

CHAPTER I

INTRODUCTION

A. Research Background

The marriage is one of the *Sunnah* from the Prophet and the guidances have been regulated in Islamic law, and its implementation includes long-term worship. Marriage is considered a sacred and strong obligation that exists between a man and a woman have committed themselves to a legal marriage contract. Besides as a *sunnah* and a worship, when it viewed from a scientific perspective, marriage is a human biological need to produce descent.¹ The Qur'an said:

فَاطْرُ السَّمَوَاتِ وَالْأَرْضِ جَعَلَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا وَمِنَ الْأَنْعَامِ أَزْوَاجًا يَذُرُّكُمْ فِيهِ
لَيْسَ كَمِثْلِهِ شَيْءٌ وَهُوَ السَّمِيعُ الْبَصِيرُ ﴿١١﴾

“(He) is the Creator of the heavens and the earth. He has made for you pairs from among yourselves, and pairs among cattle. By this means does He multiply you. There is nothing whatever like unto Him, and He is the one that hears and sees (all things)”. (Q.S. Al-Syûra/42: 11).²

In Islam, one of the main goals of marriage is to establish a calm life, full of love and affection or also known as *sakînah mawaddah wa rahmah* among husband, wife, and children. A good marriage can be measured by the readiness of husband and wife to build a household life in all aspects. When deciding to build a

¹ Rusdaya Basri, “Konsep Pernikahan Dalam Pemikiran Fuqaha”, *Jurnal Hukum Diktum*, Vol 13, No 2, July 2015, 105.

² Abdullâh Yûsuf ‘Ali, *The Holy Qur’an text, Translation and Commentary* (Beirut: Dar al-Arabia, 1968), 1307.

household, they have to accept some consequences. The couple must carry the burden of new responsibilities that appear after the marriage contract.³

The problem of a person's readiness for marriage is closely related to the eligibility or age legalization of the couple. They have to deal with other conditions. All of them must be complex and thoroughly fulfilled to create a happy family. Unpreparedness of marriage for a husband and wife can have a negative impact on the continuity of their household. The loss of knowledge and experience are the main causes of the early divorce. Besides, the immaturity of thinking patterns will effect their life. Physical and emotional readiness is also very important, these things trigger much opposition to the implementation of early marriage.⁴

Because so many possible impacts will come to couples, it is important to decide an age limitation for marriage or law used as a measure of someone's eligibility to marry. In Indonesian marriage law, the legal age for marriage is 19 years old with the agreement or permission of the parents. This condition indicates that parental agreement has declared their child's eligibility to marry, and their consideration of various things is also important.⁵

In Islam, all legal provisions and guidances in human life are contained in the holy book al-Qur'an. Al-Qur'an is placed as the main reference along

³ Fauziati Shufiyah, "Pernikahan Dini Menurut Hadis dan Dampaknya", *Jurnal Living Hadis*, Vol 3, No 1, May 2018, 48.

⁴ Fathur Rahman Alfa, "Pernikahan Dini dan Perceraian di Indonesia", *Jurnal Ilmiah Ahwal Syakhshiyah*, Vol 1, No 1, 2019, 51-52.

⁵ Ahmad Masfuful Fuad, "Ketentuan Batas Minimal Usia Kawin: Sejarah, Implikasi Penetapan Undang-undang Perkawinan", *Jurnal Pelita*, Vol. 1, No. 1, April 2016, 41.

with *hadits* to get the values of Islamic gospel and law.⁶ The guidance and wisdom contained in the Qur'an covered all aspects of human life, including marriage. The Qur'an has determined the laws and limits for humans in marriage. Some verses clearly state these guidances, but some verses implicitly provide certain limits for humans in carrying out certain worship. An example of a verse that directly explains the provisions of marriage is contained in *Sûrah al-Baqarah* verse 221:

وَلَا تَنْكِحُوا الْمُشْرِكَةَ حَتَّىٰ يُؤْمِنَ ۚ وَلَا مَآءَةً مُّؤْمِنَةً خَيْرٌ مِّنْ مُّشْرِكَةٍ وَلَا أَعْبَتَتْكُمْ ۗ وَلَا تَنْكِحُوا
 الْمُشْرِكِينَ حَتَّىٰ يُؤْمِنُوا ۚ وَلَعَبْدٌ مُّؤْمِنٌ خَيْرٌ مِّنْ مُّشْرِكٍ ۚ وَلَا أَعْجَبَكُمْ ۗ أُولَٰئِكَ يَدْعُونَ إِلَى النَّارِ
 وَاللَّهُ يَدْعُوا إِلَى الْجَنَّةِ وَالْمَغْفِرَةِ بِإِذْنِهِ ۗ وَيُبَيِّنُ آيَاتِهِ ۗ لِلنَّاسِ لَعَلَّهُمْ يَتَذَكَّرُونَ ﴿٢٢١﴾

"Do not marry unbelieving women (idolaters), until they believe. A slave women who believes is better than unbelieving woman. Even though she allure you. Not marry (your girls) to unbelievers until they believe. A man slave who believes is better than an unbeliever, even though he allure you. Unbelievers do (but) beckon you to the fire. But God beckons by His grace to the heaven (of Bliss) and forgiveness, and makes His signs clear to mindkind. That they may celebrate His praise." (Q.S. Al-Baqarah/2: 221).⁷

The verse explains the prohibition of marrying polytheists, or in other words, the married couple must have the same religion. Because marriage requires a couple to advise and love each other, if the couple has a different religion (either husband or wife is not a muslim), the concern is this situation will bring the negative influences that lead to misguidance. Seeing the impact and harm will

⁶ Mukhtar Yunus, *Solusi al-Qur'an mengatasi Problemtika Keluarga Islam* (Pare-pare: IAIN Pare-pare, 2019), 2.

⁷ Abdullâh Yûsuf 'Ali, *The Holy Qur'an text, Translation and Commentary*, 87.

appear from this situation, Allah forbids us to marriage different beliefs to save us from *shirk* and misguidance.⁸

Al-Qur'an mentioned the guidance clearly and succinctly about marriage. However, due to the depth of meaning and breadth of wisdom in the Qur'an, there are guidances and limitations in another verses implicitly, among them is the guidance of an age limit for marriage. In the Qur'an, no verse clearly mentions the appropriate age target for marriage. However, the Qur'an indicates that some provisions or conditions must be met. Regarding the sign of the age limit for marriage, it was mentioned in *Sûrah al-Nûr* verse 32:

وَأَنْكِحُوا الْأَيَّتَى مِنَ الْعَبْدِ وَالْحُرِّ وَآمَائِكُمْ وَإِنْ يَكُونُوا فُقَرَاءَ يُعْزِمَهُمُ اللَّهُ مِنْ فَضْلِهِ ۗ وَاللَّهُ وَاسِعٌ عَلِيمٌ ﴿٣٢﴾

*“Marry those among you who are single, or the virtuous ones among your slaves, male or female. If they are in poverty, God will give them means out of His grace. For God encompasseth all, and He knoweth all things.”*⁹ (Q.S. Al-Baqarah/24: 32).¹⁰

Many commentators explained the meaning of the verse and expressed their opinions on the meaning of the word "*al-shâlihîn*" indicates the guidance of age eligible to marriage. Based on the importance of this problem to study and to reveal the interpretation of the verse, so we know the meaning of the cues conveyed by the Qur'an regarding age restrictions or the limit of legal age for marriage, here the author is interested to study and examine it. The result of this

⁸ Wahbah al-Zuhailî, *al-Tafsîr al-Munîr* Vol. 1, Translate. Abdul Hayyie al-Kattani (Jakarta: Gema Insani, 2013), 550-551.

⁹ Abdullah Yusuf Ali, *The Holy Qur'an text, translation and commentary*, 905.

¹⁰ Achmad Suhaili, *Relevansi Batas Usia Perkawinan Dalam Membentuk Keluarga Sakinah* (Situbondo: STIQ Wali Songo, Nd), 92.

study is expected to provide answers and solutions to various problems related to the marriageable age. This research tries to study and compare two books of *tafsîr* from two figures of jurisprudence or *Fiqh* perspective, they are al-Qurthubî and Wahbah al-Zuhailî. These two commentators were very influential figures of Islamic intellectuals at each time. Al-Qashabî Mahmûd Zallath said that *Tafsîr of al-Qurthubî* has a strong *fiqh* tendency. It can be seen from detailed descriptions of al-Qurthubî when interpreting and understanding the verses concerning the law because the pattern of *fiqh* dominates in his interpretation, so he named his book *Tafsîr al-Jâmi' li Ahkâm al-Qur'an* means a collection of Qur'anic laws.¹¹

Similar to Wahbah al-Zuhailî in his book *al-Tafsîr al-Munîr*, he explained the laws contained in verse extensively, he also described language aspects such as *i'rab*, as well as aspects of Qur'anic knowledge, then *asbâb al-nuzûl* and *munâsabah*. In addition, the reason of the determination these two figures is the difference in their *madzhab* background influences their interpretation. Al-Qurthubî is one of the great scholars of the Mâlîki, while Wahbah al-Zuhailî is one of the contemporary *mufassir* of the Syâfi'i. In understanding the verses about marriage, the two figures explain the law aspects of the verse. In each verse, the two figures classify the laws contained in that verse into several points that will make it easier for the reader to understand their interpretation. These are the things can used as the basic reason for the determination the two commentators as the object of study in this research.

¹¹ Faizah Ali Syibromasili and Jauhar Azizy, *Membahas Kitab Tafsir Klasik Modern* (Jakarta : Lembaga Penelitian UIN Syarif Hidayatullah, 2011), 28.

Using *the muqârin* (comparative) method, this study is expected can describe a complex explanation from two perspectives of interpretation about the verses. So, it will be possible to know the similarities and differences between the two interpretations. The title of this study is "**Marriageable Age In Al-Qurthubî and Wahbah Al-Zuhailî Interpretation**".

B. Problem Statement

The problems that will be studied in this research are:

1. How do al-Qurthubî and Wahbah al-Zuhailî interpret the verses on the marriageable age in the Qur'an?
2. What are the similarities and differences of al-Qurthubî and Wahbah al-Zuhailî interpretation on marriageable age in the Qur'an?
3. What are the factors of differences between al-Qurthubî and Wahbah al-Zuhailî interpretation?

C. Purpose and Significance of Research

1. Purpose
 - a. To know the interpretation of al-Qurthubî and Wahbah al-Zuhailî on marriageable age in the Qur'an.
 - b. To know the similarities and differences of al-Qurthubî and Wahbah al-Zuhailî interpretation on marriageable age in the Qur'an.
 - c. To know the factors causes the differences on their interpretation.

2. Significance

- a. Academically, this research is expected to give more information and knowledge especially regarding the interpretation of the Qur'an and can be a reference for the next research discuss the same topic.
- b. Practically, this research is expected to open muslim insights about the marriageable age so it can reduce the negative impact of early marriage in this time.

D. Operational Definition

1. Marriageable age

Based on the Oxford Dictionary, the word “marriage” means the legal relationship between two people who are married to each other. Then, the word “marriageable” is an adjective means suitable for marriage.¹² Word “age” on Oxford Dictionary means the number of years that a person has lived or a thing has existed.¹³ Based on some of the definitions above, it can be concluded that the meaning of marriageable age in this study is the perfect time or the suitable and the worth time that standardised by the Qur'an for someone to get marriage.

2. Al-Qurthubî

Al-Qurthubî is a great scholar and famous in various of religious knowledge, he came from Andalusia that now known as Spain, and he is known as an expert on *hadîts*, *mufassir* and also *faqîh*, one of his greatest work is the

¹² Oxford dictionary online, accessed on Sunday, 06 Sept 2023, 21:45 WITA

¹³ Oxford dictionary online, accessed on Sunday, 06 Sept 2023, 22:15 WITA

book of *Tafsîr al-Jâmi' li Ahkâm al-Qur'an*.¹⁴ This book will be the main reference for al-Qurthubî's work in this research.

3. Wahbah al-Zuhailî

Wahbah al-Zuhailî is one of the intellectual figures from Syria born on March 6, 1932 AD. Since his childhood, he has been provided with the basics of religious knowledge by his family as well as receiving formal Islamic education in his village until he graduated in the high school. Educational career of Wahbah al-Zuhailî is so brilliant. After completing his education in the college to obtain a Doctorate, he is also actively devoted to the field of religious studies. He also actived in writing so he can produce more than 48 works of books and encyclopedias of various Islamic sciences.¹⁵ One of his greatest work is *al-Tafsîr al-Munîr* which will be discussed in the next chapter.

E. Literature Review

The author found some previous research after doing observations studies. Some research discussed almost similar theme to this study :

First, Faraidhika Muadhina's thesis entitled "*Pembatasan Usia Pernikahan Menurut Hukum Islam (Studi Putusan Mahkamah Konstitusi No. 30/PPU-XII/2014)*" from Sharia and Law Faculty, Syarif Hidayatullah Islamic State University, Jakarta in 2017. Although it discusses a similar theme of age restrictions for marriage, the point of difference is in the theories and perspectives

¹⁴ Thias Arisiana dan Eka Prasetiawati, "Wawasan al-Qur'an Tentang Khamr Menurut al-Qurthubi dalam Tafsir *Al-Jâmi' Li Ahkâm Al-Qur'an*", *Jurnal Fikri : Jurnal Kajian Agama, Sosial dan Budaya*, Vol. 4, No 2, December 2019, 247.

¹⁵ Baihaki, "Studi Kitab Tafsir al-Munir Karya Wahbah al-Zuhailî Dan Contoh Penafsirannya Tentang Pernikahan Beda Agama", *Jurnal Analisis*, Vol. XVI, No 1, June 2016, 131.

used to analyze the topic. The study examines the aspects of Islamic law in analyzing the decision of the Constitutional Court (Mahkâmah Konstitusi).¹⁶ In contrast to this research, the author will focus on the study of Qur'anic verses and analyze the interpretation of the verse using the comparative method between al-Qurthubî and Wahbah al-Zuhailî interpretation in their book.

Second, an article in the journal *al-Qanun* entitled "*Batasan Usia Perkawinan dalam Perspektif Ulama Klasik dan Kontemporer*" written by Moh. Hatta, Sunan Ampel Islamic State University Surabaya. That study focused on a comparative study between classical and contemporary scholars on the age limit of marriage in the Qur'an. The classical scholar who was used as a sample in that study is Ibn Katsîr, while the contemporary scholar is Muhammad Rasyîd Ridhâ.¹⁷ In contrast to this research is the scholars that will be studied is al-Qurthubî and Wahbah al-Zuhailî who are famous as a scholar of *tafsîr* with the *fiqh* perspective focused.

Third, an article entitled "*Relevansi Batas Usia Perkawinan Dalam Membentuk Keluarga Sakinah*" was written by Achmad Suhaili, a lecturer in STIQ Wali Songo, Situbondo. Besides highlighting the age restriction of marriage in Islamic law, that study also described the principles and guidance of marriage so it can achieve a calm life and full of love and affection family known as *Sakînah Mawaddah wa Rahmah*. Then he analyzed the relevance of setting the limit of legal age for marriage with the principles and norms of marriage itself, so

¹⁶ Faraidhika Muadhina, "Pemabatasan Usia Pernikahan Menurut Hukum Islam (Studi Putusan Mahkâmah Konstitusi No. 30/PPU-XII/2014)", *Thesis*, Jakarta: UIN Syarif Hidayatullah, 2017, 4.

¹⁷ Moh. Hatta, "Batasan Usia Perkawinan dalam Perspektif Ulama Klasik dan Kontemporer", *Jurnal al-Qanun*, Vol. 19, No. 1, June 2016, 75-76.

it can realize a family that *Sakînah Mawaddah wa Rahmah*.¹⁸ So, the study is totally different because, in this research, the author will give more emphasizes on the Qur'anic interpretation aspect.

Fourth, a thesis written by Yan Sen Utama Putra from Muhammadiyah University Surakarta 2020, that research entitled "*Nusyûz Suami Dalam al-Qur'an (Studi Perbandingan Penafsiran al-Qurthubî dan Wahbah al-Zuhailî Terhadap Sûrah al-Nisâ Ayat 128)*".¹⁹ Although the research using the same, but the topic discussed in this study is totally different from that study.

F. Research Method

1. Type and Research Method

Based on the type of data, this research includes the library research category, which means this research uses written sources as the main source.²⁰ This research uses a qualitative descriptive method. The research procedure produces descriptive data with words or sentences from the research object. Qualitative research is a type of data discovery research. This research is not obtained from statistical calculation steps and other forms of methods related to numbers. This qualitative research also focuses on the object understanding principle deeply.²¹ This study also uses a comparative analysis method in terms of the science of Qur'anic interpretation, called *muqârin*. This method tries to

¹⁸ Achmad Suhaili, *Relevansi Batas Usia Perkawinan Dalam Membentuk Keluarga Sakinah*, 111.

¹⁹ Yan Sen Utama Putra, "Nusyûz Suami Dalam al-Qur'an (Studi Perbandingan Penafsiran al-Qurthubi dna Wahbah al-Zuhailî Terhadap Surat Al-Nisa Ayat 128)", *Thesis* (Surakarta: Universitas Muhammadiyah Surakarta, 2020), 7.

²⁰ Rahmadi, *Pengantar Metodologi Penelitian* (Banjarmasin: UIN Antasari Press, 2011), 13.

²¹ Ajat Rukajat, *Pendekatan Penelitian Kualitatif* (Yogyakarta: Deepublish, 2018), 4-6.

compare the opinions of one *mufassir* with the other one, then identify similarities and differences between the two figures on the same theme.²²

2. Type of Data

Data means empirical facts collected by author to solving the problems or answering research questions.²³ Based on its nature, data types are divided into qualitative and quantitative. Qualitative is data expressed in words, sentences rather than numbers. While quantitative is data in the form of numbers. Based on this explanation, the author uses a qualitative data in this research. Then, based on the source the data is divided into primary and secondary data. Primary is the main data used to answer the problem. While secondary data is a supporting data for primary sources.²⁴

a. Primary Data

The main data sources used in this study are :

- 1) The Holy Qur'an: Q.S. Al-Nisâ`/4: 6, Q.S. Al-Nûr/24: 32-33, 59, Q.S. Al-An`âm/6: 152, Q.S. Al-Hajj/22: 5, Q.S. Yûsuf/12: 22.
- 2) The book of al-Qurthubî : *Tafsîr al-Jâmi' li Ahkâm al-Qur'an* (3rd edition, Lebanon, 2010).
- 3) The book of Wahbah al-Zuhailî : *al-Tafsîr al-Munîr* (2nd edition, Damascus, 2003).

²² Nasruddin Baidan, *Metodologi Penafsiran al-Qur'an* (Yogyakarta: Pustaka Pelajar, 1998), 65.

²³ Sandu Siyoto and Ali Sodik, *Dasar Metodologi Penelitian* (Yogyakarta: Literasi Media Publishing, 2015), 67.

²⁴ Andrew Fernando Pakpahan, *Metodologi Penelitian Ilmiah* (np: Yayasan Kita Menulis, 2021), 66-68.

b. Secondary Data

Secondary sources data in this study are books or journals and other books apart from the main reference discusses the same topic.

3. Data Collection Techniques

The data collection techniques in this study are the author will collect Qur'anic verses that discuss about marriage (generally), then the author looks for verses that contain the guidance or conditions of marriage, especially the requirements of eligibility and readiness marriage found in the Qur'an. After finding the verse, then the author browses the interpretation from the book *al-Jâmi 'li Ahkâm al-Qur'an* of al-Qurthubî and the book *al-Tafsîr al-Munîr* of Wahbah al-Zuhailî.

4. Data Analysis Techniques

Data analysis techniques are a process of arranging data sequences and compiling them into one pattern, category and basic unit, for further data interpretation. Data analysis techniques are techniques used to simplify data into an easier form to read, understand and interpret.²⁵

This research uses a comparative analysis method that tries to compare the opinions of the commentators in interpreting the verses. In the *tafsîr* perspective known as *muqâran* method. According to Abd Hayy al-Farmawi, the *muqâran* method is collecting the verses of the Qur'an by studying and

²⁵ Rahmadi, *Pengantar Metodologi Penelitian*, 92.

examining the opinions of some of commentators from various generations.²⁶

with the following steps:

- a. Collecting verses related to the topic discussed in this research, the ideal time or legal age for marriage.
- b. Searching and collecting interpretations of the figures studied in this research, they are al-Qurthubî and Wahbah al-Zuhailî.
- c. Looking for the similarities and differences of their interpretations.
- d. Analyzing their opinions to get information related to the tendencies of thought and the approach that they use.²⁷
- e. Looking for the factors cause the differences of interpretation.

G. Structures

The author arranges this discussion into six chapters with the following systematics:

The first chapter is an introduction contains the research background, problem statements, purposes and significances of the research, operational definitions, literature reviews, research methods, and structures.

The second chapter contains a general overview of marriageable age, viewed from law, health, psychology, social, economical and Islamic law perspectives.

The third chapter contains the biographies of al-Qurthubî and Wahbah al-Zuhailî. This chapter describes their life history, educational background, and

²⁶ Syahrin Pasaribu, "Metode muqaran dalam al-Qur'an", *Jurnal wahana inovasi*, Vol 9, No 1, January-June, 2010, 43.

²⁷ Malik Ibrahim, "Corak dan Pendekatan Tafsir al-Qur'an", *Jurnal Sosio-Religia*, Vol. 9, No. 3, May 2010, 648.

social life may have influenced their interpretation and their works. This chapter also describes their book *al-Jâmi' li Ahkâm al-Qur'an* by al-Qurthubî and *al-Tafsîr al-Munîr* by Wahbah al-Zuhailî, related to the background of writing and methods and patterns of interpretation.

The fourth chapter contains the interpretations of al-Qurthubî and Wahbah al-Zuhailî about marriageable age in the al-Qur'an.

The fifth chapter contains the analysis and result of comparison between al-Qurthubî and Wahbah al-Zuhailî interpretations, the similarities, the differences, and the factors of their differences.

The sixth chapter is the closure. This section will present the conclusions of this research based on the previous explanation. This section also contains suggestions and research recommendations.