

## **THE EXISTENCE OF MARRIAGE REGULATIONS IN THE SIMBUR CAHAYA LAW IN THE SULTANATE OF PALEMBANG DARUSSALAM FROM THE PERSPECTIVE OF HAZAIRIN'S RECEPTIO EXIT THEORY**

**Novi Pratama**

Ministry of Islamic Religion Muara Enim South Sumatra, Indonesian  
*novipratama86@gmail.com*

### **Abstract**

*The Simbur Cahaya Law is a law that was formed during the Palembang Darussalam Sultanate. This law was formed by Queen Sinuhun during the reign of Prince Sido Ing Kenayan. This law is a combination of Islamic law and customary law. Therefore, the regulations of this law were accepted by many people in Palembang at that time and its existence was recognized during the Palembang Sultanate's reign, even by the Dutch government after the Palembang Sultanate collapsed. Focus and The purpose of this study is to show how the existence of marriage regulations in the Simbur Cahaya Law can operate in the Palembang Darussalam Sultanate along with its analysis. This study uses a qualitative method, the type of research is library research, using a descriptive analysis approach. The theory used as an analytical tool in this study is Hazairin's receptio exit theory. The results of this study are the existence of marriage regulations in the Simbur Cahaya Law implemented by the Palembang Sultanate in accordance with the receptio exit theory initiated by Hazairin which places Islamic law as a partner of customary law, not Islamic law which must submit to customary law. The reasons for its conformity include; 1). The Palembang Sultanate had previously adopted Islamic teachings into the law and political structure of its power ideology. 2). Its law enforcement was compromised with customary law (adaptive). 3). Strengthening the basis of religion in the sultanate by wrapping it in customs, to free itself from the encroachment of the colonizers.*

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*Undang-Undang Simbur Cahaya adalah Undang-Undang yang dibentuk pada masa Kesultanan Palembang Darussalam. Undang-Undang ini dibentuk oleh Ratu Sinuhun pada masa pemerintahan Pangeran Sido Ing Kenayan. Adapun Undang-Undang ini adalah penggabungan antara hukum Islam dan hukum adat. Oleh karena itu peraturan Undang-Undang ini bisa diterima oleh banyak kalangan masyarakat Palembang pada waktu itu dan eksistensinya diakui pada waktu masa kesultanan Palembang berkuasa, bahkan oleh pemerintahan Belanda sesudah Kesultanan Palembang runtuh. Fokus dan Tujuan dari pada penelitian ini adalah menunjukkan bagaimana eksistensi peraturan perkawinan dalam Undang-Undang Simbur Cahaya dapat berjalan di Kesultanan Palembang Darussalam beserta analisisnya. Penelitian ini menggunakan metode kualitatif, yang jenis penelitiannya berupa penelitian kepustakaan (library research), dengan menggunakan pendekatan deskriptif analisis.*

*Teori yang dipakai sebagai pisau analisis pada penelitian ini adalah teori receptio exit Hazairin. Hasil dari penelitian ini ialah eksistensi peraturan perkawinan dalam Undang-Undang Simbur Cahaya yang diterapkan oleh Kesultanan Palembang sesuai dengan teori receptio exit yang digagas oleh Hazairin yang mendudukkan hukum Islam sebagai mitra hukum adat, bukan hukum Islam yang harus tunduk dengan hukum adat. Adapun penyebab kesesuaiannya antara lain; 1). Kesultanan Palembang telah lebih dulu melakukan adopsi ajaran Islam ke hukum dan struktur politik ideologi kekuasaannya. 2). Penegakan hukumnya dikompromikan dengan hukum adat (adaptif). 3). Penguatan dasar agama dalam kesultanan dengan dibalut adat, untuk melepaskan diri dari rongrongan penjajah.*

**Keywords:** Kesultanan Palembang, Simbur Cahaya, Receptio exit, Hazairin.



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## A. INTRODUCTION

Humans are social creatures (*zoonpoliticoon*), so they cannot live without other humans. Since birth, humans have been equipped with the instinct to live together with others. The instinct to live together with others results in a strong desire to live in an orderly manner.<sup>1</sup> Likewise, between women and men they need each other, complement each other, are interrelated, cannot be separated from each other. And it feels like a woman's life is not perfect without being accompanied by a man even though she is based on gold and jewels, and vice versa, a man's life will not be perfect without the presence of a woman as his complement.

Marriage is a physical and spiritual bond between a man and a woman as husband and wife to form a happy and eternal family based on the Almighty God. A physical bond is a formal relationship that can be seen because it is formed according to law, which binds both parties and other parties in society. While an inner bond is an informal relationship formed with a mutual will that truly binds both parties. The bond of marriage is a sacred bond based on divine values to form a family of sakinah, mawaddah, and rahmah. The bond of marriage is not only a civil bond, but a physical and spiritual bond between a husband and a wife.

Marriage is no longer just a physical relationship, but also a spiritual relationship. This shift gives the impression that marriage, which has so far only been a physical bond, also contains more substantive aspects and has a long-term dimension. The bond based on physical relations has an impact on the short term, while the physical and spiritual bond is more distant. This inner dimension is made explicit by the purpose of marriage, namely to build a happy and eternal family based on the Almighty God.<sup>2</sup>

<sup>1</sup>Soejono Soekanto, Principles of Legal Sociology (CV Rajawali: Jakarta:1982), p. 9

<sup>2</sup>Amir Nuruddin and Azhari Akmal Tarigan, Islamic Civil Law in Indonesia (Jakarta: Kencana Prenada Media Group, 2006), p. 46

Marriage law is an integral part of the sharia, which is inseparable from the dimensions of Islamic faith and morals. On this basis, marriage law wants to realize marriage among Muslims into a marriage that is monotheistic and moral, because this kind of marriage can be expected to have transcendental and sacred values to achieve the goals of marriage that are in line with the goals of sharia.<sup>3</sup>The provisions regarding marriage according to the sharia are binding on every Muslim, and every Muslim needs to realize that marriage contains the values of 'ubudiyah. Therefore, the bond of marriage is termed in the Qur'an as "mitsâqan ghalizhan", a bond that contains the values of 'ubudiyah, so paying attention to its validity becomes a very principled matter.

Islam in its history, which has always been in dialectic with cultural traditions, then there are also cultural traditions that accompany marriage or marriage in Lombok society. The many, unique and meaningful cultural traditions are almost inseparable from the marriage or marriage ceremony in Lombok society, not to say dominant. The cultural traditions that accompany marriage or marriage in Lombok society, were born and developed in society with all its value systems and meanings. The cultural traditions that accompany marriage or marriage in Lombok society can come from native culture or from outside or even come from the value system of religious teachings, namely Islam.<sup>4</sup>

Cultural traditions in marriage or marriage of Lombok society are certainly influenced by local culture or at least the culture that develops in the Sasak society of Lombok. The cultural traditions of each region or area are certainly different. These cultural traditions certainly have meaning and are given meaning by the community. However, there is a phase in its history, there is one tradition that accompanies marriage or marriage in Lombok society, namely Sorong Serah Ajikrame which was declared non-existent by TGH. Shaleh Hambali Bengkel.<sup>5</sup>

As is known, Sorong Serah Ajikrame is one of the series of marriage customs in the Sasak community. Sorong Serah Ajikrame can even be considered the most important thing in the Sasak community's marriage customs, because the procession according to Sasak customs, will determine the status of a woman in a valid marriage according to religion, regulations and applicable laws. Furthermore, a wife who does not undergo a sorong serah ceremony is not legally a member of her husband's family.<sup>6</sup>

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<sup>3</sup>Muhammad Harfin Zuhdi, Merari' Tradition: Acculturation of Islam and Local Culture, <http://lombokbaratkab.go.id/tradisi-merari%E2%80%99-akulturasi-islam-danbudaya-lokal.html/>, accessed on 29 April 2012

<sup>4</sup>Then Rizqan Putra Jaya, "Sorong Serah in Sasak Marriage (A Study of the Fatwa of Sorong Serah Aji Krame Tgh. M. Shaleh Hambali Bengkel)" (Thesis, Mataram, State Islamic University of Mataram, 2020), p. 2.

<sup>5</sup>Then Rizqan Putra Jaya, "Sorong Serah...", p. 3.

<sup>6</sup>Tatiek Kartikasari, Traditional Sorong-Serah and Nyondol Ceremonies in Sasak Marriage Customs in Lombok (Department of Education and Culture, 1991), p. 14.

It is fitting that the Sasak people know about Merarik<sup>7</sup> (Marriage) as a tradition that represents marriage, not proposing to the girl through her parents. Elopement involves a secret meeting with the girl by taking her away at night to a hiding place. The prospective bride sneaks out of her parents' house as planned and the groom is usually accompanied by relatives or friends. In some cases the groom stays at home and orders his trusted intermediary to kidnap the woman in question. This kidnapping will be successful if the bride and groom manage to hide themselves in a secret place (penyeboan).<sup>8</sup>

After taking the prospective bride, the prospective groom's side is immediately carried out the bersejati process just to inform the prospective bride's family and apologize for what the prospective groom has done. In addition, the nyelabar process begins after besejati. Negotiation or nyelabar is a two-way communication between the parties, where the male side is represented by the head of the neighborhood or his subordinates who are considered to have diplomatic abilities, while the female side is attended by the family, namely the elders.

*Wide open* namely sorong serah aji krame or negotiation is a two-way communication between the two parties, namely the groom's family and the bride's family in order to reach an agreement, where both parties have different interests. While the groom wants the payment of aji krame and pisuke not to be so large according to the request of the woman's family, it is hoped that the payment of aji krame and especially pisuke is in accordance with the financial capabilities of the groom's family. The negotiation or nyelabar process is divided into three stages, namely the initial stage, the agreement stage, and the implementation stage of the agreement.<sup>9</sup>

In the process of spreading the "negotiation" there is communication which is initiated by a representative from the male party, by explaining several things, including an apology for the theft or the girl's escape, renewing ties of friendship, and resolving problems related to the merariq marriage, including the payment of the aji krame.<sup>10</sup> and payment of pisuke money,<sup>11</sup> and the guardian's endeng-an.<sup>12</sup>

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<sup>7</sup>John Ryan Bartholomew, Alif Lam Mim; The wisdom of the Sasak people, merarik is an act that is considered an escape, sympathy for traditional actions and related to the assumption of what is included in the series of traditional marriages.

<sup>8</sup>Erni Budiawanti, Sasak Islam: Telu Time Versus Five Time (Yogyakarta: LKIS. 2015). p.262

<sup>9</sup>Then Darmawan, The Marriage System of the Sasak Community (Interpretation of the Dialectics of Religion with the Tradition of Merarik of the Lombok Community, West Nusa Tenggara), Yogyakarta: UIN Sunan Kalijaga, 2016,

<sup>10</sup>The bride's family must have finalized the dowry and ushering fee that must be paid by the groom's family.

<sup>11</sup>Bargaining regarding the bail money between the guardian of the woman and the man

<sup>12</sup>From the groom's side, he asks the bride's parents to give the dowry.

At this stage, the implementation requires a long time, ranging from three to five meetings, depending on the exploration of the interests of each party.<sup>13</sup>

But in general from one meeting to the next there is a break or grace period, usually two or three days. This break or grace period serves to give both parties the opportunity to consider the results of the negotiation, in addition to aiming for the man to have the opportunity to find financial deficiencies, until both parties agree.<sup>14</sup>

Therefore, The fatwa of no Sorong Serah Aji Karame is interesting to study the basis or reasons that caused the emergence of the fatwa, in addition to the context of the socio-cultural setting of the Lombok community that surrounds the emergence of the fatwa. This study examines and examines the conflict that occurs between culture and religion, then highlights whether there is an alternative resolution to the conflict that occurs, then photographs the impact of this lawsuit on and the implementation of the tradition in society until now, and this is where this study is compared with previous research, where previously this research was conducted by Lalu Rizqan Putra Jaya, in the form of a thesis entitled "Sorong Serah in Sasak Marriage (Study of the Fatwa of Sorong Serah Aji Krame TGH. M. Shaleh Hambali Bengkel), which this study still focuses its study on how the fatwa of Sorong Serah<sup>15</sup>Ajikrame<sup>16</sup>according to TGH. Shaleh Hambali Workshop, and what is the basis for the absence of Sorong Serah Ajikrame by TGH. Shaleh Hambali Workshop,

Furthermore, a similar study was also conducted by Salimul Jihad, Fathurrahman Muhtar entitled Counter Perception of Tuan Guru and Figures of the Sasak Customary Council (MAS) Lombok Regarding Sasak Customary Marriage and Its Implications for the Sasak Community, in the form of a journal published in the *Istinbath* journal in which in this study the two researchers photographed the counter perception or other language, namely the conflict that occurs between religion and culture in the Sasak Tribe's marriage customs, where the difference with this study lies in its study which is too general in highlighting the problems that occur in the field. Therefore, the position of this study is to perfect the two previous studies.

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<sup>13</sup>Sudirman. Bahrie, Ratmaja, Then, the marriage procession of the Gumi Sasak community, NTB: KSU Primaguna, 2012

<sup>14</sup>Sudieman, Local Content of Gumi Sasak in History for Elementary Schools/Islamic Elementary Schools (East Lombok: Yayasan Budaya Sasak Lestari in collaboration, 2012). P. 82

<sup>15</sup>Sorong means to push or thrust and serah means to hand over. In terms of language, it can be interpreted that sorong serah is to give ajikrama to the girl's family and the girl's family hands over the girl to the woman. See Adi Fadli, Local Islamic Thought TGH. M. Shaleh Hambali Bengkel Lombok (Mataram: Pustaka Lombok & UNU NTB, 2017), p. 238.

<sup>16</sup>Ajikrama comes from two elements, namely aji means price and kerama means custom/manners or habits. So, according to etymology, ajikrama means customary price. It is also said that ajikrama comes from Sanskrit which comes from two words, namely aji means king, noble, and krama means custom. Ajikrama is interpreted as a noble custom. There are also those who equate ajikrama with holy aji, namely the price that makes something/marriage sacred. See Adi Fadli, Islamic Thought..., p. 238.

## **B. METHODOLOGY**

This research is a qualitative research, with a phenomenological approach. The data collection process begins with observation techniques, in-depth interviews with traditional leaders, community leaders and religious leaders, and documentation. The collected data is then classified based on its type and content. Furthermore, it is analyzed using qualitative data analysis of the Miles and Huberman Model, with the stages of data reduction, Data Model (Data Display) and Conclusion Drawing/Verification.

## **C. DISCUSSION AND RESULT**

In this study, there is a cultural tradition that accompanies marriage or marriage in the Lombok community, which was once issued a fatwa that does not exist by TGH. Shaleh Hambali Bengkel, namely Sorong Serah<sup>4</sup> Ajikrame.<sup>5</sup> Sorong Serah Aji Krame in the marriage customs of the Sasak Lombok community by TGH. Muhammad Shaleh Hambali Bengkel as a tradition that accompanies marriage or marriage in the Lombok community is the focus of this study. Of course there is a basis or argument or reason for the fatwa to be issued and also the socio-cultural context of the surrounding community.

Sorong serah is one of the ceremonial traditions of the Sasak traditional wedding procession. Sorong means to push or to offer, which means something that has value. Serah means to hand over, which means something that has value that is pushed or offered to be given. So, sorong serah means to offer and to give. And the thing that is given is called Ajikrame.<sup>17</sup> Sorong serah is an important stage because it determines the validity of a Sasak marriage, both socially and traditionally. This procession is accompanied by fulfilling the ajikrame that has been agreed upon by the families of both prospective brides and grooms.

The implementation of the ajikrame custom according to some narrations, has been in effect since the era of the Selaparang kingdom, covering the entire island of Lombok, even the island of Lombok itself is called the island of Selaparang. So, the marriage custom applies to the entire island, which in essence is still carried out in the same principle until now, but then slowly (evolution), with the entry of external influences and the weakening of the Selaparang kingdom, there are variations in the implementation.<sup>18</sup>

### **1. Marriage Procession in Lombok**

Marriage is a social bond or legal agreement between an individual and another person that forms a kinship relationship and which is a jewel in local cultural marriages. In the tradition of merarik (Nyelabar) the Sasak tribe is carried

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<sup>17</sup>Tatiek Kartikasari, *Traditional Ceremony...*, p. 13.

<sup>18</sup>Then Rizqan Putra Jaya, "Sorong Serah...", p. 45.

out with several traditions which are in fact unique (read: differentiating) from other tribes in the archipelago. In the tradition of merarik, it is carried out with several Lombok traditional processions such as one of them is besejati/ Nyelabar, or with, the broader meaning in the tradition of marriage in general is "proposing".

Marriage is a very important moment, a moment when the relationship of brotherhood is expanded and changed, where marriage becomes a sign of the formation of a new family that will soon separate itself, both economically and in terms of residence, from the group of parents and form a basis for a new household.<sup>19</sup>

Marriage in Islamic law is a contract or agreement to legitimize the relationship between a man and a woman to realize the happiness of family life, which feels peace and affection obtained in a way that is approved by Allah SWT, in the view of the Sasak community, marriage is to protect descendants and also to maintain inheritance.

In carrying out a marriage that is in the bersejati and nyelabar processions, bersejati is the initial procession before nyelabar, in the benar procession a customary procedure is carried out to inform the bride's family through the Head of the Hamlet regarding the escape of her child to be married, this bersejati can be done in order to be able to carry out nyelabar where in the nyelabar process later will discuss the truth of the marriage that will be held to the bride's family. In the nyelabar process a messenger from the groom's party will later focus on discussing the ins and outs of the groom, and therefore related to the price that will be the key to the marriage, because in carrying out nyelabar which has several processions in marriage that are in accordance with two-way communication because it involves both parties, namely the man and the woman.

#### **a. *Genuine***

*Genuine* is the initial stage in a Sasak tribe wedding carried out by the prospective groom's family three days after the bride is taken (te-paling) to the home of her family and relatives, bersejati is a notification from the groom to the bride's parents that bersejati is really interesting, where bersejati must be done as soon as possible, usually done directly if postponed at most three days. bersejati used to be able to take up to seven days if the place was too far, but because transportation is very easy, it should not be more than three days.<sup>20</sup>

Therefore, the family of the prospective groom sent several people consisting of the Hamlet/RT Head and local Community Leaders with the aim of informing the Hamlet Head where the prospective bride lives, with the escape of a girl from the village by the name of Sik A the other day, which later the local

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<sup>19</sup>Hildred Geertz, *The Javanese Family*, Graffiti Pers, August 1983. p.58

<sup>20</sup>Roby Mandalika Waluyan, Baiq Desi Milandari, *Ethnolinguistic Study of the Merarik Ritual Process in the Sasak Customary Cultural Tradition in Pengembur Village, Pujut District, Central Lombok Regency*, Scientific Journal, vol. 5. No. 1, January 2020, pp. 61-75

Hamlet Head will inform the family of the prospective bride about this by having Bersejati carried out by the family of the prospective groom to carry out nyelabar.

**b. *Wide open***

*Wide openis* news directly given to the family of the prospective bride and her family, because her child has been run away, this news is given by a messenger from the prospective groom consisting of the family of the prospective groom, traditional leaders, and community leaders, up to seven to fifteen people, where in this process the prospective groom is not involved. where in this nyelabar tradition there is two-way communication, from the prospective groom represented by the Head of the Hamlet or other community members who are considered to have good diplomatic and communication skills, while from the prospective bride's side attended by the family, namely the elder, for example the father or uncle of the prospective bride. However, in the selabar tradition there is a delay in the nyelabar procession, which is a fine that must be paid by the groom if the bride's family considers the groom's family to be negligent in reporting the kidnapping to them, the time determined by custom to report the kidnapping (nyelabar) is three days. Because a longer delay would embarrass the bride's parents, a fine called the ngampah ngampah ilen pati fine was imposed.<sup>21</sup> must be paid.<sup>22</sup> In this nyelabar procession, it is carried out at the house of the prospective bride's family, usually in the bale, brugak, or on the terrace of the house. Where this communication occurs, it is initiated by the representative of the prospective groom by explaining regarding the request for forgiveness for the theft or escape carried out by the groom, to connect the ties of kinship and the wali's house.

**c. *The Guardian's House***

Every bride must have a guardian who is responsible for allowing her to marry and guaranteeing the legality of the marriage ceremony. In almost all cases, the person who acts as this guardian is the girl's father.<sup>23</sup> In this wali bait ceremony, it is usually done before the marriage contract will take place. Bait wali which is asking for a marriage guardian from the bride's side because the guardian at the marriage contract is usually from the father or from the closest family in accordance with the teachings or rules that apply in Islam. Bait wali is interpreted as picking up the guardian from the bride's family, this wali bait is done after a few days after this nyelabar is done, at this wali bait event which depends on the circumstances and agreement of both parties related to pisuke (dowry).

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<sup>21</sup>Nagampah ngampah ilen is a fine imposed because the bride's parents feel that before, during and after running away with the girl, the groom has embarrassed their daughter, such as by visiting the girl at home before the elopement took place, or someone from her family but not her parents found out first about the elopement and their hiding place.

<sup>22</sup>Erni Budiwanti, *Islam Sasak Wetu Telu Versus Time Five, Ranking System, Marriage and the Position of Women*, LkiS Publisher Yogyakarta 2000, p.53

<sup>23</sup>Johon Ryan Bartholomew, *Alif Lam Mim Wisdom of the Sasa Community*, Publisher: Pt, Tiara Wacana Yogya. First printing August 2021



In the implementation of the wali temple which requires a long time to find an agreement from both parties, there is a grace period usually up to three days. The pause or grace period functions to provide an opportunity for both parties to consider the results of the negotiations, in addition to the aim so that the man has the opportunity to find financial deficiencies until the agreement is reached from both parties, if the Pisuke (dowry) has been agreed upon by both parties together to determine the time and date of the wedding procession. Dowry (dowry) is an obligation for every Muslim man who is expected to fulfill it in Indonesia. As explained by the number of Sasak men and women, the groom is required to provide for his wife's future with the dowry he asks for. The amount and form are usually determined before the Islamic marriage ceremony, although in many cases this is not known until it is stated during the marriage contract as in the case of a fair marriage.<sup>24</sup>

#### **d. Contract Marry**

In the marriage contract process is the core of the nyelabar tradition procession to legitimize the relationship of both parties, where the marriage contract is carried out after there is certainty and willingness of the marriage guardian from the woman's family, therefore the marriage contract or ngawinan is also called nikahang can be carried out, usually the place of marriage is a mosque. The marriage contract ceremony is carried out based on the provisions of Islamic law or fiqh, so the relationship between the two brides becomes valid and is allowed to have husband and wife relations.<sup>25</sup>In the marriage contract, there is an agreement (promise) to live together to complement each other, where in the marriage contract, there is a union of two people to become a legitimate husband and wife according to Islamic law.

#### **e. Sorong Serah**

In the process of sorong serah aji krame which is the most core process of all the processes at the Sasak tribe wedding ceremony. Because in the procession of sorong serah aji krame all the goods will be brought and as an offering to the bride's parents, because it is a sign that a man who will marry is ready to give his responsibilities later as a husband to protect his wife.

*Hand over*Typically carried out directly after the nyongkolan procession or before the nyongkolan reaches the bride's family home and accompanied by Pembayun, where this is done in the bride's yard, from all the groom's family waiting for the arrival of the sorong serah procession from the groom's family group. Where Pembayun<sup>26</sup>Both parties talk to each other and announce their

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<sup>24</sup>Johon Ryan Bartholomew, Alif Lam Mim Wisdom of the Sasa Community, Publisher: Pt, Tiara Wacana Yogya. First printing August 2021 p.236

<sup>25</sup>Hilman Syahril Haq, Asat Merarik Marriage and Selabar Tradition in the Sasak Tribe Society, (Volume XXI No. 3 Year 2016 September Edition)

<sup>26</sup>Pembayun is part of a series that many Sasak people consider the most frequently held is the Pembayun ceremony which is formally used to determine the content and meaning of the Sorong Serah ceremony. Therefore, during the Pembayun procession, the marriage specialist called Pembayun

purpose in coming and explain the mistakes and violations that occurred previously during the event. In the sorong serah aji krame, it is a place to determine the payment of fines for the men who have violated the previous customary practice.<sup>27</sup>

In this *sorong serah aji krame*, there are parts that are required to be carried out in the marriage of the Sasak tribe, therefore there are parts of the aji krame; first, *Sesirah otak beli* is an item or precious metal such as a bracelet and gold ring which is a symbol to distinguish free people and slaves, second, *Sesirah otak beli* is a white cloth and black cloth that are put together, tied with *kataq* thread that is contained in a brass *talam*. Third, *Tapak lemah* is a gift of money as a means of removing the footprints on the ground that have been passed by the prospective bride when she ran away leaving her parents and family. Fourth, Souvenirs in the form of sarongs that will be brought to the woman's family and this is a symbol as a complement that there may be a shortage due to the discussion in the sorong serah event as a whole. Fifth, *Salin dedeng* is a *ceraken* on top of it and a sharpened bamboo or a sharp bamboo skin is placed tied with a piece of cloth enough to be a shawl, and the existence of these objects has the meaning of preparation to await the birth of a baby resulting from the marriage. Sixth, *Petegat* which means breaking up, in the form of money consisting of a bundle of thread used after the discussion is finished with an agreement. From the discussion which is a form of affirmation at that time, it has been officially according to the customs between the two parties of the prospective bride and groom. Seventh, *Penjaruman* which is in the form of money as proof of the surrender and acceptance of the two brides. Eighth, *Pelengkak* is a series of families who precede the eldest sibling to marry and this *pelengkak* is in the form of payment to the family that will be preceded, but the *pelengkak* in Tambun hamlet depends on the family itself, where this tradition is very rare

In the Sorong serah aji kerame process, this can be interpreted as a *sidah* where in the meeting the entire marriage procession that will be carried out is discussed, from which the most prominent thing in the procession is discussing the sanctions or fines that may arise due to the existence of a marriage procession that has not been completed in the previous traditional procession,

In sorong serah aji krame there are many things that will be discussed, both in the form of objects or customary values themselves that must be paid by the groom's family. Sorong serah aji krame is also a symbol in the Sasak tribe's marriage, therefore it will confirm that the bride and groom will legally obtain social status and legitimize the inheritance rights that they will receive. If the sorong serah aji krame process does not occur, there is a possibility that the

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faces each other, sits down and has a formal dialogue with a soft language. Where most of this dialogue is in the form of *tembang*, a form of singing poetry that rhymes

<sup>27</sup>John Ryan Bartholomew, Alif Lam Mim, The Wisdom of the Sasak Tribe, PT Tiara Wacana Yogya, August 2001, p.244

marriage will cause problems, which are related to the social status of a person who is considered not yet legitimate according to custom. In addition, there are myths that are still developing and some Sasak people are still afraid of these myths, because if they do not do sorong serah, the marriage will not be harmonious because the sorong serah is very sacred, namely as the core of the marriage process.

**f. *The hustle and bustle***

The nyongkolan tradition is held in addition to escorting the bride and groom to the bride's family's house, it is also intended as a means of announcing to the public that the couple being accompanied is officially married, and it is also hoped that no one will disturb the couple anymore. This nyongkolan can be said to be the culmination of the ritual of uniting a terune (young man) with a dedare (girl) in a marriage bond that is valid according to religion and custom.

The process of nyongkolan<sup>28</sup> which is typical consists of the bride and groom accompanied by a large entourage from the groom's village or hamlet and other musical groups. In the more traditional nyongkolan procession where members of the community participate in traditional clothing. For men, they wear their godek nungkek clothes and wear sarongs, sapuq and keris tied with a shawl. Where for the bride, without exception, she wears a kebaya combined with a sarong and shawl.<sup>29</sup>

Where nyongkolan cannot be separated from an activity called "begawe" (hajatan) So the nyongkolan procession will be categorized as a hajatan or begawe. Begawe nyongkolan will be packaged in a very lively hajatan party and called "begawe beleq" which does not cost a little. In the begawe belek event, both the men and the women will each prepare everything for the nyongkolan event procession.<sup>30</sup>

So this is the excitement of the event, where invited guests will be invited two or three days before the day of the nyongkolan event to carry out activities of cooking rice and side dishes and making snacks for the participants, to entertain the guests, the person who works is usually the owner of the celebration (epen gawe) will rent traditional Sasak arts such as Gendang Belek, drama and so on. After the climax of the event arrives, the groom and bride will be accompanied or led or made like kings and queens to the residence of the bride's family, where the bridesmaids will wear traditional Sasak clothing like soldiers and the ladies-in-waiting accompany the king and queen and will be accompanied by traditional musical instrument in the form of a belek drum to the woman's family residence, the bridal couple will perform sungkeman to ask for blessing prayers from the

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<sup>28</sup>Nyongkolan is also called Nyondol especially in East Lombok (Ministry of Education and Culture 1989-1990)

<sup>29</sup>John Ryan Bartholomew, Alif Lam Mim, The Wisdom of the Sasak Tribe, PT Tiara Wacana Yogya, August 2001, p.238

<sup>30</sup>M. Chaerul Jamal Munawir, Educational Values in Lombok Nyongkolan Culture, Imaji, Vol. 18, no. 1, April 2020, pp. 42-50

family as well as a sign that the family has gave their blessing to let their daughter go and be taken by her husband.

**g. Reply Now**

*Rephynae* is a final stage in a wedding, where Bales nae is held one or two days after the nyongkolan event, there is still one more event called bales onos nae, returning footprints, this event is only attended by the closest family of the bride and groom, without any ceremonial event at this time the entire family is introduced to each other one by one with the intention that each of them knows exactly their new family, uncles, aunts, grandparents, younger siblings.<sup>31</sup> Where this bales nae is attended by the family and closest relatives of the bride and groom to strengthen ties and introduce each other to their closest family and relatives, where this bales nae is attended by the family and closest relatives of the bride and groom to get to know each other.

**2. The context behind the issuance of the fatwa on the absence of the sorong serah tradition in Sasak Customary marriages and the basis of TGH Muhammad Sholeh Hambali's argument in his lawsuit against the tradition from a religious perspective.**

According to the religious figures in Bengkel, at that time Noejoem had run away with Baiq Mahrum from Masbagik to marry her. Then after it was discovered that Baiq Mahrum was of noble descent, the woman's family did not accept this marriage because of the differences between noble and non-noble descent.<sup>32</sup>

At this point in the case, it seems as if Noejoem is from a non-noble background and Baiq Mahroem is from a noble background, which causes a commotion, because it is seen as having implications for the customs of a patriarchal society, which does not allow a lower caste to marry a higher caste. This means that there is a customary value that is seen as being violated or a disgrace according to the customs of the girl's family.

Based on this marriage case, the Charter was written by TGH. Muhammad Sholeh Hambali Bengkel along with the Verses of the Qur'an to answer the question and reveal the true origin of his nephew's descendants, and it was found that Noejoem was a descendant of the king of Selaparang, therefore he also came from the nobility, although the embellishment in front of his name was not written, because the contents of this charter are very long, so here is only a fragment of the charter which reads:

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<sup>31</sup>Roby Mandalika Waluyan, Baiq Desi Milandari, Ethnolinguistic Study of the Merarik Ritual Process in the Sasak Customary Cultural Tradition in Pengembur Village, Pujut District, Central Lombok Regency, Scientific Journal, vol. 5. No. 1, January 2020, p.75

<sup>32</sup>For the results of the interview, see Lalu Rizqan Putra Jaya, "Sorong Serah...", p. 65.

*"All blessings are due to Allah, Toeban who excels those who recite the Qur'an and blessings and greetings on Sajidina Moehammad who is a nation to 'adnan and on his kindness and friends who are owed to all boekoeman. Waba'doe: modernity rather than itoe, then it is only (Hadji Moehammad Sjaleh bin Hambali alias Bapa Fatimah Bengkel) who really hope for the mercy of Allah ta'ala and really take hidajat and work from them to those who actually interpret and interpret and use them concisely, for some: ayat Qoer'anoel'azim, and for some scattered hoeroefs, and for some Asma'oelboesna jang is the third of itoe it was written on a piece of paper and kept together with a piece of brass charter by our honorable origins in the Workshop of Daboeloe until now; then hopefully it will be glorified by us by raising the Qoer'an. Wabillahitawfik".<sup>33</sup>*

As mentioned above, the marriage of Noejoem with Baiq Mahrum was what gave rise to the drafting of the Charter containing the genealogy and verses of the Qur'an as explained from the beginning. It appears that there was a problem in the genealogy between Noejoem and Baiq Mahrum who were seen as not being equal or sekufu.<sup>34</sup> At first glance, if no frills are mentioned in front of the groom's name, such as the word "Lalu" on the one hand, and Baiq Mahrum on the other, then it is considered not equal. Therefore, TGH. Sholeh Chambali Bengkel in the Charter along with the verses of the Qur'an confirms his lineage, which in essence confirms the equality or consanguinity of the marriage between Noejoem (Lalu Noejoem) and Baiq Mahroem by saying "then it is clear and clear without any doubt. all of this will be the fact that (then) Noejoem and Baiq Mahrum are equals and equals or of the same dynasty. in marrying according to Sharia law and customs that do not violate Sharia', because that is in the Babun Marriage Book.<sup>35</sup>

After confirming about his lineage, then TGH. Muhammad Shaleh Hambali Bengkel mentioned the barometer or standard measure of equality/sekufu' in marriage. Sekufu or equal in terms of marriage includes five things, namely Religion, nation, freedom, having a job and having no disgrace. With the sekufu measure, TGH. Muhammad Shaleh Hambali Bengkel based his opinion or fatwa that none of the marriages or marriages of Noejoem and Baiq Maroem were not fulfilled, because they were both considered sekufu. As for the embellishment in

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<sup>33</sup>Adi Fadli, *Islamic Thought...*, 241-242. For more details, see M. Shaleh Hambali, *Piagem Beserta Ajat Qoer'an* (tk: tp, tt), p.1.

<sup>34</sup>In Islamic teachings, there is one requirement for choosing a prospective husband and wife, namely by using kafa'ah. Kafa'ah or sekufu according to language means "equal, balanced or harmony/suitability, similar, equal or comparable", see Hussam Duramae, "Sekufu Marriage in the Perspective of Islamic Law: A Case Study in the Napradu Area of Pattani Province, Southern Thailand," *Bilancia* 12, no. 1 (June 2018): p. 81.

<sup>35</sup>M. Shaleh Hambali, *Piagem along with...*, p. 7.

front of the name which is a customary title or title because of the origin of descent, it does not become a measure of sekufu or equality required in marriage.

Based on the five things that are the measurement of sekufu above, it is clearly and clearly known that sekufu' is not taught in names that are considered noble in custom, such as the name (Baiq) with the name (Lalu) or any other of the five things.<sup>36</sup>This is the basis for the marriage between Noejum and Baiq Mahroem by TGH. Muhammad Shaleh Hambali Bengkel is still seen as an equal. Implicitly, this affirmation is the answer to Noejoem and Baiq Mahrum's marriage problems.

### **3. The Conflict That Arise Between Cultural and Religious Views in the Context of This Lawsuit.**

The Fatwa of Sorong Serah Ajikrame Tuan Guru Haji Muhammad Shaleh Hambali Bengkel cannot be separated from the social context surrounding it, namely the marriage customs of the Sasak Lombok community. The prevailing customs grew and developed in society. All of them have their own symbols, meanings and values in the midst of the Sasak community. It grew from within the culture of the community as well as from outside its culture, and continues to be maintained to this day. However, there are times when these marriage customs are considered to be burdensome for some people or somewhat contrary to Islamic law. It was at this point that the fatwa emerged, that the Sorong Serah Ajikrame custom is one of the most important events in the marriage customs of the Sasak community, because there is high prestige and value at stake, and when the custom becomes burdensome and conflicts with Islamic law, then it deserves to be corrected and improved, and it was at this momentum that the fatwa of TGH. Shaleh Hambali Bengkel was issued.

That between customs and sharia law must be side by side, if the customs are in conflict with religious values, then religion must be the role model. The barometer of TGH. Shaleh Hambali Bengkel's fatwa is based on the issue of equality or sekufu'an between men and women in terms of marriage. For TGH. Shaleh Hambali Bengkel, sekufu is based on five things, namely Religion, Nation, Freedom, Having a job and not having disgrace, while social strata and nobility in society are seen as having no place in the term sekufu. This is where TGH. Shaleh Hambali Bengkel bases his fatwa on the understanding of equality or sekufu.

### **4. Alternative Conflict Resolution That Can Bridge Differences in Cultural and Religious Views in the Sorong Serah Tradition.**

Islam as Religion and culture can influence each other. The interaction of religion and culture can occur in three forms. First, religion influences culture in its formation. Second, religion can influence religious symbols. And third, culture

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<sup>36</sup>Ibid., p. 8.

can replace the value system and symbols of religion.<sup>37</sup> The interaction of religion and culture is clearly visible in one of the teachings of Islam, namely marriage in the Sasak Lombok community. Marriage in the Sasak Lombok community, in addition to being in accordance with Islamic teachings, is also inseparable from the cultural traditions of the community, it can even be said that the cultural traditions of marriage in the Sasak Lombok community are almost more dominant than the provisions in the implementation of Islamic law.

In Islam, with the historical approach as explained above, the cultural traditions that accompany the marriage or marriage of the Sasak Lombok community as long as they do not conflict with Islamic principles, will certainly be followed. This is based on the principle in the science of ushul fiqh that customs or traditions can be used as a legal or legal basis. Likewise with the more general principle that everything (outside of the prescribed worship) is something that is considered permissible or legitimate as long as there is no evidence stating that it is not permissible. So with the above view, the cultural traditions that accompany marriage or marriage in the Lombok community are seen as something that is permissible with all the values and meanings contained for its community.<sup>38</sup>

Cultural traditions that accompany marriage or marriage in Lombok society, whether originating from native culture or from outside or even originating from the value system of religious teachings, namely Islam, are seen as not contradicting the principles of Islamic teachings. That is what causes these traditions to continue to live and develop.

Therefore, the Sorong Serah Ajikerame tradition still exists today, although in practice in the field, researchers found from interviews with traditional leaders, community leaders, and religious leaders that there have been several changes made to adapt to Islamic teachings because the majority of the Sasak people are Muslims. Therefore, a middle ground was taken between the conflicts that occurred in culture and religion itself, because in the culture there are many good things and religion does not come to immediately erase the existing culture, where religion positions itself as a guardian of culture so that it does not go astray.<sup>39</sup>

## **5. The Impact of This Lawsuit on the Understanding and Implementation of the Tradition.**

TGH. Shaleh Hambali Bengkel was a great charismatic cleric in his time, where his fatwas and legal decisions concerning life greatly influenced the way people think and act. As a charismatic cleric in his time, his opinions, thoughts

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<sup>37</sup>Fachrir Rahman, *Marriage in West Nusa Tenggara Between Islam and Tradition* (Mataram: LEPPIM IAIN Mataram, 2013), p. 4.

<sup>38</sup>Then Rizqan Putra Jaya, "Sorong Serah...", p.11.

<sup>39</sup>Interview with TGH. Baitil Hadi, August 17, 2023.

and fatwas, both written and spoken, often became references for people in behaving and acting, especially on matters that were of concern to the people at that time, because socially, the role of a religious or traditional figure at that time, became an example that was heard and imitated.

Since that case, the people of Bengkel and some other areas such as Batu Kuta Village, Tanak Beak Village in West Lombok and other areas consider what was written by TGH. Muhammad Shaleh Hambali Bengkel as a fatwa that they have followed until now. They understand the fatwa implicitly as the absence of the sorong serah ajikrame procession. So that it is not found in marriages in Batu Kuta Village, Tanak Beak and the surrounding areas that carry out the sorong serah ajikrame custom or even other traditional processions such as nyongkolan.<sup>40</sup>

From the data that researchers found in the field according to the results of the researcher's interview, in some areas and villages in Lombok, the Sorong Serah Ajikerame custom is rarely or even no longer carried out, considering the changing conditions and the erosion of time are also factors that this custom is sometimes no longer carried out by some of the parents of the bride and groom, except for some people and villages that still have strong customs and still strongly maintain them and some parties also do not want to bother with this cultural custom because their religious understanding does not require marriage to be mandatory by having to hold the Sorong Serah Ajikerame custom such as in Anjani, East Lombok.<sup>41</sup>

#### **D. CONCLUSION**

The conclusion is that between customs and sharia law must be side by side, if the customs are in conflict with religious values, then religion must be the role model. The barometer of the TGH. Shaleh Hambali Bengkel fatwa is based on the issue of equality or sekufu'an between men and women in terms of marriage. For TGH. Shaleh Hambali Bengkel, sekufu is in five things, namely Religion, Nation, Freedom, Having a job and not having shame, while social strata and noble titles in society are seen as having no place in the term sekufu. The Sorong Serah Ajikerame tradition still exists today, although in practice in the field, what researchers found from interviews with traditional leaders, community leaders, and religious leaders is that this tradition has had several changes made to adapt to the teachings of Islam because the majority of the Sasak people are Muslim. Therefore, a middle way is taken between the conflicts that occur in culture and religion itself, because in the culture there are many good things and religion does not come to immediately erase the existing culture, where religion

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<sup>40</sup>See Zulkarnain, Review of Islamic Law and Customary Law Regarding Elopement in Bengkel Village, Labuapi District, West Lombok Regency, Thesis, Unizar, Mataram, 2000.

<sup>41</sup>Interview with Ust. Abdul Ghani, August 17, 2023.



positions itself as a guardian of culture so as not to deviate from the right path. Then in some areas and villages in Lombok, this sorong serah ajikerame custom is rarely or even no longer carried out, considering the changing conditions and the erosion of time is also a factor that this custom is sometimes no longer carried out by some parties of the bride and groom's parents, except for some people and villages that still have strong customs and still maintain them and some parties also do not want to bother with this cultural custom because their religious understanding does not require marriage to be mandatory by having to hold the Sorong Serah Ajikerame custom such as in Anjani, East Lombok.

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