

## EXAMINING THE MARRIAGE PRACTICES OF AHMADIYAH AT TRANSITO REFUGEE CAMP IN MATARAM: A STUDY OF KHI AND STATE RECOGNITION

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**Abstrak:** Penelitian ini fokus membongkar dua hal; pertama, evaluasi normatif berdasarkan hukum perkawinan Islam untuk melihat apakah perkawinan Ahmadiyah, yang menurut Fatwa MUI sudah melenceng dari Islam, sesuai dengan ketentuan dalam Kompilasi Hukum Islam (KHI) atau tidak dan kedua, identifikasi bentuk dukungan dan peran negara dalam memberikan kepastian hukum terhadap perkawinan pengungsi Ahmadiyah di Transito Mataram. Penelitian ini merupakan penelitian kualitatif-deskriptif dengan pendekatan fenomenologi. Penggalan data dilakukan dengan wawancara kepada enam informan, yang berasal dari pengungsi Ahmadiyah, pengurus dan muballigh JMAI NTB, dan ahli Hukum Islam UIN Mataram. Hasil penelitian menunjukkan bahwa pengungsi Ahmadiyah Transito Mataram melaksanakan perkawinan dengan tetap berpedoman terhadap ketentuan KHI yang mengindikasikan bahwa perkawinan mereka sah menurut hukum Islam. Pengakuan dan peran negara di perkawinan Pengungsi Ahmadiyah Transito Mataram juga yang dibuktikan dengan adanya pencatatan perkawinan Pengungsi Ahmadiyah dan adanya Kursus Calon Pengantin (*Suscatin*) kepada calon pasangan oleh Kantor Urusan Agama (KUA) sebagai lembaga negara.

**Kata Kunci:** Perkawinan Pengungsi Ahmadiyah, Kompilasi Hukum Islam, Pengakuan Negara

**Judul:** Menyoal Praktik Perkawinan Pengungsi Ahmadiyah Transito Mataram: Kajian Perspektif KHI dan Pengakuan Negara

**Abstract:** This research focuses on two main objectives. Firstly, it aims to evaluate the marriage of Ahmadiyah in accordance with the provisions in the Compilation of Islamic Law (*Kompilasi Hukum Islam: KHI*), despite being considered as deviating from Islam by Fatwa MUI. Secondly, it aims to identify the form of support and the role of the state in providing legal certainty to the marriage of Ahmadiyah refugees in Transito Mataram. This study employed a qualitative-descriptive research design with a phenomenological approach. Data was collected through interviews with six informants, including Ahmadiyah refugees, administrators and preachers of *Jamaah Muslim Ahmadiyah Indonesia (JMAI) NTB*, and Islamic Law experts from UIN Mataram. The findings indicate that Ahmadiyah refugees in Transito Mataram conducted marriages in accordance with the provisions of KHI, which suggests that their marriages were valid under Islamic law. The role of the state in the marriage of Ahmadiyah Refugees in Transito Mataram is evident through the existence of marriage registration for Ahmadiyah Refugees and the Prospective Bride Course (*Kursus Calon Pengantin: Suscatin*) provided to prospective couples by the Office of Religious Affairs (*Kantor Urusan Agama: KUA*) which represents the presence of state.

**Keywords:** Marriage of Ahmadiyah Refugees, Compilation of Islamic Law, State Recognition



## INTRODUCTION

Indonesian Islamic family law has seen several developments in modern times. According to Atho' Muzhar and Khairuddin Nasution, thirteen main issues have emerged, including the age of marriage, the role of guardians, marriage registration, polygamy, wife's maintenance, divorce and divorce in court, child maintenance, inheritance, pregnancy and its legal consequences, wills, and *waqf*.

There are other issues beyond the thirteen mentioned that require further study and response as life and international relations evolve. Masnun identified several new issues in Indonesian Islamic family law. These include the concept of family in the modern era, such as commuter marriage, family law for marginalized groups like Ahmadiyah, family relations for groups with disabilities, inheritance for non-Muslims, and family law in the midst of a pandemic.

The development of these main issues is closely tied to the growth of local religious practices in Indonesia, which are intertwined with the traditions and culture of the local communities. For instance, the *merariq* tradition is still prevalent among the Muslim community in Lombok. The practice of *merariq* encompasses not only local values and customs, but also incorporates structured Islamic teachings that guide adherents in conducting marriages.

From a sociological standpoint, the marriage practices within the Muslim society in Lombok have emerged through the dynamic interaction between Islamic law and local social institutions, often referred to as religious institutions. These institutions encompass various aspects of life that continue to evolve with time. Soerjono Soekanto recognizes that religious factors have the highest level of influence on the attitudes and social conditions in Indonesian society, alongside legal rules, morality, and civility.<sup>1</sup>

Furthermore, other studies have identified religious legal institutions as highly sensitive and significant institutions within society. These legal institutions, rooted in specific religious teachings and sects, possess the capacity to permeate and shape every facet of life, religious groups, and beliefs, leading their followers to yield and comply.<sup>2</sup>

Consequently, religious institutions are increasingly solidifying their presence as an integral part of the complex social fabric within the Muslim society in Lombok. These institutions exemplify the ongoing dynamics resulting from the long-standing relationship between Islamic law, customary law, and distinct religious practices, all of which mutually influence and guide society in coexisting within the human community.

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<sup>1</sup> Soerjono Soekanto, *Sosiologi Suatu Pengantar*, Jakarta, Rajawali Press, 2004

<sup>2</sup> Cik Hasan Bisri, *Pilar-Pilar Penelitian Hukum Islam Dan Pranata Social*, Jakarta, Rajagrafindo Persada, 2004.

This situation corresponds to what Clifford Geertz refers to as a “symbol system.” In this system, religion not only influences emotions and motivations, but also provides guidance for understanding reality and shaping one's way of life.<sup>3</sup> Consequently, there is a well-established harmonious relationship between Islamic teachings and the places where these teachings are practiced. This harmony reflects the existence of harmonious relations among followers of different interpretations, practices, traditions, and levels of spirituality within society.

In recent decades, these close social relations have become dynamic due to the presence of a transnational religious group called Ahmadiyah. Unfortunately, Ahmadiyah has been labeled a misleading cult and considered outside the boundaries of Islam by the fatwa of MUI.<sup>4</sup> According to M. Taufiq, all religious practices of Ahmadiyah have been invalidated by mainstream groups, in line with the fatwa. The MUI came to this conclusion because they deemed the fundamental beliefs of Ahmadiyah incompatible with or diverging from the teachings of Islam.<sup>5</sup>

Several previous researchers, including Aji Sofanudin<sup>6</sup>, Ridwan A. Malik<sup>7</sup>, and Chatib Saefullah<sup>8</sup>, Ridwan A. Malik, and Chatib Saefullah, have examined the implications of the fatwa of MUI on the existence of Ahmadiyah. They emphasized that this fatwa has played a significant role in creating a negative stigma against Ahmadiyah. Consequently, Ahmadiyah often faces persecution, acts of violence, intolerance, and other forms of discrimination.

The negative stigma surrounding the Ahmadiyah group has a wide-ranging impact on their lives, particularly in relation to marriage. The controversy surrounding the validity of Ahmadiyah marriage practices and their recognition by the state has given rise to various perspectives. This complexity has been further compounded by the MUI Fatwa No. 11/MUNAS VII/MUI/15/2005, which declares that Ahmadiyah deviates from Islamic teachings, based on the findings of the II MUNAS MUI in 1980.

This research focuses on the argument presented in MUI Fatwa No. 11/MUNAS VII/MUI/15/2005, which asserts that the teachings of the Ahmadiyah sect lie outside the realm of Islam. Consequently, two key aspects will be highlighted: firstly, the *Fiqh* aspects commonly compiled in Islamic Law, and secondly, the issue of legal certainty concerning

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<sup>3</sup> Clifford Geertz, *Agama Jawa “Abangan, Santri, Priyayi Dalam Kebudayaan Jawa”*, cet.ke-2, Depok, Komunitas Bambu, 2014.

<sup>4</sup> Fatwa MUI No. 11/MUNAS VII/MUI/15/2005 tentang

<sup>5</sup> Wawancara dengan M. Taufiq, pada Kamis 27 Juni 2022 pukul 14.30 WITA. Lihat juga Fatwa MUI No. 11/MUNAS VII/MUI/15/2005 tentang aliran Ahmadiyah Qodiyani di Kampus II UIN Mataram.

<sup>6</sup> Aji Sofanudin, Studi Tahapan Penanganan Kasus Jemaat Ahmadiyah Indonesia (JMAI), *HARMONI, Jurnal Multikultural & Multireligius* Vol. 11, No. 2. Tahun 2012.

<sup>7</sup> Ridwan A. Malik, Teologi Ahmadiyah Dulu, Sekarang, dan Akan Datang Di Indonesia, *Jurnal Penelitian*, Vol. 7, No. 2, Agustus 2013.

<sup>8</sup> Chatib Saefullah, Ahmadiyah: Perdebatan Teologis Dan Masa Depan Dakwah, *ANIDA, Aktualisasi Nuansa Ilmu Dakwah*, Volume 15, Nomor 2, Desember 2016.

Ahmadiyah Refugee marriages in Transito Mataram. Initially, the research aimed to normatively evaluate whether Ahmadiyah marriages, as a group considered outside Islam according to the MUI Fatwa, comply with the provisions of the *Kompilasi Hukum Islam: KHI* (Compilation of Islamic Law). Additionally, this research aims to identify the forms of support provided and the role played by the state in establishing legal certainty for marriages of Ahmadiyah refugees in Transito Mataram, including whether their marriages are legally registered by the *Kantor Urusan Agama: KUA* (Regional Office of Religious Affairs).

This article seeks to make a significant contribution to the understanding of marriage within marginalized communities, with a specific focus on the marriages of Ahmadiyah refugees in the Transito Refugee Area of Mataram. The importance of this research stems from previous studies that have explored how fatwas have served as triggers for conflicts, expulsions, and discriminatory acts against Ahmadiyah, ultimately leading them to seek refuge in Transito since 2006.

## METHOD

This study investigates the social trends and factual circumstances surrounding Ahmadiyah refugees originating from Transito Mataram. The research focuses on three main variables: interpretation, the Islamic legal perspective, and the legal certainty of responding to marriage practices among Ahmadiyah refugees from Transito Mataram.

The study adopted a descriptive qualitative approach<sup>9</sup> with a phenomenological method<sup>10</sup> to address two primary questions: Firstly, what is the suitability of marriage for Ahmadiyah Refugees according to the regulations outlined in KHI? Secondly, what role does the state play in ensuring legal certainty regarding the marriage practices of Ahmadiyah refugees in Transito Mataram?

To gather the necessary data to thoroughly examine these research objectives, the author conducted personal interviews with six informants. These informants included Ahmadiyah refugees who had married at Transito Mataram, *muballigs* (Muslim preachers), administrators from the Ahmadiyah community in NTB, as well as Islamic Law lecturers and experts from UIN Mataram. Among the informants, there were two Ahmadiyah refugees who married at the Transito Mataram Dormitory in 2021 and 2022. Two others were administrators and preachers within the Ahmadiyah community, providing insights into the internal understanding of Ahmadiyah's marriage concepts and practices. The remaining two informants were lecturers and experts in Islamic Law at UIN Mataram, selected to offer perspectives on *Fiqh* (Islamic jurisprudence) and Islamic legal regulations related to marriage

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<sup>9</sup> Sujdarwo, *Metodologi Penelitian Sosial, Bandung*: Mandar Maju, 2011.

<sup>10</sup> Smith, Jonathan A., Flowers, Paul., and Larkin. Michael. *Interpretative Phenomenological Analysis: Theory, Method And Research*. Los Angeles, London, New Delhi, Singapore, Washington: Sage. 2009.

within marginalized groups. Throughout the research, the author utilized the provisions in the KHI, integrating them with the opinions of *Fiqh* experts, and employed various marriage forms as an analytical framework.

## RESULTS AND DISCUSSION

### Islamic Law and Marriage Practices of Lombok Muslims

Islamic Civil Law and Islamic Law have been significant components of the socio-religious life of Indonesia's Muslim communities prior to the formation of the Republic of Indonesia. As a result, the plurality of laws, including sharia, customary law, and state law, has become a topic of concern and discussion among social science scholars in Indonesia, particularly those in the fields of Sharia Science and Legal Studies.<sup>11</sup> Discussions about the relationship between the three legal norms predate colonialism. One proof of their longstanding discussion is the expression “*Agama Mengato, Adat Memakai; Adaiik Bersendi Sjarak, Sjarak Bersendi Adaiik*” or “*Adat Bersendi Sjarak, Syara Bersendi Kitabullah, Syara Mengata, Adat Memakai.*”<sup>12</sup>

*Fiqh* of marriage, as a sub-topic of sharia, is widely discussed. Marriage *Fiqh* is a product of Islamic law derived from the holy book, which is universal. However, the interpretation of its adherents remains local due to certain interests, considerations, and cultural specificities. A mujtahid's legal interpretation of *Fiqh* always considers the dimensions of different places and times, and is never born in a vacuum.<sup>13</sup>

Differences in marriage practices across various regions in Indonesia, including Lombok, can be attributed to the conflict between local culture and the practice of marriage *Fiqh*. The Marriage Law, which is enforced by the state, coexists with Islamic Law and customary law that predate it. Islamic Law, Customary Law, and State Law. As a result, the people of Lombok are subject to three laws simultaneously. The Sasak people in Lombok practice three legal norms based on their level of legal acceptance, also known as legal consciousness in Ewick and Selby's socio-legal terminology.

In the implementation of Islamic Law, the Sasak community is accustomed to differences and does not rely on a single codification of the source of Islamic Law. For instance, in marriage cases, many Sasak people strongly adhere to the Shafi'i school of thought. However, when faced with inheritance cases, they use *Fiqh* sourced from other Mazhabs. In some areas of Indonesia, *Fiqh* Mazhab Shi'ah to “*Fiqh Ahmadiyah*” is one of the relevant choices for carrying out family law relations, including aspects of worship. It can be understood that the Lombok people adhere to the teachings and sharia of Islam in their marriage practices. They

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<sup>11</sup> Masnun Tahir dan Murdan, *Filsafat Hukum Keluarga Islam*. Mataram: Sanabil, 2019.

<sup>12</sup> Masnun Tahir dan Murdan, *Filsafat Hukum Keluarga Islam..*

<sup>13</sup> Muhtadi, A. S, *Pribumisasi Islam I*. Bandung: Pustaka Setia. 2005.

also follow the formal rules derived from the Marriage Law and remain loyal to practicing Customary Law.<sup>14</sup>

### **Ahmadiyah Marriage Model**

#### ***Ristanata Marriage Institution***

The members of Jamaah Muslim Ahmadiyah Indonesia (JMAI) who reside as refugees in the Transito Mataram Dormitory adhere to the endogamous marriage system. This system requires a person to marry a life partner who belongs to the same clan or sub-clan, while prohibiting them from marrying someone from a different clan or sub-clan (Wikipedia, 2018). Therefore, in the context of Ahmadiyah marriage, only marriage between fellow members of the Ahmadiyah congregation is permitted.

The regulation of marriage between Ahmadiyah followers began in 1898 with the aim of disciplining and strengthening the congregation while maintaining the characteristics of Ahmadiyah. Mirza Ghulam Ahmad, the founder of Ahmadiyah, established social procedures to regulate the behavior of Ahmadiyah followers. One of these provisions is that Ahmadiyah adherents may only marry within the Ahmadiyah group (Mahmud, 2009).

In Indonesia, the *Rishtanata* facilitates Ahmadiyah marriages. *Rishtanata* is a matchmaking institution within the Ahmadiyah Congregation provided by the Ahmadiyah management (PBJA, 2009). The JMAI NTB also operates the *Rishtana* to facilitate the matchmaking and marriage of JMAI members in NTB, including JMAI members who live as refugees in Transito are in Mataram.

The aforementioned fact is supported by the statement of one of the informants interviewed by the researcher. Ustadz Saleh Ahmadi,<sup>15a</sup> a prominent figure in the Ahmadiyah community, explained that the *Rishtanata* is an internal matchmaking service for members of the Ahmadiyah. The marriage system within the Ahmadiyah is limited to fellow Ahmadiyah members<sup>16</sup> or endogamous marriage.

Ustadz Saleh Ahmadi states that *Rishtanata* is solely an institution that facilitates matchmaking between Ahmadiyah members. It is not authorized to choose or determine with whom members of Ahmadiyah in Transito to marry. The provision of marriage among Ahmadiyah (endogamy) is an order from the founder of Ahmadiyah, Hazrat Mirza Gulam Ahmad.<sup>17</sup>

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<sup>14</sup> Masnun Tahir dan Apipuddin. *Rekognisi Fatwa Dalam Pluralisme Hukum Keluarga Islam Indonesia (Kajian Hukum Islam Sustainable)*. Jakarta: ADHKI. 2020.

<sup>15</sup> *Muballigh* of JMAI NTB

<sup>16</sup> *Interview* with Ustadz Saleh Ahmadi, at his residence at Jln. Margapati, on August 24, 2022, at 16.30 WITA.

<sup>17</sup> *Interview* with Ustadz Saleh Ahmadi, at his residence at Jln. Margapati, on August 24, 2022, at 16.30 WITA.

Ustadz Saleh Ahmadi explained that Rishtanata is an institution formed within the JMAI organization that takes care of the marriages of JMAI worshipers. The Rishtanata only operates within JMAI. Therefore, any JMAI member who wants to carry out a marriage, including JMAI members who live in the Transito Mataram, must be facilitated by the Ristanata Institution.<sup>18</sup>The Rishtanata in NTB is managed by the Jamaah Muslim Ahmadiyah Indonesia, West Nusa Tenggara.

### ***Marriage Model***

JMAI members practice endogamous marriages, which require them to marry within their own clan or group. This means that members do not marry individuals from other groups. Endogamous marriages serve various purposes, including the circulation of wealth within the group, strengthening clan defense against enemy attacks, and maintaining bloodlines (*nasab*), among other exclusive motives.<sup>19</sup>

For Qadian-based Ahmadiyya Muslims, it is mandatory to marry within the Ahmadiyya community.<sup>20</sup>Marriage regulations are only applicable to men and women who belong to the Ahmadiyya group. An Ahmadi woman is not permitted to marry a non-Ahmadi man. Marriages that violate these provisions are not acceptable within the Ahmadiyya Muslim community.<sup>21</sup>

There is a story that has been passed down for generations within the Ahmadiyya Muslim community. According to the Ahmadiyya Muslim Jama'at, it is not permissible for an Ahmadi girl to marry a non-Ahmadi man. Violating this provision results in expulsion from the community, but forgiveness is possible upon sincere repentance. Violation of the marriage provision in the Ahmadiyya Muslim Jamaat results in expulsion from the organization for six years,<sup>22</sup>and those who violate it are considered apostates.<sup>23</sup>Organizational sanctions will be imposed on those who violate this provision for violating the rules and regulations of Ahmadiyah teachings.<sup>24</sup>However, according to observations and excavations made by the researchers, some members of JMAI who reside in Transito area are married to non-Ahmadi residents.

When asked about the reasons behind the provision of endogamous marriage in JMAI, Ustadz Saleh Ahmadi explained its importance. According to JMAI, one of the goals of marriage is to create a peaceful, harmonious, and loving family. Therefore, JMAI members

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<sup>18</sup> Interview with Ustadz Saleh Ahmadi, at his residence at Jln. Margapati, on August 24, 2022, at 16.30 WITA.

<sup>19</sup> Sunarto Soekanto, *Pokok-Pokok Sosiologi Hukum*. Jakarta: Raja Grafindo Persada. 2004.

<sup>20</sup> Mardhatillah dan Masyithah, *Rishtanata As An Internal System Of Jama'ah Ahmadiyah Marriage Banjar Negara, Central Java. International Confrence UIN Syarif Hidayatullah Jakarta*, 2015.

<sup>21</sup> Mirza Basyruddin Mahmud Ahmad, *Rivayat Hidup Mirza Ghulam Ahmad*, Bogor. JMAI, 2009.

<sup>22</sup> MAJA, *Buku Pedoman Rishtanata*. Majelis Amilah Jamaat Ahmadiyah Indonesia. 2004.

<sup>23</sup> PBJA. *Pedoman Ristha Nata (Perjodohan)*. Bogor: PB JMAI. 2009.

<sup>24</sup> Interview with Mr. Jauzi, at his residence on Jln. Tourism on August 26, 2022, at 17.34 WITA.

prefer to marry within the Ahmadiyya community. This preference is even stronger for certain groups within Ahmadiyya, where marrying within the community is a requirement.<sup>25</sup>

Endogamous marriage has both advantages and disadvantages. One disadvantage is the possibility of offspring with physical or mental disabilities due to the close kinship between the parents. Additionally, endogamous marriages can cause disputes within the group, particularly if the marriage ends in divorce. However, this marriage model has advantages as well, such as increasing group solidarity and militancy, and allowing for the full utilization of group resources for the benefit and independence of the group. It is important to note both the advantages and disadvantages of this model.

Nurul Asiya Nadhifah conducted research on the marriage practices of Ahmadiyya Congregations in Surabaya. Her dissertation titled 'Marriage of Indonesian Ahmadiyya Congregations in Surabaya' identified several factors behind the existence of endogamous marriages, including family background knowledge, growing love, arranged marriages, protection of family property, strengthening of brotherhood, continuation of bloodline, and lack of association.

### **Marriage Practice of Ahmadiyah Refugees in Transito** *Perspective of Compilation of Islamic Law (HKI)*

In practice, marriages among members of the *Jamaah Muslim Ahmadiyah Indonesia* (JMAI) who reside in the Transito area are identical to those of Muslims in Lombok in general. The pillars and conditions of marriage are exactly the same, following the *Fiqh* rules compiled in the KHI. JMAI members residing in the Transito follow Islamic law in accordance with the majority of Indonesian Muslims, specifically based on KHI.

Saleh Ahmadi stated that the Ahmadiyah group adheres to all state provisions for its people, including those related to marriage in both KHI and Law No. 1 of 1974 concerning marriage, and also complies with the regulations regarding the age of marriage as stipulated in Law No. 16 of 2019.

“We must comply with the provisions and orders of this country, even in the case of marriage carried out by Ahmadiyah refugees at Transito. We must comply with the provisions and orders of this country, even in the case of marriage carried out by Ahmadiyah in Transito. We must comply with the provisions and orders of this country, even in the case of marriage carried out by Ahmadiyah refugees in Transito. The rule serves as the foundation of behavior. The marriage of our members in Transito is recorded and carried out in front of the KUA. This is a common practice

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<sup>25</sup> Interview with Ustadz Saleh Ahmadi, at his residence at Jln. Margapati, on August 24, 2022, at 16.30 WITA.



for all marriages carried out by Ahmadiyah refugees in Transito, and always involves inviting KUA.”<sup>26</sup>

The following is the data of Ahmadiyah followers who have married while living in the Transito area in Mataram:

**Data of Ahmadiyah Refugees Who Have Married  
In Transito<sup>27</sup>**

No	Spouses		Address	Date of marriage
	Husband	Wife		
1	Abdullah	Nurhayati	Suami: Transito Istri: Transito	2008
2	Herman	Asniwati	Suami: Transito Istri: Ireng	2011
3	Ahmad SM	Harmiatusun	Suami: Kediri Istri: Pengadang	2012
4	Muhtarom	Masitah	Suami: Kalteng Istri: Transito	2007
5	M. Ridwan	Iswahyuni	Suami: Riau Istri: Transito	2008
6	Zul hijri	Nurpadianti	Suami: Transito Istri: Bima	2015
7	Rudi Hartono	Rumititi	Suami: Transito Istri: Sandik	2018
8	Taufiq hidayat	Ridwanatul Fadilah	Suami: Transito Istri: Transito	2019
9	M. Zuhri	Mardiana Solihah	Suami: Transito Istri: Transito	2017
10	Ahmad Zamrianto	Uindi	Suami: Transito Istri: Dasan Agung	2016
11	Agus Zamroni	Rina	Suami: Transito Istri: Sandik	2022
12	Safir Ahmad	Nilyanti	Suami: Transito Istri: Gereneng	2017

The provided data covers the period from 2007 to 2022 and pertains to the number of Ahmadiyah refugees who got married in Transito. However, it does not provide specific information on the number of registered marriages among the refugees. The data presents a general overview of the number of marriages that took place in Transito area, but it should

<sup>26</sup> *Interview* with Ustadz Saleh Ahmadi, at his residence at Jln. Margapati, on August 24, 2022, at 16.30 WITA.

<sup>27</sup> Data taken from Khaeruddin, one of the administrators of the Indonesian Ahmadiyya Jamaat in West Nusa Tenggara.

be noted that there were also marriages among Jamaah Ahmadiyah outside of Transito Dormitory during the same time period.

Khaerudin explained that the data recorded since 2007-2022 relates to the number of Ahmadiyah members who held marriage in Transito Mataram. Mr. Khaeruddin always records and documents all activities, including marriages held by Ahmadiyah in Transito.<sup>28</sup>

During their stay in Transito, many socio-religious activities were carried out by Ahmadiyah refugees. The following is a description of the marriage practices among Ahmadiyah refugees in Transito, including those with *Jamaah* from outside the refugee camp. Saleh Ahmadi emphasized the importance of adhering to the Ahmadiyya marriage system while also adapting to the local conditions of Lombok.<sup>29</sup>

The description will be presented objectively and without subjective evaluations. The marriage practices of Ahmadiyah refugees are evaluated based on the provisions outlined in the KHI to determine whether they meet the requirements for a valid marriage. The marriage practices of Ahmadiyah refugees are evaluated based on the provisions outlined in the KHI to determine whether they meet the requirements for a valid marriage. The author then seeks to verify these practices by consulting with Islamic law experts from UIN Mataram.

The findings indicate that the pillars and conditions of marriage, as outlined in Article 14 of KHI, have been met and put into practice by Ahmadiyah refugees in Transito. An interview with Agus Zamroni, who got married in 2022, confirms that the prospective husband and wife are Ahmadiyya men and women who live in Transito or outside Transito and are Muslims who believe in Ahmadiyya. Both the husband and wife have reached the eligible age according to the provisions of KHI and the Marriage Law,<sup>30</sup> which state that men must be 19 years old and women must be 16 years old. For those who married in 2019, the average age for both men and women is over 19 years old, as stipulated in Law No. 16 of 2019.

The marriage of the Ahmadiyah refugee couple in Transito was based on the mutual consent of the bride and groom. The ceremony was officiated by the Penghulu from KUA Pejanggik who was present. No one is obligated to marry someone chosen by their parents or by an institution that applies only to Ahmadiyah congregations, namely the ristanata institution. The marriage guardian is typically the father or parent of the bride.<sup>31</sup> It is important to note that in Transito, there has never been a marriage of Ahmadiyya refugees by a judge guardian, only by the

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<sup>28</sup> *Interview* with Khaeruddin, Ahmadiyah Refugee in Transito camp, in Transito, Mataram. August 27, 2022, at 17.15 WITA

<sup>29</sup> *Interview* with Ustadz Saleh Ahmadi, at his residence Jln. Margapati Mataram, on August 24, 2022, at 16.30 WITA

<sup>30</sup> *Interview* with Agus Zamroni, at his residence Jln. Margapati Mataram, on August 24, 2022, at 16.30 WITA.

<sup>31</sup> Administrator of JMAI NTB

*nasab* guardian. The marriage contract was witnessed by individuals who signed the Marriage Certificate at Transito.<sup>32</sup>

During the *Ijab Qabul* process, Ahmadiyah brides and grooms typically begin by reciting *istigafar* and *shahadat*. The bride requested her guardian's permission to marry her prospective partner. The guardian then proceeded with the *ijab* and *qabul* ceremony, which is a customary part of Muslim marriage contracts in Lombok. It is worth noting that the marriage of Ahmadiyah refugees in Transito was officiated by the *penghulu* or Marriage Registrar from the Religious KUA of Pejanggik, Mataram.

When asked whether Ahmadiyah refugees follow or adjust to state rules and regulations regarding marriage procedures, Mr. Jauzi, the administrator of the JMAI NTB, firmly explained that in Ahmadiyah teachings, it is mandatory to obey the legitimate government and comply with all applicable laws. Ahmadiyah are prohibited from committing treason and rebellion against the legitimate government of the country, regardless of where they reside. Additionally, the provisions in KHI, including those in the Marriage Law, do not contradict the teachings of Ahmadiyah.<sup>33</sup>

Ustadz Saleh Ahmadi explained on a different occasion that the endogamous marriage model applies internally for Ahmadiyah. He also mentioned that for the purpose of household harmony, there is one thing that in principle also becomes the reason why the marriage is internally devoted to the Ahmadiyah. This is because the similarity and uniformity in actions and practices that become a privilege in the Ahmadiyah body will be damaged. For the greater purpose, Ahmadiyah Transito made an effort to ensure that the marriage only took place within the *jamaah* Ahmadiyah. This is because couples with similar visions and ideologies are more likely to have a harmonious and strong relationship. It is possible for couples to negatively influence each other if they have different views on marriage or religious practices.<sup>34</sup>

To confirm the legal validity of the marriage practice carried out by Ahmadiyah in Transito, the author examines the views of UIN Mataram academics, specifically Prof. Dr. Miftahul Huda, M.Ag. According to him, a law should be judged based on its external aspects. Therefore, as long as the *Fiqh* requirements have been met, the marriage is considered valid. The *Fiqh* rule proposed by Professor Miftah in this context is "*nahnu nahkumu biẓẓawahir waAllohu a'lamu bissaroir*," meaning that punishment can only be based on outwardly visible actions and statements, such as the implementation of Ahmadiyah

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<sup>32</sup> Interview with Mr. Jauzi, at his residence Jln. tourism on August 26, 2022, at 17.34 WITA

<sup>33</sup> Interview with Mr. Jauzi, at his residence Jln, Tourism on August 26, 2022, at 17.34 WITA

<sup>34</sup> Interview with Ustadz Saleh Ahmadi, at his residence Jln. Margapati Mataram, on August 24, 2022, at 16.30 WITA.

marriage. While intentions and beliefs are matters known only to Allah SWT, humans can have no knowledge of them.<sup>35</sup>

Additionally, Professor Miftah clarified that MUI Fatwa should not be considered a legally binding provision. He noted that there are different versions of Ahmadiyah, including Qadiyan and Lahore. Some Ahmadiyya recognize Mirza Gulam Ahmad as a reformer (*mujaddid*) rather than a Prophet. Therefore, books such as *At-Tazkirah* have a similar status to the books of leaders of the *Fiqh Mazhab* that are well-known. If there is an issue with *aqidah*, it is the responsibility of MUI to guide individuals back to the correct path. Differences in views can arise not only in *Fiqh* but also in *aqidah*. This is why there are various schools of thought in *'ilmu kalam* and *Fiqh* throughout history.<sup>36</sup>

### **State Recognition of Marriage of Ahmadiyah Refugees in Transito**

The government of Indonesia, including its local structures such as the Regional Office of the Ministry of Religious Affairs of NTB Province (*Kantor Wilayah Kementerian Agama NTB*), the Regional Government of NTB Province (*Pemerintah Provinsi*), and Regency/City (*Pemkab/Pemkot*), as well as the District and Village Level Governments (*Camat* and *Kepala Desa*), has the obligation to guarantee and protect the rights of all citizens without exception. The paper does not aim to discuss the protection, recognition, and role of the state towards the rights of Ahmadiyah refugees in Transito in general. Instead, it focuses on exploring the concrete form of the state's presence and recognition towards the marriage practice of Ahmadiyah refugees in Transito. To assess the form of recognition, the author considers formal legal measures as one of the important parameters.

From a formal legal perspective, certain principles serve as the basis for argumentation that enables an understanding of the various forms of state recognition of marital rights implemented by Ahmadiyah refugees. The principle of Human Rights mandates that the government recognizes citizens' rights to life, freedom from torture, freedom of thought and conscience, religion, freedom from enslavement, recognition as a person before the law, and protection from prosecution based on retroactive laws. These human rights cannot be reduced under any circumstances and have become a constitutional mandate.<sup>37</sup> The Universal Declaration of Human Rights, carried out by the United Nations in 1948,<sup>38</sup> emphasizes the commitment to human rights principles, including the right to life and freedom of religion. This includes the right to marry a partner according to one's religion and belief. It is the state's responsibility to ensure that Ahmadiyya refugees can obtain their marriage rights without discrimination or obstacles.

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<sup>35</sup> Interview with Prof. Miftah, at UIN Mataram campus on September 12, 2022, at 11.10 WITA.

<sup>36</sup> Interview with Prof. Miftah, at UIN Mataram campus on September 12, 2022, at 11.10 WITA.

<sup>37</sup> Article 28 I of the 1945 Constitution.

<sup>38</sup> United Nation, *Universal Declaration Of Humant Right*, 2015

Secondly, the principle of equality implies that state recognition aims to promote social inclusion by granting equal rights to all citizens, regardless of their religious background or beliefs, without discrimination. This principle ensures equal treatment under the law,<sup>39</sup> including for Ahmadiyah refugees in the context of marriage. It means that the law must be applied consistently without discrimination against any religious group or belief recognized in Indonesia.

Additionally, the principle of legal certainty and religious identity requires a clear, measurable, accessible, and predictable legal system. The administrative recognition of marriage for Ahmadiyah refugees in Transito is highly relevant. State services for Civil Registration documents of Ahmadiyah refugees began in 2015-2016, approximately 14 years after their displacement to the Transito.

This principle would ensure that marriage laws applicable nationwide provide clear guidance on the requirements, procedures, and rights associated with marriage for all Indonesian citizens without exception. Therefore, the application of marriage law could include the recognition of Ahmadiyya religious identity, ensuring objectivity and balance.

If the identity card of Ahmadiyah refugees states that they are Muslim, then the state will recognize and ensure that their treatment in the context of marriage is in accordance with their religious identity as Muslims, as claimed by them. Therefore, once the principle of legal certainty has been fulfilled, there is no constitutional basis for rejecting their existence or marital activities.

Therefore, Ahmadiyah refugees will be guided by the existing rules in the HKI and the Marriage Law. Government recognition will depend on fulfilling legal requirements, such as marriage registration, approval of the marriage guardian, and meeting all the pillars and conditions set forth in the HKI and Marriage Law.

This research has successfully revealed the forms of state recognition that legally guarantee the rights of Ahmadiyah refugees in terms of marriage. The first form is marriage registration. The KUA recognizes the marriage of Ahmadiyah refugees as a valid marriage according to KHI and Marriage Law. The concrete recognition of the marriage of Ahmadiyah refugees is evident in their equal access to register marriages at the KUA Pejanggik. As a result of these efforts, they now possess a marriage book that was previously unobtainable from the KUA prior to 2015, along with the Civil Registration documents they obtained at that time.

Additionally, religious services are now available to them. The services provided to Ahmadiyah refugees in the context of marriage include pre-marital guidance for prospective brides, also known *kursus calon pengantin (suscatin)* by KUA Pejanggik. Every prospective bride

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<sup>39</sup> Wiwik Afifah, Bantuan Hukum Kelompok Rentan, DiH: *Jurnal Ilmu Hukum* Volume 16 Nomor 1 Februari 2020 – Juli 2020.

and groom, including those from Ahmadiyah refugees, receive marriage guidance and consultation from KUA.

Additionally, Ahmadiyah refugees are given the option to choose the location for their marriage contract. They can either go to the KUA Pejanggik or have the *penghulu* attend as a Marriage Registration Officer at Transito Mataram.

## CONCLUSION

The research results suggest that the Rishtanata facilitates the marriage practice of Ahmadiyah refugees in Transito. This practice is not limited to fellow members of Ahmadiyya or the endogamous system, as it can also involve parties outside the Ahmadiyya members. The marriage practices of Ahmadiyah refugees are in accordance with the provisions of the marriage law stipulated in the HKI. This is because they have fulfilled the pillars and conditions of marriage according to the HKI, and their practices do not conflict with Marriage Law No. 1 of 1974. The state plays a role in guaranteeing the rights of Ahmadiyah refugees in the context of marriage by conducting marriage registration through KUA Pejanggik. Additionally, prospective brides of Ahmadiyah refugees receive pre-marriage guidance and participate in the Bride-to-be Course (*kursus calon pengantin*) activities facilitated by the KUA Pejanggik.

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