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Analysis of the Decision on the Case of Wali Adhal in the Marriage of a Girl in the Bogor Religious Court¹

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Abstract:

Marriage is a sacred thing in carrying out worship to Allah, by entering into marriage, every thing that is done will produce extraordinary rewards on the side of Allah SWT. In a marriage, it is required to carry out several terms and conditions that have been widely explained in the Al-Quran and hadiths, one of which is the condition and obligation for the validity of marriage is the presence of the guardian (father and brother from the father's side) of the bride. The presence of this guardian in marriage is mandatory and if his presence cannot be done or the guardian is reluctant to attend his child's marriage then the guardian is included in the category of wali adhal. This study uses a research method by analyzing the decision on the marriage case of wali adhal in the marriage of a girl in the Bogor Religious Court, the method used is literature. The results of the decision the judges granted by listing several reasons, one of the reasons is because they already love each other and love each other and have been together for a long time, so the application for marriage is granted while the biological guardian is reluctant to allow her marriage to the prospective husband of her choice, so it is replaced by a guardian judge who is directly appointed by the head of the panel of judges at the Bogor Religious Court, namely the Head of the Religious Affairs Office of East Bogor District, Bogor City as a guardian judge who will marry the applicant with the prospective husband.

Keywords: Wali Adhal, Marriage, Religious Court

A. INTRODUCTION

Marriage is one of the most important basic principles of life in society. Marriage is not only one of the noble ways to organize household life and offspring, but can also be seen as a way to get acquainted between husband and wife, not only between husband and wife and their offspring but between two families.

From the good relationship between husband and wife and their offspring, such as love, the good will transfer to all their families, from both sides so that they become

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one in all their affairs in carrying out good and preventing all evil, and from marriage, it will be protected from the destruction of lust between men and women. From the good relationship between husband and wife and their offspring, such as love, the good will transfer to all their families, from both sides so that they become one in all their affairs in carrying out good and preventing all evil, and from marriage, it will be protected from the destruction of lust between men and women. (Tihami, 2011, p. 74)

In terms of marriage, the normative procedures for organizing marriage are regulated in Law Number 16 of 2016 concerning amendments to Law Number 1 of 1974 concerning marriage. Article 2 paragraph (1) of the marriage law states that "marriage is valid if it is conducted according to the laws of each religion and belief." (Syailendra Sabdo Djati, 2020, p. 8)

One perspective on marriage is a religious command. Where there is a new bond that legalizes the relationship between husband and wife which will later get a descendant as part of the regeneration process based on love and regulations from Allah SWT. This is in accordance with the words of Allah in (QS Ar-Rum (30):(2

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَعْتَكِرُونَ ﴿٢﴾

Meaning: "Among His signs is that He created mates for you from your own kind so that you may feel at peace with them. He makes love and affection between you. Surely in that there are signs (of Allah's greatness) for those who think".

In this case, the greatest benefit of marriage is that it protects and preserves women from destruction because when a woman is married, her life must be fully provided for by her husband. This is the true purpose of marriage in Islam, and it is for the benefit of the household and offspring after marriage. (Sulaiman, 2013, p. 374)

In Islamic law, the marriage between the bridegroom and the bride must be carried out in the presence of two male witnesses, using the words *ijab qobul*, and the word *ijab* must be done by the bride, namely the *wali nasab* (biological), while the pronunciation of *qobul* is done by the prospective groom. The pillar is something that must be fulfilled so that what will be done becomes valid, so if the marriage wants to be valid, the conditions and pillars of marriage must be fulfilled. (Syahrul Ramadhan, 2022, p. 8)

According to the Compilation of Islamic Law article 14 in marriage there must be pillars that must be carried out including:

1. Prospective husband
2. Prospective wife
3. The marriage guardian
4. Two witnesses, and
5. *Ijab* and *qobul* (Citra, 2020, p. 14)

With the existence of the above pillars, marriage is determined by the necessity of the presence of a marriage guardian as a pillar of marriage because it protects the interests of the woman herself, protects her moral integrity, and allows the creation of a successful marriage, without the presence of a guardian, the marriage is considered invalid as stated in the words of the Messenger of Rasulullah Sallallahu 'alaihi wa Sallam

لَا نِكَاحَ إِلَّا بِوَلِيِّيَّ وَشَاهِدَيْ عَدْلٍ:

Meaning: "No marriage is valid except with a guardian and two fair witnesses." (HR. Ahmad dan At-Tirmidzi)

This hadith shows that marriage must fulfill the conditions and pillars, one of the conditions and pillars that must be met is the presence of a guardian in marriage. The existence of a guardian in a marriage contract is a must, if a guardian is unwilling or reluctant to become a guardian in marriage, it can be referred to as Adhal Wali.

In the large Indonesian dictionary (KBBI) the word guardian can be interpreted as a caregiver, parent, or guide to people. As for the Arabic language, the word guardian comes from walayah or territory which can be interpreted as the right given by sharia which makes a guardian able to do and take something if necessary by force outside the will and consent of the person being guarded. (Rizka, 2020, p. 18)

Wali adhal is a guardian who is reluctant (refuses) to become a marriage guardian in marrying off his daughter under his guardianship. Regarding wali adhal in the Compilation of Islamic Law article 23 paragraph (2) explains that: "In the event that the guardian is adhal or reluctant, the new judge guardian can act as a marriage guardian after a Religious Court decision on the guardian". (Firmansyah Soni, 2018, p. 5)

Similarly, the wali aqrab has the right to prohibit the marriage of a person if there is an acceptable reason, such as the husband is not compatible the woman has already been proposed to by someone else, or her character is bad, or there is a physical defect that causes the marriage to be annulled. In such cases the wali aqrob is the rightful guardian and his rights cannot be transferred to anyone else, even to a judge.

However, if the guardian is unwilling to perform the marriage for an acceptable reason, even though the woman already loves her future husband because she is familiar with his religious beliefs and character, this guardian is called an unjust wali adhal. If the guardian does not want to give the marriage in marriage, it must first be seen whether there is a shar'i reason or an unshar'i reason. Shar'i reasons are those that are justified by Shar'i law, for example, the guardian's daughter has been proposed to by someone else and this proposal has not been canceled, or the prospective husband is a disbeliever or an ungodly person such as an adulterer and a drunkard. If the guardian refuses to give his daughter in marriage on these shar'i grounds, then he must be obeyed and his guardianship does not pass to another party (wali hakim).

Based on this explanation, to analyze one of the cases in the Bogor Religious Court regarding the guardian adhal case, namely the Analysis of the Determination of the Bogor Religious Court Guardian Adhal Case in Number 112/Pdt.P/2022/PA.Bgr That the Head of the Religious Affairs Office of East Bogor Sub-district, Bogor City, be appointed as a judge guardian at the request of the applicant, whose parents are unwilling or unable to act as marriage guardian without any clear reason, while the prospective husband has no impediment to the marriage under Islamic law. ("Stipulation of Judgment in Wali Adhal Case Number 112/Pdt.P/2022/PA.Bgr," 2022, p. 15)

During the examination of the case, the applicant's parents or the birth guardian did not attend the trial process. Regulation of the Minister of Religious Affairs No. 2 of 1987 concerning Guardian Adhal Article 2 Paragraph (3) explains "The Religious Court examines and determines the adhal guardian in a brief manner at the request of the prospective bride by presenting the guardian of the prospective bride", and "The Religious Court / Shari'iyah Court can grant an application for the determination of guardian adhal after hearing the determination of the parents". Religious Court of Bogor, 2022, p. 15)

Definition of Analysis

According to the Big Indonesian Dictionary, analysis is the decomposition of a subject into its various parts and the study of the parts themselves and the relationships between the parts to obtain a precise understanding and understanding of the meaning of the whole. (National Department of Education, 2008, p. 156)

So, analysis is the process of investigating an event (essay, action, and so on) to find out the real situation (cause, reason, case, and so on).

Determination of Wali Adhal

In Regulation of the Minister of Religious Affairs of the Republic of Indonesia No. 2 of 1987, it is explained in articles 2 and 3 that the determination of wali adhal is as follows:

1. Article 2
 - a) For a prospective bride who will marry in the territory of Indonesia or abroad / extraterritorial territory of Indonesia, it turns out that she does not have a rightful Nasab guardian or her Nasab guardian is not eligible or mafqud or absent or Adhol, then her marriage can be carried out with a Judge guardian.
 - b) To declare the Adhol of the guardian as referred to in paragraph (1) of this article shall be determined by a decision of the Religious Court which has jurisdiction over the place of residence of the prospective bride.
 - c) The Religious Court shall examine and determine the Adholnya of the guardian in a brief manner at the request of the prospective bride in the presence of the guardian of the prospective bride.
2. Article 3

"The examination and determination of Adholnya wali for a prospective bride who is an Indonesian citizen residing abroad shall be conducted by the wali Hakim who will marry the prospective bride." (M, 2005, p. 3)

Definition of Wali Nikah

As for marriage, the guardian is a person who has the right to marry because of direct blood ties to the bride. In KHI Article 19 Chapter XV it is also explained that the Wali nikah in marriage is a pillar that must be fulfilled for the prospective bride who wants to get married to marry her. Article 20 paragraph 1 explains that the one who acts as a marriage guardian is a man who meets the requirements of Islamic law, namely Muslim, aqil, baligh.

A guardian in general is someone who, because of his position, is authorized to act towards and on behalf of another person. Meanwhile, a guardian in marriage is someone who acts on behalf of the bride in a marriage contract. (Wahbah Az-Zuhaili, 2011, p. 178)

Legal Basis for Wali Nikah

According to Imam Shafi'i Mazhab, the presence of a guardian in the marriage of a woman, whether she is an adult or a child, a widow or a virgin, whether she is of sound mind or not, is an obligation as a pillar to carry out the marriage based on (Q.S Al-Baqarah (2): (32)) which reads:

وَإِذَا طَلَّقْتُمُ النِّسَاءَ فَبَلَغْنَ أَجَلَهُنَّ فَلَا تَعْضُلُوهُنَّ أَنْ يَنْكِحْنَ أَزْوَاجَهُنَّ إِذَا تَرَضُوا بَيْنَهُمْ بِالْمَعْرُوفِ ۗ ذَٰلِكَ يُوعِظُ بِهٖ مَنْ كَانَ مِنْكُمْ

يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۖ ذَٰلِكُمْ أَزْكَىٰ لَكُمْ وَأَطْهَرُ ۗ وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا تَعْلَمُونَ ٢٣٢

Meaning: "When you have divorced your wives, and their waiting period has expired, then you (the guardians) should not prevent them from remarrying their future husbands, if there is a consensus between them in a fair manner." (Irfan, 2015, p. 8)

Requirements to be a guardian

In the book fikih munakahat written by Abdul Rahman Ghozali, the requirements for guardians in marriage must be carried out by the bride or her representative with the prospective husband or his representative. The guardian must have conditions, namely, a man, Muslim, baligh, reasonable, and, fair (not wicked) (Ghozali, 2012, p. 74).

Types of Guardians

In the Koran and Hadith, it is clearly explained that marriage without a guardian is invalid and invalid. Therefore, who are the people who are entitled to be guardians in marriage will be discussed one by one, namely:

a. The Nasab

The nasab guardian is a guardian who comes from the family of the bride and has the right to be a guardian. There is a difference of opinion among the fuqaha' regarding the order of nasab guardians. Imam Malik said that guardianship is based on the validity of the nasab, except for sons, and the closest relatives are more entitled to be guardians. He went on to say that sons downwards are preferred, then the father upwards, then brothers of the same family, then brothers of the same family, then sons of brothers of the same family, then paternal grandfather upwards. (Syarifuddin, 2018, pp. 89–90)

b. Wali Hakim

Article 23 of the Compilation of Laws explains that the new guardian judge can act as a marriage guardian if the nasab guardian is absent or unable to attend or his residence is unknown or absent or adhol or reluctant. (Citra, 2020, p. 408)

c. Wali Tahkim

Wali tahkim or can be called wali muhakkam is a guardian who is appointed directly by the prospective husband and prospective wife. According to the Lisan al-Arabi dictionary, it is explained that: "A wali is someone who performs a marriage contract on a woman, he does not leave her, and the contract would not take place without this wali". (Manzhur, 2009, p. 483)

d. Wali Adhal

The word 'adhal according to language (etymology) comes from the Arabic word *عضلا* - *يعضل* - *عضل* which means to obstruct. (Munawwir, 1973, p. 3).

From the above understanding, it can be seen that wali adhal is a guardian who prevents or does not want his child to marry of his own choice.

Definition of Wali Adhal

The regulation of the Minister of Religious Affairs explains that a wali 'adhal is a nasab wali who has the power to marry off the bride under his guardianship, but is reluctant or unwilling to marry off as befits such a wali. (Salim, 2018, p. 259).

A guardian can be said to be 'adhal if he fulfills the following categories:

- a) The guardian is reluctant to give his daughter in marriage to a man who is compatible with her, even though the woman has accepted the proposal of her prospective husband, whether the acceptance is accompanied by a request to

marry to her guardian or not.

- b) The guardian wants to give his daughter in marriage to a man of his choice who is compatible with her, while the woman asks her guardian to give her in marriage to a man of her choice who is compatible with her.

From the explanation above, it can be seen that there are several reasons for the definition of wali adhal itself, it is undeniable that rank, social status, high position, and several other considerations are things that are required and not ruled out in finding and maintaining a partner for a woman, so the existence of various considerations is not a reprehensible act. If all of the above considerations have been made the top priority in making a choice, without looking at religious and moral considerations, then the act is a reprehensible act. Therefore, if a parent refuses to marry off his or her child due to unlawful reasons, that is, reasons that are not justified by Shariah law, then the guardian is called wali 'adhal.

Factors Causing the Occurrence of Wali Adhal

According to Zainudin Ali, in the case of an Adlol (reluctant) guardian, the judge can only act as a marriage guardian after there is a Religious Court decision regarding the guardian. The causes of wali Adhol are as follows:

- a. Social Status
- b. Different religions or not the same level of religious practice
- c. Has had social problems
- d. Widower status
- e. Parents already have their own candidate for their daughter. It can be seen

from the explanation above that there are many factors that cause the occurrence of wali adhal. However, the most likely factor that occurs is the dispute between parents and their children because they both defend their respective choices.

B. METHODE

The research is by using library research, which is research by collecting information and data from library sources such as books, documents, the internet and others. In this study, researchers conducted a literature study and the main source was a document in the form of a copy of the Bogor Religious Court's determination Number 112/Pdt.P/2022/PA.Bgr. concerning Analysis of the Determination of the Guardian Adhal Case Against the Marriage of Girls at the Bogor Religious Court. (Religious Court of Bogor,, 2022, p. 15)

In concluding a study to be able to understand the data that has been collected then to be able to answer the problems of the study it is necessary to analyze the data. Data analysis is a process effort to search for and systematically compile research on data that has been obtained from observations, interviews, and documentation to increase the researcher's understanding of the completion of a study. Data collection techniques and procedures carried out in this study are using documentation techniques, namely data collection in the form of writing, written data sources, namely in the form of documents Copies of decisions, books, and archives. (Muhajir Noeng, 2002, p. 142)

Data analysis technique from the research title "Analysis of the Determination of Wali Adhal Case Against Marriage of Girls in Bogor Religious Court". This study uses

the data technique produced is qualitative data and will be developed by the author with the library research method, namely the method of clearly describing the research topic under study and drawing conclusions from the research. library research analysis technique method is research by trying to analyze, explain, and describe the latest facts and find correlations between one another. The fact that becomes the object is about the determination of the Bogor Religious Court judge with Number 112/Pdt.p/2022/PA.Bgr.

C. RESULTS AND DISCUSSION

1. Profile of Bogor Religious Court

The Bogor Religious Court, which is the Court of First Instance, has the duty and authority to examine, decide, and resolve cases at the first instance between people of the Muslim religion in the fields of marriage, inheritance, wills, grants, waqf, zakat, infaq, shadaqah, and sharia economics as stipulated in Article 49 of Law Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts. Structurally, the implementation of the Bogor Religious Court's duties is accounted for in the form of a report to the West Java Religious High Court (formerly the Bandung Religious High Court amended based on Appendix IV of the Indonesian Supreme Court Regulation Number 7 of 2015), the Religious Courts Agency, and the Indonesian Supreme Court as the superior.

a) Jurisdiction

The jurisdiction of the Bogor Religious Court is located in 6 sub-districts as follows:

1. West Bogor Sub-district
2. South Bogor Sub-district
3. District of Central Bogor
4. East Bogor Sub-district
5. North Bogor sub-district
6. Kecamatan Tanah Sareal

b) Data Data on court cases in 2024 :

From the SIPP account page of the Bogor Religious Court in 2024, it was attached that there were 10 cases concerning Guardianship Application cases including the following case numbers nine of the 10 cases were declared (mutated) and one case is still in the first trial process.

2. Reasons and Legal Basis for Wali Nasab being Categorized as Wali Adhal

Marriage is a very strong contract between a man and a woman as a form of worship to Allah SWT to form a family that is *sakinah, mawaddah, wa rohmah*. In reality, marriage guardians often become a problem or obstacle in carrying out a marriage because the most entitled marriage guardian is not willing or refuses to

become a guardian for the prospective bride for various reasons, both reasons justified by sharia and those that are not justified by sharia. If this happens, the Marriage Registration Officer at the local Religious Affairs Office will issue a letter refusing the marriage on the grounds that the marriage guardian is not willing to marry the prospective bride to the prospective bridegroom.

Wali adhal is the refusal of the guardian to give his daughter, who is of sound mind and has reached puberty, in marriage to a man who is compatible with her. If the woman has asked her guardian for her hand in marriage and the prospective bride and groom love each other, then such a refusal is prohibited according to sharee'ah. From this definition, the nasab guardian who can be categorized as wali adhol contains several elements of reason, namely:

1. The refusal of the guardian to marry off the prospective bride, in this case when there is reluctance and refusal from a nasab guardian and the bride has tried to persuade her to want her guardian to marry her off but is still reluctant, then all the processes to keep the marriage going come to the religious court to apply for a judge guardian as a substitute for the Adhal guardian.
2. There has been a request or petition from the prospective bride that she be married to the prospective bridegroom.
3. Kafa'ah between the prospective groom and the prospective bride, in this case, a nasab guardian should not be allowed to prohibit because there is already kafa'ah between the bride and her prospective husband unless there is no equality and similarity in terms of family, religion and so on.
4. The existence of mutual affection or love between each prospective bride and groom.
5. The reason for the refusal (unwillingness) of the guardian is contrary to Shara'. (Fitri M. Solihul, 2013, p. 9)

For these reasons, there is a legal basis for the nasab guardian to be categorized as wali adhal as explained in (Q.S Al- Baqarah (2): (232)

وَإِذَا طَلَّقْتُمُ النِّسَاءَ فَبَلَغْنَ أَجَلَهُنَّ فَلَا تَعْضَلُوهُنَّ أَنْ يَنْكِحْنَ أَزْوَاجَهُنَّ إِذَا تَرَاضُوا بَيْنَهُم بِالْمَعْرُوفِ ۗ ذَٰلِكُمْ يُوعِظُ بِهِ مَنْ كَانَ مِنْكُمْ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۗ ذَٰلِكُمْ أَزْكَى لَكُمْ وَأَطْهَرُ ۗ وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا تَعْلَمُونَ

It means "When you divorce your wives, and their 'iddah (waiting period) expires, then do not prevent them (the guardians) from remarrying their future husbands, if there is a good match between them. This is what is advised to those among you who believe in Allah and the Last Day. That is purer for you and cleaner. And Allah knows while you do not know. "

From the above verse, it can be understood that a guardian may not prohibit a woman under his guardianship from remarrying if there is a match between the two

and it fulfills Islamic law. (Miftah, 2023, p. 25)

The person most worthy and entitled to be a guardian for the benefit of his child is the father. According to the opinion of the Shafi'iyah Ulama, a marriage performed without a guardian is invalid or it can be said that the guardian is a condition for the validity of marriage, even the guardian is a pillar of marriage. (Rohmat, 2011, p. 169)

In the Compilation of Islamic Law Article 19, it is stated that "the marriage guardian in marriage is a pillar that must be fulfilled for the prospective bride who acts to marry her. " The marriage guardian according to this compilation of Islamic law is that the guardian in marriage is a pillar that must be fulfilled for the prospective bride who acts to marry her. The guardian acts as a person who makes the marriage valid if the marriage is in the absence of a guardian, the marriage will be invalid. (Citra, 2020, p. 14). From the legal basis above, it can be concluded that the law of holding a guardian in the marriage of a girl for the bride is obligatory and can only be replaced if the nasab guardian cannot fulfill several conditions determined by sharia.

3. Basic Considerations of Judges in the Determination of Case Number 112/Pdt.P/2022/PA.Bgr

That on the day of the hearing which had been set the Applicant and her prospective husband were present at the hearing, while the Applicant's guardian did not come and did not send someone else to come to the hearing as his legal representative or attorney, even though he had been officially and properly summoned with a summons (Relaas) Number 112/Pdt.P/2022/PA.Bgr. dated July 1, 2022, while the absence of the Applicant's guardian did not appear to be due to a valid reason, therefore this case was examined without the presence of the Applicant's guardian.

That the Panel of Judges had given advice and counsel to the Applicant to persuade his guardian to marry the Applicant, but to no avail.

Then the trial continued with the reading of the petition of the Petitioner, the Petitioner basically remained in his petition by not making changes and or additions to the Petitioner's petition.

That this case is about the application for the Determination of Wali Adhal of the Muslim party and the Applicant is in the jurisdiction of the Bogor Religious Court, then based on the provisions of Article 49 of Law Number 7 of 1989 concerning Religious Courts as amended and supplemented by Law Number 3 of 2006 and Law Number 50 of 2009 the Bogor Religious Court has the authority to examine and determine this case.

Based on the aforementioned facts, the Panel of Judges is of the opinion that the good intentions of the Applicant and her husband-to-be to continue their love affair to the level of marriage is something that should be respected because they want to carry out the commands of Allah and the Sunnah of the Apostle, as long as there are no shar'i obstacles in accordance with Article 2 of the Compilation of Islamic Law, especially since

her marriage is based on mutual affection and love, which of course, if there are shortcomings and advantages in each of them, they will be mutually agreeable, each accepting what are an advantage and disadvantage.

In addition, the Applicant and prospective husband have been in a relationship for a long time, both are adults so if the relationship between the Applicant and prospective husband is not continued with a legal marriage, it is feared that things will be bad for both of them. Therefore, to avoid this, the door to marriage must be wide open so that they can carry out marriage legally in accordance with Islamic law.

Because one of the pillars of marriage is the marriage guardian, while the Applicant's marriage guardian as fact above has clearly refused to marry for reasons that are not principles, the marriage between the Applicant and the Applicant's prospective husband must be carried out with a judge's guardian in accordance with the provisions of Article 2, paragraph 1 of the Regulation of the Minister of Religious Affairs of the Republic of Indonesia Number 2 of 1987 Jo Article 23 of the Compilation of Islamic Law (Abdurrahman, 2010, p. 139).

based on fiqh arguments included in the book *Mughnil Muhtaj III*, which was adopted as the opinion of the Tribunal;

وكذا يزوج السلطان إذا عضل النسب القريب ولو مجبرا أي امتنع من تزويجها فإذا امتنعوا من وفائه رفعه إلى الحاكم ولا تنتقل الولاية للأبعد جزما

Meaning: "The same applies to marriage by the judge if the natural guardian is adhol, i.e. unwilling to marry her. So if they are reluctant to marry her, then the judge should marry her and her guardianship should not be transferred to a distant guardian (ab'ad)".

This decision was made in deliberation of the Panel on Wednesday, July 6, 2022 AD, concurrent with the 6th of Zulhijjah 1443 Hijri by a Panel of Judges of the Bogor Religious Court consisting of Drs. Tatang Sutardi, M.HI. as Chairperson of the Panel, Dra. Hj. Nuroniah, S.H., M.H. and Drs. Sangidin, S.H., M.H. each as Member Judges, the decision was pronounced on the same day by the Chairman of the Panel in a hearing open to the public, in the presence of the Member Judges and Hj. Ai Salamah, S.H. as Substitute Registrar and also attended by the Applicant. (Religious Court of Bogor, 2022, p. 14).

From the results of the judge's consideration in accordance with the provisions of Article 49 of Law Number 7 of 1989 Religious Courts j.o Law 3 of 2006 and Law Number 50 of 2009 the Bogor Religious Court has given full authority over the case to be examined and determined the results of all efforts of the guardian adhal case. In determining the outcome of this case, the panel of judges was of the opinion that the good intentions of the respondent and the prospective husband to continue the relationship of affection to the level of marriage were because they wanted to carry out the commandments of Allah and the sunnah of the Prophet.

In the Compilation of Islamic Law Article 2 as long as the desire for marriage does not have or there are no reasons for the obstacles that are shar'i, especially the basis of the marriage is on the basis of affection and love for each other, of course, if there are shortcomings and advantages in each partner, they will be mutually agreeable to each other. Therefore, the results of the analysis of the judge's consideration in case No. 112/Pdt.P/2022/PA.Bgr regarding wali adhal were granted by the judges for the reasons explained in the results of the judge's consideration above.

D. CONCLUSION

From the description of the discussion of the Bogor Religious Court Determination Number: 112/Pdt.P/2022/PA.Bgr. about wali adhal, the researcher can draw the following conclusions:

Wali adhal is a guardian who does not want to marry a woman who has reached puberty and has the right mind with a man of his choice, while each bride and groom want the marriage to take place. There are various kinds of problems in marriage, one of which is a nasab guardian who is unwilling or reluctant to marry off a daughter to a prospective husband of her choice. The panel of judges in determining the case of wali adhal refers to Article 89 paragraph (1) of Law Number 7 of 1989 which has been amended by Law Number 3 of 2006 and the second amendment to Law Number 50 of 2009 that the judge determines to grant the application with other points in it.

That is the case of wali adhal in the Bogor Religious Court Decision Number: 112/Pdt.P/2022/PA.Bgr. is in accordance with the provisions of Islamic law. This can be seen that according to Islamic law (kafa'ah) is equality and similarity in terms of family, religion, and mindset, so the two of them must be married, especially since there is already a love relationship between the two if not married, there will be harm. Then it is clear that the Applicant is a person who does not have a guardian because of the guardian's unavailability, so the judge's guardian is the marriage guardian of the Applicant to marry the prospective bride and groom.

As the final writing of the preparation of this research, the author will submit suggestions, as follows:

For all of us who want to get married, it is better to know, study, and understand in advance the provisions of marriage in accordance with Islamic Law and applicable laws and regulations. For prospective brides who will carry out marriage, it is better to really ensure permission to marry to the father (nasab guardian) for the prospective bride, because this is very necessary in the administration of marriage registration at the Office of Religious Affairs (KUA). With this, later if there is something that is lacking in the administration of marriage registration, the KUA can direct what should be done.

For related parties such as Religious Affairs Office officials and Islamic Law Practitioners to socialize with the public on the problem of wali adhal through studies, lectures at majlis ta'lim, Friday sermons, etc., so that they can understand how important the existence of nasab guardians in marriage.

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