



Marriage in Morocco: A Practices of The Mudawwanatul Usrah Law in The Land of Guardians

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Abstract

Morocco is a country that has combined the opinions of several schools in achieving the information contained in Islamic law that exists in the country of Morocco from some of the issues that were reformed in the Family Law (2004) in Morocco, as has already existed in other Islamic countries. Regulations related to marriage are almost the same as Indonesia, it could be due to the Compilation of Islamic Law (KHI) in Indonesia reflecting on Mudawwanat al-Usrah in Morocco or it can also be influenced by the Moroccan community with Indonesian society equally winged *Ahl al-Sunnah wa al-Jama'ah* (ASWAJA), in Morocco the Maliki Perspective which can guide and in Indonesia the Syafi'i Perspective which is a role model Moroccan society upholds the values of tradition and local wisdom. They also like the beauty and love of traditional entertainment as long as it does not conflict with the basic principles in the teachings of Islam that they profess.

Keywords: Morocco, Marriage, Mudawwanat al-Usrah

Introduction

Morocco is a royal country located in north western Africa. The original inhabitants of Morocco are the Berbers, which are the white people of North Africa. They are said to still have a lineage with the Muhammad The Messenger of Allah and are adherents of the Maliki Muslim faith. The language they have and their cultural language is Arabic. However, now they already have 3 types of languages. It mains that Arabic - as the main official language - French (second language), and there is the language Darijah, which is the local language or language used in communication with fellow Moroccans.(Miller, 2012)

Today the Moroccan population are 33,723,418 people, 99% are Muslim Maliki sunni followers. Morocco is a country in the form of a kingdom, in Arabic known as *al-Mamlakah al-Maghribiah* (kingdom in the West), sometimes also called *al-Maghrib al-Aqsa* (the farthest kingdom in the West). In English it is called *Marocco*, which comes from the Spanish *Maruecos*, Latin *Morroch*, in pre-modern Arabic times known as *Marrakesh*. Morocco achieved its independence from France in 1956 with a constitutional kingdom system located in Northwest Africa.(Mefford, 2019)

This city is the most important city, because the economy is located here. Casablanca is an industrial city of Morocco. It was founded by Spanish merchants in 1575 and is now used as a trading port and international airport. Casablanca is also called *a-Dar al-Baida* 'or Casablanca.("Textual Orality and Knowledge of Illiterate Women: The Textual Performance of Jewish Women in Morocco," 2020)

In this city there are many interesting places to visit, besides Muhammed V Airport which is an international airport, there is a very large and magnificent Hasan II Mosque, located on the seashore, with its position jutting out to sea. This mosque is the largest mosque in Morocco and the third largest in the world. In this city there is also Medina qadimah, with its very unique original buildings, which are mostly used as souvenir and antique markets, as well as large and complete maktabah-makatabah (bookstores). This market is known as the Houbous. The old city is located north of the Nations Unies office, a small town with a traditional fortress.(Roberson, 2014)

Literature Review

Since the beginning of the 20th century, Morocco has been under the authority of French "protection". In August 1953, Ahmed Belbachir Haskouri, one of Sultan Muhammad V's right-hand men, proclaimed Sultan Muhammad V as the legitimate ruler of Morocco. In October 1955, the *Jaish al-Tahrir* group or the Liberation Forces formed by the Maghrib Arab Liberation Committee launched attacks on the heart of French defenses and settlements in major cities in Morocco. The events above, together with other events in that period have increased solidarity among Moroccans. Moroccan society recognizes that period as a period of revolution driven by the King and the People or Taourat al-Malik wa Shaab and is celebrated every August 20, 1955.(Stenner, 2016)

Based on census data the population in mid-1991 totaled around 27 million and more than 99% were Sunni Muslims. This is also reinforced by the observations of the author, while in Morocco, found models of worship exactly as practiced by residents of Nahdatul Ulama (NU) in Indonesia.(Syahputra, 2020)

They embrace a gentle and tolerant style of Islam. Not only fellow Muslims but also against non-Muslims. In Morocco, indeed the majority are Muslims, but there will be around 8000 people of Jewish religion, some of which are located in Casablanca and in coastal cities (Atho': 2003). But the latest data says that the population is 31,993,000.(Astor, 2015)

There are five big cities in Morocco which are the center of world attention. Called by the city of Rabat as the capital city of Morocco (the city of administration), the city of Fes (earth of the saints) as a city of religion and science, the city of Meknes as a city of military and world heritage city, the city of Marakech (old city) as a tourist city, because it was originally as the capital of Morocco, and finally Casablanca as an industrial city, these five cities are the main focus in searching data on marriage. But of the four big city names, the writer deliberately chose the city of Casablanca as one of the words included in the title of this paper. The choice of this city, aside from being the largest city in Morocco, is also because Indonesian people are already familiar with the term Casablanca.(Drury, 2021)

Research Method

In this chapter, the author focuses on the description of levels related to marriage in Morocco. While the problem of the model of worship and others will also be written discussing, it is Allah, in the book *Islam on the Earth of Guardians*. In terms of marriage, there is something very

interesting in Morocco; among others; the average man who wants to get married is usually ripe for his age and has an established economy. They have permanent jobs, advanced businesses, have apartments, have savings and others. While the women are women, they marry on average when they are at least 30 years old. It is rare to find a Moroccan married before the age of 30.

Result and Discussion

Marriage Law in Morocco

Marriage law in Morocco is not much different from marriage law in other Islamic countries, including Indonesia. Regulations related to marriage are almost the same as Indonesia, it could be due to the Compilation of Islamic Law (KHI) in Indonesia reflecting on *Mudawwanat al-Usrah* in Morocco or it can also be influenced by the Moroccan community with Indonesian society equally winged *ahl al-sunnah wa al- jama'ah* (ASWAJA), in Morocco the Maliki perspective can guide and in Indonesia the Syafi'i School is a role model. Both schools are still included in the frame of Ahlussunnah wa Al Jamaah, including the Hanafi School and the Hanbali School included in it. Therefore, the problem of Islamic marriage is that there is no significant difference between Moroccan society and Indonesian society. It is just, in Morocco it is not permitted to marry 'urfi (known in Indonesia as sirri marriage). Apart from that the urfi marriage is considered a disgrace, this type of marriage is prohibited by Moroccan marriage laws.

Minimum Age Limit of Marriage

The minimum age for marriage in Morocco for men is 18 years, while for women 15 years. However, a guardian's license is required if the marriage is carried out by parties under the age of 21 years as the age limit of maturity. Such age restrictions are not found in the rules either in the Qur'an, al-hadith or the books of fiqh. It's just that the scholars of madzhab agree that baligh is one of the conditions for permissibility of marriage, unless it is done by the bride's guardian.(Anello, 2014)

However, following the 2004 law, marriages are permitted only if they reach the age of 18 for men and women without any difference. As stated in article 19. However, in practice, according to the writer's observations, not a single Moroccan was married at the age of 18. On average they was merriege for about the age range 32-35 years for women while for men the age range of 45-40 years. This is further strengthened by the recognition of Sayyidah Tsuwaybah, he told the writer that he was only married at the age of 32 years. Age is so natural when here, he added.(Fisher, 1989)

Imam Malik sets the age of 17 years for both men and women to categorize *baligh*, while Syafi'idan Hambali determined the age of 15 years, and only Hanafis distinguished the age limit of *baligh* for both, namely men 18 years, whereas for women 17 years . This limit is the maximum limit, while the minimum limit is 15-year-old men, and 9-year-old women, with reasons for men who have issued Marrakesh perm and women who are menstruating so they can get pregnant. In this case it seems that Morocco follows the age requirements set by Syafi'i and Hambali. The age limit of 15 years for women is the lowest age for marriage.(Charrad & Stephan, 2020)

The Role of Guardians and Freedom of the Bride

Morocco requires the guardianship and approval of the bride and groom for a marriage, and in principle prohibits forced marriage, but still recognizes *Ijbar* rights, on the grounds that there is concern that with the marriage the child will be miserable. In Morocco no marriages are found outside of the trustees' agreement, as is the case with Sirri marriage, elopement, and the like. Religious Moroccans must comply with the *Mudawwanatul Usrah* law. But it can also be found there are young men and women who like the same like directly having sex without any prior marriage contract. This was confirmed by the explanation of one of the writer's informants named Mr. Abd Salam. He said that true humans, including Muslims everywhere all the same. Included young men and women in Morocco, there are also those who have extramarital relations. It is natural and depends on each individual. Marriage guardians in Moroccan family law are discussed in several articles. Article 13 states that marriages must be fulfilled for the ability of a man and a woman to get married, there is no agreement to abort the dowry, there is a guardian when determined, there is a fair witness and there are no obstacles to marriage. Discussion on guardians is also contained in Article 17 which requires a power of attorney for marriage using guardians while Article 18, a guardian cannot marry a woman who becomes his guardian. (Fatma, 2019)

Explanation of the position of guardian in marriage is mentioned in Article 24. Guardianship in marriage is the right of women (not their parents, grandparents, etc.). A woman who understands can marry herself to another man or he surrenders to his guardian. This provision has removed the position of guardian in marriage, because the marriage contract is in the power of the bride, even if the marriage is her guardian, it must be legally affirmed the surrender of the guardianship to her parents (guardians). This provision also eliminates the position of guardians' adol, because basically guardians of adol arise because of the guardian's right for parents to their daughters. When compared with the same Jordanian law using the Hanafi school of law in the matter of guardians, it seems that Morocco tends to further provide an understanding of women's authority in marriage. Morocco considers that guardianship is not the right of her parents, but the rights of the daughter herself. The form of family law regulations in Morocco are influenced by countries that have long dominated them, namely Spain and France. Among these influences is the codification of family law known as the code of Personal Status or *mudawwanah al ahwal al shakhsiyyah* which occurred in 1957-1958. The last family law in Morocco was adopted on 3 February 2004 called *mudawwanah al ahwal al shakhsiyyah al jadidah fil al maghrib*. This Act contains 400 Articles, there are an additional 100 articles of the law which were enacted in 1957. (Perkins, 1970)

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Mahar (Dowry) Marriage in Morocco

Before explaining the degree of dowry marriages in Morocco, the author wants to reveal the dowry level of marriages in countries where the majority of the population is Muslim. This is important, so that it can be used as a material comparison for Muslims in the world.

Jordan: Representing The West Asian Region Countries

In the Jordanian Law No.61 of 1976, the dowry issue is discussed in a separate discussion, namely in the 8th section which contains 21 articles. In this article the discussion about dowry is carried out in detail. But before that, the dowry problem was also mentioned in the section on rules relating to marriage and in it contained the dowry, maintenance, and right to inherit each other. There is explained about the status of the dowry, that is, if the marriage contract has been done, dowry and maintenance become mandatory and there is also the right to inherit each other. Then it was mentioned as a result of the dowry, that after receiving the dowry, the wife is obliged to show obedience to her husband, stay at her husband's house, and move with her husband to the place the husband wants, even though abroad, with the condition that the residence is safe. If the wife refuses (disobediently) then the living rights are lost. The types of dowry consist of: (1) special dowry, that is the dowry agreed by both parties at the time of the marriage contract. (2) Mahar is appropriate (mahar *mitsil*), that is mahar which is in accordance with the social status of the wife's family. If it is difficult to determine an appropriate dowry, then it is adjusted to the appropriateness in his residence (Mudawwanah: 44). Special Mahar may be paid in cash or debt, in whole or in part, and proven by written documents. If there is no explanation about the time of payment means the dowry is paid in cash. Cancellation of paying dowry is because the husband died.

The consequences of the dowry can be illustrated that if the wife receives part of the dowry, then agrees that the rest is paid at a certain time, the wife has no right to refuse obedience to the husband. If the dowry amount has been determined in the marriage contract, it must be paid in full. Meanwhile, if a divorce occurs before intercourse occurs, then it is obligatory to pay half the dowry. If separation occurs before there is an intercourse between the husband and wife and at the request of the wife because there is a defect or illness of the husband or the guardian request because it is not *kufu'* (Equivalence), then the dowry is completely gone. Likewise, the dowry returns to the husband if a divorce occurs before intercourse. Mahar half must be paid if the divorce occurs at the initiative of the husband and there has not yet been intercourse, for example due to divorce, *îlâ'*, *li'ân*, apostasy, impotence, rejecting Islam even though his wife is Muslim, or other actions of the husband that caused the breakup of marriage.

Like wise, dowry rights are entirely lost when divorce occurs because of acts and actions of a wife, such as an apostate wife, rejecting Islam even though her husband is Muslim and his wife is not a scribe, or other actions that result in termination of marriage. If you accept something as a dowry, the wife must return it (Usroh: 52). Also the wife's right to get a bride fee disappears entirely if the divorce occurs at the initiative of the husband on the grounds that there is a defect or illness of the wife and the divorce occurs before intercourse. Likewise the husband has the right to ask for return if he has given the bride price. *Mahar mitsl* must be paid if there is no special dowry in the marriage contract or because there is no dowry in marriage. If there is a difference of opinion about the number of special dowries and there is no evidence about that, then the dowry of Muslim becomes obligatory. But if the claim comes from the wife and the amount is not greater than the bride price, then it must be paid. If the demands come from the husband must be paid if the amount is not more than the bride price.

Like wise, if there is a difference of opinion between a husband and wife about the number of special dowry, then the wife's obligation to prove. And if you cannot prove it, then the husband's opinion is taken with an oath, unless the husband determines a dowry that is not in line with adat, then the dowry of *mitsl* is paid. In the end there are no demands that can be granted about dowry that is contrary to the marriage agreement, unless supported by evidence. As for the ownership status, the bride price is the wife's wealth. No party has the right to ask for something from a husband, either his own father or family, related to the acceptance of his wife in marriage. Even the husband has the right to sue again if there is something given related to marriage. But it was also mentioned, if the father or grandfather acted as guardian, then he was entitled to have the dowry of his children / grandchildren, even though the child already had full rights, provided that the husband did not refuse to pay. So impressed part of the dowry may be taken guardian. Then it is mentioned, the husband may increase the number of dowry after the marriage contract or decrease it by the wife, on condition that it is accepted by the parties concerned.

Syria: Representing the West Asian Region Countries

In the Syrian Law No.34 of 1975, the dowry problem becomes its own sub discussion, part 1 of chapter 4, with the title "Consequences of Marriage", articles 53-64.⁵⁰ The law explains the dowry status, that the dowry must be given by the husband based on a valid contract, whether specifically mentioned at the time of the marriage contract or not. Like wise, the law stipulates that there is no minimum and maximum amount of dowry. As for what can become a dowry is anything that is legitimately traded.⁵³ Likewise it is determined that dowry must be a priority debt, the same as a living. This is in line with the contents of article 1120 of the Civil Code.(Stigall, 2014)

If there is a party that states that there is a confidential agreement about the dowry, it should be proven in the proper way. From the results of the evidence the judge must determine the existence of Muslim dowry if there is no special dowry. Likewise, if there is debt related to marital and divorce issues, it must be in written documents. This is in line with the contents of paragraph 1 article 468 regarding the Principles of Law Law No. 84 in 1952. In relation to payment, dowry can be paid in cash or in debt, in whole or in part. In cases where there are no provisions regarding this, customary law applies. Suspension of the dowry if it is not stipulated in the marriage agreement, the maximum is until divorce or death occurs. Increasing or decreasing the number of dowry is not acceptable if it is done during the marriage or '*iddah* period in the case of divorce. Changes cannot occur unless a judge

decides. If this happens outside the court ruling, it must be returned to the original / original marriage contract. Then explain the legal consequences of certain actions relating to the dowry, that if the dowry amount has been determined in the contract, then divorce occurs before intercourse or legally resign, then the dowry must be paid in half. If divorce occurs at the request of the wife before intercourse then the dowry does not have to be paid. As for the status of ownership, that the wife has full rights over the accepted dowry, and the husband must make it an absolute right of the wife if the wife meets the requirements as a legal subject (mukalaf), unless the wife gives power to the husband at the time of the marriage contract. Inter-time regulations should not be applied in the case of dowry paid in cash, even if the agreement is so determined, as long as the marriage still persists. In the case of special dowry not stipulated, the Muslim dowry must be paid immediately after the marriage contract is completed.

Meanwhile, if intercourse has occurred from an illegitimate marriage, while the number of dowries has not been determined, the woman is entitled to get an appropriate dowry. But if the number of dowry has been determined, then a smaller dowry is paid between the Muslim dowry and special dowry. If the husband dies due to illness, while the special dowry is greater than the dowry of *mitsl*, the inheritance rules are applied to settle the rest.

Pakistan: Representing of The South Asian Region Countries

According to the law in force in Pakistan, Article 3 states that the maximum number of dowries is 5000 rupees. Furthermore, in Article 4 it is explained that the gifts / gifts that may be given are no more than 1000 rupees, and state officials may not accept gifts / gifts for their marriage or marriage of their children (male or female), the gift of which relates to their position. Article 5 states that all rights granted as dowry, gifts relating to marriage, or gifts (gifts) given are the absolute rights of the wife, and for their interests may not be limited to anything. Article 6 states that marital-related needs, such as for walimah ceremonies and the like, must not exceed 2500 rupees. Article 8 states that the father or his representative, within 15 days of the marriage contract must report to the registrar's employee the amount spent on the marriage in question. And Article 9 stipulates that someone who violates the rules contained in this law can be sentenced to a maximum prison sentence of 6 months. (Mahmood, 1987)

Indonesia: Representing Countries of the Southeast Asian Region

In Indonesian legislation, the dowry issue is regulated in the Compilation of Islamic Law (KHI), namely in the 5th chapter on dowry, namely articles 30-38. The dowry problem is also alluded to in chapter 1 in general provisions, article 1d. The contents of this article is the definition of dowry. When discussing the pillars of marriage in chapter 4 about the pillars and terms of marriage it was confirmed that the dowry did not become a pillar of marriage / marriage. Then determined the principle of dowry is simple and easy. Furthermore, it is also stressed that ownership of the bride price is the wife's property. The submission in principle is cash, but there is a possibility of being suspended. Likewise may be paid in whole or in part. Then it was emphasized that the dowry is not the pillars of marriage. The next explanation is due to divorce. A husband whose wife's mentality before intercourse is obliged to pay for the half-fee that has been determined. In case the husband dies before intercourse, the dowry given becomes the wife's full rights. Meanwhile, if the divorce occurs before intercourse and the number of dowries has not been determined, then it is obligatory to pay the dowry of Muslim. In case the dowry is lost before being submitted, it must be replaced. If there is a difference of opinion

regarding the type and value of the dowry, it will be settled by the judge in court. In the case of brides having a disability depends on the attitude of the bride.(Indonesia, 2017)

From various rules on dowry, each of which applies in the 5 (five) countries, it is seen that in family law, dowry provisions have been regulated in detail by considering the various possibilities that will occur in a marriage in the future.

Morocco (Representing The North African Countries)

In Morocco, the law governing family law is the Moroccan Code of Personal Status 195 which specifically regulates dowry in a separate chapter, the 4th chapter. The discussion begins with a definition of what can become a dowry and general provisions about dowry. About the definition of dowry mentioned that dowry is money given by the husband to show his desire to carry out a marriage contract to build a family and strengthen the foundation of affection between husband and wife (Al-Syarakhsi: 62). As for what can become a dowry, everything that is legitimate becomes the object of a contract and there is no minimum and maximum dowry limit. Then it is stated that the dowry may be paid in cash or in debt, in whole or in part, at the time of the marriage contract. The obligation to pay dowry in whole or in part is after intercourse. The wife has the right to get a full dowry for 2 (two) reasons, namely because of death or because of having engaged in marital relations (*ba'd dukhûl*).

The law also regulates the status of dowry ownership. According to him, dowry is an absolute wealth of his wife and he has the right and power to use it as he wishes. The husband is not entitled to ask for dowry for the benefit of household appliances, household furniture, or clothing. It was further explained also that the guardian, whether father or anyone, is prohibited from accepting something for himself that is related to the marriage of his daughter or anyone who makes him a guardian. In the matter of prosecution for dowry owed, the wife has the right to demand dowry payments as the husband's debt if the wife has surrendered herself and the husband's inability to pay the dowry cannot be used as a reason for divorce. The wife has the right to receive half the dowry if the husband divorces her before engaging in marital relations (*qabl dukhûl*). But if the reason for divorce is because the wife is disabled, then the wife is not entitled to the bride price. If the wife submits divorce on the grounds that the husband is disabled and there has been a marital relationship, then the wife is entitled to get a full dowry.(Gulam, 2017)

As for the authority of the guardian in the matter of determining the dowry, then in the regulation it is explained that a woman who is an adult and will marry with a number of dowry less than the dowry of mitsil, then in this case the guardian may not force the woman to marry. If there is a difference of opinion between a husband and wife about whether the dowry has been paid or not, then in this case it is regulated that the wife's opinion is accepted if prior to the marital relationship. Conversely, if a husband and wife relationship occurs, the husband's opinion is accepted.

Marriage Registration

In carrying out marriages, Morocco also requires the registration of marriages. Besides requiring registration, Morocco also requires the signatures of two notaries for the validity of marriage registration. In addition, original records must be sent to the Court and copies (copies) must be sent to the office of the Directorate of Civil Registration. Likewise the wife is given the original record, and the husband is given a copy, for a maximum of 15 days from the marriage contract. But there is no explanation about marriage that is not in line with this provision. All

marriages in Morocco can be traced in the administrative offices of the kingdom of Morocco, meaning all Moroccan people who are married must have a record. There is not one family that is not recorded in marriage. In other words, in Morocco there is no urfi marriage or the Indonesian term sirri marriage. (Prettitore, 2015)

According to Sayyidi Bassa, one of the salir alirang Muslims, who was the author of the interview, he stressed that all marriages in Morocco must be registered, because if not recorded then they are not considered married. When the author asks about the cost of marriage registration, he too explains that the administrative costs are very cheap, even free bags that cannot afford to pay administrative costs. In same perception with Bassa's narrative, Fatima Umami Tirta stressed that in Morocco it is not permissible to marry a Ufi. All marriages must be recorded in the family law administration section, as stipulated in the *Mudawwanatul Usrah* law. He added that in Morocco there were also mass marriages as is often the case in Indonesia. According to him, there is no reason not to record this marital problem. The Kingdom of Morocco has provided opportunities for poor citizens to join in mass marriages which are usually held once a year by the Moroccan government. (Weingartner, 2017)

Conditional Marriage

Verse 38 of the family law (personal law) 1958 says that if a marriage is accompanied by conditions that contradict the Shariah law or the essence of marriage, then marriage can be considered valid, the terms are not valid. It is not a requirement that contradicts the essence of marriage if the wife states that she will work in the public world. The requirement in question is a requirement that justifies Sesutu which has been banned by religion, for example a husband requires that by marriage to his wife's sister or his wife's mother he can marry as well. Or by forbidding something that is lawful for example the wife requires her marriage, her husband may not walk with her out of town or may not 'hang out' with her. In this case according to the Maliki perspective of thought, travel and association is still halal, only the terms are forbidden.

Polygamy

The Moroccan state is different from the Tunisian state which absolutely prohibits the rules on polygamy, in principle intending to limit the occurrence of polygamy in the hope of applying the principle of justice for wives. In the 1958 family law stipulates that if it is feared that injustice will occur among wives, polygamy is not permitted. However, there is no article in the law that gives authority to investigate the capacity or ability of a husband to be fair in polygamy. In addition, Moroccan law also regulates polygamy issues, among others as follows (Atho': 97):

First, if a man wants to practice polygamy, he must inform the prospective wife that he is a husband.

Second, a woman, when entering into a marriage contract, may include taqlid talaq which forbids prospective polygamy husbands. If violated, the wife has the right to file a divorce suit in court.

Third, although there is no statement of a woman, as above, if both marriages cause the first wife to be injured then the court can dissolve their marriage.

Besides that, Morocco further stipulates that the wife has the right to ask for divorce on the grounds that the husband does not behave fairly towards his wives. The reason for this view is that the general principle of the Koran does not allow polygamy if the husband cannot be fair to his wives. Although the conditions are so complicated for men who want to polygamy, but in practice many men in Morocco have polygamy. As stated by Sidi Abdul Karim, many Moroccans already have two wives. I myself, he said, still try to raise money as one of the conditions for polygamy. In addition, polygamy (which is the absolute right of the husband under the previous law) is subject to judge approval and, most importantly, is only permitted under stringent legal conditions making it almost impossible to implement. (Ridwan et al., 2021)

Divorce Process

Moroccan law stipulates, the wife has the right to make *ta'liq* talak, that the husband will not do polygamy. Meanwhile, if violated can be a reason for divorce. Divorce must be registered by the officer and witnessed by at least 2 witnesses. From the text it can be understood that divorce outside the court remains lawful. According to Moroccan law, a wife can file for divorce in court if: 1. The husband fails to provide living expenses; 2. The husband has a chronic illness that causes his wife to suffer; 3. Husband brlaku rude (torturing) his wife so it is no longer possible to continue the life of marriage; 4. Husband fails to improve marital relations after four months when the husband vows not to interfere in his wife; 5. The husband leaves his wife for at least one year without regard to his wife. Talak (Khulu ') is a form of divorce with the agreement of husband and wife with ransom of wealth or money from the wife who wants the divorce. Divorce with the Khulu is done if the marriage can not be maintained anymore, with the condition of divorce and the amount must be based on the agreement and agreement of the husband and wife. (Aixelà Cabré, 2007)

In Morocco, the rules on *Khulu '* were taken from the Maliki school with emphasis on the freedom of the wife on the transaction. Imam Malik said that if a wife does not feel happiness during marriage, even feels wronged, then the wife may sue for divorce by returning a number of dowry that her husband has given her. In Moroccan law it is prescribed that the wife reaches the age of 21 years to be able to do the Khulu 'agreement, which has never been determined by the Maliki school and also other schools. In addition, the implementation of Khulu 'must not sacrifice children's rights.

Dissolution of Marriage by the Court

Under Moroccan law, a wife can file for divorce in court if:

- a. The husband failed to provide living expenses.
- b. The husband has a chronic illness that causes his wife to suffer.
- c. Husband brlaku rude (torturing) his wife so it is no longer possible to continue the life of marriage.
- d. The husband fails to improve marital relations after four months when the husband vows not to interfere in his wife.
- e. The husband leaves his wife for at least one year without regard to his wife.

The three Muslim scholars: Maliki, Syafi'i and Hambali agreed to these points as a reason for the wife to demand divorce from the judge, while Hanafi said, the judge had no right to impose talaq on women, whatever the reason, except if the husband of the woman was impotent. .

Marriage traditions in Morocco

Marriage in this country only happens when winter ends, at the beginning of summer which is marked by a long holiday and warm air. At that time many women found houses in the procession of people who carry trays covered with a pyramid-shaped lid made of metal or brass sometimes also coated with embroidered cloth that has been embroidered.

The tray has been filled with various types of delivery such as sugar, clothes, etc. as a symbol of a woman's marriage proposal. Not to forget they also bring flowers and some are also carrying livestock such as goats or who are able to bring cows. In the accompaniment they bring along and musicians and zagarouda (distinctive whistles) that make a typical Moroccan and become crowded. After the march is accepted by the family, the wedding date has been determined, usually held at the beginning or mid-summer which is when it is a holiday day and also the peak arrival of foreign and domestic tourists.

The wedding day that has been determined comes, the bride and groom will do some rituals namely;

1. Hammam

Before the sacred marriage ceremony is very obligatory for the bride to take a bath as a symbol of cleansing the body and soul. This ritual is similar to the midodareni tradition or splash in Indonesia. The bride is accompanied by an elder woman called the negaffa or negassa and will lead the whole procession. The ritual is performed in a dark room with a candle shining and fragrances that come from aromatherapy and flowers as a symbol of happiness.

2. Henna

After going through the hammam ritual, the next ritual is henna. At this stage, the event will take place the night before 'the big day'. Only women are present in this event. The bride and groom will wear a green tachita and a head covering decorated with unique ornaments such as pearls and other precious stones.

There is a hannaya (henna painter) who will apply the henna to the bride 's arms and legs that will be witnessed by women from both sides of the family and also the bride's girlfriend. This ritual means to keep the bride from disease and a symbol of success and establishment in marriage. In this event an elder will give marriage advice and marriage 'secrets' to the bride. Usually the groom's name will be described on the henna. Usually the bride will not be allowed to do housework until the former henna has disappeared from her skin.

3. H'diah (Hadiyah)

H'dia Is something that will be given by the woman from the bridegroom. H'dia is in the form of household supplies and the needs of the bride such as: jewelry, bedcovers, clothes, sandals and the most important are symbolic items such as milk, which means purity and sugar symbols of happiness in the household. Besides these items, people Arabs who are said to be very excited

about giving offerings and dowry will also include the house and all of its contents for the bride but that rarely happens and only the very capable will do it.

4. *Berza*

The climax of the wedding party is the berza, which is a reception colored by music, zagarouda and an all-night dance. At this event the bride and groom will be dressed up with a very stunning makeup. Before the bride is seated in the aisle seat, the bride will be paraded first on a stretcher that has been decorated and will be twisted around in the party room.

All brides in various countries are worshiped and become the center of attention but Moroccan brides are treated like kings and queens no matter what group and status they are, whether rich or poor. The event takes place at home, rented villas or buildings but unlike in our country they only invite relatives and friends either close or far without the presence of strangers so intimacy will be created and the party will become a private party. The peak of the event will start after the evening, and will end the next day or days later. There used to be a tradition that required brides to show their virginity on the sheets, but this is no longer done.

Conclusion

From the explanation described above, it can be concluded that the country of Morocco is a country which has combined the opinions of several schools in achieving the information contained in Islamic law in Morocco from several issues that were reformed in the Family Law (2004) in Morocco, as which has existed in other Islamic countries. In addition Morocco is a country where people uphold the values of tradition and local wisdom. They also like the beauty and love of traditional entertainment as long as it does not conflict with the basic principles in the teachings of Islam, which they profess.

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