

Marriage Agreement as an Effort to Realize a Sakinah Mawaddah Warahmah Family: Analysis Based on the Prophet's Hadith

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Abstract

A marriage contract is an essential instrument for building a harmonious and just household, especially in modern society, which faces increasingly complex social, economic, and cultural dynamics. In Islamic tradition, the concept of agreement or conditions in marriage has been recognized through various hadiths of the Prophet, which emphasize the importance of fulfilling promises and the legality of conditions as long as they do not conflict with sharia. Therefore, this study aims to analyze the concept of a marriage contract for realizing a family of sakinah, mawaddah, and warahmah, based on the Prophet's hadith as the primary normative basis. This study is a qualitative, library-based study using a normative-theological approach. Data sources include primary sources, such as significant hadith collections such as Sunan Abu Dawud, Sunan Tirmidhi, and Musnad Ahmad, as well as secondary sources, including fiqh literature, academic journals, and related laws and regulations. Data collection techniques involved documentation and literature analysis, while data analysis used content analysis to interpret the textual and contextual meanings of relevant hadiths. The research results show that the Prophet's hadith strongly legitimizes a marriage contract, provided the stipulated conditions do not permit what is forbidden or prohibit what is permissible. This agreement can be a strategic tool for clarifying the rights and obligations of husband and wife, preventing conflict, and supporting the achievement of the goals of marriage characterized by tranquility, compassion, and mercy. Therefore, a marriage contract, from the perspective of the hadith, is not only valid under Islamic law but also a relevant mechanism for strengthening the unity of contemporary Muslim families.

Keywords: Marriage Agreement, Samawa Family, Prophet's Hadith.

Abstrak

Perjanjian perkawinan merupakan instrumen penting dalam membangun rumah tangga yang harmonis dan berkeadilan, terutama dalam konteks masyarakat modern yang menghadapi dinamika sosial, ekonomi, dan budaya yang semakin kompleks. Dalam tradisi Islam, konsep kesepakatan atau syarat dalam pernikahan telah dikenal melalui berbagai hadis Nabi yang menekankan pentingnya pemenuhan janji dan legalitas syarat selama tidak bertentangan dengan syariat. Oleh karena itu, penelitian ini bertujuan untuk menganalisis konsep perjanjian perkawinan dalam mewujudkan keluarga *sakinah, mawaddah, warahmah* berdasarkan perspektif hadis Nabi sebagai landasan normatif utama. Penelitian ini merupakan penelitian kualitatif dengan jenis penelitian kepustakaan (*library research*) menggunakan pendekatan normatif-teologis. Sumber data terdiri dari sumber primer berupa kitab-kitab hadis utama seperti Sunan Abu Dawud, Sunan Tirmidzi, dan Musnad Ahmad, serta sumber sekunder seperti literatur fikih, jurnal akademik, dan peraturan perundang-undangan terkait. Teknik pengumpulan data dilakukan melalui dokumentasi dan analisis literatur, sedangkan teknik analisis data menggunakan metode analisis isi (*content analysis*) dengan menafsirkan makna tekstual dan kontekstual hadis yang relevan. Hasil penelitian menunjukkan bahwa hadis Nabi memberikan legitimasi kuat terhadap perjanjian perkawinan selama syarat yang ditetapkan tidak menghalalkan yang haram atau mengharamkan yang halal. Perjanjian ini dapat menjadi sarana strategis dalam memperjelas hak dan kewajiban suami istri, mencegah konflik, serta mendukung tercapainya tujuan pernikahan yang bercirikan ketenangan, kasih sayang, dan rahmat. Dengan demikian, perjanjian perkawinan dalam perspektif hadis bukan hanya sah secara syar'i, tetapi juga relevan sebagai mekanisme untuk memperkuat keutuhan keluarga Muslim masa kini.

Kata Kunci: Perjanjian Perkawinan, Keluarga Samawa, Hadis Nabi

A. Introduction

Marriage is a contract that permits sexual intercourse between husband and wife, with the word "nikah" or something similar.¹ Marriage in Islam is a sacred institution that not only unites two individuals but also serves as the

¹ Abu Abdullah Muhammad bin Idris al-Syafi'iy, *al-Risalah*, (Beirut : Dar al-Fikr, tt), Juz I, hal. 161. al-Imam al-Syafi'y, *al-Umm*, (Beirut : Dar al-Fikr, tt), Juz II, hlm. 120, Juz VII, 163, dalam Software Maktabah Syamilah.

foundation for building a harmonious, prosperous, and blessed family.² The Qur'an describes the ideal goal of marriage as achieving a life of peace, love, and mercy (QS. Ar-Rum: 21), emphasizing aspects of tranquility, love, and affection as the main pillars of the family.³ In this context, efforts to maintain the quality of the husband-wife relationship are fundamental to the sustainable realization of these values.

One instrument that is beginning to receive attention in contemporary Islamic family law discourse is the marriage contract ('aqd al-zawāj agreement), namely an agreement between husband and wife to regulate the rights, obligations, or certain aspects of household life.⁴ In Indonesia, the legality of this agreement was strengthened by Constitutional Court Decision No. 69/PUU-XIII/2015, which expanded its scope to allow it to be made before, during, or after marriage.⁵ This development marks the recognition that healthy household management requires conflict-prevention mechanisms and clear responsibilities for both parties.

From an Islamic perspective, agreement is not a new concept. Religious traditions hold contracts and agreements to be fundamental principles of social interaction,⁶ as the Prophet's hadith emphasizes: "Muslims are bound by their terms as long as they do not conflict with the Shari'a" (HR. Abu Dawud and Tirmidhi). This hadith conceptually provides legitimacy for agreements drawn up to safeguard the interests of the contracting parties, including in marriage. Therefore, a marriage agreement can be understood as an ethical and Sharia instrument that supports the creation of a more stable, just, and focused family.

² Mustafid Mustafid dkk., "Praktik Perkawinan Sapowik (Study Kasus di Desa Tanjung) Dalam Tinjauan Hukum Islam," *Al-Manhaj: Journal of Indonesian Islamic Family Law* 4, no. 1 (2022): hlm. 125., <https://doi.org/10.19105/al-manhaj.v4i1.5286>.

³ Misbakhul Munir AlMubarak dan Khusni Al Mubarak, "Tafsir Kontekstual Tujuan Pernikahan Dalam An Nahl Ayat 72 Dan Ar-Rum Ayat 21," *SANGAJI: Jurnal Pemikiran Syariah dan Hukum* 8, no. 2 (2024): hlm. 278., <https://doi.org/10.52266/sangaji.v8i2.3412>.

⁴ Puji Kurniawan, "Perjanjian Perkawinan; Asas Keseimbangan Dalam Perkawinan," *Jurnal el-Qanuniy: Jurnal Ilmu-Ilmu Kesyarahan dan Pranata Sosial* 6, no. 1 (2020): hlm. 135., <https://doi.org/10.24952/el-qanuniy.v6i1.2548>.

⁵ Syaifullahil Maslul, "Utusan Mahkamah Konstitusi Nomor 69/Puu-Xiii/2015 Ditinjau Dari Pemenuhan Hak-Hak Asasi Manusi Dan Asas-Asas Pembentukan Perjanjian," *Jurnal Mahkamah: Kajian Ilmu Hukum Dan Hukum Islam* 1, no. 2 (2016): hlm. 421., <https://doi.org/10.25217/jm.v1i2.48>.

⁶ Achmad Asfi Burhanudin, "Konsep Perjanjian Perkawinan Dalam Perspektif Perbandingan Hukum," *El-Faqih: Jurnal Pemikiran dan Hukum Islam* 5, no. 2 (2019): hlm. 122., <https://doi.org/10.29062/faqih.v5i2.69>.

In fostering a harmonious, loving, and compassionate family, a marriage contract is strategically relevant. A consciously and responsibly drafted agreement can prevent potential disputes, clarify role divisions, and strengthen the couple's moral commitment.⁷ However, studies on the position of a marriage contract from the perspective of the Prophet's hadith and its contribution to the development of a SAMAWA household are relatively limited and have not been discussed in depth.

Therefore, this article aims to analyze the concept of a marriage contract based on the Prophet's hadith and to explore how this instrument can serve as a means of fostering a harmonious family in accordance with Islamic principles. This research not only highlights the normative basis of the hadith but also examines its relevance to the dynamics of modern Muslim families.

B. Research Methods

This study uses a qualitative approach with a library research type. This method was chosen because the study focuses on the analysis of religious texts, especially the Prophet's hadith, as well as relevant scientific literature on marriage agreements and the concepts of a *sakinah*, *mawaddah*, and *warahmah* in the family. Primary data sources are hadith books such as *Sunan Abu Dawud*, *Sunan at-Tirmidhi*, *Sahih al-Bukhari*, and *Sahih Muslim*, which contain hadiths about conditions and contracts, and secondary data sources are from books on *fiqh munakahat*, contemporary Islamic family law literature, journal articles related to marriage agreements, and literature on the concept of SAMAWA. Data were collected through the documentation method, namely, identifying, reading, recording, and processing various references related to the research topic. The analysis technique used is Content Analysis, because it is used to interpret the hadith text and understand the normative meaning of the conditions and agreements in the marriage contract.

C. Discussion and Research Results

Concept of Marriage Agreement

A prenuptial agreement is an agreement made by a prospective husband and wife before or during the marriage ceremony, which a marriage registrar validates. This agreement is valid as long as it does not conflict with Islamic law and the nature of marriage. If its contents contradict, the agreement is void, but

⁷ Achmad Asfi Burhanudin, "Konsep Perjanjian Perkawinan Dalam Perspektif Perbandingan Hukum," hlm. 122.

the marriage contract remains valid.⁸ Prenuptial agreements are generally created as a precautionary measure, such as to regulate premarital debts, property in the event of divorce, prohibit polygamy or extramarital affairs, and future child custody.⁹

A prenuptial agreement is a written agreement between a prospective husband and wife that contains various clauses binding upon their marriage. The agreement may cover the arrangement of joint property and assets, prohibitions on certain acts (such as domestic violence, infidelity, or polygamy), the division of income for household needs, responsibility for debts, and the care and living expenses of children until they reach adulthood.¹⁰

The regulation of marriage contracts in Indonesia is based on three primary sources: the Marriage Law, the Compilation of Islamic Law, and the Civil Code. Broadly speaking, the law stipulates that agreements can be made before or during the marriage ceremony with the consent of both parties, must be validated by an authorized official, must not conflict with law or religion, must be valid from the date of the legal marriage, and can only be changed by mutual agreement without prejudice to a third party.¹¹

Islamic Law (KHI) stipulates that a marriage agreement may take the form of a taklik talak (religious divorce) or other agreements, provided they do not conflict with Islamic law.¹² Taklik talak is optional, does not automatically result in divorce, and is only valid if brought before a Religious Court. Prospective husbands and wives can enter into a written agreement regarding the management of assets, including their separation or commingling, as well as the authority to manage or guarantee them. Separation of assets may not eliminate the husband's obligation to provide for the family. Agreements regarding assets are binding upon the validity of the marriage, can be revoked by mutual consent, and must be registered. Revocation must not harm a third party. Violation of the agreement can be grounds for annulment of the marriage or divorce. In polygamy,

⁸Abd. Rahman Ghazaly, *Fiqih Munakahat*, (Jakarta : Penerbit Kencana, 2016), hlm. 119.

⁹Abd. Rahman Ghazaly, *Fiqih...*

¹⁰Abd. Rahman Ghazaly, *Fiqih...*, hlm. 120.

¹¹Tim Penyusun, *Undang-undang Nomor 1 Tahun 1974 Tentang Perkawinan*, Pasal 29, (Surabaya : Angkola, 2017), hlm. 15.

¹²Miftahul Haq dkk., "Perjanjian Perkawinan Berdasarkan Kaidah Fiqhiyah Dan Hukum Positif Di Indonesia," *Jotika Research in Business Law* 2, no. 2 (2023): hlm. 60., <https://doi.org/10.56445/jrbl.v2i2.93>.

the agreement may regulate the wife's residence, rotation, and financial support.¹³

Marriage agreements in Islam include two primary forms, namely taklik talak and other agreements that remain in line with sharia principles. Taklik talak is a conditional promise made by the groom after the ceremony, but it is valid only if it is presented before the Religious Court and does not conflict with Islamic law. Apart from that, couples can also make other agreements as long as the contents do not violate religious provisions.

The provisions of Article 47 paragraph (1) of the KHI describe the phrase 'other agreements that do not conflict with Islamic law' as follows: "At or before the marriage takes place, the prospective bride and groom can make a written agreement ratified by the Marriage Registrar regarding the position of assets in the marriage." This is in accordance with the interpretation of a marriage agreement, as regulated in Article 29, paragraph (1), of the Marriage Law. MK Decision 69/2015.

The contents of a marriage agreement in Islam cover three main aspects: the mixing of personal assets, the separation of assets, and the authority to mortgage personal and joint assets.¹⁴ Mixing assets is permitted if agreed to by both parties and does not conflict with Sharia principles, as the assets of husband and wife are fundamentally separate. Separation of assets can also be regulated, provided it does not eliminate the husband's obligation to provide for the family. Furthermore, couples can agree on the right to provide material security for their assets. All such agreements are valid only so long as they do not violate the boundaries of Islamic law, as stipulated in the provisions of the Compilation of Islamic Law (KHI) and the Marriage Law.

Under the Western Civil Code (BW), a marriage contract must be drawn up by a notary before marriage and becomes effective vis-à-vis third parties upon registration.¹⁵ Once the marriage has taken place, the contents of the agreement cannot be changed. The BW also stipulates several limitations, namely that the agreement must not conflict with public order, morality, the husband's authority

¹³Dirjen Pembinaan Kelembagaan Agama Islam Kemenag RI, *Kompilasi Hukum Islam di Indonesia*, (Jakarta : Kemenag RI, 2015), hlm. 32.

¹⁴ Wildaniyah Mufidatul A'yun dan Alif Hendra Hidayatullah, "Perspektif Masalah Dalam Perjanjian Perkawinan Mengenai Harta Dalam Undang-Undang Perkawinan," *Harmoni* 22, no. 1 (2023): hlm. 29., <https://doi.org/10.32488/harmoni.v22i1.667>.

¹⁵ Christina Bagenda, "Tinjauan Tentang Perjanjian Perkawinan Dalam Pandangan Hukum Nasional," *Ganaya: Jurnal Ilmu Sosial dan Humaniora* 4, no. 1 (2021): hlm. 265.

as head of the family, parental rights,¹⁶ the rights of the surviving spouse, certain inheritance rights, and must not impose disproportionate debts or refer to foreign law in general.¹⁷

A marriage agreement becomes binding when the marriage occurs and must be made through a notarial deed before the contract is entered into. The agreement may regulate certain deviations from general rules regarding property, provided they do not violate public order, morality, or legal principles.¹⁸ . This agreement must also be registered to apply to third parties, while changes can only be made with mutual consent and do not harm anyone outside the couple. In practice, this agreement is read after the marriage contract, and certain forms, such as *taklik talak*, are permanent and cannot be changed.

In today's era, a prenuptial agreement is crucial for personal and property protection against potential adverse events that may arise in a marriage. Clarity of rules from the outset can prevent conflict, particularly regarding finances, joint property, and other sensitive rights. If a divorce occurs, the agreement helps expedite dispute resolution because all provisions regarding property, custody, and obligations are agreed upon from the outset, in line with the principle that a mutually agreed-upon agreement is as binding as law.

Marriage Agreement in the Hadith of the Prophet

Marriage which is commonly known as marriage, by the Syafi'i school of thought clerics defines marriage as: a contract which contains the permissibility of carrying out husband and wife relations with the pronouncement of *nikah* or something similar to that),¹⁹ while the Hanafi school of thought scholars define marriage as: a contract which provides the halal benefits of carrying out husband and wife relations between a man and a woman as long as there are no *syara'* obstacles.²⁰ Muhammad Abu Zahrah defines marriage as: a contract that makes

¹⁶ Simanjuntak, *Pokok-Pokok Hukum Perdata Indonesia*, (Jakarta: Djambatan, 2015), hlm. 43 .

¹⁷R. Subekti dan R. Tjitrosudibio, *Kitab Undang-undang Hukum Perdata (KUHP)*, (Jakarta: Pradnya Paramita, 2010), hlm. 37.

¹⁸ Bagenda, "Tinjauan Tentang Perjanjian Perkawinan Dalam Pandangan Hukum Nasional," hlm. 266.

¹⁹Abu Abdullah Muhammad bin Idris al-Syafi'iy, *al-Risalah*, (Beirut : Dar al-Fikr, tt), Juz I, hal. 161. al-Imam al-Syafi'y, *al-Umm*, (Beirut : Dar al-Fikr, tt), Juz II, hlm. 120, Juz VII, 163, dalam *Software Maktabah Syamilah*.

²⁰Abu Ishak al-Syatibiy, *al-Muwafaqat*, Juz II, hlm. 220. Muhammad Bin Isma'il Kahlani al-Shan'aniy, *Subul al-Salam Syarh Bulugh al-Maram*, (Bandung : Maktabah Dahlan, tt), Jilid IV, hlm. 4, dalam *Software Maktabah Syamilah*.

sexual relations between a man and a woman lawful, mutual assistance between the two, and creates rights and obligations between the two.²¹ Under Law Number 1 of 1974 concerning Marriage, Article 2, Paragraph (1), marriage is defined as a physical and spiritual bond between a man and a woman, as husband and wife, to form a happy and eternal family (household) based on the One Almighty God. The formulation in the Compilation of Islamic Law (KHI), Article 2, states that marriage is a firm contract (*mitsaqan ghalizan*) to obey Allah's commands, and that carrying it out is worship.²²

From the perspective of the Prophet's hadith, a marriage contract is part of the general Islamic principle that honors contracts and agreements in all social relationships, including marriage. The Prophet's hadith provides a strong foundation that any condition or agreement made by a couple, as long as it does not conflict with Islamic law, is legally binding. This demonstrates that Islam provides ample scope for regulating marital relations in accordance with the needs and circumstances of each individual. Thus, a marriage contract is not something new in Islam, but rather part of teachings long explained by the Prophet through the principle of valid consent. This flexibility demonstrates the harmony between the hadith's text and evolving social practices.

In the hadith narrated by Abu Dawud and Tirmidhi, the Prophet Muhammad said: *الْمُسْلِمُونَ عَلَى شُرُوطِهِمْ، إِلَّا شَرْطًا أَحَلَّ حَرَامًا أَوْ حَرَّمَ حَلَالًا* ("Muslims are bound by their conditions, except conditions that prohibit what is lawful or permit what is unlawful.") This hadith is a crucial normative basis that confirms that conditions in contracts, including marriage, have a strong position. This principle indicates that as long as the conditions do not violate Sharia principles, they must be met by both parties. Scholars then used this hadith as a basis for permitting various forms of marriage agreements. Based on this, couples can establish rules regarding property, responsibilities, and specific commitments that suit their needs.

Furthermore, the Prophet's hadith, which emphasizes the importance of fulfilling promises, serves as a moral affirmation of the validity of a marriage contract. The Prophet said: "He is not a believer who cannot be trusted and does not keep his promises." (Narrated by Ahmad). This hadith demonstrates that

²¹Abu Zahrah, *Fiqh al-Islam*, (Kairo : Dar al-Manar, 2010), hlm. 334. Taqiyuddin bin Abu Bakar, *Kifayat al-Akhyar*, (Beirut : Dar al-Fikr, tt), Juz II, hlm. 36, dalam *Software Maktabah Syamilah*.

²²Abdurrahman, *Kompilasi Hukum Islam*, (Jakarta : Karya Anda, 2011), hlm. 14.

honesty and keeping promises are not only legal matters, but also a measure of a Muslim's faith. Thus, a marriage contract is not merely an administrative document but a moral responsibility that both husband and wife must uphold. This understanding confirms that the Prophet's hadith places contracts and agreements in a very noble position.²³

In Islamic jurisprudence (fiqh), scholars permit certain conditions in a marriage contract as long as they benefit both parties. This is also based on the Prophet's hadith, which permits conditions that do not conflict with Sharia. Many religious fatwas state that conditions such as asset restrictions, maintenance commitments, or other specific agreements are permissible if intended to safeguard the household's well-being.²⁴ Hanbali scholars even explicitly permit conditions that protect the wife as long as they do not violate Sharia.²⁵ Thus, the Prophet's hadith forms the basis for flexibility in marriage arrangements.

The interpretation of the Prophet's hadith on covenants must also be linked to the purpose of marriage in Islam: to create peace, harmony, and compassion. A marriage contract can be instrumental in strengthening this goal by clarifying rights and obligations from the outset. With an explicit agreement, the potential for conflict is minimized, and couples have a guideline for running their household. The Prophet's hadith on the importance of consultation and mutual consent between husband and wife further reinforces the urgency of covenants. Therefore, the existence of a covenant supports the hadith's vision of marital harmony.

Finally, the marriage contract in the Prophet's hadith reflects the basic principles of sharia, which uphold justice, transparency, and the common good. Every agreement made by a couple must fulfill the element of consent, not harm either party, and not violate the principles of halal and haram. The Prophet's hadith provides guidance that valid agreements must be respected and fulfilled as part of a Muslim's morality. By understanding this foundation, it can be concluded

²³ Saphira Husna Nasution dkk., "Dalil Hukum Perjanjian Perkawinan," *Jurnal Kajian dan Penelitian Umum* 3, no. 1 (2025): hlm. 74., <https://doi.org/10.47861/jkpu-nalanda.v3i1.1502>.

²⁴ Idrus Al-Ghifarry dkk., "Urgensi Perjanjian Perkawinan dalam Membentuk Keluarga Sakinah Perspektif Hukum Keluarga Islam," *AL-MANHAJ: Jurnal Hukum dan Pranata Sosial Islam* 3, no. 2 (2021): hlm. 200., <https://doi.org/10.37680/almanhaj.v3i2.825>.

²⁵ Lisa Wage Nurdiyanawati dan Siti Hamidah, "Batasan Perjanjian Perkawinan yang tidak Melanggar Hukum, Agama, dan Kesusilaan," *Jurnal Ilmiah Pendidikan Pancasila dan Kewarganegaraan* 4, no. 1 (2019): hlm. 105., <https://doi.org/10.17977/um019v4i1p101-108>.

that a marriage contract aligns with the Prophet's hadith and is an integral part of creating a harmonious and just household.

Harmonization of Marriage Agreements with the Prophet's Hadith

A marriage contract in Islamic law is a crucial instrument for regulating the rights and obligations of husband and wife before and during marriage. In Indonesia, this agreement is legitimized through Article 29 of Law Number 1 of 1974 and reinforced by Constitutional Court Decision Number 69/PUU-XIII/2015, which extended the timeframe for its creation.²⁶ In the context of the Prophet's hadith, the concept of contract is highly relevant, as Islam makes it a primary principle of social interaction. Therefore, harmonizing the marriage contract with the Prophet's hadith serves as an essential foundation for ensuring that modern arrangements remain in line with Sharia values.

The Prophet's hadith most closely related to agreements is: "Muslims are bound by their conditions, except for conditions that forbid what is halal or make lawful what is haram" (HR. Abu Dawud and Tirmidhi). This hadith provides legitimacy for conditions or agreements in marriage contracts, provided they do not conflict with Sharia provisions.²⁷ This principle offers married couples greater flexibility in managing assets, responsibilities, and family commitments. Thus, the marriage agreement is not only valid according to state law, but is also strong from a hadith perspective.

Harmonizing the marriage contract with the Prophet's hadith requires recognizing that it is a sacred bond grounded in consent, justice, and mutual benefit. All agreements must reflect these values.²⁸ The Prophet's hadith also emphasizes the importance of fulfilling promises, as he said: "He is not a believer who cannot be trusted and does not keep his promises" (Narrated by Ahmad). This demonstrates that commitment in a marriage contract is not merely an administrative matter, but rather a manifestation of faith and morals in the household.

²⁶ Maslul, "Utusan Mahkamah Konstitusi Nomor 69/Puu-Xiii/2015 Ditinjau Dari Pemenuhan Hak-Hak Asasi Manusi Dan Asas-Asas Pembentukan Perjanjian," hlm. 421.

²⁷ Saphira Husna Nasution dkk., "Dalil Hukum Perjanjian Perkawinan," hlm. 74.

²⁸ Nur Hidayah, "Asas Kontrak Perjanjian Dalam Perspektif Islam," *Al-Huquq: Journal of Indonesian Islamic Economic Law* 1, no. 2 (2019): hlm. 173., <https://doi.org/10.19105/alhuquq.v1i2.3183>.

In practice, marriage agreements are often connected with property arrangements, including the separation or unification of assets.²⁹ This is in line with Islamic jurisprudence, which allows couples to regulate property rights as long as they do not harm either party. Ulama allow certain conditions in marriage contracts, such as prohibiting polygamy or determining certain income, as long as these conditions bring benefits and do not conflict with Sharia law. Thus, the Prophet's hadith serves as a moral and syar'i filter, ensuring the agreement remains within the justified corridor.

This harmony is also evident in the goals of marriage in Islam, namely the creation of peace, love, and mercy. A marriage contract can prevent conflict and clarify rights and obligations, thereby supporting the realization of these goals.³⁰ The Prophet's hadith on the importance of deliberation and mutual consent between husband and wife reinforces the role of the contract as a tool for creating clarity and peace in the household. With a written agreement, couples can minimize disputes and strengthen their commitment to Sharia values.

Ultimately, a marriage contract is an instrument compatible with the teachings of the Prophet's hadith, provided it meets the principles of valid conditions, does not cause harm, and promotes justice. The Prophet's hadith provides a normative basis for respecting and implementing agreements that do not violate God's provisions. Thus, harmonization between positive law and hadith can be achieved through a comprehensive understanding of Islamic texts and the needs of modern society. This ensures that the marriage contract serves as a means of benefit that does not deviate from Islamic values.

D. Conclusion

From the perspective of the Prophet's hadith, a marriage covenant is a moral and sharia-compliant commitment aimed at safeguarding the rights and obligations of husband and wife as the foundation for a harmonious, loving, and compassionate family. The hadiths concerning a wife's rights, such as the obligation to provide for her husband, treat him well, refrain from harm, and maintain household harmony, demonstrate that this covenant is not merely a legal contract, but an ethical bond oriented toward compassion and justice. By

²⁹ Nilna Fauza dan Moh Afandi, "Perjanjian Perkawinan Dalam Menjamin Hak-Hak Perempuan," *Al-Manhaj: Journal of Indonesian Islamic Family Law* 2, no. 1 (2020): hlm. 8., <https://doi.org/10.19105/al-manhaj.v2i1.3116>.

³⁰ Esther Masri dan Sri Wahyuni, "Implementasi Perjanjian Perkawinan Sebelum, Saat Dan Sesudah Perkawinan," *Jurnal Kajian Ilmiah* 21, no. 1 (2021): hlm. 112., <https://doi.org/10.31599/jki.v21i1.310>.

understanding and practicing the principles of these hadith, couples can build a harmonious, loving, and God-blessed family.

References

- Abd. Rahman Ghazaly, *Fiqih Munakahat*, (Jakarta : Penerbit Kencana, 2016).
- Abu Abdullah Muhammad bin Idris al-Syafi'iy, *al-Risalah*, (Beirut : Dar al-Fikr, tt), Juz I. al-Imam al-Syafi'y, *al-Umm*, (Beirut : Dar al-Fikr, tt), Juz II, hlm. 120, Juz VII, 163, dalam Software Maktabah Syamilah.
- Abu Dawud, *Sunan Abi Dawud*, Juz VI, hlm. 386, dalam Software Maktabah Syamilah.
- Abu Ishak al-Syatibiy, *al-Muwafaqat.*, Juz II, hlm. 220. Muhammad Bin Isma'il Kahlani al-Shan'aniy, *Subul al-Salam Syarh Bulugh al-Maram*, (Bandung : Maktabah Dahlan, tt), Jilid IV, hlm. 4, dalam Software Maktabah Syamilah.
- Achmad Asfi Burhanudin. "Konsep Perjanjian Perkawinan Dalam Perspektif Perbandingan Hukum." *El-Faqih : Jurnal Pemikiran dan Hukum Islam* 5, no. 2 (2019): 133–52. <https://doi.org/10.29062/faqih.v5i2.69>.
- Al-Ghifarry, Idrus, A. Kumedi Ja'far, dan Liky Faizal. "Urgensi Perjanjian Perkawinan dalam Membentuk Keluarga Sakinah Perspektif Hukum Keluarga Islam." *AL-MANHAJ: Jurnal Hukum dan Pranata Sosial Islam* 3, no. 2 (2021): 180–202. <https://doi.org/10.37680/almanhaj.v3i2.825>.
- Arso Sastroatmodjo dan Wasit Aulawi, *Hukum Pernikahan di Indonesia*, (Jakarta : Bulan Bintang, 2012).
- AlMubarak, Misbakhul Munir, dan Khusni Al Mubarak. "Tafsir Kontekstual Tujuan Pernikahan Dalam An Nahl Ayat 72 Dan Ar-Rum Ayat 21." *SANGAJI: Jurnal Pemikiran Syariah dan Hukum* 8, no. 2 (2024): 277–87. <https://doi.org/10.52266/sangaji.v8i2.3412>.
- A'yun, Wildaniyah Mufidatul, dan Alif Hendra Hidayatullah. "Perspektif Masalahah Dalam Perjanjian Perkawinan Mengenai Harta Dalam Undang-Undang Perkawinan." *Harmoni* 22, no. 1 (2023): 22–47. <https://doi.org/10.32488/harmoni.v22i1.667>.
- Bagenda, Christina. "Tinjauan Tentang Perjanjian Perkawinan Dalam Pandangan Hukum Nasional." *Ganaya: Jurnal Ilmu Sosial dan Humaniora* 4, no. 1 (2021).
- Dirjen Pembinaan Kelembagaan Agama Islam Kemenag RI, *Kompilasi Hukum Islam di Indonesia*, (Jakarta : Kemenag RI, 2015).

- Fauza, Nilna, dan Moh Afandi. "Perjanjian Perkawinan Dalam Menjamin Hak-Hak Perempuan." *Al-Manhaj: Journal of Indonesian Islamic Family Law* 2, no. 1 (2020): 1. <https://doi.org/10.19105/al-manhaj.v2i1.3116>.
- Haq, Miftahul, Jumni Nelli, dan Erman Gani. "Perjanjian Perkawinan Berdasarkan Kaidah Fiqhiyah Dan Hukum Positif Di Indonesia." *Jotika Research in Business Law* 2, no. 2 (2023): 55–65. <https://doi.org/10.56445/jrbl.v2i2.93>.
- Hidayah, Nur. "Asas Kontrak Perjanjian Dalam Perspektif Islam." *Al-Huquq: Journal of Indonesian Islamic Economic Law* 1, no. 2 (2019): 166. <https://doi.org/10.19105/alhuquq.v1i2.3183>.
- Kurniawan, Puji. "Perjanjian Perkawinan; Asas Keseimbangan Dalam Perkawinan." *Jurnal el-Qanuniy: Jurnal Ilmu-Ilmu Kesyariahan dan Pranata Sosial* 6, no. 1 (2020): 125–37. <https://doi.org/10.24952/el-qanuniy.v6i1.2548>.
- Maslul, Syaifullahil. "Utusan Mahkamah Konstitusi Nomor 69/Puu-Xiii/2015 Ditinjau Dari Pemenuhan Hak-Hak Asasi Manusi Dan Asas-Asas Pembentukan Perjanjian." *Jurnal Mahkamah: Kajian Ilmu Hukum Dan Hukum Islam* 1, no. 2 (2016). <https://doi.org/10.25217/jm.v1i2.48>.
- Masri, Esther, dan Sri Wahyuni. "Implementasi Perjanjian Perkawinan Sebelum, Saat Dan Sesudah Perkawinan." *Jurnal Kajian Ilmiah* 21, no. 1 (2021): 111–20. <https://doi.org/10.31599/jki.v21i1.310>.
- Mustafid, Mustafid, Satri Muliadi, dan Ahmad Iffan. "Praktik Perkawinan Sapowik (Study Kasus di Desa Tanjung) Dalam Tinjauan Hukum Islam." *Al-Manhaj: Journal of Indonesian Islamic Family Law* 4, no. 1 (2022): 1–24. <https://doi.org/10.19105/al-manhaj.v4i1.5286>.
- Nurdiyanawati, Lisa Wage, dan Siti Hamidah. "Batasan Perjanjian Perkawinan yang tidak Melanggar Hukum, Agama, dan Kesusilaan." *Jurnal Ilmiah Pendidikan Pancasila dan Kewarganegaraan* 4, no. 1 (2019): 101. <https://doi.org/10.17977/um019v4i1p101-108>.
- R. Subekti dan R. Tjitrosudibio, *Kitab Undang-undang Hukum Perdata (KUHPer)*, (Jakarta: Pradnya Paramita, 2010).
- Saphira Husna Nasution, Mhd. Amar Adly, dan Heri Firmansyah. "Dalil Hukum Perjanjian Perkawinan." *Jurnal Kajian dan Penelitian Umum* 3, no. 1 (2025): 69–77. <https://doi.org/10.47861/jkpu-nalanda.v3i1.1502>.
- Simanjuntak, *Pokok-Pokok Hukum Perdata Indonesia*, (Jakarta: Djambatan, 2015).

Marriage Agreement as...
Lenny Guspidawati et al.

Tim Penyusun, *Undang-undang Nomor 1 Tahun 1974 Tentang Perkawinan*, Pasal 29, (Surabaya : Angkola, 2017).