

Kyai and Nyai's Views on the Right to *Ijbar* in the Jombang Islamic Boarding School Community: A Legal Philosophy Perspective

Zaidatur Rofi'ah,¹ Sirojul Azmin²

¹ Institut Agama Islam Bani Fattah, Tambak Beras, Jombang, Indonesia

² Universitas Islam Negeri Sunan Ampel Surabaya, Indonesia

Email: zaidaturrofiah0709@gmail.com,¹ sirojul.azmin484848@gmail.com²

Abstract

*In legal philosophy there are principles of morality, justice and human rights for each individual in regulating human ethics with in-depth reflection regarding the laws that exist in society. This means that women also need to pay attention to their role in choosing their life partner. However, the practice of *ijbar* rights in marriage is currently still found in the Islamic boarding madzhab community in Jombang, so the voice of the Kyai and Nyai is needed to express their opinion because they are figures who play an important role and are embraced by the Islamic boarding madzhab community. The research carried out to answer the above questions, the author used a qualitative field research method consisting of main data, namely legal philosophy and interviews with several Kyai and Islamic boarding madzhab caregivers in Jombang. While secondary data is classical jurisprudence books, journal articles and others. The results of the research are (1) according to the views of the Kyai and jiai, the right of *ijbar* or *mujbir* guardian may be carried out on girls provided that there is a benefit between the child and the parents (guardian), but it is better not to carry out *ijbar*. (2) In legal philosophy with the views of Kyai and Nyai regarding the right to *ijbar*, there is a binding relevance where the views of Kyai and Nyai, although guided by *fiqh* law, still provide principles of legal philosophy including the right of women to choose their partners.*

Keywords: *Ijbar Rights, Islamic Boarding School Community, Legal Philosophy*

INTRODUCTION

Marriage is a form of bond between two different people, with different characters, different personalities, different natures and dispositions to create a family which is also the first step to building a family that is peaceful, loving and compassionate, so that compatibility is needed between the two partners, namely with the agreement of the prospective bride and groom.¹ Apart from that, marriage is also a human nature which is to create and maintain a good race and offspring (*hifdzunnasl*) on this earth according to the rules established by Islamic religious law. As for Islamic law, especially the jurisprudence of marriage, there is also the validity and terms of harmony in marriage law.

In choosing a life partner, especially in practice for girls, there are still obstacles with matchmaking sites that are still applied in the Islamic boarding madzhab community in Jombang Regency, where there are several elements of coercion in marriage, namely *ijbar*. The right of *ijbar* is a form of authority for a guardian to marry his daughter with the guardian's choice without the consent of his daughter. Whereas in Islamic law, in a marriage relationship, coercion is not permitted and there must be mutual consent between the two brides and grooms, including their daughters, based on the hadith of the Prophet Muhammad:

¹ "Law Number 1 of 1974 Concerning Marriage" (1974): 1–15. Article 6 paragraph 1.

وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُ (أَنَّ جَارِيَةً بَكَرًا أَتَتْ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَذَكَرَتْ أَنَّ أَبَاهَا زَوَّجَهَا، وَهِيَ كَارِهَةٌ، فَخَيَّرَهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ). رَوَاهُ أَحْمَدُ، وَ أَبُو دَاوُدَ، وَابْنُ مَاجَةَ، وَ أَعْلَى بِالْإِزْسَالِ.

From Ibn Abbas RA: that indeed a virgin girl came to the Prophet SAW, then she complained that her father wanted to marry her to someone and she did not like him. Then the Messenger of Allah SAW gave her a choice. (HR. Ahmad, Abu Dawud, and Ibn Majjah) considered Mursal.²

Jombang Regency is an area in which there are many Islamic boarding madzhabs which are places for learning and applying Islamic religious knowledge led by religious figures usually called *Kyai* and *Nyai* who have been recognized by the local community for their expertise in the field of religion. Like the people in the Islamic boarding madzhab environment, the application of Islamic religious teachings, especially the law of fiqh munakahat, namely the right of *ijbar*, for the Islamic boarding madzhab community is still strongly based on the teachings of the fiqh books which have been taught by the *Kyai* and *Nyai*.

Apart from Jombang district, the practice of *ijbar* rights also exists in one area in Jember city, where many people practice *ijbar* marriages, which are motivated by factors such as parents' concerns about their children, matchmaking factors, economic factors, and the local culture of marrying off their children at an early age.³ In a situation like this, the views of the *Kyai* and *Nyai* are needed regarding the right of *ijbar*.

The figures of *Kyai* and *Nyai* have such an important role in the pesantren community, so their opinions are needed to answer the question regarding the right of *ijbar* that occurs in the pesantren community in Jombang Regency in the current era regarding their views and interpretations of the right of *ijbar* will greatly influence how this right is implemented in the pesantren environment and its surroundings. Analysis of their views will provide in-depth insight into how Islamic law is practiced at the local level and how traditional and modern values can be compromised or conflicted.

The philosophy of law studies the basic principles underlying law and its legal practice. In the context of the right of *ijbar*, it is important to analyze how this right is in line with or contradicts the principles of justice, individual autonomy, and human rights. This study will also look at how *Kyai* and *Nyai* as pesantren caretakers understand and interpret the right of *ijbar* within the framework of Islamic law and how their understanding influences practices in society.

METHOD

The data obtained from the empirical legal research used in this study used a qualitative method in the form of field research which was produced from direct interviews with *Kyai* and *Nyai* in Jombang Regency which were taken from salaf, kholaf and al-Qur'an boarding madzhabs related to their views on the right to *ijbar* in the pesantren community and also became primary material for the researcher.⁴ And with the interview method, observation and documentation are carried out for the data collection procedure so that the context of this study can be understood. So that the results of the interviews and documentation and observations from several *Kyai* and *Nyai* of the Jombang Regency Islamic boarding madzhab, which were then recorded and collected into one data and written documents. To obtain an understanding and truth related to the practice of the right of *ijbar*, the technique used by the author is field research where one form of research type where there is a process of studying the meaning and practice of the right of *ijbar* that exists in the local environment, namely the Islamic boarding madzhab community in Jombang Regency, by using a document study where in conducting research the author does it by digging directly in the field of the Islamic boarding madzhab

² Abdullah bin Abdurrahman Al Bassam, "Syarah Bulughul Maram 5" (2013). hal-328.

³ Muhammad Iqbal Ramadhan, "Hak Ijbar Wali Mujbir Pada Anak Perempuan Kiai Pesantren Di Jember" (Universitas Islam Negeri Kiai Haji Achmad Siddiq Jember, 2023). hal.5-6.

⁴ B. Bachtiar, "Metode Penelitian Hukum," Pamulang: Unpam Press, (2018), p.130.

community through interviews, as well as observations from several *Kyai* and *Nyai* of the caretakers of Islamic boarding madzhab in Jombang Regency.⁵

Data analysis is the most important thing to bring a research to life. Because with the existence of data, the author in the form of interviews with *Kyai* and *Nyai* can answer various questions and realize the research objectives to be achieved. Thus, the technique that can be used by the author in the research is descriptive analysis, this is to explain a case that will be studied with the help of the incident field research method, so as to further strengthen the analysis in making and forming a conclusion.

RESULT AND DISCUSSION

Ijbar Rights in Islamic Jurisprudence Law

Islamic Sharia has regulated the lives of Muslims, especially in Islamic Jurisprudence law, which contains rules related to marriage law, namely that a guardian has an obligation to marry off his children. Based on the obligation of parents to marry off their children, it has been stated in the hadith narrated by Abi Hurairah R.A. عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ مِنْ إِذَا أَدْرَكَ حَقَّ الْوَالِدِ عَلَى الْوَالِدِ ثَلَاثَةٌ أَشْيَاءَ أَنْ يُحْسِنَ اسْمَهُ إِذَا وُلِدَ وَيُعَلِّمَهُ الْكِتَابَ إِذَا عَقَلَ وَيُزَوِّجُهُ إِذَا أَدْرَكَ “From Abi Hurairah R.A. Indeed, the Messenger of Allah saw, said: part of the obligation of parents to fulfill the rights of children, there are three things, namely giving a good name when born, educating them with the Qur’an (Islamic law), and marrying them when they are about to grow up.”⁶

With this hadith, most parents (guardians) use it as a reference that a guardian has the right to marry off his/her child, especially a girl, to a man of his/her choice without the consent of his/her daughter, which in Islamic jurisprudence is called a *mujbir* guardian.⁷ For them (parents), marrying off their daughters without giving them their consent is a legal law, and in some areas the right to *ijbar* is a custom of their ancestors.

Ulema’s of the four madzhab of thought have various opinions in responding to the meaning of wali *mujbir*. From ‘Ulemas of the Shafi’i madzhab of thought, wali *mujbir* is the special authority of a guardian (father and grandfather from the paternal lineage) over his children, both male and female, who are still young, and the children of insane people, both those who have reached puberty and those who have not, and adult daughters who have reached puberty and are sane without asking for their permission and consent.⁸ The Ulemas of the Hanafi madzhab of thought state that every guardian is a reference for the validity of the marriage contract, and the guardian is considered to be a forced guardian, where in this guardianship what is meant is the delivery of words to others, whether as a statement of consent or not. In forced guardianship, the Hanafi madzhab of thought gives authority to parents (guardians) to force the marriage of their children, whether male or female who are still minors, or adult males or females who are insane.⁹ The Maliki madzhab of thought states that a *mujbir* guardian is a guardian who has special authority to force the marriage of his young daughter and a daughter who is permanently insane whether she has reached puberty or not and is a virgin or a widow, and if her insanity is not permanent (relapses) then it is not permissible to marry her except when she is conscious and has asked for permission from him. According to the ‘Ulemas of the Hanbali madzhab of thought, a *mujbir* guardian is a guardian who has special authority to force his child who is still not yet puberty (under nine years old).¹⁰

⁵ David Tan, *Metode Penelitian Hukum: Mengupas dan Mengulas Metodologi dalam Menyelenggarakan Penelitian Hukum*, *Nusantara: Jurnal Ilmu Pengetahuan Sosial*, 8 (8) (2021): 2463-2478.

⁶ Syaikh Nashir bin Muhammad bin Ibrahim As-Samarqandi, *Tanbih Al-Ghafilin* (Surabaya.: PT. Nurul Hidayah, Surabaya., n.d.). p.46.

⁷ Syaikh Abdurrahman Al-Juzairi, *Fikih Empat Madzhab Jilid 5, Pustaka Al-Kautsar*. (Jakarta: Pustaka Al-Kautsar : Jakarta, 2021, 2017).

⁸ Syaikh Abdurrahman Al-Juzairi, *Fikih Empat Madzhab Jilid 5, Pustaka Al-Kautsar*. (Jakarta: Pustaka Al-Kautsar : Jakarta, 2021, 2017). p.75.

⁹ *Ibid.* p.60

¹⁰ *Ibid.* p.70

In the discussion of marriage, for a marriage to occur there must be a guardian, which is also used as a condition of marriage, which is stated in the hadith of the Prophet Muhammad which was narrated by Ad-Daruquthni, from Aisyah R.A that the Prophet Muhammad SAW said: *لَا نِكَاحَ إِلَّا بِوَالِيٍّ وَشَاهِدَيْنِ* “There is no marriage except with a guardian and two witnesses.”¹¹

The Imam of the Syafi’i madzhab of thought also added that there is a verse of the Qur’an which explains the importance of guardians in marriage, namely in the Qur’an, Surah Al-Baqarah verse 232 which means “so do not you (guardians) prevent them from remarrying their prospective husbands”. So that in the validity of the implementation of marriage, a guardian is needed. And the person who can be made a guardian in the marriage is the father, grandfather of the father, brother of the same blood, brother of the same father, uncle of the father (main relatives/ ashabah in inheritance). However, it should be noted that not all guardians have the right to *ijbar* over their daughters, because those who have the right to be given the authority to *ijbar* a daughter are the father and grandfather of the father and so on. As for the Maliki madzhab of thought, he added that the person who has the right to *ijbar* (can be a *mujbir* guardian) is the person who receives a will from his father on the condition that his father tells him directly. The ‘Ulemas of the Hanbali madzhab of thought are the same as the Maliki madzhab of thought, but here the grandfather does not have the right to *ijbar* (force), and in this madzhab of thought, the guardian judge has the right to *ijbar* if there is no father and the person who receives the will from his father, on the condition that there is an urgent matter that makes it obligatory for the guardian judge to carry out the marriage of the daughter.¹²

In giving *ijbar* to their daughters, the ‘Ulemas of the madzhab have several conditions for guardians when giving permission to their children, including: First, marrying a man who is equal (*kafa’ah*). Second, there is no hostility between the guardian and the child, or the husband and the child and the guardian may not marry her to a wicked person. Third, the dowry may not be below the equivalent dowry and comes from the currency of the woman’s own region and is paid in cash. Fourth, it is not permissible to marry a man who is castrated, impotent, whose genitals are cut off, has leprosy, is a slave.

Kyai and Nyai’s Views Regarding the Right to Ijbar

Kyai and *Nyai* here become the source of research in the discussion of the right of *ijbar* that exists in the Islamic boarding madzhab community in Jombang Regency. In addition to being known as experts in the field of Islamic religion, *Kyai* and *Nyai* have a major role and their opinions are very influential as role models for the Islamic boarding madzhab community.

The right of *ijbar* which is a form of forced marriage carried out by a guardian against his daughter, now requires the opinions and views of the *Kyai* and *Nyai* figures to provide explanations and interpretations of their knowledge and assumptions including the right of *ijbar* that exists in the Islamic boarding madzhab community in Jombang Regency. So in this study, the researcher took several *Kyai* and *Nyai* consisting of caretakers of Salafiyah, Khalafiyah (mixed) and specifically Al-Qur’an Islamic boarding madzhabs.

One of the *Kyai* Shobih Al-Muayyad who is the caretaker of the Salafiyah Islamic boarding madzhab in the Paculgowang Diwek area of Jombang Regency stated that *ijbar* is where a guardian marries off his daughter to a man of his choice without informing her or her daughter, or is informed but is not given the opportunity to choose whether or not to agree to be matched with a man of her guardian’s (father’s) choice.¹³ In his explanation, it can be seen that the right of *ijbar* is exactly the same as the Syafi’iyah madzhab of thought. In addition, he added that the condition of *ijbar* is that the one who marries must be the father or grandfather of the father (in fiqh), but it is still emphasized that the sunnah of *ijbar* is that a guardian marries his daughter must first be offered whether or not she wants to marry the man of her choice (*rembukan*: Javanese). So in his view, it would be better for the pesantren community in marrying their daughters without any element of coercion.

¹¹ Bassam, “Syarah Bulughul Maram 5”. p.312

¹² Al-Juzairi, *Fikih Empat Madzhab Jilid 5*.p.77

¹³ KH. M. Shobih Al-Muayyad Aziz, wawancara, Pondok Pesantren Tarbiyatunnasi’in Paculgowang Jombang, Ahad, 30 Juli 2024 pukul 19.35.

Kyai Abdul Hadi Yusuf is the spiritual leader of an Al-Qur'an-based Islamic boarding madzhab in Tebuireng, Jombang Regency. Regarding the right of *ijbar*, he stated that the right of *ijbar* is for parents to protect and direct their children to provide a good life. Because now education is increasingly advanced, transparent and so on. And the minimum age limit for marriage in the marriage law has been determined, namely the minimum age of 19 years and if it is less than that, then a marriage dispensation can be submitted to the religious court, so this ensures that the prospective bride and groom are truly adults. With these regulations, parents should also understand each other. Actually, Islam prioritizes obligations, of course how the obligation of a father (guardian) to propose to the child so that he is happy and of course does not ignore things that are not right.¹⁴ From the opinion of the *Kyai*, it shows that the right of *ijbar* in the pesantren community has a good purpose for both children and parents in the future. However, regarding the practice of the right of *ijbar* in the pesantren community which is applied to the current situation and conditions, he thinks that regarding guardians who marry off their daughters suddenly or even immediately consummated, he does not agree, because the child should be shown, discussed if they want to be matched with a man first, because that is not allowed, and is not good. As exemplified by the prophet Ibrahim AS. and the prophet Ismail his son when the prophet Ibrahim received a revelation from Allah to slaughter his son, he did not immediately slaughter him but was invited to a dialogue first.¹⁵ So, when marrying off his daughter, it would be better for a guardian to consult with his daughter first.

From the explanation given by Nyai ni'matul choiriyah, the right of *ijbar* is that a guardian marries his daughter without asking her permission, or by her silence the child has indicated his permission (agreement).¹⁶ *Kyai* Moch. Yahya Khusnan, gave a statement that in the marriage there is a guardian, and the guardian is not only the father but can be an uncle, grandfather, brother and others who have been determined in the law of Islamic jurisprudence. As for *ijbar*, it means forcing, therefore, forcing a child to marry an expert is his biological father (wali *mujbir*), while other than the father, *ijbar* cannot be and they (brothers, uncles and others) are only representatives to conduct the marriage.¹⁷

Disputes and similarities of opinion in responding to the right of *ijbar* in Islamic boarding madzhab society

Responding to the right of *ijbar* in the pesantren community, the *Kyai* and *Nyai* have different points of view. Although in Islamic law, the right of *ijbar* is permitted because of the form of parental obligation and protection of parents (guardians) towards their daughters, it is necessary for parents to give their daughters the rights to choose their life partners, because after all, the one who lives the household is the daughter herself, so from here a sense of love and affection is needed that arises from both partners according to what the daughter wants.¹⁸

Kyai Shobih Al-Muayyad in matching children with each other regarding *ijbar* can be done by the guardian (father or grandfather) but on the condition that the man must be *sekufu* (equal) to the daughter, previously there was no hostility between the child and the father and there were also no problems with her prospective husband, the woman is normal (*aqil*), even so the parents must have considerations.

Kyai Abdul Hadi Yusuf stated that in marrying off a daughter, parents should have a discussion room with their child in any matter including its relation to matchmaking, so that both of

¹⁴ KH. Abdul Hadi Yusuf, S.H., wawancara, Pondok Pesantren Madrasatul Qur'an Tebuireng Jombang, Jum'at, 05 Juli 2024 pukul 16.55.

¹⁵ KH. Abdul Hadi Yusuf, S.H., wawancara, Pondok Pesantren Madrasatul Qur'an Tebuireng Jombang, Jum'at, 05 Juli 2024 pukul 17.08.

¹⁶ Nyai Hj. Ni'matul Khoiriyah, wawancara, Pondok Pesantren Al-Fattah Sambongdukuh Jombang, Kamis, 18 Juli 2024 pukul 16.45.

¹⁷ KH. Moch. Yahya Khusnan, wawancara, Pondok Pesantren Al-Mardiyah Tambakberas Jombang, Ahad, 21 Juli 2024 pukul 09.32.

¹⁸ Theadora Rahmawati and Zakiyuddin Abdul Adhim, "Kontekstualisasi Hadis Hak Ijbar Dalam Perjodohan Di Indonesia," *Al-Manhaj: Journal of Indonesian Islamic Family Law*, no. 2 (2023): 182–201, <http://dx.doi.org/10.19105/al-manhaj.v5i2.12106>.

them understand each other. And parents can give *ijbar* to their child if their child's choice is not good and can lead to elements of sin such as apostasy and others and even for such things parents are required to give *ijbar* to their daughter.

Regarding the right of *ijbar* that exists in the pesantren community, Nyai Ni'matul Choiriyah stated that it would be better to matchmake a girl according to Islamic law that has been taught, where in matchmaking there should be a ta'aruf period, namely a period of introduction between the groom and the bride so that they get to know each other better, and if they find a match, then the khitbah period continues and after that the marriage contract (*ijab qabul*) is carried out. And if there is an element of feeling forced to accept the matchmaking from the parents of the girl, so that she accepts with the intention of obeying her parents, then it is permissible because Nyai Ni'matul Choiriyah considers that in a matchmaking the most important thing is the blessing of both parents.

Kyai Moch. Yahya Khusnan views that related to the right of *ijbar*, parents have the right to force their daughters to marry according to their choice. And as long as what the father wants is in accordance with his daughter, then the father has the right to force his daughter. However, in forcing his child, the parents do it by speaking softly to their child, giving input to their child about the reasons why the parents matched her with that man, telling what benefits there are if the daughter marries that man. As for the law of *ijbar*, it shows that the child must obey his parents as Allah's word **وَبِالْوَالِدَيْنِ إِحْسَانًا** because there is no such thing as a parent who abuses his child.

Legal Philosophy Perspective

Legal philosophy is a combination of the words philosophy and law. Philosophy itself is a language from the Greek nation, namely Philo (love, in a broad sense, namely desire/sincerity) and sophia (policy, which means clever/deep understanding) so that when combined, philosophia has the meaning of a deep desire to obtain policy.¹⁹ The meaning of law in the big dictionary of Indonesian Language has the meaning of regulations, decisions, laws made by the authorities (government/customs applicable in a region or country) in order to regulate social interaction and order in society. Legal philosophy is interpreted as a form of the result of deep and comprehensive human contemplation related to the laws that already exist in society. Legal philosophy itself is a branch of philosophy where legal philosophy regulates behavior or ethics in studying the nature of law.

Aristotle has argued that the position of legal philosophy is in the practice of ethical forms which regulate morality and happiness in individual life, which is present as a form of resistance due to the inability of legal science to form and enforce logical and conceptual rules and laws. So that legal philosophy is seen as appropriate for obtaining the right solution to legal problems.²⁰

The perspective of legal philosophy on the right of *ijbar* shows the form of tension between the legal rules that have been recognized by religious legal authorities (Islam) and the principles of morality, justice, and human rights. In the case of the right of *ijbar*, it involves exploring several basic principles of law, justice and human rights.

With the perspective of legal philosophy, this research can be helped by being able to understand that even though a rule is legally valid, the rule must fulfill the principles of justice and human rights. If the right of *ijbar* can harm girls or does not involve them in the decision-making process, then this right must be reconsidered to ensure their justice and welfare. As stated in the Marriage Law No. 1 of 1974, Article 6 paragraph (1) where marriage must be based on the agreement of both prospective brides and grooms.²¹ So from here it shows that women's rights in choosing a partner are very tolerated and cared for..

¹⁹ Kurniawan Tri Wibowo, dan Wagiman Maetedjo, *Filsafat Hukum Tinjauan Komparatif Kontemporer Tentang Makna Keadilan*, ed. Yuche Sukaca Yahya. (Jakarta Selatan: PT. Cipta Gadhing Artha, 2021). p.15.

²⁰ Sukarno Aburaera, Muhadar, and Maskun, *Filsafat Hukum Teori & Praktik*. (Jakarta: PT Balebat Dedikasi Prima, Pertama). p.45-46.

²¹ "Law Number 1 of 1974 Concerning Marriage" (1974).

In addition to using legal philosophy, the research here also uses the theory of legal interpretation, with the aim of concluding the results of the analysis of the right of *ijbar* interpreted in the local context and how the principles of justice and morality are applied by the Islamic boarding madzhab community in the practice of *ijbar* rights, especially the views of the *Kyai* and *Nyai* of Islamic boarding madzhab in Jombang Regency. And from this interpretation, they, the *Kyai* and *Nyai*, even though the right of *ijbar* is permitted in Islamic law, they still care about justice, morality and human rights, namely women in marrying them.

CONCLUSION

Kyai and *Nyai*, the caretakers of Islamic boarding madzhab, in responding to the right of *ijbar* in the Islamic boarding madzhab community in Jombang Regency, it may be done as long as there is benefit for the daughter. However, if viewed from the current era, it is better for parents (guardians) not to carry out the law of *ijbar* against their children. With the perspective of legal philosophy through the views of *Kyai* and *Nyai*, the caretakers of Islamic boarding madzhab regarding the right of *ijbar*, there is relevance where in interpreting and responding to the right of *ijbar* in the Jombang community, they (the *Kyai* and *Nyai*) in giving opinions still contain the principles of justice and human rights values including women who are given the authority to choose their life partners.

REFERENCES

- Aburaera, S., Muhadar., & Maskun. (2017). *Filsafat Hukum Teori & Praktik*. Jakarta: Pustaka-Indo.
- Al-Bassam, Abdullah bin Abdurrahman. Syarah Bulughul Maram 5. Juli, 2020. Pustaka Azzam, 2013. [https://archive.org/details/syarah-bulughul-maram-by-abdullah-bin-abdurrahman-al-bassam/SYARAH BULUGHUL MARAM 5 by Abdullah bin Abdurrahman Al Bassam/](https://archive.org/details/syarah-bulughul-maram-by-abdullah-bin-abdurrahman-al-bassam/SYARAH%20BULUGHUL%20MARAM%205%20by%20Abdullah%20bin%20Abdurrahman%20Al%20Bassam/).
- Al-Juzairi, S. A. (2017). *Fikih Empat Madzhab Jilid 5*. Pustaka Al-Kautsar. Jakarta: Pustaka Al-Kautsar.
- As-Samarqandi, Syeikh Nashir bin Muhammad bin Ibrahim. *Tanbih Al-Ghafilin*. Surabaya: Nurul Hidayah, Surabaya., n.d.
- Bachtiar, B. (2018). *Metode Penelitian Hukum*. Pamulang: Unpam Press.
- KH. Abdul Hadi Yusuf, S.H., wawancara, Pondok Pesantren Madrasatul Qur'an Tebuireng Jombang, Jum'at, 05 Juli 2024.
- KH. Moch. Yahya Khusnan, S. Pd. I., wawancara, Pondok Pesantren Al-Mardiyah Tambakberas Jombang, Ahad, 21 Juli 2024.
- Law Number 1 of 1974 Concerning Marriage (1974): 1–15.
- Nyai Hj. Ni'matul Khoiriyah, S. Pd. I., wawancara, Pondok Pesantren Al-Fattah Sambong Dukuh Jombang, Kamis, 18 Juli 2024.
- Pusat Bahasa Departemen Pendidikan Nasional. Kamus Besar Bahasa Indonesia, 2008.
- Rahmawati, T., & Adhim, Z.A. (2023). Kontekstualisasi hadis hak *ijbar* dalam perijodohan di Indonesia. *Al-Manhaj: Journal of Indonesian Islamic Family Law*, 5(2), 182-201. <http://dx.doi.org/10.19105/al-manhaj.v5i2.12106>.
- Ramadhan, M.I. (2023). *Hak Ijbar Wali Mujbir Pada Anak Perempuan Kiai Pesantren Di Jember*. Jember: Universitas Islam Negeri Kiai Haji Achmad Siddiq.
- Tan, D. (2021). Metode penelitian hukum: mengupas dan mengulas metodologi dalam menyelenggarakan penelitian hukum, nusantara. *Jurnal Ilmu Pengetahuan Sosial*, 8(8), 2463-2478.
- Wibowo, K. T., & Maetedjo, W. (2021) *Filsafat Hukum Tinjauan Komparatif Kontemporer Tentang Makna Keadilan*. Ed. Yuche Sukaca Yahya. Jakarta Selatan: Cipta Gadhing Artha.