



Comparative Analysis of the Transfer of Wali Aqrab to Wali Ab'ad According to Kitabun Nikah with the Opinion of Imam Malik

Muhammad Fadhil, Muhammad Fajri, Anwar Hafidzi

Faculty of Sharia, Antasari State Islamic University
Jalan Ahmad Yani, Km. 4.5 Banjarmasin, Indonesia
Email: fadilm903@gmail.com, fajrimtd28@gmail.com

ABSTRACT

The discussion about the transfer of marriage guardians in marriage is about whether things are permissible or not. This is important to know because it will affect the validity of the marriage contract. Based on the same text, between the book of marriage written by Sheikh Muhammad Arsyad Al-Banjari the Imam Sya'fii school, states that the guardian is one of the pillars of marriage that must exist and the legal requirements are fulfilled, then the transfer of the guardian aqrab to the guardian ab'ad is in accordance with the shar'i legal procedures. which is good and right, while Imam Malik stated that the guardian of the person who was present at the wedding contract, so that the transfer of the guardian aqrab to the guardian ab'ad can be through a will. This research tries to reveal the background and thoughts of Sheikh Muhammad Arsyad Al Banjari contained in the marriage book with the Maliki school of thought.

Keywords: Marriage Guardian, Marriage Book, Imam Malik

ABSTRAK

Pembahasan tentang perpindahan wali nikah dalam perkawinan adalah tentang apakah hal yang dibolehkan atau tidak. Ini penting untuk diketahui karena akan mempengaruhi keabsahan akad nikah. Berdasarkan teks yang sama, antara kitabun nikah yang dikarang oleh Syekh Muhammad Arsyad Al-Banjari dan Imam Maliki memiliki pemikiran yang berbeda. Dalam kitabun nikah yang pengarangnya bermadzhab imam Sya'fii menyatakan bahwa wali merupakan salah satu rukun nikah yang harus ada dan persyaratan hukumnya terpenuhi baru dapat berpindah dalam perwalian tersebut, dengan hal itu perpindahan wali aqrab ke wali ab'ad telah sesuai prosedur hukum syar'i yang baik dan benar, sementara Imam Malik menyatakan bahwa wali orang yang hadir pada akad pernikahan, sehingga perpindahan wali aqrab ke wali ab'ad bisa dapat melalui wasiat. Penelitian ini mencoba mengungkap latar belakang dan hasil pemikiran dari Syekh Muhammad Arsyad Al Banjari yang terdapat dalam kitabun nikah dengan madzhab Maliki.

Kata Kunci : Wali Nikah, Kitabun Nikah, Imam Malik

INTRODUCTION

The definition of marriage or *zawaj* in *sharee'ah* has an essential meaning and a *majazi* meaning. The essential meaning of marriage or *zawaj* is intercourse called *wath'i*, while the *majazi* meaning is a contract. These two meanings have been debated among *fiqh* scholars because they affect the ruling on other events, such as children resulting from adultery. However, the commonly used meaning is the *majazi* meaning, which is the contract. According to the *hadith* scholars and *fiqh* scholars, marriage is a relationship between husband and wife that is bound by Islamic law, by fulfilling the conditions and pillars of marriage such as dowry, two fair witnesses, and legalized by *ijab* and *qabul*.¹

The Qur'anic verse that explains that marriage is the strongest bond as stated in QS An-Nisa (4) : 21 which reads:

وَقَدْ أَفْضَى بَعْضُكُمْ إِلَى بَعْضٍ وَأَخَذْنَ مِنْكُمْ مِيثَاقًا غَلِيظًا ۖ وَكَيْفَ تَأْخُذُونَهُ

"And how will you take it back, when you have been intimate with each other (as husband and wife). And they (your wives) have taken a strong covenant (marriage bond) from you."²

In Islam, there are clear rules regarding marriage. These rules are explained in Islam, for example, the pillars of marriage include the groom, the bride, the bride's guardian, the *shighat* of the contract, and two witnesses. Fulfilling these pillars of marriage will affect whether or not a marriage is valid. One of the pillars of marriage that is still debated is the existence of a guardian for the bride.

In language, *wali* means *al-mahabbah* (love) and *al-nas}rah* (helper) as found in Surah *al-Ma'idah* (5):56,3 and Surah *at-Taubah* (9):71. *Wali* can also mean *al-sultah* (power) and *al-qudrah* (ability). In terms of terms, a *wali* in the context of marriage is someone who has

¹ Ali Yusuf As-Subki, *Fiqh Keluarga Pedoman Berkeleluarga Dalam Islam*, 1st cet. (Jakarta: Amzah, 2010), pp. 1.

² Ministry of Religious Affairs of the Republic of Indonesia, *Al-Qur'an Tajweed and Translation*, (Jakarta: Lajnah Pentashihan Mushaf Al-Qur'an, 2019), volume 1, pp. 109.

power over a matter, whether male or female. When applied to marriage, a wali nikah is a person who is authorized to perform the marriage contract for the bride.³

Basically, the right to be a guardian in marriage rests with the wali aqrab, i.e. the person who is the closest relative to the bride, or the person appointed as the wali aqrab, or the person who is mandated to be the guardian. Only the wali aqrab has the right to marry off the bride to someone else. The wali aqrab also has the right to prohibit the marriage if there is an acceptable reason, such as incompatibility between the prospective husband and wife, or if the bride has been proposed to by someone else before, or because of bad character, or physical defects that can be a reason for nullifying the marriage. In such cases, the wali aqrab has the right to be the wali and this right cannot be transferred to anyone else, not even to the wali hakim.⁴

METHODS

This research is a *literature study (Library Research)* which involves examining books from various sources that have relevance to the problem being studied. The approach used is descriptive analysis which aims to describe systematically, factually, and accurately all matters related to the topic being discussed.⁵ The results of the research will be analyzed using the Content Analysis method, which is research conducted on documented information in the form of recordings such as images, sound, or writing, with the aim of answering the focus that has been formulated in this study. The data analysis process cannot be separated from the data collection process. These two activities are carried out simultaneously and continued after the data collection process is complete.

³ Ibrahim Unais, *al-Mu'jam al-Wasit*, vol. 2 (Cairo: Dar al-Ma'arif, 1972), pp. 1058.

⁴ Al Hamdani, *Risalah Nikah Islamic Marriage Law* (Jakarta: Pustaka Amani, 2002), pp. 120.

⁵ Nursapia Harahap, "*Library Research*", *Iqra' Journal*, Vol. 08, No. 01, May 2014, p. 68. 68.

RESULTS AND DISCUSSION

A. Summary of the Biographies of Sheikh Muhammad Arsyad Al-Banjari and Imam Malik

1. Biography of Sheikh Muhammad Arsyad Al-Banjari

Shaykh Muhammad Arshad Al-Banjari studied religion in Mecca with several prominent scholars at the time, including Shaykh 'Athallah bin Ahmad al-Mishry, Shaykh Muhammad bin Sulaiman al-Kurdi, and Shaykh Muhammad bin Abdul Karim al-Samman al-Hasani al-Madani. Shaykh Muhammad Arshad had several other teachers in the field of Sufism and received his diploma as khalifah from his last teacher.⁶ Shaykh Muhammad Arshad's famous work is "Sabilal Muhtadin Littafaquh Fi Amriddin", which is still studied in Indonesia, Malaysia, Thailand, Cambodia, and Brunei, and is part of major libraries in the Islamic world.⁷

Sheikh Muhammad Arsyad Al-Banjari died in 1227 AH (1812 AD) and was buried in Kalampaian, Banjar Regency. One of his legacies is his great work, "Sabilal Muhtadin", which is still studied today. In delivering his da'wah, Sheikh Muhammad Arsyad Al-Banjari used various methods and means, including the method of da'wah through words, writings, and books. His da'wah method using writings and books aims to spread his da'wah message widely in various regions.⁸

2. Biography of Imam Malik

Imam Malik is one of the four Imams in Islam, who was born 13 years after Abu Hanifah.⁹ His full name is Abu Abdullah Malik Ibn Anas Ibn Malik Ibn Abi Amir Ibn Amir bin Haris bin Gaiman bin Kutail bin Amr bin Haris al-Asbahi al-Humairi. He came

⁶ Abu Daudi, *Maulana Sheikh Muhammad Arsyad Al Banjari* (Martapura: Dalampagar Islamic Education Foundation, 2003), pp. 45.

⁷ Ibid, pp. 83.

⁸ Ibid, p. 444

⁹ Ahmad Ash-Syurbasi, *History and Biography of the 4 Imams of the Madzhab*, (Jakarta: PT. Bumi Aksara, 1993), cet, II, pp. 71.

from Medina and had descendants from the Quraysh tribe, specifically from Banu Tamim bin Murrah.¹⁰

Imam Malik's father was Anas Ibn Malik Ibn Abi Amir Ibn Abi Al-Haris Ibn Sa'ad Ibn Auf Ibn Ady Ibn Malik Ibn Jazid, while his mother was Siti Aliyah bint Shuraik Ibn Abdul Rahman Ibn Shuraik Al-Azdiyah.¹¹ Imam Malik was born in the year 93 AH in Medina.¹² Imam Malik married a servant who gave birth to three sons (Muhammad, Hammad, and Yahya) and a daughter (Fatimah). Fatimah, known as Umm al-Mu'minin, was one of Imam Malik's children who was diligent in studying and memorizing the Book of al-Muwatta'.

Imam Malik has a method of legal reasoning that is different from the other imams of the madhhab. Although Imam Malik did not directly write the foundations of his fiqhiyah, his students and subsequent generations collected his thoughts and wrote them down. Imam Malik took the traditions of the people of Medina as one of his sources of law after the Qur'an and As-Sunnah. He also used *munqathi'* and *mursal* traditions as long as they did not contradict the traditions of the people of Medina. Imam Malik's methodology of legal studies also includes *qiyas*, *maslahah mursalah*, *istihsan*, and *sadd ad-dzariah*.¹³

¹⁰ Shaykh Ahmad Farid, *60 Biographies of Salaf Scholars*, (Jakarta: Pustaka al-Kautsar, 2006) Cet. I, pp. 260.

¹¹ Moenawir Khalil, *Biography of the Five Imams of the Madzhab*, (Jakarta; Bulan Bintang), cet. VII, pp. 84.

¹² Huzaemah Thido Yanggo, *Introduction to Comparative Madzhab*, (Jakarta; Logos, 1997), cet. I, pp. 103.

¹³ Teungku Muhammad Hasby Ash-Shiedieqy, *Introduction to Islamic Law*, (Semarang: Pustaka Riski, 1997), p. 88. 88.

B. Definition and Legal Basis of Guardian in Marriage

In the Islamic context, the term guardianship or al-walayah refers to several meanings, namely love (al-mahabbah), help (al-nashrah), power or authority (al-waly). The essence of al-walayah is to manage or control something (tawally al-amr).¹⁴

Guardianship generally refers to "everything related to guardians". In Islam, talk of guardianship falls into two categories, namely general guardianship and special guardianship. General guardianship usually involves common interests (such as the nation or the people), such as waliyu amri (governor), and the like. Meanwhile, special guardianship is guardianship over one's soul and property, such as guardianship over orphans. In this context, the guardianship in question is guardianship over the soul of a woman in terms of her marriage.¹⁵

Then the meaning of guardian is someone who is authorized to act on behalf of another person because of his position. This is because the person has limitations that make him or her unable to act legally on his or her own. In the context of marriage, a guardian is a person who has the right to marry off a woman, provided that the guardian is able to act as a guardian. However, sometimes the guardian cannot be present or cannot act as a guardian for certain reasons, so that the rights of the guardian can be transferred to another person.¹⁶ Therefore, a marriage guardian is a person who has the right to marry off a woman because he has a direct blood relationship with the bride.¹⁷

¹⁴ Fransisca Ismi Hidayah, "Islamic Law Discourse in Indonesia on Guardianship of Adopted Children's Marriages", *Jurnal Studi Hukum Islam*, Vol. 1 No.1, (January-June, 2014), pp. 73

¹⁵ Dedi Junaedi, *Marriage Guidance for Building a Sakinah Family According to the Qur'an and As-Sunnah* (Jakarta: Akademika Pressindo, 2010), pp. 122.

¹⁶ Tihami, Sohari Sahrani, *Munakahat Jurisprudence: A Complete Study of Marital Jurisprudence* (Jakarta: Raja Grafindo Persada, 2009), p. 90.

¹⁷ Mustofa Hasan, *Introduction to Family Law*, p. 98.

The Syafi'iyah view on guardians, as explained by Imam Taqiuddin Abi Bakar ibn Muhammad al-Husaini al-Husyna ad-Dimsyiqi as-Syafi'i in his book *Kifayat al-Akhyar fi Halli Gayat al-Ikhtisyar*, states that guardians are one of the pillars of marriage, so that marriage is not valid except with a guardian.

Meanwhile, the Malikiyah view on guardians, as quoted by Ibn Rushd, states that marriage does not take place except in the presence of a guardian. The guardian is a condition for the validity of marriage based on the Hadith of Ashhab. The followers of Imam Malik or known as the Malikiyah are more emphatic in their opinion, stating that the guardian is one of the pillars of several pillars of marriage, so that the marriage contract is not valid without a guardian.¹⁸

The types of guardian according to the scholars who have stated that, include: wali nasab (descendant), wali sultan (ruler) and wali former master in slavery. These three types of guardian can be both upward and downward. According to Malik, recognition of Islam is sufficient to be a guardian over the person under his supervision or control. And they differed in opinion about the person who is given a will is from the madzhab of imam Shaf i prohibits the person who is given a will to be a guardian, while imam Malik allows it.¹⁹

With the legal basis, the Wali nikah is a valid condition of marriage in the Qur'an surah An-Nur verse 32 which reads

وَاللَّهُ وَاسِعٌ عَلِيمٌ ۖ فَضْلِهِ ۖ وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَأَمَّا بِكُمْ ۖ إِنْ يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ

¹⁸ Nur Halimah, "Wali Nikah According to Imam Malik and Imam Shafi'i", Thesis, (Ponorogo: IAIN Ponorogo, 2017), pp. 43

¹⁹ Ibn Rushd, *Bidayatul Mujtahid Volume 2* (Takhrij: Ahmad Abu Al-Majdi), Pustaka Azzam, pp. 22.

"And give in marriage those who are celibate among you, and those who are marriageable among your male and female servants. If they are poor, Allah will enable them by His bounty. And Allah is All-Wise, All-Knowing."²⁰

In addition, it is found in the hadith of the Prophet Muhammad SAW from Abu Burdah bin Abu Musa according to the narration of Ahmad and five hadith narrators, which reads:

لانكاح الابولي

"Marriage is not valid except in the presence of a guardian. (HR. Ahmad and Imam Four).

The Prophetic hadith of 'Aa'ishah issued by hadith narrators other than an-Nasa'i, which reads:

اياما ا مرأة نكحت بغير اذن وليها فنكاحها باطل

"Any woman who marries without the permission of her guardian, her marriage is void."²¹

C. Thoughts on the Transfer of Wali Nikah from Wali Aqrab to Wali Ab'ad

1. Thoughts of Sheikh Muhammad Arsyad Al-Banjari

According to the thinking of Sheikh Muhammad Arsyad al-Banjari, the transfer from wali aqrab to wali ab'ad has twelve conditions, among others:

²⁰ Ministry of Religious Affairs of the Republic of Indonesia, *Al-Qur'an Tajweed and Translation*, (Jakarta: Lajnah Pentashihan Mushaf Al-Qur'an, 2019), volume 2, p. 503. 503

²¹ Abi Daud Sulaiman al-As'ast as-Sajtaani, *Sunan Abu Daud*, (Riyad: Maktabah al-Ma'ariflinnastirwa at-Taurii', 2007), Volume I, Cet. II, pp. 361.

- a. If the wali aqrab is a pure slave, mudabbar slave, mukâtab slave, or muba'adh slave, then guardianship passes to wali ab'ad. This is because the status of slavery is a barrier to guardianship.²²
- b. If the aqrab guardian is an infidel or disbeliever, then guardianship passes to the wali ab'ad. These two conditions also prevent guardianship according to the majority of Shafi'i scholars.²³
- c. If the wali aqrab has not reached the age of puberty, is insane or mentally retarded, guardianship passes to the wali ab'ad. Adulthood and sound mind are the conditions for becoming a guardian.
- d. If the aqrab guardian suffers from an injury to his/her wisdom that results in his/her inability to distinguish between kafa'ah (suitability) and maslahah (benefit), guardianship passes to the wali ab'ad. The guardian's ability to understand these matters is one of the conditions of guardianship.²⁴
- e. If the wali aqrab is a khuntsa musykil (a person who has both genitals), guardianship passes to wali ab'ad. This is because one of the conditions of being a guardian is to be male, while the khuntsa musykil cannot be determined whether it is male or female.
- f. If the aqrab guardian is a transvestite, guardianship passes to the wali ab'ad because this condition is associated with wickedness. According to the Shafi'i scholars, an impious person cannot be a guardian.²⁵

²² Shamsuddin Muhammad ibn Muhammad al-Khathib as-Sharbni, *Mugni al-Muhtaj* 4, (Cairo: Dar al-Hadith, 2006), p. 258. 258.

²³ Muhammad az-Zuhri al-Ghamrawi, as-Siraj al-Wahhaj 'ala Matni al-Minhâj, (Lebanon: Dar al-Kutub al-'ilmiyyah, 2012), p. 357. 357.

²⁴ Muhyid dîn Yahyâ bin Sharaf Abî Zakariyyâ An-Nawawî. *Rawdhat Ath-Thâlibîn* 6, p. 58.

²⁵ Op. Cit, p. 256.

g. If the wali aqrab is mute, deaf, and does not understand sign language, guardianship passes to wali ab'ad. Dumbness is a barrier to guardianship.²⁶

2. Thoughts from the Madhhab of Imam Malik

The school of thought of Imam Malik is that guardianship is based on 'ashabah (close relatives), except for the son and the closest relatives who are more entitled to be guardians. According to him, sons have a higher right of guardianship than fathers, brothers in law, brothers in law, sons of brothers in law in law, sons of brothers in law only, and paternal grandfathers.²⁷

Imam Malik also stated that the guardian can be the father, the beneficiary of the father's will, the son (including the result of adultery) if the woman has children, the brother, the son of the brother, the grandfather, the uncle (father's brother), and so on. If all the close guardians are absent, then the judge has the authority to marry off minor boys and girls, male and female lunatics, male and female lunatics of equal status, and adult women who are not insane with their permission.²⁸

Imam Malik divided guardians into two categories, namely wali khasah (special) and wali 'am (general). The typical wali consists of the father, the person who is inherited, the relatives of ashobah, the employer, and the government. There are six reasons for determining wali khasah, namely father, will, ashobah relatives, ownership, fulfillment of needs, and government.

Wali 'am is all Muslims, as Islam is the main reason. A Muslim can be a guardian if a woman grants guardianship to many Muslims, provided that there is no father or testator, and the woman is not a sharifah (woman descended from the Prophet Muhammad). Imam Malik also mentioned that if a woman is only beautiful or has wealth, then the judge has the authority to marry her off. Some scholars in the

²⁶ Op. Cit, p. 59.

²⁷ Ibn Rushd, *Bidayatul Mujtahid*, (Semarang: CV.Asy-Syifa), pp. 374-375.

²⁸ Muhammad Jawad Mughniyah, *Fiqh Five Mazhabs*, (Jakarta: PT Lentera Basritama, 2001), p. 349. 349.

Maliki madhhab corroborate that guardianship generally involves customary shari'ah.

Imam Malik categorized guardians into two categories, namely mujbir guardians (coercive) and ghairu mujbir guardians (non-coercive). Mujbir guardians consist of slave masters, including female masters who have the hakijbar (right to marry) over female or male slaves, provided that it does not cause future harm to the slave. The father is also included in the category of mujbir guardians, and in the case of the marriage of a girl, the father does not have the right of permission, even if the girl is an old maid who is over 60 years old.²⁹

The person to whom the father makes a will when he dies also falls under the category of mujbir guardian, with three conditions: the father must specify in the will who will be the daughter's husband, the dowry must not be less than the mithli dowry, and the prospective husband must not be fasiq (misbehaving). The ghairu mujbir guardians consist of younger children, grandfathers, brothers, and uncles. In addition to slaves and fathers, wasi' guardians also have the right of jibbar to marry off the woman concerned, according to Imam Malik.³⁰

D. Comparative Analysis

In the description above, there are several aspects of similarities and differences between the Nikah book and the Maliki madhhab which can be seen as follows:

1. The similarities include:

- a. Methods of interpretation: Both understandings employ the tahliliy and muqaran methods in their exegesis by attempting to explain the meaning of the hadith from various aspects (language, jurisprudence, kalam, sanad paths, matan

²⁹ Wahbat Az-Zuhaili, *al-Fiqh al-Islam Adillatuhu IV*, (Darul el-Fikr, 1989), pp. 201-203.

³⁰ Ibid, p. 110.

- differences). They also explain the meaning of the hadith text by mentioning the asbab al-wurud of the hadith and relating it to the corresponding verse.
- b. Differences in the wording of the hadith: The two books also discuss the differences in the wording of the traditions by collecting the different narrations, sources, and reports that are related to the content of the chapter. They explain the connection between the hadith and the chapter's tarjamah and provide a solution in each discussion.
 - c. Large number of volumes: Through the method of exegesis adopted by the two authors of the book, they produced a large number of volumes that served as a guide for the people in their respective regions.
 - d. Making the wali a pillar of marriage

2. The differences include:

- a. Scientific approach: The book of Nikah includes scientific discussions by analyzing the context, either through asbab al-wurud of the hadith, grammatical analysis, or the socio-cultural conditions of the community when the hadith appeared. This approach is in accordance with the madhhab of Imam Shafi'i, to which Sheikh Muhammad Arshad Al-Banjari refers. Meanwhile, Imam Malik directly writes down the various aspects that he will explain in the application of a law, perhaps by considering masalah mursalah. This approach is not found in the Book of Nikah.
- b. Writing technique: In Kitabun Nikah, there are repeated explanations (mukarrar) in several places without additional explanations by reverting to Imam Shafi'i's madhhab. This is not found in the method of Imam Malik, who tends to be more careful and consistent in the application of systematics so that explanations that have been given are not repeated.
- c. Problem solving: The Book of Nikah adapts to the needs of the community regarding the determination of guardians, so it has these characteristics.

Meanwhile, the Maliki madhhab answered the problem by considering the concept of region and era during Imam Malik's lifetime.

- d. Mazhab of fiqh: The Book of Nikah follows the Shafi'i school of thought in the requirements of fiqhi aspects, while the Maliki school bases its explanations on the school of thought followed by Imam Malik.

CONCLUSIONS

Guardianship in marriage is very important because it is a pillar of marriage. Guardianship in terms of scholarly opinion differs in its attitude to application in life. Wali nikah between the opinions of Sheikh Muhammad Arsyad Al-Banjari in his kitabun nikah says that it must be in accordance with the rules of order as regulated and means that the closest one is preferred if the father cannot marry off his daughter. However, it is different from the opinion of Imam Malik's madzhab, which in the transfer of guardians, although the same also looks at the order of blood relatives, but can use the will in Imam Malik's opinion on the application of marriage guardians, while in the opinion of Sheikh Muhammad Arsyad Al-Banjari, who emphasizes his opinion more towards the opinion of Imam Syafi'i, namely Imam Syafi'i prohibits this.

Both opinions have the same basis for determining the transfer of marriage guardian, but both opinions agree that the transfer of the aqrab guardian to the ab'ad guardian is permissible. As long as there is a guardian in the marriage or marriage contract, both opinions agree that it can be valid if the marriage has a guardian, as they use the legal basis of the Qur'an surah An-Nur verse 32 and the hadith narrated by Ahmad. And it should be understood that the application of both there are also differences in the transfer of guardians, with the reason adjusting the location of the ulema. Whether it's from Sheikh Muhammad Arsyad Al-Banjari with his Nikah book, which relies on the Shafi'i madzhab, while the Maliki madzhab adjusts the conditions of the community or the times of the past.

LITERATURE

Al Hamdani. 2002. *Risalah Nikah Islamic Marriage Law*. Jakarta: Amani Library.

Ash-Shiedieqy, Teungku Muhammad Hasby. 1997. *Introduction to Islamic Law*. Semarang: Riski Library.

As-Sajtaani, Abi Daud Sulaiman al-As'ast. 2007. *Sunan Abu Daud Volume I Cet. II*. Riyad: Maktabah al-Ma'ariflinnastirwa at-Taurii'.

'As-Subki, Ali Yusuf. 2010. *Fiqh Family Guidelines for Family Life in Islam*. 1st cet. Jakarta: Amzah.

Ash-Syurbasi, Ahmad. 1993. *History and Biography of the 4 Imams of the Madzhab cet. II*. Jakarta: PT. Bumi Aksara.

Az-Zuhayli, Wahbah. 1989. *Al-Fiqh al-Islam Adillatuhu*, IV Darul al-Fikr.

Daudi, Abu. 2003. *Maulana Sheikh Muhammad Arsyad Al Banjari*. Martapura: Foundation Islamic Education in the Fences.

Fadzil, Siddif. 2003. *"Akal Budi of Traditional Malay Scientists: Appreciating The Scholarship of Sheikh Muhammad Arsyad Albanjari"*. International Seminar on Thought
Sheikh Muhammad Arsyad Albanjari.

Faris, Shaykh Ahmad. 2006. *60 Biographies of the Salaf Scholars cet. I*. Jakarta: Pustaka al-Kautsar.

Halimah, Nur. 2017. *"Wali Nikah According to Imam Malik and Imam Shafi'i"*. Thesis. Ponorogo: IAIN Ponorogo.

Harahap, Nursapia. 2014. "Library Research". Iqra' Journal, Vol. 08, No. 01.

Hidayah, Fransisca Ismi. 2014. "Islamic Law Discourse in Indonesia on Guardianship.

Marriage of Adopted Children". Jumal Studi Hukum Islam. Vol. I No. 1.

Junaedi, Dedi. 2010. *Marriage Guidance for Building a Sakinah Family According to the Qur'an and As-Sunnah*. Jakarta: Akademika Pressindo.

Ministry of Religious Affairs RI. 2019. *Al-Qur'an and Translations*. Jakarta: Research and Development Agency

Ministry of Religious Education and Training.

Khalil, Moenawir. *Biography of the Four Imams of the Madzhab cet. VII*. Jakarta: Bulan Bintang.

Mubarok, Jaih. 2000. *History and Development of Islamic Law cet. II*. Bandung:

Rosdakaarya.

Mughniyah, Muhammad Jawad. 2001. *Fiqh Five Mazhabs*. Jakarta: PT Lentera Basritama.

Rahman, Abdur. 1993. *Sharia Codification of Islamic Law cet. I*. Jakarta: Rineka Cipta.

Rushd, Ibn. *Bidayatul Mujtahid*. Semarang: CV. Asy-Syifa.

Rushd, Ibn. *Bidayatul Mujtahid Volume.2* (Takhrij: Ahmad Abu Al-Majdi). Azzam Library.

Tihami, Sohari Sahrani. 2009. *Munakahat Jurisprudence: A Complete Study of Marital Jurisprudence*. Jakarta: King

Grafindo Persada.

Unais, Ibrahim, 1972. *al-Mu'jam al-Wasit*. Vol. 2, Cairo: Dar al-Ma'arif.

Yanggo, Huzaemah Thido. 1997. *Introduction to Comparative Madzhab cet. I*. Jakarta: Logos.

