

RECONCILIATION AS AN EFFORT TO FORM A PEACEFUL (SAKINAH) FAMILY IN ISLAMIC LAW REVIEW

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Abstract

In a marriage life, of course, there are some problems that trigger disputes, such as economic problems, emotions, heredity or education. These problems become the cause of divorce between husband and wife. At the time of divorce, the wife is still in the period of iddah and that time can be used by her husband to refer back to himself. Therefore, this paper aims to know the opinion of imam madhhab about reconciliation, to know the problems that cause divorce, and to know the wisdom of reconciliation and the peaceful (sakinah) family. The method used in this study uses literature research or research called *Library research*, namely research of various reading materials, such as scientific journals, books, dan written works others related to the problems studied namely about refer as an effort to form a peaceful (sakinah) family in Islamic law review. The discussion of the scholars differs on the validity of a husband who wants to reconcile to his wife who is being accused of minor divorce (Talaq Raj'i) with deeds. Some allow (validate) the reconciliation, some validate but the intention should be clear and some do not validate at all reconciliation with deeds, but ones should recite it *sarih* (clear) and *kinayah* (satire). Regardless and differences of opinion, it would be nice if the implementation of refer enabled to give the opportunity to the husband and wife to repair the relationship that has been cracked, so that they can be whole again into a family that is sakinah, mawadah, warahmah as a goal and marriage without the intention to hurt their partner again. Keywords: *reconciliation, sakinah family, and Islamic law*

Introduction

Marriage in Islam is conducted on the basis of lawful relations. Marriage, as stated in the Qur'an, is the omniscience of Allah SWT in governing his creatures.¹ True marriage should be based on the understanding of the respective positions of each party on a similar level without the feeling of more superior, more powerful, more entitled. They have to be aware that the means of uniting the men become husbands and the women to become wives is a marriage contract (akad). The akad would make a husband may have intimate sexual intercourse with his wife. If there is no maim contract there will be no relationship. By reason of that husband and wife position in a family is balanced.

¹ Munawwar Khalil, "The Relevance of the Concept of Reference Between the Compilation of Islamic Law and The Views of Four Imam Madhhab," 2011, 17.

In a family, each has different functions and responsibilities, but with one purpose. That is, the achievement of household happiness or the realization of a family with tranquility (*sakinah*), love (*mawaddah*), and mercy (*rahmah*). In addition, the husband and wife position also contains a sense of justice, as well as it is very potential to be developed in the face of the rapid changes that occur in society.²

Even so it is possible that during the marriage contract, they experience a sudden shock that has an impact on the creation of a spousal incessant, cross-opinions that each party brings his own ego alone. Therefore, the marriage that was originally happy would harm each other. From these various disharmony factors, the husband and wife finally faced divorce which is the final way if there is no way to reconcile. Although here divorce is the last way to resolve conflicts in a marriage, reconstituting the domestic life that is experiencing the dispute is not impossible. That is why Islam requires a waiting period (*'iddah*) when there is a divorce. One of the benefits of *'iddah* is to give opportunity to husband and wife to think with a clear mind to build and return to a family with tranquility (*sakinah*), love (*mawaddah*), and mercy (*rahmah*) as they want. The concept of reconciliation is only applicable for women who experience the *'iddah* of *talaq Raj'i*, *talaq* one and two.

Research Methods

This research uses literature research or research called *Library research*, namely research sourced from various reading materials, such as scientific journals, books, dan written works others related to the problem yang studied namely about refer as an effort to form a *sakinah* family in the Islamic law review. Hence, to facilitate achieving the purpose of writing this, the author focuses on the study of literature and examines the materials that have been written. The research was conducted by reading literature related to the problem being discussed.

Once the data is collected, the next step is data analysis. Analysis techniques that the authors use in this study are *content analysis*. *Content analysis* is defined as the analysis of content studies, which is a technique used to draw conclusions through the effort to bring out the characteristics of pecans that are carried out objectively and systematically. This technique the author uses to take the opinion of various books related to the title of the author lift, then authors try to understand the opinion for further analysis to be able to put forward the conclusion so that the author can do a study of reconciliation as an effort to form a tranquil (*sakinah*) family in the review of Islamic law.³

² Agus Suroso, "Explained In Wahbah Az-Zuhaili's View and Compilation of Islamic Law In Indonesia," 2018.

³ Agus Musalim, "Pencatatan Rujuk di Dewan Pegawai Pencatat Nikah Perspektif Masalah Mursalah," 2022.

Theoretical Framework

1. Understanding Reconciliation

Etymologically, reconciliation is derived from the word *raja'a* which means refer or come back. While reconciliation based on terminology is the returning husband to the marriage relationship with wife who he divorced through *talaq raj'i* and carried out as long as the wife is still in the waiting period ('*iddah*). The word reconciliation by Arabic language is derived from the word *Raja'a-yarji'u-rujk'an* which means come back and return. According to shariah it means the return of a husband to his ex-wife with marriage in the period of '*iddah* after *talak raj'i*. Reconciliation in terms of law is called *Raja'ah* which means "return". While according to the fuqaha, the definition of reconciliation is as here:

- a. According to Imam Shafi'i, reconciliation is to return the woman who is still in the period of '*iddah* to her position as her husband's wife.
- b. According to Imam Maliki, reconciliation is the return of the husband to the wife who has been divorced without a renewal marriage contract.
- c. According to Imam Hambali, reconciliation is to restore the condition of the wife to the original state after the divorce *raj'i* dan still they are in a period of '*iddah* without a new contract.
- d. According to Imam Hanafi, reconciliation is to continue marriage with a former wife with *talaq raj'i* gave in the period of '*iddah*.
- e. According to majority of ulama, reconciliation is to return women who are in *talaq* other than *talaq ha'in*, on marriage as long as the women are still in the period of '*iddah* without a new contract.⁴

2. Legal Basis of Reconciliation

Islam as revealed by Allah SWT, has set his people with a clear legal basis as a human guide to life. It includes set about reconciliation in surat Al-Baqarah verse 231 which reads: "*And when you divorce your wives, let them approaching the end of his Iddah, then refer to them with the good method or ma'ruf or divorce them with in a good way or ma'ruf (also). Do not refer to harm them, because thus you persecute them. Whosoever does that indeed, he has done evil against himself. Do not make the laws of God a game, and remember the blessings of the God to you, and what has God has revealed to you in the book (Al-Kitab) and the wisdom (Al-Hikmah). Allah has taught you with what His orders. And fear Allah and know that Allah is knowing everything.*"

As for the original law of reconciliation is *jaiz* (mubah), but this can change accordingly with the circumstances and intentions of her husband. Some of these laws are:

- a. Mandatory (*Wajib*), to the husband who has made one of his wives before he divided of his time towards the divorced wife.

⁴ Rahmat Hakim, "Relevansi Pendapat Imam Malik Dan Imam Syafil Dengan Peraturan Menteri Agama No. 11 Tahun 2007 Tentang Tata Cara Rujuk," 2007, 14-42.

- b. Prohibited (*Haram*), when the reconciliation is intended to harm the wife.
- c. To be avoided (*Makruh*), if divorce is better for both.
- d. Permissible (*Jaiz*), this is the original law of reference.
- e. Preferred (*Sunnah*), if a husband is to repair circumstances his wife, reconciliation is more beneficial for both.

Ibn Rushd divided the law of reference become two, namely the law refer to *talak raj'i* and the law refers to *talaq ba'in*:

- a. The law refers to talak Raj'i.

Muslims agree that husband has right to reconcile with wife with *talaq raj'i* as long as the wife is still being in the period of 'iddah based on the word of Allah SWT: "*And her husbands have the right to reconcile while they stay during the waiting period for it*" (*AlBaqarah*: 228). Fuqaha also agrees that terms of *talaq Raj'i* should be occurred after sexual intercourse (*dukhl*) and reconciliation can occur with words and witnesses.

- b. The reconciliation law in *talaq ba'in*.

Reconciliation to women who got *talaq ba'in* is limited only to women who got *khuluk*, with ransom, with the condition of being mixed and the *talaq* is not *talaq* three. The scholars of the four schools agree that the laws of such women are the same as other women (not wives) who to marry her again, it requires contract, dowry, guardian, willingness si women as the terms of a new marriage. It is only in this case completion of *iddah* is not considered a condition.⁵

3. Terms dan Obligations of the Reconciliation

Rukun and the terms of reference are those that should be fulfilled to perform a reconciliation deed. Among the reconciliation obligation and the terms of the reference is:

- a. Sighat (lafaz), there are 2 (two): *First*, Clearly (sarih), for example he said, "I return on my wife" or "I refer" to you". *Second*, through satire, for example "I hold thee" or "I marry thee", and so forth, that is with sentences that can be used for reconciliation or for others. It is recommended that speech is not a wishy-washy, which means no unreliable intention, for example: "I refer you if you want", this kind of reference is not valid even if his wife wants. Time-limited reconciliation is also not valid, for example: "I reconcile with you for a month"
- b. Wife (woman reconciled with), as for the legal terms refer to women who are being reconciled to it is:
 - 1) The woman is the legal wife of the referring man. It is illegal to refer to women who not his wife.

⁵ Abdul Aziz, "Hak Istri Untuk Menolak Rujuk Suami Studi Komparasi Fidihi Madzhab Syafil Dan Kompilasi Hukum Islam Menurut Teori Madashid Syarrah Nikah Hasar As-Sayid Hamid Khitab," 2021

- 2) A certain wife, if the husband gives talaq his wife, then he reconciles with one of them without determining who he refers to, then the reference is invalid.
 - 3) The talaq is talaq raj'i
 - 4) The reconciliation happens when the wife is still in the period of 'iddah. When the period of 'iddah has been ended, then break the relationship and by itself, the wife should not be remarried.
- c. Husband. terms refer for the husband done on his own will (not forced) and the husband also he married his wife in a legal marriage.⁷

4. The Peaceful Family

Sakinah Data in the language dictionary Arab means; *Al-wagaar*, *thuma'ninah*, dan *almahabbah* (peace of mind, peace and comfort). While the word *sakinah* in the Indonesian dictionary is peace, tranquility, peacefulness, and happiness. Etymologically, *sakinah* is calm, peace, from the root of the word *sakana*, be calm, peaceful, free, quiet, and stay. In Islam the word *sakinah* signifies peace and tranquility in particular, namely the peace of God who is in the heart. Meanwhile, in terminology, the *sakinah* family is a quiet and peaceful family, harmonious and peaceful. In the family there is a friendly and harmonious relationship, between all family members with tenderness and affection.⁶ Yunasril Ali stated that the *sakinah* family in the perspective of the Qur'an and Hadith is a family that has *mahabbah* (love), *mawaddah* (affection), *rahmah* (mercy), and *amanah* (trust). According To M. Quraish Shihab, *sakinah* word taken from the Arabic language consisting of the letters sin, kaf, and nun which means "calm" or antonym of shaking and movement. The three words and the three words are all made up of the meaning as explained earlier. For example, *nimah* is named *maskan* because it is a place to achieve peace after the occupants move may even experience shaking outside *rurnah*.⁷

Discussion

The reconciliation process is one peace process to re-bind the marriage that has experienced a split. When the period of *iddah* has expired, the right of the husband to refer to his wife has expired. When reconciliation, the wife must first agree with the husband's desire for the referral. So that the reference that occurs is a mutual agreement by not imposing the will of one of the parties.⁸

⁶ Musalim, "Pencatatan Rujuk di depan Pegawai Pencatat Nikah Perspektif Masalah Mursalah."

⁷ Abdul Kholik, "Konsep Keluarga Sakinah, Mawaddah Dan Rahmah Dalam Perspektif Hukum Islam," *Masive: Jurnal ilmu Keislarnan* 1, no. 1 (2019): 108-26.

⁸ Indah Asana, "Rujuk Dan Tajdid AI-Nikah Sebagai Upaya Membentuk Keluarga Sakinah (Studi Di Tingkir Lor, Kee. Tingkir, Kota Salatiga)," no. May (2016): 31-48.

1. The opinion of Imam madhhab about reconciliation

The scholars agree on the implementation of reconciliation which is essentially different from marriage. Implementation of reconciliation does not require guardian, two witnesses, or dowry, especially with a new marriage contract, because any verse of the Qur'an or Hadith does not mention the condition. The discussion of the scholars differs on the validity of a husband who wants to reconcile to his wife who is being accused of minor divorce (Talaq Raj'i) with deeds. Some allow (validate) the reconciliation, some validate but the intention should be clear and some do not validate at all reconciliation with deeds, but ones should recite it sarih (clear) and kinayah (satire).

- a. According to Imam Hambali. It is only through mixing, when mixing occurs, then reconciliation occurs, even if the man does not intend to refer. Because according to him the reference is not valid if only through action (touch or kiss accompanied by lust and so forth).
- b. According to Imam Hanafi. Imam Hanafi only added from his opinion Imam Hambali, that is in addition through mixing refer can also occur through touch and kiss, and things similar to what men do to divorce and women who are being divorced. With all these conditions, it is also accompanied by lust, whether it is intentionally or not and conscious or not. It is because the reconciliation may also occur although done by people who are still sleeping.⁹
- c. According to Imam Malik. He argued that it is the husband's right, and it does not require the wife's consent. Therefore, it is not required the existence of testimony in the reconciliation. It is because the husband really can use his rights. *When they are nearing the end of their Iddah, then refer them well or release them well and testify with two fair witnesses di between you and stand witness for God. Thus is taught by him who believes in Allah and the last day. Whosoever fear God will make his way out. QS AtTalaq / 65:2*. From the verse above the Imam Malik have a reason that indeed inside surat *at-talaq* verse 2, the order to bring witnesses, however anyway reconciliation is the rights of husband as long as the wife is still in the period of iddah. However, though the husband does not need to bring witnesses when referring, a witness could be considered.

The presence of witnesses in the reconciliation according to Imam Malik is only recommendations of mustahabb because it does not require any guardian, then any presence of witness is no mandatory. Because reconciliation just continues the marriage which is disconnected and not started marriage new. According to the ulama, this surah At-Talaq paragraph 2 interprets the reconciliation right to other rights received by

⁹ Khalil, "Relevansi Korsep Rujuk Antara Kompilasi Flukton Islam Dan Pandangan Imam Empat Madzhab."

someone, there will be no witnesses. Therefore, the merger between qiyas with the verse is to bring the command on those verse as sunnah.¹⁰

Imam Malik argues that reconciliation is legally done through actions that should be accompanied by intentions for reconciliation. However, when the husband has sexual intercourse with his wife without an intention of reconciliation, then the reconciliation is not valid. But the intercourse does not result in the presence of *hadd* (punishment) and the necessity to pay the dowry.

- d. According to Imam Shafi'i. Syafeiyah scholars argue that way of reconciling the wife who experience *talaq raj'i* should be with speech, either by using the *sarih lafad* (clear) or by *kinayah* (satire). The reconciliation becomes illegitimate to someone with acts such as intercourse, even intense communication between husband and wife, seeing and kissing his wife who got *talaq Raj'i* without the intention to reconcile with his wife. When it was done then he will getting *Ta'zir* (punishment) not had (limitation).¹¹ Meaning: "*It is forbidden for a man who does talaq Raj'i to have sexual intercourse with his wife or have fun with his wife before he reconciles with his wife through a speech, even though when he wants to marry him he intends for reconciling with his wife.*"

Imam Shafi'i also admitted to reconcile is the right of the husband, "then whoever wants to refer, then reconciliation is the case (husband). Because Allah SWT made reconciliation to it". Therefore Imam Shafi'i in the discussion of reconciliation also discusses some possibilities that will occur related to the existence of a reconciliation witness such as the denial of the husband that he has referred to his wife or the denial of the wife that she has been reconciled by her husband. If the husband and wife both acknowledge or confirm that the husband has referred to his wife and does not act on her, then the reconciliation of the husband still applies to his wife. It is returned to the husband, not the wife. So if the husband stated that he had contacted and returned to his wife is in the 'iddah period, but the wife denies it when the Iddah is over, then the husband has the obligation to bring evidence or witnesses that he has referred to his wife in the 'iddah period.

On the other hand, Imam Shafi'i argues, it is not valid to reconcile except by reconciliation, and it must be said. Except for those who do not have the ability to speak like dumb people. It is a word, not an act of intercourse, and other things; for that is, there shall be no reference for a man to his wife until he said the same thing as marriage and divorce until he said both.

¹⁰ Arti Nurmilawati, "Saksi Dalam Rujuk (Studi Komparasi Percepat Imam Syafi'i dan Imam Malik)," 2021, 6,

¹¹ Mir'atul Husnah, "Mekanisme Rujuk Dalam Perspektif Hukum Islam Dan Hukum Positif," 2018, 13-34,

Imam Shafi'i stated, "when Allah Azza wa Jalla established the husband's right to refer his wife (who is still in the period of) *iddah*, it was clear that the wife had no right to prevent the husband from referring her. For the wife there is no '*iwadh* (money/substitute objects) in the reference, because the woman has become the right of men and there is no for women the right of men and there is no business for women in something that is the right of men to women.¹²

2. Family Problems

Life in a household is bound to face a variety of problems, whether pleasant or not, which are easy to solve or difficult to overcome, which include:

- a. Problem of Financial. Economic problems are also a very sensitive and vulnerable factor in causing problems in the household. Not only the problem of material shortages that can cause household cracks, but enough economy, even excess often also causes its own problems. What often happens is problems in the financial arrangement of the family and the division of inherited property. Economic difficulties can be the cause of divorce as well, although this is not the main and only factor. Due to economic instability or the absence of a permanent job, both husband and wife will find it difficult to realize a harmonious family as desired in a household.
- b. Problem of Emotion. Emotions are the most common problem in a household. Emotional control is lacking, causing egoism in each family member, causing anger, discord, and even quarrels are also physical torture. Emotions also cause the husband and wife split the bed, split the house, and even divorced. Regardless of whatever the cause of the quarrel between husband and wife, what makes the atmosphere heated is emotionsthat areuncontrolled. So both husband and wife must be willing to learn and try to control emotions, for the sake of personal good and happiness of the household. Each must be willing to realize each other and accept their mistakes, must be willing to apologize to each other and forgive each other.¹³
- c. Problem of Heredity. The child is God's mandate for people as well as the fruit of their hearts, the fruit of love and the binding rope of love. The presence of children will make the atmosphere of the house becomes warm, the more cheerful, full of laughter and happy. But the problem of children also often cause problems in the household, both for husbands and wives who have had children, who have not had, or who have been medically convicted will not be able to have children. For families who

¹² Moh. Makmun dan Khoirur. "Pemikiran Imam Malik dan Imam Syafi'i tentang Saksi dalam Rujuk" Jurnal Hukum Keluarga Islam 2, no. April (2017): 21–38.

¹³ Abdul Kholik, "Konsep Keluarga Sakinah, Mawaddah Dan Rahmah Dalam Perspektif Hukum Islam."

cannot or have not been able to get offspring, problems that arise will usually blame each other who cannot produce the offspring, while for couples who have been awarded offspring, problems arise usually when children are unruly, not in accordance with the wishes of the parents, or too many children making it difficult in terms of arrangement and distribution of time and attention to children. It is also closely related to economic problems.

d. Problem of Education. The problem that sometimes arises from this education is when between husband and wife is not appropriate or balanced, in this case it will cause problems that are about how to educate children, and this happens if there is no agreement between husband and wife in making decisions. This does not mean that marriage is not allowed between spouses who are not equal in education, but the most important thing is the agreement on the outlook on life that must be put forward.

3. The rights and obligations of the husband and wife in the period of ' Iddah. The right of the husband and wife in the period of ' iddah, of course, speaks of the obligation of both in fulfilling their respective rights. As for the rights of the husband in the period of ' iddah, namely referring to his ex-wife, the right for his wife not to marry during that period, and the husband has the right for his wife not to leave the House. As for the rights of the wife in the period of ' iddah, which is entitled to a living property, entitled to good treatment from her husband, because the period of ' iddah talak Raj'i is not a period of actual separation.

According to Al-Jazairi, the period of ' iddah is a time that gives the husband the opportunity to return to his wife if her divorce is Raj'i divorce. Ibn Qayyim al-Jauziyyah, in his book "Zad al-Ma'ad" mentions that reconciliation is the right of the husband as he has the right to impose divorce on his wife. Wahbah Zuhaili also explained that reconciliation is the right of the husband in waiting for the wife in her divorce. Although as a right, the husband in certain matters is forbidden to refer to his ex-wife.

In Islam, the right of reference will be lost when the period of ' iddah of the wife has ended. If the period of ' iddah has been completed, and the husband wants to re-refer, then the husband is required to perform a new marriage contract and with a new dowry. In Islamic law, it is also stipulated that the husband is not allowed to use the right of reference for a bad purpose. For example, the husband uses the right of reference to torment his wife or to play a trick on her. Because it is a form of tyranny husband. Thus, even if referred to as a right, then the right can not be used arbitrarily.¹⁴

There is no concept of marriage as a sacrament in Islam. Islam sees marriage as a contract. Therefore, it is a necessity when there is a termination

¹⁴ Arifin Abdullah dan Delia Ulfa, "Kedudukan Izin Rujuk Suami dalam Masa 'Iddah (Analisis Perspektif Hukum Islam)" Samarah 2, no. 2 (2018): 417-32, <https://doi.org/10.22373/sjhk.v2i2.4746.15>

of marriage, as occurs in various other contracts concluded by both parties to the transaction and can be terminated in accordance with the agreed agreement.

Meanwhile, if you look at the whole of the verse on which the husband's right to the contract of reference is based, on the one hand, and the wife's passivity to this contract, on the other hand, it is as if the right of reconciliation is an absolute right owned by the husband only. In fact, these verses are basically more emphasis on the ethical aspect of dealing between husband and wife in fostering a household. In other words, the above verses can actually be categorized into issues related to things that are not mentioned, namely building relationships between women and men.

At-Tirmidhi and Al-Hakim narrate a custom of people in pre-Islamic times as recounted by 'Aisha. 'Aisha recounted the habits of husbands who divorced and referred them back with no restrictions. There are only two of them in Islam that are considered to be *talaq Raj'i*. The historical cause (*asbabun nuzul*) of the next verse, *al-Baqarah* verse 231 about divorce and reconciliation is that husbands like to curb and depend on the fate of his wife by divorcing her and when her *'iddah* would be finished in two or three days, they refer to her again and so continue to do it with the aim of blocking the wife's marriage and hurting her existence.

If what is seen from this verse is as stated above, it is clear that the problem of the obligation of the wife to wait and the husband's right to reconcile, is a social problem related to the rights of others. This law is not to discriminate against one of the two parties, but to safeguard the rights of the other. This is closely related to the sense of Justice of both parties as well as other parties such as the child being conceived and another future husband.¹⁵

4. The Wisdom of Reconciliation. The wisdom of reconciliation can be stated among them as follows:
 - a. Repent and regret past mistakes to fix them.
 - b. God's love for divorce is something that he hates.
 - c. To maintain the integrity of the family and avoid family divisions. What's more is to save the future of the child, for couples who already have offspring. It is known that a divorce that occurs for any reason still has a negative impact on the child.
 - d. Create peace or tranquility. Despite the fact that marital relations are inter-personal, but this often involves their respective extended families who also interfere in this matter. So if peace can be realized between husband and wife, then the extended family will also have peace.¹⁶

¹⁵ Muhammad Aziz, "Keadilan Gender Dalam Islam (Telaah Atas Diskursus Hak Rujuk Perempuan Dalam Hukum Keluarga Islam)" 15, no. 2 (2021): 15–30.

¹⁶ Hakim, "Relevansi Pendapat Imam Malik Dan Imam Syafi'i Dengan Peraturan Menteri Agama No. 11 Tahun 2007 Tentang Tata Cara Rujuk."

5. The Peaceful Family. Family has become a familiar term in society. When we hear the word family surely the assumption that we have in mind is a group that usually consists from father, mother and children. The family is a unit, consisting of several people, each of whom has a certain position and role. The family was built by a pair of human beings who have agreed to live together sincerely and faithfully, based on beliefs confirmed through marriage, pegged with affection, aimed at complementing each other and improving themselves in the direction of God's pleasure."¹⁷

The word *sakinah* which is often interpreted with peace or calm and serene, is synonymous with *sa'adah* which means happy, loving family and obtaining the grace of Allah SWT. The *sakinah* family is a family whose members feel a peaceful, peaceful, happy, safe and prosperous atmosphere. Prosperous birth is free from the poverty of property and the pressures of physical illness. While inner well-being is being free from poverty of faith, and being able to communicate in family and community life. The above opinion shows that the *Sakinah* family has the following indicators: 1.) faithful to a couple life; 2. keep your promises; 3. communicative; 4. understanding; 5.) stick to religion.

According To M. Quraish Shihab, the *sakinah* family does not come accidentally, but there are conditions for its presence. It must be fought, and the first thing, is to prepare the heart. *Sakinah* / serenity as well as *mawaddah* and grace are sourced from within the heart, then radiated outward in the form of activity. Indeed, the Qur'an asserts that the prescribed purpose of marriage is to reach *sakinah*. However, that does not mean that every marriage automatically gives birth to *sakinah*, *mawaddah*, and *rahmat*". The opinion of M. Quraish Shihab, shows that the *sakinah* family has the following indicators: 1. be faithful to your partner; 2. keep your promises; 3. can maintain a good name and mutual understanding; 4.) stick to religion.

Marriage as a legal act between husband and wife, not only means to worship Him but also causes legal consequences between the two. However, because the purpose of marriage is so noble, which is to build a happy and eternal family based on the Preeminence of the Almighty, it is necessary to regulate the rights and obligations of each husband and wife. If the rights and obligations of each husband and wife are fulfilled, then the husband and wife's dream in the household will be able to materialize, based on love and affection.

Husband and wife are equally responsible for everything in life together. Happiness for one of the two is also happiness for the other, and trouble for one is also trouble for the other. Let the cooperation between the two be built on the foundation of sincere love. They are like one soul in two bodies. Each of them tries to make the life of the other beautiful and loves

¹⁷ Ahmad Zaini, "Membentuk Keluarga Sakinah Melalui Bimbingan Dan Konseling Pernikahan," *Bimbingan Konseling Islam* 6, no. 1 (2015): 89-106.

him to the extent that he feels happy when the other feels happy, feels happy when he succeeds in bringing joy to the other. This is the foundation of a successful and happy married life and also the foundation of an intimate family which is also an atmosphere in which her children can be fostered with noble ethics.

Between the husband and wife in building their household in order to establish a sustainable love, then between the two it is necessary to apply a balance system of roles, meaning the role as a husband and the role as a wife in addition to also carrying out other roles as daily life tasks. Based on the information, if the husband and wife apply the rules as explained, then it is not impossible to establish a Sakinah family, at least it can approach that direction.

The sakinah family is a family full of God's love and mercy. There is not a single married couple who does not want their family to be happy. However, not a few couples encounter failure in their marriage or household, because they are faced with continuing trials. Though the existence of a happy family or a messy family depends largely on the couple itself. They are able to build a loving and intimate home or not. Therefore, both husband and wife must have a strong foundation in this understanding of the teachings of Islam. When the family is built really into a sakinah family, it will certainly produce a good generation to be the focus of the nation and religion."¹⁸

Conclusion

From the discussion above it can be concluded that in household, there are several problems that trigger the rift, such as economic problems, emotions, heredity and education. These problems become the cause of divorce between husband and wife. At the time of divorce, the wife is still in the period of iddah and that time can be used by her husband to refer back to herself. The discussion of the scholars differs on the validity of a husband who wants to reconcile with his wife who is being accused of minor divorce (Talaq Raj'i) with deeds. Some allow (validate) the reconciliation, some validate but the intention should be clear and some do not validate at all reconciliation with deeds, but ones should recite it sarih (clear) and kinayah (satire). Reconciliation serves to provide an opportunity for the husband and wife to improve the relationship that has been cracked, in order to be intact again into a family that sakinah, mawadah, warahmah as the purpose of marriage.

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¹⁸ Abdul Kholik, "Konsep Keluarga Sakinah, Mawaddah Dan Rahmah Dalam Perspektif Hukum Islam."

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