

Dynamics Of Islamic Family Law "Husband Accuses Wife Of Adultery Without Evidence And Witnesses (Sumpah Lian) Imam Abu Hanifah's Perspective"

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Received: 02/11/2023

Accepted: 17/11/2023

Publications: 01/12/2023

Abstract

In the household, it cannot be denied that sometimes husbands are suspicious or accuse their wives of committing adultery without any evidence or witnesses. Islam overcomes these problems in a lean way. Abu Hanifah is a scholar who prioritizes using ro'yu in solving problems. According to Abu Hanifah's thoughts, heading to Abu Hanifah's thoughts, the problem in this research and what legal distinct method Abu Hanifah uses in resolving the Lian problem. This research is a character study research, namely library research. The data sources in this research are secondary data, namely primary data and supporting data. This research was analyzed and concluded with general data. Qualitative descriptive, namely, the author also provides a widespread and systematic, factual and accurate description of Lian by researching and discussing existing data. Content analysis is the method used to analyze the data that has been presented and finally reach a conclusion. The results of this research are that the impact of Lian on marriage, according to Abu Hanifah's thoughts, is that if Lian has occurred, then the husband can still return to his wife; the wife's prohibition on the husband is only temporary, not forever, or Lian is seen as divorce, not fasakh. Until it is known who is lying between the two, then it is haram forever. The legal istinbat method used by Abu Hanifah in the Lian matter refers to the generality of the verse, namely the verse about divorce. According to Abu Hanifah, the Lian problem is a form of divorce.

Keywords: *Lian, Imam Abu Hanifah's opinion*

Introduction

In this day and age, promiscuity does not sound strange to the ears; people do not even hesitate to commit adultery. If someone accuses another person of adultery or the person accused is a foreigner, then it is called Mazda. If someone accuses another person of adultery but cannot bring in four witnesses except himself, then he must be sentenced to hadd qadzaf because he is accusing without evidence. Even in the household, sometimes husbands feel suspicious of their wives because their wives are no longer loyal to them; they do not recognize that the baby their wife is carrying is from him; they feel that it is not his child. Islam has arranged to overcome the husband's anxiety like that in a way called Lian.¹

Lian is a way out for husbands if the husband accuses his wife of adultery and has difficulty presenting testimony (bringing four witnesses). The way out is for the husband to support his wife as commanded by Allah. The Judge asked the husband to swear with four testimonies in the name of Allah as a guide for the four witnesses. The testimony stated that he was right in the accusation and that his

¹Abdullah bin Abdurrahman Al- Bassam, *Taudhih Al Ahkam min Bulughul Al-Maram*, Translator Kahar Masyhur, *Syarah Bulughul Maram* (Jakarta: PT. Rineka Cipta, 1992), Cet. 1, Volume 2, p. 111.

wife committed adultery, and the fifth was anger from Allah.²Lian is also defined as several testimonies supported by oaths from husband and wife accompanied by curses and anger.³Abu Hanifah is a scholar who prioritizes using ro'yu in solving a problem, in which Abu Hanifah also provides an opinion regarding Lian.

According to Hanafi fuqaha, adultery is sexual relations committed by a man consciously towards a woman accompanied by sexual desire, and they do not or have not had a legal marriage or a dubious marriage (a marriage whose validity is doubtful), such as a marriage without a marriage guardian, witness or mut'ah marriage. According to Abu Hanifah, the impact of Lian on marriage is that if Lian has occurred, then the separation between husband and wife will not happen unless based on a judge's decision.⁴

Abu Hanifah does not make Lian an automatic separation unless Lian has occurred three times; no separation occurs unless someone separates him; if a judge has not separated it, then Lian has not happened.⁵As contained in the Religious Courts Law, Republic of Indonesia Law Number 7 of 1989 articles 87 and 88 and article 128 KHI reads, "Lian is only valid if it is done before a Religious Court session." Every separation from the husband's side is a divorce, not a fasakh. So, the separation here is like the separation of a sale and purchase dispute if the matter is based on a court decision.⁶Abu Hanifah said the wife is only temporarily unlawful because Lian causes the wife's prohibition. So, if the husband denies his accusation, there is no law the wife is haram for her husband, and Lian is the same as divorce.⁷

Based on this background, the problem in this research is what impact Lian has on marriage according to Abu Hanifah's thoughts and what legal istinbat method Abu Hanifah uses in resolving the Lian problem.

RESEARCH METHODS

This research includes library research, which is character study research. The data source for this research is secondary data, namely primary data and supporting data. This research was analyzed and concluded with general data. Qualitative descriptive, namely, the author also provides a widespread and systematic, factual and accurate description of Lian by researching and discussing existing data. Content analysis is a scientific analysis of the content of a communication message. This method is used to analyze the data that has been presented and finally reach a conclusion.

RESULTS AND DISCUSSION

This section contains data (in concise form), data analysis and interpretation of the results. Results can be presented with tabs or graphs to clarify the results verbally because sometimes, the display of an illustration is more complete and informative than a display in narrative form.

²Imam al-Qurthubi, *al-Jami' al-Ahkam al-Qur'an*, (Beirut Lebanon: Daar al-Kutub al'Ilmiyah, 1413H/1993), Volume 6, p. 122 and Ibn Katsir, *Taisiru al-Aliyyul Qadir li Ikhtishari* Translator M. Nasib Ar-Rifa'i , *Summary of Tafsir Ibn Katsir*, (Jakarta: Gema Insani, 2000).

³Abdullah bin Abdurrahman Al-Bassam, *Buluqhul Maram*, *op.cit*, p. 627.

⁴Ibnu Rushd, *Bidayatul Mujtahid Wa Nihayatul Muqtasid*, Translated by Imam Ghazali et al (Jakarta: Pustaka Imani, 2007), volume 2, p. 688.

⁵Syamsuddin As-Sarkhasi, *Buku al-Mabsuth*, (Lebanon: Daar al Politik Al-'Ilmiyah, 1993), Juz VII, Volume VII, p. 43-44.

⁶Sayyid Sabiq, *Sunnah Jurisprudence*, (Bandung: Alma'arif, 1980), Volume VIII, Cet. 1, p. 147148, and Ibrahim Muhammad Jamal, *Women's Fiqh*, p. 447.

⁷Muhammad Ibrahim Jannati, *comparative fiqh of five schools of thought*, (Jakarta: Cahaya, 2007), Translator of Ibnu Alwi Bafaqih, Muhdhor Assegaf and Alam Firdaus, Cet 1, p. 611.

A. Definition, Pillar, Legal Basis and Mechanism for Implementing Lian

Linguistically, Lian means moving away or avoiding goodness. Lian is a fiqh ter, a husband meLian or accuses his wife before a judge. Lian occurs between husband and wife when the husband accuses his wife. The Judge carries out Lian between husband and wife, starting from the husband and stopping until he says: "By Allah, I swear that indeed she (wife) committed adultery with so and so ." ⁸ Lian is a husband accusing his wife; he must face adultery if he accuses a stranger (other than his wife). ⁹This means expelling and distancing because the husband and wife separated, and there was no meeting afterwards.¹⁰ Lian, in terminology, is several testimonies supported by several oaths from husband and wife accompanied by curses and anger.¹¹

Lian is a husband accusing his wife of adultery by saying to her, "I saw ' Allaamah ibn Manzhur, adultery," or he does not admit that the baby his wife is carrying is from him, then the case is brought before the Judge.

The Hanbali and Hanafi schools say that Lian is testimony that is strengthened by an oath and accompanied by curses (of Allah) from the husband's side. The Maliki school interprets Lian as an oath of a Muslim husband, amukalla, that he sees the adultery committed by his wife and does not recognize the child in her womb as his own, then the wife denies this with four oaths. ¹²According to the Shafi'i School, Lian is clear words that are used as evidence to accuse (zina) the person who has dirtied his bed and the person who committed adultery with him or to deny (relationships) to children.

The legal basis for Lian is found in the Qur'an, Surah An-Nur, Surah 24, verses 6-9, the Word of Allah SWT:

بِاللَّهِ إِنَّهُ لَمِنَ الصَّادِقِينَ love God willing, God willing, God willing, God willing, God willing

Meaning "And those who accuse their wives (of adultery), even though they have no witnesses other than themselves, then that person's testimony is four times swearing in the name of Allah, indeed he is one of the truthful people. QS. An. Nur. 6).

كُذِّبِينَ God bless you

Meaning: And the Oath(Oath): Allah will curse him if he is one of those who lie. .(QS. An. Nur . 7).

الجماعة . عَنْ نَافِعٍ عَنِ ابْنِ عُمَرَ أَنَّ رَجُلًا مَ اتَّقَى مِنْ وَلَدِهَا، فَفَرَّقَ رَسُولُ اللَّهِ ص بَيْنَهُمَا وَ أَحَقَّ الْوَلَدَ بِالْمَرْأَةِ

Meaning: From Nafi' from Ibn 'Umar, that there was a man who accused his wife of adultery and then committing Lian, and he did not recognize the child that his wife gave birth to, then Rasulullah SAW separated the two and connected the child to his mother. [HR. Pilgrims].

⁸ Allaamah ibn Manzhur , *Lisaanul 'Arab* , (Qoohirah : Daar al-Hadith, 1423H/2002M) Volume 8, p. 91-92.

⁹Wahbah Zuhaili, *al-Fiqhul Islamy Waadillatuhu*, (Daar Al-Fikr: 2006M/1427H) Volume 2.

¹⁰ Lisaanul 'Arab, (Qoohirah : *Daar al-Hadith*, 1423H/2002M) Volume 8, p 91-92 .

¹¹ Huzaini , *Fiqh Munakhat Perspective of Four Schools*, CV . Laduni Alifatama, 2023 Metro Lampung)) p.95

¹²Wahbah Zuhaili , *al- Fiqhul Islamy Waadillatuhu* , (Daar Al-Fikr: 2006M/1427H) Volume 2, p 177 .

Then it was the woman's turn; she swore four times in the name of Allah that her husband was one of those who lie, and in the fifth, Allah would be angry with her if it turned out that her husband was among those who were truthful." ¹³So, all the scholars agreed. That Lian is only valid if it is carried out by a couple bound as husband and wife by a good marriage, whether the wife has been interfered with. Meanwhile, if the marriage is valid (invalid), then according to Rajih's opinion, the husband may perform Lian to deny the love of the baby his wife gave birth to. However, the Shafi'i and Hanbali schools of thought argue that if he does not want to restrict the child, then there is no hadd (flogging) for the alleged adultery, and there is no Lian between the two.

For the majority of scholars who consider Lian as an oath that uses the wording of testimony, Lian is valid for a husband and wife who are already mullah, whether Muslim or infidel, just or wicked, both of the technical requirements of qadzaf (accusation of adultery) are subject to hadd in accusation of adultery or just one of them. The allegation of adultery is made in total, without relying on it. Lian is carried out before the Judge and on his orders on specific conditions or depending on the future. Implementing Lian is invalid unless carried out before a judge and on their position's orders.

From researching the texts of the Al-Qur'an and authentic hadiths, the mechanisms and techniques for implementing Lian can be formulated: First, the implementation of Lian is carried out openly, attended and witnessed by the general public. Second, before Lianan cursed each other, the Judge reminded them to repent. If the husband who is accused of adultery refuses to perform Lian, then according to Jumhur, he will immediately be punished with qadzaf (40 lashes).

According to the Hanafi school of thought, he needs to be detained until he wants to do Lian or disbelieve himself. Here, Jumhur's opinion is more valid because the punishment (hadd) generally applies to every person who is accused of adultery, whether a stranger or their husband, if they cannot present four witnesses. Allah appointed Lian for husbands as substitute witnesses. If the husband refuses to perform Lian, then he has the status of a person who makes accusations of adultery without presenting witnesses. In other words, he was sentenced to charges of adultery without evidence (80 lashes).

Starting Lian with the husband before the wife is a special requirement for most ulama, minus the Hanafis. So if the Judge begins the Lian with the wife and then the husband, according to them, he must repeat the Lian with the wife because, by her testimony, the wife means she wants to injure/damage the husband's testimony so that the wife's testimony is invalid before the husband's testimony. ¹⁴Consequences of the Lian Oath for Husband and Wife Implementing the Lian law is very burdensome and depressing for both husbands and wives involved in this Lian case. It can even affect each other's souls, especially after they are calm in thinking and feeling again.

Syafi'i stated that the wife's Lian was nothing more than to avoid the punishment of hadd upon herself, whereas the husband's Lian was what had the effect of denying his lineage. So it should be, if Ibn Rushd's Lian influences separation, then the impact is the husband's Lian because the husband's Lian is equated with divorce. Malik and Shafi'i's reason for Abu Hanifah's opinion is that the Prophet SAW. Inform the husband and wife about the separation when they say Lian. This shows that Lian was the cause of the separation. Meanwhile, Abu Hanifah thinks that separation can only be carried out based on the decisions and orders of the Prophet Muhammad. Who stated that when he said, "There is no way for you to him. "

Therefore, Abu Hanifah thinks that the Prophet's decision. is a condition for the separation, just as his decision is also a condition for the validity of Lian. There is a difference of opinion between the

¹³Beni Ahmad Saebani , Fiqh Munakaht Volume 2, Pustaka Setia Bandung, 2021, p.134

¹⁴ Republic of Indonesia Law no. 1 of 1974 *concerning Marriage and the Compilation of Islamic Law*, (Bandung: Citra Umbara, 2007), cet. 1, p. 271 .

fuqaha, who believe that the separation must occur after Lian, and those who do not think so because of the separation carried out by the Prophet SAW. The explanation of the husband and wife in the famous hadith is unclear. In the hadith, it is stated that the man himself was the one who divorced his wife before the Prophet SAW—informed them of their separation.

According to the basic rules, there is no separation except by divorce. In the share, there is no eternal prohibition (to gather again), which is agreed upon by all jurists. Therefore, as quoted in the previous hadith, the jurists who further strengthen the basic rules of the interpretation of hadith deny the obligation of separation. Meanwhile, the fuqaha who adhere to the understanding of hadith stipulate that separation is obligatory. Another problem is that if we say that the separation occurred (because of Lian), is the separation a fasakh or a divorce? The fuqaha who held this separation also had disagreements regarding this issue. Malik and Syafi'i think that the separation is fake. Abu Hanifah believes that separation is divorce. Malik's reason for prohibiting marriage forever is because his ex-wife is equated with a woman whose marriage is forbidden. Meanwhile, Abu Hanifah likens this separation to talk because it is carried out with the separation of an impotent man because, in his opinion, this separation can occur after a judge's decision.¹⁵

Islam aims to prescribe qadzaf punishment to protect a person's honour, maintain the honour of the people and cleanse society of bad words so that Muslim families continue to live in a condition worthy of respect and support their honour, far from the words of impudent people and those who like to slander. There are three types of qadzaf elements, namely 1) There is an accusation of adultery or eliminating one's line; 2) The person accused must be a Bhusan; and 3) There is an intention to violate the law. The element of unlawfulness in judimah qadzaf can be fulfilled if someone accuses another person of adultery or eliminates his nasab, even though he knows that what he is accused of is not valid.

According to Imam Syafi'i, the qadzaf is proven by Oath if there are no witnesses or confessions. The method is that the person being accused (victim) asks the person accusing (perpetrator) to swear that he did not commit the accusation. If the accuser is reluctant to claim, the qadzaf can be proven by his unwillingness to denounce. Likewise, vice versa, the accuser (perpetrator) can ask the accused person (victim) if the accuser is correct in making the accusation. If the accused person is reluctant to take an oath, then the accusation is considered valid, and the accuser is freed from the had qadzaf penalty. However, Imam Malik and Imam Ahmad do not allow proof of oath; the hadd penalty can be waived by carrying out Lian. Lian occurs because the husband/wife admits that one of them has committed adultery. The confession of husband and wife is carried out in front of the court, and the Judge carries out Lian between them. So husband and wife swear four times, and the fifth is Allah's curse upon them if they lie.

B. Lian Perspective of Imam Abu Hanifah

According to Abu Hanifah's thoughts, the impact of Lian on marriage is aimed at strengthening the ties of brotherhood between the husband's and wife's relatives so that the relationship becomes a way that brings one group to help another group. If marriage cannot achieve this goal, it will result in the separation of two families because there is no agreement between husband and wife. With the justice of Allah SWT, He has opened a way out of all these difficulties, namely the door to divorce, which is expected to bring order and tranquillity between the two. Both parties so that each can find a suitable partner who can achieve what they aspire to. If a husband and wife's dispute creates hostility, it plants the seeds of hatred between them, so there is no other way. Lian is a form of divorce in Islam. In Islamic

¹⁵Imam Taqiyuddin Abu Bakar Ibn Muhammad al-Husain , *Kifayatul Akhyar*, (Semarang: Family Business Maktabah , th), vol. 1, p lm . 123 .

fiqh, especially munakahat fiqh, Lian is one of the causes of divorce.

Divorce also occurs because of siqoq and others. A husband who sees another man leaving his wife's place/sitting together should not be quick to accuse him of adultery because it must be accompanied by concrete evidence unless he is sure that his wife has committed adultery. He (the husband) must swear that his wife committed adultery and that the child she is carrying is not the result of intercourse with him. And it must be mentioned as a "curse" so people don't make it easier. Based on the Koran, Surah Ali Imran verse 77, which means: "Indeed, those who exchange (their promises with) Allah and their oaths for a small price, they will not get any share (reward) in the afterlife, and Allah will not speak with them and will not look at them on the Day of Resurrection and will not (nor) purify them." The significant threat and painful torment for a woman who betrays a foreign man is that she receives a threat from Allah SWT that Allah will abandon her. She will no longer have any self-respect before Allah, and indeed, Allah has forbidden heaven for her.

According to Abu Hanifah, if Lian occurs when only one party does it, such as the husband doing Lian or the wife doing Lian, it does not constitute a permanent separation. Meanwhile, if the Lian involves husband and wife or the husband meLian the wife and vice versa, there will be eternal separation. So, according to Abu Hanifah, the decree or isbat of eternal prohibition can be determined if both parties carry out the Lian, and it is not yet known who is lying between the two. If Lian is only carried out by one party and is determined to be haram forever, it could mean adding to the existing texts, primarily if the meaning of a text is related to punishment. If the husband denies what he initially said (retracts the accusation and admits his mistake), he is sentenced to lashing and may remarry with a new marriage contract; because the husband has withdrawn the accusation, his Lian is invalid.

The consequence of Lian, according to Abu Hanifah, is that separation between husband and wife will not occur unless based on a judge's decision. Because the Prophet once decided the Lian case as a condition for separation, just as his decision was a condition for the validity of Lian. The reason for Abu Hanifah's opinion, which states that divorce does not occur after the Lian process except with a court judge's divorce decision, is Abu Daud's history of the hadith of Sahal bin Sa'd, which means: "From Sahal, he said: In the time of the Messenger of Allah, when I was old fifteen years old, I witnessed a husband and wife saying Lian to each other. After that, the Prophet separated the two."

In another sentence, it is stated that Sahal witnessed the Prophet separating two people who were in love, and then a man said, "I would have lied to the woman, O Messenger, if I still wanted her." (HR. Bukhari) Refutation of the two hadiths termination of relations Husband and wife according to the Prophet SAW above have three meanings, namely the determination of divorce, notification of divorce and the imposition of Lian consequences in the form of physical divorce.

Abu Hanifah said that the implication of this hadith is the possibility of referring to a wife who commits Lian, and her Lian falls as a divorce. If the divorce occurs before that, then the perpetrator of Lian in the hadith above cannot divorce and cannot possibly keep his wife. Abu Hanifah thinks that this prohibition is void (no longer valid) if one party denies himself. Sa'id bin Musayyab authentically narrated this opinion. However, this opinion is at odds with Jumah's opinion, which states that there is no influence of one party's lies on themselves in aborting the permanent prohibition, which is a consequence of Lian's punishment only and is not a consequence of anything else. If he continues his marriage to this woman, he is called a layouts husband (one who does not have jealousy). The hatred that arose as a result of each party's abuse of the other in Lian will not disappear forever.

C. Imam Abu Hanifah's Legal Istinbat Method

In determining the problem, Lian Abu Hanifah invites freedom of thought in solving new issues

that are not yet contained in the Qur'an and Sunnah and advocates discussing problems freely. He relies a lot on qiyas (analogies) in determining the law and prioritizes analogies that are low but profitable over qiyas that are strong but not profitable. He chose many laws based on istihsan and istishab. Sahal bin Muzahim (a student of Abu Hanifah) once said that Abu Hanifah's opinion is sticking to what he believes in, distancing himself from evil, likes to pay attention to the customs and things of the people, what they consider good and evil, Imam Hanafi solves various There was a problem with the qiyas path if that path felt inappropriate. He took the istihsan path as long as this path could be taken, then he returned the matter to what had been done by the Muslims.

The eternal prohibition due to Lian is understood from the hadith text without adding meaning or adding lafaz. Abu Hanifah views that it is forever forbidden for a husband and wife who have carried out Lian not to be used if only one person (husband or wife only) carries out Lian or both carry out Lian, then realize that the accusation is wrong (because the accusation is based on jealousy or because of misguided emotions), then the prohibition forever disappears. If it is also determined that the law is haram forever according to the hadith above, then it would be the same as adding to the text, which is not permitted. The prohibition of Lian (forever) also cannot be determined if the husband is doing Lian to his wife while the wife is reluctant to do Lian. Still, the wife also does not confirm her husband's accusations.

Likewise, if Lian has occurred between husband and wife, then the husband revokes health and is willing to be had, then the husband may remarry his wife with a new marriage contract. Likewise, if the cause of Lian is to deny the child or arrange for the child to be born to his wife, and then the husband realizes that his accusation is false and admits that the child born to the wife is his, then the child can be attributed to the husband. Divorce resulting from Lian is legally eternal or forever; the condition is that both parties do it. However, if only one party does so, the hadith about eternal divorce cannot be used anymore. Because it has different meanings, it is no longer two parties but just one. If there is a specialization in a text, then the specialization is related to the law, so determining the law must be in accordance with the text.

D. Legal Analysis of Lian

The concept of Lian in marriage is carried out when the husband accuses his wife of adultery but cannot bring in witnesses except himself. Then the husband must testify or swear four oaths on himself that he is accurate in his accusations, and fifthly, the husband will be cursed by Allah if he lies. Then, suppose the wife denies the accusations made by her husband against her. In that case, the wife must also testify or swear on herself four times, stating that what her husband accuses her of is not valid, and fifthly, she is willing to suffer the curse of Allah if her husband is faithful in the accusation. Abu Hanifah's opinion is following the law in force in Indonesia, namely that all divorces must be carried out before a court hearing. Abu Hanifah disagrees with the Shafi'i scholars Malik and Ahmad bin Hanbal regarding the consequences of Lian.

According to him, Lian only occurs if it is carried out before a court session and has been decided by a judge. If the Judge has not been selected, the husband and wife who performed Lian have not separated. Then, after Lian occurs, the wife may return to her husband because the result of Lian, according to Abu Hanifah, is that divorce is not forever haram. According to Abu Hanifah, the wife may return to the husband who has married her after the husband revokes tOathhh and has carried out the hadd, then the husband returns to the wife and carries out a new marriage contract. However, if the Li'Oath still binds the husband and wife or has not been cancelled, it is forever forbidden for the husband and wife to be together again. Abu Hanifah's opinion is based on ro'yu and solving problems that arise

with reason because Abu Hanifah considers that separation from the husband's side is divorce, not fasakh. The *istinbat* method used by Abu Hanifah is to look at the generality of the talk verse, and use hadith whose meaning is clear. If there is an addition to the hadith, whether it is adding lafazh or meaning, then it is not permissible.

According to Abu Hanifah, the hadith can be viewed from its *zhohir* meaning without making additions, ultimately leading to additions to the text. Someone who adds to the text must have a *nashah* because this is not allowed. The impact of Lian on marriage is seen as *talak* or temporary *haram* because it is based on the verse about *talak*. Meanwhile, in the hadith, it is stated that it is *haram forever* because both parties are doing the Lian. After all, the hadith is understood from the *lafadz mutsananya*, which means showing two (husband and wife). Still, if only one person is doing the Lian, then this hadith cannot be used because it has a different meaning, but if you are forced to add to the meaning of the hadith, it is the same as adding to the text; this is not permitted. Then, the law returns to the original law, namely divorce. Lian occurs because the husband or wife admits that one of them has committed adultery, which is carried out in front of a court session, and the Judge carries out Lian between them.

So husband and wife swear four times, and the fifth is Allah's curse upon them if they lie. However, if an act of adultery has occurred, whether committed by the wife or husband, and the husband or wife sees for themselves that the act of adultery has appeared in front of them. They believe that the act happened, but they are willing to do this act without carrying out the Lian and forgive the party who committed adultery with various considerations, for example, because there is still love and affection between them and because they think about the fate of the child if the parents are incomplete. So, an action like this is not yet called Lian because there has not been an oath of curse between them. A husband and wife like this can be together again, even though they have committed adultery and then repent for the big sin they have committed. However, people like this are said to be *days* (people who do not have jealousy). While the act of adultery does not cause Lian to be obligatory, the act of adultery is a reason for carrying out a divorce. As stated in KHI article 126, divorce does not automatically occur due to adultery.

Not only can husbands carry out Lian, but wives can also carry out Lian because husbands and wives have the same rights in performing Lian. If Lian is only the husband's right, then will the wife keep quiet if the husband commits adultery? So it's all unfair. Especially nowadays, adultery is not only achieved by wives, but husbands also commit adultery. So, the accusation of infidelity levelled by a wife against her husband is also referred to as Lian. Because in the meaning of the hadith, "*almualainani*" is husband and wife, so Lian is carried out by husband and wife and not just for husbands.

CONCLUSION

From several discussions and analyses regarding Lian according to Abu Hanifah's thoughts, it can be concluded that the effect of Lian on marriage according to Abu Hanifah's thoughts is that if Lian has occurred, then the husband can still return to his wife, the wife's prohibition on the husband is only temporary, not forever. , or Lian is seen as divorce, not fasakh. Until it is found out who is lying between the two. As long as it is not known who is lying, it is *haram forever*. The legal *istinbat* method used by Abu Hanifah in the Lian matter refers to the generality of the verse, namely the verse about divorce. According to Abu Hanifah, the Lian problem is a form of divorce. General verses, which include quotes and hadith whose meaning is clear, cannot be added, primarily if the addition is related to law; if you make additions, it means *menashah*.

Making additions must be *dishah* because it is not permitted. In understanding problems that are developing in society, we should have a broad understanding and always pay attention to the true

meaning of the law by paying attention to the benefit to avoid harm. Abu Hanifah's opinion regarding Lian can be used as a guideline not to rush to accuse your wife of adultery before you are genuinely sure and see it directly because the accuser must swear and receive curses from Allah if he lies. Based on the law in force in our country, every divorce must be written and executed before a Religious Court session, as is the case with Lian, meaning that Lian must be carried out before a judge, and the Judge is the one who decides.

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