

STRENGTHENING FAMILY INSTITUTION THROUGH PRE-MARITAL COURSE: Comparative Study between Indonesia and Malaysia

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Abstract: This study examines the policy of premarital course in Indonesia and Malaysia. The premarital course aims to equip the bride and groom with the knowledge and skills of making good family besides attempting to reduce the high rate of divorces in both countries. Premarital course conducted by BP4 Institutions in Indonesia and JAKIM in Malaysia applied different approaches and policies. This study tries to elaborate pre-marital course in Indonesia and Malaysia by examining policies and substantial issues. The data was collected through library research, examining regulations and rules applied in both countries. This study showed that the procedure and mechanism of premarital course in Indonesia and Malaysia were different. Premarital course in Malaysia is mandatory and one of the requirements of marriage registration document whereas in Indonesia is voluntary. Both countries, however, applied a similarity approach and strategy in delivering course materials.

Keywords: Family institution, premarital course, Indonesia, Malaysia

Abstrak: Studi ini mengkaji kebijakan kursus pranikah di Indonesia dan Malaysia. Kursus pranikah bertujuan untuk membekali kedua mempelai dengan pengetahuan dan ketrampilan untuk membentuk keluarga yang sakinah, mawaddah wa rahmah, disamping berusaha untuk mengurangi tingginya angka perceraian di kedua negara. Kursus pranikah yang dilakukan oleh Lembaga BP4 di Indonesia dan JAKIM di Malaysia menerapkan pendekatan dan kebijakan yang berbeda. Penelitian ini mencoba mengelaborasi materi kursus pranikah di Indonesia dan Malaysia dengan mengkaji kebijakan dan isu substansial. Data dikumpulkan melalui penelitian perpustakaan, memeriksa peraturan dan aturan yang diterapkan di kedua negara. Hasil penelitian menunjukkan bahwa prosedur dan mekanisme perkuliahan pranikah di Indonesia dan Malaysia berbeda. Kursus pranikah di Malaysia adalah wajib dan salah satu persyaratan dokumen pencatatan

pernikahan sedangkan di Indonesia bersifat sukarela. Kedua negara, bagaimanapun, menerapkan kesamaan pendekatan dan strategi dalam penyampaian materi kursus.

Kata Kunci : Institusi Keluarga, kursus pranikah, Indonesia, Malaysia

Introduction

At the beginning of the 20th century, researchers predicted that there would be an increasing trend of divorce in the world. It was found in 1999, there were three out of five marriages in major cities in the Western world ended in divorce. The development of socio-cultural condition in society today was allegedly contributed to the possible trends of divorce. The development of information technology and social interaction brought about two consequences, negative and positive, for family institutions. It is undoubtedly agreed that the advanced development of technology especial social media connected people easily, even though it leaves negative impacts. However, it also has been misused which affected good social cohesion of family.¹

This phenomenon has also been the case in Indonesia. Based on data from the Badan Pusat Statistik [the Center of Statistical Agency] (BPS), from 2015 to 2017, the number of marriages as well as divorces has increased. The data tells us that there were one of five marriages ended with divorce.² In 2013, Indonesia was even placed at the highest divorce rank among the Asian countries.³

The majority of divorces was found among young couples caused by various reasons, among others, are continuous disharmony of the spouses, economic problems, and lack of responsibility.⁴

The issue of increasing divorce has also occurred in Malaysia. In 2016 and 2017, the Malaysian government released the divorce cases approximately 3.2 percent. Then in 2018, the divorce rate slightly increased by 1.4% compared to the previous year (2017). Most of the causes of divorce in Malaysia filed by husbands to the religious courts due to various reasons such as continuous disharmony among the spouses and excessive intervention of parents' partners. Likewise, divorces were also initiated by women when there were unresolved resolutions for such cases as disharmony between spouses, religious conversion of husband, lack of husband responsibility, and excessive intervention from the partners' parents.⁵ In general, factors leading to divorce were variety in nature and tied particularly with education, economic, culture, ideology and social issues.⁶ Based on the data above, Indonesia

/23/482/916133/duh-angka-perceraian-di-indonesia-tertinggi-di-asia-pasifik.

¹ Adnan Arafani, "Promoting the forgiveness in premarital counseling as a way to get a successful marriage," *COUNS-EDU: The International Journal of Counseling and Education* 2, no. 1 (2017): 1.

² "Badan Pusat Statistik," accessed July 30, 2020, <https://www.bps.go.id/linkTableDinamis/view/id/893>.

³ Qalbinur Nawawi, "Duh, Angka Perceraian Di Indonesia Tertinggi Di Asia Pasifik: Okezone Lifestyle," accessed July 30, 2020, <https://lifestyle.okezone.com/read/2013/12->

⁴ Harjianto and Roudhotul Jannah, "Identifikasi Faktor Perceraian Sebagai Dasar Konsep Pendidikan Pranikah di Banyuwangi," *Jurnal Ilmiah Universitas Batanghari Jambi* (2019): 39.

⁵ National Population and Family Development Board (NPFDB) et al., *Report on Key Findings Fifth Malaysian Population and Family Survey (MPFS-5)* (Kuala Lumpur, Malaysia: Lembaga Penduduk dan Pembangunan Keluarga Negara (LPPKN), 2016).

⁶ Luqman Zakariyah and Siti Nurafiqah, "High Rate Divorce among Muslims in Malaysia: A Study Legal Reconciliation and Islamic Matrimonial

and Malaysia shared similar issues regarding the causes of the high divorce rate.

Responding to these challenges, family matters receive serious attention in terms of preparing couples in entering a new life as a strategy to prepare steps and equip with knowledge and mentality, especially in the family affairs. Through the mechanism of counselling, there is a fundamental effort to nurture good family with premarital course.⁷ To fulfil this pre-marital course, several countries in the world facilitate the needs of couples who intended to get married through policies on the implementation of premarital courses. Such efforts have been done in Indonesia, Malaysia, and Iran.

Premarital course is a new approach in strengthening family and to prevent disharmony, conflicts and divorce among partners. Through involvement in such course, it is expected couples can learn how to have a harmonious marriage.⁸ Therefore, the pre-marriage course is an educational, tips of family life, and building a good character of people in caring for life.⁹ As an effort, pre-marriage course might help spouses to become skilful in managing and organizing family life in looking after their children on the one hand, and making good resolution with their family problems and thus directly suppressing divorce rate on the other.

Indonesia is one of the countries that has implemented a pre-marital course policy. The course is organized by the Badan Pen-

asehatan, Pembinaan dan Pelestarian Perkawinan (BP4) (Agency of Counselling, Assistance and Preserving Marriage) in collaboration with the Kantor Urusan Agama (KUA) (Religious Office). Through premarital course, it is hoped that the prospective married couple can explore information about the unexpected possibilities that will occur in the household so that they can be properly anticipated.¹⁰ As an appreciation anyone who has involved in premarital course, he/she will receive a certificate issued by BP4. This certificate, in Indonesia, might be requested to be fulfilled once spouses intended to register for marriage at the KUA.¹¹

To strengthen family affairs is also exercised by Malaysia through premarital course. This effort is also a means to make betterment of family life and reduce effects of divorce.¹² Premarital course is also important for spouses intended to get married since it proves access and requirement for registration. After attending premarital course program, the prospective bride and groom will get a marriage course certificate (Sijil Course Perkahwinan) which becomes one of administrative requirements when submitting a marriage application.

There are no injunctions in both the Quran and the sunnah regarding preparing spouses wishing to get married. Family life, however, a social institution that may differ from the time where the Quran was revealed and

Dispute Remedy" (Culture and Governance in the Contemporary World (ICRCG 2018), Kuala Lumpur: unpublished, 2018), p.7.

⁷ Jason S Carroll and William J Doherty, "Evaluating the effectiveness of premarital prevention programs: A meta analytic review of outcome research," *Family relations* 52, no. 2 (2003): 105-118.

⁸ K Stelzer, "Marriage Education with Hispanic Couples: Evaluation of a Communication Workshop," *No. Fam Sci Rev* (2010): 1-14.

⁹ Ozra Parhizgar et al., "Effect of premarital counseling on marital satisfaction," *Shiraz E Medical Journal* 18, no. 5 (2017): 2.

¹⁰ Kementerian Agama RI, *Pedoman Penyelenggaraan Kursus Pra Nikah* (Jakarta: Kementerian Agama RI, 2011), p. 14.

¹¹ Merlinda Oktavia, "Menko PMK Soal Sertifikat Nikah: Calon Suami-Istri Harus Kursus Pranikah," accessed July 30, 2020, <https://news.detik.com/berita/d-4784277/menko-pmk-soal-sertifikat-nikah-calon-suami-istri-harus-kursus-pranikah>.

¹² "My Gov - Managing Family Institutions | Managing Marriage Preparation | Premarriage Courses," accessed July 30, 2020, <https://www.malaysia.gov.my/portal/subcategory/1601>.

changes over time following the circumstances of time and place. Administrative aspects as well as ramification of family system need to be adapted and develop in fulfilling the ends of life.¹³ Marriage and family life are not simply a matter of fulfilling marriage contracts, such as existence of male and female, attended by guardians, two witnesses and accompanied by dowry. The whole life of marriage may be faced with some unpredicted events and cases appeared from both inside and outside family boundaries. The reform of family system is basically unavoidable in a sense that adaptation to new social and cultural challenges one solution. Combining social nature of family affairs in Islamic law and its ritual dimension is deemed in line with the spirit of law giver, that is to preserve benefits and avert evils. Premarital course in family law might be categorized as mechanism of promoting the ends of marriage. For example, marriage registration and pre-marriage course were not mentioned and discussed in the classical Islamic jurisprudence. These practices are an innovation that is closely tied with family affairs. This policy has greatly been taken into consideration and applied because there would be a greater advantage for the spouses when they become a couple.¹⁴

Studies on this subject have been conducted by some students. Jamaluddin Faisal did a research on the pre-marriage course in Indonesia and Malaysia by stressing on human rights perspectives.¹⁵ The author, moreover, focuses on premarital course policies in Indonesia and Malaysia by using *maslahah* and human rights theories as analytical tools.

A closer look to the role of pre-marriage course was done by Zulfahmi.¹⁶ His study was concerned with the urgency of making premarital course in light of *maqashid sharia*. A more educated approach on this practice was made by Amirah Mawardi.¹⁷ By investigating a more detail data in measuring direct impact of pre-marriage course to family affairs, she shed light on the relationship between this course and successful family. The last research on pre-marital course conducted by Rafeah Saidon entitled *Examining Weakness in the Governance of Premarital Course for Muslims in Malaysia*.¹⁸ This research discusses the premarital course in Malaysia by making good governance indicators so that weaknesses are obtained in the implementation of the premarital course. Our study, therefore, try to fill the gap that was left by the existing researches by looking at the administrative aspects and procedures of the pre-marital course as exercised in both countries. This paper, moreover, is delved into the policies of the pre-marital course in Indonesia and Malaysia in an attempt how both countries applied such mechanism in relation with marriage system. This study is significant not only in portraying the policy and approaches in conducting pre-marital course but also shedding light in the category of effectiveness of such effort in making a good prospective family for the partners.

¹³ Taheer Mahmud, *Family law Reform in The Muslim World* (Bombay: N.M Tripathi P.Vt. Ltd., 1972), p. 2.

¹⁴ Irwansyah Muhammad Jamal, "Program Kursus Pranikah Ditinjau Menurut Teori *Maslahah*," *Legitimasi* 8 (2019): 154.

¹⁵ Jamaluddin Faisal, "Regulasi Kursus Pranikah Di Indonesia Dan Malaysia Dalam Perspektif Teori *Maslahah* Dan Hak Asasi Manusia," *Jurnal Ahkam* (2020).

¹⁶ Zulfahmi, "Urgensi Penyelenggaraan Kursus Pranikah Dan Relevansinya Dengan Esensi Perkawinan" (Yogyakarta, UIN Sunan Kalijaga, 2017).

¹⁷ Amirah Mawardi, "Pendidikan PRA Nikah: Ikhtiar Membentuk Keluarga Sakinah," *TARBAWI: Jurnal Pendidikan Agama Islam* 2, no. 02 (2017): 158-68.

¹⁸ Rafeah Saidon et al., "Examining Weakness in the Governance of Premarital Course for Muslim in Malaysia," *Future Academy the European Proceedings of Social & Behavioural Sciences*, (2016).

Pre-Marital Course

Marriage is indeed not exclusively defined as a social relation between men and women. This is also closely linked to complex elements such as religious teachings, local norms, social stability and economy. Therefore, for Muslim, a comprehensive understanding of marriage should be put as the first place in preparing spouses to understand the philosophical basis of marriage as social and human relation as well as performing to God's commands.

Marriage course, in this regard, covers a whole target of making good family. It also aims to help couples improve the fundamental meaning of marriage. Each individual is required to understand, exercise and improve his/her role and making good quality and stability of marriage life. This course, therefore, focuses on preparing the couples in understanding the spirit of marriage and family.¹⁹ Once this concept has been deeply ingrained in each individual, it is expected that partners will enjoy good life and all family problems will be easily resolved.

It is indeed noteworthy that premarital course tried to give benefits for the state in general and the couples in particular. The latter were introduced with some materials insights for building the strong family. For the state, in general, a good family will improve the level of state standards in the eyes of world countries.

Scholars agreed that premarital course, even though having precedence neither in the Quran nor in the Sunna, is in tune with *maslahah* (public interest) principles: first, from *dharuri* (emergency) dimension the bride and groom are introduced with the mechanism and principles of marriage. This knowledge becomes the foundation for the couples in strengthening the family. It is also expected that pre-marital courses might be guaranteed to equip husband and wife with

a comprehensive knowledge in family affairs. Second, from the *hajiyyat* (need) aspect, by taking a premarital course, participants will get informed with documents or materials that can be knowledgeable and skilful in family life. Third, based on the *tahsini* (supplement) aspect, the training will equip bride and groom with understanding a series of events during training especially in practical simulation as the example of family life.²⁰

In Islamic law, the spirit of premarital course is exactly a milestone in reforming family institution in the Muslim society. As mentioned above that family affairs are pertained to social, economic, politic and cultural issues, reshaping the construction of family is indeed a must effort. It should be kept in mind that family organic edifice is composed of many aspects, starting from health reproduction, income management, listening and respecting partners and members of family as well as the way of communication with the members of society. In the Quran, there is no detail profile how family should be made. It is stated in general injunctions how faith in God and protecting human life should be taken as the first consideration. Some verses, for instance, assigned Muslim to select partners with the equal faith (QS. al-Baqarah: 221), having good personality (QS. An-Nisa verse 34), making good resolution for the cases under conflicts (QS. An-Nisa: 34). In the prophetic tradition, moreover, it is stated that every Muslim is advised to choose partner with an equal character (*kafaah*).²¹ Once the general teachings are interpreted and delivered to Muslim, it sparks a horizon of knowledge among the learnt people to propose ways and strategies in meeting these goals. The state, therefore, is the authorized institution to pave this breakthrough in making better family. Building good family has becomes the ground of

¹⁹ Ibid., p. 3.

²⁰ Jamal, "Program Kursus Pranikah Ditinjau Menurut Teori Maslahah," p. 154-155.

²¹ Utsman Muhammad, *Irsyadus Zaujain* (Kediri: Maktabah Utsmaniyyah, n.d.).

strengthening the state character. Family is a small society that shapes the generation. In other words, the civilized society is determined by a high caring for the family in that country. Premarital course, therefore, is an attempt to build society with a good character.

Pre-Marital Course in Indonesia

Pre-marital course has been established since the existence of the Agency for Counselling, Assistance and Preserving Marriage (Badan Penasehatan, Pembinaan, Pelestarian Perkawinan, BP4). This agency is tasked to handle with family affairs acted by the religious offices across archipelago in Indonesia. One of its main tasks is concerned with suppressing divorce rate. In 2009, the status of this body has been enhanced through the issuance of Regulation of the Director-General of Islamic Community Guidance No. DJ 11/491 of 2009. It was emphasized that this body is to train the couples intending marriage to have pre-marital course. In 2013, the regulation was refined with the issuance of Regulation of the Director-General of Islamic Community Guidance No. DJ II / 542 of 2013 concerning the guidelines for conducting pre-marital course. In the regulation, it was stated that "the pre-marital course is the training which deals with knowledge, understanding, skills, and good awareness for couples who are going to have family" (Article 1 paragraph 1).²²

BP4 is a semi-official institution organized under the Ministry of Religion which operates in the field of providing marriage advices, dispute resolution, and divorce.²³ The

creation of BP4 is due to several reasons, namely because of the high rate of divorce, increasing underage marriages, and the practice of informal marriage among people for polygamy.²⁴ This body, therefore, is aimed at elevating standard of family quality and reducing marriages ended with divorces.

As stated in the objectives and vision and missions of BP 4, the purpose of this body is to "enhance the quality of marriage in creating a *sakinah* (welfare and peace) family according to Islamic teachings in advancement of quality of life, independence, happiness, prosperity, high spirituality and loving the nation state." Meanwhile, BP4's vision is stated "to make the *Sakinah* family full of love and caring." To realize the above goals and visions, BP4 has a mission consisting of three aspects: 1) Improving the quality of marriage through mechanism of consultation, mediation, and advocacy. 2) Improving services to families being faced with problems through providing counselling, mediation, and advocacy services. 3) Strengthening institutional building capacity and human resources of BP4 in maximizing achievement of programs and goals.²⁵ Therefore, premarital course is strongly based on these goals. It is believed that the target of premarital course as ideal as what have been put in strategic programs. The data informed us that there are some obstacles in making all these targets to be fulfilled and achieved. In other words, the agency has achieved partly the targets assigned in the programs. There is still a strong effort to improve the effective role of this agency.

Premarital course in some respects is a kind of counselling system, if not purely a model of training. This course consists of subjects dealing with an introduction to the

²² Direktorat Jendral Bimbingan Masyarakat Islam, "Peraturan Direktur Jenderal Bimbingan Masyarakat Islam Nomor: DJ. II/542 Tahun 2013 Tentang Pedoman Penyelenggaraan Kursus Pra Nikah," 2013.

²³ Harun Nasution, "Badan Penasehat Perkawinan, Perselisihan, dan Penyelesaian Perceraian," dalam *Ensikolpedi Islam* (Jakarta: Depag RI, 1993), p. 212.

²⁴ Zakyyah Iskandar, "Peran Kursus Pranikah dalam Mempersiapkan Pasangan Suami Istri Menjadi Keluarga *Sakinah*," *Al-Ahwal* 10 (2017): 85.

²⁵ BP Pusat, "Hasil-Hasil Musyawarah Nasional BP4 VII Dan PITNAS IV," 1986.

main goal of marriage, psychological aspect of partnership in family life, criteria of making good relationship being made by partners in marriage, requirements to be fulfilled in the life of marriage, and issues of sex education. This course is also accompanied by materials on good communication, the strategies of satisfying good life between husband and wife, and conflict management among spouses as well as tips how to solve them (problem-solving).²⁶

As it is guided by the Directorate-General of Islamic Community Guidance as the headquarter of this agency, the materials of course include all matters of family life. Article 8 states that the subject of pre-marital course is divided into three categories: one is the basic level, two is main subject and three is the supplement materials that are relevant for the couples. At the basic level, the participants are introduced to knowledge of government policies in relation with maintaining the concept of family building on *sakinah* (peacefulness), *mawaddah* (loveliness) and *rahmah* (carefulness). In this level, subjects on family law, namely the Marriage Law (Undang-undang Perkawinan) No.1 of 1974, the Domestic Violence Law (KDRT), and the Child Protection Law are discussed in details. The principles of marriage in Islamic law (*munakahat*) are also taught.²⁷

The main subject of this training deals basically with issue of family life. The subjects comprise of implementation of family functions (religious dimensions, reproductive functions, love and affection, protection for family members, education, economic improvement, management of capitals, the balance between income and expenses in family financial management), caring for partners,

conflict management in family affairs, and the psychology of marriage.²⁸

Finally, the supplement materials are also provided to strengthen the participants understanding with general issues in private and public life. This final phase is made to assess the effectiveness of course by applying micro-teaching, pre-test, and post-test, as well as assignments/action plans.²⁹ Some of the material delivery techniques that are also applied in the guidelines for conducting pre-marital course consist of lectures, dialogues, and case studies. The sources of materials are derived from the consultants in marriage and family affairs, religious leaders, and psychologists who have expertise in their respective fields.

All of the above materials are delivered to participants of the pre-marital course for at least 16 hours (Article 8 paragraph 4) with several meetings added for conditional cases according to the participants circumstances. After completing the pre-marital course, participants will receive a certificate as a proof of full engagement that can be used as fulfilling requirements when applying for marriage registration. This certificate, however, is not mandatory for spouses intending for marriage as stated at article 6 paragraph 3 regarding certification.

Several studies revealed that the implementation of pre-marital education at KUA showed that there are many obstacles faced by course administrators during implementation. These obstacles are lack of course supervisory, the lack of facilities and infrastructure to support the course, the time allocated for the course is not sufficient to develop the knowledge and skill of participants. Its ineffective course is also tied with the matter of rules which do not strictly assign all couples to take part in this training.³⁰

²⁶ Mawardi, "Pendidikan Pra Nikah; Ikhtiar Membentuk Keluarga Sakinah," p. 158.

²⁷ Zulkifli Wahab and Supardin, "Proses Pelaksanaan Kursus Calon Pengantin di Kantor Urusan Agama Talamanrea dan Biringkanaya," *Jurnal Diskursus Islam* 05 (2017): 149.

²⁸ *Ibid.*, p. 150.

²⁹ *Ibid.*, p. 152.

³⁰ Aris and Zulkifli Budiman, "Efektifitas Kursus Calon Pengantin dalam Memberi Pemahaman

With these various obstacles, it is rationale that the implementation of pre-marriage education at the KUA is merely made with formality approach.

Once this premarital course and the requirement to prove the certificate as one of the documents for marriage registration are not obligatory, couples can easily register themselves for marriage with or without certificate. It means, premarital course in Indonesia cannot be guaranteed to secure family affairs and reduce divorce rate. This ambivalent Policy may directly result in ineffective program in securing family affairs and reducing divorce rate.³¹

Pre-Marital Course in Malaysia

Now we turn to Malaysia regarding with premarital course for couples intending for marriage. In Malaysia, pre-marital course is required for the couples once they are going to get married, except in the state of Sarawak. The initiative to have a pre-marital course in Malaysia was started since 1996, and then it was made compulsory since 1997. This premarital course is equipped with the standard module so called the Integrated Module for Premarital Course (MBKPI) introduced by the Malaysian Islamic Devel-

opment Department, the Agency of Advancement for Islam in Malaysia (Jakim).³² This course is run for two days or equivalent to thirteen hours. The certificate awarded to the couples involved in pre-marital course can be used to fulfil registration documents.³³ It means that the pre-marital course in Malaysia is an obligatory for the couples who wish to get married.

Unlike in Indonesia, Malaysia employs pre-marital course module with the whole course lapses within 13-hour which is divided into three parts. First, the material on aqidah (faith), worship, morals, and marriage procedures. The second part consists of communication problems in the family, health issues, time, and financial management, and the third part concerns the dissolution of a marriage, conflict management, and counselling services.³⁴

In each regional state in Malaysia, marriage law has been applied in accordance with its specialty and uniqueness. Regarding pre-marriage courses, for example, in the state of Negeri Sembilan in law 11/2003, the Law on Islamic Family Part II of Marriage Section 16 stated that if you want to get married, the prospective bride and groom are required to take part in pre-marital course. Another example is the state of Selangor, which also requires a pre-marriage course certificate issued by the Jakim and the Islamic Religious Affairs Department (JAIN) to be submitted when the prospective spouse registers their marriage.³⁵ Regarding the imple-

Konsep Keluarga Sakinah (Studi di KUA Kecamatan Duampanua Kabupaten Pinrang," *Jurnal Syariah dan Hukum Diktum* 15 (2017): 211; Wahab and Supardin, "Proses Pelaksanaan Kursus Calon Pengantin Di Kantor Urusan Agama Talamanrea Dan Biringkanaya."; Zulfahmi, "Urgensi Penyelenggaraan Kursus Pranikah dan Relevansinya Dengan Esensi Perkawinan."; Siti Rugaya and Muhammad Sudirman, "Efektivitas Pelaksanaan Kursus Calon Pengantin (Studi Pada Kantor Urusan Agama Kecamatan Biringkanaya Kota Makassar)," *Jurnal Tomalebbi*, no. 4 (2016): 157-68; Siti Djazimah and Muhammad Jihadul Hayat, "Pelaksanaan Kursus Pranikah Di Kota Yogyakarta: Urgensitas, Efektivitas Hukum Dan Tindakan Sosial," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 11, no. 1 (2019): 59-68.

³¹ Ibid., p. 212.

³² Saidon et al., "Examining Weakness in the Governance of Premarital Course for Muslim in Malaysia," p. 356.

³³ Ibid., p. 356.

³⁴ Ruhil Hayati M Busra, "Modul Kursus Praperkahwinan Islam: Kajian Terhadap Keberkesanannya Di Jabatan Agama Islam Negeri Perak, Darul Ridzuan/Ruhil Hayati Binti M. Busra," 2011.

³⁵ "My Gov - Managing Family Institutions | Managing Marriage Preparation | Premarriage Courses."

mentation technique in the field, it is carried out by the Regional Religion Employees by adhering to the Integrated Module of the Islamic Pre-Marriage Course (MBKPI).

By taking the course, the bride and groom will receive a pre-marriage course certificate which must be attached when registering a marriage. The body taking in charge with this pre-marital course is an Islamic Religious Office or a private agency that has received legal permission from the government of Malaysia. Looking at this significant aspect, pre-marital education is required to be attended by couples wishing to marry. The exception, however, is also applied for people who do not have to attend it, that is firstly, couples at the age of 45 years old for men and 40 years old for women, people with disabilities, and foreigners who are married in Malaysia. In the state of Selangor, several exceptions were added for persons such as converts and Malaysians living abroad.³⁶

Thus, pre-marriage education in Malaysia is an obligation for prospective couples who are going to get married. In contrast to Indonesia, a certificate of proof of having taken premarital course is not merely an administrative requirement for couples intending for marriage. It can be said that premarital course in Malaysia is more effective in terms of efforts of family law enforcement as it is attested in its design program in preparing couples with knowledge and skill in family affairs.

In Malaysia, couples will not have access to marriage registration if pre-marriage course certificate is not attached. This indicates that every couple wishing to get married in Malaysia must attend a pre-marriage course. In regards with administrative aspect, family law system in Malaysia is better than that of Indonesia. However, there is no

evidence that the premarital course program in Malaysia has been effective in creating a harmonious family and low rate of divorce. Below, we will discuss how the programs are dealt in Malaysia and Indonesia.

Premarital Course for Family Institutions: A Comparison

In Malaysia, the policy of pre-marriage course is properly exercised so that prospective couples who are going to get married are assigned to get involved in this training. It is certainly an innovation in family affairs the couples to participate in training as an effort to meet harmonious life. This program can also be classified as an administrative reform effort to compromise between Islamic law, state policies, and the needs of society. This strategic effort is not simply implemented, since there are obstacles to fulfil these goals.³⁷ As it is a non-mandatory training in Indonesia its impact therefore is difficult to be measured.

Related to this, Malaysia made a breakthrough earlier than Indonesia. The fundamental difference between Indonesia and Malaysia is in applying premarital course and its administrative requirements for marriage registration. In Malaysia, a certificate as proof of having participated in a pre-marital course is a mandatory requirement that must be attached when registering a marriage.³⁸ It means that a couple going to get married should initially take part in premarital course. Compared to Malaysia, Indonesia takes a slight weaker enforcement on pre-marriage course as well as administrative requirements for marriage. It means, a couple may register for marriage even though

³⁶ "My Gov - Managing Family Institutions | Managing Marriage Preparation | Premarriage Courses."

³⁷ Jan Michiel Otto, *Sharia and National Law in Muslim Countries, Tensions and Opportunities for Dutch and EU Foreign Policy* (Leiden: Leiden University Press, 2008), p. 24.

³⁸ Saidon et al., "Examining Weakness in the Governance of Premarital Course for Muslim in Malaysia," p. 11.

certificate of premarital marriage was not accompanied. Malaysia, however, enforces such requirement for the couple going to register marriage. It is partially a significant different between Malaysia and Indonesia. Fundamentally, premarital course in Indonesia aims to let couples understand the nature of family in making harmony and hopefully reduce the divorce rate.³⁹ This means that couples who do not take part in premarriage course will have less understanding of how to build a good family. This mechanism is controlled under the Directorate General office which regulates premarriage courses. Thus, the government policy is relevant with social needs.

The requirement of participation in premarital course was also deemed to strengthen administrative system of marriage. This effort is a mode of modernization in implementing Islamic law to secure consistency and justice of law.⁴⁰ In such case, Malaysia guaranteed people in having law enforcement and justice. The requirement for this premarital course affirms its practice and certainty for couples intending for marriage. Indonesia, however, applied such regulation with no obligation. This institution, therefore, is put in a mere formalistic manner. The couples intending to get married might be proceeded for registration with or without premarital certificate. In such approach, premarital course in Indonesia is voluntary in nature and will lead to injustice and uncertainty for people wishing to have family. Looking at such practice, the practice of bureaucratic system of marriage in Malaysia is stronger than that of Indonesia. If adminis-

trative mechanism gives stronger impact on family system, one may argue that Malaysia enjoy better environment in marriage and family system.

Malaysia and Indonesia share the same goal of making premarital course as the preparation in creating harmony for the prospective couples. Family is defined as kind of a small society which needs to be enhanced and promoted with a high dignity. Once a family is good, it is assumed that people is sound and good. This close relationship between good life in family affairs and social life in general gives impact to the character of human life. It is worthwhile that the way a person maintains their relationship in the family will reflect how their next-generation nurture their relationship. This is called "relationship history". It is stated that a person who comes from a non-divorcing parent tends to have low-conflict family.⁴¹ Divorce, indeed, may be triggered by various reasons. Its substantial nature is certainly resulted from the unresolvable relationship between couples. In other words, divorce is a humanly unexpected case for a family. This case, however, tends to increase from a year to year. In 2016, Indonesia was even placed the second rank after America with the most populated orphans due to divorce or separated parents.⁴² In general, divorce brings about social, economic and psychological impacts for the members of family, especially wife and children.

As mentioned above, pre-marital course in Malaysia is mandatory, eventhough its legal standing may not affect the legality of a marriage. In other words, certificate of premarital course is merely a document required for fulfilling legal documents in mar-

³⁹ Aris and Zulkifli Budiman, "Efektifitas Kursus Calon Pengantin dalam Memberi Pemahaman Konsep Keluarga Sakinah (Studi di KUA Kecamatan Duampanua Kabupaten Pinrang)," p. 208.

⁴⁰ Asep Saepudin Jahar, "Bureaucratizing Sharia in Modern Indonesia: The Case of Zakat, Waqf and Family Law," *Studia Islamika* 26, no. 3 (2019): 207-245.

⁴¹ W.K. Halford, "Best Practice in Couple Relationship Education," *Journal of Marital and Family Therapy*, (2003): 385-406.

⁴² Arafani, "Promoting the forgiveness in premarital counseling as a way to get a successful marriage," p. 1.

riage registration. In the federal states, pre-marriage course is demanded as one of the marriage procedures under article 134 of the Islamic Family Law (Federal Territory) Act 1984. The role of king of federal states in Malaysia or so called “Yang di Pertuan Agong” is also authorized to issue such rules to the extent that this mechanism in line with the law.⁴³

Being consistent with the requirement of pre-marital course certificate, each couple in Malaysia must have been involved in such course once they are going to become wife and husband. If such training has been organized with a good and effective approach, it would be assumed that wife and husband in Malaysia might be more skilful in managing family problems. To make a clear assessment to this case especially in relation between divorce and premarital course or a skilful conflict management in family life among partners in Malaysia need a further study. Being as it may, Indonesia and Malaysia have made a breakthrough in strengthening administrative nature of family affairs. Family is a matter of social institution that needs a serious preparation, not merely a place of legalizing sexual life between man and woman. This concept in Islamic law is made with a general guideline such as love, caring, and serving for all need of partners and children.⁴⁴ The effort is absolutely a corner stone of reformation in Islamic law of family affairs.

Materials of Pre-Marital Courses in Indonesia and Malaysia

In regards with subject materials delivered during premarital course, both Malaysia and Indonesia share similar approaches and

strategies. As mentioned above, Indonesia tried to introduce the participants with three categories: one is concerning with regulation on marriage affairs, two is marital issues as taught in Islamic teachings as well as social and psychological issues and three is of final assessment in measuring the achievement of subjects. This series of subject courses have been assigned by the Director Generals of Guidance for Muslim society.

For the first part, the training deals with understanding state regulations in meeting its goal of a family being nurtured with peace, love and caring. The bill of Marriage no.1 1974, the Act on domestic violence, and the Law on Child Protection were, among others, the main subjects discussed and presented during the training. The provisions of marriage in Islamic law are also elaborated as the fundamental subject for the participants. The technical and substantial materials especially concerning with daily life in family are also shared. These materials, for instance, concerned with performing religious duties, to get informed with and caring for reproductive health, maintenance of love and affection, promoting education for the children, managing financial income and expenses, managing conflicts within family affairs, and learning with psychology of marriage. The final phase of training is concluded with assessment in an effort to measure training effectiveness among participants.⁴⁵ All these materials have been delivered with a multi-approaches and methods such as lectures, discussions, questions and answers, and assignments. This is stated clearly at article 8 of regulation issued by the directorate general of Islamic guidance and society. All these materials are taught and completed within 16 hours.

In Indonesia, premarital course aims to help couples in embodying welfare society

⁴³ Saidon et al., “Examining Weakness in the Governance of Premarital Course for Muslim in Malaysia,” p. 11.

⁴⁴ Mahmud, *Family law Reform in The Muslim World*, p. 2.

⁴⁵ Wahab and Supardin, “Proses Pelaksanaan Kursus Calon Pengantin di Kantor Urusan Agama Talamanrea dan Biringkanaya,” p. 150.

and good family. Family is a small society being home for children and all members of family to actively share and support each other. Parents are the figure in preparing the children for making a mature person.⁴⁶

A similar of approach of premarital course of materials is also conducted in Malaysia. Looking at subject in more details, the material/module is divided into three parts. First, the material dealing with on aqidah (faith), teaching of ritual praying especially for performing daily obligation, conducts of life or so-called morality, and marriage procedures. The second part consists of the arts of communication pertaining with all matters of personal and public relation in family affairs, tips and awareness with health affairs, and financial management. The third part concerns the dissolution of marriage, conflict management, and counselling services. This premarital course is made with an interesting and modern approach combining various models of training strategies, among others, are lecture, presentation of picture slides, playing short videos illustrating the examples and models of family life, and a drama of maintaining love and caring (Les-tari Kasih). All of materials are presented within at least 13 hours.⁴⁷

Premarital course conducted in Malaysia and Indonesia might be one step forward of reform in family institution. It is certainly an attempt of Muslim lawyers as well as government to improve family life. It is probably perceived that the increasing divorces may be tied with the lack understanding of family affairs. To get well informed with a dynamic life in family is to prepare the couples with knowledge, skills, good belief and commitment in individual and public life. Both

countries are aware that life is running and the challenges for generation are changing.

Turning our attention to the bulk materials offered in premarital course in both Malaysia and Indonesia leaves us puzzles concerning with the abundance subjects and the effectiveness of training. Indonesia, for instance, took a little bit longer times with 16 hours to complete these subjects, while Malaysia lasted merely with 13 hours. There is indeed longer time for training might bring comprehensive discussion and understanding. In other words, insufficient time for this course will be ineffective. Family affairs might not enough to be taught for a few days since they are pertained to a dynamic matter and changing over time depending on the cases and conditions. A good design module accompanied with its training methods and strategies need a further assessment in terms of its effectiveness and impact to making good family life. In some respects, however, this course will bring participants to understanding values, teachings and regulations on marriage.

Some studies even show the ineffectiveness of pre-marital course programs in creating good relationship and fulfilling satisfaction in marriage among couples.⁴⁸ Thus, premarital course program conducted in religious offices in Indonesia and Malaysia still share a small portion in suppressing divorce rate. The data revealed that the divorce rate in both Indonesia and Malaysia is still increasing every year.⁴⁹ The premarital course,

⁴⁶ Ibid., p. 152.

⁴⁷ M Busra, "Modul Kursus Praperkahwinan Islam: Kajian Terhadap Keberkesanannya Di Jabatan Agama Islam Negeri Perak, Darul Ridzuan/Ruhil Hayati Binti M. Busra."

⁴⁸ Mahdieh Yazdanpanah, Mohammad Eslami, and Nouzar Nakhaee, "Effectiveness of the Premarital Education Programme in Iran," *International Scholarly Research Notices* 2014 (2014); Parhizgar et al., "Effect of Premarital Counseling on Marital Satisfaction."; Aris and Zulkifli Budiman, "Efektifitas Kursus Calon Pengantin Dalam Memberi Pemahaman Konsep Keluarga Sakinah (Studi Di KUA Kecamatan Duampanua Kabupaten Pinrang)."

⁴⁹ The data obtained from "Badan Pusat Statistik" [the Center of Statistical Agency] Indonesia and "Department of Statistics Malaysia Official Portal,"

however, an important innovation for marriage affairs in community. This premarital course deserved for evaluation and improvement in strengthening family life in Muslim countries.

Conclusion

Indonesia and Malaysia are faced with high rate of divorce. Both countries try to cope with this problem by strengthening family institution. Malaysia and Indonesia applied different approach in requiring partners intending marriage in regard with pre-marital course document. Malaysia takes a strict requirement for the couples once they intended to get married. In Malaysia, a certificate of premarital course, among others, should be accompanied for fulfilling the administrative requirements. In Indonesia, however, such certificate is not seen as the main requirement even though pre-marital course has also been suggested for the prospective partners.

In terms of subject materials taught and discussed during premarital course, Malaysia and Indonesia share a similar approach concerning contents and goals. Lecture, playing movies, discussion and focused group discussion have been used in delivering subjects. The subjects cover religious teachings on marriage, state regulations of family affairs, reproduction, social and psychological issues in private and public affairs. Even though, Malaysia and Indonesia applied a slightly different duration of training with 13 hours and 16 hours respectively, both countries did not evaluate impact of premarital to the increasing divorce rate. It means, divorce rate could not exclusively reduce by premar-

ital course. In terms of administrative requirements for marriage registration, Malaysia moves a step forward than Indonesia did. We conclude therefore that premarital course in general needs to be improved in regards with its time allocation and effectiveness to reduce divorce rate.

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