

Understanding Hadith of Imam Muslim Number 1421 According to Perspective of Informative Communication Theory - Shannon-Weaver's

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Abstract

Marriage is one of the most important basic rules of life among the general public. Marriage that is lived by humans must certainly comply with the conditions or rules that have been set and must be obeyed by humans. Before holding a contract in marriage, generally a man will make a proposal or khitbah to the woman, when the proposal process is based on the hadith narrated by Imam Muslim number 1421 the silence of a woman is considered a sign of approval which raises pros and cons, especially among women today. These problems are then analyzed with Shannon – Weaver's informative communication theory and further examined with the hermeneutic analysis tools offered by Syuhudi Ismail. The result of this study is the emergence of noise sources in the process of conveying messages to the recipient from the informant, or in this case from the man to the woman who is proposed to. As a solution to avoid this, deliberation is needed between the daughter and parents. The expected result of this deliberation is the willingness of the woman to accept as the meaning of her silence, or the rejection caused by the woman not having the courage to express it. In addition, with deliberation, it is hoped that the Shannon – Weaver informative communication model can run well so that information from the source to the recipient does not occur as a communication error that causes disruption either now or in the future.

Keywords: Marriage, Women, Imam Muslim, Shannon Weaver

Introduction

The certain thing that has ordained by Allah that create human beings in pairs so that they can get to know each other, then life together and having children or making a generation¹. One of the ways that is blessed by Allah and valid according to Islamic religion is through marriage, because having marriage is the natural path of human beings can be fulfilled². Marriage is also one of the fundamental rules of life that is very important in society. This is because marriage is one of the laws in nature for all beings in the universe, even all animals and plants also engage in mating to preserve and produce new generations³. However, specifically for human beings, who are exalted by Allah with the gift of having intellect, their marriage is different from animals and plants. The marriage that human beings must certainly adhere to the conditions or rules those have been established and must be obeyed by human beings⁴.

Before the marriage vow is conducted, typically a man will propose or "khitbah" to the woman who will be his partner. Proposing means expresses a request from the man to the woman, either directly or through an intermediary⁵. When a man proposes to a woman, the woman has the duty or obligation to respond to the proposal, either directly or through an intermediary⁶. Talking about the woman's duties regarding her response to the proposal or "khitbah" from the man, the woman has the right to choose either to accept or reject it⁷.

In other hand, the hadith provides clarity regarding giving rights to women when choosing a partner, whether they are single or widow. However, in practice that

¹ Adliyah Ali and Asep Dudi, "Arah, Fungsi Dan Pendidikan Dalam Keluarga," *Ta'dib*, 2001.

² Ahmad Atabik and Koridatul Mudhiiah, "Pernikahan Dan Hikmahnya Perspektif Hukum Islam," *Yudisia* 5, no. 2 (2014): 293-294.

³ Nurnazil, "Wawasan Al-Qur'an Tentang Anjuran Pernikahan," *Ijtima'iyya* Vol. 8, No (2015): 58-59.

⁴ Aisyah Ayu Musyafah, "Perkawinan Dalam Perspektif Filosofis Hukum Islam," *Crepido* 2, no. 2 (2020): 111-122.

⁵ Jamilah dan Isa, "Ta'aruf Dan Khitbah Sebelum Perkawinan," *Jurnal Studi Hukum Islam* 7, no. 1 (2019): 2615-2622.

⁶ Sainul Sainul and Nurul Amanah, "Batas Aurat Perempuan Dalam Pinangan Menurut Mazhab Zhahiri," *Istinbath: Jurnal Hukum* 13, no. 2 (2016): 361-408.

⁷ Fathonah K. Daud and M. Ridlwan Hambali, "Living Law Dalam Khitbah Dan Lamaran Perspektif Sosiologi Hukum," *LISAN AL-HAL: Jurnal Pengembangan Pemikiran dan Kebudayaan* 16, no. 1 (2022): 92-107.

the Islamic Scholars tended to be discriminatory in positioning women in determining their choices or responding to a man's proposal. Regarding this issue, the meaning of the hadith narrated by Imam Muslim Number 1421 raises concerns according to the mentioned hadith regarding the permission or agreement by a woman.

According to the mentioned hadith, the silence of a woman specifically a single woman when asked for agreement regarding a marriage proposal or "khitbah" from a man by her guardian is considered as received. This condition contradicts with the theory of informative communication. In this case, the writer relates it to Shannon-Weaver Theory with the mind point of noise source. The concept of noise source provides further explanation of the silence that is marked by certain codes. This explanation is intended to avoid misunderstandings between the code giver and the code receiver. Additionally, another opinion emphasizes that silence is a phenomenon that is difficult to predict, thus requiring follow-up in handling someone's silence. This is because although silence is a physical expression shown by someone, it is also closely related to one's feelings. Especially if the silence displayed by someone which related to emotions that may not be easily expressed.

Based on those issues, the writer conducted a research titled "Understanding Hadith of Imam Muslim Number 1421 According to Perspective of Informative Communication Theory- Shannon-Weaver's". The purpose of this research analyzes the issues that arise from the hadith because it is considered problematic when applied it in this era. Additionally, it is not only related to the time, but also the expression of feelings through a woman's silence needs to be further explored in order to avoid disappointment or misunderstanding regarding the intention behind her silence.

Research Methodology

To analyze the research, the researcher used descriptive analysis to process the collected data into an academic writing. However, in data collection and the theories supporting the collected data was gotten from the Shannon-Weaver's Informative Communication Theory. In this research, the writer specifies that the hadith being studied will only be connected to the Shannon-Weaver's Informative Communication Theory. Meanwhile, in the process of understanding the hadith, the

writer employs the hermeneutic analysis of hadith, which was offered by Syuhudi Ismail.

His contribution is more accurately described as a thought or idea. Therefore, Muhammad Syuhudi Ismail's ideas will be analyzed hermeneutically, to see the effectiveness of his ideas in accommodating the text, context, and contextualization in understanding hadith. Some important points of Muhammad Syuhudi Ismail's ideas in understanding hadith are including the Identification of Hadith Text Forms, Identification of Historical Context of Hadith, and the Role of Ijtihad (reasoning) in contextualizing Hadith⁸.

Based on the explanation above, the writer formulates the initial hypothesis or basic assumption of this research. The initial hypothesis of this research is that the silence of women in this era cannot be considered as consent. While this concept might still be applied in some places but particularly in the city areas with modern thoughts, it is considered less applicable. The silence of women could be their inability to express their desire to refuse and to protect the feelings of the proposer. Therefore, the writer assumes that it is necessary for the guardian to provide clarification to the woman during the proposal process.

Research Results And Discussion

The Narration and Analysis of Imam Muslim's Hadith Number 1421 Regarding the Silence of Women during Proposal.

One of Prophet's hadiths discusses the rights of women that narrate in Hadith Imam Muslim Number 1421 regarding the silence of women as an indication of agreement in the proposal process, as follows:

حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ وَفُتَيْبَةُ بْنُ سَعِيدٍ قَالَا حَدَّثَنَا مَالِكُ بْنُ ح وَ حَدَّثَنَا يَحْيَى بْنُ يَحْيَى وَاللَّفْظُ لَهُ قَالَ قُلْتُ لِمَالِكٍ حَدَّثَكَ عَبْدُ اللَّهِ بْنُ الْفَضْلِ عَنْ نَافِعِ بْنِ جُبَيْرٍ عَنْ ابْنِ عَبَّاسٍ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ الْأَيُّمُ أَحَقُّ بِنَفْسِهَا مِنْ وَلِيِّهَا وَالْبِكْرُ تُسْتَأْذَنُ فِي نَفْسِهَا وَإِذْهَا صُمَامُهَا قَالَ نَعَمْ⁹

⁸ Taufan Anggoro, Wacana Studi Hadis Di Indonesia: Studi Atas Hermeneutika Hadis Muhammad Syuhudi Ismail, hal.242

⁹ Abu Husain muslim bin hajjaj al-qusaiyr an-naysaburi, Shahih Muslim, Bab. astidhan althayib fi alnikah bialnutq walbikr bialsukut (Bairut: dar ihyai al-turas, 1374) 1421

"Meaning: Sa'id bin Manshur and Qutaibah bin Sa'id both narrated to us; Malik narrated to us; and it is also narrated from another chain, Yahya bin Yahya narrated to us, and his wording is from him (Yahya), he said: I asked Malik, 'Did Abdullah bin Fadll ever narrate to you from Nafi' bin Jubair from Ibn Abbas that the Prophet Muhammad said, 'A widow has more right to herself rather than her guardian, while a single girl should seek permission from her guardian, and her permission is her silence'?' He answered, 'Yes.'" (Narrated by Muslim, Hadith Number 1421)

Based on this hadith, the relation of guardian agreement and the freedom of the girl or woman in choosing a partner (prospective husband) is difference. It's depends on the consent that are made between widows and single girls. For a woman with widow status, there should make a clear decision from the woman herself before marriage vow is conducted. Meanwhile, for single girls or underage women and widows who have not been intimate with their husbands, they has difference decision between the father as the guardian and other guardians¹⁰.

Based on the narration of the hadith, it is explained that the father as the guardian has the right to force his unmarried daughter and widow who has not been intimate with her husband to get married. On the other hand, a female guardian who is not the father does not have the right to make a decision entirely in forcing the daughter to give her consent¹¹. In other words, if the female guardian of the unmarried girl is the father, he can marry off his daughter even without her consent, while a guardian who is not the father does not have the right to force it. According to Islamic law, the position of father here is very special. It's because there is no person who loves the daughter as much as her father which will not be possessed by another guardian¹².

Another analysis of the hadith is that a widow can marry by herself, while a girl is asked for her father's opinion and consent. In the context of this hadith, her consent is indicated by her silence. However, the issue here is why there should be a debate

¹⁰ Kudrat Abdillah, "Reinterpretasi Hak Ijbar Dalam Hukum Perkawinan Islam Di Keluarga Pesantren," *AsySyari'ah* 22, no. 1 (2020): 35–50.

¹¹ Syaiful Hidayat, "Wali Nikah Dalam Perspektif Empat Madzhab," *INOVATIF: Jurnal Penelitian Pendidikan, Agama dan Kebudayaan* 2, no. 1 (2016): 98–124, <http://jurnal.staih.ac.id/index.php/inovatif/article/view/52>.

¹² Nur Ilma Asmawi and Muammar Bakry, "Kebebasan Perempuan Dalam Memilih Calon Suami; Studi Perbandingan Antara Mazhab Syafi'i Dan Hanafi," *Mazahibuna* 2, no. 1 (2020): 212–229.

between widows and girls¹³. In analyzing widows and girls, it can be concluded that widows have experience in sexual relations and are considered mature in that matter to make choices, while girls are "considered" to not have that ability. In fact, according to the scholars of Imam Shafi'i thought, the guardian has the authority to compel a woman¹⁴.

In order to understand the hadith narrated by Imam Muslim number 1421, Ibn Qudamah, one of the scholars of the Hanbali thought, stated that the guardian must be present in the marriage (related to the pillars of marriage) means that the guardian must be present during the marriage vow is conducted. Regarding the consent of the prospective spouses and the right of the guardian to compel marriage, Ibn Qudamah stated that scholars unanimously agree on the right of the guardian to compel the marriage of an underage girl, whether the girl is happy or not, with the condition of suitability¹⁵.

The hadith narrated by Imam Muslim number 1421 is one of the hadiths that explains or is considered as evidence for the obligation to seek the consent of a woman before marrying them, in this case, it must be in the form of a clear statement of permission from a widow, while for a girl, it is sufficient for her to remain silent. The context of the hadith indicates that if an adult girl is married without her permission, then the marriage is not valid¹⁶. However, some scholars believe that the interpretation of the hadith is that the hadith explicitly allows a father to marry off his young daughter without seeking her permission beforehand because she is not entitled to be asked for her consent¹⁷.

¹³ Muammar Mahdi et al., "Pandangan Imam Mazhab Terhadap Wali Bagi Janda Relvansinya Dengan Kompilasi Hukum Islam Di Indonesia ; Studi Komparatif," *Shautuna : Jurnal Ilmiah Mahasiswa Perbandingan Mazhab* 2, no. 3 (2021): 820-827.

¹⁴ Rahmat Ari Aripin, "Kewenangan Wali Dalam Menentukan Pernikahan Janda Yang Belum Dewasa Menurut Imam Al-Syafi'i," *Al-Fikra : Jurnal Ilmiah Keislaman* 18, no. 1 (2020): 28.

¹⁵ Putra Diyansyah et al., "Analisis Hukum Terhadap Kedudukan Wali Nikah Bagi Seorang Janda Menurut Imam Abu Hanifah," *JYRS: Jurnal Online Mahasiswa Program Studi Fakultas Syariah dan Ekonomi Islam* 3, no. 1 (2022): 32-45, <https://jurnal.lp2msasbabel.ac.id/index.php/JS/article/view/2554>.

¹⁶ Iwan Kuswandi and Lilik Fadilatin Azizah, "Tradisi Mitos Sangkal Dalam Pertunangan Dini Perspektif Kiai Di Madura," *Indonesian Journal of Islamic Literature and Muslim Society* 3, no. 2 (2019): 157-176.

¹⁷ Nurhayati Nurhayati and Paryadi Paryadi, "Dampak Nikah Paksa Karena Hak Ijbar (Studi Kasus Di Kel. Teritip Balikpapan Timur)," *Ulumul Syar'i: Jurnal Ilmu-Ilmu Hukum dan Syariah* 11, no. 1 (2022): 53-65.

According to the textual interpretation of the hadith, it is indeed permissible to consider a girl's silence during the proposal as a form of her consent. However, it is better if we interpret religious evidence not only based on its textual meaning but also consider other aspects such as historical context.

Understanding the Hadith based on Historical Analysis of Imam Muslim No. 1421

Syuhudi Ismail explains that in order to understand a hadith, it is necessary to consider its context. He divides it into two parts. First, the context of the hadith is linked to the function of Prophet Muhammad. Syuhudi Ismail explains that when the Prophet narrated a hadith, it was seen in relation to his various functions. Second, the context of the Prophet's hadith is connected to the background of its emergence. The emergence of a hadith is also influenced by the conditions and situations surrounding it. The background conditions and situations of the emergence of a hadith can either remain constant or change. Based on this, the emergence of a hadith is divided into two categories: hadiths that emerge in a constant condition and hadiths that emerge in a changing condition¹⁸.

The theory of informative communication was first introduced by Shannon and Weaver in 1949 in their book entitled "The Mathematical Theory of Communication" (1949). Informative communication is referred to as a mathematical communication model or an informative theory model¹⁹. This model describes communication as information that is sent as a message to the receiver to achieve specific communication goals. This process can result in noise or interference. Shannon and Weaver focus their discussion on the delivery of messages, which is greatly influenced by the level of accuracy. In brief, the theory of informative communication is a depiction where the encoder, as the source of information, creates and delivers a message to the decoder through a specific channel²⁰.

¹⁸ HADIS NABI YANG TEKSTUAL DAN KONTEKSTUAL Analisis Pemikiran Syuhudi Ismail, hal 130

¹⁹ B q. Nova Sukardin and Aprilia Azamti, "Penerapan Model Komunikasi Shannon Weaver Dalam Menurunkan Kecemasan Pada Lansia Di Wilayah Kerja Puskesmas Parempuan Kabupaten Lombok Barat," *Jurnal Ilmiah Keperawatan Indonesia* 2, no. 2 (2019): 1-15.

²⁰ Bambang Warsita, "Kontribusi Teori Dan Teknologi Komunikasi Dalam Teknologi Pembelajaran," *Jurnal Kwangsan* 2, no. 2 (2014): 71.

Shannon and Weaver assume that give the existence of a source of information, there will be one message communicated from the available information. Here, informative communication model which depicted by Shannon and Weaver:

Figure 1: Shannon-Weaver's Informative Communication Model

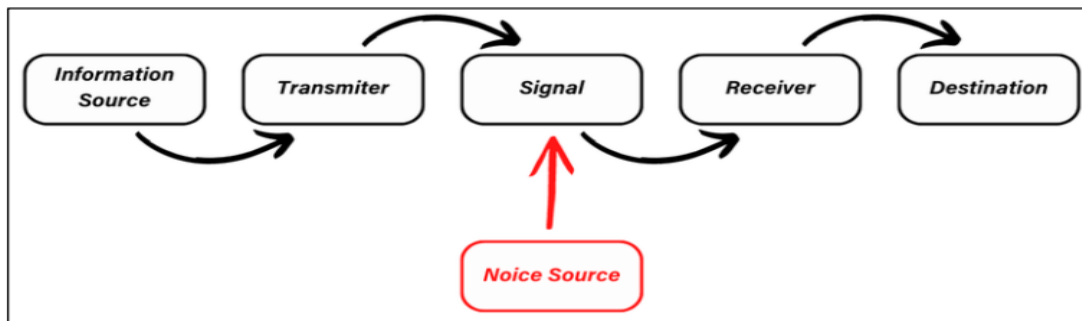


Figure 1 explains the theory of informative communication proposed by Shannon and Weaver, with the following explanations:

1. Information Source

The information source is the foundation that typically originates from the human brain and generates information or messages that will be conveyed to the transmitter.

2. Transmitter

The transmitter is a mechanism that converts the information into signals, typically in the form of words, emitted by the brain through a predetermined and utilized channel.

3. Signal

The signal is the channel that transmits the message from the transmitter to the receiver.

4. Receiver

The receiver is the brain of the object responsible for receiving the message.

5. Destination

The destination is the brain of the message receiver.

6. Noise Source

Noise source, also known as interference, refers to an unwanted stimulus that disrupts the message transmission process which resulting in an ineffective communication²¹.

The application of Shannon-Weaver's informative communication model will be analyzed and correlated with the hadith narrated by Imam Muslim number 1421, which focuses on identifying the noise source in the application of this hadith. The silence of a woman is interpreted as an indication of her acceptance of a marriage proposal from a man. However, in reality, the goals marriage based on tranquility, love, and mercy which may not align with what is expected when applying the concept of silence.

According to the textual interpretation by Muhammad Syuhudi Ismail, the hadith narrated by Imam Muslim number 1421 does indeed affirm that a woman's silence during a marriage proposal is a form of her agreement. However, it is important to not only understand the textual meaning but also consider other aspects such as the historical context when interpreting a religious text. The attitude of a woman's silence as understood during the time of Prophet Muhammad can be seen in several narrations.

From the explanations above, it can be understood that in the past, women were shy to express their opinions. This is different from with this era where women tend to be more confident in expressing their opinions. Furthermore, the main point of several supporting hadiths is to understand that someone's silence may indicate their agreement. However, it is important to note that when Prophet Muhammad married Sayyidah Fatimah, there was a communication process between him and his daughter regarding the use of certain symbols to indicate approval. Additionally, the psychological condition demonstrated through changes in behavior is also taken more attention.

Determining the best couple for a child is generally allowed in religion, but the opinions of the child should be taken into consideration, including their outward and

²¹ Efi Anggriana, "Implementasi Model Komunikasi 'Shannon And Weaver' Melalui Penyebaran Informasi Kartu Indonesia Sehat Penerima Bantuan Iuran (KIS-PBI) Di Kabupaten Donggala," *Social Humanity: Jurnal Ilmu Sosial dan Humaniora* 1, no. 1 (2017): 38-45.

inward attitudes, because silence is not the only indicator of agreement²². Silence is just one signal, according to Shannon-Weaver, when a signal is given to the receiver from the information source. The signal should not differ from the information received based on the source or informant.

When a guardian misinterprets a woman's silence, it can become a problem in the future, which is certainly undesirable because the goal of household is to become a family that tranquility, love, and mercy. Information errors caused by interference or noise sources are clearly detrimental and undesirable, especially for the woman. Therefore, sensitivity and accuracy are needed from the guardian when the woman remains silent when asked for her opinion about a marriage proposal. The guardian needs to clarify whether the woman's silence indicates approval or hesitation and her fear of expressing disagreement.

Regarding a woman's silence as a sign of approval, the solution to interference or noise sources in Shannon-Weaver's informative communication theory is to apply the opinion of Syuhudi Ismail, which emphasizes the role of reason or *ijtihad* (independent reasoning). The basis of choosing the role in reasoning or *ijtihad* was different between the conditions during the past time of Prophet Muhammad with this era²³. Based on this basis, it can be understood that considering a woman's silence as approval is not appropriate in this era. Nowadays, most women remain silent when they feel uncomfortable rejecting someone's proposal, as they still try to preserve the feelings of the person proposing. For example, the situation happened and the guardian insists on his own decision and considers the woman's silence as approval, it will undoubtedly cause disappointment for the woman and affect to her mental state. Therefore, a deeper understanding and consultation regarding the meaning of the woman's silence is necessary.

The solution of this problem according to the author, there are many ways to cultivate a willing attitude. One of them is through consultation between the daughter and the guardian. Through intensive communication built in a familial atmosphere between them, it will be easier to carry out a marriage for the child who is to be married. Marriage not only involves the two spouses but also the two extended

²² Ibid

²³ Taufan Anggoro, "Analisis Pemikiran Muhammad Syuhudi Ismail Dalam Memahami Hadis," *Jurnal Ilmu Hadis* 3, no. 2 (2019): 93-104

families. Additionally, if there is mutual willingness between both families, the purpose of the marriage can be easily realized. However, through consultation hoped that the Shannon-Weaver's informative communication model can function effectively, ensuring that there are no communication errors or disruptions in the transmission of information from the source to the receiver, both in this era and in the future.

Conclusion

The hadith narrated by Imam Muslim number 1421 regarding a woman's silence as an indication of approval in the marriage proposal process explains the importance of the guardian's consent and the freedom of the girl or woman in choosing a partner (prospective husband), distinguishing between a widow and a virgin. For a woman with widow status, there should be clear consent from the woman herself before the marriage vow is conducted. On the other hand, there is a difference between a father as a guardian and another guardian for a virgin or a widow who is not yet mature and has not been consummated by her husband. The application of Shannon-Weaver's informative communication model will be analyzed and correlated with the hadith narrated by Imam Muslim number 1421, with a focus on identifying the noise source in the application of this hadith. In general, silence can indicate agreement, but it can also be a sign of rejection.

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