

**COMPARATIVE STUDY ON MARRIAGE CANCELLATION IN
INDONESIA AND MALAYSIA IN *MASLAHAH AL-MURSALAH*
(The Act No.1 Year 1974 On Marriage Of Indonesia And The Islamic Family
Law Enactment No. 17 Of Johor State Year 2003)**

Thesis

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2015**

STATEMENT OF THE AUNTENTICITY

In the name of Allah (SWT),

With consciousness and responsibility towards the development of science, the writer declares that the thesis entitled:

Comparative Study On Marriage Cancellation In Indonesia And Malaysia In

Maslahah Al-Mursalah

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Law Enactment No. 17 Of Johor State Year 2003)

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MOTTO

حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ وَبَنَاتُكُمْ وَأَخَوَاتُكُمْ وَعَمَّاتُكُمْ وَخَالَاتُكُمْ وَبَنَاتُ الْأَخِ
وَبَنَاتُ الْأُخْتِ وَأُمَّهَاتُكُمُ اللَّاتِي أَرْضَعْنَكُمْ وَأَخَوَاتُكُم مِّنَ الرَّضَاعَةِ وَأُمَّهَاتُ نِسَائِكُمْ
وَرَبَائِبُكُمُ اللَّاتِي فِي حُجُورِكُم مِّن نِّسَائِكُمُ اللَّاتِي دَخَلْتُم بِهِنَّ فَإِن لَّمْ تَكُونُوا دَخَلْتُم بِهِنَّ
فَلَا جُنَاحَ عَلَيْكُمْ وَحَلَائِلُ أَبْنَائِكُمُ الَّذِينَ مِّنْ أَصْلَابِكُمْ وَأَن تَجْمَعُوا بَيْنَ الْأُخْتَيْنِ
إِلَّا مَا قَدْ سَلَفَ إِنَّ اللَّهَ كَانَ غَفُورًا رَّحِيمًا ﴿١٣﴾

prohibited to you (for marriage) your mothers, daughters, sisters, father's sisters, Mother's sisters, brother's daughters, sister's daughters, foster mothers (Who gave you suck), foster sisters, your wives' mothers, your step daughters under your guardianship, born of your wives to whom ye have gone in, no prohibition if ye have not gone in (Those who have been) wives of your sons proceeding from your loins and two sisters In wedlock at one and the same time, except for what is past for Allah is Oft forgiving, Most Merciful.



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Malang, 16th of May 2014

Writer,

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Student ID Number 11210056

TRANSLITERATION GUIDANCE

A. Consonant

Arab	Latin	Arab	Latin
ا	a	ط	Th
ب	B	ظ	Zh
ت	T	ع	'
ث	ts	غ	Gh
ج	J	ف	F
ح	H	ق	Q
خ	kh	ك	K
د	D	ل	L
ذ	dz	م	M
ر	R	ن	N
ز	Z	و	W
س	S	ه	H
ش	Sy	ء	'
ص	Sh	ي	Y
ض	Dl		

B. Vocal, long-pronounce and diphthong

Vocal *fathah* = A

Vocal *kasrah* = I

Vocal *dlommah* = U

Long-vocal (a) =	Â	e.g.	قال	become	Qâla
Long-vocal (i) =	Î	e.g.	قيل	Become	Qîla
Long-vocal (u)=	Û	e.g.	دون	become	Dûna
Diphthong (aw) =	و	e.g.	قول	become	Qawlun
Diphthong (ay) =	ي	e.g.	خير	Become	Khayrun

C. Ta' marbûthah (ة)

Ta' marbûthah transliterated as “*t*” in the middle of word, but if *Ta'* *marbûthah* in the end of word, it transliterated as “h” e.g. الرسالة للمدرسة become *al-risalat li al-mudarrisah*, or in the standing among two word that in the form of *mudlaf* and *mudlaf ilayh*, it transliterated as *t* and connected to the next word, e.g. في رحمة الله become *fi rahmatillâh*.

D. Auxiliary Verb dan Lafdh al-Jalâlah

Auxiliary verb “al” (ال) written with lowercase form, except if it located in the first position, and “al” in lafadh jalâlah which located in the middle of two word or being or become *idhafah*, it remove from writing.

- Al-Imâm al-Bukhâriy said ...
- Al-Bukhâriy in muqaddimah of his book said ...
- Masyâ' Allâh kâna wa mâ lam yasya' lam yakun.*

TABLE OF CONTENT

FRONT COVER	
TITLE SHEET	i
STATEMENT OF AUTHENTICITY	ii
APPROVAL SHEET	iii
MOTTO.....	iv
CONSULTATION PROOF	v
LEGITIMATION SHEET	vi
ACKNOWLEDGEMENT	vii
TRANSLATION GUIDANCE.....	ix
TABLE OF CONTENT	xi
ABSTRACT.....	xiii
CHAPTER I: INTRODUCTION.....	1
A. Background of Research.....	1
B. Statement of Problem	6
C. Objective of Research.....	7
D. Significance of Research.....	7
E. Operational Definition.....	8
F. Research Method.....	8
G. Previous Research.....	11
H. Structure of Discussion.....	16

CHAPTER II: MARRIAGE CANCELLATION IN ISLAMIC	
PERSPECTIVE.....	18
A. Marriage.....	18
B. Marriage Cancellation in Islamic Perspective	29
C. The Regulation On Marriage In Indonesia And Malaysi	32
D. <i>Maslahah al-Mursalah</i>	44
CHAPTER III: MARRIAGE CANCELLATION ON INDONESIA AND JOHOR	
STATE (MALAYSIA) ON MASLAHAH MURSALAH	
PERSPECTIVE.....	48
A. The Similarities And Differences Factors Causing Marriage	
Cancellation.....	48
B. The Impact of Marriage Cancellation Based on <i>Maslahah</i>	
perspective.....	67
CHAPTER IV: CLOSING.....	74
A. Conclusion	74
B. Suggestion	76
BIBLIOGRAPHY	77
CURRICULUM VITAE.....	

ABSTRAK

Nur Zaini, Muhammad. NIM 11210087. Program Kawasan Reservasi Produksi Ekonomi Terpadu dan Penghijauan (Karpét Hijau) Baznas Kota Malang Di Kelurahan Arjowinangun Dalam Mengentaskan Kemiskinan. Skripsi. Jurusan Al-Ahwal Al-Syakhshiyah. Fakultas: Syari'ah, Universitas Islam Negeri Maulana Malik Ibrahim Malang.

Pembimbing: Dr. Sudirman, M.A

Kata Kunci: Karpét Hijau, Kemiskinan.

Permasalahan yang tidak kunjung selesai hingga saat ini adalah masalah kemiskinan. Salah satu upaya dalam memberantas kemiskinan khususnya di Kelurahan Arjowinangun adalah dengan melalui dana dari zakat, infaq dan shodaqah (ZIS). Program Kawasan Reservasi Produksi Ekonomi Terpadu dan Penghijauan (KARPET HIJAU) dengan membentuk Baitul Maal di Arjowinangun ini merupakan salah satu indikator keberhasilan yang perlu mendapatkan perhatian dalam menciptakan kesejahteraan bagi segenap lapisan masyarakat, baik lahir maupun batin, terutama bagi para *mustahiq*. Namun semua itu akan sulit terealisasikan apabila dalam sistem pengelolaan zakat, infaq dan shodaqah di Baitul Maal tidak profesional.

Penelitian ini bertujuan untuk mengkaji tentang latar belakang terbentuknya program Karpét Hijau serta menganalisis keberhasilan pengelolaan dana zakat, infaq dan shodaqah yang dikelola lembaga Baitul Maal Barokah di Kelurahan Arjowinangun kota Malang dalam mengentaskan kemiskinan.

Jenis penelitian ini adalah jenis penelitian lapangan (*field reseach*) karena penelitian ini menekankan kepada data lapangan sebagai objek yang diteliti. Pendekatan yang digunakan dalam penelitian ini adalah pendekatan kualitatif deskriptif yang tujuannya untuk menjabarkan tentang terbentuknya program Karpét Hijau dan menjelaskan sistem manajemen pengelolaan dana ZIS di lembaga Baitul Maal Barokah.

Hasil dari penelitian ini adalah sebagai berikut. 1) Latar belakang terbentuknya program Karpét Hijau di Kelurahan Arjowinangun adalah untuk mensejahterakan masyarakat miskin yang terkena bank rentenir dengan membuat sebuah lembaga Baitul Maal. Dengan adanya Baitul Maal masyarakat Arjowinangun dapat menjadi masyarakat yang produktif. 2) Keberhasilan program Karpét Hijau dalam mengentaskan kemiskinan di Arjowinangun sudah berjalan dengan baik. Hal ini terbukti dengan beberapa program yang sudah terealisasikan diantaranya yaitu membebaskan masyarakat Arjowinangun dari rentenir, menciptakan komunitas usaha kecil, memberikan bantuan kepada pengusaha miskin. Namun ada beberapa hal yang belum maksimal yaitu program penggalangan donatur dan sistem perencanaan yang belum rapi. Belum maksimalnya sistem itu, tidak menjadi pengaruh terhadap kinerja lembaga karena lembaga sudah menunjukkan dengan banyaknya program yang sudah terealisasikan dan dirasakan manfaatnya oleh masyarakat kelurahan Arjowinangun.

الملخص

نور زين, محمد, ١١٢١٠٠٨٧, ٢٠١٥ البرنامج دائرة الإحتياط وإنتاج الاقتصاد المتكاملة و التحريج "كارفيت هيجاو باسناس" في أرجوويناغون مالانج. البحث العلمي . شعبة الأحوال الشخصية. كلية الشريعة جامعة مولانا مالك إبراهيم الإسلامية الحكومية بمالانج.

المشرف: الدكتور سوديرمان المحستير

الكلمة الرئيسة : كرفيت هيجاو. فقُر

المشكلة التي لم توجد حلها حتى الان هي الفقر, ومن الطريقة لمحاولة حل هذه المشكلة خصوصا في أرجوويناغون هو إدارة الزكاة والإنفاق والصدقة. ولإدارة الزكاة والإنفاق والصدقة جعلت الحكومة البرنامج دائرة الإحتياط وإنتاج الاقتصاد المتكاملة و التحريج (*karpet hijau*) بشكل بيت المال في أرجوويناغون. هذا البرنامج من علامة نجاح حل جعل الرفاهة لجميع أفراد المجتمع فضلا للمستحقين ويحتاج هذا البرنامج إلى الإهتمام الكبير من المجتمع. ولكن يصعب تحقّق كل ذلك إذا كان نظام لإدارة الزكاة والإنفاق والصدقة في بيت المال غير مُحترَف.

يهدف هذا البحث لمعرفة خَلْفِيَّة البرنامج "*karpet hijau*" وتحليل إدارة الزكاة والإنفاق والصدقة من مُؤَسَّسة بيت المال "البركة" في أرجوويناغون مالانج أُنبراً من المُجتمَع الفقير.

هذا البحث من نوع بحث الميداني. وذلك لأن هذا البحث يركز من التركيز على البيانات الميدانية ككنن الدراسة. المدخل المستخدم في هذا البحث هو المدخل الكيفي بجهة وصفي يهدف الشرح عن صنع البرنامج دائرة الإحتياط وإنتاج الاقتصاد المتكاملة و التحريج (*karpet hijau*) والشرح عن نظام الزكاة وإنفاق وصدقة في البيت المال البركة.

النتائج من هذا البحث هي (١) الخَلْفِيَّة من صنع البرنامج دائرة الإحتياط وإنتاج الاقتصاد المتكاملة و التحريج (*karpet hijau*) في أرجوويناغون هو لمُصلَحَة المُجتمَع الفقير الذي أُصِيبَ بِمَصْرَفٍ مكلف بصنع مُؤَسَّسة بيت المال. بوجود هذه المُؤَسَّسة يصبح مجتمع أرجوويناغون مجتمعا معشعا. (٢) كان إدارة مال الزكاة والإنفاق والصدقة الذي ادارة به بيت المال "البركة" يجري تماما . يدل على هذا تحقق النشاطات الكثيرة الذي تبرأ المجتمع من مَصْرَفٍ مكلف وخلق الشركة الصغيرة إعطاء المساعدة الى المتعهد الفقيرة. ولكن هناك الأشياء الذي لا يهتم به مُؤَسَّسة بيت المال البركة وهي جمع التبرعات و نظام التخطيط الذي لم يتم. ولكنهما لا يتأثّر في المُؤَسَّسة لانها يدل البرنامج التوفّق وأفاد في المجتمع أرجوويناغون.

ABSTRACT

Nur Zaini, Muhammad. NIM 11210087. Reservative Region Of Intergated Economical Product And Reforestation of Baznas Malang City In Removing Proverty In Arjowinangun District. Thesis. Al-ahwal Al shakhsiyyah. Faculty: Shariah, The state Islamic University of Maulana Malik Ibrahim Malang.

Supervisor: Dr. Sudirman, M.A

Keywords: Karpet Hijau, Poverty

Unresolved problems nowadays are poverty problem. One of the efforts to eradicate poverty, especially in Arjowinangun district is through funds from zakat, infaq and shodaqah (ZIS). Reservative region of intergated economical product and reforestation of Baznas (in Indonesia Kawasan Reservatif Produk Ekonomi Terpadu dan Penghijauan well-known as KARPAT HIJAU) by forming Baitul Maal in Arjowinangun is one indicator of success that must be paid attention in order to create prosperity for all citizen level, either physically or spiritually, especially for the *mustahiq* (people who are properly got zakat). But those all would be difficult to be realized if the zakat infaq and shodaqah management system, in Baitul Maal are not professional.

The objective of this study is to examine the background of the formation of the Karpet Hijau program and analyze the management of zakat funds, infaq and shodaqoh managed by Baitul Maal Barokah institutions in Arjowinangun district of Malang to solve proverty.

The type of this research is kind of field research because this study emphasize the field data as the object study. This research used descriptive qualitative approach which aims to describe the formation of the Karpet Hijau program and explain the management system of ZIS in Baitul Maal Barokah institutions.

The results of this study are as follows.1) The formation background of Karpet Hijau program in Arjowinangun district is to welfare of poor communities affected by banking loan in making a Baitul Maal institution. With Baitul Maal, Arjowinangun society can be a productive society. 2) The succesful program of Karpet Hijau in removing proverty in arjowinangun district is running well. This is proven with some programs that have been realized like exempted Arjowinangun society from moneylenders, creating the small business community, providing assistance to poor entrepreneurs. But there are some things have not been maximum, namely fundarising fund program and planning system that has no been structured. Unmaximum system is not give any effect to institution work because the institution has showed many programs that have been realized and seemed the benefit by people of Arjowinangun district.