

ABSTRACT

Kamsay, Davit Anwar. 2011. *Review of Islamic Law Against Marriage Mental Disabilities*. Programs Al ahwal Al Syaksiyyah Faculty of Sharia. State Islamic University (UIN) Malang Maulana Malik Ibrahim.

Supervisor: R.Cecep Lukman Yasin, M. A.

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Man was created differently by God, there is a perfect minds and there is less minds (the way of thinking). They are all created in pairs (paired) to be able to navigate life by forming a family through marriage, as well as to preserve the lineage. In a marriage, there are several requirements that must be met, one of them is sensible and baligh. However, this would be contradictory with the condition of mentally handicapped people, which is not perfect like a normal human minds in general. The weakness of mind or way of thinking which makes constraints slow to perform daily activities. However, they also have the right and a desire to conduct such as other within the frame of marriage. Mental disabilities who have an IQ below 70 for example, those categorized as mentally retarded people and way of thinking.

For this reason the study focuses on how the marital problems of mental disabilities in terms of Islamic law with a variety of conditions that exist in themselves mentally handicapped. The purpose of this research is to know about legal marriage performed by people with mental disabilities especially those who have an IQ between 50-70, which they included in the category of mild mental disabilities.

This study was included in the research library research (literature review) using the normative approach. That approach to the material studied by basing on the norms and rules of Islamic law and legislation in force. The nature of the research is descriptive analytical that gives a clear picture of the implementation of marriage so that people with mental disabilities will gain a clear understanding of its position in Islamic law.

The results of this study indicate that marriage is not prohibited from mental disabilities, because there is no rule of law which forbade him to perform marriages. Especially for those who are in such demand it to channel his sexual desires. To avoid the major sins in this regard adultery or cohabiting, then the marriage should diporbolehkkan, especially for those who have mild mental disabilities. Because in this category they can still be further educated as well as their biological needs also grow normally. To avoid the things prohibited by religion, such as adultery, for the consideration of the benefit, then their marriage should be allowed home with the permission of advisor or guardian as well as continue to provide oversight on them.