



Attending Walimatul 'Ursy : Pregnant Women Due To Adultery Perspektif Islamic Law

Fakhriyah Annisa Afroo¹, Nenana Julir², Rema Syelvita³

¹Universitas Negeri Padang, ²UIN Fatmawati Sukarno Bengkulu, ³Universitas Jambi

*corresponding Author, e-mail: fakhriyahannisa@fis.unp.ac.id

Abstract

The issue being studied is how Islamic law is reviewed when attending Walimatul 'Ursy for women who become pregnant as a result of adultery. The aim of this research is to find out how the law applies to attending walimatul 'ursy for pregnant women due to adultery. To uncover this problem, it was carried out in depth and comprehensively, the research used the library research method (library study), where in this case the author collected data from existing books, articles, scientific works. its relevance to the problem. From the results of this research, it was found that the law of marrying a woman who is pregnant as a result of adultery is mubah (permissible) if the person who marries the woman who is pregnant as a result of adultery is the man who impregnated her. A good walimatul 'ursy according to Islamic law is a wedding walimah where there is no immorality or immorality in the implementation of the party and the law of attending a walimatul 'ursy for a woman who is pregnant as a result of adultery is permissible as long as there is no immorality or immorality in the walimatul 'ursy.

Keywords: *Walimatul 'Ursy, Pregnant Women Due To Adultery*

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Introduction

The marriage bond is a sacred bond or a sacred agreement between a man and a woman after the marriage bond, from this bond a family will be formed. Life in marriage will play a role after each partner is ready to play a positive role in realizing the goals of the marriage itself. (Gustiawati, 2019) Marriage is an important element in human life, because it is a way for creatures to reproduce and maintain survival. Marriage is considered sacred for those who carry it out. Islam, with all its perfection, views marriage as an important event in human life, because according to Islam, marriage is a basic human need. (Aminuddin, 1999)

A marriage contract is a binding agreement or contract between a man and a woman to household sakinah, mawaddah and rahmah. The marriage contract is the main pillar of marriage which must be fulfilled so that the marriage is considered valid religiously and legally. So that the existence of a sacred contract allows intercourse between men and women and vice versa, every association that is not through a sacred contract will certainly be prohibited by Islamic law even if both of them like it because it eliminates the nature of humanity (adultery) and causes repercussions. negative in society, things like that have been emphasized so that people do not cross the boundaries of what is ordered and prohibited. (Hawwas, 2009)

A good marriage, a marriage that is announced, the wisdom of announcing the marriage contract is so that the couple is free from accusations of adultery or vile slander. And apart from that, you can get blessings and prayers from the community. A wedding that

is held without a celebration will have its own consequences in people's lives as social creatures. In society, the implementation of marriage cannot be separated from the walimah wedding event or known as walimatul 'ursy. Walimatul 'ursy is one of the Islamic teachings related to marriage issues, the pronunciation of which is not yet generally known among Muslims. (Nuraini, 2023)

Another opinion also explains that the walimah al-'ursy (wedding party) is intended to give blessings so that the bride and groom will come together in harmony. The other purpose is as information and announcement that a marriage has taken place, so that it does not cause slander in the future and as a sign of joy or other things. (Lia Laquna Jamali, 2016)

According to Sudarsono, a wedding requires a walimah, namely a celebration that accompanies the wedding to carry out the marriage contract between the bride and groom to the public. Walimah is important because it is the basic principle of marriage in Islam which must be formalized so that it is generally known by the public. Walimah is usually known as a celebration such as a reception or party which is held after the *ijab qabul* has been carried out with the aim of informing the public that both parties have entered into a legal and registered marriage. (Sudarsono, 1992)

عَنْ أَنَسٍ قَالَ: مَا أَوْلَمَ النَّبِيُّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ مَا أَوْلَمَ عَلَى زَيْ نَبِّ، أَوْلَمَ بِشَاةٍ. احمد و البخارى و مسلم

Meaning: From Anas he said, Rasulullah SAW held walimah for all his wives as he had walimah for Zainab, he had walimah with a goat. (HR. Ahmad, Bukhari and Muslim)

The law of attending the walimah if invited by a legitimate party is basically obligatory in accordance with the Prophet's command to attend the invitation of the walimah in his words.

عن ابن عمر قال: قال رسول الله صلى الله عليه وسلم اذا دعي احدكم الى الوليمة فليأتها. (رواه البخاري)

Meaning: From Abdullah bin Umar r.a he said; Rasulullah SAW said, fulfill the invitation. If you are invited to attend the walimah, then come. (HR Bukhari).

اذا دعي احدكم الى وليمة عرس فليأتها. (رواه احمد و مسلم)

Meaning: if any of you are invited to attend the walimatul 'ursy then attend (H.R Muslim and Ahmad)

However, if someone is obliged to go to the walimah, the ulama give relief to those invited not to attend because if the person invited is old, or if there is evil in the walimah and other things that prevent their attendance, it does not differentiate between rich and poor or their location. it's so far away that it's a burden to come, so you may not attend. (Syukron, 2022)

Based on the explanation above, it can be understood that attending a wedding walimatul 'ursy is mandatory for those invited unless there is an excuse or certain things that could prevent someone from coming. However, what is a problem for the author is that many members of the wider community throughout Indonesia hold the walimatul 'ursy event, but the bride is already pregnant before the wedding or it could be said that the woman is pregnant out of wedlock (adultery)..

One of the widespread applications for marriage dispensations is because cases of out-of-wedlock pregnancy in children which are very horrendous in the regions are an iceberg phenomenon. The East Java (BKKBN) released astonishing data, namely that there were 15.212 requests for marriage dispensation, 80 of which were because the applicant was

pregnant. (RI, 2023) Then, based on data from the DIY Women's Empowerment, Child Protection and Population Control (DP3AP2) Service, cases of early marriage in 2022 will reach 632 cases. Of this number, 84% of cases were due to pregnancy out of wedlock or unwanted pregnancy (KTD). The increase in the number of early marriages is a serious concern, especially in the city of Yogyakarta which is considered an educational destination for students from outside the region, especially Central Java. Not only that, cases of early marriage in Central Java also exceed the national average, reaching around 9.75% in 2023. Districts such as Grobogan, Pemalang, Cilacap, Banyumas and Blora record quite high rates of early marriage. (Kemenpppa, 2023)

From the data above, it cannot be denied that nowadays there are many marriages that occur as a result of acts of adultery that have been committed beforehand, after the act of adultery is committed then the marriage occurs. After the contract, not a few celebrate the walimah to celebrate the wedding even though Islam forbids adultery and considers it a vile act and hated by Allah SWT. Based on this background, the researcher considers it necessary to study and analyze how Islamic law reviews the attending (walimatul 'ursy) of pregnant women due to adultery.

Method

This research is based on Library Research, namely by looking for book references related to the title being researched and reading books related to the problem discussed in this research. The research method in writing this research uses qualitative research methods, which can be interpreted as research that produces descriptive data regarding spoken and written words, where the stages of data collection, data processing and data analysis are carried out simultaneously and interactively with each other throughout the process study.

In this research, the author uses a normative approach. A normative approach is an approach that uses religious benchmarks (the arguments of the Qur'an and hadith as well as the rules of fiqh and ushul fiqh) as a justification and provider of norms for the problem being discussed, so that a conclusion can be reached whether something is in harmony with the Shari'a or not. .

Data sources include primary data and secondary data. Primary data is data obtained directly from research subjects obtained from primary sources. In this case, it is like books or related books. Meanwhile, secondary data can be said to be a source of additional data, in the form of additional books or articles that are used as additional references. (Azwar, 2009)

After going through the data processing stages, the next stage is data analysis. In the analysis process, the data obtained from the research results are analyzed using qualitative data analysis using deductive analysis, namely a method of thinking that starts from general knowledge and then draws specific conclusions.

Result and Discussion

A. Law on Marriage for Pregnant Women Due to Adultery

1. Compilation of Islamic Law (KHI)

According to KHI, the law on marrying a pregnant woman because of adultery is considered legal, but the marriage is legal if the man who marries the pregnant woman is the man who got her pregnant. If the person marrying her is not the man who impregnated her, the law will be invalid because Article 53 paragraph 1 KHI does not provide an opportunity for that. In full, the contents of article 53 KHI are as follows:

- a. A woman who becomes pregnant out of wedlock can marry the man who impregnated her.
- b. A marriage with a pregnant woman referred to in paragraph (1) can take place without waiting for the birth of the child.
- c. By carrying out the marriage while the woman is pregnant, there is no need for remarriage after the child is born. (Aulia, 2022)

This provision is in accordance with the word of Allah in Surah An-Nur verse (3) which states that a man who commits adultery does not marry a woman who commits adultery, or a woman who is an idolater. And a woman who commits adultery is not married except to a man who commits adultery or a man who is an idolater and this is prohibited for the believers.

2. Opinions of Ulama

Ulama differ in their opinions regarding the law of marrying a woman who commits adultery, into three opinions:

First opinion: Zina has no part in the obligation to perform 'iddah. It is the same whether a woman who commits adultery is pregnant or not. And it's the same whether she has a husband or not. If she has a husband, then it is halal for her husband to have sex with her directly. And if she does not have a husband, then it is permissible for the man with whom she committed adultery or another person to marry her, whether she is pregnant or not. It's just that having sex with her while she's pregnant is makruh, until she gives birth. This is the opinion of the scholars of the Shafi'i school of thought. (Junawaroh, 2020)

The adherents of the first opinion, namely ulama mazhab Syafi'i, hold the following postulates:

وَ أَنْكِحُوا الْأَيْمَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ

Meaning: And marry the unmarried among you and the righteous among your male slaves and female slaves (QS. An-Nur: 32)

This verse states in general about the permissibility of marrying a woman who does not have a life partner, whether an adulterer or not, so that it is permissible for an adulterous man to marry a woman who maintains his honor, or vice versa. They also consider this verse to be an argument that removes (nasikh) the law prohibiting marriage with an adulterer according to the word of Allah:

الزَّانِي لَا يَنْكِحُ إِلَّا زَانِيَةً أَوْ مُشْرِكَةً وَالزَّانِيَةُ لَا يَنْكِحُهَا إِلَّا زَانٍ أَوْ مُشْرِكٌ وَحُرْمٌ ذَلِكَ عَلَى الْمُؤْمِنِينَ ٣

Meaning: A man who commits adultery does not marry a woman who commits adultery, or a woman who commits adultery; and a woman who commits adultery is not married except by a man who commits adultery or a man who is a polytheist, and this is prohibited for believers. (Q.S. An-Nur: 3).

Second opinion: if the woman who is committing adultery is not pregnant, then the man with whom she committed adultery or another man may marry her, and she is not obliged to perform 'iddah. This is the agreed opinion in the Hanafi school of thought. If the person marrying her is a man who committed adultery with her, then he may have sexual intercourse with her, according to the agreement of the Hanafi school of thought scholars. And the child belongs to the man, if it is born six months after the marriage. If the child is born before six months, then he is not his child and does not inherit from him. Unless the man says, this is my child, not the child of adultery.

Meanwhile, if the woman who is being committed for adultery is pregnant, then according to Abu Hanifah she may be married, but she may not have sexual intercourse with her until she gives birth. Meanwhile, Abu Yusuf and Zafar from the Hanafi school of thought believe that if a woman who commits adultery is pregnant, then she should not be married.

Third opinion: A woman who commits adultery should not be married. And she is obliged to perform 'iddah within the specified time if she is not pregnant, and by giving birth if she is pregnant. If she has a husband, her husband must not have sexual intercourse with her until her 'iddah is over. This is the opinion of Rabi'ah, ats-Tsauri, al-Auzai, and Ishaq. And this is the Maliki and Hanbali schools of thought. According to Maliki school scholars, she frees her womb with three menstruations, or with the passage of three months. According to Imam Ahmad, she freed her womb with three menstruations. Meanwhile, Ibn Qudamah considered that it was enough for him to free the womb with three menstruations. This opinion is supported and strengthened by Ibn Taymiyah. The scholars of the Hanbali school of thought provide other conditions for the permissibility of marrying a woman who commits adultery, namely repentance from adultery. (al-Khatib, 2005)

B. The Law of Holding Walimatul 'Ursy

Holding walimatul 'ursy jumhur ulama is of the opinion: that the law is sunnah mu'akad (higher than ordinary sunnah and less than obligatory), based on the hadith of the Prophet Muhammad SAW which reads:

عَنْ أَنَسِ بْنِ مَالِكٍ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: مَا هَذَا؟
 قَالَ: يَا رَسُولَ اللَّهِ إِنِّي تَزَوَّجْتُ امْرَأَةً عَلَى وَزْنِ نَوَاةٍ مِنْ ذَهَبٍ. قَالَ: فَبَارِكَ اللَّهُ لَكَ. أَوْلِمَ وَ لَوْ
 بِشَاةٍ. مسلم

Meaning: From Anas bin Malik, that the Prophet SAW saw that there were yellow marks on Abdur Rahman bin Auf. So he asked, "What is this?" He replied, "O Messenger of Allah, I have just married a woman with a dowry the weight of a gold nugget." So he said, "May Allah bless you. Hold a walimah even if (only) by (slaughtering) a goat." [HR. Muslim]

From the hadith above, it can be understood that the Messenger of Allah recommended that Muslims hold a walimah at weddings and hold it as simply as possible so that there is no waste, as the walimah was held by the Prophet who only slaughtered a goat. Al-Imam Ibn Qudamah said:

"And holding a walimah event is not mandatory according to most scholars. Some Ulama of the Shafi'i school of thought state that it is obligatory, because the Prophet SAW in his hadith ordered Abdurrahman bin Auf to hold a walimah. And also because attending a walimah event is legally obligatory, holding a walimah event is mandatory. Meanwhile, according to. Meanwhile, in our opinion, walimah is a meal for joy, so it resembles other banquets (such as naqi'ah, wakirah, etc.). and the above hadith is understood as sunnah with the argument that I explained earlier, and also because he ordered him to have a walimah with a goat. And there is no dispute that this event is not mandatory. And what they say from the meaning of this hadith is that it has no origin. Then this reason was also canceled due to greetings. Spreading greetings is not mandatory but answering greetings is obligatory". (Al-Mughni: 15/487) (Sulaifi, 2014)

From the descriptions of the hadith of Rasulullah SAW above, it is explained for those who hold a walimah, especially for walimatul 'ursy and also provide dishes or banquets adapted to the capabilities of the family who are holding the walimah, it is also recommended in a form as simple as possible so as not to cause trouble. wasteful (excessive, wasteful). Walimatul 'ursy is an event that is recommended to be held by a Muslim family after a wedding, meaning that carrying out walimatul 'ursy is a form of worship and is included in the framework of tahaddus bin ni'mah. However, walimah becomes prohibited and legally sinful if: (Safrudin, 2021)

1. Waste of assets (tabdzir)
2. Exaggeration (israf)
3. Giving birth to sins and immoralities, such as exposing one's private parts, and art that is not in accordance with Islamic teachings
4. Becomes a forum for showing off wealth, making poor people jealous and envious
5. Resulting in rich people who are full being fed while poor people who are always hungry are not given food

From several hadiths of Rasulullah SAW above, it is explained that the law for holding a wedding party is the sunnah of muakadah, and the implementation of the wedding party event is adjusted to the teachings of Islam. Because if at this event you show your intimate parts, are wasteful or excessive and also show off your wealth, then the law is haram (sin).

C. Attending Walimatul 'Ursy of Pregnant Women Due to Adultery Perspective Islamic Law

What if we are invited to a walimah where in the walimah the bride is already pregnant before marriage. There are no books or scholars who discuss this issue clearly, so this requires an analysis. Before we attend a wedding, we must first see what the law is about marrying women who become pregnant due to adultery. When the person who marries the woman who committed adultery is the man who impregnated her, then it is legal for us to attend her walimah. Allah SWT says:

الزَّانِي لَا يَنْكِحُ إِلَّا زَانِيَةً أَوْ مُشْرِكَةً وَالزَّانِيَةُ لَا يَنْكِحُهَا إِلَّا زَانٍ أَوْ مُشْرِكٌ وَحُرْمٌ ذَلِكَ عَلَى الْمُؤْمِنِينَ ۝۳

Meaning: A man who commits adultery does not marry a woman who commits adultery, or a woman who commits adultery; and a woman who commits adultery is not married except to a man who commits adultery or a man who commits adultery, and this is prohibited for believers. (Q.S. An-Nur: 3).

In the hadith of the Prophet it is also stated:

مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ فَلَا يَسْقِ مَاءَهُ وَلَا يَسْقِي غَيْرَهُ

Meaning: Whoever believes in Allah and the Last Day, should not sprinkle his water on other people's plants

From the description above, it can be concluded that it is permissible to attend the wedding invitation of a woman pregnant due to adultery if the person marrying the woman is the man who impregnated her. This is in accordance with what is explained in article 53 of the KHI, that is:

1. Woman who is pregnant out of wedlock can be married to the man who impregnated her.

2. Marriage with a pregnant woman referred to in paragraph (1) can take place without waiting for the birth of the child.
3. By carrying out the marriage while the woman is pregnant, there is no need for remarriage after the child is born.

In the words of article 53 it is clear that a marriage between a woman who is pregnant as a result of adultery and the man who impregnated her is valid, and when a walimah wedding is held we are allowed to attend it on condition that at the walimah event there are no evil things such as drinking wine or the presence of entertainment that displays the intimate parts or other things.

Based on the description of the propositions, hadith and also the opinions of the scholars above, the author can analyze that we are allowed to attend the walimah wedding of a woman who is pregnant because of adultery if the woman who is carrying out the marriage is a woman who is pregnant because of adultery and is married to a man who is pregnant because according to Islamic law. If the marriage is valid then the marriage guardian is also allowed to attend, this is in accordance with the contents of Q.S An-Nur verse 3 and the sound of article 53 of the Compilation of Islamic Law (KHI) which allows the marriage of a woman who is pregnant because of adultery to be married by the man who got her pregnant. However, if the person marrying is a man who has not impregnated the woman, it is prescribed to wait for the woman to give birth and then marry her..

So when there is a wedding between a woman who becomes pregnant as a result of adultery and the man who impregnated her and then after the wedding a walimatul ursy is held, it is permissible to attend it as long as there are no actions at the walimah event that are contrary to Islamic law in accordance with the opinions of the ulama above.

Imam Malik added that when a marriage occurred as a result of adultery he indicated to repent first, in accordance with the words of the Prophet Muhammad:

عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ رَضِيَ عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: التَّائِبُ مِنَ الذَّنْبِ كَمَنْ لَا ذَنْبَ لَهُ. [ابن ماجه و الطبرانى]

Meaning: From Abdullah bin Mas'ud RA, from the Prophet SAW he said, a person who repents from sin is like a person who has no sin. [HR. Ibn Majah and Thabrani].

Even though attending the marriage ceremony of a woman who is pregnant because of adultery is permitted, as a young generation, it is hoped that they can prevent and stay away from adultery so that pregnancy out of wedlock does not occur. This is what needs to be emphasized so that there are no more deviant generations, so there is also a need for supervision from parents, especially and also the ulama, to prevent these immoral acts. Of course, this action is in line with sadd adz-dzariah, that we must close or prevent something that will lead to harm and the consequences that will arise. One of them is preventing adultery which creates unclear origins of offspring.

On principle maqashid syari'ah, ada 5 hal pokok dalam kehidupan manusia (adh-dharuriyatul al-khamsah) that must be guarded and maintained, namely: hifzu ad-diin (guarding religion), hifzu an-nafs (guarding the soul), hifzu al- aql (guarding reason), hifzu maal (guarding wealth) and hifzu an-nasl (guarding offspring). It is to maintain these five principles that Islamic law was revealed. Therefore, it is our obligation as Muslims to maintain this adh dharuriyaat al-khamsah based on the texts of the al-Quran and hadith, by obeying every command and prohibition in these texts.

To protect oneself or prevent adultery in accordance with the principles of maqosid sharia, namely, hifzu ad-diin (protecting religion), hifzu an-nafs (protecting the soul), and hifzu an-nasl (protecting offspring).

Conclusion

From the explanation that has been outlined regarding the law of attending walimatul 'ursy for women who are pregnant as a result of adultery, it can be concluded that: The law of marrying a woman who is pregnant as a result of adultery in Islamic law is permissible (permissible) if the person marrying the woman is the man who impregnated her but if the If you marry the man who impregnated the woman, you have to wait until the woman gives birth to the child she is carrying before the marriage contract takes place. A good walimatul 'ursy according to Islamic law is a wedding walimah where there is no immorality or evil in the implementation of the party. And the law of attending the walimatul 'ursy for women who are pregnant as a result of adultery is permissible (permissible), as long as there is no evil or immorality at the walimah event.

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