Hakim, 2000: 11).

Contract (*al-'aqqd*) is defined as an engagement, agreement, or consensus (*ittifaq*) (Djamil, 2001: 247). In terminology, as quoted by Az-Zuhaili, contract is an engagement between two things, both meaningfully and in real terms, from two aspects

or one aspect (Zuhaili, 1989: 80). Meanwhile, according to the scholars of Syaf'iyyah, Malikiyah and Hanbali, everything that is done by someone because of his own desire. Such as *waqf*, divorce, or matters whose realization requires the approval of two parties such as buying and selling, representation, and *kafalah*. (Syafe'i, 2001: 43-44).

A contract must be valid and fulfill the pillars and conditions, so that the contract can have a legal effect. If the pillars and conditions of the contract are not met, then the contract must be repeated. In marriage, the contract is a binding transaction for the parties, especially married couple. The bond in marriage is often referred to as *mītsāq ghalīz* or a solid agreement (Kurdi, 2016: 68). As mentioned in the Qur'an Annisa verse 21:

وَكَيْفَ تَأْخُذُونَهُ وَقَدْ أَفْضَىٰ بَعْضُكُمْ إِلَىٰ بَعْضٍ وَأَخَذْنَ مِنْكُمْ مِيثَاقًا غَلِيظًا

“And how can you take it after you have gone in unto each other, and they have taken from you a solemn agreement?”.

Shibbah is a special term in the Rifaiyah congregation which means the repetition of the marriage contract due to a lack of contract terms according to the members of the Rifaiyah congregation. This is a problem when they marry a bride from another community or are married by a Chieftain from outside the Rifaiyah congregation.

Jamaah Rifaiyah is attributed to a figure during the Dutch colonial period, Kyai Ahmad Rifa'i. He was born in 1786 AD. The Dutch considered Rifa'i dangerous because he had the view that some Javanese clerics were stooges of the colonialists and enforced secular laws (Abdullah, 2006: 34). This view then leads to attitudes and ideas about fair scholars which he wrote in several of his works (Adib, 2016: 518). Kiai Rifa'i's thoughts aroused the suspicion of the colonial government and local officials so that he was exiled to Ambon. He was one of the figures that was hated by the Dutch because he was not pro with the policies made by the Dutch government and at odds with the attitude of the local ulama who were pro-government. Therefore he was considered heretical by the colonial government.

Kiai Rifa'i made a categorization of ulema who may be used as role models and who should not be used as role models, the obligation to obey the government or not in religious matters. This categorization is motivated by local officials who have special

privileges and sometimes they also make people suffer. He was later opposed by the colonial government and local officials (Nawawi, 2011: 161).

According to Kartodirdjo, Kiai Rifai considered that indigenous officials, such as the *penghulu*, were willing to submit and serve the colonial government and carry out laws that were not derived from Islamic law, so he categorized them as wicked believers (Kartodirdjo, 1984: 15).

In the context of the marriage contract, if the ungodly believer is the chief, the status of the marriage contract he leads is invalid because in the marriage contract there are still unfulfilled pillars, namely a fair marriage guardian. If the ungodly believer becomes a witness, a contract is considered invalid because the witness does not meet the requirements to be a witness to the marriage. This means that the marriage contracts do not yet have legal consequences, such as the lawful relationship between husband and wife, the rights and obligations of living, and others. To overcome this, a repetition of the marriage contract was held. This practice is called *Shibbah*.

The practice of *shibbah* is still *ongoing* even though the Indonesian government is no longer an infidel. However, it was identified that there was a shift in the practice of *shibbah*. And Pekalongan and Batang districts are the areas with the largest population of Rifaiyah congregations with all the dynamics of the thoughts of their adherents, including the shift in views of Rifaiyah congregations in Pekalongan Regency and its surroundings towards the practice of the *Shibbah* tradition.

Several studies on the repetition of contracts in the Rifaiyah community have been carried out by several researchers. Among them were carried out by Ikhsan Intizam, in the journal *Didaktika Islamika* with the title "The Validity of Marriage at KUA; Case Study of the Rifa'iyah Jama'at Kendal Regency. This article examines how the implementation of the Rifa'iyah congregation's marriage settlement in Kendal Regency and what factors are behind the reasons. carried out the marriage settlement twice, namely at the KUA and at the bride's house.

A similar study was also conducted by Ma'mun with the research title "Exclusive Theology of the Colonial Era - Portraits of Thought KH. Ahmad Rifa'i on the Concept of Faith" published in the journal *Religion*. This research article presents facts about Kiai Ahmad Rifai's exclusive thoughts which are contained in several of his works. This exclusivity arises because the level of faith is categorized into three; (1) *Maqbul* faith, is the faith of a Muslim who in his life does not commit major sins; (2)

Manquf faith, namely the category of believers who during their lifetime had committed major sins but which did not cause them to become wicked; (3) *Mardud* faith, namely the category of believers who have committed major sins that can cause them to become wicked. From these three differences, the conclusion of Kiai Ahmad Rifai's fiqh exclusivity emerges, such as in terms of the validity of Friday prayers and the marriage contract process.

While this study aims: (1) to find out how the practice of shihah at the time of Kiai Rifai is still alive and today; (2) find out the reasons why the practice is implemented. The relevance of these objectives is to find out how the practice of shihah is carried out. So that makes it clear how the shift in the practice of shihah from time to time when Kiai Ahmad Rifai lived until now.

Research Methods

The authors of this article were written based on the results of research with the types of field research or field research to obtain the desired data. By directly conducting a field study, it is hoped that the data on the practice of *shibbah* among the Rifaiyah congregation in Pekalongan Regency can be obtained and the extent to which the shift in the practice of *shibbah* can be clearly identified.

The location of this research was carried out in Pekalongan district and its surroundings. This district is where most of the followers of Jam'iyah Rifaiyah live, such as in the districts of Kedungwuni, Tirto, Wiradesa, Bojong, and Batang sub-districts. In some of these sub-districts there are Rifaiyah educational institutions such as Majlis Ta'lim, Islamic boarding schools, and formal educational institutions. And in some sub-districts it can be used as a reference to see the shift in the *shibbah* tradition

The type of the research is qualitative which combines field data and literature. Data analysis was carried out by analyzing texts related to the object of the research study and by conducting interviews with the Rifaiyah congregation. The validity of the analyzed data was tested by data triangulation method. That is by comparing or verifying it with similar data in other literature. So that the validity of the data can be accounted for.

Because this research is a socio-religious type, this research does not only answer existing scientific problems. But more developed into something useful in the

context of modern society. So it takes a harder analytical effort in order to achieve the aims and objectives of developing scientific problems into today's life.

The method of collecting data in this research is by means of observation which aims to describe the *setting of the* activities that occur. This observation was carried out to find out how the practice of *shibbah was* carried out by the Rifaiyah congregation. From this it can be seen the perpetrators, the time, and the reason for the *shibbah to be* held in Pekalongan district and its surroundings.

Interviews were conducted directly with *shibbah* actors both from the congregation or outside the Rifaiyah congregation in Pekalongan district and its surroundings. The direct or face-to-face interview process was recorded and used as research supporting data. Likewise, interviews were conducted using the teleconference method

Descriptive-analytical approach was used in this study. Descriptive-analytical aims to collect data found in the field related to information about research studies. In this case, the information needed is about the practice of *Shibbah* Jamaah Rifaiyah in Pekalongan Regency and its surroundings which is then processed to obtain conclusions from the data collected.

The data that has been collected is processed by conducting analysis. The analysis is carried out with an inductive model. From this process, general facts will emerge which are the results of research findings drawn from the findings of specific facts in the field. And to ensure the validity of the data, the triangulation method was carried out by conducting interviews with several related parties.

Discussion

1. The Practice of Shihah in the Rifa'iyah Jama'ah

The follower of Rifaiyah is attributed to Kiai Ahmad Rifai, the central figure of Jama'ah Rifaiyah who was born in Tempuran, a village in Kendal Regency on 10 Muharram 1200 H (Sa'ad, 2004: 6-7). Kiai Ahmad Rifa'i did not declare the existence of Jam'iyah Rifa'iyah as the name of an organization. The students who attribute themselves as followers are called santri Tarajumah or santri Rifa'iyah (Nasrudin, 2009: 90).

Rifa'iyah is one of the Islamic organizations in Indonesia, which has a religious tradition of Sufism and fiqh with the *ahlusunah waljama'ah* school of thought. As a socio-religious organization, the Rifa'iyah sect follows the teachings of Kiai Ahmad Rifa'i from Kalisasak village, Batang district. Followers of the Rifa'iyah school in the view of the general public are often referred to as Tarjumah, Tarjamah, Tarajumah, Ubudiah, Budiah, and Santri from Kalisasak (Syadirin Amin, 1996: 62).

Rifa'iyah's followers have spread widely in various regions throughout Indonesia, such as East Java, Central Java, West Java, Papua, Kalimantan, and others. Specifically, in Central Java, the Rifa'iyah congregations are in Kajen Pati, in Kudus, in the Pager Kuh village of Wonosobo, in Kedungwuni Pekalongan, in Tanahbaya village, Randudongkal district, Pemalang, in Kendal, in Purwosari village, Patebon district, in Pamriyan village, Gemuh district, in the area Rowosari Kendal. Jama'at Rifa'iyah has a large following spread across Kalisari village, Bulak village, Gebanganom village, Randusari village, Gempolsewu village, Wonotenggang village, Pojoksari village, Sendangdawuhan village, Gilisari village, Ngaram-ngaram village, Tanjung Sari village, Tanjung Anom village, and the village of Sendang Sikucing. In Batang Regency, Rifa'iyah congregations spread out in villages in Gringsing District, Tersono District, Banyuputih District, in Paesan, in Donorejo Village, Limpung District, Batang City District, and so on.

Kiai Ahmad Rifai studied in Java and in Mecca. And when he returned to Java, Kiai Rifai began to write the books of Tarajumah. That is a book in Javanese language in the form of poems and later became the handle of his followers (Sa'ad, 2004: 7). The works written by Kiai Ahmad Rifa'i are often known as the Kitab Tarajumah which means translation. Because indeed these works are the result of translations of Arabic books that have been studied while in Mecca. The book of tarajumah is a form of introduction to Islamic teachings that is packaged in language that is easily understood by the majority of Javanese people as well as advice to be behind the right ulama. In hindsight these books became the main guidelines of the followers of Rifa'iyah.

In terms of marriage, the followers of Rifa'iyah carry out several traditions before the marriage settlement is held. Among these traditions is studying the *Tabyin al-Islah* book which is carried out before the marriage settlement is carried out. The

prospective bride and groom who will do the wedding must follow the learning of the contents of the *Tabyin al-Islah book*. Namely a book that discusses the law of marriage to local leaders.

At the technical stage of its implementation, the prospective bride and groom who will marry meet the ulama or religious leaders of Rifa'iyah about two months before the marriage settlement is carried out to study the *Tabyin al-Islah book* until they can understand the contents of the book. If the bride is not yet able to understand the contents of the book *Tabyin al-Islah*, usually religious scholars or ulama Rifa'iyah not allowing the bride to carry out the marriage until they can understand the contents of the book.

According to the results of an interview on January 14, 2021 to KH Amruddin, one of the religious leaders of Jam'iyah Rifa'iyah in Kedungwuni sub-district, said that "the implementation of *tajdid* marriage in ancient times occurred because of deficiencies in the requirements for guardians and witnesses mentioned in the *Tabyin Book . al-Islah*, i.e. the witness must be completely fair". If the bride and groom do not understand the meaning and purpose of marriage, it means that the marriage was in vain. The purpose of studying the book of *Tabyin* is to bridge the gap between the bride and groom and the need to understand the purpose and purpose of marriage. This is as stated by H. Ali Nahri, a Rifa'iyah figure in Batang Regency, who stated that there is a recommendation to study the *Tabyin al-Islah book* before *getting* married. Especially for other than Rifa'iyah followers.

After studying the books about marriage in *Tabyin al-Islah*, the prospective bride and groom who already have an understanding of the marriage choose or appoint a marriage witness who is considered to be in accordance with the qualifications of the marriage witness mentioned in the *Tabyin al-Islah book*. Namely: Islam, *Akil* (reasonable), *baligh*, male, not a slave, two people, can see (not blind), can hear (not deaf), can speak (not mute), not his son or father, not his enemy, not a believer the wicked, guarded his honor, maintained his belief, that is not a follower of the *Qadariyyah* and *Jabariyyah* schools, and guarded his mind (can control himself and not the weak). By selecting witnesses who fit these criteria, the prospective bride and groom apply what they have learned.

The witnesses according to the standard of the *Tabyin* book are not committing

major sins or not committing minor sins continuously. This big sin can be a sin that makes the perpetrator a disbeliever, such as denying Allah and His Messenger, doubting the Last Day, and justifying something that is forbidden. Or commit a major sin that does not make the perpetrator an unbeliever, such as killing, eating the property of an orphan, and committing adultery. Meanwhile, constant minor sins that make the perpetrator wicked, such as vilifying other people, seeing things that are haram, and listening to voices that are haram. If in a person there is behavior that causes him to be wicked, then he has no right to be a witness.

The prospective bride and groom choose witnesses from several standardized people who have been chosen by the residents. Residents choose and select the witnesses themselves who will be proposed to local leaders. Some of these names were then considered for eligibility standards by relying on the *Tabyin al-Islah book* by local religious leaders . The witnesses must not be wicked. This non-wicked standard is difficult to meet. Therefore, the number of standardized witnesses is not large.

Meanwhile, the number of witnesses specified in a particular area may vary. A number of these witnesses are worthy of being witnesses in the marriage settlement held by anyone where they live. And sometimes the witnesses are invited to other areas to witness the marriage because of their familial relationship.

If the fulfillment of the marriage witness is not achieved with the standards contained in the *Tabyin* book , then the marriage needs to be repeated. And this is what is called the *shibah* tradition . However, this *shibah* tradition has experienced a shift in thought between the KH era. Ahmad Rifa'i is still living with the present. And this *shibah* tradition is the final alternative for a marriage to be valid.

To avoid repeating the contract, some of the bridal couples carry out the ceremony at home. Meanwhile, the marriage chieftain came to the house only as a marriage registrar. Or by continuing to carry out in the office of religious affairs by taking into account the factors of fulfilling the requirements of the guardian and the witnesses of the marriage. On the other hand, there are some people who choose to carry out marriages in the office while still paying attention to the legitimacy of the marriage guardian and witnesses. However, the main reason is due to economic factors. By getting married in the office of religious affairs can minimize the budget.

One of the repetitions of marriage was carried out by Ibu Rohanah who

performed the marriage settlement at the Jakarta City Religious Affairs Office in 1960. After 30 days later, she and her husband returned to Dukuh Paesan and held a repetition of the marriage settlement.

After the generation of the 1970s, it is rare for people to repeat the marriage settlement, in fact it is very rare to find them. This is in accordance with the narrative of H. Ali Nahri from the results of an interview on August 26, 2020. Almost the majority of the Rifaiyah congregation carry out the marriage settlement only once. Even if there are a small number of people who repeat the marriage settlement, the reason is not about the validity of a marriage. Because all the elements of the requirements and pillars have been fulfilled.

Several couples who repeated the marriage settlement, namely Mrs. Halimah, a resident of Rifaiyah who married in 1980 at KUA Jakarta, repeated the marriage settlement after returning to Paesan village thirty days later. The other couple was Mr. Maknai, who performed the marriage settlement in Jakarta in 1981, and after 40 days he and his wife returned to the village for a repeat of the marriage settlement. The repetition of the marriage settlement with the aim of getting blessings from the Kiai and *Tajammul Nikah* (beautifying the marriage).

2. Factors behind the practice of Shihah in the followers of Rifaiyah

The work in the form of a religious guide book written by Shaykh Ahmad Rifa'i is written in the form of poetry, Javanese song poetry, the form of natsar or stanzas totaling 65 titles, 500 *tanbih* and 700 *nadzam* prayers and answers discussing the three fields of Islamic law, theology, jurisprudence and rational Sufism. Meanwhile, the books compiled in Ambon during the exile period amounted to four titles and 60 *tanbih*. Everything is in Malay. These books contain three fields of religious knowledge, socio-religious criticism poems against traditional clerics, marriage chieftains and the Dutch colonial government (Syadirin Amin, 1996: 118).

In the book *Tabyin al- Iṣlah*, a book that discusses marriage, Kiai Ahmad Rifai raises controversy from the government. This is because the contents of the book contain many criticisms of the authorities. One of them is the invalidity of a marriage led by an official appointed by the Dutch colonial government. These officials are considered ineligible, ungodly believers, and there is compulsion to pay a certain

amount of money. In this book, Kiai Ahmad Rifai also discusses clearly about marriage, divorce, reconciliation, and divorce along with all the problems that often arise in marriage.

The thing to note is that the *fair* status standard is quite heavy. *Adil* is understood as a Muslim, has *reached puberty*, has never committed a major sin, and has not repeatedly committed a minor sin. This is what is known as a *shabadah fair* which can be proven by the testimony of many people. According to Kiai Ahmad Rifai, *adil rimayat*, which assess the nature of *unfair* if someone just from the stories of people alone is not enough to make him worthy of being a guardian (Rifa'i, *Tabyin al-Islah*: 52).

In the history of the government system, especially in pre-Islamic Java, there was an institution called the *kepengulon* which had the power of *qadla'* (Ismail, 1999:7). This lasted until the Islamic kingdoms and the colonial period. After Islam became the majority religion, the Kiai took the position of *Abdi Dalem Pamethakan* or *Abdi Dalem Suronoto* (members of the Islamic High Court). They are the ones who spread the teachings of Islam and carry out the function of deciding legal cases and fatwas for the state. They are also referred to as *Harasatu Din* (Ismail, 1999:7).

One of their duties is to take care of family matters and the inheritance system. And when the colonial government took over the government, the role of the *harasatu din* was recognized through a decree of the Kingdom of the Netherlands in 1885 with the task of deciding marriage and inheritance cases. And continued by creating a religious court institution in each area that already has a civil court.

Kiai Ahmad Rifai strongly opposes the implementation of marriages under the leadership of the religious judiciary mentioned above. He didn't hesitate to call off the wedding. This attitude was based on Kiai Ahmad Rifa'i's saturation with government clerics who demanded high wages and falsified fatwas for the benefit of the colonialists (Ahsa, 2003: 39). And the followers of Rifa'iyah are very obedient in carrying out the teachings contained in the books by Kiai Ahmad Rifai. This obedience factor makes his fatwas followed thoroughly by all his followers, including in terms of repetition of the marriage settlement.

The marriage chieftain at the time of Kiai Ahmad Rifai were considered unable to become marriage guardians. This is because the marriage chieftain were judged not

to be in the category of *mukmin adil* by Kiai Ahmad Rifa'i. Although in terms of religious knowledge, they are still considered wicked because they serve themselves to the infidel colonial government and for the sake of wealth. This statement can be seen in the excerpt of the poem in the book of *Tabyin* page 180 as follows.

“Akeh ‘alim fasik niru saiki zaman/ pada dadi pengulu maha gedbe kedusan// Buru artha haram duniane keluburan/ ikulah kena fitnah dunia pengapusan/ Kang podo ngawula marang raja kufur sakeng pangestu ing sabenero syara’ mungkur// Uga ghalib qadhi ora sab jumat shalat/ lan nikahan bebatbalan kurang syarat”.

It means: "Many ungodly scholars like in the current era/ they become rulers covered in sin// chasing illicit money and the glory of the world/ they are deceived by the world's slander// They serve themselves to infidel kings (read: Colonial), do not follow the rules of the Shari'a // So , the marriage chieftain is not valid to be the imam of Friday prayers / and (representing the guardian) in the marriage settlement, canceled due to lack of conditions ".

In the *Tabyin* book , Kiai Ahmad Rifa'i wrote 28 pages to discuss the behavior of the marriage chieftain who deviated from the rules of the Shari'a. Because of that, a marriage settlement led by a marriage chieftain is considered invalid, because there are less conditions.

The *adil* status of the colonial rulers was considered imperfect for several reasons. They are judged that way because they serve the infidel government. And for Kiai Ahmad Rifai, infidel rulers are not to be followed or obeyed, but should be resisted. On the other hand, many of these marriage chieftain pursue worldly wealth and rank. This is shown by the behavior of those who take the mosque's treasury as salary for personal gain.

According to Kiai Ahmad Rifa'i, a *qadhi* or the equivalent is not entitled to receive wages to marry or record it. But what happens is that they receive a certain amount of wages from the existing marriage process. This opinion is based on the opinion of the majority of scholars who say that *getting* married is not a profession, but a sharia rule that must be fulfilled (Rifa'i, *Tabyin al-Isblâh*: 202).

Kiai Ahmad Rifa'i forbade wages to officers who marry off. In contrast to the permissibility of *ujrah* without asking, and in an unspecified amount the law is allowed. However, what happens to most marriage chieftain is the application of

tariffs to each recorded marriage settlement. From here, the marriage chieftain usually expect a lot of property and are not sincere in carrying it out (Rifa'i, *Tabyin al-Islah*: 201).

From some of the reasons mentioned above, the marriage chieftain at that time were considered not in accordance with Kiai Rifai's fatwa and invalid if they were involved in the terms and pillars of the marriage settlement. The marriage chieftain are also considered to have opposed Islamic law by implementing colonial law, the law of the infidels which is not in accordance with Islamic law. Worse yet, it becomes a habit in the life of the marriage chieftain . Thus, some of the above are reasons that a marriage chieftain is invalid if he becomes a guardian. And because of this, his marriage was also invalid.

From this background Kiai Ahmad Rifa'i stated that a re-marriage (*tajdid*) or often referred to as *shibhab* in order for a marriage to be valid. And the *shibhab* tradition that was *decreed* was followed by all the followers and students of Kiai Ahmad Rifa'i, even until later times.

When Kiai Ahmad Rifa'i was still alive, he rejected the marriage settlement led by the marriage chieftain . So Kiai Ahmad Rifa'i issued a fatwa for the repetition of the marriage settlement. Meanwhile, nowadays, the *shibhab* tradition is rarely practiced by followers of Rifa'iyah jam'iyah. The followers of the Rifa'iyah jam'iyah considered that the marriage chieftain could be accepted if they were involved in the marriage settlement process.

At the time of Kiai Ahmad Rifai, s *shibhab* was carried out due to several factors. One of them is because of the wicked nature of the parties involved in the marriage settlement, such as marriage guardians or witnesses. The marriage chieftain who at that time was in charge of marriage was considered to be included in the wicked group. They were included as a wicked category because they agreed to join the part of the pagan colonial government. Because the position of marriage chieftain was appointed by the colonial government. This is why the contract is not considered valid and there must be a *shibhab* .

This is based on an excerpt of poetry in the book *Tabyin al-Islah* by Kiai Ahmad Rifa'i page 180 as follows:

"Akeh alim fasik niru saiki zaman, pada dadi pengulu maha gedhe kedusan. Buru artha haram duniane keluburan, ikuolah kena fitnah dunia pengapusan".

Meaning: " *Many pious scholars like in this era, they have become rulers covered in sin. Pursuing illicit money and worldly glory, they are deceived by the world's slander.*

And also found in another poem in the book *Tabyin al-Islah* page 194 below:

"Kang podo ngawula marang raja kufur, sakeng pangestu ing sabenere syara" mungkur. Uga ghalib qadhi ora sab jumat shalat, lan nikahan bebathalan kurang syarat".

Meaning: "*They serve themselves to the king of infidels, do not follow the rules of the Shari'a. So that the marriage chieftain is not valid to be the imam of Friday prayers, and to represent the guardian in the marriage settlement, is canceled due to lack of conditions* ".

Based on information from several sources and passages of poetry in the *Tabyin al-Islah* book, it can be concluded that the practice of *shibah* at the time of Kiai Ahmad Rifa'i was carried out because they did not believe in the marriage chieftain . The marriage chieftain assigned to marry usually do not meet *fair* standards . They served the infidel colonial government. And does not have perfect fair criteria. This is the background of the *shibah* tradition in the past. However, over time the Rifaiyah community was divided into groups with new paradigms and groups with old paradigms. Small groups with the old paradigm still maintain the *shibah* tradition . Meanwhile, the majority of Rifaiyah's followers have adopted a new paradigm which considers that there is no need for a repetition of the contract. However, in general, it can be found that there are similarities in the mindset in matters relating to religion.

In general, the tradition of *shibah* is now rarely practiced among the followers of Rifaiyah. Most of Rifaiyah's residents are able to accept marriages led by the marriage chieftain because the marriage chieftain are now no longer appointed by the infidel government and the nature of justice has been fulfilled. However, there are still some Rifaiyah people who maintain the *shibah* tradition .

In several areas around Pekalongan where Rifaiyah's followers are based, there are several couples who perform the marriage settlement twice. But this only happened until the 1970s. The marriage settlement is carried out at the religious affairs office led by the marriage chieftain and at the bride's house led by a local cleric.

The reason for the group that maintains the practice of *shibah* is because it

considers one of the elements involved in the marriage settlement that its *fair* characteristic is not fulfilled . On the other hand, there is a tendency to *tabarruk* to one of the religious leaders as a reason for repeating the marriage settlement. So after being married at the KUA office, the bride and groom were remarried by one of the religious leaders from Jamiyyah Rifaiyah.

There was a shift in Jam'iyah Rifa'iyah's thinking towards the conditions for guardians and witnesses as stated in the *Tabyin al-islam book*, in the former Dutch colonial era, that the conditions for guardians and witnesses must be fair and not wicked. The definition of *justice* in *Tabyin al-islam* is a person who has never committed a major sin and rarely committed a small sin. In the Dutch colonial era, government employees were considered ungodly and unfair because they followed and obeyed the Dutch government. Therefore, marriages performed by government employees in the Dutch era were considered invalid and then the marriage had to be repeated. The repetition of the marriage settlement was carried out with kyai from the Rifa'iyah community.

In contrast to ancient times, the concept of *adil* in today's book of *Tabyin al-islam* according to the followers of Rifa'iyah is a person who does not violate a major sin and keeps his *murru'ah* as evidenced by the testimony of the Kyai and Rifa'iyah residents. Because nowadays it is very difficult to find someone who is truly fair. But in terms of determining the conditions for guardians and marriage witnesses, the current followers of Rifa'iyah are not rigid. Anyone can be a guardian and witness. It's just that usually the Rifa'iyah prioritize Kyai or Ustadz to become guardians and witnesses to the marriage. Because the kiai and clerics are closer to *adil* .

There was a shift in thinking from Rifa'iyah's jam'iyah view towards government employees at KUA. In an interview with one of Rifaiyah's figures, Kiai Amruddin, he said that when viewed from the educational background of the employees of the Office of Religious Affairs (KUA) in the current era with the Dutch era, there are clearly significant differences. At this time, the head of the Office of Religious Affairs (KUA) has adequate Islamic religious disciplines, employees of the Office of Religious Affairs (KUA) are also appointed through a professional ability test, and adequate religious knowledge. In addition, in general, employees of the Office of Religious Affairs (KUA) have a high religious education background. So marriages

held at KUA can be said to be valid.

From this it can be seen that the people of Rifaiyah experienced a change in their views on the marriage chieftain . The Marriage chieftain who existed in the colonial era was considered wicked, so the marriage he led was invalid. Unlike today's marriage chieftain who are not subordinate to the infidel government. Thus, the marriage he leads is considered valid. Although there are still some Rifaiyah residents who carry out shihah on the grounds of *tabarrukan* to religious leaders by remarrying after the wedding at the office of religious affairs.

Conclusion

From the discussion above, it can be concluded that the followers of Rifaiyah before carrying out the marriage settlement are required to study the *Tabyin al-Islah* book, namely the book about marriage. Furthermore, the selection of marriage witnesses is carried out whose requirements must be *mukmin adil* as stated in the *Tabyin al-Islah* book .

The reason for the practice of *shihab is* because a marriage settlement is considered invalid. The reason is because one of the conditions and pillars in the implementation of the marriage settlement is not fulfilled properly. One of the things that often cannot be fulfilled is the *adil of* witnesses and marriage guardians.

This *Shihab* was carried out by Kiai Ahmad Rifai because he considered the rulers of his time not to be believers who had fair eels. Because they were appointed by the infidel colonial government through a selection process. This is where the *adil of* the marriage chieftain is doubted. However, today's *shihab* is rarely done. Because the people of Rifaiyah view that the current marriage chieftain is no longer like the old ruler when Kiai Ahmad Rifa'i lived. The current government is a Muslim government. Automatically the marriage chieftain who are part of the government are no longer supporters of infidels.

Rifaiyah followers in the pre-independence era did *shihab* because of their belief in the standard of *mukmin adil* . The ancient rulers were not *mukmin adil*, even ungodly. Because they supported the infidel colonial government. While the factors that influence shihah still apply today are because some Rifaiyah residents still use the old paradigm, all marriage processes from the past until now led

by the marriage chieftain have not been considered valid. So there must be a *shihab* process for a marriage to be valid.

Another factor in the practice of *shihab* at this time is *tabarukan* with religious leaders. After getting married, residents make another contract in the context of *tabarukan* to certain religious figures without considering the previous contract to be invalid. The previous contract is still considered valid.

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