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## Legal Problems of the Office of Religious Affairs (KUA) in the Implementation of Family Mualaf Counseling Guidance in Playen District

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## **ABSTRACT**

The rules that are prescribed in Islam are that a Muslim is not allowed to marry a non-Muslim (marriage of a different religion), a non-Muslim if he wants to marry a Muslim, he is required to convert to Islam first or often referred to as a convert, the meaning of converts. themselves in order to be able to carry out marriages with their Muslim partners. Marriage doesn't always go as expected. With the marriage guidance carried out by KUA (Office of Religious Affairs) to prospective brides and families who have been married for a long time to provide knowledge, understanding, advice and skills to prospective brides with the aim of realizing a sakinah mawaddah warahmah family and reducing the divorce rate in the household. This study is intended to analyze the process of implementing the course for prospective brides and converts to converts at KUA, Playen District. The goal is to add insight and knowledge about matters relating to marriage problems, especially for the bride and groom. What is the solution run by KUA Playen on the implementation of the prospective bride and groom course. The goal is to add insight and knowledge about matters relating to marriage problems, especially for the bride and groom. What is the solution run by KUA Playen on the implementation of the prospective bride and groom course.

**Keywords**: Family Law, Family Mualaf Conseling, Office of Religious Affairs, Marriage Law

## **INTRODUCTION**

Allah SWT has decorated this universe with love and love as a gift from Him. Where does it all aim so that humans can love each other, between men and women as His creatures and is also a way to develop descendants who can continue their struggle. As is this type of difference, it is possible for offspring to exist, so that humans as a non-perishable being.

Humans are unique in their position as social beings who are dependent on other humans. Therefore, humans are often discussed in various circles, both academics and practitioners. Almost all higher education institutions study humans, works, and problems faced by humans, society and the environment in which they live. Humans are born on earth equipped with reason, thoughts and feelings. With this provision, the human being becomes the most perfect creature and is mandated by the creator as a leader on earth. However, with the provision of reason, thoughts and feelings, humans are also shrouded in various kinds of problems, it is even said that humans are creatures with a myriad of problems (humans with multiproblems), both problems in the family and social.

Before entering the family sphere, marriage is something that must be faced by every human being. Marriage is the first step that must be passed by a married couple in order to form a sakinah, mawaddah, warahmah family as taught in religion (Islam) and to achieve this goal it is necessary to develop premarital guidance and counseling services to prospective married couples to be more prepared navigating the household ark which will later be traversed together and if in a family problem there is a discrepancy that results in divorce or other problems, it is also necessary to develop family counseling services, in order to find a way out in accordance with the Islamic religion.

The Advisory Board for the Guidance and Preservation of Marriage (BP4) is an agency or institution whose duties and functions are to reconcile husbands and wives who are in dispute or in dispute and to provide advice or prior guidance for prospective husband-wife pairs who will enter into marriage. This agency has been authorized by the government with the issuance of a decree (SK) of the Minister of Religion Number 85 of 1961, which stipulates BP4 as an agency or institution that seeks to provide marriage advice and prevention of divorce. Previously BP4 was under the auspices of the Ministry of Religion, but for now BP4 is an independent institution. The Ministry of Religion itself has a marriage guidance program organized by the District Office of Religious Affairs.

Ideally, from these problems, the more problems that arise in both marriage and family life, the role of counselor/facilitator in the field of

<sup>&</sup>lt;sup>1</sup> Zubaidah Muchtar, Nasehat Perkawinan dan Keluarga: Fungsi dan Tugas BP4" (Jakarta: BP4 Pusat, 1993).

guidance and counseling is needed, guidance service activities can be carried out in group or classical formats, while the counseling process is face to face or individual counseling., face-to-face consultation, namely a meeting between the counselor/facilitator and the counselee in order to find a way out of the problems being faced by the counselee as guided by religion to provide directions, paths and directions to individuals in need.

In this case the counselor/facilitator has an important role. A new question arises "who is the counselor/facilitator? As a profession, counselors/facilitators are professionals who have expertise in counseling services. According to the concept of counseling for all, namely counseling for the wider community, in which counseling there are guidance activities. Counselors/facilitators as professionals in the field of guidance and counseling must have certifications and licenses to provide professional services for the community.<sup>2</sup> According to Law Number 20 of 2003 concerning the National Education System, Article 1 paragraph 6 states that the counselor/facilitator is an educator who is one of the educational staff who participates in providing education. Furthermore, according to the book Competency Standards for Indonesian Counselors (2005) counselors are guidance and counseling professionals who must have certification and licenses to provide professional services for the community.

These professionals are prepared and produced by the guidance and counseling study program, at the bachelor, master, dan doctoral levels, including professional education in it. According to Shostrom and Brammer, counseling is a unique and general relationship, meaning that the consular relationship with the client has a unique relationship, including the attitude of planned behavior, a schedule, is confidential and therapeutic in nature and can be fully accepted by the client.<sup>3</sup> Another opinion says professional counselors/facilitators are people who are trained in the field of counseling skills who use them as part of their work,

<sup>&</sup>lt;sup>2</sup> Boy Soedarmadji Hartono, *Psikologi Konseling* (Jakarta: Kencana Prenada Media Group, 2012).

<sup>&</sup>lt;sup>3</sup> Arifin and Eva, *Teknik Konseling Media Massa* (Yogyakarta: Graha Ilmu, 2010).

but do not have accredited counseling or psychotherapy qualifications, some social workers fall into this category although others are counselors/facilitators and psychotherapists who qualified.<sup>4</sup>

Islam teaches that its people advise each other and help each other in terms of goodness and piety. Therefore, all activities to help individuals that are carried out by acknowledging God's demands are classified as worship.<sup>5</sup> Counselors/facilitators as helpers who provide assistance to individuals who have problems or who do not have problems. By adhering to the teachings of Islam, the scholar of religion as one of the counselors/facilitators of Islam, especially in the office of religious affairs who develops his expertise as a counselor/facilitator in the field of religion in providing guidance and counseling for both the bride and groom (a couple) and to their families (husband and wife) which has a problem.

It will be a problem if before becoming a bride, the bride and groom do not know their respective duties in the family, how to build a prosperous family, which is sakinah mawaddah, warahmah, and if there is a misunderstanding or big problem, the husband and wife should be able to solve the problem. In fact, we are able to assess what the duties of a mother or a father's duties are in the family, because the bride and groom have been in the family before, but in reality, we are less concerned about the duties or obligations of each of our parents, so that we do not fully and deeply know about the obligations. a wife or a husband's obligation. From all the obligations in the family, there is a difference of understanding between the father and mother without any way out so that it ends up in the office of the religious court.

Marriage is a sunnatullah that applies to all God's creatures, marriage is a way chosen by God as a way for humans to produce offspring, preserving their lives after each partner is ready to play a positive role in realizing marriage. Living in a match is the instinct of all

<sup>&</sup>lt;sup>4</sup> Richard Nelson Jones, *Pengantar Keterampilan Konseling (Introduction to Counseling Skills)* (Yogyakarta: Pustaka Pelajar, 2012).

<sup>&</sup>lt;sup>5</sup> Anwar Sutoyo, *Bimbingan & Konseling Islam Teori Dan Praktek* (Yogyakarta: Pustaka Pelajar, 2013).

God's creatures, including humans, as expressed in the Qur'an Surah Az-Zariyat verse 49 which means: "And we created everything in pairs so that you remember the greatness of Allah SWT."

The desire possessed by every human being is what drives each individual to find a life partner, the family is the smallest group of humans based on marital ties, thus forming a household. To be able to carry out a marriage, one must meet the requirements for a valid marriage, thus a marriage is valid if it is carried out according to the law of each religion and belief in accordance with Article 2 paragraph (1) of the marriage law. The reality of a marriage is often encountered in various kinds of confusing and worrying problems, including marriages of different religions, contract marriages or mutated marriages.'Ah. The rules that are prescribed in Islam are that a Muslim is not allowed to marry a non-Muslim (marriage of different religions). In accordance with the verse above, a non-Muslim if he wants to marry a Muslim, he is required to convert to Islam first or often referred to as a convert, the intention of the convert himself is to be able to get married with his Muslim partner. For the sake of the continuity of marriage there is no way of religious differences. which becomes a barrier, is addressed by the transfer of one of the spouses to the religion adopted by their partner. The purpose of holding a marriage is nothing but creating happy, peaceful, safe and prosperous family conditions between both parties, both husband and wife.

In marriage, actually creating a harmonious life and filled with feelings of affection between two parties, mutual respect for each other's differences as long as they do not conflict with Islamic law. Marriage also does not always go according to the expected goals to create happiness, a sense of peace and peace. Usually in the household there are conflicts between husband and wife, both those who come from inside and outside the family and conflicts in a household cannot be overcome by both parties. parties even a protracted conflict can lead to a divorce. Likewise, for converts who are vulnerable to domestic conflicts because they still need guidance in establishing a harmonious family.

Family problems can also arise due to a lack of understanding of religious values. Husbands or wives who come from non-Muslims will find it difficult to follow in terms of worship, not social matters or interactions between families. In particular, a husband has the responsibility as the head of the family. In Islam, the husband is the imam in terms of worship (prayer) for his wife and children and the priest in other matters. When teaching religious values to their children who practice Islam, it will be difficult because of a lack of religious understanding.

Converts as people who have just converted to Islam tend to experience There are many problems, both spiritual and social. Complex problems occur in the family, namely the rejection of new beliefs embraced by converts, various actions that are lacking nice to be ostracized by family and loved ones who often experienced makes convert isolated from their own environment. According to the popular scientific dictionary, a convert is a person who (new) converted to Islam.<sup>6</sup> According to the Indonesian Ministry of Religion, a convert means a person who new to Islam, and still weak in faith.

Marriage guidance carried out by BP4 (Marriage Advisory, Guidance and Preservation Agency) and KUA (Religious Affairs Office) in training guidance for prospective brides is the provision of knowledge, understanding, advice and skills to each prospective bride. This regulation was issued with the aim of increasing understanding and knowledge about married life in realizing a sakinah mawaddah warahmah family and reducing the divorce rate in the household.

The material presented by a counselor/facilitator who has authority and has a deep understanding of marriage. Facilities for providing marriage guidance such as syllabus, modules and graduation certificates are provided by the Ministry of Religion and a graduation certificate is a requirement for marriage registration. Binwin is intended as a brief debriefing given to the prospective bride and groom with a certain time,

<sup>&</sup>lt;sup>6</sup> Pius A Partanto and M. Dahlan Al -Bahry, , *Kamus Ilmiah Populer* (Surabaya: Arkola, 1994).

namely at least 24 hours of lessons. Presented by resource persons who have expertise in their respective fields with lecture, dialogue, simulation and case study methods, the material includes:<sup>7</sup>

- 1. Marriage procedures and procedures (2 hours)
- 2. Religious knowledge (5 hours)
- 3. Legislation in the field of marriage and family (4 hours)
- 4. Rights and obligations of husband and wife (5 hours)
- 5. Health (healthy reproduction) (3 hours)
- 6. Family management (3 hours)
- 7. Psychology of marriage and family (2 hours).

This is based on the observations that the researcher made to the bride and groom who carried out the qabul consent in the area of the Office of Religious Affairs who had followed pre-marital guidance in the office in the guidance material containing Islam, the creed, istighfar, prayers for intercourse, obligations between husband and wife and so on. It is different with parents who also follow the guidance, but in a different context. Parents were reminded again about the household and also given an understanding of ethics in interfering in their children's household affairs. From the results of observations, the authors are interested in researching the office of religious affairs with the aim of examining and analyzing the probematics of Counselors/Facilitators in the Implementation of Marriage and Family Guidance for converting families at the Office of Religious Affairs, Playen District, Gunungkidul Regency,

Several articles have mentioned the role of BP4 in achieving happiness in family life leading to the formation of a sakinah, mawaddah, warahmah family. And also the role of extension workers or counselors/facilitators in dealing with family problems. In this case the author is interested in researching the problems that then arise in the service process provided by the religious affairs office which can then be used as a reference or evaluation material so that in the future the services provided by the religious affairs office are more optimal.

<sup>&</sup>lt;sup>7</sup> H. Zainuddin Ali, *Hukum Perdata Islam Di Indonesia* (Jakarta: Sinar Grafika, 2006).

## **METHOD**

This activity is a case study report regarding the problems of counselors/facilitators in the implementation of marriage and family counseling at KUA, Playen District, Gunungkidul Regency, the reason for choosing KUA was because they saw the process of guidance for prospective brides and converts to family counseling. The subject of the activity is the prospective bride and groom, both male and female, guardians, and people who are involved in the guidance process.

Problems or problems in the family are aspects of life that must exist in the family environment. Problems that we often see around, are like economic problems. Economics is one of the factors that triggers disputes in the family that can even lead to divorce and suicide, so the role of counselor/facilitator as a third party is needed in solving family problems. The main problem in the counseling process, the problem is seen from three sides, namely from the counseling institution/process itself, the client and the counselor/facilitator.<sup>8</sup>

Marriage and family are a series of plots where before entering the family area, the presence of a male and female partner as a prospective groom or bride performs the stages of adjustment. This stage is called the premarital stage. Before the existence of a family, it begins with prenuptials, then enters the new marriage area, a small family consisting of husband and wife is formed. However, expectations from marriage when entering the family area are not always as expected, expectations built after marriage will change with problems and can have an impact on divorce.

Guidance is the process of providing assistance. "assistance" here is not defined as material assistance but assistance that is supportive for personal development for the individuals being mentored. While

<sup>&</sup>lt;sup>8</sup> Zahrotul Hamidah, "Peran Badan Penasihat, Pembinaan dan Pelestarian Perkawinan (BP4) Dalam Mencegah Perceraian (Studi Kasus di KUA Kecamatan Klojen Kota Malang)," HIKMATINA: Jurnal Ilmiah Hukum 1, No. 1 (2019): 12–23.

<sup>&</sup>lt;sup>9</sup> Prayitno and Erman Amti, *Teknik Konseling Media Massa* (Jakarta: Rineka Cipta, 2004).

counseling is an activity where all facts are collected and all client experiences are focused on a particular problem to be resolved by the person concerned, where he is given personal and direct assistance in solving problems for the client.<sup>10</sup> The counseling guidance that the researcher means here is an effort to provide assistance to clients in providing an understanding of something and helping solve problems (in the household) of clients with interview techniques.

Guidance and counseling as an aid agency is not limited to assistance to individuals or people in schools. In terms of variety, guidance and counseling services reach the reach of "social-personal guidance", which includes concern for "marriage", guidance and counseling tries to play an active role in efforts to discuss the term marriage in the perspective of providing information to the public. According to field observations conducted by researchers at the religious affairs office, Playen District, Gunungkidul Regency. The first problem of guidance and counseling is due to personal factors of the counselor/facilitator. The second category is the problem of guidance and counseling because of the management factor of guidance and counseling itself. The third category is the problem of guidance and counseling because of the facilities and infrastructure of counseling guidance. And the fourth category is the problem of guidance and counseling because of the skill factor of the counselor/facilitator in implementing counseling services.

The role of the counselor/facilitator in guiding, fostering and solving client problems is the purpose of the presence of the counselor/facilitator in the counseling process. In marriage and family counseling guidance, the presence of a counselor/facilitator is very much needed in the eyes of the community, because the counselor/facilitator handles the problems faced by the counselee, whether it is divorce, reconciliation, guardianship and even serious problems. The counselor/facilitator will try to restore a complete household as expected by religion.

<sup>&</sup>lt;sup>10</sup> Prayitno and Amti.

From some of the problems that have been mentioned with the theory above, that in the religious affairs office, Playen District, Gunungkidul Regency, the counselor/facilitator problem in implementation of marriage and family counseling guidance is mainly motivated by three factors, the first is the client factor, counselor/facilitator factor, and the method. used. The client's internal and external factors are being faced, such as mental, emotional, thought patterns and behavior and so on. While the counselor/facilitator factor is the personality or professional staff of a counselor/facilitator in dealing with client problems. Unlike the method used by the counselor/facilitator, usually this is theoretical which is interpreted in the practical world as well as dealing with family problems (rational emotive behavior therapy) or interview techniques used by a counselor/facilitator such as empathy, paraphrasing, using open-ended questions and so on. And from these 3 factors, it can be understood that the problem with counselors/facilitators in the implementation of marriage and family counseling at the Religious Affairs Office, Playen District, Gunungkidul Regency, is in the form of facilities and infrastructure which is reflected in the services provided.

In carrying out the work program, not everything can run smoothly, it must be admitted that there are still many obstacles, obstacles and shortcomings. According to the results of observations, the obstacles and constraints of KUA, Playen Sub-district, Gunungkidul Regency that were encountered both from within and from outside were as follows:

- Not many people use family consulting services in consulting the existing conflicts, although there is no prohibition for the community to seek advice from the KUA, the community is more likely to resolve problems with anger or their own decisions.
- 2. Limited funds and facilities that can support the implementation of the duties of the marriage advisory and fostering body.
- 3. Limited facilities and infrastructure, including the absence of an adequate advisory room to be able to carry out advisory in a calm and comfortable atmosphere.

4. The KUA of Playen Sub-district, Gunungkidul Regency, was less firm in giving warnings to prospective brides who did not take part in the advisory held.

Based on experience in handling family counseling, the problems faced and consulted with counselors/facilitators include families with children who do not comply with parental expectations, lack of religious understanding accompanied by a lack of interest in understanding the values of Islam more for families who are converts, conflicts between members family, separation between family members due to work outside the area and children who have learning or socialization difficulties. Various family problems can be resolved through family counseling. Family counseling becomes effective to overcome these problems if all family members are willing to change the existing family system with new ways to help deal with problem family members. As noted at the outset, family counseling has several advantages. However, family counseling also has some obstacles in its implementation, and needs to be considered by the counselor/facilitator if you intend to do it. The obstacles in question include, not all family members are willing to be involved in the counseling process because they think they have no interest in this business, or because they are busy. There are family members who find it difficult to express their feelings and attitudes openly in front of other family members, even though counseling requires this openness and mutual trust. and should be considered by the counselor/facilitator if intending to do so. The obstacles in question include, not all family members are willing to be involved in the counseling process because they think they have no interest in this business, or because they are busy. There are family members who find it difficult to express their feelings and attitudes openly in front of other family members, even though counseling requires this openness and mutual trust. and should be considered by the counselor/facilitator if intending to do so. The obstacles in question include, not all family members are willing to be involved in the counseling process because they think they have no interest in this business, or because they are busy. There are family members who find it difficult to

express their feelings and attitudes openly in front of other family members, even though counseling requires this openness and mutual trust.

Another obstacle is the existence of mixed marriages. Mixed marriage here has two meanings, namely the first mixed marriage is a marriage between two people in Indonesia who are subject to different laws because of different nationalities. Second, marriages between people of different nationalities, if both are Muslims, they will be married at the KUA. The purpose of marriage is to create peace, love and prosperity, so there must be one command, namely one religion.

From the researcher's search through documentation data and strengthened by interview data in terms of guidance, there were recorded marriages between converts husbands and Muslim wives, and there were also Muslim husbands and converts' wives. Regarding marriage guidance in the form of independent guidance, guidance requires a third party as a spokesperson, because basically whatever ethnicity, race, and culture, guidance is needed for every bride and groom to support the formation of a sakinah, mawaddah, warahmah family.

Other problems that are one of the inhibiting factors for the realization of guidance at the Office of Religious Affairs include, the existence of prospective brides who do not follow marriage guidance, and who follow the guidance of most brides and grooms do not know religious material or lack of religious knowledge so that in the process of guiding the bride and groom they are passive and counselors the facilitator is active. And in the guidance process there is no module available as an educational reference in forming a sakinah, mawaddah, warahmah family, and also very limited guidance time.

Family counseling is basically the application of counseling in special situations. This family counseling focuses on problems related to the family situation and its implementation involves family members. According to D. Stanton family counseling can be said as a counselor/facilitator, especially non-family counselor/facilitator, namely family counseling as (1) a modality, namely the counselee is a member of

a group, which (2) in the counseling process involves the nuclear family or partner. If husband and wife understand and fulfill their respective roles in the family, it is not easy for sharp disputes to occur. However, if husband and wife do not understand their respective roles in the family or in other words neglect their duties and obligations as husband or wife,

Family counseling views the family as a whole that family members are an inseparable part of the child (the counselee/client) both in viewing the problem and in solving it. As a system, the problems experienced by a family member will be effectively overcome if it involves other family members. At first, family counseling was mainly directed at helping children to adapt better to learn about their environment through improving their family environment. The clients are people who have growth problems in the family.

## RESULTS & DISCUSSION

# I. FAMILY CONCEPT IN THE MARRIAGE LAW (NATIONAL & ISLAMIC LAW)

It is not enough to build a family mahligai with only feelings, materials, and reckless capital. Islam has led its followers to build a sakinah family after the marriage is carried out. To help build a sakinah, mawaddah, warahmah family, sometimes a prospective bride and groom prepare well, including marriage guidance and counseling. Marriage Counseling is an effort to help prospective husband and wife or husband and wife couples by professional counselors/facilitators so that they can develop and be able to solve problems in ways that are respectful, tolerant, and with understanding communication, so as to achieve family motivation, development, independence. and well-being of all family members.

In everyday life, it turns out that the effort to create a sakinah family is not an easy matter, in the midst of this current of life. Let alone achieving an ideal family form, even maintaining the integrity of the household is already an achievement in itself, so it is time for every family to reflect on whether they are walking on the corridor that Allah wants in the mahligai, or whether they are walking contrary to what what he wants. Islam teaches that the family and household are safe, happy and strong institutions for every member of the family, because the family is the smallest environment or community unit that acts as an institution that determines the style and form of society.

The love, security and happiness felt by a person, especially the children in the family, will give him confidence and confidence in himself to face various problems in his life. Parents are the first people who are expected to provide assistance and guidance in solving children's problems. While a mother is a symbol of love, calm and serenity. The Qur'an is the basis for building a sakinah family and overcoming problems that arise in the family and society.<sup>11</sup>

The failure to build a happy marriage today, seems to be triggered by not many couples who build their married life according to the instructions of Allah and the Prophet. In terms of Islamic teachings, humans are guided into married life, starting from how to choose a life partner, how to build a sakinah family, to how to resolve marital conflicts based on the instructions of the Qur'an and hadith. So that husband and wife can realize sakinah, mawaddah, warahmah.

Guidance and counseling on marriage and family on a preventive function, to prevent the emergence of various problems in marriage, due to the unpreparedness of the couple to enter marriage and the couple's lack of insight into marital life in accordance with Islamic teachings. Meanwhile, marriage and family counseling can function curatively in solving problems or problems faced in marriage, by inviting individuals or

<sup>&</sup>lt;sup>11</sup> Fitrotin Jamilah, "Peranan (BP4) dalam Membina Keluarga Sakinah Dan Penyelesaian Penyelisihan Perkawinan Islam," *Jurnal Al-Fikrah* 2 (2019).

family members to re-realize their existence in the various roles they play in the family in accordance with Islamic teachings.

One of the principles of marriage and family counseling guidance in the office of religious affairs is to form a sakinah, mawaddah, warahmah family. This is what is used as a guide in carrying out Islamic marriage and family counseling guidance. So that it is hoped that the objectives of Islamic marriage and family counseling can be achieved as follows:<sup>12</sup>

- 1. Helping individuals prevent problems related to marriage, among others, by helping individuals understand the nature of marriage, the purpose of marriage, the requirements of marriage, their readiness to carry out marriages, and carry out marriages according to Islamic teachings.
- 2. Helping individuals to prevent problems related to married life, among others, by helping individuals understand the nature of family life, the purpose of family life, how to foster a sakinah mawaddah warahmah family life, understand how to carry out household life coaching in accordance with Islamic teachings.
- 3. Help individuals solve problems related to marriage and domestic life, by helping individuals understand the condition of their family and environment, the problems they face, and ways to overcome them
- 4. Help individuals maintain the situation and conditions of marriage and household from a bad situation (because there are problems) to a good situation, and from a good situation to be even better.

Looking at the purpose of this Islamic marriage and family counseling guidance, the counselor/facilitator as a da'wah interpreter is expected to bring change to the people in a better direction. Da'wah interpreters are people who carry out da'wah, who change the situation to another situation according to Allah's provisions, both individually and in

Wildana Setia Warga Dinata, "Optimalisasi Peran Badan Penasehatan, Pembinaan Dan Pelestarian Perkawinan (BP4) Dalam Rangka Pembentukan Keluarga Sakinah Di Kabupaten Jember," *Journal de Jure* 7, No. 1 (2016): 78, https://doi.org/10.18860/j-fsh.v7i1.3508.

groups (organizations), as well as carriers of information and Islamic missions.

Discussing about guidance will never end, because without realizing that guidance is realized by itself in any form in life. There is real guidance, such as marriage and marriage guidance at the religious affairs office, Playen District, Gunungkidul Regency. However, guidance and counseling at the office of religious affairs does not always run smoothly. There are certain factors that cause disputes in the household so that it cannot be denied by anyone, ranging from small problems to big problems such as economic problems, different principles, jealousy, or because of infidelity. In this case, the office of religious affairs has the right to provide guidance and counseling to prospective brides and their families in fostering a sakinah, mawaddah, warahmah household.

The problematic form of the counselor/facilitator in the implementation of marriage and family counseling guidance is in terms of institutional facilities and infrastructure. The lack of facilities in the government aimed at the religious affairs office in providing comfort in the guidance and counseling process so that the process can have a negative impact on psychological counseling.

It is time and it is proper for us to pay attention to the problems faced by the counselor/facilitator to be evaluated later, because for the role itself, the consular is essentially the best way to provide the best efforts and methods according to his role and duties in the office of religious affairs such as BP4, consulting services, mediation services, and others who have become his obligation to serve the community in terms of marriage and dealing with family problems.

The portrait of the sakinah family can be seen from the three categories of family buildings, namely the ideal family, the moderate family and the less ideal family. The Uswatul Khasanah sakinah family group is still at the level of not achieving the ideal family because it is still in the process of becoming a sakinah family. To achieve the ideal family, it still takes quite a long time, but the community's efforts to achieve it can

be seen from the spirit of community cooperation in building development facilities and infrastructure.

## a. Ideal Family

The concept of a sakinah family or a peaceful family according to society is based on a person's faith and morals, not in terms of material possessions. The sakinah family is not only limited to the nuclear family, but includes extended family/relatives and neighbors. This concept emphasizes that the environment affects the formation of a sakinah family. Religious environmental conditions have the potential to form a sakinah family, but that sakinah cannot be separated from the work ethic of the community, because with hard work a person's economic condition will strengthen, at least live well, his needs are fulfilled. Establishment in the concept of the sakinah family returns to each individual and how his attitude is in dealing with the situation.<sup>13</sup>

According to society, the ideal family is a family that can fulfill material and spiritual needs. Educated, have a steady income, husband and wife work together to achieve their goals, succeed in educating children well, harmonious relationships are established in the family, conflicts that occur are positive, active in socio-religious activities and can be role models in society.

In general, people view the ideal family requirements starting from the process of selecting a mate by looking at family background, religion, behavior, economic conditions, adequacy, being able to make the family happy and appearance is also a consideration. The most important religion, the important economic problem is the willingness to work hard, because degrees and ranks do not guarantee peace in the household.

The results of the Fucus Group Discussion (FGD), some of the opinions expressed by the participants can be formulated that the ideal family in terms of religion does not always come from the marital

<sup>&</sup>lt;sup>13</sup> Zakyyah Iskandar et al., "Pasangan Suami-Istri Menuju Keluarga Sakinah", *Al-Ahwal: Jurnal Hukum Keluarga Islam 10*, No. 1 (2017): 85–98.

background of the community belonging to the santri and the santri, but can be formed from the community belonging to the santri with the abangan, the abangan with the abangan., as well as abangan with students. When referring to the sakinah family size set by the Ministry of Religion, which emphasizes more on the spiritual aspect or measuring the level of faith, while the community's level of faith is recognized as experiencing ups and downs, the sakinah label will also experience a shift.

## b. Enough Family

Adequate family, family that has fulfilled spiritual and material needs but is still limited, or mediocre and has no savings. a family that is still having bickering, the closeness of mother, father and child is normal and there is cooperation in the household.

Sufficiency in economic matters is relative, even if you are in a state of deficiency or limitation, if you can accept it sincerely you will feel sufficient and satisfied with what you have. Like various views from the residents of the Uswatun Khasanah group, they agree that a family that is peaceful or sakinah requires mutual openness between husband and wife, even though the needs are high, and the income is low but it can be sufficient, the key is to try and accept what is.

Sufficient or middle position, between two contradictory things for Javanese people is what is considered ideal. For the Javanese, this is the embodiment of a value that is considered the most important: sak madya. This means that those who are moderate, sak are sufficient, are in the middle, if you are rich you don't have to be very rich but also not very poor, urip sak madya living a moderate life is considered ideal.

Family buildings consisting of abangan and santri or vice versa or abangan with abangan and can create a peaceful family that loves each other and lives prosperously in reality can be classified as an adequate family, as well as a family built between santri and santri, if on the way they still often happen disputes or not being active in religious and community activities.

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## c. Family Less than ideal

Families that are less than ideal, according to the family community formed from illegitimate marriages, have not fulfilled their spiritual and material needs. Have not performed worship regularly and religious knowledge is low. Economic conditions are limited, husband and wife are less responsible for the family, are not open to each other so that often fights occur.

Cases of marriage that occur between abangan men and abangan women can be sakinah few in number. In general, marriage from the beginning was not good, in the course of the family it tends to be not good. Likewise, marriages between abangan men and santri women are generally less than ideal, even though the wife is active in worship but the man has never practiced religion. The situation in the household is difficult to contain a religious atmosphere because the leader in the family does not set a good example and does not live an Islamic life, husband drunk, likes to drink and gamble.

## **CONCLUSION**

This study concluded that Islam provides important lessons for human life, especially as a determinant in making the quality of human understanding good which has an impact on life in this world and in the hereafter. This is what makes that thought, or the wrong view at first about Islam, gives an answer to that view with a truth. And finally, from this understanding, it creates behavior that is in accordance with what is prescribed in Islam. Religious guidance carried out by converts is adjusted to the religious conditions of these converts. Because it could be someone who did a religious conversion before had to know Islam more deeply before deciding to convert to Islam. However, there is also someone who still lacks knowledge so that it requires guidance that is more related to the provision of religious teachings. Because it could be that a convert who already has religious provisions can make him understand more and also understand more about Islam than a Muslim from birth. This can be seen

as they have learned while learning about the teachings of Islam. and people who are less concerned about the role of counseling guidance in the office of religious affairs. In terms of the problems of marriage and family counseling guidance in the religious affairs office, Playen District, Gunungkidul Regency, the counselor/facilitator seeks to maximize its role as a helper, motivator and mediator in forming a sakinah, mawaddah, warahmah family. The author gives several suggestions so that as material for our evaluation, all parties involved, starting from the government, the Ministry of Religion, the religious affairs office itself and the community should participate optimally in realizing the goal of marriage guidance, namely improving the quality of the sakinah family to achieve society and the nation. advanced Indonesia. KUA and consulting services should be the official institutions that mediate the litigants in divorce. The two Religious Courts only process divorce cases if they receive a recommendation from this institution. If this can be realized, the authors believe that KUA will be better known and more optimal in carrying out efforts to improve the quality of marriage. The three communities as legal subjects are expected to have awareness that KUA is an institution that has a goal to improve the quality of marriage. Realizing a sakinah and eternal family according to Islamic teachings. Religious guidance for converts can be carried out with various patterns or methods including, first, internal coaching, namely learning that is obtained independently and from the family which includes: exemplary patterns, giving direction and advice, and discussing. Second, external guidance, namely learning obtained from religious leaders, the community and also Islamic institutions which include providing religious material, personal approach, and khalaqah method. So, from various kinds of coaching patterns, it will make it easier for converts to understand the teachings of Islam that are conveyed. So that they do not feel alienated as someone who is new to Islam, because of the attention given by Muslim brothers.

## REFERENCES

- Arifin, Eva. (2010). Teknik Konseling Media Massa. Graha Ilmu.
- Dinata, W. S. W. (2016). Optimalisasi Peran Badan Penasehatan, Pembinaan dan Pelestarian Perkawinan (BP4) dalam Rangka Pembentukan Keluarga Sakinah di Kabupaten Jember. *Journal de Jure*, 7(1), 78. https://doi.org/10.18860/j-fsh.v7i1.3508
- Fitriana, L. A., & Muttaqin, Z. (2020). Resepsi Mualaf Terhadap Konsep Diri Mukmin. *MAGHZA: Jurnal Ilmu Al-Qur'an dan Tafsir*, 5(2), 225-241.
- Hafid, Moh Bahropin, and Muhammad Taufik. "Tinjauan Hukum Islam Terhadap Wewenang Imam Masjid Sebagai Wali Muhakkam Dalam Pernikahan Bawah Tangan." *Familia: Jurnal Hukum Keluarga* 2, No. 1 (2021): 1-34.
- Hamidah, Z. (2019). Peran Badan Penasihat, Pembinaan dan Pelestarian Perkawinan (BP4) Dalam Mencegah Perceraian (Studi Kasus di KUA Kecamatan Klojen Kota Malang). *HIKMATINA: Jurnal Ilmiah Hukum*, 1(1), 12–23.
- Hartono, B. S. (2012). Psikologi konseling. Kencana Prenada Media Group.
- Iskandar, Z., Islam, U., Sunan, N., & Yogyakarta, K. (2017). Pasangan Suami-Istri Menuju Keluarga Sakinah. *Al Ahwal 10*(1), 85–98.
- Jalil, Abdul. "Pernikahan Beda Agama dalam Perspektif Hukum Islam dan Hukum Positif di Indonesia." *Andragogi: Jurnal Diklat Teknis Pendidikan Dan Keagamaan* 6, No. 2 (2018): 46-69.
- Jamilah, F. (2019). Peranan (Bp4) dalam Membina Keluarga Sakinah dan Penyelesaian Penyelisihan Perkawinan Islam. *Jurnal Al-Fikrah*, 2.
- Jones, R. N. (2012). Pengantar keterampilan konseling (introduction to counseling skills). Pustaka Pelajar.
- Manganai, Alpian, Ermin Alperiana Mosooli, and Leo Mardani Ruindungan. "Pernikahan Sebagai Penyebab Konversi Agama Di Kalangan Pemuda GPIBK Jemaat Bukit Zaitun Bakum." *Jurnal Misioner* 2, No.1 (2022): 67-86.
- Muchtar, Z. (1993). Nasehat Perkawinan dan Keluarga," Fungsi dan Tugas BP4". BP4 Pusat.
- Muhammad, Nashih, Eko Sariyekti, and Sumarjoko Sumarjoko. "Reakatualisasi Nasakh dalam Perspektif Sosiologis." *Syariati: Jurnal Studi Al-Qur'an dan Hukum* 8, No. 1 (2022): 53-64.

- Partanto, P. A., & Al -Bahry, M. D. (1994). , Kamus Ilmiah Populer. Arkola.
- Prayitno, & Amti, E. (2004). Teknik Konseling Media Massa. Rineka Cipta.
- Ramadhan, Rizqi Mulya. "Tinjauan UU No. 33 Tahun 2004 dan Hukum Islam Terhadap Pemaksaan Hubungan Seksual dalam Rumah Tangga." *Istidal: Jurnal Studi Hukum Islam* 8, No. 1 (2021): 44-67.
- Sulaiman, Sulaiman. "Problematika Pelayanan KUA Anamuban Timur." *Analisa: Journal of Social Science and Religion* 18, No. 2 (2011): 247-259.
- Suseno, Muhammad Adi, and Lina Kushidayati. "Keluarga Beda Agama dan Implikasi Hukum Terhadap Anak." *YUDISIA: Jurnal Pemikiran Hukum dan Hukum Islam* 11, No. 2 (2020): 287-298.
- Sutoyo, A. (2013). Bimbingan & Konseling Islam Teori dan Praktek. Pustaka Pelajar.
- Wahyuni, Sri. "Komunikasi Persuasif Program Pembinaan Mualaf pada Lembaga Dakwah Muhtadin Masjid Al Falah Surabaya." *INTELEKSIA-Jurnal Pengembangan Ilmu Dakwah* 8, No. 1 (2018): 141-162.
- Zainuddin Ali, H. (2006). Hukum perdata Islam di Indonesia. Sinar Grafika.

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