

**THE CONCEPT AND PRACTICE OF ENGAGEMENT IN
ISLAMIC SOCIETY: A CASE STUDY AT PASIR MAS**

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AUTHOR DECLARATION

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

I hereby declare that the work in this academic project is my own except for quotations and summaries which have been duly acknowledged.

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

“In the name of Allah, the Most Gracious, the Most Merciful.

First and foremost, I would like to express my praise and gratitude to the Almighty Allah for giving me inspiration and patience to finish this project paper successfully. Also, I would like to take this opportunity to give my special thanks to my supervisor of this project paper Ustaz Mohd Radhi Ibrahim for his opinion, guidance, commitment, time cooperation and so on until this project paper is completed gratefully. May Allah bless him?

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Nor 'Azira Binti Md Yusof

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ABSTRAK

Kajian ilmiah yang dijalankan adalah berkenaan dengan konsep dan pengamalan pertunangan dalam masyarakat Islam di Bandar Pasir Mas, Kelantan. Kajian ini bertujuan untuk mengenalpasti budaya, dan adat pertunangan di kalangan masyarakat Islam yang dikaji sama ada ia bercanggah atau tidak dengan syariat Islam. Untuk memperolehi data atau maklumat, beberapa teknik telah digunakan iaitu pemerhatian secara tidak langsung, format tertentu, temubual, soal selidik dan meneliti dokumen-dokumen yang berkaitan. Hasil daripada kajian telah menunjukkan bahawa konsep dan pengamalan pertunangan di Pasir Mas telah di pengaruhi oleh budaya masyarakat yang diamalkan sejak turun temurun lagi tanpa melanggar adat-adat dan batas-batas dalam agama Islam. Dapatan kajian telah menunjukkan bahawa pengaruh agama Islam, asas-asas didikan agama, pengetahuan dan pemahaman telah memberi kesan yang baik terhadap konsep dan pengamalan pertunangan dalam masyarakat.

ABSTRACT

This academic project was done the concept and practice of engagement in Islamic society in Pasir Mas, Kelantan. This research aims to study the cultural and custom have betrothal/ engagement in the Muslim society whether it contradict or not with Syari'at Islam. To collect the data or information, some of the techniques used are non-participant observation, specialist/ expert informant, interviews, surveys and questionnaires, as well as studying in detail relevant documents. The findings from this research shows that the concept and practices of betrothal/ engagement in Pasir Mas have been influenced by the culture practiced by the society since long ago without breaching any of the limitations and restrictions in Islam. The findings also shows that the influences of Islam, basic knowledge and education on Islam as well as understanding, give a good effect the concept and practices of betrothal in the society.

ملخص البحث

يهدف هذا البحث العلمي إلى مسودة الخطبة وعميلتها من الموقف الإسلام بياسير مس. وكان الهدف من كتابته لنعرف الثقافية والعرف الخطبة في تلك المنطقة سواء أكانت وجود الخلاف بشريعة الاسلامية ام لا. ولحصول على معلومات المطلوبة. قد استعملت الباحثة القاعدة القيام بالنقد والتفتيشة وما إلى غيرها من المعلومات المكتوبة. والحاصل منه، يدل لنا أن الثقافية المجتمعية التي تطبقها أجدادهم تؤثر على المسودة وعملية الخطبة في تلك المنطقة. وهذا دل على أن تأثير الإسلام يكون أساسا لتربية الدين والعلم والفهم التي أدت على الآثار الحسنة وعملية الخطبة لدى المجتمع.

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GLOSSARY

<i>Al – kitabah</i>	talking
<i>Sunat</i>	recommendatory
<i>Muhram</i>	family member
<i>Aurah</i>	the part that should be covered and not allowed (haram) to see
<i>Ummat</i>	Muslims
<i>Maksiat</i>	sin
<i>Halal</i>	lawful
<i>Al –istibra</i>	waiting to ensure that her womb is clean
<i>Talaq</i>	divorce
<i>Li'an</i>	mutual imprecation
<i>Aib</i>	spoiling
<i>Wali</i>	father/grandfather
<i>Iddah</i>	waiting period
<i>Ru'ju'</i>	take her back
<i>Makruh</i>	not permissible
<i>Mahr</i>	dower
<i>Pantun</i>	reciting
<i>Haram</i>	forbidden

**TRANSLITERATION SYSTEM FOR THE ARABIC WORDS
TRANSLITERATION SCHEDULE**

1. Alphabet

<u>Arabic Letter</u>	<u>Latin Letter</u>	<u>Transliteration</u>
ء	‘	fa’r
ب	b	burd
ت	t	tall
ث	th	thawb
ج	j	jidār
ح	ḥ	ḥalīb
خ	kh	khādīm
د	d	dīk
ذ	dh	dhahab
ر	r	rafīq
ز	z	zamīl
س	s	salām
ش	sh	sha ^c b
ص	ṣ	ṣakhr
ض	ḍ	ḍayq
ط	ṭ	ṭāzij
ظ	ẓ	zalīm
ع	‘	‘aql
غ	gh	ghulām
ف	f	fīl
ق	q	qalb
ك	k	kalām
ل	l	lubb

<u>Arabic Letter</u>	<u>Latin Letter</u>	<u>Transliteration</u>
م	m	māl
ن	n	najm
هـ	h	hawl
و	w	waraq
ي	y	yamm

2. Short Vocal

<u>Arabic Letter</u>	<u>Latin Letter</u>	<u>Transliteration</u>
_____	a	kataba
_____	i	°alima
_____	u	ghuliba

3. Long Vocal

<u>Arabic Letter</u>	<u>Latin Letter</u>	<u>Transliteration</u>
ي، ا	ā	°ālim, fatā
ي	ī	°alīm, dā°ī
و	u	°ulum, ad°u

4. Diphthong

<u>Arabic Letter</u>	<u>Latin Letter</u>	<u>Transliteration</u>
و	aw	nawm
ي	ay	layl
ي	iy	Shafī°iy (at the end)
و	uww	°uluww (at the end)

ABBREVIATIONS

a.s	°alayh al-salam
comp.	Compiler/compiled
ed.	Editor/edition/edited
etc.	et cetera/ and so on
H	hijrah
i.e.	that is
n.a.	no author
n.d.	no date/no year
n.pl.	no place
n.pb.	no publisher
pg.	Pages
r.a	radiya Allah °anhu/ °anha/ °anhum
rev.	review
PBUH	peace be upon him
s.w.t.	subhanahu wa ta°ala
trans.	Translated

CHAPTER 1

CHAPTER I RESEARCH BACKGROUND

1.1 Introduction

Islam is a perfect way includes with comprehensive rules in our life. Not only interrelation with Allah as our God but in relation among human being. In *muamalah* or human relationship, Islam produced for human as one system how our life must go on based true faith. It is also concern with relationship between human that want to get the right rules in fulfill human needs such as relationship between man and woman in betrothal or marriage.

Marriage in Islam has a lot of beneficial for Muslims. Other than that, Muslims are required to fulfill our Prophet claim for us. In this situation, betrothal as one step preamble in marriage system and have own rules, customs and very beneficial although it is not one of obligatory condition in Muslim marriage.

As we know that, betrothal is not includes in obligatory condition in Muslim marriages but as well as still use and practices in Malay community. In research area Pasir Mas, Malay communities also used and practiced this condition of betrothal ceremony and holding the “*Biar Mati Anak Jangan Mati Adat*”.

The young generation nowadays should practice what is being though and what they know in daily life so that Islamic teachings can also who practiced and inherited until the next generations.

All parties must be combining their energy to prevent cultures unsuitable with the Islamic cultures can be good and development to the Muslims. For that, Islamic concept must be absorb into communities so that what is recommended by Islam can be implemented without differentiating their race, status, decadency and others.

Married life brings its pressure, but it can also provide the kind of relaxation that human beings naturally need. Imam Ghazali observes that: “one of the benefits of marriage is the enjoyment of the company and the sight of one’s spouse, and by shared amusement, whereby the heart is refreshed and strengthened for worship; for the soul is prone to boredom and is inclined to shun duty as something unnatural to it. If forced to persevere in something it dislikes, it shies and backs away, whereas if it is revived from time to time by pleasures it acquires new strength and vigor.

But the most fundamental team of all, and the one which is the most important, is that of a man and woman deciding to live together in one space as husband and wife. Furthermore, if your marriage is to be successful, you must be considerate towards the legitimate needs of your partner, and not just look to your own gratification. If you are going to be happy, then your spouse must be happy also, or your relationship is doomed.

1.2 Aim Of Research

The Ilmiah project is compulsory to final year student of Faculty of Leadership And Management. It is also a requisite to obtain University Degree at Islamic University college Of Malaysia. Besides that, the writer aims to study about the concept and practice of engagement especially to Muslim nowadays. In conclusion, it is not east to obtain best quality to strive hard to get better position in the eyes of Allah.

1.3 Research Importance

The importances of this research are as follows:

1. This research will be able to give an understanding on the principle and concept of engagement in Islamic society at Pasir Mas.
2. Through this study, reader will be able to make it a practice among Islamic society.

3. To give information on the various types of many customs in Islamic society's engagement.
4. To develop and improve the engagement custom for the Muslim generation.

1.4 Research Objective

The research objectives include giving more knowledge to Muslim society. The concept and practice of engagement get have its benefits and weaknesses to the Malay society. As we know usually the concept and practice of engagement may to help the engaged couples by introducing it to them. These studies will also aim to:

1. To understand the concept and practice of engagement from the "Fiqh Munakahat in Islam".
2. To evaluate the performance of the concept and practice of engagement in Pasir Mas.
3. To observe the implementation of customs in betrothal of the Malay society.
4. To expose the engaged couple change their attitude and their lifestyle to become a role model to the new generation
5. To identify the disadvantages and weakness to betrothed couples in Muslim society and the Malays customs.

1.5 Research Problem

The issues being raised by the Muslims society are conversion and misunderstandings whether about the concept of engagement among the youth circle. They do not know that the concept of engagement provides some kind to the Muslims society. This includes the definition of engagement, the condition, the opinion of *ulama'* and other the concept of engagement.

The second issue is on the practice of engagement in Muslims society. This research aims identify the marriage customs combine between the Malays, Hinduism, and Islamic Influences. Evaluation of the custom's impact in the life of the Malay society and the fact that it may not cease to exist. The strength of Islamic influences nowadays may be able to restructure some of those customs to suit teaching.

1.6 Research Scope

In this research, the writer has the study based on the research statement, its location, and the respondents only to groups the matters that is related to the research. The writer also refers to the research statement that too wide and narrows it down to the principles of engagement according to Malay perspective. The writer also has separated the scopes on the custom of Malay society in Pasir Mas about the aspect of engagement general and specifics ways. The general discusses is on the principles and the rules of engagement prohibited by Islamic.

The writer also is chooses some of the housing areas and in the distinct of Pasir Mas as the sample for this research. This choice is based on the facts that the writer's house is also situated area of Pasir Mas making it easier for the writer to get the information from the respondents.

This research only involves the Malay society, whereas the concentration of this research is on teenagers, marriage couples, and singles. The groups that have

experience in engagement and also the elderly group are also respondents in order to get data and views on their opinions and experiences on this engagement concept.

1.7 Research Methodology

Methodology comes from the Greek word; “Method” means “ways” or “styles” and “logos” means knowledge. As a result, “methodology” can be defined as knowledge that is related to create and form detail. In this project paper the writer uses two methods in gathering data, they are as follows:

1. The method of gathering information.
2. The method of analysis

1) The method of gathering information

The writer makes some research to get all data and fact through fieldwork. In her effort to get information and data, the writer and uses of several methods, which are:

a) Library Research

There are many information in the relates to this subject. Information can be found in books, magazine and newspapers. The writer got the secondary data from these libraries:

1. Islamic University College of Malaysia Library.
2. International Library.
3. Public Library Pusat Islam, KL.
4. Library Utama, University Malaya.
5. Public Library, Pasir Mas.
6. Public Library, University Kebangsaan Malaysia

b) Questionnaires

Conducting surveys is a method to get information from the responder. Questionnaires are distributed to the Muslim community in Pasir Mas. The questions in the questionnaire are of two types, which are:

- ❖ Objective
- ❖ Subjective

c) Interview

The interviews conducted are face-to-face interviews. The researcher will prepare questions to be asked to the respondent and for each respondent, the same question will be asked. Face-to-face interviews are direct contact with the respondent such as the Islamic religious officer. One interview is a good method in getting more information. This method can be used as a backup to the information taken from reference books, normally.

d) Observation

The researcher in fieldwork uses this method by getting along together with the society around Pasir Mas. This method observed the situation of the concept and the practice of engagement in Muslim society. It shows that the relation between them and communicate with them about the custom of engagement.

2) Analysis Method

After gathering the data, the researcher is supposed to analyze and edit the data from the questionnaires and interviews. The researcher must separate blank responses. These data will be entered in codes according to data category. Meanwhile, the data will be analyzed based on the questionnaires. The researcher makes a comparison

between the problems and try to find a way to solve it. The final step to the test the quality of the data and interpret it in using computer result to get the results.

1.8 Literature Review

There are various books on this issue and the writer will mention and to take some highlight them as a literature review.

Kelantan Family Laws Enactment 1983, describe on an agreement of engagement in syarak through verbal or nonverbal, isolate or middleman and ends the engagement. It provides that the parties should return gifts exchanged between them, if any or their value. If there had been an agreement to that effect, the party in breach should pay compensation and this amount may be recovered in the Syariah Court.

According to Amran Kasmin in Agama Dan Pembangunan Sosial Penduduk Asli Di Semenanjung Malaysia, "Dewan Bahasa Dan Pustak, Edition 2", describe about: "The couple of engagement said courageous and not being somewhere and not meet and others".

The provision in Perak Family Law discussed on the fact that an engagement is a merely contract to marry and not a marriage contract. It course when the men proposes to the woman either directly or through an intermediary. According to Minhaj- et- talibin, a man who asked for the hand of any woman who is unmarried, or whose legal period of retirement or eddah is completed; a woman whose eddah is not completed may not be openly demanded in marriage.

According Yusuf Ali Bedewi in Al Islam, Jun 2003 this article discusses on the principle of felicity in the household of the Muslims society. The key to a happy marriage is to love Allah and to seek and apply his principles in every situation and relationships. Embarking on a marriage is really the beginning of a construction of a building. To analyze before embarking on a commitment in your life that is going to affect the lives and well being of many people is crucial.

According Haron Din in *Manusia Dan Islam; Ciptaan Polis Di Raja Malaysia*, Edition 1, 1985. He discussed about the difference between betrothal and being in love or the relationship between a man and a woman. When in love, both only accepts the existence of one another as a close partner and there hearts are bound with the feelings of love. The relationship that binds them is a secret between the couples. Nobody else can understand the feelings of those who are in love deeply because only they know.

CHAPTER 2

CHAPTER 2

CHAPTER 2

CONCEPT OF BETROTHAL ACCORDING TO ISLAM

2.1 Introduction

Creatures on the face of the earth is created with pairs by Allah, be it male and female, night and day from the smallest creature such as like to animals, plants and human being. The reason Allah has created mates or partners is to pro create descendents. This is also true for the mankind, which has been given the ability to think and reason in which the matter of procreation must be based on limits and mesmerisms, besides religion, especially Islam, that the obligates its *ummah* based on *syara* (laws) in the Holy Qu'ran and Hadith.

To choose an ideal mate that can be relied upon in order to live in peace and tranquility to the commandments of Allah, Islam has given proper guidelines to avoid factors that can contribute to the temporary period of relationship that can cause a marriage to collapse.

In fact, usually physical factors can easily be vanished. One who chooses a wife based on the beauty of her face and body alone, without giving attention to the spiritual aspects such as good manners and proper behavior, can cause a marriage to be exposed to fight and can lead to collapse. This happens when one chooses the physical factors instead of spiritual. The Prophet (PBUH) states: “ The earth is a pleasntry and the most pleasant of all is a pious woman”.¹

Islam also encourages marriage with a religion woman. This is based on a Hadith by the Prophet (PBUH): “ a woman is married because of her beauty property, her descendent and her religion, therefore choose on with religion, thus it will be of benefit to you”². Those who choose wives from amusement places or nightclubs

¹Osman Haji Ibrahim. 1981. *Istiadat Perkahwinan Melayu*. Kajang: Sincere Press Sdn.bhd. p.89.

²Riawayat Ahmad & Abu Daud.

influenced by beauty will not have permanent happiness in marriage and this will happen only in a which of time. Choosing must be done towards educated women in a good environment until they become pious wives. The Prophet also forbids marrying beautiful women who are brought up in bad environment. Mankind is married in order to follow Allah's commands, in this case, a female and a male, which have the understanding between each other and are ready to choose the path of marriage. However, the best way is to first undergo the procedure and practice of betrothal.

2.2 Definition Of Betrothal

In order for a perfect choice, Islam introduces the betrothal policy in which a man meets the family of the woman to propose marriage. Betrothal is the first step done by a man before the solemnization ceremony. According to Kamus Dewan "to propose"³ to ask for the hand in marriage of someone.

"Betrothal" means a promise to marry a girl or woman. According to Islam "Betrothal" is a promise to marry or the man wants to know whether someone owns the woman or not.

Betrothal is from the word "al-khitābah" which is originated from an Arabic word that means, "talking" or "discussing". Al-khitābah is originated from the word "khataba" which means, "speak" or "talk".⁴ Thus, it can be concluded that betrothal is an oral statement or speech that expressed the early bound of a marriage, which is a betrothal. In order to achieve marital bliss and happiness, the man and women must try to get to know each other, which includes the situation, character, manners and others So that the solemnization that will be conducted later will have a strong basis in upholding the feeling of love and understanding.⁵

Betrothal also brings the meaning of a certain waiting period since the acceptance of binding symbol until marriage is held. The waiting period for holiday the wedding

³Noresah Bt baharom. 1994. Kamus Dewan. Kuala Lumpur: Dewan Bahasa Dan Pustaka. p. 1490.

⁴Zainal Azman. 1996. *Perkahwinan dan pertunangan Dalam Islam*. Subang Jaya: Al-Ramadhan. p.45.

⁵ Ibid. p.45

ceremony usually is not bound to any conditions thus, it can be done any time with the agreement of the both parties. Sometimes, it takes a longer period of time, and sometimes shorter, based on the affordability and ability of the man. This actually gives the opportunity of both parties to make preparations to choose the correct time, which are suitable, the hold the wedding ceremony.

A marriage proposal can be done directly or indirectly. This also means that the man can make the marriage proposal by himself or by using an in-between or a representative that can be trusted, whether from his own family member or friends.

It is reported that when Mughairah ibn Shu'bah made a proposal of marriage to a women. The Holy Prophet asked him if he had seen her and on his replying in the negative (No!), he enjoined him to see her, because “ it was likely to bring about greater love and concord between them”.⁶

Although Muslims are permitted to look the women that is being proposed, it is still prohibited to ‘ khawalat ‘ or going everywhere freely with the opposite sex as what commonly practiced nowadays in the modern society.

2.2.1 Hukm Of Betrothal

Betrothal is deemed to be recommendatory (sunnat) in Islam with the aim that both parties are satisfied with each other before building their marriage. Ulama agree that a man can have a critical look the women that will become his bride. This is only limited to her hands, which may represent her fertility and her face which many represent her beauty.⁷

⁶Dr Harun Din et al. 1985. *Manusia Dan Islam*. Ciptaan polis Di Raja Malaysia. p. 260.

⁷An-Najwa Ismail. 1998. *Mencari Calon Idaman*. Selangor: Galeri Watikah. p.5.

2.3 Making Acquaintance Before Betrothal

Before the betrothal ceremony, couples should get to know each other first to avoid bad things from happening that may bring frustration to either party. Allah most high says:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ (13)⁸

“ O mankind! We created you from a single (pair) of male and a female, and made you into nations and tribes, that you may know each other (not that you may hate each other). Surely, the most honored of you, in the sight of Allah is (he who is) the most righteous of you. And god has full knowledge and is well-acquainted (with all things)”.⁹

As a normal human being created by Allah, man and women is to enjoy like in peace and tranquility. Besides that, each of us needs one another it is human nature that it cannot live alone, without other people. We cannot fulfill the needs and necessities in like without the help of others. This may be the reason why Allah creates Eve that is to accompany Adam. When Allah creates Eve, Adam feels happy and glad because he already has a partner to together. They lived together, procreating mankind.

It is clear that Allah create man, female and male, in nations and tribes to live together, helping each other. We are prohibited and forbidden to despise each other, as it will only bring damage and unhappiness. That is why Allah stressed in the Holy Quran that mukmin are of a single brotherhood, and peace and reconciliation must be done if there are feelings of enemies ad fights between them.

إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلِحُوا بَيْنَ أَخَوَيْكُمْ وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُرْحَمُونَ (10)¹⁰

⁸Al-Quran. Al- Hujurat 49:13.

⁹All Quranic translation in this writing is based on Syed Vickar Ahmed.1999. The Glorious Qur'an Kuala Lumpur: Tr Group Companies.

¹⁰Al- Quran. Al-Hujurat 49:10.

“The believers are a single brotherhood: so make peace and agreement between your two (contending) brothers: and fear Allah, that you may receive mercy”.

Therefore, as human, born in weaknesses and disadvantages, needs the help of others so that he can live happily. As human also, we are given the feeling of love and care. Because of these feelings has to be cherished and nurtured so that it always follows the right path, blessed by Allah. It is also true those feelings of happy, sad, anger and hate exists when we are born. We will feel happy and glad when we receive goodness and sad when we face bad experiences in life.

To get acquainted before betrothal with the aim of getting to know the personality and character of each other within the limits provided by Islam that may not lead to sins and evil is not forbidden. Furthermore, it may guarantee the happiness of the couple in the future, as they have already known each other’s heart and mannerisms.

2.4 Loves Before Betrothal

The feeling of love is a gift from Allah to human. Absolute love is love to Allah that produces love to all his creation. Specific love is love between a husband and a wife. This kind of love is the tie that binds the marital relationships of the husband and wife. Love does not come by itself; it must be build and develop by both parties. Allah gives the feeling of love gives to mankind, a love based on peace and taqwa is pure from sexual urges and evil temptations. Love is the path to marriage and love can be divided into certain divisions:

1) Love after marriage

This is common practice in various societies of the world especially the Muslim society. This is also the situation in Malaysia.¹¹

¹¹Mustafa Haji Daud. 1991. *Perkahwinan Menurut Islam*. Utusan Publication & Distributions Sdn. Bhd. P.54.

2) Love before marriage

This change with the emergence of western values and cultures. Both men and women have the opportunity to get the same education from the lower to higher level. A woman, later, goes to work various jobs. The relationship between men and women cannot be avoided and they tend to mix and get acquainted with each other. Some ends with marriage and some not.¹²

3) Pregnant before marriage

The freedom of men and women's relationships sometimes leads to things that are prohibited by Allah because some of them not only get acquainted with each other, falls in love, but also conduct sexual relation. Some of them because pregnant even before marriage. This phenomenon is usual in the west and is spreading in Muslim society in the world. After getting pregnant only that the couples will decide whether to get married or not.¹³

Islam already has given specific duty and responsibility of a husband to be wife and parents. A responsible family will manage the marriage of their child that are of age, have all the conditions and abilities. A man with the abilities and has fulfill all the conditions is obligated to discuss with his parents when he wants to get married. The family is obligated to manage all matters involved including proposing marriage, betrothal and marriage of his son and the chosen women is given a choice whether to accept or reject the husband-to-be. Marriage in Islam is void if there are threats or force.

2.4.1 Differences between betrothal and being in love

Being in love and betrothal is different from one another. Being in love is a relationship between a man and a woman without intervention from their families.

¹²Ibid. p 54.

¹³Ibid. p. 54.

When in love, both only accepts the existence of one another as close partner and there hearts are bound with the feelings of love.

Both are very close with each other and always missing his or her partner, and there are those who cannot sleep because missing his or her lover. They are very much in love until they cannot depart from each other for even a second. Those who are in love is having relationships based on the human nature of the love and to be loved, be it male or female.¹⁴

However, betrothal is a tie or a promise that has been blessed and includes the families of both man and woman. It will be official when some symbol of tying the relationships is exchanged from the one party to the other. Usually in the Muslim society, the symbol of betrothal is when a ring or other things are given to the women to show that they are already engaged to each other and will marry according to the date chosen.¹⁵

It is also not considered as a betrothal if the engagement is not with the awareness of both families. It is also important to note that betrothal does not mean that the couples can behave like husband and wife or be together in hidden places.

The relationship that binds them is a secret between the couples. Nobody else can understand the feelings of those who are in love deeply because only they know. Their love story is a beautiful experience that is very hard to forget and will become a history well kept in their hearts until they are old.

2.5 Benefits Of Betrothal

The acceptances of the couples are an agreement between both parties to choose the data of marriage. When conditions and situations are acceptable, agreement and

¹⁴Rahman & Aishah. 1998. *Menyingkap Rahsia perkahwinan Dari Kacamata Islam*. Pustaka Salam. P.170.

¹⁵Ibid. p. 171.

fulfillment of the promise between the parties becomes an obligation of the syara. Islam does not put the a matter unless there are various benefits from betrothal:

- 1) Psychologically, a betrothal can give ease to the mind especially of the man because it will guarantee that the girl he wishes for will not fall into the hands of another.
- 2) Betrothal can build an agreement on both parties to further get acquainted with each other in order to build an understanding between them.
- 3) Betrothal can give an opportunity for the couple to see how too far they are compatible with each other in their relationships without encroaching on the limits provided.
- 4) Couples can use the betrothal period to get to know the family members to avoid any doubts later.
- 5) To produce a stabile heart in which in which betrothal ties will produce contentment to go through the marriage in the future, as there will be no intervention from the other suitors.

2.6 Performing Istikharah Prayers Before A Marriage Proposal

Islam encourages us to perform the istikharah prayers (which is recommendatory or sunat) to ask for the guidance of God in making important decisions, with the hope that the decision and choice made is correct and blessed.¹⁶

When a man succeeds in getting information needed about a woman that he wants to propose, he must always remember that everything is base on the act of God. Nothing can be done when Allah wants something to happen. Thus, we must always trust and have faith in Allah when we ask him for his guidance, as he is most knowledgeable. Allah always gives the best to his servant with taqwa.

¹⁶Ibid. p. 173.

Base on this it is recommend that one who wants to propose a marriage perform the istikarah prayers so that Allah will give guidance and idea about the woman. Their effort in getting the blessings of Allah will ensure that they have a happily married life on the earth and the hereafter.

2.7 The Selection Of Partner

The selection of a bride is one of the important things before one build his marriage, where a wife is the place in which gets peace, a means of legitimate procreation, sharing of life forever a place of emotional and sexual gratification. A means of getting children the manager of food, clothes and place to live and also the important educator for the children. Islam states that a good wife to be must have these criteria:

- 1) Have iman and good behavior
- 2) Have property/ wealthy
- 3) Of good descendent
- 4) Good appearance
- 5) Fertile

- 1) Have Iman And Good Behavior

Islam encourages men to choose a pious and good behavioral woman to take care of a harmonious household. A woman or wife who can complete not only the duties and responsibilities of a wife and mother but also helps her husband to perform tasks commanded by Allah, a good woman without her husband's command can perform all. Further, from five good choices of wife to be, a good woman must be given priority and factors such as beauty, property, good descendent and fertility must be put aside.¹⁷

¹⁷Mustapha Haji Daud. 1991. *Perkahwinan Menurut Islam*. Utusan publications & distributions Sdn.Bhd. p. 47.

2) Have Property/ Wealthy

Wealth is not the main aim of mankind on the face of the earth and not the main factor to achieve happiness. However, property is a tool to the perfection of life and one of the ways of achieving happiness. Therefore, affordability in the economies aspect is one the important conditions that leads to a harmonious and happy marriage.¹⁸

3) Of Good Descendent

Good descendent is important in Islam because it guarantees the stableness of a marriage. Islam encourages choosing from a good descendent to avoid unpredictable and unwanted things to happen in the future that can destroy a marriage.¹⁹

4) Good Appearance

One the characteristic of a good woman or wife to be is good appearance that becomes the first attraction to many men and women as the choice of life partner. A good appearance can help a woman to get suitable partner without having doubt.²⁰

5) Fertility

Fertility is one of the important aspects that are listed as good characteristic of wife to be. It all originates from the aim of marriage which is for reproduction to continue the family lineage and the as the heir if one's property. If a woman is infertile, the aim will not be achieved especially those who cannot give birth during the marriage.²¹

¹⁸Ibid. p.47.

¹⁹Ibid. p. 48.

²⁰Ibid. p. 48.

²¹Ibid. p. 48.

2.7.1 Indications of Good Woman

- 1) Practice good behavior with Allah such as performing *‘ibadah* diligently, and with patience facing all the hardships from Allah and in doing his commands including accepting with redha the entire fate given by Allah.
- 2) Practice good manners with parents, respect them and help them, including taking good care of them. Always try to call upon them to goodness in order to get Allah’s blessings.

2.8 Betrothal Code Of Conduct

1) Interviewing/ Seeking Information

Interviewing/ seeking information is asking whether the woman that is chosen to become one’s wife is still a maiden, not owned by anyone and other information.²²

When it is proposed have to fulfill these conditions:

- ❖ The woman is free from any prohibitions that may prevent marriage from taking place.
- ❖ A man who has been proposed a betrothed to another is prohibited from proposal to ensure peace and unity, except if the first suitor voluntarily withdraws the proposal or the first suitor agrees to another proposal.

A man who is not interested to make the women his wife is encouraged to not making any bad statements because another man may like the women. This is also to avoid enmity and fights.

²²Ibrahim Muhammad. 1998. *Khazanah Suami Isteri & Bakal Pengantin*. Darul Nu’mam. P. 77.

2) Looking at the woman whom one intends to marry

Before a marriage proposal made by a man, he is encouraged to first see his wife to be. The holy prophets (PBUH) in a Hadith explain this:

إذا خطب أحدكم المرأة، فإن استطاع أن ينظر منها إلى ما يدعوا إلى نكاحها، فليفعل.²³

“If one of you wants to propose marriage to a woman, it is preferable to see first what becomes an attraction to marry her, and this must be done”.

It also stated that the women also has the right to look at her would be husband. If the men have the right to nullify his intentions to marry the woman, the woman also have the right to do so and see can reject proposal.

The would be husband can only have a look at the women’s body that is permissible and not regarded as aurah, which consist only of her face and hands, nor more than that. This is also true for the woman. She can also look at permissible area which is not the aurah of her would be husband. Areas of body that permissible to be look at are:

Face

To gain sufficient idea about one’s beauty so that love may appear in their hearts.²⁴

Hands

To ensure fertility of would be wife’s body.²⁵

In no circumstances would the suitor and would be bride been allowed to remain alone in a room without the existence of a family member or *muhram* of the woman. The prophet has also reminded us of this in his *Sunnah*. Parents should ask their child that has been looked upon by the man whether she agrees or not. For the virgin girl or

²³Riawayat Abu daud

²⁴Fauziah Muhammad. 1995. *Rahsia Kepimpinan Suami Dalam Rumah tangga*. Perniagaan. Jahabersa. P.5.

²⁵Ibid. p.5.

maiden, her consent can be based on her silence. However for a widow or divorced woman, she must clearly states her consent and agreement to the marriage proposal.

2.9 A Suitor Is The Same As A Stranger

Islam commands a man or a husband to be to have good manners when having a look at this his wife to be. However this does not happen when there is no shame or feelings of sin in the women herself that she do not cover her aurat and show her beauty. Most men feels unsatisfied if just looking at the hands and face only as they usually see women without covering her aurat in front of them. Those who are interested to propose can look without anything to hide as has been done by Jubir bin Abdullah.²⁶

Although this is the situation until new, it cannot be a deterrence to expose the real problem. In this matter, man with *iman* and *taqwa* should know the limits stated by Allah. Islam prohibits its *ummat* not to go beyond the limits and be cruel to one.

A suitor is a stranger to the women that he wants to marry. So, it is not permissible or forbidden (haram) to look more than what is lawful (halal). However, if this reminder is not seek upon, it become a sin (maksiat) to Allah and a diversion from the Prophet's Sunnah. The act done by man, not based on Islamic' syariat, will not get Allah's blessings.

2.10 Exceptions Given Toward Proposal

Islamic scholars have given an exception for a woman that has been proposed by a *fasiqun*. Thus, second proposal is allowed. This is to avoid damage that can arise from the marriage and to give priority to that becomes their hope.²⁷

²⁶Huesin Muhammad Yusof. 1988. *Memilih Jodoh Dan Tatacara*. Thikeness Library Sdn.Bhd. p. 106

²⁷Ibid. p.114.

2.10.1 Undesirable (Makruh) To Propose A Woman Of Close Relation

One of the problems that should be avoided is to have the hand in marriage of a woman of close relation. Although it is permissible (halal) but it may raise competition between the family relations in order to tackle the girl's heart. This may lead to broken relationship, enmity and breaking up of the family institution. The Prophet forbids from this happen avoiding damage and broken relationship between families.²⁸

Allah makes something lawful based on a verse:

وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ كِتَابَ اللَّهِ عَلَيْكُمْ وَأُحِلَّ لَكُمْ مَا
وَرَاءَ ذَلِكَ أَنْ تَبْتَغُوا بِأَمْوَالِكُمْ مُحْصِنِينَ غَيْرَ مُسَافِحِينَ فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ
فَأْتُوهُنَّ أَجُورَهُنَّ فَرِيضَةً وَلَا جُنَاحَ عَلَيْكُمْ فِي مَا تَرَضَيْتُمْ بِهِ مِنْ بَعْدِ الْفَرِيضَةِ إِنَّ اللَّهَ
كَانَ عَلِيمًا حَكِيمًا (24)²⁹

“Also (prohibited are) woman already married, except those whom your right hand posses, (captives); Allah has thus made clear (prohibiting) against you: except for these, all others are lawful, provided you seek (them in marriage) with gifts from your property, - desiring chastity, not lust. Seeing that you derive benefit from them, give them their dowry is decided, both of you agree (to change it), then there is no blame on you, and Allah is all – knowing, all – wise”.

2.10.2 Direct Proposal

Muslims scholars state that direct proposal can be done to women who are not in the period of waiting (*‘iddah*) whether the first or second (*raj‘e* or *ba'in*) *talāq* (divorce) by there pronouncement or divorce by *faskh* due to spoiling (*aib*) of marriage or *li'an*

²⁸Ibid. p.124.

²⁹Al- Quran. Al- Nisa 4: 24.

(mutual imprecation). A faskh because of *darar* (haram) due to prohibitions and marriage *syubhah*.

According to the Maliki school, it is not permissible (haram) to propose directly of a woman in *istibra'* (waiting to ensure that her womb is clean) because of fornication or rape. It is impossible for a husband to take back his wife using direct proposal due to talaq ba'in because of faskh of the marriage such as *khulu'*. It is also permissible for the husband to perform to solemnization of marriage although the women are still in her 'iddah' as it is her husband's 'iddah.

2.10.3 Indirect Proposal

Scholars are of the opinion that indirect proposal can be done to women who are in their 'iddah ba'in for three pronouncement of talaq (divorce) or faskh of the marriage due to spoiling (aib) of marriage or li'an or fosterage or syubhah marriage and women in *istibra'*.

2.10.4 Proposal to Divorced Women

Divorced women are given the same level as her guardian (*wali*) or father/ grandfather in marriage. This means, Islam recognize and put the divorced woman as one with a high character and without defect. This defers from the view of society that look down upon a divorced woman's status. The right and freedom of the divorced women in choosing her husband to be proves that she have the capability of making a rise decision and sincere in shaping a happy and harmonious marriage.³⁰

³⁰Huesin Muhammad Yusof. *Memilih Jodoh Dan Tatacara Pertunangan Dalam Islam*. Thikenes Library Sdn.bhd. p. 117.

2.10.5 Proposal Made By Woman to Man

Islam clearly gives the opportunity for women to propose to men. This is not something embarrassing, but a good opportunity for women for example, Saiyyaiditina Khadijah Bt. Khawalid herself once mention her desire to marry the Holy Prophet (PBUH).

The act proposing to men is not a move that can give shame or embarrassment to women as long as it is not opposed to *syara'* and not based merely on lust or desire. This is because, on the marriage matter, explained earlier, is a tie that binds a man and a woman together. Anas said: A woman has offered herself to the prophet (PBUH). Thus, his daughter said: how shameful. Anas replied: she is better than you because she has offered herself to the prophet (Hadith narrated by Al-Khamsah).

This is one matter that should be taken into consideration by women nowadays that alleged Islam as not giving freedom and rights for them to make choices. A marriage contract is very similar to other contracts in which both parties are given the freedom to find and do something that he/ she may feel beneficial and perfect.

However, because women are shy in nature, it is preferable for her to use her guardian (wali) to make the proposal instead, on her behalf.

2.10.6 Proposing A woman In Her Waiting Period (‘iddah)

It is not permissible (haram) to propose the hand in marriage of a woman while she is still in her waiting period (‘iddah) whether because of the death of her husband or divorced under talaq raj’ie or talaq ba’in. If she is in her waiting period, it is not permissible to propose marriage because she is still her husband’s wife wherein he can, at any time, take her back (*ru’ju’*). The action of the suitor may become an encroachment to the husband’s rights.

There are different opinions of the scholars of indirect proposal (hiats) to women in iddah talaq ba'in. If she is in the 'iddah due to her husband's death the indirect proposal (using hints) is permissible) due to her husband's dissolution of marriage because of death. The women have no more relation to the dead husband. No direct proposal can be use because she should be in the mourning period of her husband's death. This prohibition is for the sake of respecting the husband's family's feelings. Allah most high states:

وَلَا جُنَاحَ عَلَيْكُمْ فِيمَا عَرَّضْتُمْ بِهِ مِنْ خِطْبَةِ النِّسَاءِ أَوْ أَكْنَنْتُمْ فِي أَنْفُسِكُمْ عَلِيمَ اللَّهِ أَنَّكُمْ سَتَذَكُرُونَهُنَّ وَلَكِنْ لَا تُؤَاعِدُوهُنَّ سِرًّا إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا وَلَا تَعْزِمُوا عُقْدَةَ النِّكَاحِ حَتَّى يَبْلُغَ الْكِتَابُ أَجَلَهُ وَاعْلَمُوا أَنَّ اللَّهَ يَعْلَمُ مَا فِي أَنْفُسِكُمْ فَاحْذَرُوهُ وَاعْلَمُوا أَنَّ اللَّهَ غَفُورٌ حَلِيمٌ³¹(235)

“There is no blame on you if you make an offer of marriage or hold it in your hearts. Allah knows that you admire them in your hearts: but do not make a secret contract with them except honorable term, do not decide on the tie of marriage till the term prescribed is fulfilled. And know that Allah what is in your hearts, and become aware of Him; and know that Allah is often forgiving, most – forbearing”.

Words amounting to hints happens when one states something but the real meaning of the statement is indirect but could be understood by the statement, for example:” actually I want to get married and hopefully Allah will give me an honorable woman”.

Giving away gifts to a woman still in her 'iddah can also mean as a hint. A man is also allowed to praise himself by telling about his specialties as one way of hinting his proposal.

The conclusion of scholars opinions is that is not permissible to propose a woman still in her 'iddah ends, there are different opinion between scholars:

1) Imam Maliki Opinion

³¹Al Quran. Al- Baqarah 2: 235.