

Contextualization of the Law of Marrying Adultery on *Married by Accident* Phenomenon in the Hadith History of Imam Abu Dawud

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Abstract

This article contains the legal contextualization of marrying adulterers on the emergence of the phenomenon Married by Accident in Indonesia with the hadith in Sunan Abu Dawud number 2052. The discussion regarding the quality of the hadith in Sunan Abu Dawud number 2052 in its use as evidence (hujjah) and how is the correlation between the meaning of the hadith and the contextualization of the rules of marrying an adulterer in the phenomenon of married by accident is interesting to discuss seeing the position of hadith as a muttafaq source in addressing all of the problems in human life. The method used in this study is a fiqh-hadith approach using takhrij hadith. The results obtained show that the quality of the hadith prohibiting adulterous marriage on Sunan Abu Dawud number 2052 can be categorized as authentic hadith and can be used as evidence (hujjah) in the legal decision (istinbath) of marrying adulterers. Meanwhile, the meaning analysis of this hadith correlated with the Married by accident phenomenon can be known that the law of marrying an adulterer is permitted by consider the benefit in it.

Keywords: *Abu Dawud, Married by Accident, Adulterers.*

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INTRODUCTION

Islam provides benefit or convenience for all people. Along with the development of the dynamic problems of Muslim life today, the existence of religion as a tool to control human life is very much needed. Islamic law has a broad scope in regulating all forms of actions *mukallaf* during his life. Islamic law also regulates the relationship or interaction of a Muslim in their social life. Humans are social creatures who cannot be separated from their relationship with one another. The existence of relationships or relationships between individuals is a necessity because surely every human being has a need to interact with others (*muamalah*). One form of interaction between humans that has become *sunnatullah* is marriage.

Today, there are lots of new problems in the topic of marriage in the millennial era, such as the emergence of the term *married by accident* (MBA). or more commonly known as a marriage that takes place due to a previous pregnancy. The issue of being *married by accident* is one of the most talked about discussions because there are so many cases that have emerged in the community. On average, those who marry early do not continue their higher education (Mabefam, 2012). This phenomenon occurs mostly in eastern regions such as Madura and

Lombok (Platt, 2012). The phenomenon of early marriage is prone to occur due to difficult economic reasons (Svanemyr, 2015). The issue of early marriage is also supported by a system that is not standardized (Nurlaelawati, 2016). As reported by the governor of East Java, the number of early marriages during the pandemic experienced a very significant increase where 80 percent was due to cases of *married by accident*. (Khofifah, 2001). The role of the mother, the environment, the work of parents and the prevailing culture in society have an important role in determining the occurrence of the MBA issue (Kamal, 2015).

Writings about *married by accident* have been researched, some of which are written by Rahmi Fauziah with Erianjoni which raises an empirical theme by examining public opinion on women who are pregnant before marriage in Tanah Datar (Rahmi, 2019). Then Putri Perwita Sari with Dinie Ratri Desinigrum (2017) wrote a phenomenological study of marriage due to premarital pregnancy. Another study is the consequences of Married by Accident in terms of Islamic law and positive law by Imawanto, Edi Yanto, and Mappanyompa (2018). In addition, discussions related to MBA are also reviewed from other perspectives, such as Nenan Julir's writing with the title "MBA (Married By Accident) in a Review of Ushul Fiqh". (Nenan, 2014). Another research is an article by HM Ridwan Hasbi (2013) which examines MBA marriage in a review of the Prophet's Hadith. However, this research does not focus on only one hadith and the method does not use *takhrij* hadith. From these previous studies, it is still rare to find writings discussing the MBA phenomenon associated with the hadith of the Prophet Muhammad. Departing from these data, the authors are interested in researching the MBA phenomenon associated with one of the hadiths, namely HR Abu Dawud number 2052.

The large number of cases that are classified as large, therefore the understanding of this phenomenon needs to be reviewed more deeply. What is the view of Islamic law in responding to this phenomenon. Hadith as one of the sources of law *muttafaq* which is agreed upon by the scholars needs to be investigated more deeply regarding its validity, this issue is no exception. One of the relevant hadiths related to the MBA issue is the hadith about marrying adulterers in Sunan Abu Dawud number 2052. The selection of this hadith is based on the existence of this hadith as a reinforcement of the verse regarding the law prohibiting marrying adulterers in Surah an Nur verse 3. The position of this hadith in Sunan Abu Dawud is located in the chapter on the affirmation of *Kalamullah* Surah an Nur verse 3, so it is interesting to investigate further about the quality of the hadith in its use as evidence in determining the law regarding marrying adulterers.

In responding to the MBA problem, it is necessary to study more deeply through the method *takhrij* hadith. So that the formulation of the problem raised is how is the quality of the

hadith of HR Abu Dawud number 2052 in its use as *evidence*. Then how is the correlation between the meaning of the hadith and the contextualization of the rules of marrying an adulterer in the phenomenon of *married by accident*? Therefore, HR Abu Dawud number 2052 need to be studied comprehensively to provide a complete understanding of the existence of these problems. In this article, we will discuss the quality and level of authenticity of the hadith in Sunan Abu Dawud number 2052 and their understanding of the contextualization of the phenomenon of *married by accident*.

1. *Married by accident*

a. Understanding

Married by accident comes from two words in English, namely *married* and *accident*. The word *married* comes from *marriage* which means marriage, marriage, or marriage, marriage. Then the word *accident* which means accident, the purpose of accident is an unexpected event in the form of a pregnancy that occurs outside a legal bond or before the occurrence of marriage. Combined, *married by accident* is a marriage that occurs due to an unexpected pregnancy. The general public used to call it pregnant out of wedlock.

The incident of pregnancy out of wedlock occurs when a woman and a man have a husband-wife relationship which causes the sperm from the man to fertilize the egg in the woman's womb, and without a legal marriage bond. (Dina Qottima, 2018) Gatot Supramono stated that extramarital relations are relationships that occur between women and men as husband and wife without legal status in Law no. 1 of 1947 concerning Marriage. (Gatot Supramono, 1998)

b. Islamic view The

phenomenon of *married by accident* because pregnancy that occurs outside of marriage in Islam is also called adultery. Zina is a sexual relationship between a man and a woman outside of a legal marriage according to Islamic sharia between the two, on the basis of, whether married (*consensual consent mukhsan*) or unmarried (*ghair mukhsan*) (Neng Djubaidah, 2010). The act of adultery is clearly strictly prohibited, especially in Islam activities that approach adultery alone are prohibited, as in the QS. al-Isra' verse 32:

لَا إِلَٰهَ إِلَّا اللَّهُ ۚ إِنَّهُ كَانَ يَتَذَكَّرُ أَلَّا يَكُونَ مِنَ الْمُفْسِدِينَ

“do not approach adultery; verily, adultery is a vile and bad act.” (Surah al-Isra' (17): 32)

Based on the information above, *married by accident* means an act that deviates from Islamic teachings or customs in society. And MBA is a marriage that is carried out after a

woman and a man have sexual relations like husband and wife so that women experience pregnancy from their actions. (Neng Djubaidah, 2010)

c. Overview of the Compilation of Islamic Law (KHI)

The *provisions* regarding *married by accident* in the Compilation of Islamic Law (KHI) have been listed in Chapter VII Article 53 paragraphs (1) to (3), as follows: “

- (1) A pregnant woman out of wedlock, can be married to a man who impregnated her.
- (2) The marriage with a pregnant woman referred to in paragraph (1) can be carried out without waiting for the birth of her child.
- (3) With the marriage taking place when the woman is pregnant, there is no need for remarriage after the child is born.”

The formulation of the regulation has been based on several considerations. Starting from differences of opinion brought by fiqh scholars and psychological and social conditions people in Indonesia, using the ushul fiqh method, considerations of *istihsan* are also used. Between the *ikhtilaf* of the scholars and the *'urf* in the community, it is concluded that the permissibility of this marriage brings more *maslahah* than prohibits it. These provisions are general in nature and are written in brief. This is because it provides broad thinking opportunities by Judges in the Religious Courts when resolving a related case. (Cik Hasan Bisri, 1999)

d. Adultery Factors

The occurrence of *married by accident* is the result of adultery or sex outside of marriage or pre-marital sex. Based on research conducted by Putri Perwita Sari and Dinie Ratri, the factors of someone having sex outside of marriage are as follows: (Sari and Desiningrum, 2017)

1) Internal Factors

- a) Age classified as a teenager.
- b) Does not have a good understanding and application of religion.
- c) Free and unfavorable association, and lack of supervision from parents.
- d) Does not have strong self-control when invited by a partner to have sex.
- e) Confident to their partner that he will be responsible, so they are willing to accept the man's sex invitation.
- f) Individual behavior that is not controlled from an early age, such as frequent truancy, smoking, drinking alcohol, and others.

2) External Factors

- a) Influenced by stories from friends who have had sex.

- b) Dating exceeds the limit to frequent sexual activities.
- c) Not close to their parents spiritually, parents do not have enough time to accompany and supervise their children, thus causing their children not to open up to their parents.
- d) Improper parenting.

2. The Quality of Hadith as Hujjah

The core part of the hadith is the matan and the sanad. Both elements must have sufficient qualifications to be used as evidence. Sanad is a lineage or link between the student and the teacher that continues without being interrupted until it reaches the Prophet Muhammad. While matan is the content or content of the hadith. A hadith is confirmed to be authentic by starting from a study of the sanad, if the sanad is authentic, it can be continued to the study of the matan, although it is very rare to find problematic matan if the sanad is authentic. (Andi Rahman, 2017)

a. Takhrij Hadith

Takhrij hadith is an attempt to get the quality of one or several hadiths by tracing the matan and sanad of hadith by tracing several original sources in full. (Jon Pamil, 2012). M. Shuhudi Ismail (1992) states that *takhrij al-hadith* is a search or research of a hadith into several books which are the original sources of the hadith in question and in that source mentions the complete sanad and matan of the hadith in question.

Takhrij hadith aims to explain the sources of hadith and analyze whether or not a hadith is accepted or not. The finale of this hadith is very useful for knowing the original source of a hadith and also the scholars who narrated it, clarifying the narrators of the hadith who are still vague or whose identity is unknown, explain the place and time of the emergence of the hadith in question, and so on. (Jon Pamil, 2012).

b. Criticism of the Sanads

The scholars of hadith have agreed on the rules for investigating the authenticity of the sanad of hadith. The determined rules are (Zubaidah, 2015)

- 1) The chain of a hadith must be continued (*muttasil*) from the beginning to the end of the Prophet Muhammad.
- 2) The narrator must be fair, namely Islam, *mukallaf*, *muru'ah* and implement the provisions of the Islamic religion.

- 3) The narrator must be *dhabit*, that is, his memorization is always awake if he narrates the hadith from rote or notes if he narrates from the book, is able to narrate without any errors. The narrator is called *tsiqah* if it is fair and *dhabit*.
- 4) Sanad avoids *shuzuz* (no contradiction between narrations)
- 5) The protected from *illah*, that is, there is no error in the assessment of *tsiqah* sanad and the determination of the connected sanad.

The steps when criticizing the chain based on Syuhudi Ismail, are: (Zubaidah, 2015).

- 1) *I'tibar*, is juxtaposing other sanad against a hadith that has only one sanad to know the whole chain.
- 2) Make a scheme of sanad by paying attention to the path of all the sanad, all the names of the narrators for all the sanad, and the method of narration used per narrator.
- 3) Personally tracing each narrator and his method of narration with the rules mentioned above.

c. Matan's Criticism

In brief, the criticism of matan which is used in today's era (post-codification) is carried out in several ways as follows: (Zubaidah, 2015)

- 1) Correlate with verses of the Qur'an that have a similar theme or editorial.
- 2) Comparing with other similar authentic saheeh hadiths.
- 3) Comparing with matan hadith in other books.
- 4) Comparing with historical facts.

RESEARCH METHODS

This research is qualitative research using library research or *library research* and study approach hadith literature and approach. The research begins by tracing data taken from books, classics, articles in several journals, scientific works in the form of theses and theses, as well as collecting research related to the theme of *married by accident*, *takhrij* hadith, and HR Abu Dawud number 2052.

Methods in understanding hadith HR. Abu Dawud number 2052 according to Arifuddin Ahmad can be done with intertextual interpretation, contextual interpretation, and textual interpretation. Textual interpretation is carried out on the matan of hadith based on text alone, contextual interpretation such as tracing the *asbab al wurud* and intertextual interpretation by observing the systematics of the matan hadith with other hadiths that are the same theme or can

be with meaningful verses of the Qur'an. (Muhammad Asriady, 2019) In tracing kehujjahan hadith, major books used was the book "*Tahdheebal Kamal fi Asma 'al-Rijal*" by Jamal al-Din Abu al Hajjaj Yusuf al-Mazi, and the book advocates such as the book "*TaisirMustholahul Hadi*" by Muhammad Thahan.

After obtaining supporting data, the author will read and analyze the data obtained and map the data regarding *married by accident*, causes *married by accident*, legal basis, hadith about *married by accident*, and perform takhrij hadith. Then from the results of exposure to the data obtained, the authors provide a discussion based on the analysis related to *married by accident* and the hadith regarding the implementation of *married by accident* and draw conclusions.

RESEARCH RESULTS AND DISCUSSION

Hadith about *Married by accident*

Married by accident (MBA) is a marriage performed by a woman who has had premarital sex. One of the basic law in the hadith that describes these events is the hadith narrated by Imam Abu Dawud number 2052 in the chapter on marriage on the prohibition of marrying an adulterer, which reads:

(قال رسول الله صلى الله عليه و سلم: لا ينكح الزاني المجلود إلا مثله وقال أبوالمعلم بن (رواه ابو اود

The Messenger of Allah sallallahu 'alayhi wa sallam said: 'A person who has been afflicted with adultery should not marry except with a woman like herself.'

The hadith is also contained in the *Musnad of Imam Ahmad bin Hambal* juz 2 of hadith number 324 based on the fragment of lafadz contained in the book of *al - Mu'jam al - Mufahras li Alfadz al - Hadith an Nabawy*, namely in the lafadz المجلود and (AJ Wensinck, 1926).

1. Criticism of the Sanad

The following is a series of narrators involved in narrating the hadith prohibiting marrying an adulterer, namely; Imam Abu Dawud, Musaddad bin Musarhad, Abu Ma'mar, Abdul Warist, Habib al-Muallim, Umar bin Shuaib, Said al-Maqbury, Abu Hurairah.

Table 1. *Jarh wa Ta'dil* HR. Abu Dawud No 2052

Name of Narrator	TL – TW/ Age	Teacher	Student	Jarh wa Ta'dil

Musaddad bin Musarhad	Birth : - Death : 228 H Age : -	47 people · Ismail bin Ulayyah · Umayyah bin Khalid · Abdul warist bin said	20 people · Al bukhori · Abu Dawud · Ibrahim bin Ya'qub Al Juzjany	· Yahya bin Main : <i>shoduq</i> · An Nasa'i : <i>tsiqatun</i>
Abu Ma'mar	Born : - Died : - Age : -	· Abdul Waarist bin Said	· Al Bukhori	· قد تقدم الأسماء (<i>wa qad taqadum fil asama '</i>)
Abdul Warist	Born : - Died : 180 H Age : 78	60 People · Ismail bin Umayya · Habib al-Muallim · Husain al Muallim	44 People · Ibrahim bin Hajj As samiyu · Abu Ma'mar · Musaddad	· Abu zur'ah: <i>tsiqatun</i> · Abu: <i>Hatimtsiqatun shoduq</i> · An Nasa'i : <i>tsiqatun satun</i>
Habib	Born : - Died : - Age : -	5 People · Atho' bin Abi Robaah · Al Hasan Al Basri · Umaru Bin Shuaib	5 people · Hammad bin Salamah · Abdul Warist ibn Said · Abdul Wahhab As Saqofiy	· Abu Zur'ah : <i>tsiqatun</i> · An Nasa'i : <i>Laisa bil qawiyy</i>

Umaru bin Shuaib	Born : - Died : 118 H Age : -	25 People · Said ibn abi said al Al maqbury · Shuaib bin Muhammad · Said bin musayyab	81 people · Ibrahim bin Maisaroh At Thoify · Osama bin Zaid Al Laitsy · Habib Al Mu'lim	· Yahya bin ma'in: <i>Yuktabu hadithsahu, tsiqatun</i> · Nasa'i : <i>tsiqatun</i>
Said al – Maqbury	Birth : - Died : 126 H Age : -	41 people · Anas bin Malik · Said bin Abi Waqas · Abi Hurairah	52 People · Ibrahim bin Tahman · Ayub bin Musa · Umaru bin Shuaib	· Ahmad bin Hanbal : <i>Laissa bihi ba'sun</i> · An Nasa'i : <i>tsiqatun</i> · Abu Hatim : <i>shoduq</i>
Abu Hurairah	Born : - Died : 57/58/59 H Age : -	9 people · Prophet Muhammad SAW. · Osama bin Zaid bin Harist · Umar bin Al khottob	350 People · Ibrahim bin Ismail · Anas bin Malik · Said bin abi said al maqbury	· Companions of the Prophet Muhammad who memorized and narrated hadith from him

2. Matan's Criticism

a. Comparing Hadith with the Qur'an

Judging from its correlation with the Qur'an, the hadith regarding the prohibition of marrying adulterers has previously been found in Surah an-Nur verse 3 which is one of the *asbabul wurud* of this hadith. In the hadith regarding the prohibition of marrying

adulterers, this is a reaffirmation of the Messenger of Allah on the Surah an-Nur verse 3. So the hadith can be said to be a reinforcement of the existence of this surah.

Hadith as *bayan al-ta'kid*, meaning that hadith has a role and function to strengthen the laws contained in the Koran. That is, the *sunnah* is simply repeating what the Qur'an says, so that an act has two sources of law at once (Umi Sumbulah, 2016).

The verse above explains the obligation of all people to avoid adulterers, especially if you plan to become a life partner. A person who is pregnant before marriage can only marry a man who makes her pregnant, because this man is the right person to be her husband. Apart from the man who impregnated her, it is forbidden for a believing man to marry a pregnant woman. This provision is confirmed by the pronunciation of *wahurrima dhalika 'ala al-mu'minin*. (Misbahatus Suroyah, 2017) In addition, the meaning of *al-tazauwaju bil hamli* according to Islamic law can be interpreted as the marriage of a man with a pregnant woman. This means that there may be two possibilities, namely being made pregnant before being married or being made pregnant by someone else and then being married to someone who is not pregnant. (Suroya, 2017)

Based on the opinion of the scholars of the Zhahiri and Hambali schools of thought, marriage with a person who commits adultery, both male and female, is not considered valid before a statement of repentance is made. (M. Quraissy Shihab, 2002) However, another opinion from *Jumhur fuqaha*, namely Abu Hanifah, Malik and Syafi'i, stated that it is not forbidden and considered valid marriage between an adulteress and a non-adulterer. The marriage is still considered valid because the act of adultery does not cause a person to leave Islam, meaning that he is still married to a fellow Muslim, then it is declared valid. This is based on their meaning of the word "forbidden" at the end of verse 3, not *litahriimi* (to prohibit) or legal understanding, but the linguistic understanding, namely "forbidden" or *lidzdzamm* (to criticize), in the context of this verse explains that this is not natural. and not good. (Ahmad Zahro, 2012)

b. Comparing Hadith with Similar Sahih Hadith

The content of this hadith regarding the prohibition of marrying adulterers is implicitly concerning kafa'ah. Another hadith regarding kafa'ah with the same discussion as well as the quality of its hadith which is equally authentic is the hadith narrated by Imam al-Bukhori number 5090. Regarding the criteria for choosing a wife, it includes provisions regarding kafa'ah.

"Women are chosen for marriage for four reasons: their wealth, their lineage, their beauty, their religion. Therefore, you should choose a woman who has a good religion, then you will be happy." (Narrated by Bukhari)

Kafa'ah is harmony and balance between male and female partners in terms of economic, moral, and social levels so that the couple has no objections when getting married. It aims to make a happy, harmonious household and avoid failure in the future. According to *jumhur fuqaha'*, what is meant by *kafa'ah* is in terms of religion, lineage, independence, and profession. In Islam *kafa'ah* is recommended, but it does not affect the validity of the marriage so it doesn't matter if it is not *kafa'ah* (Otong Husni Taufik, 2017). The most important thing in this case is that it is recommended for believers who are married to partners who are steadfast in religion, namely both believers, as QS. An-Nur verse 26:

"Bad women are for bad men, and bad men are for bad women and bad women too, and good women are for good men and men." good men for good women (too)." (Surat an-Nur: 26)

c. Comparing Hadith Based on Historical Facts

If we look at the relationship with Surah An-Nur verse 3 which is the cause of this hadith, it is also necessary to know the *asabab an nuzul* of the verse to find out historical facts that occurred at that time to know that there was continuity between the hadiths regarding the prohibition of marrying the adulterer with the existing historical facts.

Qurthubi in his commentary writes that Mirtsad al Ghanawiy once took captives in Mecca—then he asked the Prophet's permission to marry 'Annaq a prostitute—who earned income by committing adultery. But the Prophet (PBUH) recited this verse and said: "Don't marry him." narrated by at Tirmidhi, Abu Dawud, an Nasa'i and al HakimAllah

"O Messenger of, is it permissible for me to marry 'Anaq? he was silent, then the verse was revealed: 'A woman who commits adultery may not be married except by an adulteress or a polytheist'. then he called me and recited the verse in front of me while saying, 'don't marry her.'" (Narrated by Abu Dawud)

d. Quality Results of Hadith Matan

This study of the hadith prohibiting marrying an adulteress through Abu Dawud's narration can be compromised and its contents are in accordance with the verses of the Koran, hadith, historical studies, science and current social conditions. So it can be concluded that this hadith can be used as *evidence*.

- e. The meaning of the Hadith about the law of marrying adulterers in the phenomenon of *Married by Accident*

Hadith Abu Dawud number 2052 regarding the prohibition of marrying adulterers is very relevant if it is contextualized with the current developments, where there are many cases of *married by accident* due to pregnancy out of wedlock or adultery. The rise of MBA marriages requires provisions that underlie the law on this marriage issue.

In the context of implementing the law on marrying an adulteress in the MBA case, the Indonesian government itself has sought a solution to this problem. In this case, the Government of Indonesia through the Religious Courts resolved the case by establishing a marriage dispensation procedure. So with this, the couple who is already pregnant can be married immediately to avoid *madzarat* other. When viewed from the development of science, the essence of the hadith prohibiting marriage with adulterers has actually been absorbed in several legal regulations in Indonesia, as has been stated in the 1974 Law number 1 concerning Marriage, chapter VIII article 53 on the first point, namely "A pregnant woman outside the marriage can be married to the man who got her pregnant" (Zahro, 2012).

Meanwhile, if we look more deeply into the law of marrying adulterers in Islamic law, we can find some *qoul shohaby*. The companion of the Prophet Muhammad, Ibn 'Abbas, was of the opinion that the relationship between the two sexes before marriage, then after a legal marriage took place, caused the relationship which was originally forbidden to be lawful. If it is analogous to someone who steals fruit from someone's tree, then he buys the tree as well as the fruit. That is the opinion of Imam Shafi'i and Abu Hanifa. On the other hand, Imam Malik considers that people who commit adultery and then marry, sexual relations are haram, except for carrying out a new marriage contract after the iddah period is over from the illegal sex. (Shihab, 2002) In addition, the jurists also added that marriage between an obedient man and an adulteress is legal, but the law is makruh. This is because in QS. an-Nisa 'verse 24 mentions who is forbidden to marry and states, "*And it is lawful for you other than that which is called*" and adulterers are not included in the group mentioned, so it is lawful to marry her. (Shihab, 2002).

Then viewed from the concept of *kafa'ah* in marriage, that an adulteress in their community is considered as someone who destroys the order of social life because the actions he takes are labeled as one of the moral deviant behaviors that exist in the community. In connection with this, in a marriage it is recommended to pay attention to *kafa'ah* such as in matters of religion, lineage, independence, profession, finances and others. But the important point is that *kafa'ah* is not something that affects the validity of a marriage. So if it is drawn in

the phenomenon of pregnancy out of wedlock or the marriage of an adulterer, then it is permissible if the woman who is pregnant out of wedlock or the adulterer marries a man who has sexual intercourse with her or who is not due to infidelity, this does not affect the validity of the marriage.

CONCLUSION

In terms of quality, the hadith regarding the prohibition of marrying adulterers in the hadith narrated by Abu Dawud number 2052 can be categorized as hadith *authentic* because it has asanad *muttasil*, the quality of the narrators *tsiqah* and no *syuzuz* and *illah* are found. Then, based on a critical analysis of sanad and matan, it is certain that this hadith narrated by Abu Dawud can be used as (*evidence maqbul lil hujjah*), so that it can be used as one of the guidelines in law, especially regarding marrying adulterers. The results of the analysis of the meaning of the hadith narrated by Abu Dawud number 2051 states that if it is associated with the current phenomenon *married by accident*, then the law of marrying an adulterer is permissible, by looking at the benefits in it.

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