

---

## **OPTIMIZATION OF HUSBAND AND WIFE CONFLICT RESOLUTION IN THE PEOPLE OF KEBUMEN REGENCY THROUGH TAJDIDU AN NIKAH**

**Agus Salim**

Universitas Nahdlatul Ulama Purwokerto, Indonesia  
Email: agussalimsiogut@gmail.com

---

### **Abstract**

In Islamic jurisprudence *tajdidu an Nikah* is carried out for several reasons, namely because the husband wants to return to the wife who was divorced in a condition where she has not been intimated, the husband refers to the wife who was divorced by *raji* when her *idah* period has expired, the husband refers to the wife who asks for *khuluk*, and then there are doubts. whether or not the marriage contract is valid. An interesting thing is the phenomenon that occurs in the community in Kebumen district, where *tajdidu* and *nikah* are used as a resolution to conflicts between husband and wife who are constantly fighting. This phenomenon is interesting to discuss, it is known that in Islam husband and wife conflicts are resolved through *tahkim*, while *tajdidu* and *nikah* as previously adhered to are only intended for four things. Therefore, this article will try to discuss how *tajdidu an nikah* is practiced in Islamic law, what is the practice of *tajdidu an nikah* in Kebumen society, and how optimal *tajdidu an nikah* is as a way to resolve household conflicts. This research is empirical research using a normative approach, where the phenomenon of *tajdidu* and *nikah* in Kebumen society will be analyzed for its effectiveness and how the provisions of Islamic law in *muamalah fiqh* relate to the resolution of husband and wife disputes in the household.

Keywords: *Tajdidu an Nikah*, Conjugal Conflict, Kebumen Community

---

### **INTRODUCTION**

*Tajdidu an nikah* is a term consisting of two vocabularies, namely *tajdid* and *an nikah*. *Tajdid* linguistically means to change or reform (Surur, 2022) , and *an nikah* means a contract with which conjugal relations are allowed. Article 1 of Law Number 1 of 1974 concerning Marriage states that marriage or marriage is an inner birth bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the Almighty Godhead.

From this understanding, if formulated *tajdidu an nikah* is an effort to renew a valid or doubtful marriage contract that is only accompanied by a new contract and dowry and is carried out in accordance with the pillars of marriage conditions stipulated in *shara'*. Muhammad Hilmi Fauzi defined *tajdidu an nikah* as an effort to renew the marriage cord that has been running and has undergone a shift from the purpose of marriage, and is an attitude of prudence, perhaps there has been *thalak* during building a household either intentionally or unintentionally, and it is hoped that by carrying out *tajdidu an nikah* can bring blessings so that what is aspired to together in sailing the household ark that has not yet materialized to be realized soon (Fauzi & Sina, 2018). Furthermore, *tajdidu an nikah* is the existence of a valid marriage contract according to *shari'a'*, then the contract is carried out once again by fulfilling the requirements and getting along to be careful, in the hope of realizing the purpose of marriage, which is a family filled with love, happiness and prosperity (RACHMAN, 2021).

Textually, the legal basis of *tajdidu a nikah* to resolve conjugal conflicts is not found in the *nash* of the Quran or Hadith. The *tajdidu an nikah* in question is a marriage contract that is carried out out of prudence and aims to strengthen the relationship between husband and wife, then the legal basis is the *ulama's ijtihad* on the prudence of the marriage contract carried out

before. Ibn Hajar al Haitami explained, if a husband enters into a second marriage contract to improve the relationship between husband and wife and prudence, then the second marriage contract does not cancel the first marriage contract (Abdul & Al-Asadi, 2020). But even so, according to Imam Nawawi, there should be no need to make a second or umpteenth marriage contract.

Meanwhile, if what is meant by *tajdidu an nikah* is due to the fall of thalak to a wife who has not been, then the *tajdidu an nikah* has been spelled out implicitly in the Quran surah al Ahzab verse 49 which reads.

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا نَكَحْتُمُ الْمُؤْمِنَاتِ ثُمَّ طَلَقْتُمُوهُنَّ مِنْ قَبْلِ أَنْ تَمْسُوهُنَّ فَمَا لَكُمْ عَلَيْهِنَّ مِنْ عِدَّةٍ تَعْتَدُونَهَا

O believers, if you marry women of faith, and you divorce them before you interfere with them, it is not at all obligatory upon them that you ask to make it perfect. (QS. Al Ahzab: 49)

This verse is a verse that explains that there is no *iddah* for women who are rejected before being *jima'* by their husbands. According to most scholars, women in this condition cannot be referred except by means of new marriage (*tajdidu an nikah*) (Sabiq, 1992). The implementation of *tajdidu an nikah* like this is carried out by the husband as the practice of marriage in general, namely the fulfillment of pillars and conditions as they should.

In addition to *tajdidu an nikah* on a wife who was thalak before being, classical Islamic jurisprudence also explains the law of permissibility of *tajdidu an nikah* on women who have expired their *iddah thalak raj'ii* and have not been referred to'. This case occurs when a husband halts his wife with *one-two thalaks*, but the husband does not refer to his wife until the wife's *iddah* period is over. In such cases the husband can refer to the wife by means of *tajdidu an nikah* without *any muhalil*. Unlike if the husband halts the wife with three *thalaks*, if the husband has halted the wife, then the consequence is that the husband may not marry the ex-wife again unless the ex-wife has been mauled by someone else (*muhalil*). this is as Allah says in the Qur'an.

الطَّلَاقُ مَرَّتَيْنِ فَإِذَا مَسَّكَ بِمَعْرُوفٍ أَوْ تَسْرِيحٍ بِإِحْسَانٍ ۖ وَلَا يَجِلُّ لَكُمْ أَنْ تَأْخُذُوا مِمَّا آتَيْتُمُوهُنَّ شَيْئًا إِلَّا أَنْ يَخَافَا أَلَّا يُؤَيَّمَا  
حُدُودَ اللَّهِ ۗ

Kemudian jika dia menceraikannya (setelah talak yang kedua), maka perempuan itu tidak halal again for her before she married another husband. Then if the other husband divorces her, then there is no sin for both (the first husband and the ex-wife) to remarry if both think they will be able to live God's laws..(QS. Al-Baqarah :230)

The practice of *tajdidu an nikah* on the three issues above is carried out as the practice of marriage in general, namely there are two brides (husband and wife), the existence of a marriage guardian for women, the presence of two witnesses who witness the marriage contract, and the pronouncement of *sighat* akad in the form of *ijab* and *qabul*, as well as the obligation to pay the dowry that must be given to the wife.

If observed, the geneology of *tajdidu an nikah* thought on the three above issues is implicitly based on the Qur'an hadith, and is a logical cosecunesion of every *thalak* and *khuluk* performed by husband and wife. Turning the appeal to the geneology of the idea of *tajdidu an nikah* in cases that are not *thalak* or *khuluk*, namely *tajdidu an nikah* because of doubts about the validity of the marriage contract and or to improve the relationship between husband and wife, where *tajdidu an nikah* in this practice seems to be carried out on marriages that have not been canceled even though they are doubtful abash and bathal.

Doubts about a marriage contract must be placed on the correct map, save the researcher, if a person doubts about his marriage contract is valid or void, it should be enough just to review the pillars and conditions of the marriage contract that has been done. Another meaning, if the conditions and harmony have been met, then doubts about the validity and cancellation of the marriage contract have disappeared. But if the problem with *ijab qabul's answer* does not match, then this requires a *sighat* of a new contract, and even without a new dowry, because the dowry given or mentioned in this case has not been used in the previous void contract.

However, if it is believed that the dowry has been used in the first marriage contract, and a person performs a second marriage contract, then automatically the person considers the first marriage contract void, so that when he performs the second marriage contract because he considers the first contract void, it means that he has accidentally dropped the thalak, and consequently when he is about to perform the second marriage contract he must use the new dowry as a condition of the second marriage contract. This is implicitly explained by Yusuf ibn Ibrahim ad Darbily in *Kitab al Anwar li 'Amāli al Abrar*. If a husband renews the marriage to his wife, it is obligatory to give dowry (dowry) because he recognizes the divorce and renews the marriage including reducing (counting) divorce/talaq. If done up to three times, then *muhalli is needed* (Al-Ardabili, 2006).

## RESEARCH METHOD

This research uses a normative empirical approach, where this study describes the reality that occurs in the Kebumen community who perform jadid marriage as a settlement of husband and wife disputes. The settlement of spousal disputes by means of jadid marriage will be analyzed using Islamic law, and seen to what extent is optimal in resolving disputes in this way.

## RESULT AND DISCUSSION

### **Factors of Conjugal Conflict and the Practice of Resolving It through *Tajdidu an Nikah* in the Kebumen Community**

It is recognized that basically the practice of *tajdidu an nikah* does not only occur in Kebumen regency, but this practice is also carried out in several regions of Java. The motives vary, in addition to *tajdidun an nikah* for *khuluk reasons*, because the husband has not referred to the wife whose *iddah period* expires on *thalak raji'i*, and because *the thalak* is dropped before the wife is, some of the reasons for *tajdidun an nikah* in the Javanese island community are *First*, for the reason of marrying a woman who is pregnant due to extramarital relations, this happened in Alamendah village, Rancabali District, Bandung Regency. The occurrence of *tajdidu an nikah* is due to the encouragement of religious shops, where religious shops assume, women who are pregnant out of wedlock and are preceded in a state of pregnancy by the man who impregnates her, then when the baby she is carrying has been born is required to change marriage or perform *tajdidu an nikah* (Alyana & Fawzi, 2022). *Second*, for reasons of tradition, where people have performed *tajdidu an nikah* for generations and are considered good by society and religious leaders, even this phenomenon has become a myth, if *tajdidu an nikah* is not performed, they believe that conflicting households cannot be good again. The phenomenon of *tajdidu an nikah* like this is carried out in Toket village, Proppo district, Pamekasan regency (Sahibuddin, 2018). *Third*, for reasons of improving husband and wife relationships that are less harmonious, because of economic problems or because of deep-rooted traditional beliefs of the community. The occurrence of *tajdidu an nikah* for this reason occurred in Wiyurejo village, Pujon district, Malang regency (Maulana et al., 2023).

Kebumen Regency is one of the districts in the southern region of Java, as data from the Central Bureau of Statistics of Kebumen regency in 2022, Kebumen regency has a population of 1,376. 825 inhabitants [kebumenkab.bps.go.id](http://kebumenkab.bps.go.id), (2022), divided into categories of 658,337 people in the labor force, 619,368 people have worked as farmers, fishermen, traders, entrepreneurs, politicians, farm workers, housewives, teachers, entrepreneurs and civil servants, and 38 969 people at the level of employment. Di antara masyarakat Kebumen

tersebut sebagian kecil menjadi pekerja migran sebagai TKI [kebumenkab.bps.go.id](http://kebumenkab.bps.go.id), (2023), hal ini sebagaimana tercatat pada tahun 2021 sebanyak 408 jiwa (BPS ketenagakerjaan Kebumen, 2021), and some communities also work outside areas such as Jakarta, Bekasi and West Java. While *the majority of religious* amalaiyah is a Muslim community that practices ahlusunnah wal jamaah an nahdliyah.

Related to *tajdid an nikah* practiced by the Kebumen community which is the object of the research study the researchers conducted, the researcher took 3 simple conflict resolution through *tajdid an nikah*, one of which was the practice of conflict resolution through *tajdid an nikah* found factors that were behind the emergence of conflicts between wives, namely the factor of not meeting the needs of children and wives, and two of them were practices Settlement through *tajdid an nikah* found factors that background the emergence of conflicts between wives, namely differences in husband and wife domicile for work reasons which eventually became a factor in the birth of the conflict between the two.

**Table 1 of past research**

No	Subjek	Implementation <i>Tajdid an Nikah</i>	Conflict Factors
1	Aldo Ando dan Vanesia Nur Jannah Kecamatan Puring	November 2014	The husband does not provide for the children and wife for several months, causing conflicts and disputes. It is not uncommon for wives to ask their husbands for divorce. But the family considered the divorce, because the reason the couple had children who were considered heavy in the event of divorce, finally the two families negotiated and asked both to marry in Bali or do <i>tajdid an nikah</i> (Interview dengan Vanesia Nur Jannah pada tanggal 1 Agustus 2023)
2	Anto Daud dan Jumingah Lestari Kecamatan Ayah	Bulan Juli 2020	The wife allegedly had an affair with another man. The wife who worked abroad allegedly had a relationship with another man, the husband did not accept. With the wife's attitude, there was a quarrel between the two, either directly or by telephone. In this case, both parties chose to keep the household after the wife confessed and promised not to repeat. In addition, this husband and wife also consider the psychology of children who still need the love of both. The two agreed to return and promised each other to take care of each other's families and maintain each other's honor, after performing <i>tajdidun nikah</i> in 2020 (Interview dengan Anto Daud pada tanggal 10 Oktober 2023)
3	Purnomo dan Eka Widiati Kecamatan Petanahan	Bulan April 2019	The distance of the husband and wife separated by the place of work, sumai is in Jakarta, the wife is in Kebumen. The husband works as a factory hunter and the wife is a teacher in a private school. This is because according to Eka, finding a job with standard wages in Kebumen is considered difficult, so her husband took the initiative to work outside the city. With the distance, the two do not trust each other, so there is a conflict and it is not uncommon to be silent for more than three days. This is what encourages Eka and her family to re-establish a new relationship by means of <i>Tajdidu an Nikah</i> . As a form of prudence, who knows

No	Subjek	Implementation <i>Tajdid an Nikah</i>	Conflict Factors
			the husband dropped <i>thalak</i> sharih but he did not know ( <i>Interview dengan Eka Widiati pada tanggal 22 juli 2023</i> )

It can be concluded in this table that there are several factors that cause conflict and cause *tajdid an marriage*, *first* there is a difference in domicile between husband and wife, *second*. Another factor in subsequent domestic conflicts is the factor of the absence of husband responsibility to his wife and children where this case can be found in the case of Aldo and Vanesia, where Vanesia asked Aldo for a divorce because Aldo did not provide for her and her child.

The practice of *tajdid an nikah* in Kebumen regency is basically the same as the marriage contract as in general. Before the marriage contract is carried out, the parties, namely husband and wife and their extended family, have made an agreement that is accepted by both parties. At this stage the husband and wife conduct negotiations on how good and the continuation of their relationship is. But there are also negotiations carried out by the family or someone who is trusted to negotiate the continuation and goodness of the husband and wife relationship. In this second model, the practice is that husband and wife cannot be met because of shame or other reasons, so that in *good faith* the husband establishes a good relationship with the wife's family, and while conciliating by considering the good of the parties (husband and wife). In the case of this indirect conciliation, conciliation can be carried out by one of the conjugal families, *mudin* or *kiai* who is considered to represent the interests of the parties. After conciliation and the interests of the parties are found, the next stage is to bring together the parties and position both to be advised and notify the agreement made in conciliation (*Interview dengan Miftahudin, seorang kiai yang berkedudukan sebagai kayim di petanahan kecamatan petanahan kabupaten kebumen pada tanggal 22 Juli 2023*)

After the two are met, the next stage is carried out *tajdid an nikah* on the appointed day. During the waiting period for the day of *tajdid an nikah*, the parties can be juxtaposed in one house, but may also not be juxtaposed in one house if there are things that may have work importance or other business interests that cause them not to be in the same house. When the marriage contract is carried out the parties are placed in a ceremony of contract, attended by the families of the parties and religious and community shops. It is the religence of religious leaders and the community to witness and strengthen the hearts of the parties in the bond of *tajdid and marriage*. *Akad* is carried out as a marriage contract in general, namely *ijab* is carried out by the bride and groom in the presence of the wife's guardian in accordance with Islamic law and also the husband gives a new dowry to his wife (*Interview dengan Miftahudin, seorang kiai yang berkedudukan sebagai kayim di petanahan kecamatan petanahan kabupaten kebumen pada tanggal 22 Juli 2023*).

The practice of marriage with the *tajdidu an nikah model* like this is not carried out marriage registration in KUA, according to Dahroji, the head of KUA Petanahan explained that the reason there is no need to register a marriage model *tajdidu an nikah* like this is because basically the marriage status of the parties is not void and not damaged, because both of them do not divorce and only to re-establish the hearts of each party, So that they arrange their

respective intentions on a new page after tajdid an nikah occurs (Interview dengan Dahroji kepala KUA Petanahan pada tanggal 22 September 2023)

### **Conflict resolution in classic fikih**

In KBBI conflict is defined as disagreement, disagreement and contradiction. Corresponding to the meaning, Ekawarna deciphers conflict as contradictory, disputing and strife with each other (Nurlaili, 2022). As an affirmation in this article, what is meant by husband and wife conflict is a husband and wife quarrel due to several causes experienced by both of them continuously. Conjugal conflict is a conflict involving a married couple where the conflict has a significant effect or influence on the relationship between the two partners (Puspita Dewi, 2017). The conflict between husband and wife in Islamic teachings is called *syiqaq* (الشِّقَاقُ) which means dispute or fracture, while according to the term *shiqaq* is a dispute between husband and wife that is resolved by two judges, namely one judge from the husband's side and another judge from the wife's side (Tihami & Sahrani, 2010).

Islam teaches its followers to perform marriage, marriage in Islamic teachings is not only the fulfillment of sexual needs, but also as a form of worship and maintenance of offspring. However, Islamic teachings are aware of the emergence of conflicts in the household, therefore Islam in addition to commanding its followers to marry, Islam also teaches that husband and wife do not experience conflict and Islam teaches how to resolve if there is a conflict between usmai and wife.

The emergence of conflict between husband and wife can begin because of a dispute between the two. The dispute is due to differences in opposing desires, or changes in the character of husband and wife, but it can also be caused by boredom between the two (Subki & Yusuf, 2010). Disputes are also born due to external influences, namely infidelity, misunderstanding, jealousy and discomfort of one party towards the other party's family. The conflict arises because of different perceptions, expectations and is supported by the existence of backgrounds, needs and values that they profess before deciding to enter into a marriage bond (Dewi & Basti, 2011). To resolve the conjugal conflict, Islamic sharia has taught its prevention or resolution if a conflict will occur and has occurred.

The prevention of conflict between husband and wife in Islamic teachings is explained in the Qur'an Surat an Nisa verse 19, its stages, *First*. Improving the association of husband and wife, *وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ*, good association of husband and wife can be interpreted as an effort to suamai wives to speak softly to each other UMAR, (2021), fulfill their respective rights and obligations *وَأُولَئِكَ مِثْلُ الَّذِي عَلَيْكُمْ بِالْمَعْرُوفِ*, weeding each other, protecting each other, either protecting from harm or from their neighbors *يَا أَيُّهَا الَّذِينَ آمَنُوا قُوا أَنفُسَكُمْ وَأَهْلِيكُمْ نَارًا*, trust each other and do not demean each other. *Second*. Hating something you don't like about your partner just like *فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا*. This is because what is hated may one day be loved, and something loved will one day be hated.

Furthermore, the resolution of conflicts that occur between husband and wife in Islamic teachings can be done by, *First*, giving advice to both, the advice in the form of commitment in marriage, the negative effects of divorce on children, and commanding patience in dealing with problems faced in the household. *Second*, separate beds, this is done where the wife disobeys the husband and the wife seems to violate the sharia by abandoning obligations or not

maintaining honor, for that the husband has the right to educate the wife by separating the bed (Subki & Yusuf, 2010). *Third*, negotiate by sending messengers to negotiate on the goodness of the disputing husband and wife. This is as explained in the Qur'an Q.S. an-Nisaa Verse 35.

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقُ اللَّهُ بَيْنَهُمَا إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا

And if you are worried that there is a dispute between the two, then send a hakam from the male family and a hakam from the female family. If the two hakam intended to make amends, Allah would have informed the husband and wife. Indeed, Allah is All-Knowing, All-Knowing. (Q.S. An-Nisaa Ayat 35)

The attempt to negotiate by sending a messenger to negotiate the virtues of husband and wife in classical jurisprudence is called *tahkim*. According to Muhammad Hasbi Ash Shiddieqy and quoted by Agus Salim in his article, *tahkim* is an attempt made by two or more people to send one or more people to settle certain matters in accordance with Islamic law (Salim, 2017). *Tahkim* is also a category of *as Shulh* or peace efforts, *as Shulh* in the resolution of conjugal conflicts is recommended when the wife who feels her husband does not care about her or the husband who abandons obligations towards his wife and children, as well as if the wife disobeys the husband or the wife sulks (*nuzuz*) to the husband.

وَإِنْ أَمْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُورًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا وَالصُّلْحُ خَيْرٌ

And if a woman is worried that her husband will nusyuz or be indifferent, then both can make real peace, and that peace is better (for them) (QS. Surat Al-Nisaayat 128).

The function of *hakam* in *tahkim* conjugal conflict is as a negotiator who represents the conflicting husband and wife in resolving their interests. As explained in the *Jalaleian* tafsir that *hakam* is a man of a just nature who is sent by husband and wife to represent the interests of both in the attitude of dropping *thalak* or begging for *khuluk*, besides that *hakam* is also a person who tries earnestly to ask those who commit *tyranny* To the other party to be self-aware and end the tyranny, so that both of them are reconciled and live peacefully within the family frame (Hermanto et al., 2021). Therefore a *hakam* is required to have an idoral attitude, namely fair, *puberty*, intelligent, wise and Muslim (Hermanto et al., 2021). It is not allowed to hold *hakam* who have a tendency to increase the dispute of husband and wife conflict, and want to separate the husband and wife who are in conflict. Furthermore, *hakam* is also required to master the law regarding the problems faced by it (Salim, 2017).

In relation to people having the right to be *hakam* in husband and wife conflicts, scholars agree that *the hakam* sent to negotiate is from the village of the husband and the wife's family who have the conditions described earlier. If you do not find a proper *hakam* from the family of the husband and the wife's family, then it is permissible for the husband and wife to bind someone they trust to be able to represent their family (Apriantoro et al., 2021).

The stages of conflict resolution through *hakam* as explained by Sayuti Talib include: *First*. *Hakam* asked the party who sent him to get an explanation of the cause of the conflict, and to know the interests of each party. *Second*. Both *hakam* try to find a point of peace for the parties to the conflict by taking into account the interests of the party appointing them. *Third*. Both *hakam* seek an agreement of opinion between the parties who give kusa. If there is an agreement between the *hakam* and the agreement represents the interests of the class, both *hakam* seek to continue the marriage bond, but if no agreement is reached, then *the hakam* breaks the marriage bond in accordance with the interests of the party sending it. In addition,

both *hakam* can impose *thalak* or propose *khuluk* according to the will of the party who sent them (Muhibbin & Wahid, 2022)

### **Analysis of Optimization of Maluli Tajdid an Nikah Conflict Resolution in Kebumen.**

The optimization referred to in this article is the best result in efforts to resolve husband and wife conflicts. To measure whether the settlement of conjugal conflicts has been optimal, researchers make a barometer with reference to several things, *First*. How long the conjugal relationship lasts after *tajdid an marriage*, *Second*. How harmonious their families are after *tajdid an marriage*, and *Third*. What is the level of commitment of the parties to maintain their household after *tajdid an marriage*. To measure some of these standards, researchers conducted direct interviews with three respondents at the semple discussed earlier.

*First*. How long the conjugal relationship lasts after *tajdid an marriage*. Judging from how long the relationship between husband and wife lasts since the occurrence of *tajdid an marriage*. So researchers looked at the time of implementation of *tajdid an nikah* on semple until now. As the table above, mentions the marriage of Aldo Ando and Vanesia Nur Jannah in Puring District which took place in November 2014 until this data was taken Aldo and Vanesia's marriage is still lasting. Likewise with two other couples, namely Anto Daud with Jumingah Lestari in Ayah sub-district in July 2020, and Purnomo couple with Eka Widiati in Petanahan sub-district in April 2019. From the explanation of the table, it was found that the marriage is still lasting today. This can be suspected by seeing the relationship between the perpetrators of *tajdid* and marriage to this day. *Second*. How harmonious their family is after performing *tajdid an nikah*. About how harmonious the relationship between husband and wife perpetrators of *tajdid an nikah* can be measured from the level of conflict they have carried out during the implementation of *tajdid an nikah* until now. As we safely collected data from three respondents in this study, they admitted that the conflict that occurred in their relationship was not as big as the previous conflict. Eka said that small conflicts still occur such as differences of opinion in some ways, but not to quarrels that lead to domestic violence and divorce as before (*Interview with Eka Widiati on September 5, 2023*). The same thing was explained by Aldo's partner, according to him there was a conflict between Aldo and his wife because he did not provide a living, he admitted there were several reasons he did not provide a living, one of which was the absence of a job that was a steady source of income, and he admitted that he was still childish in the relationship that wanted to be idle and relaxed with his friends. This was not done anymore because he realized that the child already needed school fees and maybe other needs (*were very urgent, so Aldo began to work to meet these need Interview with Aldo and Vanesia Nur Jannah on September 5, 2023*)

*Third*, how committed the parties are to maintaining their households, this can be measured from several respondents' explanations in these three research sessions. There are at least some commitments that cause them to maintain their household after performing *tajdid an nikah*. *First*. Having started thinking about the future of children, Eka explained that children are the main reason for her husband and herself to maintain a household, according to Eka, children have the right to be happy and their happiness can simply be started from the good relationship between father and mother. He admitted that his son was mentally disturbed if his father's mother divorced (*Interview dengan Eka Widiati pada tanggal 5 September 2023*).



Vanesia and Aldo confessed the same thing, they revealed why they maintained the marriage, according to them children are very influential on the defense of their relationship. In addition, Aldo said, if there is a divorce, he does not necessarily get a partner who can accept it, that's why he realizes that his wife is the best to accompany him. He also realized about the needs of life and the sufficiency of his family, in his confession Aldo had worked and his wife also worked, what they got from work could already cover the needs and savings for children's school (*Interview dengan Aldo dan Vanesia Nur Jannah pada tanggal 5 September 2023*).

From the three response data, the optimization of *tajdid an nikah* as a settlement of household conflicts can be said to be official and *tajdid an nikah* can be used as a form of conflict resolution for husband and wife who have prolonged conflicts.

Several reasons why the parties feel the need for *tajdid an nikah efforts* in resolving the conflict between the parties (husband and wife). *First*, *tajdid an nikah* is considered a new agreement agreed upon by both parties after they have had conflicts in their marriage. The new agreement reinforces the commitment of both parties to defend their households (*Interview dengan Aldo dan Vanesia Nur Jannah pada tanggal 5 September 2023*). *Second*, *tajdid an nikah* as an advice that is expected to make both parties aware that the conflict they had done before was wrong according to *the Shari'a* and according to the order of married life. So it is necessary to involve negotiators who not only negotiate the interests of the parties but also advise the parties (*Interview dengan Dahroji kepala KUA Petanahan pada tanggal 22 September 2023*). *Third*, *tajdid an nikah*, becomes a moment of introspection and a moment of maturity in facing problems in the household. Every conflict is a problem that must be resolved, at that moment the parties must introspect themselves so that then the things that cause the conflict no longer occur, so as to reduce large conflicts that threaten the integrity of the household.

Another element that is no less important in resolving conflicts using *tajdid an nikah* in this simple is the willingness and willingness of the parties to resolve the conflict with *tajdid an nikah*. This can be seen from the desire of the parties and families to resolve their conflicts. Explained above the role of the parties and families who continue to negotiate and make efforts to bring kiai and trusted parties to find common ground in the interests of the parties.

Considering some of the benefits of *tajdid an nikah* as explained, then to provide legal status of *tajdid an nikah* as an effort to resolve conflicts in the Kebumen community, researchers need to construct *the law of tajdid an nikah*. Where *tajdid an nikah* is a covenant or contract, then what is the original law of the contract in Islamic law, as mentioned in the rules of jurisprudence. *الأصل في المعاملات الإباحة إلا ما دلّ الدليل على خلافه*, So from this rule it can be concluded that *tajdid an nikah* to resolve conflicts is legally permissible, this is because the haram of the contract of *tajdid an nikah* is not explained by the nash quran hadith, then *tajdid an nikah* is not a contract that hampers the halal and justifies something haram. In addition to these reasons, *tajdid an nikah* is a contract that encourages the birth of a complex husband and wife household benefit, the benefit is in the form of a commitment to continue marriage and maintain the mentality of children born from the marriage of the parties

## CONCLUSION

The practice of *tajdidun nikah* in the Kebumen community is carried out after the parties have the willingness and willingness to resolve the conflict, they take efforts to resolve the

conflict by sending negotiators or solving it themselves with good communication. After the resolution of the conflict through negotiators or through good communication between the two parties has reached common ground, then they go through *tajdid an nikah* to bind the relationship with the new agreements agreed in their negotiations, and *tajdid an nikah* also strengthens the intention of the parties to build a ladder. If you look at this goal *makah tajdid an nikah* is not in accordance with Islamic law, this is in accordance with the rules الإباحة الأصل في العقود, The origin of the contract is permissible except the contract that promises a possibility, in the case of *tajdid an marriage contract* is done for the good of the parties, so that doing the contract is legally permissible.

*Tajdid an nikah* as carried out by the Kebumen community is considered optimal, this can be seen from the respondents three sample in this study. All three respondents had a commitment to maintain their household after *Tajdid* and marriage and they also began to realize the unfavorable conflict between husband and wife to children, thus making them reduce conflicts between the two. Some of these barometers show that conflict resolution with *Tajdid an nikah* is considered to have optimal results.

## REFERENCES

- Abdul, A. P. D. S. N., & Al-Asadi, Z. (2020). The Way Of Compassion And Unity In The Application Of The Sunnah Of The Prophet (May God Bless Him And Grant Him Peace) In Paying Attention And Inspecting. *Palarch's Journal Of Archaeology Of Egypt/Egyptology*, 17(7), 17041–17060.
- Al-Ardabili, Y. I. (2006). *Al-Anwar Li A'mal Al-Abrrar* (Juz. 1). Kuwait: Dar Al-Diya.
- Alyana, A. P., & Fawzi, R. (2022). Pandangan Tokoh Agama Terkait *Tajdidun Nikah* Bagi Wanita Hamil Di Luar Nikah. *Jurnal Riset Hukum Keluarga Islam*, 89–94.
- Apriantoro, M. S., Sekartaji, S. I., & Suryaningsih, A. (2021). Penyelesaian Sengketa Kepailitan Ekonomi Syariah Perspektif Ibnu Rusyd Al-Qurthubi Dalam Bidayatul Mujtahid Wa Nihayatul Muqtashid. *Jurnal Ilmiah Ekonomi Islam*, 7(3), 1400–1408.
- BPS Ketenagakerjaan Kebumen. (2021). Banyaknya Desa/Kelurahan Menurut Keberadaan Pekerja Migran Indonesia (PMI)/Tenaga Kerja Indonesia (TKI) 2021. <https://Kebumenkab.Bps.Go.Id/Indicator/6/610/1/Banyaknya-Desa-Kelurahan-Menurut-Keberadaan-Pekerja-Migran-Indonesia-Pmi-Tenaga-Kerja-Indonesia-Tki-.Html>
- Dewi, E. M. P., & Basti, B. (2011). Konflik Perkawinan Dan Model Penyelesaian Konflik Pada Pasangan Suami Istri. *Jurnal Psikologi*, 2(1).
- Fauzi, M. H., & Sina, I. (2018). *Tajdã@ D Al-Nikã H* Sebagai Trend Adat Masyarakat Jawa: Analisis Hukum Islam: Study Kasus Masyarakat Desa Budi Mulya, Puncak Harapan Dan Ayunan Papan Kecamatan Lokpaikat. *Jurnal Bimas Islam*, 11(3), 537–570.
- Hermanto, A., Hidayat, I. N., & Hadaiyatullah, S. S. (2021). Peran Dan Kedudukan Mediasi Di Pengadilan Agama. *As-Siyasi: Journal Of Constitutional Law*, 1(2), 34–59.
- Kebumenkab.Bps.Go.Id. (2022). Jumlah Penduduk Kabupaten Kebumen (Jiwa), 2020–2022. <https://Kebumenkab.Bps.Go.Id/Indicator/12/51/1/Jumlah-Penduduk-Kabupaten-Kebumen.Html>
- Kebumenkab.Bps.Go.Id. (2023). Ketenagakerjaan 2021–2023. <https://Kebumenkab.Bps.Go.Id/Indicator/6/58/1/Ketenagakerjaan.Html>
- Maulana, M. J., Faisol, A., & Jazari, J. (2023). Tradisi Bangun Nikah Dalam Perspektif Hukum Islam Dan Hukum Adat (Studi Kasus Desa Wiyurejo Kecamatan Pujon Kabupaten Malang). *Jurnal Hikmatina*, 5(2), 42–56.
- Muhibbin, M., & Wahid, A. (2022). Hukum Kewarisan Islam: Sebagai Pembaruan Hukum Positif Di Indonesia (Edisi Revisi). Sinar Grafika.
- Nurlaili, N. (2022). Can Organizational Conflict And Work Stress Improve Teacher

- Performance During Pandemic? *Aksara: Jurnal Ilmu Pendidikan Nonformal*, 8(3), 2275–2288.
- Puspita Dewi, E. M. (2017). The Meaning Of Divorce For Wives (The Marriage Age 20 Years And Above). *Jurnal Psikologi Pendidikan Dan Konseling*, 3(2), 23–29.
- Rachman, I. S. K. (2021). Hak Perwalian Anak Dari Pernikahan Yang Diperbarui (Analisis Fikih Terhadap Praktik Tajdidun Nikah Di Desa Sidomulyo Kecamatan Kedungadem Kabupaten Bojonegoro). Universitas Nahdlatul Ulama Sunan Giri Bojonegoro.
- Sabiq, S. (1992). *Fiqhus Sunnah. FIQH Us-SUNNAH*. Indianapolis: American Trust Publishers.
- Sahibuddin, M. S. M. (2018). Pandangan Fuqha' Terhadap Tajdid An-Nikah (Sebuah Ekplorasi Terhadap Fenomena Tajdid An-Nikah DI Desa Toket Kec. Proppo Kab. Pamekasan). *Al-Ulum Jurnal Pemikiran Dan Penelitian Ke Islaman*, 5(2), 76–83.
- Salim, A. (2017). Al-S? Ulh?: Dalam Arbritase Tata Hukum Islam Klasik. *Tafáqquh: Jurnal Penelitian Dan Kajian Keislaman*, 5(2), 91–107.
- Subki, A. Y. A., & Yusuf, A. (2010). *Fiqh Keluarga Pedoman Berkeluarga Dalam Islam*. Jakarta: Amza.
- Surur, N. (2022). Tinjauan Masalah Mursalah Terhadap Tajdid Nikah Pasutri Beda Agama: Studi Kantor Biro Taaruf Syar'i Kabupaten Sukoharjo. *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum*, 7(1), 113–122.
- Tihami, H. M. A., & Sahrani, S. (2010). *Fikih Munakahat: Kajian Fikih Nikah Lengkap*. Rajawali Pers.
- UMAR, U. (2021). Hak Dan Kewajiban Suami Istri Dalam Rumah Tangga Tala'ah Kitab Uqudulujain Fi Bayani Huquq Az-Zaujain Karya Syekh Muhammad Nawawi Al-Bantani. Fakultas Agama Islam, Universitas Islam Sumatera Utara.

**Copyright holders:**

**Agus Salim (2024)**

**First publication right:**

**Injurity - Interdisciplinary Journal and Humanity**



**This article is licensed under a Creative Commons Attribution-ShareAlike 4.0 International**