

The Controversy Over Village Officials' Intervention in the Marriage of Adulterous Couples: A Study of Islamic Law in Aceh

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ABSTRACT

Marriage in Islam is a sacred bond that aims to maintain honor and offspring in accordance with sharia. Adultery is seen as an act that damages the moral order and is strictly prohibited in Islam and in Law Number 1 of 1974 concerning Marriage. This study aims to analyze the forms of intervention of village officials in the marriages of adulterous couples in Pulo U Village, Pidie Jaya Regency, and examine this practice from the perspective of Islamic law. The research method used is descriptive qualitative, with data collection through interviews, field observations, and library research of Islamic law literature and the Aceh Qanun Jinayat. The results show that village officials more often use reusam (customary law) than Qanun Jinayat in handling adultery cases, because it is considered more flexible, faster, and able to maintain community honor. However, the practice of this intervention often results in violations of Islamic law principles, such as violations of privacy, social violence, and forced marriages against adulterers. From the perspective of Islamic family law, forced marriages do not fulfill the element of consent of both parties, and are therefore invalid according to the majority of scholars. Therefore, the resolution of adultery cases should be carried out by upholding justice, public interest, and sharia principles without ignoring individual rights and human values.

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INTRODUCTION

Marriage is a divine law that applies to all humankind. Marriage is a way that Allah SWT has ordained for humans to procreate, reproduce, and preserve their lives, as each partner is prepared to fulfill their positive role in realizing the goals of marriage. Allah SWT did not create humans like other creatures, who live freely following their instincts and freely interact without rules. To maintain the honor and dignity of humankind, Allah SWT established laws in accordance with their dignity, so that the relationship between men and women is regulated respectfully and based on mutual consent (Wiranto & Akib, 2022b).

Marriage is something sacred both according to religious teachings and the position of laws and regulations in Indonesia. In Law No. 1 of 1974 concerning Marriage. The broad definition of marriage is a physical and spiritual bond between a man and a woman as husband and wife and a long-lasting responsibility and in the long term and forms a happy and eternal family (household) based on the One Almighty God, not just a civil relationship but a relationship between fellow human beings both in this worldly life and in the afterlife (Wiranto & Akib, 2022a).

As God's perfect creatures, humans possess reason, controlled by the brain, and desires, controlled by the heart. They are capable of creating a culture that can also bring about change along with advances in science and technology. Humans fundamentally desire a good and righteous life. This is achieved when there is harmony between thoughts (reason), which produce values of truth, and feelings (lust), which produce values of goodness. When desire overcomes reason, one falls into sin. One of the sinful acts that humans can commit is adultery (Saidah & Maryandi, 2022).

In social life, the communal and religious Indonesian people form agreements to maintain order and peace, which are manifested in various norms regarding prohibited acts and mechanisms for resolving them. Prohibited acts are not only based on harming individual and societal interests but also based on the collective consciousness of society that contradicts the basic morals embraced and considered sacred by Indonesian society. In the context of criminal law, prohibited acts are called crimes (Mawardi, 2020).

Islam builds family and social life on two goals: protecting the family from misguidance and creating a clean environment where a generation can be born, standing on a solid foundation and with an orderly social order. Therefore, Islam prohibits adultery and sexual intercourse before the marriage contract, as prohibited by Allah SWT (Aladin, 2018).

Zina is sexual intercourse between a man and a woman who are not bound by marriage. Ibn Rushd defined zina as sexual intercourse not committed through a legal or pseudo-marital relationship, and not through the ownership of a slave. In general, zina is not limited to sexual intercourse; any sexual activity that violates human honor is categorized as zina. According to the Big Indonesian Dictionary (KBBI), zina is sexual intercourse between two people who are not married.

There are numerous cases in society, particularly in marriages, of broken or disintegrating marriages, ultimately resulting in divorce. One of the symptoms of broken marriages, resulting in divorce, is the unpreparedness of both parties—the man and the woman. One factor contributing to this unpreparedness is the unwillingness of both parties to enter into marriage, yet they are forced to go through with it (Aladin, 2018).

Islam is a religion that highly upholds the sanctity of the institution of marriage. Marriage in Islam is not simply the union of two people, but rather a sacred bond and a noble covenant (*mitsaqan ghalizhan*) aimed at building a peaceful, loving, and compassionate family (*sakinah, mawaddah, wa rahmah*). One of the noble goals of marriage is to maintain self-respect and maintain the clarity of lineage (*hifdz an-nasl*), which is one of the five main objectives of Islamic law (*Maqasid Syariah*). The Qur'an and Sunnah provide clear guidance on the procedures and requirements for a valid marriage to achieve this noble goal (Ismiaty et al., 2020).

On the other hand, Islam strictly forbids all forms of extramarital relations, known as *zina* (adultery). It is categorized as a major sin (*kaba'ir*) that not only damages the honor of the perpetrator but also has widespread negative impacts (*mafsadah*) on the social order (Suprima, 2022). The act of *zina* can damage family tree lines, spread disease, and trigger slander and conflict within society. Therefore, Islamic law prescribes severe punishments for perpetrators as a form of deterrence (preventive) and education (educational).

Despite this strict prohibition, the phenomenon of *zina* unfortunately still occurs in society, including in Muslim communities known for their strong religious devotion, such as those in Aceh (Azami, 2022). When cases of *zina* are uncovered, confusion and a social dilemma often arise. Communities and local leaders are faced with a difficult choice: implement formal legal sanctions as stipulated in the Aceh Qanun, or seek alternative solutions considered more pragmatic to cover up the shame and prevent further social damage (Juliandi et al., 2024).

It is in this context that the role of village officials as informal and formal leaders (*ulil amri*) at the lowest level becomes crucial. In many places, including Pulo U Village, Meureudu District, Pidie Jaya Regency, a practice has emerged that has become a kind of "standard solution": intervention by village officials (including the *Keuchik*, *Tuha Peut*, and *Teungku Imum*) to promptly conduct marriages.

RESEARCH METHODS

This research is qualitative and descriptive, using a case study approach (Muhaimin, 2020). The data sources for this study are the data required by the author, obtained from two sources: primary data, namely Law Number 6 of 2014, which provides a clear mandate for village officials. Secondary data, namely data that can be used to support the primary data or can also be a data source capable

of providing additional information or data that strengthens the primary data. One of the references used in this research is a book by Mrs. Soemiyati, "Islamic Marriage Law and Marriage Law," published in 2007. The location of this research is Indajaya District. The author chose this location because it is easily accessible and requires minimal costs to conduct research in Pulo U Village, Pidie Jaya Regency.

The study was conducted through in-depth interviews with informants. The researchers used purposive sampling based on the informants' ability to clearly describe village fund management in empowering the community in Gampong Pulo U, Merdu District, Pidie Jaya Regency. The informants selected in this study were officials from Gampong Pulo U, Merdu District, Pidie Jaya Regency. The informants were categorized by gender as follows:

No	Gender	Amount
1	Man	4
2	Woman	1

Table 01, informants by gender

RESULTS & DISCUSSION

Community intervention in the marriage of an adulterous couple in Pulo U village

In the context of this research, the cases found in Pulo U Village show a typical pattern of intervention by village officials towards the marriage of a couple who committed adultery:

"This intervention generally occurs after the couple is discovered by their family or community to have had sexual relations outside of marriage."

The case begins when the parents of one of the parties, usually the woman, report the incident to the hamlet or village head. This report is not criminal in nature, but rather an attempt to find a solution to cover up the family's "shame" and prevent the problem from escalating (Nurliana, 2022). Village officials, assisted by religious and traditional leaders, immediately hold a meeting involving both families.

In these deliberations, the role of village officials is crucial. They act as mediators to reconcile the two families and find a mutually agreeable solution. This intervention often focuses on a single solution: marriage. The primary reasons for this are:

"Marriage is considered the quickest and most effective way to end a scandal and preserve the reputation of both families in the community. If the woman is already pregnant, marriage is seen as a solution to provide clear legal and social status for the unborn child, even though this conflicts with some Islamic and state legal views. Village officials believe that marrying the couple can prevent them from repeating adultery in the future."

"Even though marriage is the main solution, sometimes village officials also apply light customary sanctions, such as fines in the form of a sum of money

or food supplies which are handed over to traditional or village leaders as a symbol of "ransom" for violating norms."

"Village officials directly facilitate the marriage process. They help with simple administrative requirements and, in many cases, invite a local religious leader (modin) or religious leader to perform the marriage in a secret ceremony (not registered with the Office of Religious Affairs)."

In many cases, these marriages are not registered with the Religious Affairs Office (KUA) due to social pressure and the need for a quick resolution. Although village officials are aware of the legal risks of unregistered marriages, they prioritize resolving pressing socio-religious issues at the village level. In summary, the intervention of village officials in Pulo U Village serves as a mechanism for resolving customary and social conflicts, prioritizing marriage as a solution. Their role is as facilitators, bridging conflicting families with prevailing customary and religious norms.

"After the case was uncovered, village officials immediately held an emergency meeting. The parties involved included the village head (geuchik), the village headman (tuha peut), the imam of the meunasah (meunasah), traditional leaders, youth representatives, and the families of both parties (the perpetrators). During the meeting, village officials did not immediately take the case to the legal realm (WH/Sharia Police). Instead, they offered solutions they deemed "best" to uphold the honor of the village and the families. The primary option was to marry the couple as soon as possible."

This intervention is often accompanied by psychological and social pressure. Couples and families are taught that marriage is the only way to:

- a. Cover up the shame of the family and village.
- b. Avoid social sanctions and potential caning under Aceh Qanun Number 6 of 2014 concerning Jinayat Law.
- c. Provide clear legal status for the child if the woman becomes pregnant.

"If both families agree, the marriage is arranged very quickly, sometimes within 24 hours of the event. The marriage ceremony is carried out simply, often led by an imam (leader) of the meunasah (house of worship) or a specially summoned official from the Religious Affairs Office (KUA)."

The community is aware of the Qanun Jinayat, which regulates khalwat (being alone in a secluded place), ikhtilath (mixing between men and women who are not mahram), and adultery. However, in practice, they often refer to reusam gampong (village customary law) for quicker resolution.

The Qanun provides a clear definition and penalty for adultery, namely 100 lashes. However, proving it is very difficult (requiring four eyewitnesses or the perpetrator's confession). This difficulty in proving the crime is what often frustrates the community and leads them to resort to customary law.

"Reusam offers a more flexible solution and focuses on restoring the village's reputation. Customary sanctions such as fines or forced marriage are often considered more effective in resolving social issues than caning, which is considered to bring lasting shame to the family."

This is where a "dialogue" occurs between state law and local law. The people of Pulo U Village do not reject the Qanun, but they use it as a "threat" or final justification. Village-level resolution through reusam is often the first choice. This is a clear example of how formal law is adapted and negotiated at the grassroots level to suit local needs and values (Amirul Bahri, 2023).

The reasons for the village officials' intervention were:

- a. Maintaining a Good Name (Hifzhu al-'Irdh). The primary reason cited by the village officials was to protect the honor and reputation of the families involved and Pulo U Village as a whole.
- b. Preventing Greater Harm. They believed that allowing the case to drag on or taking it to the formal legal realm would lead to greater disgrace and more complex social problems. Marriage was seen as a solution to prevent slander and gossip.
- c. Moral and Customary Responsibility. Village officials feel a moral and customary responsibility to resolve their residents' problems internally before involving outside parties.

The Keuchik (village head), Imam Meunasah (village council), and Tuha Peut (village council) are central figures in the decision-making process. Village youth are often at the forefront of surveillance and raids. The Keuchik and village officials act as mediators, balancing between community pressure and the obligation to follow formal legal procedures. They face a dilemma: they must calm angry residents while preventing anarchy. This demonstrates the dual role of local leaders in a legally pluralistic society.

"Imams/Teungkus serve as sources of moral and spiritual legitimacy. Their advice and insights are highly respected and often determine whether a case is resolved through customary law or referred to formal law (Qanun). This role solidifies Islamic law's position as the primary source of norms in Pulo U Village."

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"As more proactive and sometimes emotional "moral guardians," their involvement can be seen from the perspective of Solidarity, where serious moral violations (such as adultery) trigger a strong collective reaction to reaffirm social bonds and shared values."

Community Intervention in the Marriage of Adulterous Couples in Pulo U Village from an Islamic Law Perspective

In the Hanafi school of thought, the marriage of a woman pregnant due to adultery is absolutely valid, without needing to wait for childbirth. This opinion often forms the basis for marriage practices in some communities (Anjarwati & Kasim, 2021).

In the Shafi'i school of thought, the marriage of a woman pregnant due to adultery is invalid. The marriage of a woman pregnant due to adultery is invalid (haram) unless she marries the man who impregnated her, provided that the woman must wait until she gives birth (- & Mukhtaruddin, 2022).

Regarding Field Practice: Comparing the intervention practices of village officials in Pulo U Village with the above-mentioned Islamic jurisprudence views. Identifying whether marriage practices in the village tend to follow a particular school of thought (Maiaweng, 2017).

Analyze whether the pillars of marriage, such as the presence of a prospective husband and wife, a guardian, two witnesses, and a marriage contract (ijab qabul) are fulfilled in marriages facilitated by village officials. Assess whether the marriage guardian used, especially for pregnant women, has sharia validity. Although considered religiously valid, unregistered marriages without registration at the Office of Religious Affairs (KUA) have legal consequences that need to be addressed in the discussion. This issue must be honestly evaluated and placed within an established Islamic jurisprudence framework, providing a comprehensive understanding of the dilemma between social norms, customary law, and Islamic law in cases of adulterous marriages (Sari & Puspitasari, 2022).

Explain the concept of *maslahah mursalah*, which is a benefit that has no specific legal basis but aligns with the objectives of sharia as one of the methods of establishing law in Islam. Analyze whether village officials' interventions, which lead to marriage, are justified based on the principle of *maslahah mursalah*. Village officials often argue that marriage is the best solution to prevent family dishonor and broader moral decay, which aligns with the objectives of sharia (*maqasid syariah*) to protect offspring and honor ('Ashry & Firdausiyah, 2022).

Field Findings: The process of proving at the community level tends to be simple, based on confessions under duress or collective conviction. Standard of Proof (Bayyinah): Aceh Qanun No. 6 of 2014, which is based on classical Islamic jurisprudence (Fikih Jinayat), sets an exceptionally strict standard of proof for adultery: (1) the testimony of four righteous men who directly witnessed the intercourse (*al-ilāi*), or (2) a voluntary confession (*iqrār*) from the perpetrator without coercion.

Practice Gap: There is a significant gap between the standard of proof in the Qanun and the practice in Pulo U Village. What is considered "evidence" by the community often does not qualify as bayyinah in the Sharia Court. This explains why many cases are "resolved" in the village, because if brought to the formal realm, they are likely to be unproven (Safitri et al., 2020).

The Principle of *As-Satr* (Covering Disgrace): The strict requirements for proving adultery in Islam contain profound wisdom, namely, encouraging society to prioritize the principle of covering the disgrace (*as-satr*) of fellow Muslims over exposing it. The Prophet Muhammad (peace be upon him) said, "Whoever covers the disgrace of a Muslim, Allah will cover his disgrace in this world and the hereafter." Explosive community interventions are precisely the opposite of this spirit (Rahmawati & Luqman, 2022).

In general, the Pulo U community's intervention in the marriage of an adulterous couple based on the Aceh Qanun on Villages can be explained through the customary legal authority recognized by the Qanun. Pulo U, as a gampong (village) in Aceh, has the authority to enforce customary law and Islamic law within its territory (M. Samsukadi, 2019).

This intervention is based on the Aceh Qanun on Gampong (Village), which grants gampongs the authority to manage and regulate their own domestic affairs, including matters related to customs and Islamic law. This Qanun recognizes the existence of gampongs as legal community units with ancestral rights and local authority at the gampong level. This includes:

1. The right to enforce Islamic Customs and Sharia: Gampong, through its apparatus such as keuchik (village head) and tuha peut (a kind of BPD), has the right to monitor and enforce applicable norms, including the prohibition of adultery.
2. Community Development Authority: Villages are authorized to conduct community development aimed at maintaining order, security, and community morality. Intervention against adulterous couples is part of this development effort.

Interventions carried out by the Pulo U community, which are also supported by village officials, usually take the form of:

1. Customary resolution: A couple caught committing adultery will first be processed according to customary law. This can take the form of a customary court session led by village officials and community leaders.
2. Social punishment: The community can impose social sanctions in the form of isolation or customary fines on the couple.
3. Forced marriage: Based on customary law and religious norms, the community can "force" the couple to marry to prevent dishonor and preserve the family's reputation. Although the term "forced," this action is often agreed upon as the best solution by both families.
4. Reporting to the authorities: If customary resolution is unsuccessful or the case is very serious, village officials can report the matter to the Wilayatul Hisbah (Islamic law police) for further processing in accordance with the Qanun Jinayat (Islamic criminal law).

This intervention is legally valid because the Aceh Qanun on Villages grants villages the authority to resolve local issues based on local wisdom, customs, and Islamic law. However, this must remain within the framework of higher positive law. The role of village officials in Pulo U, in this context, is as mediators and enforcers of customary law recognized by the state. They act as a bridge between community norms and the rules stipulated in the Aceh Qanun, ensuring order and morality at the village level.

CONCLUSION

Community intervention, particularly by village officials in Pulo U Village, demonstrates a pattern of adultery resolution that places greater emphasis on customary, religious, and social norms than on formal legal channels. When a case is uncovered, village officials, along with religious and customary leaders, immediately hold a deliberation with the primary goal of covering up the family's shame, preserving the village's reputation, and preventing further social impact. Marriage is seen as a quick, effective, and practical solution to end the scandal, especially if the woman is pregnant. In practice, village officials act not only as mediators but also as facilitators, assisting in the marriage process, even if it must be conducted in a secret marriage. Customary sanctions such as fines or "ransoms" are also sometimes applied as a symbol of restoring norms.

The intervention of the Pulo U Village community in encouraging the marriage of adulterous couples can be understood within the framework of fiqh, rukun nikah, and the concept of *maslahah murlah*. From a jurisprudence perspective, the practice of marrying adulterous couples in this village does not fully comply with the view of the Shafi'i school which rejects the marriage of pregnant women because of adultery before giving birth, but is closer to the view of the Hanafi school which allows it. This shows flexibility in the application of Islamic law at the local level.

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