

## **MARRIAGE MOVING THROUGH THE INTERMEDIATE TRUST AGENT IN SOUTHERN THAILAND**

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**Abstract:** *Islam is a religion that regulates the affairs of human life, whether business world and hereafter. He arranges all aspects of life and human needs. None, and small business and the needs of human life on earth is spared from the teachings of Islam. The importance of marriage in Islam is a nature or purpose of life such as the desire to have children and families. In order to ensure the continuity and the marriage of a position to meet the law, the Islamic scholar underlined a number of conditions and harmonious marriage in their books. The existence of a trustee, for example, is one of the pillars of marriage which is an important guardian role in arranging the marriage relationship even though on the face of the trustee representing the woman under his care, but in fact more than that in which it has the power to determine and to represent anyone who was under his care , This paper is a paper that discusses the concept of marriage guardian moved through agents conducted by some in South Thailand which were done by the people of the neighboring countries and adjacent to Thailand.*

**Keywords:** Marriage, Trust Agent, Southern Thailand

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### **Introduction**

Ranking guardians to ensure the validity of a marriage is a very important thing and not be denied again on the importance of its existence. Without the existence of the supernatural guardian or trustee is a problem that is much debated by scholars of Islam in determining the successor or who may change their position so that the marriage guardian who has no guardian can be continued or not. Disagreement about the position in terms of the legal status of a marriage by moving the guardian is the main driving factor for researchers to conduct this research. Through this research, researchers will gather the facts from the view of classical Islamic scholars in discussing these issues and then followed up with a view contemporary Muslim scholars to discuss and resolve issues related to marriage cases move through the intermediary agents guardian with focused research to a location that is in South Thailand, Thailand.

## **Background of the Study**

In the world today has witnessed various forms of marriage that existed that question arises whether a marriage recognized by Islam or not. This diversity exists because of advances in social media that makes a borderless world today where people from around the world can communicate without any restrictions of time and place. Basmah (2006), among others mentioned that the facility in terms of civilization and seamless communication between man and freedom liaison causing a variety of phenomena such as marriage syndicates, eloped and married without permission. A woman's self-respect is one important aspect to be emphasized by Islam where Islam is concerned with the respect and preservation of their rights and protect it from unauthorized access by irresponsible parties. Based on the tenets of the Islamic scholars have outlined several main guidelines in terms of marriage recognized by marriage to the dignity and honor of women maintained in managing the affairs of marriage. However, when the contract terms of the existence of a trustee does not mean deprivation and ignorance that is in the woman but needs a guardian in marriage for a woman is more focused on the factors that will determine the entire life. Therefore, a woman needs the blessing of sight and people who have more experience to provide insight and guidance in all matters of marriage (Raihanah Azhari, 2007).

In addition, the weakness of mixing angle which exists within a woman and her emotions are not limited to influencing the making of decisions that affected the great things they are important in life. Therefore, the trustee in charge of the married woman is among men (Takyudin, 1995) had a better chance of women in identifying a man who will become the husband of the woman. The importance of guiding the affairs saint in marriage of a woman and beneficiaries that the refusal to become familiar trustee in married women under his authority will be transferred to a trustee ab'ada. For women who have guardians who were located far from the place where the marriage guardian is sufficient distance allowed Qasr prayers (about 96 KM), she can delegate a guardian sultan (Mohd.Nasron Mohammad, 2008). Moving Guardian is an issue that has been studied by Islamic scholars to enhance religious marriages for women who have lost a guardian or lose its membership, but this is often used as an opportunity to tackle the problem by making it as an opportunity and make it a fluke in their marriage without a guardian valid. Consequently, many Muslim couples to marry and convenient alternative to the occasion taken by parties who are not responsible for profit. Therefore, treat for impromptu wedding takes place in the van, under the trees and other places, which is not recognized by any party, including the Islamic Council in Southern Thailand.

Thailand is a country that is implementing Islamic law on Muslim believers, whether in court or out of court. Under the protection of the law implemented by the Thai state religion shar'i judge, while outside the court carried out by Muslims and the Islamic council as focal points and references. Therefore, there are several ways of marriages in Muslim communities in Southern Thailand, part of the right of marriage by Islamic law and there can be no certainty or vague and dubious legal in Islamic law, which of these is through the medium of wedding agents.

Marriage is a form of intermediate agents inherent wedding in Southern Thailand, this marriage was shared benefit to citizens of other countries in the neighborhood of the corner of its geography, including Malaysia, Indonesia and other countries where the situation they were facing difficulties with the law Local marriage illegal because of various factors such is not sanctioned by the mayor of consanguinity and so they (Mohd.Nasron Mohammad, 2008). Thus, they were assisted by agents located in the south border of Thailand in facilitating and managing the business and affairs of their marriage. Marriage thus unclear legal status and can still be debated its validity according to Islamic law. Is this a marriage is permitted or not. However, the matter has become a hot issue that is often

debated and because of that a more specific research should be conducted to find a solution that is sure to help the public better understand the situation, conditions and solutions.

### **Problem Statement**

Marriage is a way of intermediate agents marriages were deployed mainly in southern areas near the Thai-Malaysian border. This marriage has not been certified by the institutions of the official religion either in Thailand or neighboring countries. These factors encouraged its forms and it is not clear how, or even whether the management methods of implementation. Marriage in Thailand was originally carried out by the trustee of judges appointed by the Muslim provinces in southern Thailand. After the judges authorize the trustee committee members Islamic Council or a particular person as his representative to be the guardian of marriage for women who have no guardian or guardian saint membership expired as stated in article 78 of the law of Thailand on Islamic family law (2014). Arising from this marriage emergence through the medium of an agent to provide facilities to citizens of neighboring countries have constraints in matters of marriage in their country. This research is a challenge and difficulty for researchers to collect information because marriage is a marriage through agents on the run in hidden and difficult in effect (Mohd.Nasron Mohammad, 2008).

### **Research Interest**

The study will provide interest and benefit to all stakeholders and the public in both countries, Thailand and Malaysia. Among the importance of studies that will be contributed are:

- To clarify the legal guardian of marriage move through the intermediary agent in accordance with Islamic law.
- To propose additional legal provisions / wedding related amendments moved in the legal guardian Thailand and Malaysia.
- To improve procedures marriage intermediate agent in South Thailand according to Thai law and Malaysia.
- To reveals the similarities / differences of legal provisions and procedures of marriage intermediate agent according to the laws of Thailand and Malaysia, in order to create harmony enforcement and implementation for the common good.

### **Scope of Research**

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### **Literature Review**

There are several previous studies that had been made by scholars associated with marriage guardian moved through intermediate agents. Among them are: Ahmad Shukri and Najib Ahmad Marzuki (2014) Cross-border Marriage among Muslim couple in Orissa, in this study the researchers

explain factors affecting cross-border marriage and the consequences arising out of the trap. In this study the researchers did not clarify the law and marriage patterns that occurred through the intercession agent in Southern Thailand Kader sa-ah (2007), in a study Transnational Marriage in the South Region, is a study in the College of Islamic found Stadies Prince of Songkhla University, Pattani Thailand, the study of cross-border marriage cases the male partner of Malaysia with liaison partners from Thailand, and also called in this study factors that contribute to the occurrence of cross-border marriage and the problems encountered by partner and its solution. In this case, he has not mentioned marriage couple beautiful guardian of Malaysia and procedures applicable wedding intermediate agent in Southern Thailand.

Muhammad Tayuding Samah (2000), in a study Administration of Islamic Law in Three Southern Thailand, which is a master's thesis Department of Syariah and Law, University of Malaya. This study focuses on the administration of Islamic law adopted by religious institutions in Southern Thailand whether council, Majlis Agama Islam Wilayah Mosque Committee Members. In this case, Mahamatayuding has given few clues about wali marriage move. However, the study did not answer the question being studied by the researchers in this study. Isma Che (2006), in the study of Islam Ponkratob Khon Kanchana hotmai haling Khrobkhrua Moradhok lae nai Changwat Chaidaien Phaktai (Impact of the Implementation of the Law Family and Inheritance Islam in southern Thailand), is a master's degree thesis of Community Development, and Development Institute Thailand Management (National Institute of Development and Administration). This study gives some idea of the role of guardian in marriage. However, this study does not answer the problem to be studied by researchers.

Muhammadzakee Cheh (2005), the Administrative studies problems of Islamic Family Law and Inheritance in Thailand (Trouble Administration Family Law and Inheritance Islam in Thailand). This thesis is a thesis Ph.D. in Kulliyah Law International Islamic University Malaysia. Muhammadzakee more attentive administration of Islamic law in southern Thailand council. However, Cheh has highlighted the position of guardian in the marriage of his thesis in the south of Thailand. But he was not about marriage intermediate agents. Manapiyah Maoti (2011) in a study of the Administration of Islamic Family Law in Southern Thailand: an analysis of selected issues. Thesis Ph.D. in the School of Humanities. Manapiyah ever present in his thesis about the two guardian in marriage woman who has no guardian or guardian membership expired sainthood in southern Thailand. However, he did not touch the issue of marriage guardian intermediate agent by the judge.

## **Conclusion**

From several studies, the researchers looked at the works is still not answer the question posed in the problem statement above in detail, extensive and profound. Moreover, issues related to marriage guardian moved through intermediate agents. However, the above studies strongly assist researchers in collecting data and information to get better results, quality and beneficial. In this regard, a detailed study needs to be done in view and handle cross-border marriage guardian moved using this agent.

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