

ABSTRACT

Annisa,10210079.2014.**The Perspectives of Ulama, Custom Figures, and Government on Wali Adhal of Masibiri (Runaway Marriage); Case Study in Sulamadaha, Pulau Ternate, Kota Ternate, Maluku Utara.** Thesis, Department of Al-Ahwal Al-Syakhsyah, Faculty of Sharia,Maulana Malik Ibrahim State Islamic University, Malang. Advisor: Dr. Roibin, M.HI.

Keywords: Perspective, Ulama, Custom Figures, Government, WaliAdhal, Masibiri (Runaway Marriage).

Marriage guardian or wali has a significant and important role. In a hadith, the marriage of a woman who marries without the consent of her guardians is void. If a guardian or walirefusetomarry off his daughter, he loses his right to another wali. The right can be taken by wali hakim or judge guardian when a woman has no wali or her waliqarib refuses to endorse a marriage. InSulamadaha,Pulau Ternate, Maluku Utara runaway marriage often occurs when the waliagainststhe marriage. The couple tends to directly appoint wali hakim and overlook the wali order.

Having seen the situation, the researcher aims to (1) find out the perspective of ulama, custom figures and the government onwaliadhalofmasibiriand (2) the parents' reason to refuse marrying off their daughters.

In the study, the researcher employs anatural paradigmfrom the perspectives of ulama, custom figuresand the government on waliadhal of masibiri. The government in the context refers to Assistant Registrar of KUAPulau Ternate. The study employs a qualitative approach and it is a field research. The data collection consists of interview and documentation.To analyze the data, the researcher employs a qualitative descriptive analysis.

The results of the study showthree conclusions. First,it is allowed toget married by appointing wali hakim when wali refuses to endorse the marriage due to Islamic reason. The appointing should be discussed first to avoid family dispute and, it is forbidden to appoint wali hakim when a woman still has wali since it violates the law. Second , parents refuse to marry of their daughters due to severalfactors, namely 1) nasab problems and bridegroom's morals. 2) Clan. 3) The daughter is a student.